FEDERAL REGISTER

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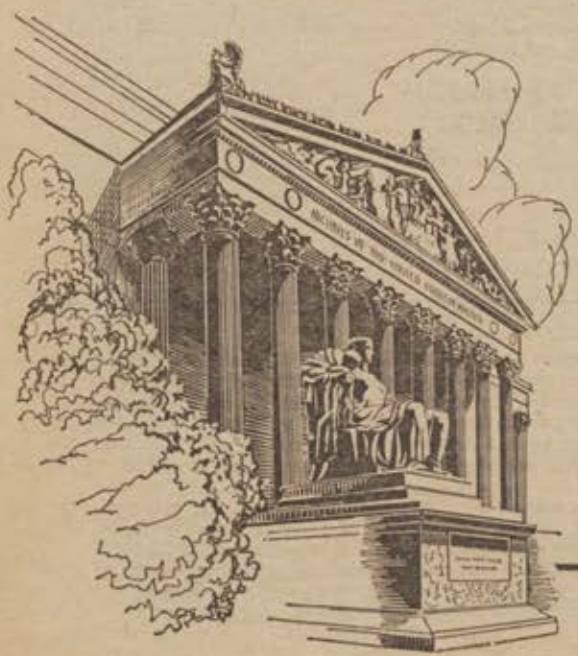

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Title 3—THE PRESIDENT

Executive Order 11495

PROVIDING FOR THE ADMINISTRATION OF THE DISASTER RELIEF ACT OF 1969

By virtue of the authority vested in me by the Disaster Relief Act of 1969 (Public Law 91-79, approved October 1, 1969; hereinafter referred to as the Act) and section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. The following-described authorities shall be exercised by the Director of the Office of Emergency Preparedness:

(1) The authority conferred upon the President by section 2 of the Act to allocate funds for the permanent repair and reconstruction of street, road, and highway facilities.

(2) The authority conferred upon the President by section 3(d) of the Act to make grants to any State or political subdivision thereof, for the purpose of removing damaged timber from privately-owned lands when the Director determines it to be in the public interest.

(3) The authority conferred upon the President by subsections (a) and (b) of section 8 of the Act to provide assistance, including grants, to States in developing plans and programs for assisting individuals suffering loss as the result of a major disaster.

(4) The authority conferred upon the President by section 9 of the Act to appoint a Federal coordinating officer to operate in a major disaster area.

(5) The authority conferred upon the President by section 10 of the Act to provide temporary dwelling accommodations for displaced individuals and families.

(6) The authority conferred upon the President by section 12 of the Act to provide assistance to any individuals unemployed as a result of a major disaster.

(7) The authority conferred upon the President by section 13 of the Act to make grants and loans to States for suppression of fires.

(8) The authority conferred upon the President by section 14 of the Act to make grants to any State or political subdivision thereof for the purpose of removing debris from private property when the Director determines it to be in the public interest.

(9) The authority to prescribe such rules and regulations as the Director deems necessary and proper to perform the functions assigned by this section.

SEC. 2. The Secretary of Agriculture shall exercise the authority conferred upon the President by section 11 of the Act to determine the need and the duration of the need for distributing food coupon allotments and surplus commodities as a result of a major disaster, and to distribute them under such terms and conditions as he may prescribe.

SEC. 3. (a) The Director of the Office of Emergency Preparedness may carry out any authority or function delegated or assigned to him by the provisions of this order through any other officer of the Office of Emergency Preparedness.

(b) The Director of the Office of Emergency Preparedness may delegate or assign to the head of any agency of the executive branch of the Government, subject to the consent of the agency head concerned in each case, any authority or function delegated or assigned to the said Director by the provisions of this order. Any such head of agency may redelegate any authority or function so delegated or assigned to him by the Director to any officer or employee subordinate to such head of agency whose appointment is required to be made by and with the advice and consent of the Senate.

SEC. 4. (a) Federal assistance under section 1 of this order will be made available on the basis of a Federal-State agreement.

(b) Allocations of funds appropriated to the President to carry out the Act shall be authorized by the President.

Richard Nixon

THE WHITE HOUSE,
November 18, 1969.

[F.R. Doc. 69-13874; Filed, Nov. 18, 1969; 4:40 p.m.]

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SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 728—WHEAT

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COUNTY PROJECTED YIELDS AND DIVERSION PAYMENT RATES

Correction

In F.R. Doc. 69-12979 appearing at page 17757 in the issue of Tuesday, November 4, 1969, in the table of § 728.515 (c) the following corrections should be made:

1. Under Alabama the projected yield for Baldwin County should read "22.4", and the projected yield for Barbour County should read "21.4".

2. Under Michigan the projected yield entry for Ogemaw County should read "32.1".

3. Under Minnesota the county entry reading "Wikin" should be corrected to read "Wilkin".

4. Under New Jersey the rate for computing diversion payments for Middlesex County should read "1.40", and the rate for computing diversion payments for Monmouth County should read "1.39".

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

[Grapefruit Reg. 68, 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 grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation by the committees reflects their appraisal of the potential marketing situation during the week in which Thanksgiving Day occurs and for the period immediately following. Historically, there has been heavy purchasing of fresh grapefruit in the terminal markets prior to Thanksgiving Day followed by a period of slow movement immediately following the holiday. Inordinate shipments in the period of slow movement tend to depress market prices and returns to growers. Hence, the curtailment of grapefruit shipments, as hereinafter specified, is necessary to prevent a buildup of grapefruit supplies in the markets during and immediately following the Thanksgiving Day week in order to prevent unduly depressed market prices and returns to growers.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that 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 upon publication in the FEDERAL REGISTER. Domestic shipments of Florida grapefruit are currently regulated pursuant to Grapefruit Regulation 68 (34 F.R. 14380) and, unless sooner terminated or modified, will continue to be so regulated through September 13, 1970; determinations as to need for, and extent of, regulation under § 905.52(a)(3) of the order must await the development of the crop and the availability of information about the demand for such fruit; the recommendation and supporting information for limiting the total quantity of fresh grapefruit by prohibiting the shipment thereof, pursuant to said section, during the period November 25, through November 27, 1969, as herein provided, were promptly submitted to the Department after an open meeting on November 11, 1969, to consider recommendations for such regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the regulation recommended by the committees has been disseminated among shippers of grapefruit grown in the production area, and this regulation, including the effective time thereof, is identical with the recommendation of the committees; and compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time hereof. No useful purpose would be served by postponing the effective time hereof to a date later than that of publication in the FEDERAL REGISTER.

Order. In paragraph (a) of § 905.514 (Grapefruit Reg. 68, 34 F.R. 14380) the provisions of paragraph (a)(1) preceding subdivision (i) thereof are revised and a new paragraph (a)(2) is added reading as follows:

§ 905.514 Grapefruit Regulation 68.

(a) * * *

(1) Except as otherwise provided in paragraph (a)(2), during the period September 15, 1969, through September 13, 1970, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

* * * * *

(2) During the period November 25, through November 27, 1969, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any grapefruit grown in the production area.

* * * * *

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

Dated: November 17, 1969, to become effective upon publication in the FEDERAL REGISTER.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-13821; Filed, Nov. 19, 1969; 8:50 a.m.]

[Navel Orange Reg. 184]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.484 Naval Orange Regulation 184.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and order No. 907, as amended (7 CFR Part 907, 33 F.R. 15471), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative

Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 18, 1969.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period November 21, 1969, through November 27, 1969, are hereby fixed as follows:

(i) District 1: 828,000 cartons.

(ii) District 2: unlimited movement.

(iii) District 3: 72,000 cartons.

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

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

Dated: November 19, 1969.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-13881; Filed, Nov. 19, 1969; 12:02 p.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Livestock From Mexico

Pursuant to the provisions of the Act of August 30, 1890, as amended, section 2 of the Act of February 2, 1903, as amended and sections 4, 5, and 11 of the Act of July 2, 1962 (21 U.S.C. 102–105, 111, 134c, 134d, and 134f) Part 92, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

1. Paragraph (b) of § 92.31 is amended to read as follows:

§ 92.31 Import permit and application for inspection for animals and animal semen.

* * * * *

(b) For ruminants, swine, horses, and poultry intended for importation into the United States from Mexico, the importer or his agent shall deliver to the veterinary inspector at the port of entry an application, in writing, for inspection, so that the veterinary inspector and customs representatives may make mutually satisfactory arrangements for the orderly inspection of the animals. For all cattle, except those entering pursuant to the third proviso in § 92.35(c), and except for steers, an official record of negative brucellosis test conducted on the herd of origin as required in § 92.35 (c) shall be presented to the veterinary inspector at the port of entry when application is made for inspection. The veterinary inspector at the port of entry will provide the importer or his agent with a written statement assigning a date when the animals may be presented for import inspection.

2. Section 92.35, paragraph (c) is amended to read as follows:

§ 92.35 Cattle from Mexico.

* * * * *

(c) *Brucellosis.* All cattle offered for importation into the United States from Mexico shall be individually identified with a numbered metal tag; and except in the case of steers, shall be eligible for entry into the United States only if, in addition to complying with other applicable provisions of this part, they:

(1) Are accompanied by a certificate of a salaried veterinarian of the Mexican Government stating:

(i) That such cattle originated in a herd in which all cattle (except calves under 6 months of age and steers) were tested for brucellosis not less than 30 days nor more than 90 days prior to the date of certification and were found to be negative;

(ii) The date and place such herd was tested; and

(iii) That the cattle in the herd have been isolated from all other cattle from the time the herd was tested negative for brucellosis to the date of the offer of the cattle for entry into the United States; and

(2) Except for calves under 6 months of age, are subjected to an additional test for brucellosis at the port of entry and are found negative to such test: *Provided,* That if any reactor is disclosed in any lot when so tested at the port of entry, the entire lot shall be refused entry and the entire lot or any portion thereof may not be reoffered for entry until retested and recertified in accordance with subparagraphs (1) and (2) of this paragraph, or any cattle found to be negative to such test and any calves under 6 months of age in such lot may enter if consigned and moved under U.S. Department of Agriculture seal and without diversion to a slaughtering establishment operating under the provisions of the Federal Meat Inspection Act or a slaughtering establishment specifically approved as specified in § 78.15 of this chapter for immediate slaughter, or if consigned and moved under U.S. Department of Agriculture seal and without diversion to a quarantined feedlot, as defined in § 78.1(v) of this chapter and thereafter handled in accordance with the provisions of § 78.12(b)(1) of this chapter: *Provided, further,* That if any suspect but no reactor is disclosed in any lot when so tested at the port of entry, any cattle found to be negative to such test and any calves under 6 months of age in such lot may enter without further restriction under this paragraph (c): *And provided further,* That any cattle other than cattle which are classified as a reactor or suspect to a test for brucellosis may enter the United States from Mexico without the certificate or any test otherwise required by this paragraph, if they are individually identified with a numbered metal tag and are consigned and moved to a slaughtering establishment for immediate slaughter, or to a quarantined feedlot, in accordance with the first proviso in this paragraph and otherwise comply with the applicable provisions of this part.

(Secs. 6, 7, 8, 10, 26 Stat. 416, 417, as amended; sec. 2, 32 Stat. 792, as amended; secs. 4, 5, and 11, 76 Stat. 130, 132, 21 U.S.C. 102–105, 111, 134c, 134d, 134f; 29 F.R. 16210, as amended; 33 F.R. 15485)

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

These amendments will facilitate the entry into the United States of livestock for feeding purposes due to the existence of severe drought conditions in Mexico. Insofar as the amendments relieve restrictions on importations, they should

be made effective as soon as possible in order to be of maximum benefit to affected persons. Insofar as the amendments may be deemed to impose more stringent restrictions than have been applied heretofore, they should be made effective as soon as possible in order to protect the livestock of the United States. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and public participation in rule making procedure concerning the amendments are impracticable and contrary to the public interest, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 14th day of November 1969.

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

[F.R. Doc. 69-13765; Filed, Nov. 19, 1969; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-CE-51]

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

Designation of Transition Area

On pages 12105 and 12106 of the FEDERAL REGISTER dated July 18, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Merrill, Wis.

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

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., January 8, 1970.

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

Issued in Kansas City, Mo., on October 29, 1969.

ROBERT I. GALE,
Acting Director, Central Region.

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

MERRILL, WIS.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Merrill Municipal Airport (latitude 45°12'-00" N., longitude 89°42'25" W.); and within 3 miles each side of the 332° bearing from Merrill Municipal Airport, extending from the 7-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 332° and 152° bearing from Merrill Municipal Airport, extending from 6 miles southeast to 18½ miles northwest of the airport, excluding the portion which overlies the Wausau, Wis., transition area.

[F.R. Doc. 69-13789; Filed, Nov. 19, 1969; 8:48 a.m.]

[Airspace Docket No. 69-EA-95]

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Jet Route Segments

On September 12, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 14332) stating that the Federal Aviation Administration was considering amendments to Part 75 of the Federal Aviation Regulations that would realign segments of Jet Route Nos. 6, 8, and 42 in the vicinity of Wilmington, Del.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 5, 1970, as hereinafter set forth.

Section 75.100 (34 F.R. 4856, 9985) is amended as follows:

a. In the text of Jet Route No. 6 "Robbinsville, N.J., 247°" is deleted and "Robinsville, N.J., 239°" is substituted therefor.

b. In the text of Jet Route No. 8 all between "Casanova, Va.;" and "Robbinsville;" is deleted and "INT Casanova 051° and Westminister, Md., 080° radials; INT Westminister 080° and Robbinsville, N.J., 239° radials;" is substituted therefor.

c. In the text of Jet Route No. 42 all between "Casanova, Va.;" and "Robbinsville;" is deleted and "INT Casanova 051° and Westminister, Md., 080° radials; INT Westminister 080° and Robbinsville, N.J., 239° radials;" is substituted therefor.

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

Issued in Washington, D.C., on November 12, 1969.

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

[F.R. Doc. 69-13787; Filed, Nov. 19, 1969; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1597]

PART 13—PROHIBITED TRADE PRACTICES

Mary Black and Akron Artificial Flowers and Supplies

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting, flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Mrs. Mary Black trading as Akron Artificial Flowers and Supplies, Akron, Ohio, Docket C-1597, Oct. 10, 1969]

In the Matter of Mrs. Mary Black, an Individual Trading as Akron Artificial Flowers and Supplies

Consent order requiring an Akron, Ohio, seller of various consumer goods to cease distributing fabric items which fail to conform to the standards issued under the Flammable Fabrics Act, and to file a special report on the disposition of her stock of such items.

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

It is ordered, That the respondent, Mrs. Mary Black, individually and trading as Akron Artificial Flowers and Supplies, or under any other name, and respondent's representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any fabric as "commerce" and "fabric" are defined in the Flammable Fabrics Act, as amended, which fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That the respondent herein shall within ten (10) days after service upon her of this order file with the Commission an interim special report in writing setting forth the respondent's intention as to compliance with this order. This interim special report shall also advise the Commission fully and specifically concerning the identity of the fabric which gave rise to the complaint, (1) the amount of such fabric in inventory, (2) any action taken to notify customers of the flammability of such fabric and the results thereof, and (3) any disposition of such fabric since October 2, 1968. Such report shall further inform the Commission whether respondent has in inventory any fabric, product or related material having a plain surface and made of silk, rayon or cotton or combinations thereof in a weight of 2 ounces or less per square yard or made of cotton or rayon or combinations thereof with a raised fiber surface. Respondent will submit samples of any such fabric, product, or related material with this report.

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

Issued: October 10, 1969.

By the Commission.

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

[F.R. Doc. 69-13766; Filed, Nov. 19, 1969; 8:46 a.m.]

[Docket No. C-1598]

PART 13—PROHIBITED TRADE PRACTICES

Jack Ezell et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15-225 Personnel or staff; 13.15-230 Plant and equipment; § 13.60 *Earnings and profits;* § 13.110 *Endorsements, approval and testimonials;* § 13.115 *Jobs and employment service.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1520 *Personnel or staff;* § 13.1555 *Size, extent or equipment;* Misrepresenting oneself and goods—Goods: § 13.1615 *Earnings and profits;* § 13.1665 *Endorsements;* § 13.1670 *Jobs and employment;* § 13.1760 *Terms and conditions:* 13.1760-50 Sales contract. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1905 *Terms and conditions:* 13.1905-50 Sales contract. Subpart—Securing signatures wrongfully: § 13.2175 *Securing signatures wrongfully.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Jack Ezell et al., Washington, D.C., Docket C-1598, Oct. 23, 1969]

In the Matter of Jack Ezell Also Known as Jack Young and as Thomas A. Ezelle, Individually and as a Former Employee of Eastern Detective Academy, Inc., a Corporation

Consent order requiring an individual associated with a Washington, D.C., school for detectives to cease misrepresenting employment opportunities, exaggerating the size and quality of the school's instructional staff or its facilities or equipment, using false testimonials, failing to reveal all terms of the school's installment contracts, deceptively inducing the signing of such contracts, and seeking to enforce any contract obtained through misrepresentation.

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

It is ordered, That respondent Jack Ezell also known as Jack Young and as Thomas A. Ezelle, individually and as a former employee of Eastern Detective Academy, Inc., and respondent's agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of any course of instruction or any other service or product, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that there is a great demand for individuals who have completed any course of instruction as detectives, investigators, undercover agents, or in other similar positions, or that the employment in such positions is available upon completion of any course of instruction unless such are the facts; or misrepresenting, in any manner, the demand or opportunities for employment of individuals who complete any course of instruction.

2. Representing, directly or by implication, that several hundred persons who attended any course obtained employment in investigative work or in any other position within 1 year; or otherwise misrepresenting the number of persons attending any course who have obtained employment through the training afforded, or the nature of such employment.

3. Representing, directly or by implication, that persons who complete any course of instruction are thereby qualified for employment as detectives, investigators, undercover agents, or in any other similar position unless such are the facts; or otherwise misrepresenting the positions for which the graduates of any course will qualify.

4. Representing, directly or by implication, that persons who complete any course of instruction will thereby be qualified for employment at wages commensurate with those paid detectives, investigators, or undercover agents unless such are the facts; or otherwise misrepresenting the wages or compensation available to graduates of any course of instruction.

5. Representing, directly or by implication, that respondent provides a placement service which places a significant number of graduates or students in positions for which they have been trained by respondent unless such are the facts; or misrepresenting, in any manner, capabilities or facilities for assisting graduates or students of any course in finding employment, or the assistance actually afforded graduates in obtaining employment.

6. Representing, directly or by implication, that respondent maintains a staff of 17 instructors, or that the staff of instructors maintained by respondent has certain experience, training or qualifications which they do not have; or misrepresenting, in any manner, the number of instructors maintained or their experience, training or qualifications.

7. Representing, directly or by implication, that respondent operates a shooting range or has polygraph instruments unless such are the facts; or misrepresenting, in any manner, the facilities or equipment which respondent has and makes available for the training of students.

8. Misrepresenting that students will receive training in the firing of handguns on a shooting range or that students will receive practical training in the use of polygraph instruments; or misrepresenting, in any manner, the nature or extent of training students will receive.

9. Misrepresenting that graduates of any course, or businesses which have employed graduates of any course, have written unsolicited or unbiased testimonials.

10. Failing to reveal, disclose, or otherwise inform prospective customers, in a manner that is clearly understood by them, of the noncancellable nature and of all terms and conditions of any installment contract or other instrument of indebtedness to be signed by any customer.

11. Inducing or causing customers or prospective customers to execute installment contracts or any other instruments of indebtedness by falsely representing that such contracts, or other instruments are nonbinding enrollment agreements or that such contracts or other instruments are cancellable at the discretion of the prospective customers; or otherwise inducing or causing customers or prospective customers to execute installment contracts or any other instruments by misrepresenting the true nature or effect of such documents.

12. Seeking to enforce or obtain a judgment on any contract or other instrument executed after the final date of this order between respondent and any party, or the transferring of any such contract or other instrument to a third party for the purpose of enforcing or obtaining a judgment on said contract or instrument, where the respondent or his employees orally misrepresented the nature or the terms of said contract or instrument at the time or prior to the time the contract or instrument was signed.

13. Failing to deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of respondent's courses or services, and failing to secure from each such salesman or other person a signed statement acknowledging receipt of said order.

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

Issued: October 23, 1969.

By the Commission.

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

[F.R. Doc. 69-13767; Filed, Nov. 19, 1969; 8:46 a.m.]

[Docket No. C-1595]

PART 13—PROHIBITED TRADE PRACTICES

Mutual Credit Bureau, Inc., et al.

Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1395 *Connections and arrangements with others;* § 13.1520 *Personnel or staff;* § 13.1553 *Services;* Misrepresenting oneself and goods—Goods: § 13.1647 *Guarantees;* § 13.1685

Nature; § 13.1685–15 By misleading trade or corporate name. Subpart—Securing information by subterfuge: § 13.2168 *Securing information by subterfuge.* Subpart—Threatening suits, not in good faith: § 13.2264 *Delinquent debt collection.* Subpart—Using misleading name—Vendor: § 13.2425 *Nature, in general.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Mutual Credit Bureau, Inc., et al., Cleveland, Ohio, Docket C–1595, Oct. 10, 1969]

In the Matter of Mutual Credit Bureau, Inc., a Corporation and Kenneth G. Kirchenbauer and Albert DiMarco, Individually and as Officers and Directors of Said Corporation

Consent order requiring a Cleveland, Ohio, debt collection agency to cease using the term "Credit Bureau" in its corporate name, misrepresenting that it operates a special audit division, using deceptive fee schedules, falsely guaranteeing its services, using deceptive form letters to obtain information on alleged debtors, misrepresenting the size and geographical extent of its business, and threatening legal action against allegedly delinquent debtors.

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

It is ordered, That respondents Mutual Credit Bureau, Inc., a corporation, and its officers, and Kenneth G. Kirchenbauer and Albert DiMarco, individually and as officers and directors of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the collection of accounts or attempts to collect accounts or the advertising, offering for sale, sale or distribution of any service in connection with or printed matter in connection with the collection of accounts, attempts to collect accounts, the solicitation of accounts for collection or contracts therefor, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the term "Credit Bureau", or any other words or term of similar import or meaning, in respondents' corporate or trade name, or representing, in any manner, that respondents are a credit bureau or performing the functions of a credit bureau, unless respondents regularly engage in gathering, recording, and disseminating favorable as well as unfavorable information relative to the credit worthiness, financial responsibility, paying habits, and character of individuals, firms, corporations, or any other legal entity being considered for credit extension so that a prospective creditor may be able to make a sound decision in the extension of credit.

2. Using the term "Professional Audit System" or any other words or terms of similar import or meaning in describing or referring to respondents' precollection service.

3. Representing, directly or by implication, that respondents have an Audit Division which is specially staffed, established, and operated to audit accounts of creditors, or representing that respondents have any other division or organizational unit specially staffed, established, and operated to perform any other functions in connection with respondents' business, unless in every instance, respondents do have such divisions or organizational units which are specially staffed, established, and operated to audit such accounts or perform other functions in connection with the operation of respondents' business.

4. Representing, directly or by implication, that respondents offer a complete credit and collection service, or misrepresenting, in any manner, the nature or extent of credit and collection services offered by respondents.

5. Representing, directly or by implication, that no charges or fees will be made on any accounts not collected unless in every instance respondents do not assess a charge or fee of any kind and in any manner whatsoever.

6. Using fee schedules which do not clearly and conspicuously disclose thereon all possible fees, charges, and rates respondents can assess for the collection of accounts, or misrepresenting, in any manner, the fees and charges assessed by respondents.

7. Representing, directly or by implication, that any of respondents' services or systems are guaranteed without clearly and conspicuously disclosing in immediate connection therewith, the nature and extent of the guarantee, the manner in which the guarantor will perform, and the identity of the guarantor.

8. Representing, directly or by implication, that respondents' business is nationwide in scope, or misrepresenting, in any manner, the extent, size, or services of respondents.

9. Representing, directly or by implication, that respondents have been instructed or given the authority to initiate legal action, or will recommend to the creditor the institution of legal proceedings to enforce collection of an alleged delinquent account if the alleged debtor fails to pay said account, or fails to respond to requests for payment or cooperation, unless in every instance, respondents have been instructed or given authority to initiate legal action, and do recommend to the creditor the institution of legal action to enforce collection of an alleged delinquent account.

10. Representing, directly or by implication, that respondents will send a sight draft to an alleged debtor's bank.

11. Using any form, questionnaire or other material, printed or written, which does not clearly and conspicuously reveal that the purpose for which the information is requested is that of obtaining information concerning alleged debtors or for the collection of, or the attempt to collect, alleged delinquent accounts.

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

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

Issued: October 10, 1969.

By the Commission.

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

[F.R. Doc. 69-13768; Filed, Nov. 19, 1969; 8:47 a.m.]

[Docket No. C–1591]

PART 13—PROHIBITED TRADE PRACTICES

Tops Furniture Co., Inc., and Milton Mecklar

Subpart—Misrepresenting oneself and semblies are received on a line flow basis *conditions:* 13.1760–50 Sales contract.[1] Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1905 *Terms and conditions:* 13.1905–50 Sales contract.[1] Subpart—Securing signatures wrongfully: § 13.2175 *Securing signatures wrongfully.* Subpart—Simulating another or product thereof: § 13.2208 *Court documents.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Tops Furniture Co., Inc., et al., Washington, D.C., Docket C–1591, Oct. 6, 1969]

In the Matter of Tops Furniture Co., Inc., a Corporation, and Milton Mecklar, Individually and as an Officer of Said Corporation

Consent order requiring a Washington, D.C., retailer of furniture and appliances to cease using unfair credit practices by failing to disclose to customers the legal import of its conditional sales contract, tendering any incomplete credit instrument for signature, failing to disclose the details of its "finance charge" system, and using debt collection forms which simulate legal documents.

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

It is ordered, That respondents Tops Furniture Co., Inc., a corporation, and its officers, and Milton Mecklar, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of furniture, appliances or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Tendering to any customer for his signature or inducing or permitting a customer to sign a conditional sale contract or any other credit instrument without informing the customer of the nature of the document and the legal import of signing it.

2. Tendering to any customers for his signature or inducing or permitting a

[1] New.

customer to sign a conditional sale contract or any other credit instrument which is incomplete as to finance or carrying charges.

3. Failing to disclose orally and in writing to each customer who executes a retail installment contract, or who otherwise purchases merchandise or services from respondents on credit, before such customer obligates himself to make any such credit purchase, all of the following items:

(a) The cash price of the merchandise or service purchased.

(b) The sum of any amounts credited as downpayment (including any trade-in).

(c) The difference between the amount referred to in paragraph (a) and the amount referred to in paragraph (b).

(d) All other charges, individually itemized, which are included in the amount of the credit extended but which are not part of the finance charge.

(e) The total amount to be financed (the sum of the amount described in paragraph (c) plus the amount described in paragraph (d)).

(f) The amount of the finance charge.

(g) The finance charge expressed as an annual percentage rate.

(h) The total credit price (the sum of the amounts described in paragraph (e) plus the amount described in paragraph (f) and the number, amount, and due dates or periods of payments scheduled to pay the total credit price).

(i) The default, delinquency, or similar charges payable in the event of late payments as well as all other consequences provided in the sales or credit agreements for late or missed payments.

(j) A description of any security interest held or to be retained or acquired by respondents in connection with the extension of credit, and a clear identification of the property to which the security interest relates.

(k) For purposes of this paragraph, the definition of the term "finance charge" and computation of the annual percentage rate is to be determined under [sections 106 and 107 of] Public Law 90-321, the "Truth in Lending Act," and the regulations promulgated thereunder.

4. Adding finance charges to any conditional sale contract or other credit instrument after the contract or instrument has been signed without the knowledge of the customer.

5. Failing to supply each customer who executes a conditional sale contract or other credit instrument, a copy of the contract or instrument at the time of execution by the customer.

6. Designating merchandise which is the subject of one retail installment contract as security for the buyer's performance under any other retail installment contract.

7. Failing or refusing to pass title to the buyer of merchandise purchased under a retail installment contract when the full time price of that merchandise has been paid.

8. Using any form of conditional sale contract or other instrument of indebtedness which provides that merchandise which is the subject of one contract will be security for the buyer's payment for subsequent purchases or that subsequent purchases will be added to and made a part of the original agreement; or which permits directly or by implication, the respondents to refuse or fail to pass title to the buyer of merchandise when the full time price of that merchandise has been paid.

9. Using a debt collection form or any similar writing which simulates a legal document or which resembles or is represented to be a document authorized, issued, or approved by a court of law or any other official or legally constituted or authorized authority.

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

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

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

Issued: October 6, 1969.

By the Commission.

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

[F.R. Doc. 69-13769; Filed, Nov. 19, 1969; 8:47 a.m.]

[Docket No. C-1596]

PART 13—PROHIBITED TRADE PRACTICES

United Manufacturing Co. et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, United Manufacturing Co., et al., Marlboro, Mass., Docket C-1596, Oct. 10, 1969]

In the Matter of United Manufacturing Co., a Partnership, and Lewis B. Freedman and Jackson D. Seifer, Individually and as Copartners Trading as United Manufacturing Co.

Consent order requiring a Marlboro, Mass., manufacturer of men's and boy's wearing apparel to cease misbranding its wool products.

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

It is ordered, That respondents United Manufacturing Co., a partnership, and Lewis B. Freedman and Jackson D. Seifer, individually and as copartners doing business as United Manufacturing Co., or under any other name, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment in commerce, of fabrics or other wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

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

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

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

Issued: October 10, 1969.

By the Commission.

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

[F.R. Doc. 69-13770; Filed, Nov. 19, 1969; 8:47 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

POLY(VINYL FLUORIDE) RESINS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9B2326) filed by Diamond Shamrock Corp., 300 Union Commerce Building, Cleveland, Ohio 44115, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of

poly(vinyl fluoride) resins as components of coatings for bulk food containers. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by adding to Subpart F the following new section:

§ 121.2612 Poly(vinyl fluoride) resins.

Poly(vinyl fluoride) resins identified in this section may be safely used as components of food-contact coatings for containers having a capacity of not less than 5 gallons, subject to the provisions of this section.

(a) For the purpose of this section, poly(vinyl fluoride) resins consist of basic resins produced by the polymerization of vinyl fluoride.

(b) The poly(vinyl fluoride) basic resins have an intrinsic viscosity of not less than 0.75 deciliter per gram as determined by ASTM Method D 1243-66, modified as follows:

(1) Solvent: *N,N*-Dimethylacetamide, technical grade.

(2) Solution: Powdered resin and solvent are heated at 120° C. until the resin is dissolved.

(3) Temperature: Flow times of the solvent and solution are determined at 110° C.

(4) Viscometer: Cannon-Ubbelohde size 50 semimicro dilution viscometer (or equivalent).

(5) Calculation: The calculation method used is that described in appendix A1.2.2 (ASTM Method D 1243-66) with the reduced viscosity determined for three concentration levels, not greater than 0.5 gram per deciliter, and extrapolated to zero concentration for intrinsic viscosity. The following formula is used for determining reduced viscosity:

$$\text{Reduced viscosity in terms of deciliters per gram} = \frac{t - to}{to \times c}$$

Where:

t = Solution efflux time.
to = Solvent efflux time.
c = Concentration of solution in terms of grams per deciliter.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: November 12, 1969.

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

[F.R. Doc. 69-13771; Filed, Nov. 19, 1969; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER M—MISCELLANEOUS

PART 206—PERFORMANCE MEASUREMENT FOR SELECTED ACQUISITIONS

The Assistant Secretary of Defense (Comptroller) approved the following on October 15, 1969:

Sec.
206.1 Purpose and applicability.
206.2 Scope.
206.3 Objective.
206.4 Policy and procedures.
206.5 Responsibilities.
206.6 Guide.
206.7 Cost/schedule control systems criteria.

AUTHORITY: The provisions of this Part 206 issued under 10 U.S.C. 136.

§ 206.1 Purpose and applicability.

This part sets forth objectives and criteria and authorizes the publication of a guide,[1] within the purview of DOD Directive 7000.1[2] for the application of uniform DOD requirements for contractors' management control systems to selected Defense contracts. The provisions of this part require the use of Cost/Schedule Control Systems Criteria (C/SCSC) in selected acquisitions and apply to all Military Departments and Defense Agencies (hereinafter referred to as DOD Components) which are responsible for acquisitions during engineering development, operational systems development, and production.

§ 206.2 Scope.

(a) The acquisitions governed by this part will be in selected contracts within programs which are estimated in the 5-Year Defense Program to require (1) a total cumulative financing for Research, Development, Test, and Evaluation in excess of $25 million or (2) cumulative production investment in excess of $100 million. Firm fixed-price contracts will be excluded. (See DOD Directive 3200.9 "Initiation of Engineering and Operational Systems Development," July 1, 1965.[3])

(b) Subcontracts within applicable programs, excluding those that are firm fixed-price, will be selected for application of these criteria by mutual agreement between prime contractors and the contracting DOD Component, according to the criticality of the subcontract to the program. Coverage of certain critical subcontracts may be directed by the DOD subject to the changes article of the contracts.

§ 206.3 Objective.

(a) DOD contractors should be continuously alert to advances being developed in management control systems to improve their contract performance, and to serve DOD and their best interests. It is an objective of this part to bring to the attention of and encourage DOD contractors to accept and install management control systems and procedures which are most effective in meeting their requirements.

(b) To provide an adequate basis for responsible decisionmaking by both contractor management and DOD Components, contractors' internal management control systems must provide data which (1) indicate work progress, (2) properly relate cost, schedule, and technical performance, (3) are valid, timely, and auditable, and (4) supply DOD managers with a practicable level of summarization.

§ 206.4 Policy and procedures.

(a) *Policy.* It shall be the general policy to (1) require application of the DOD criteria as stated in Enclosure 1 to programs that are within the scope of § 206.2, (2) require no changes in contractors' existing management control systems except those necessary to meet the criteria, and (3) require the contractor to use data from his own management control system in reports to the Government.

(b) *Procedures.* The procedures contained herein will not be construed as requiring the use of specific systems, or changes in accounting systems which will adversely affect the equitable distribution of costs to all contracts. To avoid the proliferation of demands on contractors for demonstrations of their management systems, the criteria outlined in § 206.7 shall be incorporated in a basic agreement between DOD and the contractor wherever feasible and will apply to more than one contract. However, agreements concerning the acceptability and use of contractors' management control systems may be accomplished by the use of basic agreements, or through separate procurement contracts.

(1) *Basic agreement.* (i) The use of a basic agreement contemplates the execution of a written instrument which includes C/SCSC and negotiated provisions which (*a*) reflect an understanding between the contractor and the DOD of the requirements of the DOD criteria, and (*b*) identify the specific system(s) which the contractor intends to use on

See footnotes at end of document.

applicable contracts with DOD Components. The basic agreement will include a written description of the system(s) validated in a demonstration review in sufficient detail to permit adequate surveillance by all interested parties. The use of a basic agreement in these circumstances is preferred where a number of separate contracts between one or more DOD Component(s) and the contractor may be entered into during the term of the basic agreement. It contemplates the delegation of authority to the cognizant DOD Components in order that it represent an understanding between the contractor and all prospective DOD contracting components. The basic agreements will be entered pursuant to § 3.410 of this chapter.

(ii) Action to develop a basic agreement may be initiated:

(*a*) Unilaterally by the contractor;

(*b*) By a DOD Component request to the contractor;

(*c*) By either the contractor or the DOD Component, as the result of a contractor's response to a Request for Proposal (RFP).

(iii) A basic agreement may be arrived at after evaluation of the contractor's management control system in the context of the criteria, within the contractor's present or proposed operating environment and not necessarily in response to an RFP. The management control system(s) identified in the basic agreement will also be subjected to a demonstration review which may occur within the contractor's present operating environment, or in conjunction with the contractor's implementation of a separate DOD procurement contract.

(2) *Separate procurement contracts.* As a result of either the requirement normally placed in an RFP or an action initiated by DOD Components, the contractor will provide a response which describes the integration of the basic subsystems to provide control of cost, schedule, and technical performance. This involves:

(i) *Evaluation.* The contracting DOD Component will conduct a design review as a part of normal procurement procedures to insure that the systems meet established criteria. When the systems have been evaluated and the contract awarded, the contracting DOD Component will notify the contractor of the results.

(ii) *Demonstration.* DOD personnel will conduct an in-plant demonstration review of the contractor's management control systems. The purpose of systems demonstration is to verify that the contractor is operating systems which meet the criteria. Upon completion of this demonstration, a written description of the system validated will be provided by the contractor in sufficient detail to permit adequate surveillance.

(3) *Demonstration teams.* (i) The team conducting a demonstration review will ordinarily include representatives from the Army, Navy, Air Force (except where a Service requests nonparticipation due to noninvolvement), and the cognizant Defense Contract Audit Agency (DCAA) Auditor. The contracting or cognizant DOD Component will provide the team leader and will be responsible for all matters concerning the conduct of the demonstration review.

(ii) A detailed discussion of the team composition, tests, and guidance for the conduct of the review is contained in the Guide for Performance Measurement established under § 206.6.

(4) *Reexamination.* (i) In the event the contractor's system fails to pass the demonstration review, the cognizant DOD Component will discuss the specific shortcomings with the contractor and require the contractor to submit proposals for correcting deficiencies. Subsequent to official notification by the cognizant DOD Component of a failure, the portion(s) of the management control system that failed may be subjected to a followup review. Specific guidance and procedures concerning determination and resolution of failures are contained in the Guide for Performance Measurement.

(ii) Upon successful completion of demonstration review, contractors will not be subjected to reexamination (other than through normal surveillance), unless there are positive indications that the contractor's system no longer meets the criteria.

§ 206.5 Responsibilities.

The DCAA will review the contractor's accounting system and determine the accuracy and reliability of the financial data contained in the reports prepared from the contractor's management control systems. Reviews of the technical considerations in the contractor's systems and reported data will be accomplished by the cognizant plant representative. The cognizant auditor and the plant representative will collaborate in reviewing areas of joint interest.

(a) The surveillance reviews will consist of (1) recurring evaluations of the effectiveness of the contractor's policies and procedures to produce valid data consistent with the intent of this part, and (2) selective tests of reported data.

(b) The cognizant auditor will submit a formal report of any deficiencies that cannot be resolved with the contractor, to the contracting DOD Component(s) through the local plant representative.

§ 206.6 Guide.

(a) The Office of the Assistant Secretary of Defense (Comptroller) (OASD (C)) will publish, revise as necessary, and distribute the Guide for Performance Measurement separately from this part.

(b) The OASD(C) will maintain surveillance over the procedures prescribed in the Guide for Performance Measurement and insure implementation and continuous operation in a uniform manner throughout the Department of Defense.

(c) Until the Guide for Performance Measurement is published, application of the criteria to ongoing or proposed programs and associated reporting requirements will be subject to prior approval by the Assistant Secretary of Defense (Comptroller) (ASD(C)) or his designee for the purpose, with the concurrence of the Director of Defense Research and Engineering and the Assistant Secretary of Defense (Installations and Logistics).

§ 206.7 Cost/schedule control systems criteria.

(a) *General.* Any system used by the contractor in planning and controlling the performance of the contract shall meet the criteria set forth in paragraph (c) of this section. Information which is required by the Department of Defense must be produced from the contractor's system. Data requirements of the DOD are specified in a separate data requirements list accompanying each RFP. Nothing in these criteria is intended to affect the basis on which costs are reimbursed and progress payments are made and nothing within will be construed as requiring the use of any single system, or specific method of management control or evaluation of performance. The contractor's internal systems need not be changed, provided they satisfy these criteria.

(1) An element in the evaluation of proposals will be the proposer's system for planning and controlling contract performance. The proposer will fully describe the system to be used. The prospective contractor's cost/schedule control system proposal will be evaluated to determine that it meets these criteria. The prospective contractor will agree to operate such a system throughout the period of contract performance if awarded the contract. The DOD will agree to rely on the contractor's system and therefore will not impose a separate planning and control system.

(2) The Cost/Schedule Control Systems Criteria (C/SCSC) must be included as a requirement in Requests for Proposals leading to contracts implementing those programs which are estimated in the 5-Year Defense Program to require (i) a total cumulative financing for Research, Development, Test, and Evaluation in excess of $25 million or (ii) cumulative production investment in excess of $100 million. Firm fixed priced contracts will be excluded. When a basic agreement has been entered into between DOD and a contractor, setting forth conditions pertaining to the contractor's control systems, the contractor's response in an RFP should cite the basic agreement and any planned substantive changes thereto and state that it will be applicable to the contract resulting from the RFP. In these circumstances this response will satisfy the C/SCSC requirement in the RFP.

(b) *Definitions*—(1) *Applied direct costs.* (i) The amounts recognized in the time period associated with the consumption of labor, material and other direct resources, without regard to the date of commitment or the date of payment. These amounts are to be charged to work-in-process in the time period that any one of the following takes place:

(*a*) When labor, material, and other direct resources are actually consumed; or

(*b*) When material resources are withdrawn from inventory for use; or

(*c*) When material resources are received that are uniquely identified to the contract and scheduled for use within 60 days; or

(*d*) When major components or assemblies are received on a line flow basis that are specifically and uniquely identified to a single serially numbered end item.

(ii) Under this definition, certain material costs are considered as applied when the articles are received even though temporarily stored in inventory areas so long as these costs meet the above criteria and government furnished material is excluded.

(2) *Direct costs.* Section 15.202 of this chapter.

(3) *Indirect costs.* Section 15.203 of this chapter.

(4) *Incurred costs.* See 32 CFR E-509.5.

(5) *Latest revised estimate of cost at completion.* Applied direct costs, plus indirect costs allocable to the contract, plus the estimate of costs for work remaining.

(6) *Management reserve.* The algebraic difference between the contract price and the sum of all the budgeted costs.

(7) *Organizational element.* Any defined unit within the contractor's organization structure which is responsible for accomplishing the work.

(8) *Original budget.* The budget prepared at, or near, the time the contract was signed, and consistent with the contract price.

(9) *Overhead (indirect costs).* See § 3-701.3 of this chapter.

(10) *Project summary work breakdown structure.* The Work Breakdown Structure for a specific defense materiel item which has been prepared by DoD Components in accordance with MIL-STD-881 [2] by selecting (based on systems engineering during concept formulation or its equivalent) applicable elements from one or more Summary Work Breakdown Structures (see MIL-STD-881 [2] draft).

(11) *Related resources.* The labor, materials, and services required to perform work.

(12) *Work breakdown structure.* A product-oriented family tree division of hardware, software, services, and other work tasks which organizes, defines, and graphically displays the product to be produced as well as the work to be accomplished in order to achieve the specified product.

(13) *Work package.* A delineation of work required to complete a particular job. It may be established at any level within the work breakdown structure where all the following characteristics are present:

(i) It represents units of work at levels where performance is managed.

(ii) It has scheduled start and completion dates and is definable in terms of scope of work and budgets (expressed in labor hours, dollars, or other meaningful units).

(iii) It is measurable in the same terms as set forth in subdivision (ii) of this subparagraph.

(iv) It is such that responsibility for performing the work is assignable to a single organizational element.

(v) Its size and duration is established to reflect the foregoing, the type of work involved, and the necessity of using relatively short spans of time to minimize the requirements to use estimates, arbitrary formulae or other less objective means of evaluating status of work in process.

(vi) It is integrated with detailed engineering, manufacturing and other schedules as applicable.

(14) *Work performed.* Includes completed work packages and the completed portion of work packages begun and not yet completed.

(c) *Criteria.* The contractor's system will include policies, procedures, and methods which are designed to insure that it will accomplish the following:

(1) *Organization.* (i) Define all the authorized work and related resources to meet the requirements of the contract, using the framework of the contractor's extension of an appropriate work breakdown structure.

(ii) Identify the authorized work within the following categories:

(*a*) Discrete work packages with a defined end result, or

(*b*) Level of effort or apportioned-effort work packages whose completion does not produce a definable end result.

(iii) Identify the internal organizational elements and the major subcontractors responsible for accomplishing the authorized work.

(iv) Identify the managerial positions responsible for controlling overhead (indirect costs).

(v) Identify overhead (indirect costs) and the methods used for its allocation.

(2) *Planning and budgeting.* (i) Describe, plan, and schedule the work.

(ii) Identify physical products, milestones, technical performance goals, or other indicators that will be used to measure output.

(iii) Establish budgets for all authorized work.

(iv) To the extent the authorized work has been identified in the categories described in subparagraph (1)(ii) of this paragraph, establish budgets for these categories in terms of dollars, hours, or other acceptable units.

(v) Establish overhead budgets for the total costs of each significant organizational component whose expenses will become indirect costs. Reflect in the contract budgets at the appropriate level, the amounts accumulated in overhead pools that will be allocated to the contract as indirect costs.

(vi) Identify management reserves, if used.

(vii) Provide that the contract price plus the estimated undefinitized price of authorized but unpriced changes and unpriced work is reconciled with the sum of all internal contract budgets and management reserves.

(viii) Retain the original budgets for those elements of the work breakdown structure identified as priced line items in the contract and for those elements at the lowest level of the DOD Project Summary Work Breakdown Structure as a traceable basis against which contract performance can be compared.

(3) *Accounting.* (i) Record applied direct costs on a basis consistent with the budgets in a formal system that is controlled by the general books of account.

(ii) Record indirect costs all or part of which will be allocated to the contract.

(iii) These formal records in subdivisions (i) and (ii) of this subparagraph should make it possible to determine unit or lot costs for priced line items.

(iv) Summarize applied direct costs and overhead allocations in the accounting records for (*a*) those elements of the work breakdown structure identified as priced line items in the contract, and (*b*) those elements at the lowest level of the DOD Project Summary Work Breakdown Structure.

(v) Identify the bases for allocating the cost of level of effort or apportioned-effort work packages to appropriate cost accounts.

(vi) Provide a basis for auditing records of incurred costs, applied direct costs, and overhead (indirect costs).

(4) *Reporting.* (i) Identify on a monthly basis or more often at the discretion of the contractor in the detail needed by management for effective control, using data from, or reconcilable with, the accounting system:

(*a*) Applied direct costs for work performed and the budgeted costs for the same work.

(*b*) Actual indirect costs and budgeted indirect costs.

(*c*) Budgeted costs for work performed and budgeted costs for work scheduled.

(*d*) Significant variances resulting from the above comparisons classified in terms of labor, material, overhead, and any other appropriate elements, together with the reasons therefor.

(ii) Identify, on a monthly basis or more often at the discretion of the contractor significant differences between actual and planned schedule and actual and planned technical performance, together with the reasons therefor.

(iii) Identify managerial actions that are made necessary by the above.

(5) *Revisions.* (i) Estimate the effect of both authorized changes and internal replanning actions on technical performance, schedule, and cost provisions of the contract, and record the effects of authorized changes and internal replanning actions in schedules and budgets

(ii) Reconcile original budgets for those elements of the work breakdown structure identified as priced line items in the contract, and for those elements at the lowest level of the DOD Project Summary Work Breakdown Structure, with current budgets in terms of (*a*) changes to the authorized work and (*b*) internal replanning in the detail needed by management for effective control.

See footnotes at end of document.

(iii) Prohibit retroactive changes to records pertaining to work performed that will change previously reported amounts for applied direct costs, indirect costs, and budgets, except for normal accounting adjustments or for reasons agreed to by the contracting parties.

(iv) Based on performance to date and on estimates of future conditions, develop latest revised estimates of cost at completion and reconcile these with:

(a) Original budgets for those elements of the Work Breakdown Structure identified as priced line items in the contract,

(b) Original budgets for those elements at the lowest level of the DOD Project Summary Work Breakdown Structure,

(c) Current budgets,

(d) Contract price,

(e) The contractor's latest statement of fund requirements reported to the Government.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 69-13746; Filed, Nov. 19, 1969; 8:45 a.m.]

PART 256—QUANTITY-DISTANCE STANDARDS AND POLICIES FOR AIRFIELDS, HELIPORTS, AND SEADROMES

Part 256 is vacated. The provisions of Part 256 have been superseded by DOD Manual 4145.27—M, "DOD Ammunition and Explosives Safety Standards," which is available from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402—70 cents.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 69-13747; Filed, Nov. 19, 1969; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER I—ANCHORAGES

[CGFR 69-101]

PART 110—ANCHORAGE REGULATIONS

Subpart B—Anchorage Grounds

PACIFIC OCEAN, WEST OF BARBERS POINT, ISLAND OF OAHU, HAWAII; ANCHORAGE FOR TANK VESSELS

1. The Commander, 14th Coast Guard District, Honolulu, Hawaii, by letter dated August 26, 1969, requested the establishment of an anchorage for tank vessels in the Pacific Ocean, west of Barbers Point, Island of Oahu, Hawaii. A public notice dated February 24, 1969, was issued by the Commander, 14th Coast Guard District, Honolulu, Hawaii, describing two sites proposed, known as an east site and as a west site. All known interested parties were notified and requested to comment on the proposed sites. Objections were received on the use of the east site; however, no objections were received on the proposed west site. 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 an anchorage ground on the west site for tankers is granted, subject to the right to change the requirements and to amend the regulations if and when necessary in the public interest.

2. In Part 110, Subpart B is amended by adding a new § 110.237, following § 110.236 to read as follows:

§ 110.237 Pacific Ocean west of Barbers Point, Island of Oahu, Hawaii; anchorage for tank vessels.

(a) *The anchorage ground.* The waters of the Pacific Ocean within an area described as follows: A circle of 1,000 feet radius centered at latitude 21°17'55" N., longitude 158°07'46" W.

(b) *The regulations.* (1) This anchorage is for the use of tank vessels loaded with, loading, or unloading oil, and shall not be used by any other vessel except as provided in subparagraph (7) of this paragraph.

(2) The anchorage will be used only for the purposes stated and under the special limitations applicable thereto.

(3) When tank vessels are conducting loading or unloading operations as indicated by the display of a red flag (International Code Flag "B") at the masthead, passing vessels of over 100 tons displacement passing within one-half mile, should reduce speed to six (6) knots over the ground.

(4) Owners of tank vessels shall notify the Captain of the Port, 14th Coast Guard District, Honolulu, and the Commanding Officer, U.S. Naval Air Station, Barbers Point, not less than twenty-four (24) hours prior to actual occupancy of the anchorage ground by a tank vessel. Such notification shall include the maximum height above the waterline of the uppermost portion of the tank vessel's masts and a description, including height of the highest anchor light which will be displayed by the vessel at night when at anchor.

(5) The use of this anchorage will neither restrict nor prohibit in any manner the operation of military aircraft over or near the anchorage, or the operation of naval vessels or other craft in the immediate vicinity, subject to applicable rules of the road and safe navigation practices.

(6) When, in the opinion of the Commander, 14th Coast Guard District or his duly authorized representative, the use of this anchorage for the transfer of oil could jeopardize the safety of vessels or facilities in the area, including undue risk of pollution, such use of this anchorage shall be terminated until such time as the cognizant Coast Guard officer determines that the danger has subsided.

(7) The following vessels only shall navigate or anchor in the area:

(i) Tank vessels using the anchorage area for loading or unloading operations.

(ii) Vessels belonging to the U.S. Government.

(iii) Commercial tugs, lighters, barges, and launches engaged in business pertaining to the anchorage area.

(8) Tank vessels equipped with a "Butterworth" system shall not employ such equipment during occupancy of the anchorage area.

(9) Vessels occupying the area shall not pump bilges during the period of occupancy.

(10) Permanent mooring buoys may be installed within the area subject to Department of the Army permits being obtained for such installations.

(11) Nothing in this section shall be construed as relieving the owner or person in charge of any vessel from the penalties of law for not complying with the navigation laws in regard to lights, fog signals, or for otherwise violating the laws.

(12) The regulations of this section shall be enforced by the Captain of the Port, U.S. Coast Guard, Honolulu, and such agencies as he may designate.

(Sec. 7, 38 Stat. 1053, as amended, sec. 6(g)(1)(A), 80 Stat. 937; 33 U.S.C. 471, 49 U.S.C. 1655(g)(1)(A); 49 CFR 1.4(a)(3)(i))

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

Dated: November 17, 1969.

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

[F.R. Doc. 69-13851; Filed, Nov. 19, 1969; 8:51 a.m.]

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

St. Marys Falls Canal, Mich.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.440 governing the use, administration, and navigation of St. Marys Falls Canal and Locks, Mich., is hereby amended with respect to the introductory text of paragraph (u), effective upon publication in the FEDERAL REGISTER, as follows:

§ 207.440 St. Marys Falls Canal and Locks, Mich.; use, administration, and navigation.

* * * * *

(u) The locks will be opened and closed to navigation each year as provided in subparagraphs (1) and (2) of

[1] To be published. Call OXford 72941 for information on availability.

[2] Filed as part of original. Copies available from U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120.

this paragraph except as may be authorized by the Division Engineer. Consideration will be given to change in these dates in an emergency involving disaster to a vessel or other extraordinary circumstances. However, if requested by the using interests on or before November 1, the closing date may be extended to meet reasonable demands of commerce to the extent that weather and ice conditions permit.

* * * * *

[Regs., Nov. 13, 1969, ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

LEONARD S. LEE,
Colonel, AGC, Comptroller, TAGO.

[F.R. Doc. 69-13745; Filed, Nov. 19, 1969; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101-25—GENERAL

Utilization of Laboratory and Research Equipment

Policies and procedures are established for the periodic inspection of Federal laboratories to identify idle and unneeded equipment and the pooling of equipment.

The table of contents for Part 101-25 is amended by the addition of new entries as follows:

Sec.
101-25.109 Laboratory and research equipment.
101-25.109-1 Identification of idle equipment.
101-25.109-2 Equipment pools.

Subpart 101-25.1—General Policies

Sections 101-25.109, 101-25.109-1, and 101-25.109-2 are added to read as follows:

§ 101-25.109 Laboratory and research equipment.

This section prescribes controls for use by Federal agencies in managing laboratory and research equipment in Federal laboratories. Agencies may establish additional controls as are appropriate which will result in increased use of equipment already owned in lieu of procuring similar equipment.

§ 101-25.109-1 Identification of idle equipment.

Periodic tours shall be conducted of laboratory facilities to identify idle and unneeded laboratory and research equipment. After each inspection tour, equipment which has been identified as idle and unneeded shall be reassigned or released for further utilization. Maximum results will be achieved when inspection tours are conducted by personnel who have knowledge of equipment utilization and planned programs such as teams comprising both management and senior scientific personnel.

§ 101-25.109-2 Equipment pools.

Laboratory and research equipment pools shall be established when the circumstances indicate such pools are appropriate so that such equipment can be made available to activities and individuals whose average usage does not warrant the assignment of such equipment on a permanent basis. In determining the number and location of equipment pools, consideration should be given to economy of operation, mobility of equipment, accessibility to users, frequency of use of the equipment, and impact on research programs. Consideration should be given to the establishment of an advisory committee consisting of technical and management personnel to determine the types of equipment to be shared, pooled, or no longer required.

(a) Equipment pools can also be used to fill requests for temporary replacements while permanently assigned equipment is being repaired or to provide equipment for new laboratories pending acquisition of permanent equipment.

(b) Although specific pieces of laboratory equipment may not be available for assignment to equipment pools, they may be available for sharing or loan. Knowledge of the availability of such equipment can be maintained at a central location such as within equipment pools.

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

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

Dated: November 13, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69-13788; Filed, Nov. 19, 1969; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[No. 40000]

PART 0—COMMISSION ORGANIZATION

PART 97—AMATEUR RADIO SERVICE

Radio Operator Examination Points

Order. 1. The Commission has before it the desirability of amending § 0.485(c) showing the location of the Field Engineering Bureau's examination points for amateur and commercial radio operator licenses.

2. Authority for the amendment is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, section 3(a) of the Administrative Procedure Act (5 U.S.C. 552) and § 0.261(a) of the Commission's rules. Because the amendment is procedural in nature, the prior notice and effective date provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553) do not apply.

3. *It is ordered*, That effective November 21, 1969, Part 0 of the rules and regulations is amended as set forth below.

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

Adopted: November 12, 1969.

Released: November 13, 1969.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

1. Section 0.485(c) is amended by deleting from the listing of quarterly examination points the city of "Schenectady, New York" and adding in the proper place alphabetically, the city of "Albany, New York."

2. Appendix 1, Part 97, is amended by deleting from the listing of quarterly examination points the city of "Schenectady, New York" and adding the city of "Albany, New York" in appropriate alphabetical order.

[F.R. Doc. 69-13802; Filed, Nov. 19, 1969; 8:49 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. MC-65, Ex Parte No. MC-65 (Sub-No. 2)]

PART 1042—SUPERHIGHWAY AND DEVIATION RULES

Order. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 22d day of October 1969.

It appearing, that by order of the Commission, dated March 30, 1965, upon petitions filed by National Bus Traffic Association, Inc., and Regular Common Carrier Conference of American Trucking Associations, Inc., and consideration of other circumstances set forth in the order, these rulemaking proceedings were instituted to investigate and consider, among other things, the effect of opening the National System of Interstate and Defense Highways, and other limited-access highways upon regular-route motor carrier operations, the circumstances in which certificates authorizing operations over such highways should be issued to presently authorized carriers, the procedures for disposition of applications for such certificates, whether the Commission's Deviation Rules Revised, 1957, 49 CFR 1042.1 and 1042.2 adopted May 31, 1957, by order in No. MC-C-2078, should be revised, and whether other rules and regulations should be adopted;

And it further appearing, that investigation of the matters and things involved in these proceedings has been made and that the Commission has made and filed

its report herein containing its findings of fact and conclusions thereon, which report and the prior interim report (107 M.C.C. 95) are hereby referred to and made a part hereof:

It is ordered, That Part 1042 of Chapter X of Title 49 of the Code of Federal Regulations be revised to read as set forth below.

It is further ordered, That this order shall become effective on December 15, 1969, and shall remain in effect until modified or revoked in whole or in part by further order of the Commission.

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

By the Commission.

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

Sec.

1042.1 Superhighway rules—motor common carriers of passengers.
1042.2 Deviation rules—motor carriers of passengers.
1042.3 Superhighway rules—motor common carriers of property.
1042.4 Deviation rules—motor carriers of property.

AUTHORITY: The provisions of this Part 1042 issued under 49 Stat. 546, as amended, 551, as amended, 552, as amended; 49 U.S.C. 304, 307, 308.

§ 1042.1 Superhighway rules—motor common carriers of passengers.

(a) *Superhighway certification—common carriers of passengers.* Upon the filing of an appropriate application for authority to operate over superhighways as defined below, upon the showing prescribed herein, and upon approval by the Commission, a motor common carrier of passengers establishing that it holds a certificate of public convenience and necessity, issued by the Commission pursuant to the provisions of part II of the Interstate Commerce Act, authorizing transportation over a regular service route or routes, will be granted appropriate certificated authority to operate over, and serve points on, the superhighways (including highways connecting such superhighways with the carrier's authorized regular service route or routes), between the point of departure from and the point of return to the carrier's authorized regular service route or routes: *Provided*, That use of such superhighway route will not materially change the competitive situation between such carrier and any other carrier or carriers.

(b) *Superhighway defined.* Any limited-access highway with split-level grade crossings and access ramps, or completed portion thereof, including those highways which make up the National System of Interstate and Defense Highways, and any direct existing highway, not a limited-access highway, located immediately adjacent to a planned superhighway.

(c) *Governing criteria.* (1) The criteria to be used in determining whether there would be any material change in the competitive situation shall include, among others, the following: (i) The mileage over the proposed superhighway route (including highways connecting such superhighway route with the carrier's authorized regular service route or routes) between the point of departure from and the point of return to the carrier's authorized regular service route or routes compared with the mileage over the carrier's authorized regular service route or routes between the same points; (ii) the extent to which the proposed superhighway route (including highways connecting such superhighway route with the carrier's authorized regular service route or routes) parallels or extends in the same general direction as the authorized service route or routes of the carrier between the point of departure from and the point of return to the carrier's authorized regular service route or routes; (iii) the running times over the authorized regular service route or routes of the applicant and other certificated regular-route carriers between the point of departure and the point of return compared with the running times over the proposed route between the same points; (iv) the period of time during which schedules have been operated over the carrier's authorized regular service route or routes between the point of departure and the point of return together with the frequency with which such schedules have been operated; (v) the volume of local or overhead traffic which would be convenienced by use of the proposed route; and (vi) the quantum and frequency of single-line or joint-line service provided by other carriers.

(2) Proof that the distance over the proposed superhighway route (including highways connecting such superhighway route with the carrier's authorized regular service route or routes) between the point of departure from and the point of return to the carrier's authorized regular service route or routes is not less than 90 percent of the distance between such points over the carrier's authorized regular service route or routes shall constitute prima facie evidence that a material change in the competitive position would not result from the carrier's use of the proposed route: *Provided*, That such carrier shall not pick up or discharge passengers at any point not otherwise specifically authorized to be served by it. Where the unrestricted use of the proposed route would materially change any such competitive situation, but such change could be prevented by the imposition of an appropriate restriction (proposed by applicant and acceptable to the Commission), the Commission may authorize the use of the proposed route subject to such restriction.

(d) (1) *Application.* The application on the form prescribed therefor, must be verified and the original and two copies thereof must be filed with the Commission. It shall contain the following information:

(i) A complete description by highway designations of the carrier's authorized route between the point of departure and the point of return.

(ii) An excerpt from the carrier's operating authority or authorities (with reference to the pertinent subnumber or numbers) setting forth the exact description of the route as specified in subdivision (i) of this subparagraph, including service authorized at any intermediate points and any applicable restrictions or conditions in said authority or authorities.

(iii) A complete description by highway designations of other authorized routes, including service authorized at any intermediate points and applicable restrictions and conditions specifically pertinent to and affected by the departure from the authorized route specified in subdivision (i) of this subparagraph.

(iv) A complete description of the proposed route between the point of departure from the authorized route to the point of return.

(v) The actual mileages over all routes described in subdivisions (i) and (iv) of this subparagraph. Such mileages shall be computed between the actual junction points of the routes, whether such junction points are within or without city limits. Rand McNally road map mileages will serve as the official mileage guide where such mileages have been published. Where not published, measured mileage or available official publications will be accepted.

(vi) A map clearly depicting and identifying all routes described in subdivisions (i) through (iv) of this subparagraph.

(vii) A statement that the carrier will continue to provide adequate and continuous service from and to all points authorized to be served in connection with the appurtenant service route or routes.

(viii) The operating time over the appurtenant service route or routes between points affected by the proposed route as compared with that over the proposed route.

(ix) The volume of local and through traffic between the points of departure and return.

(x) A statement that a copy of the application, together with all attachments, has been served on those persons required to be served by these rules.

(2) *Service of application.* The application, with all attachments, must be served by mail or in person on the Commission, the district director of the Commission for the district in which the carrier is domiciled and for each district in or through which the proposed operation will be conducted, and the State board or official having jurisdiction over motor carrier regulation of each State in or through which the proposed operation will be performed.

(3) *Publication of application.* A summary of the application will be prepared by the Commission and published in the FEDERAL REGISTER.

(4) *Protests and replies.* Any person may file with the Commission a verified protest, together with two copies thereof, within 30 days after publication of the summary of the application in the FEDERAL REGISTER, showing that a copy thereof with all attachments, has been

served upon the applicant. Such protest shall contain a recital of facts and information specifically demonstrating protestant's interest and, if the protestant is a carrier, shall contain detailed information relating to the competitive situation between the protestant and the applicant. The applicant may file a verified reply to any protest within 20 days after the due date of the protest, showing that a copy of the reply, with all attachments, has been served upon the protestant or protestants. Such reply shall be directed solely to the information contained in the protest or protests.

(5) *Hearing or other procedure to be followed.* Where a protest is filed, oral hearing will not be held unless the Commission determines, either upon its own motion or upon a showing of good cause by a party to the proceeding, that oral hearing is necessary. Unless such a determination is made, the issues will be decided upon a consideration of the material submitted with the application, the protest, the reply, and matters of which the Commission may take official notice, except that the Commission, if it so desires, may require the submission of additional facts from the parties.

(6) *Certificates.* Upon consideration of the matters specified in this part the Commission will determine whether the issuance of operating authority is justified. If it is determined that issuance of operating authority is warranted, the Commission will issue a certificate which will not be severable, except upon the Commission's authorization, by sale or otherwise, from the appurtenant service route or routes described in the certificate. Appropriate conditions will be imposed requiring the carrier to maintain reasonable and adequate service over the appurtenant service route or routes named in the application.

(e) *Through-bus operation.* Where two or more certificated regular-route motor carriers of passengers have been joining in the lawful performance of "through-bus" operations between a point on a certificated route of one such carrier, and a point on a certificated route of another such carrier, and there is wholly within the United States a superhighway or combination of superhighways (including highways connecting such superhighway or superhighways with the carriers' authorized regular service routes) between such two points, the use of which would afford a reasonably direct and practicable route between such two points and a safer, more convenient, efficient, or economical operation, without materially changing the competitive situation between such carriers and any other carrier or carriers, such carriers so performing such joint "through-bus" operation may, upon application and approval by the Commission, use such superhighway or combination of superhighways (including highways connecting such superhighway or superhighways with the carriers' authorized regular service routes) as a service route for such joint "through-bus" service, with no service at any intermediate point thereon, except as authorized in their respective certificates, and with no service at the points of departure and return except as authorized in their certificates, and with no service at the point or points of interline except for interchange purposes only: *Provided, however,* That the application shall be executed and filed jointly by the carriers participating in the "through-bus" operation. Additionally, the carriers must specify with particularity the point or points on the proposed route where the operation, control, and responsibility of each carrier will begin and end; and whether an actual change of vehicles will take place at the point of interline or whether the operation will be performed in the same vehicle in a through movement under a leasing arrangement, in which case the carriers must supply details concerning the proposed vehicle interchange and related leasing arrangements.

(f) *Application, service, and publication thereof, protest and replies, hearing or other procedure to be followed, and the certificates.* The provisions of paragraph (d) of this section with respect to the application, the service and publication thereof, protests and replies, the hearing or other procedure to be followed, and the certificate to be issued shall be applicable to paragraph (e) of this section.

§ 1042.2 Deviation rules—motor carriers of passengers.

(a) *Applicability of rules.* These rules are promulgated under the provisions of sections 204, 206 (except 206 (6) and (7)), 207, and 208 of the Interstate Commerce Act, and govern the use of all highways, including the National System of Interstate and Defense Highways, by motor common carriers of passengers operating under certificates of public convenience and necessity issued by the Commission. These rules do not govern operations of regular-route motor common carriers of passengers which operations are wholly within an area including New York, N.Y., Rockland, Westchester, and Nassau Counties, N.Y., Fairfield County, Conn., and New Jersey. These rules do not supersede other rules and regulations of the Commission applicable to specific situations or operations.

(b) *Definitions.* As used in this section, the following words and terms shall be construed to have the following meanings:

(1) *Alternate route.* A designated highway or series of highways lying wholly within the United States over which a regular-route motor common carrier of passengers may operate for operating convenience only, serving no intermediate points and serving the termini only to the extent authorized over the existing appurtenant service route.

(2) *Bypass route.* A route designated by proper authorities for the general purpose of avoiding traffic congestion in a populated area or areas.

(3) *Deadheading empty vehicles.* The movement of empty vehicles incidental to either prior or subsequent transportation in interstate or foreign commerce subject to the Interstate Commerce Act.

(4) *Designated highway.* A highway identified for record purposes by a number, letter, or name, or as an "unnumbered county or State road," or in some other like manner.

(5) *Detour route.* The highway or highways designated by proper authority for public use while the highway or highways normally used between specified points is, or are, temporarily closed or restricted, as by reduced weight limits, or for repairs or construction, or for any other reason.

(6) *Deviation route.* Any of the route facilities and highways used by a motor carrier under authority of this section.

(7) *Emergency route.* A highway or segment thereof which is available for public use during periods of temporary emergency because of flood, slides, earthquake, or other like causes, which make a highway over which a motor carrier is authorized to operate temporarily impassable.

(8) *Point of deviation and return.* The point of deviation is the point at which a regular-route motor common carrier of passengers using or proposing to use a deviation route departs or proposes to depart from an authorized regular service route. The point of return is the point at which such carrier returns or proposes to return to an authorized regular service route.

(9) *Redesignated highway.* A highway to which there has been assigned a new designation, either number, letter, name, or other identifying reference, in lieu of a designation previously assigned thereto.

(10) *Regular service route.* A designated highway or series of highways over which a regular-route motor common carrier of passengers is specifically authorized to operate with provision in the carrier's certificate for service at terminal and intermediate points as specified thereon, as distinguished from an alternate route as herein defined. Such regular service route may be described as a single route in a carrier's operating authority or as two or more routes which are combined by joinder at a common service point or points.

(11) *Relocated highway.* A highway which has been constructed in a new location in lieu of an existing highway, or a segment or segments thereof, and which is intended to replace such existing highway, or a segment or segments thereof, for public use.

(12) *Service point.* A point authorized to be served by a carrier as distinguished from one through which such carrier may operate but without performing any service thereat.

(13) *Superhighway.* Any limited-access highway with split-level grade crossings and access ramps, or completed portion thereof, including those highways which make up the National System of Interstate and Defense Highways, or any direct existing highway, not a limited access highway, located immediately adjacent to a planned superhighway.

(c) *Departures from regular authorized routes.* Subject to the special rules, requirements, and conditions governing particular situations hereinafter stated,

and subject also to the general conditions and requirements set forth in paragraph (d) of this section, carriers subject to these rules are hereby authorized, in the circumstances hereinafter described, to depart from their regular authorized routes in the circumstances and to the extent hereinafter set forth.

(1) *Redesignated highway.* Where a highway, or a segment thereof, over which a carrier is authorized to operate is redesignated, the carrier shall so advise the Commission by letter, giving sufficient information regarding the old and the new designation, the points between which the highway designation has been changed, and the place or places where such highway is referred to in the carrier's authority. The new designation of the highway will be shown in the carrier's certificate when the Commission has occasion to reissue it.

(2) *Relocated highway and abandonment of old highway.* Where a carrier is authorized to operate over a specified highway and thereafter that highway, or a segment or segments thereof, is or are relocated, and where the old highway or any segment thereof is no longer maintained for use by the general public, the carrier may operate over such relocated highway or relocated segment or segments under its authority without notice to the Commission of such change, but in so doing must continue to serve as intermediate points on the new highway, those points previously authorized to be served as intermediate points on the old highway.

(3) *Relocated highway and maintenance of service over old highway under new designation.* (i) Where a carrier is authorized to operate over, and to serve points on a specified highway, and thereafter that highway, or a segment or segments thereof, is or are relocated but the old highway is maintained for use by the general public under a new designation, the carrier shall not without first obtaining appropriate authority from the Commission, transfer its operations to the relocated highway or relocated segments thereof but must continue to operate over the old highway and advise the Commission by letter of the change in the designation thereof furnishing the same information as required in connection with subparagraph (1) of this paragraph. The new designation of the highway will be shown in the carrier's certificate when the Commission has occasion to reissue it.

(ii) Where a carrier is authorized to operate over a specified highway, but is not authorized to serve any point on such highway and thereafter such highway, or a segment or segments thereof, is or are relocated, but the old highway is maintained for the use by the public under a new designation, the carrier may, if it so desired, use as its operating route only the new or relocated highway, provided it promptly advises the Commission by letter of such change, giving descriptions of the old and new highways between the points involved and the other information required by subparagraph (1) of this paragraph.

(4) *Bypass route.* Where a carrier is authorized to operate over a regular route, either service or alternate, and a bypass route has been designated to avoid congestion over the regular route, such carrier desiring to use such a bypass route as an alternate route may do so regardless of the ratio of the distance over such bypass route to the distance over the regular route between the point of deviation and the point of return without prior notice to the Commission, subject to the following conditions: Not later than 5 days after operation over the bypass route has begun, the carrier shall give notice of such operation to the Commission, the district director of the Commission for the district in which the carrier is domiciled and for each district in or through which the operation is or will be conducted, and the State board or official having jurisdiction over motor carrier regulation of each State in or through which the operation is or will be conducted. This notice must contain the following information:

(i) A complete description by highway designations of the carrier's authorized route between the point of deviation and the point of return, including authorized off-route points;

(ii) A complete description by highway designations of its proposed deviation route between the point of deviation and the point of return;

(iii) A map on which there shall be shown so much as may be practicable of the information required by subdivisions (i) and (ii) of this subparagraph;

(iv) A statement that the carrier shall continue to serve points authorized.

(5) *Bridges, tunnels, and ferries.* Where a new bridge or tunnel has been constructed to replace an old bridge, tunnel, or ferry, to avoid circuity, or to eliminate a hazardous curve or grade, a regular-route carrier having authority to use the old facility and desiring to use in lieu thereof such new bridge or tunnel and the approaches thereto, may do so, subject to the applicable safety regulations and subject also to the conditions and requirements set forth in subparagraph (4) of this paragraph.

(6) *Detour and emergency routes.* Where a highway over which a carrier is authorized to operate is temporarily obstructed or rendered unsafe by flood, slides, earthquake, or other like causes over which the carrier has no control, the carrier may use any other practicable highway to continue rendering service to points on its authorized route. If a highway over which a carrier is authorized to operate is closed or subjected to weight or other restrictions by proper authority and another route is designated by such authority for use by the public as a detour route, the carrier may use such detour route in lieu of its authorized route. If the distance over the emergency or detour route is less than 90 percent of the distance over the authorized route and if use of the emergency or detour route will continue for more than 30 days, the carrier shall provide the notice set forth in subparagraph (4) of this paragraph.

(7) *Deadheading empty vehicles.* A motor carrier may deadhead empty vehicles over any highway, the use of which is necessary or desirable to accomplish a reasonably direct and practicable movement thereof between any two points incidental to either prior or subsequent transportation in interstate or foreign commerce subject to the Interstate Commerce Act.

(8) *Service at military installations.* (i) If there exists an entrance or gate to a military installation which is within the limits of the authority held by a motor carrier and the carrier with the consent and approval of the officer in charge is openly, lawfully, and regularly (as distinguished from surreptitiously, sporadically, or infrequently) using such entrance or gate in the rendition to or from the installation of (*a*) a general transportation service or (*b*) a specialized or limited service, and if such entrance or gate is by appropriate authority closed, or restricted against particular traffic or if for some other reason beyond its control the carrier is unable to continue to use that entrance or gate for the same purpose as in the immediate past, it may, subject to the general conditions and requirements set forth in subparagraph (4) of this paragraph, use other entrances or gates in continuing to serve the installation in the same manner and in the rendition of the same type of service as was theretofore performed through the closed or restricted entrance or gate.

(ii) This subparagraph shall not be construed by any carrier as authority for the rendition, through an entrance or gate which is located outside the limits of its authority, of any service which was in fact discontinued prior to the closing or restriction of the authorized gate or entrance, or any service essentially different from that rendered through the gate or entrance located within the limits of its authority immediately prior to the closing or restriction thereof.

(9) *Deviations—alternate routes without certificate—common carrier.* (i) Where a regular-route motor common carrier of passengers is authorized to operate over a regular route and there is wholly within the United States another highway which affords a reasonably direct and practicable route between any two points on such regular route, it may, subject to the general conditions and requirements set forth in paragraph (d) (1) through (5) of § 1042.1, except that the notice and any protests and replies thereto may be in letter form and need not be verified, and need not be served on official governing bodies of local points, use such other highway as an alternate route for operating convenience only and with no service at the termini except as otherwise authorized, in the manner and to the extent, as follows:

Where such carrier is authorized to operate over a regular route and there is a highway or highways which may be used as an alternate route between two points on the carrier's regular route regardless of the ratio of the distance over such alternate route

between the point of deviation and the point of return to the distance over the carrier's regular service route between the same points, and regardless of whether or not such alternate route crosses or intersects or passes over or under any other specifically authorized service or alternate route of the carrier at any place intermediate to the points of deviation and return: *Provided*, That use of the alternate route will not materially change the competitive situation between such carrier and any other.

(ii) Proof that the mileage over the proposed alternate route between the point of deviation and the point of return to the carrier's authorized service route or routes is not less than 90 percent of the distance between such points over the carrier's authorized regular service route or routes shall constitute prima facie evidence that a material change in the competitive position will not result from the carrier's use of the proposed alternate route.

(iii) If a protest has not been filed within 30 days from the date of publication of notice of the proposed operation in the FEDERAL REGISTER, the operation may be commenced immediately thereafter subject to the provisions of paragraph (d)(5) of this section. In all cases in which protests are filed to a proposed new operation, the applicant may not commence operation over the route or routes applied for until an appropriate order is issued by the Commission.

(d) *Miscellaneous conditions*—(1) *Failure to give notice or defective notice.* Where an application for a deviation is required under paragraph (c) (4), (5), (6), or (8) of this section, and such notice is not timely filed and served as required, any deviation operation begun prior to the actual filing and service of the application is unauthorized and where an application, though filed, is defective for want of required information or insufficient service or for any other reason, it shall be subject to rejection and if rejected, any deviation operation covered thereby which has been begun shall immediately be discontinued and shall not be resumed until a sufficient application has been filed, and served on interested parties as required by these rules, and the carrier has been notified by the Commission that the operation may be resumed.

(2) *Reasonable and adequate service.* The right to operate over a deviation route which is subject to the general conditions and requirements set forth in these rules shall continue only so long as the carrier is performing, when required by this part, reasonable and adequate service over specifically authorized routes, and only so long as the conditions set forth in these rules are observed.

(3) *Certification.* Each notice, protest, and reply filed under these rules shall contain the following certification:

I certify that I am aware that anyone who, in any matter within the jurisdiction of any agency of the United States, intentionally makes or uses any false, fictitious, or fraudulent writing or document, may be subject to prosecution and fined up to $1,000 and imprisoned for up to 5 years (18 U.S.C. 1001).

(4) *Other remedies.* Applications seeking authority to conduct operations which could be performed following an appropriate filing under these revised deviation rules, will, in the absence of good cause shown, be subject to dismissal by the Commission.

(5) *Commission may forbid deviation.* The Commission may forbid the commencement of operations over any deviation route under this part, or require discontinuance of any such operations already commenced, whenever in its opinion such deviation results in inadequate service over specifically authorized routes, or is unreasonable, or otherwise repugnant to the public interest, or is not in harmony with the general purpose and intent of the rules and regulations established by this part.

(6) *Prior filings.* Motor carriers of passengers lawfully utilizing any deviation route or facility referred to herein pursuant to a prior notice heretofore filed shall not be required to file any further notice with the Commission concerning the use of such route, facility, or facilities.

(7) *Severability of deviation routes.* Operations over approved deviation routes shall not be severable by sale or otherwise from the underlying certificated authority to which such operations are appurtenant. Sale, lease, or other transfer of said underlying certificated authority shall have the concurrent effect of selling, leasing, or otherwise transferring any approved deviation routes appurtenant to such certificated authority.

§ 1042.3 Superhighway rules—motor common carriers of property.

(a) *Regular-route, general-commodity certificates—construction.* All certificates of public convenience and necessity authorizing the transportation of general commodities, with or without exceptions, over a regular service route or routes, issued by the Commission pursuant to the provisions of part II of the Interstate Commerce Act, shall be construed as authorizing operations over superhighways as defined below (including highways connecting such superhighways with the carrier's authorized regular service route or routes) between the point of departure from and the point of return to the carrier's authorized regular service route or routes, provided that either (1) the superhighway route (including highways connecting such superhighway route with the carrier's authorized regular service route or routes) between the point of departure from and the point of return to the carrier's authorized regular service route or routes (i) extends in the same general direction as the authorized service route or routes, and (ii) is wholly within 25 airline miles of the carrier's authorized regular service route or routes, or (2) the distance over the superhighway route (including highways connecting such superhighway route with the carrier's authorized regular service route or routes) between the point of departure from and the point of return to the carrier's authorized regular service route or routes is not less than 85 percent of the distance between such points over the carrier's authorized regular service route or routes.

(b) *Intermediate point service.* Motor carriers conducting operations over superhighways under subparagraph (1) of paragraph (a) of this section, which are authorized to serve all intermediate points (without regard to nominal exceptions) on their underlying regular service route or routes, may serve intermediate points on and within 1 airline mile of the superhighway route (including highways connecting such superhighway route with the carrier's authorized regular service route or routes) in the same manner and subject to corresponding service limitations as described in the pertinent certificate or certificates of public convenience and necessity. Motor carriers conducting operations over superhighways under subparagraph (2) of paragraph (a) of this section shall not receive or deliver freight from or to any person at any point not otherwise specifically authorized to be served by them.

(c) *Superhighway defined.* Any limited-access highway with split-level grade crossings and access ramps, or completed portion thereof, including those highways which make up the National System of Interstate and Defense Highways, and any direct existing highway, not a limited-access highway, located immediately adjacent to a planned superhighway.

(d) *Specific circumstances.* If, upon the filing of a petition by any interested person and a determination of the issues presented thereby, the Commission shall find that operations by any motor carrier under the provisions of paragraph (a) or (b) of this section have resulted, or are reasonably certain to result, in either destructive competition or in the provision of inadequate transportation service by the carrier at any authorized service point or points, an appropriate order may be entered requiring the said motor carrier either to discontinue such operations in whole or in part, or to conduct its operations in compliance with the terms, conditions, and limitations in its certificates in the manner described in the said order. Upon the establishment by the petitioner that a motor carrier's service at a point on its underlying service route has been discontinued or curtailed, the burden of showing that the discontinuance or curtailment is reasonable is upon the motor carrier engaged in operations under these rules.

§ 1042.4 Deviation rules—motor carriers of property.

(a) *Applicability of rules.* These rules are promulgated under the provisions of sections 204, 206 (except 206a (6) and (7)), 207, 208, and 209 of the Interstate Commerce Act, and govern the use of all highways by motor common carriers of property operating under certificates of public convenience and necessity and motor contract carriers of property operating under permits. The provisions of paragraph (c) (1), (2), (3), (4), (5), (6), (8), (11), and (12) of this section apply only to the operations of regular-route motor common carriers of general commodities, with or without exceptions. References to regular-route carriers of explosives or other inherently dangerous

articles in paragraph (c)(9) of this section pertain to the operations of motor common carriers authorized to transport explosives or other inherently dangerous articles over regular routes pursuant to or in connection with, certificates of public convenience and necessity authorizing the transportation of general commodities, with or without exceptions. These rules do not supersede other rules and regulations of the Commission applicable to specific situations or operations.

(b) *Definitions.* As used herein, the following words and terms shall be construed to having the following meanings:

(1) *Alternate route.* A designated highway or series of highways lying wholly within the United States over which a regular-route motor common carrier of property may operate for operating convenience only, serving no intermediate points and serving the termini only to the extent authorized over the existing appurtenant service route.

(2) *Bypass route.* A route designated by proper authorities for the general purpose of avoiding traffic congestion in a populated area or areas.

(3) *Deadheading empty vehicles.* The movement of empty vehicles incidental to either prior or subsequent transportation in interstate or foreign commerce subject to the Interstate Commerce Act.

(4) *Designated highway.* A highway identified for record purposes by a number, letter, or name, or as an "unnumbered county or State road," or in some other like manner.

(5) *Detour route.* The highway or highways designated by proper authority for public use while the highway or highways normally used between specified points is, or are, temporarily closed or restricted, as by reduced weight limits, or for repairs or construction, or for any other reason.

(6) *Deviation route.* Any of the route facilities and highways used by a motor carrier under authority of this section.

(7) *Emergency route.* A highway or segment thereof which is available for public use during periods of temporary emergency because of flood, slides, earthquake, or other like causes, which make a highway over which a motor carrier is authorized to operate temporarily impassable.

(8) *Point of deviation and return.* The point of deviation is the point at which a regular-route motor carrier of property using or proposing to use a deviation route departs or proposes to depart from an authorized regular service route. The point of return is the point at which such carrier returns or proposes to return to an authorized regular service route.

(9) *Redesignated highway.* A highway to which there has been assigned a new designation, either number, letter, name, or other identifying reference, in lieu of a designation previously assigned thereto.

(10) *Regular service route.* A designated highway or series of highways over which a regular-route motor carrier of property is specifically authorized to operate with provision in the carrier's certificate for service at terminal, intermediate, or off-route points as specified thereon, as distinguished from an alternate route as herein defined. Such regular service route may be described as a single route in a carrier's operating authority or as two or more routes which are combined by joinder at a common service point or points.

(11) *Relocated highway.* A highway which has been constructed in a new location in lieu of an existing highway, or a segment or segments thereof, and which is intended to replace such existing highway, or a segment or segments thereof, for public use.

(12) *Service point.* A point authorized to be served by a carrier as distinguished from one through which such carrier may operate but without performing any service thereat.

(c) *Departures from regular authorized routes.* Subject to the special rules, requirements, and conditions governing particular situations hereinafter stated, and subject also to the general conditions and requirements set forth in paragraph (d) of this section, carriers subject to these rules are hereby authorized, in the circumstances hereinafter described, to depart from their regular authorized routes in the circumstances and to the extent hereinafter set forth.

(1) *Redesignated highway.* Where a highway, or a segment thereof, over which a carrier is authorized to operate is redesignated, the carrier shall so advise the Commission by letter, giving sufficient information regarding the old and the new designation, the points between which the highway designation has been changed, and the place or places where such highway is referred to in the carrier's authority. The new designation of the highway will be shown in the carrier's certificate when the Commission has occasion to reissue it.

(2) *Relocated highway and abandonment of old highway.* Where a carrier is authorized to operate over a specified highway and thereafter that highway, or a segment or segments thereof, is or are relocated, and where the old highway or any segment thereof is no longer maintained for use by the general public, the carrier may operate over such relocated highway or relocated segment or segments under its authority without notice to the Commission of such change, but in so doing must continue to serve as intermediate or off-route points, on or from the new highway, those points previously authorized to be served as intermediate or off-route points on or from the old highway.

(3) *Relocated highway and maintenance of service over old highway under new designation.* (i) Where a carrier is authorized to operate over, and to serve points on a specified highway or off-route points from such highway, or both, and thereafter that highway, or a segment or segments thereof, is or are relocated but the old highway is maintained for use by the general public under a new designation, the carrier shall not without first obtaining appropriate authority from the Commission, transfer its operations to the relocated highway or relocated segments thereof but must continue to operate over the old highway and advise the Commission by letter of the change in the designation thereof furnishing the same information as required in connection with subparagraph (1) of this paragraph. The new designation of the highway will be shown in the carrier's certificate when the Commission has occasion to reissue it.

(ii) Where a carrier is authorized to operate over a specified highway, but is not authorized to serve any point on such highway or off-route points from such highway, or both, and thereafter such highway, or a segment or segments thereof, is or are relocated, but the old highway is maintained for use by the public under a new designation, the carrier may, if it so desires, use as its operating route only the new or relocated highway, provided it promptly advises the Commission by letter of such change, giving descriptions of the old and the new highways between the points involved and the other information required by subparagraph (1) of this paragraph.

(4) *Bypass route.* Where a carrier is authorized to operate over a regular route, either service or alternate, and a bypass route has been designated to avoid congestion over the regular route, such carrier desiring to use such a bypass route as an alternate route may do so regardless of the ratio of the distance over such bypass route to the distance over the regular route between the point of deviation and the point of return without prior notice to the Commission, subject to the following conditions: Not later than 5 days after operation over the bypass route has begun, the carrier shall give notice of such operation to the Commission, the district director of the Commission for the district in which the carrier is domiciled and for each district in or through which the operation is or will be conducted, and the State board or official having jurisdiction over motor carrier regulation of each State in or through which the operation is or will be conducted. This notice must contain the following information:

(i) A complete description by highway designations of the carrier's authorized route between the point of deviation and the point of return, including authorized off-route points;

(ii) A complete description by highway designations of its proposed deviation route between the point of deviation and the point of return;

(iii) A map on which there shall be shown so much as may be practicable of the information required by subdivisions (i) and (ii) of this subparagraph;

(iv) A statement that the carrier shall continue to serve points authorized.

(5) *Bridges, tunnels, and ferries.* Where a new bridge or tunnel has been constructed to replace an old bridge, tunnel, or ferry, to avoid circuity, or to eliminate a hazardous curve or grade, a

regular-route carrier having authority to use the old facility and desiring to use in lieu thereof such new bridge or tunnel and the approaches thereto, may do so, subject to the applicable safety regulations and subject also to the conditions and requirements set forth in subparagraph (4) of this paragraph.

(6) *Detour and emergency routes.* Where a highway over which a carrier is authorized to operate is temporarily obstructed or rendered unsafe by flood, slides, earthquake, or other like causes over which the carrier has no control, the carrier may use any other practicable highway to continue rendering service to points on its authorized route. If a highway over which a carrier is authorized to operate is closed or subjected to weight or other restrictions by proper authority and another route is designated by such authority for use by the public as a detour route the carrier may use such detour route in lieu of its authorized route. If the distance over the emergency or detour route is less than 85 percent of the distance over the authorized route and if use of the emergency or detour route will continue for more than 30 days, the carrier shall provide the notice set forth in subparagraph (4) of this paragraph.

(7) *Deadheading empty vehicles.* A motor carrier may deadhead empty vehicles over any highway, the use of which is necessary or desirable to accomplish a reasonably direct and practicable movement thereof between any two points incidental to either prior or subsequent transportation in interstate or foreign commerce subject to the Interstate Commerce Act.

(8) *Deviation from regular service route in the transportation of U.S. mail.* Subject to the general conditions and requirements set forth in subparagraph (4) of this paragraph, common carriers of property holding authority to operate over regular routes may, without obtaining prior authority therefor, deviate from their authorized service routes for the purpose of delivering or picking up U.S. mail at points within 25 airline miles of such authorized service routes and, in the course of such deviation, may transport authorized commodities in the same vehicle with mail: *Provided,* That no commodity other than mail may be picked up, delivered, or interchanged with another carrier, at any point not specifically authorized.

(9) *Deviations by motor carriers of explosives and other dangerous articles.* Subject to the general conditions and requirements set forth in subparagraph (4) of this paragraph:

(i) A regular-route motor carrier authorized to transport explosives or other inherently dangerous articles may, in order to avoid streetcar tracks, tunnels, viaducts, dangerous crossings, or places where persons are assembled, use any practicable route lying wholly within the United States: *Provided,* That the distance over the route used between the point of deviation and the point of return is not less than 85 percent of the distance over the authorized route between the same points, or, if it is less than 85 percent provided the deviation route used is at all points within 25 airline miles of the authorized place which is bypassed.

(ii) Common carriers authorized to transport explosives or other inherently dangerous articles operating over either regular or irregular routes, or both, may in the interest of safety interchange shipments or equipment or combine routes or operating rights at any place within 25 airline miles of any point where interchange or joinder is permissible under the existing authorities of the carrier or carriers involved.

(10) *Service at military installations.* (i) If there exists an entrance or gate to a military installation which is within the limits of the authority held by a motor carrier and the carrier with the consent and approval of the officer in charge is openly, lawfully, and regularly (as distinguished from surreptitiously, sporadically, or infrequently) using such entrance or gate in the rendition to or from the installation of (*a*) a general transportation service or (*b*) a specialized or limited service, and if such entrance or gate is by appropriate authority closed, or restricted against particular traffic or if for some other reason beyond its control the carrier is unable to continue to use that entrance or gate for the same purpose as in the immediate past, it may, subject to the general conditions and requirements set forth in subparagraph (4) of this paragraph, use other entrances or gates in continuing to serve the installation in the same manner and in the rendition of the same type of service as was theretofore performed through the closed or restricted entrance or gate.

(ii) This subparagraph shall not be construed by any carrier as authority for the rendition, through an entrance or gate which is located outside the limits of its authority, of any service which was in fact discontinued prior to the closing or restriction of the authorized gate or entrance, or any service essentially different from that rendered through the gate or entrance located within the limits of its authority immediately prior to the closing or restriction thereof.

(11) *Deviations—alternate routes without certificate—common carriers.* (i) Where a regular-route motor common carrier is authorized to operate over a regular route and there is wholly within the United States another highway which affords a reasonably direct and practicable route between any two points on such regular route, it may, subject to the general conditions and requirements set forth in subparagraph (12) of this paragraph, use such other highway as an alternate route for operating convenience only and with no service at the termini except as otherwise authorized, in the manner and to the extent, as follows:

Where such carrier is authorized to operate over a regular route and there is a highway or highways which may be used as an alternate route between two points on the carrier's regular route regardless of the ratio of the distance over such alternate route between the point of deviation and the point of return to the distance over the carrier's regular service route between the same points, and regardless of whether or not such alternate route crosses or intersects or passes over or under, any other specifically authorized service or alternate route of the carrier at any place intermediate to the points of deviation and return: *Provided,* That use of the alternate route will not materially change the competitive situation between such carrier and any other.

(ii) Proof that the mileage over the proposed alternate route between the point of deviation from and the point of return to the carrier's authorized service route or routes is not less than 85 percent of the distance between such points over the carrier's authorized regular service route or routes shall constitute prima facie evidence that a material change in the competitive position will not result from the carrier's use of the proposed alternate route.

(iii) If a protest has not been filed within 30 days from the date of publication of the notice of the proposed operation in the FEDERAL REGISTER, the operation may be commenced immediately thereafter subject to the provisions of paragraph (d)(5) of this section. In all cases in which protests are filed to a proposed new operation, the applicant may not commence operation over the route or routes applied for until an appropriate order is issued by the Commission.

(12) *Notice, protests, and replies.* (i) *Notice.* The original and two copies of the notice of an alternate route deviation filed pursuant to subparagraph (11) of this paragraph shall be filed with the Commission and shall contain the following information:

(*a*) A complete description, by highway designations, of the carrier's authorized route between the point of deviation and the point of return.

(*b*) An excerpt from the carrier's operating authority or authorities (with reference to the pertinent subnumber or numbers) setting forth the exact description of the route as specified in (*a*) of this subdivision, including service authorized at any intermediate or off-route points and any applicable restrictions or conditions in said authority or authorities.

(*c*) A complete description by highway designations of other authorized routes, including service authorized at any intermediate or off-route points and applicable restrictions and conditions, specifically pertinent to and affected by the departure from the authorized route specified in (*a*) of this subdivision.

(*d*) A complete description of the proposed route between the point of deviation from the authorized route to the point of return.

(*e*) The actual mileages over all routes described in (*a*) and (*d*) of this subdivision. Such mileages shall be computed between the actual junction points of the routes, whether such junction points are within or without city limits. Rand McNally road map mileages will serve as the official mileage guides

where such mileages have been published. Where not published, measured mileages or available official publications will be accepted.

(f) A map clearly depicting and identifying all routes described in (a) and (d) of this subdivision.

(g) A statement that the carrier will continue to provide adequate and continuous service from and to all points authorized to be served in connection with the appurtenant service route or routes.

(h) The operating time over the appurtenant service route or routes between points affected by the proposed route as compared with that over the proposed route.

(i) The volume of local and through traffic between the points of deviation and return.

(j) A statement that a copy of the notice, together with all attachments, has been served on those persons required to be served by these rules.

(ii) *Service of notice.* The notice, with all attachments, must be served by mail or in person on the Commission, and the district director of the Commission for the district in which the carrier is domiciled and for each district in or through which the proposed operation will be conducted.

(iii) *Publication of notice.* A summary of the notice will be prepared by the Commission and published in the FEDERAL REGISTER.

(iv) *Protests and replies.* Any person may file with the Commission a protest, together with two copies thereof, within 30 days after publication of the summary of the notice in the FEDERAL REGISTER, showing that a copy thereof, with all attachments, has been served upon the applicant. Such protest shall contain a recital of facts and information specifically demonstrating protestant's interest and, if the protestant is a carrier, shall contain detailed information relating to the competitive situation between the protestant and the applicant. The applicant may file a reply to any protest within 20 days after the due date of the protest, showing that a copy of the reply, with all attachments, has been served upon the protestant or protestants. Such reply shall be directed solely to the information contained in the protest or protests.

(v) *Hearing or other procedure to be followed.* Where a protest is filed, oral hearing will not be held unless the Commission determines, either upon its own motion or upon a showing of good cause by a party to the proceeding, that oral hearing is necessary. Unless such a determination is made, the issues will be decided upon a consideration of the material submitted with the notice, the protest, the reply, and matters of which the Commission may take official notice, except that the Commission, if it so desires, may require the submission of additional facts from the parties.

(d) *Miscellaneous conditions*—(1) *Failure to give notice or defective notice.* Where a notice for a deviation is required under paragraph (c) (4), (5), (6), (8), (9), or (10) of this section, and such notice is not timely filed and served as required, any deviation operation begun prior to the actual filing and service of the notice, is unauthorized, and where a notice, though filed, is defective for want of required information or insufficient service, or for any other reason, it shall be subject to rejection and if rejected, any deviation operation covered thereby which has been begun shall immediately be discontinued and shall not be resumed until a sufficient notice has been filed, and served on interested parties as required by these rules, and the carrier has been notified by the Commission that the operation may be resumed.

(2) *Reasonable and adequate service.* The right to operate over a deviation route which is subject to the general conditions and requirements set forth in these rules shall continue only so long as the carrier is performing, when required by this part, reasonable and adequate service over specifically authorized routes, and only so long as the conditions set forth in these rules are observed.

(3) *Certification.* Each notice, protest, and reply filed under these rules shall contain the following certificate:

I certify that I am aware that anyone who, in any matter within the jurisdiction of any agency of the United States, intentionally makes or uses any false, fictitious, or fraudulent writing or document, may be subject to prosecution and fined up to $1,000 and imprisoned for up to 5 years (18 U.S.C. 1001).

(4) *Other remedies.* Applications seeking authority to conduct operations which could be performed following an appropriate filing under these revised deviation rules, will, in the absence of good cause shown, be subject to dismissal by the Commission.

(5) *Commission may forbid deviation.* The Commission may forbid the commencement of operations over any deviation route under this part, or require discontinuance of any such operations already commenced, whenever in its opinion such deviation results in inadequate service over specifically authorized routes, or is unreasonable, or otherwise repugnant to the public interest, or is not in harmony with the general purpose and intent of the rules and regulations established by this part.

(6) *Prior filings.* Motor carriers of property lawfully utilizing any deviation route or facility or facilities referred to herein pursuant to a prior notice heretofore filed shall not be required to file any further notice with the Commission concerning the use of such route, facility, or facilities.

(7) *Severability of deviation routes.* Operations over approved deviation routes shall not be severable by sale or otherwise from the underlying certificated authority to which such operations are appurtenant. Sale, lease, or other transfer of said underlying certificated authority shall have the concurrent effect of selling, leasing, or otherwise transferring any approved deviation routes appurtenant to such certificated authority.

[F.R. Doc. 69-13742; Filed, Nov. 19, 1969; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Kenai National Moose Range, Alaska; Correction

In F.R. Volume 34, No. 204, dated Thursday, October 23, 1969, on page 17173, the first paragraph of F.R. Doc. 69-12638 (§ 28.28) should read as follows:

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

Special condition 3 should read as follows:

3. The use of "snow-travelers" as an aid in big-game hunting or for transporting big game is prohibited; except that snow-travelers may be used for transportation during special permit anterless moose season, date to be announced by Alaska Department of Fish and Game Commissioners, in subunit 15A and in subunit 15B on that part of the Kenai National Moose Range west of Funny River, the west fork of Funny River, and a line from the headwaters of the west fork of Funny River to the mouth of Shanpapalik Creek on Tustumena Lake.

JOHN D. FINDLAY,
Regional Director, Bureau of Sport Fisheries and Wildlife, Portland, Oreg.

NOVEMBER 12, 1969.

[F.R. Doc. 69-13815; Filed, Nov. 19, 1969; 8:50 a.m.]

PART 32—HUNTING

Wichita Mountains Wildlife Refuge, Okla.

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

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

OKLAHOMA

WICHITA MOUNTAINS WILDLIFE REFUGE

Public hunting of elk on the Wichita Mountains Wildlife Refuge, Okla., is permitted only in the Graham Flat and Quanah-Elk Mountain pastures. This open area, comprising approximately 26,000 acres, is delineated on a map

available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, 500 Gold Avenue, SW., Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of elk on the Wichita Mountains Wildlife Refuge subject to the following special conditions:

(1) No personnel of the Bureau of Sport Fisheries and Wildlife or of the Oklahoma Department of Wildlife Conservation are eligible to hunt.

(2) Except as provided in special condition (3) below, the applicable portions of the Quanah-Elk Mountain Pasture will be closed to all public use except elk hunting during hunt periods.

(3) Authorized hunters may retain approved, unloaded hunting rifles and camp overnight (in Camp Doris only) during those periods when the Quanah-Elk Mountain Pasture is closed to all other public use. Such camping hunters may be accompanied by not to exceed one camping companion who will be confined to Camp Doris during hunt periods unless authorized to assist with the removal of game by the Refuge Manager or his agent.

The provision of this special regulation supplements the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 32 and are effective through December 20, 1969.

JULIAN A. HOWARD,
Refuge Manager, Wichita Mountains Wildlife Refuge, Cache, Okla.

NOVEMBER 7, 1969.

[F.R. Doc. 69-13772; Filed, Nov. 19, 1969; 8:47 a.m.]

PART 33—SPORT FISHING

Wichita Mountains Wildlife Refuge, Okla.

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

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

OKLAHOMA

WICHITA MOUNTAINS WILDLIFE REFUGE

Sport fishing on the Wichita Mountains Wildlife Refuge, Cache, Okla., is permitted from January 1, 1970, through December 31, 1970, inclusive, in all waters of that portion of the refuge open for recreational uses by the general public. These open waters, comprising approximately 550 acres of lakes and 1 mile of intermittent stream, are delineated on maps available at refuge headquarters, Cache, Okla. 73527, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) Fishing will be with closely attended pole and line only, including rod and reel. Trotlines, throw lines, and multiple set lines are not permitted.

(2) The use of outboard motors and boats is permitted only on Lake Elmer Thomas where the provisions of Part 28.21 of this title and those of the Oklahoma Boat and Water Safety Act, as amended, govern. The use of boats or other floating devices on all other refuge waters is prohibited except the use of one-man inner tube type "fishing floaters"; inner tubes and similar safety floats commonly used by swimmers are not considered floating devices for purposes of this regulation.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33 and are effective through December 31, 1970.

JULIAN A. HOWARD,
Refuge Manager, Wichita Mountains Wildlife Refuge, Cache, Okla.

NOVEMBER 7, 1969.

[F.R. Doc. 69-13773; Filed, Nov. 19, 1969; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-CE-105]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Houghton, Mich.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of controlled airspace in the Houghton, Mich., terminal area, the instrument approach procedures for Houghton County Airport have been altered. In addition, the criteria for the designation of control zones and transition areas have changed. Accordingly, it is necessary to alter the Houghton, Mich., control zone and transition area to adequately protect aircraft executing the altered approach procedures and to comply with the new control zone and transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

HOUGHTON, MICH.

Within a 5-mile radius of Houghton County Memorial Airport (latitude 47°10'10" N., longitude 88°29'20" W.); within 3 miles each side of the 020° bearing from the Houghton RBN, extending from the 5-mile radius zone to 6½ miles north of the RBN; within 2½ miles each side of the Houghton VOR 308° radial, extending from the 5-mile radius zone to 6½ miles northwest of the VOR; and within 2½ miles each side of the Houghton VOR 141° radial, extending from the 5-mile radius zone 6½ miles southeast of the VOR.

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

HOUGHTON, MICH.

That airspace extending upward from 700 feet above the surface within a 13-mile radius of the Houghton VOR; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 020° bearing from the Houghton RBN, extending from the RBN to 18½ miles north of the RBN; within 4½ miles northeast and 9½ miles southwest of the Houghton VOR 308° radial, extending from the VOR to 18½ miles northwest of the VOR; within 4½ miles southeast and 9½ miles northwest of the Houghton VOR 060° radial, extending from the VOR to 18½ miles northeast of the VOR; and within 4½ miles southwest and 9½ miles northeast of the Houghton VOR 141° radial, extending from the VOR to 18½ miles southeast of the VOR.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on October 29, 1969.

ROBERT I. GALE,
Acting Director, Central Region.

[F.R. Doc. 69-13790; Filed, Nov. 19, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-109]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Menominee, Mich.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of controlled airspace in the Menominee, Mich., terminal area, the instrument approach procedures for Menominee County Airport have been altered. In addition, the criteria for the designation of control zones and transition areas have changed. Accordingly, it is necessary to alter the Menominee control zone and transition area to adequately protect aircraft executing the altered approach procedures and to comply with the new control zone and transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

MENOMINEE, MICH.

Within a 5-mile radius of Menominee County Airport (latitude 45°07'20" N., longitude 87°38'10" W.); within 3 miles each side of the Menominee VOR 349° radial, extending from the 5-mile radius zone to 7 miles north of the VOR; and within 3 miles each side of the 320° bearing from Menominee County Airport, extending from the 5-mile radius zone to 7 miles northwest of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

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

MENOMINEE, MICH.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Menominee County Airport (latitude 45°07'20" N., longitude 87°38'10" W.); within 4½ miles east and 9½ miles west of the Menominee VOR 349° radial, extending from the VOR to 18½ miles north of the VOR; and within 4½ miles northeast and

9½ miles southwest of the 140° and 320° bearings from Menominee County Airport, extending from 6 miles southeast to 18½ miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the Menominee VOR 169° radial, extending from the VOR to 15½ miles south of the VOR; and within 5 miles each side of the 140° bearing from Menominee County Airport extending from the airport to 12 miles southeast of the airport, excluding the portion which overlies the Sturgeon Bay, Wis. transition area.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on October 29, 1969.

ROBERT I. GALE,
Acting Director, Central Region.

[F.R. Doc. 69-13791; Filed, Nov. 19, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-139]

CONTROL ZONES AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Panama City and Tyndall AFB, Fla., control zones and the Panama City, Fla., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Area Manager, Miami Area Office, Air Traffic Branch, Post Office Box 2014, AMF Branch, Miami, Fla. 33159. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

The Panama City control zone described in § 71.171 (34 F.R. 4557) would be redesignated as:

Within a 5-mile radius of Panama City-Bay County Airport (lat. 30°12'41" N., long. 85°-40'57" W.); within 3 miles each side of the Panama City VOR 059°, 152° and 310° radials, extending from the 5-mile radius zone to 8.5 miles northeast, southeast, and northwest of the VOR; excluding that portion within the Tyndall AFB control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

The Tyndall AFB control zone described in § 71.171 (34 F.R. 4557) would be redesignated as:

Within a 5-mile radius of Tyndall AFB (lat. 30°04'15" N., long. 85°34'30" W.); within 1.5 miles each side of the Tyndall AFB TACAN 308° radial, extending from the 5-mile radius zone to 6.5 miles northwest of the TACAN.

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

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Panama City-Bay County Airport (lat. 30°12'41" N., long. 85°40'57" W.); within an 8.5-mile radius of Tyndall AFB (lat. 30°04'15" N., long. 85°34'30" W.); within 3 miles each side of the Panama City VOR 059° and 310° radials, extending from the 8.5-mile radius area to 8.5 miles northeast and northwest of the VOR; excluding the airspace outside of the continental limits of the United States.

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

Control zone (Panama City). 1. Increase the extensions predicated on the 059° and 310° radials 1 mile in width and 0.5 mile in length.

2. Designate an extension predicated on the Panama City VOR 152° radial 6 miles in width and 8.5 miles in length.

Control zone (Tyndall AFB). Reduce the extension predicated on Tyndall AFB TACAN 308° radial 1 mile in width and increase the length 0.5 mile.

Transition area. Increase the Panama City-Bay County Airport and Tyndall AFB transition area basic radius circles from 8 to 8.5 miles.

The proposed alteration is required to provide controlled airspace protection for IFR operations in climb to 1,200 feet above the surface and in descent from 1,500 feet above the surface.

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

Issued in East Point, Ga., on November 10, 1969.

CHESTER W. WELLS,
Acting Deputy Director, Southern Region.

[F.R. Doc. 69-13792; Filed, Nov. 19, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-112]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Fairfield, Iowa.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of controlled airspace in the Fairfield, Iowa, terminal area, the instrument approach procedure for Fairfield Municipal Airport has been altered. In addition, the criteria for the designation of transition areas have changed. Accordingly, it is necessary to alter the Fairfield transition area to adequately protect aircraft executing the altered approach procedure and to comply with the new transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

FAIRFIELD, IOWA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fairfield Municipal Airport (latitude 41°03'15" N., longitude 91°58'40" W.); and within 3 miles each side of the 188° bearing from Fairfield Municipal Airport, extending from the 5-mile radius area to 11 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 008° and 188° bearings from Fairfield Municipal Airport, extending from 3 miles north to 21½ miles south of the airport, excluding the portion which overlies the Ottumwa, Iowa, transition area.

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

Issued in Kansas City, Mo., on October 29, 1969.

ROBERT I. GALE,
Acting Director, Central Region.

[F.R. Doc. 69-13793; Filed, Nov. 19, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-125]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Kosciusko, Miss., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Area Manager, Memphis Area Office, Air Traffic Branch, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Kosciusko-Attala County Airport (lat. 33°05'20" N., long. 89°32'25" W.); within 3 miles each side of the 142° and 310° bearings from the Kosciusko RBN (lat. 33°05'29" N., long. 89°32'25" W.), extending from the 5.5-mile radius area to 8.5 miles southeast and northwest of the RBN.

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

1. Increase the transition area basic radius circle from 5 to 5.5 miles.

2. Increase the extensions predicated on the 142° and 310° bearings from the Kosciusko RBN 2 miles in width and 0.5 mile in length.

The proposed alteration is required to provide controlled airspace protection for IFR operations in climb from 700 to 1,200 feet above the surface and in descent from 1,500 to 1,000 feet above the surface.

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

Issued in East Point, Ga., on November 7, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-13794; Filed, Nov. 19, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-WE-74]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the description of the Boise, Idaho, control zone and transition area.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Program Standards Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif.

The prescribed instrument procedures for Boise Air Terminal have been revised to comply with the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPs). The primary changes consist of minor amendments to the control zone description, redesignation of the 700-foot transition area and a small addition to the 1,200-foot transition area. The proposed additional 700- and 1,200-foot transition area and modified control zone description are required to provide controlled airspace protection for aircraft executing prescribed instrument procedures while operating below 1,500 feet and 1,000 feet respectively.

In consideration of the foregoing, the FAA proposes the following airspace actions.

In § 71.171 (34 F.R. 4557) the description of the Boise, Idaho, control zone is amended to read as follows:

BOISE, IDAHO

Within a 5-mile radius of the Boise Air Terminal (latitude 43°33'55" N., longitude 116°13'35" W.); within 2 miles each side of the Boise VORTAC 304° radial, extending from the 5-mile radius zone to 12 miles northwest of the VORTAC; within 2 miles each side of the Boise VORTAC 319° radial, extending from the 5-mile radius zone to 12 miles northwest of the VORTAC and within 2 miles each side of the Boise VORTAC 114° radial, extending from the 5-mile radius zone to 12 miles southeast of the VORTAC.

In § 71.181 (34 F.R. 4637) the description of the Boise transition area as modified by (34 F.R. 9419) is further amended to read as follows:

BOISE, IDAHO

That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 43°56'00" N., longitude 116°33'00" W., direct to latitude 43°51'15" N., longitude 116°25'00" W., thence via a 21.5-mile radius arc, centered on the Boise VORTAC, to longitude 116°14'00" W., direct to latitude 43°45'00" N., longitude 116°14'00" W., direct latitude 43°31'00" N., longitude 115°52'00" W., direct latitude 43°20'00" N., longitude 115°58'00" W., direct latitude 43°27'00" N., longitude 116°22'00" W., direct latitude 43°25'00" N., longitude 116°25'00" W., direct latitude 43°42'00" N., longitude 116°57'00" W., direct to point of beginning; that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of Boise VORTAC, extending clockwise from a line 8 miles northeast of and parallel to the Boise VORTAC 319° radial to the Boise VORTAC 204° radial; that airspace east of Boise within a 34-mile radius of Boise VORTAC, extending clockwise from the north edge of V-4N to the northeast edge of V-4; within a 40-mile radius of Boise VORTAC, extending clockwise from the Boise VORTAC 204° radial to a line 8 miles northeast of and parallel to the Boise VORTAC 319° radial; within 8 miles south and 7 miles north of the Boise VORTAC 269° radial, extending from the 40-mile radius area to 57 miles west of the VORTAC; within 8 miles northeast and 11 miles southwest of the Boise VORTAC 295° radial, extending from the 40-mile radius area to 75 miles northwest of the VORTAC; within 8 miles northeast and 16 miles northwest of the Boise VORTAC 319° radial, extending from the 40-mile radius area to 55 miles northwest of the VORTAC, and that airspace northwest of Boise bounded on the northwest by the McCall, Idaho VORTAC 221° radial, on the east by the west edge of V-253, and on the southwest by a line 8 miles northeast of and parallel to the Boise VORTAC 319° radial; that airspace southeast of Boise extending upward from 9,000 feet MSL, extending from the 34-mile radius area bounded on the north by the south edge of V-500, on the northeast by the southwest edge of V-293 and on the south by the north edge of V-330 and on the southwest by the northeast edge of V-4.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348 (a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on November 12, 1969.

LYNN L. HINK,
Acting Director, Western Region.

[F.R. Doc. 69-13795; Filed, Nov. 19, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-108]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation and Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a control zone at Columbia,

Mo. (Regional Airport), and alter the transition area at Ashland, Mo.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

The U.S. Weather Bureau will start providing weather reporting services at the Columbia, Mo., Regional Airport in the near future and the Columbia, Mo., Flight Service Station is scheduled for relocation to this airport in January 1970. As a result, adequate weather reporting and communications services will be available for the designation of a control zone at Columbia, Mo. (Regional Airport). In addition, the criteria for the designation of transition areas have changed. Accordingly, it is necessary to alter the Ashland, Mo., transition area to comply with the new transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (34 F.R. 4557), the following control zone is added:

COLUMBIA, MO. (REGIONAL AIRPORT)

Within a 5-mile radius of Columbia Regional Airport (latitude 38°48'55" N., longitude 92°13'05" W.); within 3 miles each side of the 193° bearing from Columbia Regional Airport, extending from the 5-mile radius zone to 9 miles south of the airport; and within 3 miles each side of the 031° bearing from Columbia Regional Airport, extending from the 5-mile radius zone to 7 miles northeast of the airport.

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

ASHLAND, MO.

That airspace extending upward from 700 feet above the surface within an 8½-mile radius of Columbia Regional Airport (latitude 38°48'55" N., longitude 92°13'05" W.); within 2 miles each side of the Hallsville, Mo., VORTAC 193° radial, extending from the 8½-mile radius area to 10 miles south of the VORTAC; within 3½ miles each side of the 031° bearing from Columbia Regional Airport, extending from the 8½-mile radius area to 9 miles northeast of the airport; and within 3½ miles each side of the 193° bearing from Columbia Regional Airport, extending from the 8½-mile radius area to 12 miles south of the airport, excluding the portions which overlie the Columbia, Mo., and Jefferson City, Mo., transition areas.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on October 29, 1969.

ROBERT I. GALE,
Acting Director, Central Region.

[F.R. Doc. 69-13796; Filed, Nov. 19, 1969; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 945]

[945.328, Amdt. 1]

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

Limitation of Shipments

Consideration is being given to a proposed amendment of the limitation of shipments regulation (34 F.R. 11260), as hereinafter set forth, which was recommended by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and Order No. 945, both as amended (7 CFR Part 945), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oreg. This program 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 this proposal should file the same in quadruplicate with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than November 23, 1969. 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 proposed amendment to § 945.328 (34 F.R. 11260) is that subdivision (ii) of paragraph (a)(2) be revised to read as follows:

§ 945.328 **Limitation of shipments.**

* * * * *

(a) * * *

(2) *Size.* * * *

(ii) All other varieties—2 inches minimum diameter or 4 ounces minimum weight: *Provided*, That any such potatoes that grade U.S. No. 2 must be 6 ounces minimum weight.

* * * * *

Dated: November 17, 1969.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-13835; Filed, Nov. 18, 1969; 11:56 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18651; FCC 69-1250]

AM STATION ASSIGNMENT STANDARDS AND RELATIONSHIP BETWEEN AM AND FM BROADCAST SERVICES

Order Extending Time for Filing Comments

1. This proceeding was begun by notice of proposed rule making (FCC 69-960) adopted September 4, 1969, released September 11, and published in the FEDERAL REGISTER on September 13 (34 F.R. 14384). The date for comments was set at slightly more than 60 days from release, or November 14, 1969, with approximately 30 more days for reply comments (December 15).

2. Recently there have been a number of inquiries about an extension of time for filing comments in this matter, and by the close of business on November 10, 1969, two requests had been filed. One, by Coastal Broadcasting Co., Inc., requests a 3-week extension; the other, by the law firm of McKenna and Wilkinson on behalf of numerous interested parties, seeks approximately 60 days, or to and including January 14, 1970 (with a corresponding extension of time for reply comments). The latter party states in support of its request that it has numerous clients who are interested in this matter, who are represented by different engineering firms, and that the time presently remaining is insufficient to permit coordination and organization of the engineering studies. It is requested that the time for filing be extended until after the Christmas holiday period.

3. The Commission is desirous of having informed and carefully prepared comments in this highly important and wide-ranging matter, and therefore believes that an additional period of about 60 days is warranted. It does not appear that such extension will substantially delay resolution of this proceeding, especially in view of the holiday period intervening. However, it must also be borne in mind that maintenance of the AM "freeze" is involved, and therefore it appears doubtful that any further extension will be warranted beyond the lengthy period granted herein.

4. Accordingly, and pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended: *It is ordered*, That the time for filing comments in the above-captioned proceeding is extended, to and including January 14, 1970, and the time for filing reply comments herein is extended, to and including February 13, 1970.

Adopted: November 12, 1969.

Released: November 14, 1969.

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

[F.R. Doc. 69-13803; Filed, Nov. 19, 1969; 8:49 a.m.]

[47 CFR Part 89]

[Docket No. 18627]

RADIO CALL BOX OPERATIONS IN PUBLIC SAFETY RADIO SERVICES

Order Extending Time for Filing Comments

1. Requests for extension of time in which to file reply comments in the above-entitled matter were separately filed on September 23, 1969, by Post-Newsweek Stations, Florida, Inc. (Post), and by the Association of Maximum Service Telecasters, Inc. (MST).

2. Petitioners desire the additional period in order to obtain and evaluate data relating to the interference potential of radio call boxes. Post requests an extension until December 1, 1969, while MST suggests "a reasonable time" after the data it seeks becomes available.

3. These requests are considered to warrant grant of an extension of the comment period in this proceeding. Although petitioners request only an extension of the reply comment period, it is appropriate to extend the regular comment period as well so as to afford all interested persons an adequate opportunity to reply to any further comments submitted.

4. An additional 30-day period from the date of this action would afford the reasonable time sought by MST and would incorporate the December 1, 1969, date suggested by Post.

5. *Accordingly, it is ordered*, Pursuant to § 0.331(b)(4) of the Commission's rules, that the time for filing comments in the above-captioned proceeding is extended to December 5, 1969, and the time for filing reply comments is extended to December 20, 1969.

Adopted: November 5, 1969.

Released: November 10, 1969.

[SEAL] JAMES E. BARR,
Chief, Safety and Special Radio Services Bureau.

[F.R. Doc. 69-13804; Filed, Nov. 19, 1969; 8:49 a.m.]

[1] Commissioner Robert E. Lee absent.

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Part 335]

SECURITIES OF INSURED NONMEMBER STATE BANKS

Notice of Proposed Rule Making

Notice is hereby given that the Board of Directors of the Federal Deposit Insurance Corporation has under consideration proposed amendments to Part 335 of its rules and regulations, issued pursuant to the provisions of Public Law 88-467, approved August 20, 1964, 78 Stat. 565.

Definitions (§ 335.2). It is proposed to expand the definition of significant subsidiary to clarify the meaning of the term "investments" as used therein. The proposed amendment would incorporate administrative practice.

Inspection and publication of information filed under the Act (§ 335.3). The regulation presently provides that statements and reports filed pursuant thereto will be available for inspection at, in addition to the Corporation's Washington, D.C. office, each of the 12 Federal Reserve Banks. Study has indicated that there is not sufficient use of such records by the public to justify the maintenance of such records at all Federal Reserve Banks. Accordingly, it is proposed to provide that all such records will only be maintained at the New York, Chicago, and San Francisco Federal Reserve Banks but that reports filed by banks outside the districts served by such Reserve Banks will also be maintained at the Reserve Bank of the district in which such bank is located.

In this connection, other sections of the regulation, which presently require the filing of 16 copies of each statement or report, would be amended to reduce the number of required copies to six.

Registration statements and reports of banks (§ 335.4). Experience has indicated that there is a considerable time lag between the time financial information is first released to the public by banks subject to Part 335 and the time that such information is filed with the Corporation. Accordingly, it is proposed to reduce the time within which annual reports are required to be filed from 120 days after the close of the bank's fiscal year, as presently required, to 90 days after the close of such fiscal year, or within 15 days of the mailing of the bank's annual report to stockholders, whichever occurs first. It is also proposed to reduce the period within which a bank is required to file quarterly reports from 45 days after the end of the quarter to 30 days.

This section would also be amended to provide for a simplified form of registration for an additional class of equity securities issued by a bank whose equity securities are registered with the Corporation.

Proxy statements (§ 335.5)—*Requirement of statement.* Paragraph (a) of §335.5 would be amended to require banks to furnish shareholders a statement when applicable State law allows the taking of certain corporate action, which would normally be voted upon at a meeting of security holders, by securing the written authorization or consent of the requisite percentage of the holders of securities of the class entitled to vote. In the absence of such an amendment important corporate action may be taken under some State statutes by a relatively few large stockholders without the prior knowledge or consent of the other shareholders.

It is further proposed to clarify the language of § 335.5(a) with respect to the time for furnishing an "information statement." This provision is intended to require 20 days advance notice only where management does not solicit proxies. No time period for mailing of proxy soliciting material is specified, since it is presumed that management will make the solicitation sufficiently early to allow return of proxies; in such cases the minimum notice period is that prescribed by State law.

Annual report to security holders to accompany statements. Section 335.5(c) would be revised to require inclusion in an annual report to security holders of financial statements for the last 2 fiscal years rather than only the preceding fiscal year, as presently required. In addition, instructions would be added concerning minimum requirements for financial statements to be included in annual reports to security holders.

It is also proposed to amend § 335.5(c) by adding a note which would indicate that only one copy of an annual report need be sent to record holders having the same address: *Provided*, (1) That management has reasonable cause to believe that the record holder to whom the report is sent is the "beneficial owner" (see definition in § 335.2(ff) of Part 335) of securities registered in the name of such person in other capacities or in the name of other persons at such address, or (2) the security holders at such address consent thereto in writing. However, where a record holder has an obligation to obtain or send the annual report to other persons, such as the beneficial owners of the securities held in his name, he would not be relieved of such obligation by the new provision.

Requirements as to proxy. The present requirements as to the form of proxies do not permit the security holder being solicited an opportunity to withhold authority to vote for directors if he wishes to cast a vote with respect to other matters to be acted upon at the meeting. Section 335.5(d) would be amended to require that the form of proxies be prepared so as to enable the security holder to vote on specified matters without conferring authority to vote for elections to office. It would not apply, however, in cases of a merger or consolidation involving elections to office where such elections are part of the plan and are not to be separately voted upon.

In addition, it is proposed to itemize certain matters that may arise during the course of a meeting with respect to

which a proxy may confer discretionary authority. The amendment would incorporate present administrative practice in this regard.

Material required to be filed. Subparagraph (1) of § 335.5(f) presently requires the preliminary filing with the Corporation of three copies of the proxy soliciting material at least 10 calendar days prior to the date such material is to be sent or given to security holders in the case of a "routine" meeting (i.e., involving only the election of directors and other recurring matters) and 15 days in the case of a nonroutine meeting. It is also provided that the management or other person filing such material may presume that the Corporation will have no comments with respect thereto unless such comments are received, or they are otherwise advised, before the expiration of the applicable period. This later provision was intended to reduce the amount of communication necessary between bank management and the Corporation and to eliminate the uncertainty as to when proxy soliciting material may be commenced to be mailed; in practice, such provision has had the opposite effect. Accordingly, it is proposed that such provision be replaced with a cautionary provision to the effect that printing of definitive copies of the proxy soliciting material for distribution to security holders should be deferred until comments are received from the Corporation's staff or the persons submitting such material are advised that the Corporation's staff has no comments. The Corporation's staff would continue to endeavor to complete its review of preliminary proxy material and communicate its comments with respect thereto within the time periods referred to above.

In addition, subparagraph (1) would be amended to indicate that in computing the 10-day or 15-day period, (1) the filing date is the date actually received by the Corporation (not mailed to the Corporation), and (2) the filing date of the preliminary material is to be counted as the first day and the 11th or 16th day, as the case may be, is the date on which definitive material can be planned to be mailed to security holders. Where additional time is required for final printing after receipt of comments, the preliminary proxy material should be filed as early as possible prior to the intended mailing date.

False or misleading statements. Section 335.5(h), which relates to false or misleading statements in proxy soliciting material, would be amended to state specifically that the filing of proxy material with the Corporation or the examination of such material by the Corporation's staff is not to be deemed a finding by the Corporation that such material is accurate or complete or that the Corporation has "approved" such material or the proposals contained therein. The amendment would incorporate into the regulation the principles of section 26 of the Securities Exchange Act of 1934, as made applicable specifically to proxy statements.

Solicitation prior to furnishing required proxy statement. The proxy rules provide, in general, that no solicitation may be made prior to furnishing to security holders a written proxy statement containing certain specified information pertinent to the solicitation. However, subparagraph (5) of paragraph (i) of § 335.5 provides an exception to this requirement in the case of contests involving elections to office. The proposed § 335.5(o) would be added to provide an exception in the case of contests involving certain matters other than elections to office.

Form and content of financial statements (§ 335.7). To emphasize the importance of explanatory notes to financial statements and improve readability of financial presentations, a proposed requirement to reference such notes to appropriate captions of the financial statements has been added. It is proposed to eliminate Schedule VIII—Occupancy Expense of Bank Premises. Experience has indicated that the detailed information of such schedule is of marginal use. Net occupancy expense of bank premises to be reported in the statement of income will be supplemented by inset entries setting forth gross occupancy expense and rental income.

Form for annual report of bank (Form F–2, § 335.42). Consistent with the proposed requirement to include financial statements for the last 2 fiscal years in annual reports to security holders (§ 335.5(c)), it is proposed to require comparative financial statements for the current and preceding year in the annual report filed with the Corporation. Such comparative presentations in annual financial reports have gained wide acceptance in recent years and have a useful analytical purpose.

Form for quarterly reports (Form F–4, § 335.44). The quarterly report would be extended to include the reporting of net income on an interim basis and revised to reflect the proposed changes in financial statements which are set out below.

Form for registration of an additional class of securities of a bank (Form F–10, § 335.46). The proposed amendment would provide a simplified form for registration of additional classes of securities of a nonmember State bank where most of the information necessary for the protection of investors in securities of the bank is already publicly available.

Form for proxy statement; statement where management does not solicit proxies (Form F–5, § 335.51)—Item 2—Dissenters' rights of appraisal. This item requires a description of dissenters' rights of appraisal with respect to any matter to be acted upon. It is proposed to add an instruction which would require an indication as to whether a security holder's failure to vote against a proposal will constitute a waiver of his appraisal rights. This instruction would codify current administrative practice in requiring such information.

Item 5—Voting securities and principal holders thereof. This item, which requires certain information as to the voting securities of the bank and principal holders thereof would be amended to require disclosure where any person "and his associates" own of record or beneficially more than 10 percent of the bank's stock. This amendment is intended to resolve an ambiguity in the present requirements of this item, which is sometimes interpreted as applying only to a single person owning more than a 10 percent interest in the bank. It is intended that aggregate owership of a more than 10 percent interest by a group of related persons also be disclosed.

Items 6—Nominees and directors. This item would be amended to delete the requirement that directors' qualifying shares be excluded in reporting beneficial ownership of the bank's shares by the nominees and directors. In addition, a new paragraph (c) would be added to specify that where fewer nominees are named than the number provided in the governing documents, a statement be included of the reason for such procedure and that the proxies cannot be voted for a greater number of nominees than were named. These proposals codify current administrative practice.

Item 7—Remuneration and other transactions with management and others. (i) Paragraph (a) of this item specifies the individuals whose remuneration must be separately disclosed. It is proposed to amend the item to clarify its applicability in this regard.

(ii) Instruction 3 to paragraph (b) of the item would be amended to specifically require a brief description of the material terms of certain types of pension or retirement plans (where the bank's contribution is not actuarially computed), including the method used in determining the bank's contribution.

(iii) Item 7(d) specifies the information to be disclosed with respect to options granted to or exercised by officers and directors of the bank. The amendment to this item would also require disclosure of the amount of options held as of the latest practicable date by each officer and director named in answer to Item 7(a) and the amount held by all officers and directors as a group. It is believed that this information, together with that regarding options granted and exercised, would give a more complete picture of remuneration, actual and potential.

(iv) Paragraph (e) of this item, which relates in a general way to disclosure of indebtedness, would be amended in view of the specific provisions referred to in (v) below. In the future, this subparagraph would only require disclosure of liability arising from "insider trading" in violation of section 16(b) of the Securities Exchange Act.

(v) The proposed amendment to paragraph (f), which requires disclosure of certain material transactions between the bank and its officers, directors, and 10 percent stockholders and their associates, would mainly codify current administrative practice. The principal effect of the proposed amendments is to (1) indicate more clearly that a transaction involving a director of a bank need not be reported where the only

"interlock" is that the director is a director, officer, and/or less than 10 percent stockholder of the other party to the transaction, and (2) provide criteria for determining whether loans to "insiders" made in the ordinary course of a bank's business are required to be reported. A loan that meets all the conditions of the specific exemptive provisions would not be required to be disclosed; otherwise, it would be prima facie reportable. In addition, a general description of loan transactions with directors, officers, and 10 percent stockholders, as a group, would be required where the amount of such loans exceeded 20 percent of the equity accounts of the bank at any time during the preceding year.

Item 9—Bonus, profit sharing, and other remuneration plans; Item 10—Pension and retirement plans; Item 11—Options, warrants, or rights. These items specify the information to be furnished where the matter to be acted upon is the adoption or amendment of a bonus, profit sharing, pension, retirement, stock option, stock purchase, deferred compensation, or other remuneration or incentive plans. It is proposed to amend these items to provide that in describing provisions already made for similar benefits for officers, directors, and employees, information is to be given not only with respect to plans currently in effect, but also with respect to benefits under similar plans in effect within the past 2 years. In addition, other clarifying amendments, which also codify present administrative practice, are proposed.

Item 12—Authorization or issuance of securities. Where action is to be taken with respect to the authorization or issuance of securities, this item calls for a description of such securities of the proposed transaction. Some State banking laws permit banks to solicit stockholder approval for future issuances of securities, although the bank has no definite plans to issue such securities in the proximate future. The proposed amendment would codify current administrative practice of requiring the bank to advise security holders of the possible effects of such future issuances of securities on their interests.

Item 14—Mergers, consolidations acquisitions, and similar matters. This item specifies the information to be furnished with respect to each person, other than the bank making the solicitation, that may be involved in a proposed merger, consolidation, acquisition, or similar transaction. The amendment would require that such information also be furnished with respect to the bank making the solicitation, in order that security holders may have a complete picture of the nature and effect of the proposed transaction. The amended item would also require information with respect to the existing and pro forma capitalization, summaries of income on an historical and pro forma basis, and appropriate comparative per share data, for the banks and other persons involved in the transaction. Information concerning the management of the surviving bank would also be required. Since under many State banking laws, stockholder approval is required even though the merger or acquisition is not "significant", in terms of size or operations, to the acquiring or surviving bank, it is proposed to include an instruction that, with respect to such transaction, the information specified need only be included to the extent necessary for the exercise of prudent judgment with respect to the matter to be acted upon. The proposed amendments would codify current administrative practice.

Item 15—Financial statements. This item specifies financial statements required to be furnished if action is to be taken with respect to certain matters. The item presently provides that all schedules to financial statements may be omitted; the item would be amended to require the inclusion of the information specified in "Schedule VII—Allowance for Possible Loan Losses". In addition, it is proposed to require that the financial statements of the other party to a merger or acquisition shall be verified, if practicable (the item presently states that such financial statements need not be verified).

Item 20—Vote required for approval. It is proposed to amend Items 12(d), 13(c), 14(a), and 18 to delete the requirement for stating the vote needed for approval for the matter to be acted upon. This information would be required by Item 20 which would require a statement of the vote required for approval of each matter to be submitted to security holders other than elections to office and the election or approval of auditors.

Forms for Financial Statements (Forms F–9A, F–9B, F–9C and F–9D, § 335.71). The proposed revisions in the guideline forms and related instructions for the preparation of financial statements represent for the most part a response to the recent agreement on generally accepted bank accounting practices reached among industry, professional accountants, and Federal regulatory agency participants. At the same time, changes are proposed to achieve basic compatibility with the reporting requirements of the Statement of Condition and Report of Income reports periodically called by the Federal bank supervisory agencies.

Noteworthy changes in the balance sheet include a restructure of the investment securities classifications and the new placement of the allowance for loan losses in a section preceding the bank capital accounts. Such changes conform to the revised Statement of Condition used for call purposes in 1969.

Important revisions proposed for the statement of income include (1) the designation of "net income", (2) allocation of a loan loss factor to operating expenses, and the inclusion of net securities gains or losses, as realized, in the determination of net income. Provision has been made in the statement of income for treatment of extraordinary items in accordance with generally accepted accounting principles and earnings per share data is proposed to be furnished.

Appropriate revisions of the statement of changes in capital accounts and supporting schedules have been made to conform with the proposed changes discussed above.

Other proposed revisions in the guideline forms and related instructions incorporate administrative procedures adopted by the Corporation's staff during the five years Part 335 has been effective.

Copies of the proposed revisions of Forms 9–A, 9–B, 9–C, and 9–D have been filed as part of this document with the Office of the Federal Register and may be obtained from the Federal Deposit Insurance Corporation, Washington, D.C. 20429.

All interested persons are invited to submit their views and comments on the proposed revision, in writing, to the Secretary, Federal Deposit Insurance Corporation, Washington, D.C. 20429, on or before December 5, 1969. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

The proposed amendments to Part 335 are as follows:

AUTHORITY: The provisions of these amendments to Part 335 issued under 15 U.S.C. 78*l*. Interpret or apply 15 U.S.C. 78*l*, 78m, 78n(a), and 78n(c).

1. Section 335.2 would be amended to revise paragraph (z)(1), as set forth below:

§ 335.2 Definitions.

* * * * *

(z) The term "significant subsidiary" means a subsidiary meeting either of the following conditions:

(1) The investments in the subsidiary by its parent plus the parent's proportion of the investments in such subsidiary by the parent's other subsidiaries, if any, exceed 5 percent of the equity capital accounts of the bank. "Investments" refers to the amount carried on the books of the parent and other subsidiaries or the amount equivalent to the parent's proportionate share in the equity capital accounts of the subsidiary, whichever is greater.

* * * * *

2. Section 335.3 would be amended to revise paragraph (b), as set forth below:

§ 335.3 Inspection and publication of information filed under the Act.

* * * * *

(b) *Inspection.* Except as provided in paragraph (c) of this section, all information filed regarding a security registered with the Corporation will be available for inspection at the Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. In addition, copies of the registration statement and reports required § 335.4 (exclusive of exhibits), the statements required by § 333.5(a), and the annual reports to security holders required by § 335.5(c) will be available for inspection at the New York, Chicago, and San Francisco Federal Reserve Banks and at the Reserve bank of the district in which the bank filing the statements or reports is located.

* * * * *

3. Section 335.4 would be amended to revise paragraphs (a), (e), (h), and (q) (1), as set forth below:

§ 335.4 Registration statements and reports.

(a) *Requirement of registration statement.* Securities of a bank shall be registered under the provisions of either section 12(b) or section 12(g) of the Act by filing a statement in conformity with the requirements of Form F-1 (or Form F-10, in the case of registration of an additional class of securities). No registration shall be required under the provisions of section 12(b) or section 12(g) of the Act of any warrant or certificate evidencing a right to subscribe to or otherwise acquire a security of a bank if such warrant or certificate by its terms expires within 90 days after the issuance thereof.

* * * * *

(e) *Requirement of annual reports.* Every registrant bank shall file an annual report for each fiscal year after the last full fiscal year for which financial statements were filed with the registration statement. The report, which shall conform to the requirements of Form F-2, shall be filed within 90 days after the close of the fiscal year or within 15 days of the mailing of the bank's annual report to stockholders, whichever occurs first.

* * * * *

(h) *Quarterly reports.* Every registrant bank shall file a quarterly report in conformity with the requirements of Form F-4 for each fiscal quarter ending after the close of the latest fiscal year for which financial statements were filed in a registration statement except that no report need be filed for the fiscal quarter which coincides with the end of the fiscal year of the bank. Such reports shall be filed not later than 30 days after the end of such quarterly period, except that the report for any period ending prior to the date on which a class of securities of the bank first becomes effectively registered may be filed not later than 30 days after the effective date of such registration.

* * * * *

(q) *Number of copies; signatures; binding.* (1) Except where otherwise provided in a particular form, six copies of each registration statement and report (including financial statements) and four copies of each exhibit and each other document filed as a part thereof, shall be filed with the Corporation. At least one complete copy of each statement shall be filed with each exchange, if any, on which the securities covered thereby are being registered. At least one copy of each report shall be filed with each exchange, if any, on which the bank has securities registered.

* * * * *

4. Section 335.5 would be amended to revise paragraphs (a), (c), (d) (2), (3), and (4), and (f) (1) through (4); add paragraph (f) (9) and (10); revise paragraph (h); and to add paragraph (o), as set forth below:

§ 335.5 Proxy statements and other solicitations under section 14 of the Act.

(a) *Requirement of statement.* No solicitation of a proxy with respect to a security of a bank registered pursuant to section 12 of the Act shall be made unless each person solicited is concurrently furnished or has previously been furnished with a written proxy statement containing the information required by Form F-5. If the management of any bank having such a security outstanding fails to solicit proxies from the holders of any such security in such a manner as to require the furnishing of such a proxy statement, such bank shall transmit to all holders of record of such security a statement containing the information required by Form F-5. The "information statement" required by the preceding sentence shall be transmitted (1) at least 20 calendar days prior to any annual or other meeting of the holders of such security at which such holders are entitled to vote or (2) in the case of corporate action taken with the written authorization or consent of security holders, at least 20 days prior to the earliest date on which the corporate action may be taken. A proxy statement or a statement where management does not solicit proxies required by this paragraph is hereinafter sometimes referred to as a "Statement".

* * * * *

(c) *Annual report to security holders to accompany statements.* (1) Any Statement furnished on behalf of the management of the bank that relates to an annual meeting of security holders at which directors are to be elected shall be accompanied or preceded by an annual report to such security holders containing such financial statements for the last 2 fiscal years as will, in the opinion of the management, adequately reflect the financial position of the bank at the end of each such year and the results of its operations for each such year on a consistent basis. The financial statements included in the annual report may omit details or summarize information if such statements, considered as a whole in the light of other information contained in the report and in the light of the financial statements of the bank filed or to be filed with the Corporation, will not by such procedure omit any material information necessary to a fair presentation or to make the financial statements not misleading under the circumstances. Subject to the foregoing requirements with respect to financial statements, the annual report to security holders may be in any form deemed suitable by the management. This paragraph (c) shall not apply, however, to solicitations made on behalf of management before the financial statements are available if solicitation is being made at the time in opposition to the management and if the management's Statement includes an undertaking in bold-faced type to furnish such annual report to all persons being solicited at least 20 days before the date of the meeting.

NOTES: 1. To reflect adequately the financial position and results of operations of a bank in its annual report to security holders, the financial presentation shall include, but not necessarily be limited to, the following:

(a) Comparative statements of condition at the end of each of the last 2 fiscal years.

(b) Comparative statements of income in a form providing for the determination of "net income" for each fiscal year and per share earnings data.

(c) Comparative statements of changes in capital accounts, preferably in columnar form, for each fiscal year.

(d) A comparative reconciliation of the "Allowance for Possible Loan Losses" account similar in form to Schedule VII, Form F-9D.

(e) Supplemental notes to financial statements to the extent necessary to furnish a fair financial presentation.

2. The financial statements should be prepared on a consolidated basis to the extent required by § 335.7(d). Any differences from the principles of consolidation or other accounting principles or practices, or methods of applying accounting principles or practices, applicable to the financial statements of the bank filed or to be filed with the Corporation, which have a material effect on the financial position or results of operations of the bank, shall be noted and the effect thereof reconciled or explained in the annual report to security holders.

3. When financial statements included in the annual report (Form F-2) filed, or proposed to be filed, with the Corporation are accompanied by an opinion of an independent public accountant, the financial statements in the annual report to security holders should also be accompanied by an opinion of such independent public accountant.

4. The requirement for sending an annual report to each person being solicited will be satisfied with respect to persons having the same address by sending at least one report to a holder of record at that address provided (i) that management has reasonable cause to believe that the record holder to whom the report is sent is the "beneficial owner" (see definition in § 335.2(ff)) of securities registered in the name of such person in other capacities or in the name of other persons at such address or (ii) the security holders at such address consent thereto in writing. Nothing herein shall be deemed to relieve any person so consenting of any obligation to obtain or send such annual report to any other person.

(2) Six copies of each annual report sent to security holders pursuant to this paragraph (c) shall be sent to the Corporation not later than (i) the date on which such report is first sent or given to security holders or (ii) the date on which preliminary copies of the management statement are filed with the Corporation pursuant to paragraph (f) of this section, whichever date is later. Such annual report is not deemed to be "soliciting material" or to be "filed" with the Corporation or otherwise subject to this § 335.5 or the liabilities of section 18 of the Act, except to the extent that the bank specifically requests that it be treated as a part of the proxy soliciting material or incorporates it in the proxy statement by reference.

(d) *Requirements as to proxy.* * * *

(2) (i) Means shall be provided in the form of proxy whereby the person solicited is afforded an opportunity to specify by ballot a choice between approval or disapproval of each matter or group of related matters referred to therein as intended to be acted upon, other than elections to office. A proxy may confer

discretionary authority with respect to matters as to which a choice is not so specified if the form of proxy states in bold-faced type how the shares represented by the proxy are intended to be voted in each such case.

(ii) A form of proxy which provides both for the election of directors and for action on other specified matters shall be prepared so as clearly to provide, by a box or otherwise, means by which the security holder may withhold authority to vote for the election of directors. Any such form of proxy which is executed by the security holder in such manner as not to withhold authority to vote for the election of directors shall be deemed to grant such authority, provided the form of proxy so states in bold-faced type.

Instruction. Subparagraph (2)(ii) of this paragraph does not apply (a) in the case of a merger, consolidation or other plan if the election of directors is an integral part of the plan and is not to be separately voted upon or (b) if the only matters to be acted upon are the election of directors and the election, selection, or approval of other persons such as clerks or auditors.

(3) A proxy may confer discretionary authority to vote with respect to any of the following matters:

(i) Matters which the persons making the solicitation do not know, a reasonable time before the solicitation, are to be presented at the meeting, if a specific statement to that effect is made in the proxy statement or form of proxy;

(ii) Approval of the minutes of the prior meeting if such approval does not amount to ratification of the action taken at that meeting;

(iii) The election of any person to any office for which a bona fide nominee is named in the proxy statement and such nominee is subsequently unable to serve or for good cause refuses to serve;

(iv) Any proposal omitted from the proxy statement and form of proxy pursuant to paragraph (k) of this section;

(v) Matters incident to the conduct of the meeting.

(4) No proxy shall confer authority (i) to vote for the election of any person to any office for which a bona fide nominee is not named in the proxy statement, or (ii) to vote at any annual meeting other than the next annual meeting (or any adjournment thereof) to be held after the date on which the proxy statement and form of proxy are first sent or given to security holders. A person shall not be deemed to be a bona fide nominee and he shall not be named as such unless he has consented to being named in the proxy statement and to serve if elected.

* * * * *

(f) *Material required to be filed.* (1) Three preliminary copies of each Statement, form of proxy, and other item of soliciting material to be furnished to security holders concurrently therewith, shall be filed with the Corporation by management or any other person making a solicitation subject to this §335.5 at least 10 calendar days (or 15 calendar days in the case of other than routine meetings, as defined below) prior to the date such item is first sent or given to any security holders, or such shorter period prior to that date as may be authorized. For the purposes of this subparagraph (1), a routine meeting means a meeting with respect to which no one is soliciting proxies subject to this § 335.5 other than on behalf of management and at which management intends to present no matters other than the election of directors, election of inspectors of election, and other recurring matters. In the absence of actual knowledge to the contrary, management may assume that no other such solicitation of the bank's security holders is being made. In cases of annual meetings, one additional preliminary copy of the Statement, the form of proxy, and any other soliciting material, marked to show changes from the material sent or given to security holders with respect to the preceding annual meeting, shall be filed with the Corporation.

(2) Three preliminary copies of any additional soliciting material, relating to the same meeting or subject matter, furnished to security holders subsequent to the proxy statement shall be filed with the Corporation at least 2 days (exclusive of Saturdays, Sundays, and holidays) prior to the date copies of such material are first sent or given to security holders, or such shorter period prior to such date as may be authorized upon a showing of good cause therefor.

(3) Six copies of each Statement, form of proxy, and other item of soliciting material, in the form in which such material is furnished to security holders, shall be filed with, or mailed for filing to, the Corporation not later than the date such material is first sent or given to any security holders. Three copies of such material shall at the same time be filed with, or mailed for filing to, each exchange upon which any security of the bank is listed.

(4) If the solicitation is to be made in whole or in part by personal solicitation, three copies of all written instructions or other material that discusses or reviews, or comments upon the merits of, any matter to be acted upon and is furnished to the individuals making the actual solicitation for their use directly or indirectly in connection with the solicitation shall be filed with the Corporation by the person on whose behalf the solicitation is made at least 5 days prior to the date copies of such material are first sent or given to such individuals, or such shorter period prior to that date as may be authorized upon a showing of good cause therefor.

* * * * *

(9) The date that proxy material is "filed" with the Corporation for purposes of subparagraphs (1), (2), and (4) of this paragraph is the date of receipt by the Corporation, not the date of mailing to the Corporation. In computing the advance filing period for preliminary copies of proxy soliciting material referred to in such subparagraphs, the filing date of the preliminary material is to be counted as the first day of the period and definitive material should not be planned to be mailed or distributed to security holders until after the expiration of such period. Where additional time is required for final printing after receipt of comments, the preliminary proxy material should be filed as early as possible prior to the intended mailing date.

(10) Where preliminary copies of material are filed with the Corporation pursuant to this paragraph, the printing of definitive copies for distribution to security holders should be deferred until the comments of the Corporation's staff have been received and considered.

* * * * *

(h) *False or misleading statements.* (1) No solicitation or communication subject to this section shall be made by means of any Statement, form of proxy, notice of meeting, or other communication, written or oral, containing any statement that, at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact, or that omits to state any material fact necessary in order to make the statements therein not false or misleading or necessary to correct any statement in any earlier communication with respect to the solicitation of a proxy for the same meeting or subject matter that has become false or misleading. Depending upon particular circumstances, the following may be misleading within the meaning of this paragraph: Predictions as to specific future market values, earnings, or dividends; material that directly or indirectly impugns character, integrity, or personal reputation, or directly or indirectly makes charges concerning improper, illegal, or immoral conduct or associations, without factual foundation; failure so to identify a Statement, form of proxy, and other soliciting material as clearly to distinguish it from the soliciting material of any other person or persons soliciting for the same meeting or subject matter; claims made prior to a meeting regarding the results of a solicitation.

(2) The fact that a proxy statement, form of proxy, or other soliciting material has been filed with or reviewed by the Corporation or its staff shall not be deemed a finding by the Corporation that such material is accurate or complete or not false or misleading, or that the Corporation has passed upon the merits of or approved any statement therein or any matter to be acted upon by security holders. No representation contrary to the foregoing shall be made.

* * * * *

(o) *Solicitation prior to furnishing required proxy statement.* (1) Notwithstanding the provisions of paragraph (a) of this section, a solicitation (other than one subject to paragraph (i) of this section) may be made prior to furnishing security holders a written proxy statement containing the information specified in Form F-5 with respect to such solicitation if—

(i) The solicitation is made in opposition to a prior solicitation or an invitation for tenders or other publicized

activity, which if successful, could reasonably have the effect of defeating the action proposed to be taken at the meeting;

(ii) No form of proxy is furnished to security holders prior to the time the written proxy statement required by paragraph (a) of this section is furnished to security holders: *Provided, however*, That this subdivision (ii) shall not apply where a proxy statement then meeting the requirements of Form F–5 has been furnished to security holders by or on behalf of the person making the solicitation;

(iii) The identity of the person or persons by or on whose behalf the solicitation is made and a description of their interests direct or indirect, by security holdings or otherwise, are set forth in each communication sent or given to security holders in connection with the solicitation, and

(iv) A written proxy statement meeting the requirements of this section is sent or given to security holders at the earliest practicable date.

(2) Three copies of any soliciting material proposed to be sent or given to security holders prior to the furnishing of the written proxy statement required by paragraph (a) of this section shall be filed with the Corporation in preliminary form at least 5 business days prior to the date definitive copies of such material are first sent or given to security holders, or such shorter period as the Corporation may authorize upon a showing of good cause therefor.

5. Section 335.7 would be amended to revise the introductory texts of subparagraphs (9) and (10) of paragraph (c) and subparagraph (2) of paragraph (f), as set forth below:

§ 335.7 Form and content of financial statements.

* * * * *

(c) * * *

(9) *General notes to balance sheets.* If present with respect to the person for which the statement is filed, the following shall be set forth in the balance sheet or in referenced notes thereto:

* * * * *

(10) *General notes to statements of income.* If present with respect to the person for which the statement is filed, the following shall be set forth in the statement of income or in referenced notes thereto:

* * * * *

(f) * * *

(2) The following schedule shall be filed with each statement of income filed pursuant to this part: Schedule VI—Allowance for Possible Loan Losses.

* * * * *

6. Section 335.42 would be amended to revise paragraphs (1) and (2) of the Instructions As To Financial Statements, as set forth below:

§ 335.42 Form for annual report of bank (Form F–2).

* * * * *

INSTRUCTIONS AS TO FINANCIAL STATEMENTS

* * * * *

1. *Financial statements of the bank.*

(a) There shall be filed for the bank, in comparative columnar form, verified balance sheets as of the close of the last 2 fiscal years and verified statements of income for such fiscal years.

* * * * *

2. *Consolidated Statements.*

There shall be filed for the bank and its majority-owned (i) bank premises subsidiaries, (ii) subsidiaries doing a foreign banking business, and (iii) significant subsidiaries, in comparative columnar form, verified consolidated balance sheets as of the close of the last 2 fiscal years of the bank and verified consolidated statements of income for such fiscal years.

* * * * *

7. Section 335.44 would be amended to revise Form F–4, as set forth below:

§ 335.44 Form for quarterly report of bank (Form F–4).

FEDERAL DEPOSIT INSURANCE CORPORATION

FORM F–4

Quarterly Report of

_____
(Name of Bank)

_____
(City and State)

Item	3 months ending		Fiscal year to date (..... months ending .....)	
	19.. (current year)	19.. (prior year)	19.. (current year)	19.. (prior year)
1. Operating income:				
(a) Interest and fees on loans				
(b) Interest and dividends on securities				
(c) Other operating income				
(d) Total operating income				
2. Operating expenses:				
(a) Salaries and other compensation				
(b) Interest expense				
(c) Other operating expenses				
(d) Total operating expenses				
3. Income before income taxes and securities gains (losses)				
4. Applicable income taxes				
5. Income before securities gains (losses)				
6. Net security gains (losses), less related tax effect				
7. Net income				

Pursuant to the requirements of the Securities Exchange Act of 1934, the bank has duly caused this quarterly report to be signed on its behalf by the undersigned, thereunto duly authorized.

_____
(Name of Bank)

By _____
(Name and title of signing officer)

Date _____

A. *Use of Form F–4.*

Form F–4 is a guide for use in preparation of the quarterly report to be filed with the Corporation.

B. *Persons for Whom the Information Is To Be Given.*

The required information is to be given as to the registrant bank or, if the bank files consolidated financial statements with the annual reports filed with the Corporation it shall cover the bank and its consolidated subsidiaries. If the information is given as to the bank and its consolidated subsidiaries, it need not be given separately for the bank.

C. *Presentation of Information.*

The form calls only for the items of information specified. It is not necessary to furnish a formal statement of income. The information is not required to be verified (see § 335.7(b)). The report may carry a notation to that effect and any other qualification considered necessary or appropriate. Amounts may be stated in thousands of dollars if a notation to that effect is made.

D. *Incorporation by Reference to Published Statements.*

If the bank makes available to its stockholders or otherwise publishes, within the period prescribed for filing the report, a financial statement containing the information required by this form, such information may be incorporated by reference to such published statement if copies thereof are filed as an exhibit to this report.

E. *Extraordinary Items.*

If present with respect to any interim period reported herein, extraordinary items less applicable income tax effect shall be appropriately segregated and included in the determination of net income. (See Form F–9B, Statement of Income.)

8. A new § 335.46 would be added, as set forth below:

§ 335.46 Form for registration of additional class of securities of a bank pursuant to section 12(b) or section 12(g) of the Securities Exchange Act of 1934 (Form F–10)

FORM F–10—REGISTRATION STATEMENT FOR ADDITIONAL CLASSES OF SECURITIES OF A BANK

PURSUANT TO SECTION 12(b) OR SECTION 12(g) OF THE SECURITIES EXCHANGE ACT OF 1934

_____
(Exact name of bank as specified in charter)

_____
(Address of principal office)

Securities being registered pursuant to section 12(b) of the Act:

Title of class	*Name of each exchange on which class is being registered*
_____	_____
_____	_____
_____	_____

Title of each class of equity securities being registered pursuant to section 12(g) of the Act:

GENERAL INSTRUCTIONS

1. *Applicability of This Form.*

This form may be used for registration of the following securities pursuant to the Securities Exchange Act of 1934:

(a) For registration pursuant to section 12(g) of the Act of any class of equity securities of a bank which has one or more other classes of securities registered pursuant to either section 12 (b) or (g) of the Act.

(b) For registration on a national securities exchange pursuant to section 12(b) of the Act of any class of securities of a bank which has one or more other classes of securities so registered on the same securities exchange.

2. *Preparation of Registration Statement.*

This form is not to be used as a blank form to be filled in but only as a guide in the preparation of a registration statement. Particular attention should be given to the general requirements in § 335.4 of Part 335. The statement shall contain the numbers and captions of all items, but the text of the items may be omitted if the answers with respect thereto are prepared in the manner specified in § 335.4(s).

INFORMATION REQUIRED IN REGISTRATION STATEMENT

Item 1—Stock To Be Registered.

If stock is being registered, state the title of the class and furnish the following information (see Instruction 1):

(a) Outline briefly (1) dividend rights; (2) voting rights; (3) liquidation rights; (4) preemptive rights; (5) conversion rights; (6) redemption provisions; (7) sinking fund provisions, and (8) liability to further calls or to assessment.

(b) If the rights of holders of such stock may be modified otherwise than by a vote of a majority or more of the shares outstanding, voting as a class, so state and explain briefly.

(c) Outline briefly any restriction on the repurchase or redemption of shares by the bank while there is any arrearage in the payment of dividends or sinking fund installments. If there is no such restriction, so state.

Instructions. 1. If a description of the securities comparable to that required here is contained in any other document filed with the Corporation, such description may be incorporated by reference to such other filing in answer to this item. If the securities are to be registered on a national securities exchange and the description has not previously been filed with such exchange, copies of the description shall be filed with copies of the registration statement filed with the exchange.

2. This item requires only a brief summary of the provisions which are pertinent from an investment standpoint. A complete legal description of the provisions referred to is not required and should not be given. Do not set forth the provisions of the governing instruments verbatim; only a succinct resume is required.

3. If the rights evidenced by the securities to be registered are materially limited or qualified by the rights evidenced by any other class of securities or by the provisions of any contract or other document, include such information regarding such limitation or qualification as will enable investors to understand the rights evidenced by the securities to be registered.

Item 2—Debt Securities To Be Registered.

If the securities to be registered hereunder are bonds, debentures or other evidences of indebtedness, outline briefly such of the following as are relevant (see Instruction 2 below):

(a) Provisions with respect to interest, conversion, maturity, redemption, amortization, sinking fund, or retirement.

(b) Provisions with respect to the kind and priority of any lien, securing the issue, together with a brief identification of the principal properties subject to such lien.

(c) Provisions restricting the declaration of dividends or requiring the maintenance of any ratio of assets, the creation or maintenance of reserves or the maintenance of properties.

(d) Provisions permitting or restricting the issuance of additional securities, the withdrawal of cash deposited against such issuance, the incurring of additional debt, the release or substitution of assets securing the issue, the modification of the terms of the security, and similar provisions.

Instruction 1. Provisions permitting the release of assets upon the deposit of equivalent funds or the pledge of equivalent property, the release of property no longer required in the business, obsolete property or property taken by eminent domain, the application of insurance moneys, and similar provisions, need not be described.

(e) The name of the trustee and the nature of any material relationship with the bank or any of its affiliates; the percentage of securities of the class necessary to require the trustee to take action, and what indemnification the trustee may require before proceeding to enforce the lien.

(f) The general type of event which constitutes a default and whether or not any periodic evidence is required to be furnished as to the absence of default or as to compliance with the terms of the indenture.

Instruction 2. In most cases, debt securities issued by banks need not be registered pursuant to section 12(g) of the Securities Exchange Act; the registration requirements of that section apply only to an "equity security". The term "equity security" is defined by section 3(a)(11) of the Act to mean "any stock or similar security; or any security convertible, with or without consideration, into such a security; or carrying any warrant or right to subscribe to or purchase such a security; or any such warrant or right; or any other security which the Corporation shall deem to be of similar nature and consider necessary or appropriate, by such rules and regulations as it may prescribe in the public interest or for the protection of investors, to treat as an equity security."

Instruction 3. The instructions to Item 1 also apply to this item.

Item 3—Other Securities To Be Registered.

If securities other than those referred to in Items 1 and 2 are to be registered hereunder, outline briefly the rights evidenced thereby. If subscription warrants or rights are to be registered, state the title and amount of securities called for, and the period during which and the price at which the warrants or rights are exercisable.

Instruction. The instructions to Item 1 also apply to this item.

Item 4—Exhibits.

List all exhibits filed as part of the registration statement.

SIGNATURE

Pursuant to the requirements of the Securities Exchange Act of 1934, the bank has duly caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized.

Date----------

Name of Bank

By ----------

(Name and Title of Signing Officer)

INSTRUCTIONS AS TO EXHIBITS

Subject to § 335.4(o) of Part 335 regarding the incorporation of exhibits by reference, the exhibits enumerated hereinafter shall be filed as a part of the registration statement. Exhibits shall be appropriately lettered or numbered for convenient reference. Exhibits incorporated by reference may bear the designation given in the previous filing. Where exhibits are incorporated by reference, the reference shall be made in the list of exhibits in Item 4.

1. Specimens or copies of each security to be registered hereunder.

2. Copies of all constituent instruments defining the rights of the holders of each class of such securities, including any contracts or other documents which limit or qualify the rights of such holders.

§ 335.51 [Amended]

9. Section 335.51 would be amended as follows:

Item 2—Dissenter's Rights of Appraisal.

Outline briefly the rights of appraisal or similar rights of dissenters with respect to any matter to be acted upon and indicate any statutory procedure required to be followed by dissenting security holders in order to perfect such rights. Where such rights may be exercised only within a limited time after the date of the adoption of a proposal, the filing of a charter amendment or other similar act, state whether the person solicited will be notified of such date.

Instruction. Indicate whether a security holder's failure to vote against a proposal will constitute a waiver of his appraisal or similar rights and whether a vote against a proposal will be deemed to satisfy any notice requirements under State law with respect to appraisal rights. If the State law is unclear, state what position will be taken in regard to those matters.

Item 5—Voting Securities and Principal Holders Thereof.

* * * * *

(d) If to the knowledge of the persons on whose behalf the solicitation is made, any person and his associates owns of record or beneficially more than 10 percent of the outstanding voting securities of the bank, name such person or persons, state the approximate amount of such securities owned of record but not owned beneficially, and the approximate amount owned beneficially, and the percentage of outstanding voting securities represented by the amount of securities so owned in each such manner.

* * * * *

Item 6—Nominees and Directors.

* * * * *

(4) State, as of the most recent practicable date, the approximate amount of each class of equity securities of the bank, or any of its parents or subsidiaries, "beneficially owned" (as defined in § 335.2(ff)) directly or indirectly by him. If he disclaims beneficial ownership of any such securities, make a statement to that effect.

(5) [Deleted]

* * * * *

(c) If fewer nominees are named than the number fixed by or pursuant to the governing instruments, state the reasons for this procedure and that the proxies cannot be voted for a greater number of persons than the number of nominees named.

Item 7—Remuneration and Other Transactions With Management and Others.

* * * * *

(a) Furnish the following information in substantially the tabular form indicated below as to all direct remuneration paid by the bank and its subsidiaries during the bank's latest fiscal year to the following persons for services in all capacities:

(1) Each director of the bank whose aggregate direct remuneration exceeded $30,000,

and each of the two highest paid officers of the bank whose aggregate direct remuneration exceeded that amount, naming each such director and officer.

* * * * *

(b) * * *

Instructions. * * *

3. In the case of any plan (other than those specified in Instruction 1) where the amount set aside each year depends upon the amount of earnings or profits of the bank or its subsidiaries for such year or a prior year (or where otherwise impracticable to state the estimated annual benefits upon retirement) there shall be set forth, in lieu of the information called by Column (C), the aggregate amount set aside or accrued to date, unless impracticable to do so, in which case the method of computing such benefits shall be stated. In addition, furnish a brief description of the material terms of the plan, including the method used in computing the bank's contribution, and the amount set aside or accrued during the bank's last fiscal year for all officers and directors as a group, indicating the number of persons in such group without naming them.

* * * * *

(d) Furnish the following information as to all options to purchase securities, from the bank or any of its subsidiaries, which were granted to or exercised by the following persons since the beginning of the bank's last fiscal year and as to all options held by such persons as of the latest practicable date: (i) Each director or officer named in answer to paragraph (a)(1), naming each such person; and (ii) all directors and officers of the bank as a group, without naming them:

(1) As to options granted, state (i) the title and amount of securities called for; (ii) the prices, expiration dates, and other material provisions; and (iii) the market value of the securities called for on the granting date.

(2) As to options exercised, state (i) the title and amount of securities purchased; (ii) the aggregate purchase price; and (iii) the aggregate market value of the securities purchased on the date of purchase.

(3) As to all unexercised options held as of the latest practicable date, regardless of when such options were granted, state (i) the title and aggregate amount of securities called for, (ii) the average option price per share, and (iii) the per share market price of the securities subject to the option, as of the latest practicable date.

Instructions. 1. The extension, regranting, or material amendment of options shall be deemed the granting of options within the meaning of this paragraph.

2. This item need not be answered with respect to options granted, exercised, or outstanding, as may be specified therein, where the total market value (i) on the granting date of the securities called for by all options granted during the period specified, (ii) on the dates of purchase of all securities purchased through the exercise of options during the period specified, or (iii) as of the latest practicable date of the securities called for by all options held at such time, does not exceed $10,000 for any officer or director named in answer to paragraph (a)(1), or $30,000 for all officers and directors as a group.

* * * * *

(e) If to the knowledge of management any indebtedness to the bank has arisen since the beginning of the bank's last fiscal year under section 16(b) of the Securities Exchange Act of 1934, as a result of transactions in the bank's stock (or other equity securities) by any director, officer, or security holder named in answer to Item 5(d), which indebtedness has not been discharged by payment, state the amount of any profit realized and whether suit will be brought or other steps taken to recover such profit. If, in the opinion of counsel, a question reasonably exists as to the recoverability of such profit, only facts necessary to describe the transactions, including the prices and number of shares involved, need be stated.

(f) * * *

Instructions. * * *

(5) * * *

(iii) The specified person is subject to this Item 7(*f*) solely as a director of the bank (or associate of a director) and his interest in the transaction is solely that of a director, officer of, and/or owner of less than a 10 percent interest in, another person that is a party to the transaction.

(iv) The transaction consists of extensions of credit by the bank in the ordinary course of its business that (A) are made on substantially the same terms, including interest rates and collateral, as those prevailing at the time for comparable transactions with other than specified persons, (B) at no time exceed 10 percent of the equity capital accounts of the bank, or $10 million, whichever is less, and (C) do not involve more than the normal risk of collectibility or present other unfavorable features. Notwithstanding the foregoing, if aggregate extensions of credit to the specified persons, as a group, exceeded 20 percent of the equity capital accounts of the bank at any time during the preceding year, (1) the aggregate amount of such extensions of credit shall be disclosed, and (2) a statement shall be included, to the extent applicable, that the bank has had, and expects to have in the future, banking transactions in the ordinary course of its business with directors, officers, principal stockholders, and their associates, on the same terms, including interest rates and collateral on loans, as those prevailing at the same time for comparable transactions with others. For the purpose of determining "aggregate extensions of credit" in this instruction, transactions which are exempted from disclosure pursuant to other instructions to this item may be excluded.

Item 9—Bonus, Profit Sharing, and Other Remuneration Plans. If action is to be taken with respect to any bonus, profit sharing, or other remuneration plan, furnish the following information:

* * * * *

(d) Furnish such information, in addition to that required by this item and Item 7, as may be necessary to describe adequately the provisions already made pursuant to all bonus, profit sharing, pension, retirement, stock option, stock purchase, deferred compensation, or other remuneration or incentive plans, now in effect or in effect within the past 2 years, for (i) each director or officer named in answer to Item 7(a) who may participate in the plan to be acted upon; (ii) all directors and officers of the bank as a group, if any director or officer may participate in the plan, and (iii) all employees if employees may participate in the plan.

* * * * *

(f) If action is to be taken with respect to the amendment or modification of an existing plan, the item shall be answered with respect to the plan as proposed to be amended or modified and shall indicate any material differences from the existing plan.

Instruction. * * *

Item 10—Pension and Retirement Plans. If action is to be taken with respect to any pension or retirement plan, furnish the following information:

* * * * *

(d) Furnish such information, in addition to that required by this item and Item 7, as may be necessary to describe adequately the provisions already made pursuant to all bonus, profit sharing, pension, retirement, stock option, stock purchase, deferred compensation, or other remuneration or incentive plans, now in effect or in effect within the past 2 years, for (i) each director or officer named in answer to Item 7(a) who may participate in the plan to be acted upon; (ii) all directors and officers of the bank as a group, if any director or officer may participate in the plan, and (iii) all employees, if employees may participate in the plan.

* * * * *

(f) If action is to be taken with respect to the amendment or modification of an existing plan, the item shall be answered with respect to the plan as proposed to be amended or modified and shall indicate any material differences from the existing plan.

Instructions. * * *

Item 11—Options, Warrants, or Rights. If action is to be taken with respect to the granting or extension of any options, warrants, or rights to purchase securities of the bank or any subsidiary, furnish the following information:

(a) State (i) the title and amount of securities called for or to be called for by such options, warrants or rights; (ii) the prices, expiration dates and other material conditions upon which the options, warrants or rights may be exercised; and (iii) in the case of options, the Federal income tax consequences of the issuance and exercise of such options to the recipient and to the bank.

* * * * *

(c) Furnish such information, in addition to that required by this item and Item 7 as may be necessary to describe adequately the provisions already made pursuant to all bonus, profit sharing, pension, retirement, stock option, stock purchase, deferred compensation, or other remuneration or incentive plans for (i) each director or officer named in answer to Item 7(a) who may participate in the plan to be acted upon; (ii) all directors and officers of the bank as a group, if any director or officer may participate in the plan; and (iii) all employees, if employees may participate in the plan.

Instructions. 1. Paragraphs (b) and (c) do not apply to warrants or rights to be issued to security holders as such on a pro rata basis.

2. The instruction to Item 9 shall apply to paragraph (c) of this item.

3. Include in the answer to paragraph (c) as to each director or officer named in answer to Item 7(a) and as to all directors and officers as a group (i) the amount of securities acquired during the past 2 years through the exercise of options granted during the period or prior thereto, (ii) the amount of securities sold during such period of the same class as those acquired through the exercise of such options, and (iii) the amount of securities subject to all unexercised options held as of the latest practicable date.

Item 12—Authorization or Issuance of Securities Otherwise than for Exchange. If action is to be taken with respect to the authorization or issuance of any securities otherwise than in exchange for outstanding securities of the bank furnish the following information:

* * * * *

(b) Furnish a description of the material provisions of the securities such as would be required in a registration statement filed pursuant to this part. If the terms of the securities cannot be stated or estimated with respect to any or all of the securities to be authorized, because no offering thereof is contemplated in the proximate future, and if no further authorization by security holders for the issuance thereof is to be obtained,

it should be stated that the terms of the securities to be authorized, including dividend or interest rates, conversion prices, voting rights, redemption prices, maturity dates, and similar matters will be determined by the Board of Directors. If the securities are additional shares of common stock of a class outstanding, the description may be omitted.

(c) Describe briefly the transaction in which the securities are to be issued, including a statement as to (1) the nature and approximate amount of consideration received or to be received by the bank, and (2) the approximate amount devoted to each purpose so far as determinable, for which the net proceeds have been or are to be used. If it is impracticable to describe the transaction in which the securities are to be issued, indicate the purpose of the authorization of the securities, and state whether further authorization for the issuance of the securities by a vote of security holders will be solicited prior to such issuance and whether present security holders will have preemptive rights to purchase such securities.

(d) [Deleted]

Item 13—Modification or Exchange of Securities.

* * * * *

(c) State the reasons for the proposed modification or exchange, and the general effect thereof upon the rights of existing security holders.

* * * * *

Item 14—Mergers, Consolidations, Acquisitions, and Similar Matters.

If action is to be taken with respect to any plan for (i) the merger or consolidation of the bank into or with any other person or of any other person into or with the bank, (ii) the acquisition by the bank or any of its subsidiaries of securities of another bank, (iii) the acquisition by the bank of any other going business or of the assets thereof, (iv) the sale or other transfer of all or any substantial part of the assets of the bank, or (v) the voluntary liquidation or dissolution of the bank:

(a) Outline briefly the material features of the plan. State the reasons therefor and the general effect thereof upon the interests of existing security holders. If the plan is set forth in a written document, file three copies thereof with the Corporation when preliminary copies of the Statement are filed pursuant to § 335.5(f).

(b) Furnish the following information as to the bank and each person (other than subsidiaries substantially all of the stock of which are owned by the bank) which is to be merged into the bank or into or with which the bank is to be merged or consolidated or the business or assets of which are to be acquired or which is the issuer of securities to be acquired by the bank or any of its subsidiaries in exchange for all or a substantial part of its assets:

(1) A brief description of the business and property of each such person in substantially the manner described in Items 3 and 4 of Form F-1.

(2) A brief statement as to defaults in principal or interest in respect of any securities of the bank or of such person, and as to the effect of the plan thereon and such other information as may be appropriate in the particular case to disclose adequately the nature and effect of the proposed action.

(3) Such information with respect to the proposed management of the surviving bank as would be required by Items 6 and 7 of this Form F-5. Information concerning remuneration of management may be projected for the current year based on remuneration actually paid or accrued by each of the constituent persons during the last calendar year. If significantly different, proposed compensation arrangements should also be described.

(4) A tabular presentation of the existing and pro forma capitalization.

(5) In columnar form, for each of the last 3 fiscal years, a historical summary of earnings. Such summary to be concluded by indicating per share amounts of income before securities gains (losses), net income, and dividends declared for each period reported. (Extraordinary items, if any, should be appropriately reported and per share amounts of securities gains (losses) may be included.)

(6) In columnar form, for each of the last 3 fiscal years, a combined pro forma summary of earnings, as appropriate in the circumstances, similar in structure to the historical summary of earnings. If the transaction establishes a new basis of accounting for assets of any of the persons included therein, the pro forma summary of earnings shall be furnished only for the most recent fiscal year and interim period and shall reflect appropriate pro forma adjustments resulting from such new basis of accounting.

(7) A tabular presentation of comparative per share data of the constituent banks or other persons pertaining to:

(A) (i) Income before securities gains (losses), (ii) net income, and (iii) dividends declared, for each of the last 3 fiscal years; and

(B) Book value per share, at the date of the balance sheets included in the Statement.

The comparative per share data shall be presented on a historical and pro forma basis (except dividends which are to be furnished on historical basis only) and equated to a common basis in exchange transactions.

(8) To the extent material for the exercise of prudent judgment, the historical and pro forma earnings data specified in (5), (6), and (7) above for the latest available interim period of the current and prior fiscal years.

Instructions. 1. Historical statements of income in their entirety, as required by Item 15, may be furnished in lieu of the summary of earnings specified in paragraph 5. If summary earnings information is presented, show, as a minimum, operating revenues, operating expenses, income before income taxes and security gains (losses), applicable income taxes, income before securities gains (losses), securities gains (losses), and net income. The summary shall reflect retroactive adjustments of any material items affecting the comparability of the results.

2. In connection with any interim period or periods between the end of the last fiscal year and the balance sheet date, and any comparable prior period, a statement shall be made that all adjustments necessary to a fair statement of the results for such interim period or periods have been included, and results of the interim period for the current year are not necessarily indicative of results for the entire year. In addition, there shall be furnished in such cases, as supplemental information but not as a part of the proxy statement, a letter describing in detail the nature and amount of any adjustments, other than normal recurring accruals, entering into the determination of the results shown.

3. The information required by this Item 14(b) is required in a Statement of the "acquiring" or "surviving" bank only where a "significant" merger or acquisition is to be voted upon. For purposes of this item, the term "significant" merger or acquisition shall mean a transaction where either (1) the net book value of assets to be acquired or the amount to be paid therefor exceeds 5 percent of the equity capital accounts of the acquiring bank, or (2) in an exchange transaction, the number of shares to be issued exceeds 5 percent of the outstanding shares of the acquiring bank, or (3) gross operating revenues for the last fiscal year of the person to be acquired exceeded 5 percent of the gross operating revenues for the last fiscal year of the acquiring bank. If less than a "significant" merger or acquisition is to be voted upon, such information need only be included to the extent necessary for the exercise of prudent judgment with respect thereto.

* * * * *

Item 15—Financial Statements.

(a) If action is to be taken with respect to any matter specified in Item 12, 13, or 14 above, furnish verified financial statements of the bank and its subsidiaries such as would be required in a registration statement filed pursuant to this part. In addition, the latest available interim date balance sheet and statement of income for the interim period between the end of the last fiscal year and the interim balance sheet date, and comparable prior period, shall be furnished. All schedules, except Schedule VII—"Allowance for Possible Loan Losses," may be omitted.

(b) If action is to be taken with respect to any matter specified in Item 14(b), furnish for each person specified therein, other than the bank, financial statements such as would be required in a registration statement filed pursuant to this part. In addition, the latest available interim date balance sheet and statement of income for the interim period between the end of the last fiscal year and the interim balance sheet date, and comparable prior period, shall be furnished. However, the following may be omitted: (1) All schedules, except Schedule VII—"Allowance for Possible Loan Losses"; and (2) statements for a subsidiary, all of the stock of which is owned by the bank, that is included in the consolidated statement of the bank and its subsidiaries. Such statements shall be verified, if practicable.

(c) Notwithstanding paragraphs (a) and (b) above, any or all of such financial statements which are not material for the exercise of prudent judgment in regard to the matter to be acted upon may be omitted. Such financial statements are deemed material to the exercise of prudent judgment in the usual case involving the authorization or issuance of any material amount of senior securities, but are not deemed material in cases involving the authorization or issuance of common stock, otherwise than in an exchange, merger, consolidation, acquisition, or similar transaction.

* * * * *

Item 18—Amendment of Charter, Bylaws, or Other Documents.

If action is to be taken with respect to any amendment of the bank's charter, bylaws, or other documents as to which information is not required above, state briefly the reasons for and general effect of such amendment.

Item 20—Vote Required for Approval.

As to each matter which is to be submitted to a vote of security holders, other than elections to office or the selection or approval of auditors, state the vote required for its approval.

Dated at Washington, D.C., this 13th day of November 1969.

By order of the Board of Directors.

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

[F.R. Doc. 69-13702; Filed, Nov. 19, 1969; 8:45 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

BUREAU FOR AFRICA CHIEF, CONTRACT STAFF

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me by Delegation of Authority No. 17, as amended, from the Administrator of the Agency for International Development, I hereby redelegate, for countries or areas within the responsibility of the Assistant Administrator for Africa, authority to the Chief, Contracts Staff to sign or approve the following:

1. (a) Contracts and amendments to contracts financed in whole or in part by A.I.D., other than contracts financed under loan agreements or contracts exclusively for the supply of commodities; and grants, other than to foreign governments, or agencies of foreign governments;

(b) Letters of Commitment, and Notices of Approval for Financing of Cooperating Country contracts, for contracts described in (a) above;

(c) Project Implementation Orders—Technical Services (PIO/T);

(d) Amendments or modifications (pursuant to Executive Order 11223) involving less than $25,000 of A.I.D.-financed contracts entered into with nonprofit institutions under which no fee is charged or paid, where the amendment or modification is requested by the contractor and does not involve a consideration for the United States: *Provided*, That all such amendments or modifications are requested prior to final payment under the contract.

2. The authority herein delegated to the officer named above may not be further redelegated by such officer, but may be exercised by duly authorized persons who are performing the functions of such officer in an acting capacity.

3. The authorities delegated herein are to be exercised in accordance with regulations, procedures, and policies now or hereafter established or modified and promulgated within the Agency for International Development.

4. The Redelegation of Authority from the Assistant Administrator for Africa and Europe to the Deputy Assistant Administrator and the Chief, Contract Staff, AFE dated June 18, 1962, is hereby superseded.

5. This redelegation of authority shall be effective immediately.

Dated: October 29, 1969.

ROBERT S. SMITH,
Acting Assistant Administrator for Africa.

[F.R. Doc. 69-13784; Filed, Nov. 19, 1969; 8:48 a.m.]

DIRECTOR, OFFICE OF CAPITAL DEVELOPMENT AND ENGINEERING, ET AL.

Redelegation of Authority

To: Director, Office of Capital Development and Engineering, Associate Director (Projects), Office of Capital Development and Engineering, and Associate Director (Program Loans), Office of Capital Development and Engineering.

Pursuant to the authority delegated to me by Delegation of Authority No. 5, dated December 29, 1961, as amended, I hereby redelegate to each of the individuals listed above, for the countries or areas within the responsibility of this Regional Bureau, authority to perform the following functions, retaining for myself concurrent authority to exercise any of the functions herein redelegated:

1. Authority to negotiate loan agreements with respect to loans authorized under the Foreign Assistance Act of 1961 in accordance with the terms of the authorization of such loans;

2. Authority to implement loan agreements, including negotiation, execution, and implementation of documents ancillary to loan agreements, with respect to loans authorized under the Foreign Assistance Act of 1961 and by the Board of Directors of the Corporate Development Loan Fund; and

3. Authority to provide instructions to the Missions to India, Pakistan, and Turkey with respect to individual loan agreements limiting the authority of the Missions to negotiate and execute loan agreements with respect to loans authorized under the Foreign Assistance Act of 1961 and to implement loan agreements with respect to loans authorized under the Foreign Assistance Act of 1961 and by the Board of Directors of the Corporate Development Loan Fund: *Provided, however*, That the exercise of this authority shall be subject to instructions otherwise by me or my deputy.

The following authorities enumerated above may be redelegated by the individuals listed above to qualified loan officers within the Office of Capital Development and Engineering, Bureau for Near East and South Asia:

(a) Authority described above in paragraph 1;

(b) Authority described above in paragraph 2 to the following extent:

(1) Authority to review and approve documents and other evidence submitted by borrower in satisfaction of conditions precedent to financing under such loan agreements; and

(2) Authority to review and approve the terms of contracts, amendments and modifications thereto and invitations for bids and proposals with respect to such contracts financed by funds made available under such loan agreements; and

(c) Authority to negotiate and implement agreements and other documents ancillary to such loan agreements.

Actions within the scope of this redelegation heretofore taken by the officials designated herein are hereby ratified and confirmed.

The Redelegation of Authority from the Assistant Administrator, Bureau for Near East and South Asia, to the Director, Office of Capital Development and Engineering and others, dated July 16, 1969 is hereby rescinded.

This Redelegation of Authority is effective immediately.

MAURICE J. WILLIAMS,
Assistant Administrator, Bureau for Near East and South Asia.

NOVEMBER 5, 1969.

[F.R. Doc. 69-13785; Filed, Nov. 19, 1969; 8:48 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

GORDON H. DANIELS

Notice of Granting of Relief

Notice is hereby given that Gordon H. Daniels of Germantown, Wis., 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 October 13, 1959, in the Circuit Court of Milwaukee County, Milwaukee, Wis., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Gordon H. Daniels because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code 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, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Gordon H. Daniels to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Gordon H. Daniels' application and:

(1) I have found that 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 relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Gordon H. Daniels 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 and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 13th day of November 1969.

[SEAL] WILLIAM H. SMITH,
Acting Commissioner of Internal Revenue.

[F.R. Doc. 69-13816; Filed, Nov. 19, 1969; 8:50 a.m.]

PORTER RAY GREER

Notice of Granting of Relief

Notice is hereby given that Porter Ray Greer of Jonesville, Va., 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 June 7, 1963, in the U.S. District Court for the Western District of Virginia, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Porter Ray Greer because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code 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, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Porter Ray Greer to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Porter Ray Greer's application and:

(1) I have found that 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 relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Porter Ray Greer 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 and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 13th day of November 1969.

[SEAL] WILLIAM H. SMITH,
Acting Commissioner of Internal Revenue.

[F.R. Doc. 69-13817; Filed, Nov. 19, 1969; 8:50 a.m.]

MYLO ARNOLD HAWKENSON

Notice of Granting of Relief

Notice is hereby given that Mylo Arnold Hawkenson, 10760 Opal Street NE., Circle Pines, Minn., 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 September 25, 1964, in the District Court of Goodhue County, Minn., of an offense punishable by imprisonment for a term exceeding 1 year, as defined in 18 U.S.C. 921(a)(20). Unless relief is granted, it will be unlawful for Mylo Arnold Hawkenson, 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) it would be unlawful for Mr. Hawkenson to receive, possess, or transport in commerce or affecting commerce a firearm. Notice is hereby further given that I have considered Mylo Arnold Hawkenson'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 Mylo Arnold Hawkenson 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), title 18, United States Code, and delegated to me by the regulations in Title 26, Part 178, Code of Federal Regulations, that Mylo Arnold Hawkenson 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 13th day of November 1969.

[SEAL] WILLIAM H. SMITH,
Acting Commissioner of Internal Revenue.

[F.R. Doc. 69-13818; Filed, Nov. 19, 1969; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. A 4316]

ARIZONA

Notice of Proposed Classification of Public Lands for Transfer Out of Federal Ownership by State Indemnity Lieu Selection

NOVEMBER 13, 1969.

1. Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, notice is hereby given of a proposal to classify the public lands described below for transfer to the State of Arizona on Indemnity Lieu Selection. Publication of this notice has the effect of segregating the described lands from all forms of appropriations under the public land laws except for State Indemnity Lieu Selections, and from appropriation under the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. Information concerning these lands and the proposed disposition may be received by inquiry or inspection of data in the Arizona Strip District Office, Bureau of Land Management, St. George, Utah, and Land Office, Bureau of Land Management, Federal Building, Phoenix, Ariz.

3. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all personswho wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Arizona Strip District Manager, Bureau of Land Management, 196 East Tabernacle, Post Office Box 250, St. George, Utah 84770.

4. The lands include in this proposed classification are located in Mohave County and are described as follows:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 41 N., R. 11 W.,
Sec. 6, lots 3 to 8, inclusive, S½NW¼, and SW¼;
Sec. 7, lots 1 to 4, inclusive, NW¼, and S½;
Sec. 8, SW¼.
T. 42 N., R. 11 W.,
Sec. 31, lots 3 to 7, inclusive, and SW¼.

T. 41 N., R. 12 W.,
Secs. 1, 3, and 4;
Sec. 5, NE¼ and S½;
Sec. 6, lots 6 and 7, E½SW¼, and SE¼;
Sec. 8, NW¼NW¼, E½W½, and E½;
Secs. 9, 10, 11, 12, 14, 15, and 17.
T. 42 N., R. 12 W.,
Sec. 33, lots 1 to 4, inclusive, and S½;
Sec. 34, lots 1 to 4, inclusive, and S½;
Sec. 35, lots 1 to 4, inclusive, and S½.

The areas described aggregate 10,617.43 acres. The State has already filed selection applications on all of the lands described above.

GLENDON E. COLLINS,
Acting State Director.

[F.R. Doc. 69-13798; Filed, Nov. 19, 1969; 8:49 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands; Amendment

OCTOBER 31, 1969.

The Bureau of Land Management hereby amends its revised application for withdrawal for geothermal resources, dated March 21, 1967, notice of which was published in the FEDERAL REGISTER on pages 4506 and 4507 of the issue of March 24, 1967, by deleting the following described lands:

MONO-LONG VALLEY GEOTHERMAL AREA

MOUNT DIABLO MERIDIAN

T. 3 S., R. 27 E.,
Sec. 27, SW¼NE¼SW¼, S½SE¼NE¼SW¼, S½NW¼SE¼NE¼SW¼, E½NW¼SW¼NW¼SW¼, E½SW¼NW¼SW¼, SE¼NW¼SW¼, S½S½SW¼SW¼, NE¼SE¼SW¼, NE¼NW¼SE¼SW¼, SW¼SW¼SE¼SW¼, W½SE¼SW¼SE¼SW¼, E½SE¼SE¼SW¼, NW¼SE¼SE¼SW¼;
Sec. 28, S½SE¼SE¼SE¼;
Sec. 33, S½N½S½NW¼NE¼;
Sec. 34, S½S½SW¼NW¼, N½N½N½NW¼SW¼, E½SW¼SW¼, E½W½SW¼SW¼, NW¼NW¼SW¼SW¼, SW¼SW¼SW¼SW¼.
T. 4 S., R. 27 E.,
Sec. 3, lots 3 and 4;
Sec. 4, lot 1.

The area described aggregates approximately 246.92 acres of national forest lands in Mono County.

Pursuant to the regulations contained in 43 CFR Subpart 2311, at 10 a.m. on the date of publication of this notice, the segregative effect of the revised application of March 21, 1967, will be terminated as to the foregoing lands.

JOHN O. CROW,
Associate Director.

[F.R. Doc. 69-13774; Filed, Nov. 19, 1969; 8:47 a.m.]

[New Mexico 4828]

NEW MEXICO

Notice of Classification; Correction

NOVEMBER 13, 1969.

The notice of classification published in the FEDERAL REGISTER on January 11, 1969 (34 F.R. 484-485), as F.R. Doc. 69-375, is corrected as follows:

In line 7 of the first paragraph, change Hidalgo County to Valencia and Sandoval Counties, N. Mex.

CLYDE R. DURNELL,
Acting State Director.

[F.R. Doc. 69-13786; Filed, Nov. 19, 1969; 8:48 a.m.]

OUTER CONTINENTAL SHELF OFF LOUISIANA

Call for Nominations of Areas for Oil and Gas Leasing

In the FEDERAL REGISTER of March 15, 1969, a call for nominations of areas for prospective oil and gas leasing in the Outer Continental Shelf off the State of Louisiana, which was previously announced in the FEDERAL REGISTER on November 8, 1968, was canceled. The cancellation notice provided that the call for nominations may be reissued and announced in the FEDERAL REGISTER.

Pursuant to the authority prescribed in 43 CFR Part 3380, notice is hereby given that nominations of areas for prospective oil and gas leasing in the Outer Continental Shelf off the State of Louisiana as shown upon Eugene Island Area, and Eugene Island Area, South Addition, official leasing maps, and all other mapped areas to the west awarded to the United States by the Supplemental Decree of the Supreme Court, entered December 13, 1965, in the United States v. Louisiana, No. 9, Original (382 U.S. 288), or included in Zone 3 as described in the Interim Agreement of October 12, 1956, between the United States and the State of Louisiana, may be submitted to the Director, Bureau of Land Management, Washington, D.C. 20240, not later than December 15, 1969. Copies of nominations should be sent to the Regional Oil and Gas Supervisor, Geological Survey, Suite 336, Imperial Office Building, 3301 North Causeway Boulevard, Metairie, La. 70002, and to the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, Post Office Box 53226, New Orleans, La. 70150. Envelopes should be marked, "Nominations of leasing in the Outer Continental Shelf—Louisiana."

Official leasing maps in a set of 25 maps, and a cover sheet showing leasing blocks off Louisiana, may be purchased at $5 per set from the Manager, New Orleans Outer Continental Shelf Office at the above address, or the Manager, Eastern States Land Office, 7981 Eastern Avenue, Silver Spring, Md. 20910. Whole blocks, or properly described subdivisions thereof not less than one quarter of a block, may be nominated.

Any areas selected for competitive bidding will be published in the FEDERAL REGISTER and the published notice of lease offers will state the conditions and terms for leasing and the place, date, and hour at which bids will be received and opened.

JOHN O. CROW,
Acting Director,
Bureau of Land Management.

Approved: November 14, 1969.

WALTER J. HICKEL,
Secretary of the Interior.

[F.R. Doc. 69-13775; Filed, Nov. 19, 1969; 8:47 a.m.]

Fish and Wildlife Service

[Docket No. G-458]

GERALD BILLIOT

Notice of Loan Application

NOVEMBER 17, 1969.

Gerald Billiot, Post Office Box 617, Grand Isle, La. 70358, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 50-foot length overall wood vessel to engage in the fishery for shrimp.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

C. E. PETERSON,
Chief,
Division of Financial Assistance.

[F.R. Doc. 13799; Filed, Nov. 19, 1969; 8:49 a.m.]

[Docket No. B-477]

CLIFFORD LEROY NORTON, JR.

Notice of Loan Application

Clifford Leroy Norton, Jr., West Jonesport, Maine 04649, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 34-foot length overall wood vessel to engage in the fishery for lobster and shrimp.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

C. E. PETERSON,
Chief,
Division of Financial Assistance.

[F.R. Doc. 69-13800; Filed, Nov. 19, 1969; 8:49 a.m.]

[Docket No. S-482]

LEO L. RICHMOND

Notice of Loan Application

NOVEMBER 17, 1969.

Leo L. Richmond, Box 217, Route 1, Sequim, Wash. 98382, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 40-foot length overall wood vessel to engage in the fishery for salmon, albacore, and cod.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

C. E. PETERSON,
Chief,
Division of Financial Assistance.

[F.R. Doc. 69-13801; Filed, Nov. 19, 1969; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

ANNUAL SURVEYS IN MANUFACTURING AREA

Notice of Determination

In conformity with title 13, United States Code, sections 181, 224, and 225 and due notice having been published on October 4, 1969 (34 F.R. 15496), I have determined that annual data to be derived from the surveys listed below are needed to aid the efficient performance of essential governmental functions and have significant application to the needs of the public and industry and are not publicly available from nongovernmental or other Government sources.

Report forms in most instances furnishing data on shipments and/or production and in some instances on stocks, unfilled orders, orders booked, consumption, etc., will be required of all or a sample of establishments engaged in the production of the items covered by the following list of surveys. The surveys have been arranged under major group headings shown in the revised Standard Industrial Classification Manual (1967 edition) promulgated by the Bureau of the Budget for the use of Federal statistical agencies.

MAJOR GROUP 22—TEXTILE MILL PRODUCTS

Stocks of wool.
Cotton and synthetic woven goods finished.
Narrow fabrics.
Knit cloth.
Woolen and worsted machinery activity.
Yarn production.
Rugs, carpets, and carpeting.

MAJOR GROUP 23—APPAREL AND OTHER FINISHED PRODUCTS MADE FROM FABRICS AND SIMILAR MATERIALS

Gloves and mittens.
Apparel.
Brassieres, corsets, and allied garments.
Sheets, pillowcases, and towels.

MAJOR GROUP 24—LUMBER AND WOOD PRODUCTS, EXCEPT FURNITURE

Hardwood plywood.
Softwood plywood.
Lumber.

MAJOR GROUP 26—PAPER AND ALLIED PRODUCTS

Pulp, and detailed grades of paper and board.

MAJOR GROUP 28—CHEMICALS AND ALLIED PRODUCTS

Sulfuric acid.
Industrial gases.
Inorganic chemicals.
Pharmaceutical preparations, except biologicals.

MAJOR GROUP 30—RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS

Plastics products.

MAJOR GROUP 31—LEATHER AND LEATHER PRODUCTS

Shoes and slippers (by method of construction).

MAJOR GROUP 32—STONE, CLAY, AND GLASS

Consumer, scientific, technical, and industrial glassware.
Fibrous glass.

MAJOR GROUP 33—PRIMARY METAL INDUSTRIES

Commercial steel forgings.
Steel mill products.
Insulated wire and cable.
Magnesium mill products.

MAJOR GROUP 34—FABRICATED METAL PRODUCTS EXCEPT ORDNANCE, MACHINERY, AND TRANSPORTATION EQUIPMENT

Steel power boilers.
Heating and cooking equipment.

MAJOR GROUP 35—MACHINERY, EXCEPT ELECTRICAL

Fans, blowers, and unit heaters.
Internal combustion engines.
Tractors.
Farm machines and equipment.
Mining machinery and equipment.
Air-conditioning and refrigeration equipment.
Office, computing, and accounting machines.
Pumps and compressors.

MAJOR GROUP 36—ELECTRICAL MACHINERY, EQUIPMENT, AND SUPPLIES

Radios, televisions, and phonographs.
Motors and generators.
Wiring devices and supplies.
Switchgear, switchboard apparatus, relays, and industrial controls.
Selected electronic and associated products.
Electric housewares and fans.
Electric lighting fixtures.
Major household appliances.

MAJOR GROUP 37—TRANSPORTATION EQUIPMENT

Aircraft propellers.

MAJOR GROUP 38—PROFESSIONAL, SCIENTIFIC, AND CONTROLLING INSTRUMENTS; PHOTOGRAPHIC AND OPTICAL GOODS; WATCHES AND CLOCKS

Selected instruments and related products.
Atomic energy products and services.

The following list of surveys represents annual counterparts of monthly and quarterly surveys and will cover only those establishments which are not canvassed or do not report in the more frequent survey. Accordingly, there will be no duplication in reporting. The content of these annual reports will be identical with that of the monthly and quarterly reports except for construction machinery which will additionally call for data on shipments of power cranes and shovels, concrete mixers, and attachments for contractors' off-highway type tractors. Also, reports on manmade fiber, silk, woolen, and worsted fabrics, on finishing plants, and on piece goods inventories listed below will call for information relating to the monthly fluctuations of stocks and unfilled orders for woven fabrics in addition to the annual production data.

MAJOR GROUP 20—FOOD AND KINDRED PRODUCTS

Flour milling products.
Confectionery products.

MAJOR GROUP 22—TEXTILE MILL PRODUCTS

Manmade fiber, silk, woolen, and worsted fabrics.
Finishing plant report—broad woven fabrics.
Piece goods inventories and orders.
Broad woven goods (cotton, wool, silk, and synthetic).
Consumption of wool and other fibers, and production of tops and noils.

MAJOR GROUP 25—FURNITURE AND FIXTURES

Mattresses and bedsprings.

MAJOR GROUP 26—PAPER AND ALLIED PRODUCTS

Consumers of wood pulp.
Converted flexible packaging products.

MAJOR GROUP 28—CHEMICALS AND ALLIED PRODUCTS

Superphosphates.
Paint, varnish, and lacquer.

MAJOR GROUP 29—PETROLEUM REFINING AND RELATED INDUSTRIES

Asphalt and tar roofing and siding products.

MAJOR GROUP 30—RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS

Plastic bottles.
Rubber.

MAJOR GROUP 31—LEATHER AND LEATHER PRODUCTS

Shoes and slippers.

MAJOR GROUP 32—STONE, CLAY, AND GLASS

Flat glass.
Glass containers.
Refractories.
Clay construction products.

MAJOR GROUP 33—PRIMARY METAL INDUSTRIES

Nonferrous castings.
Iron and steel foundries.

MAJOR GROUP 34—FABRICATED METAL PRODUCTS EXCEPT ORDNANCE, MACHINERY, AND TRANSPORTATION EQUIPMENT

Plumbing fixtures.
Steel shipping barrels, drums, and pails.
Closures for containers.
Metal cans.

MAJOR GROUP 35—MACHINERY, EXCEPT ELECTRICAL

Construction machinery.
Metalworking machinery.
Typewriters.

MAJOR GROUP 36—ELECTRICAL MACHINERY, EQUIPMENT, AND SUPPLIES

Electric lamps.
Fluorescent lamp ballasts.

MAJOR GROUP 37—TRANSPORTATION EQUIPMENT

Aircraft engines.
Complete aircraft.
Backlog of orders for aircraft, space vehicles, missiles, engines, and selected parts.
Truck trailers.

The Annual Survey of Manufactures will be conducted and will call for general statistical data such as employment, payroll, man-hours, capital expenditures, cost of materials consumed, gross book value of fixed assets, rental payments, supplemental labor costs, etc., in addition to information on value of products shipped and quantity data for selected classes of products. This survey, while conducted on a sample basis will cover all manufacturing industries. Data on employment and payrolls for auxiliary establishments of manufacturing companies such as central administrative offices, warehouses, etc., will be included, as well as data on plants under construction but not in operation.

A survey of research and development costs will be conducted also. The data to be obtained will be limited to total research and development costs of work performed by the company, total cost of research and development work performed for the Federal Government, and, for comparative purposes, total net sales and receipts, and total employment of the company.

In addition, a survey on shipments to, or receipts for work done for, Federal Government agencies and their contractors and suppliers is planned. This survey was conducted for the years 1963, 1965, and annually since 1966. It is designed to provide information on the impact of Federal procurement on selected industries and on the economy of States, standard metropolitan statistical areas, and geographic regions.

Finally, a survey will be conducted requesting manufacturers to report the volume of products exported, for plants known to have exports valued at more than $25,000 in 1969. This survey was previously conducted for the years 1960, 1963, and 1966. It is designed to provide useful information on the importance of exports to the economies of States and other geographic areas.

The report forms will be furnished to firms included in these surveys and additional copies are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

I have, therefore, directed that annual surveys be conducted for the purpose of collecting the data hereinabove described.

Dated: November 7, 1969.

GEORGE H. BROWN,
Director, Bureau of the Census.

[F.R. Doc. 69-13744; Filed, Nov. 19, 1969; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-113]

UNIVERSITY OF ARIZONA

Notice of Issuance of Amended Facility License

The Atomic Energy Commission ("the Commission") has issued, effective as of the date of issuance, Amendment No. 9 to Facility License No. R-52 dated December 5, 1958. The license presently authorizes the University of Arizona to possess, use, and operate the TRIGA type heterogeneous, light water cooled, zirconium hydride, and water moderated tank-type nuclear reactor located at Tucson, Ariz., at power levels up to 100 kilowatts (thermal). The amendment incorporates technical specifications in the license, and restates the license in its entirety to include all of the amendments previously issued.

The Commission has found that the application for the amendment, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended ("the Act"), and the Commission's regulations published in 10 CFR Chapter I. The Commission has made the findings required by the Act and the Commission's regulations which are set forth in the amendment, and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within fifteen (15) days from the date of publication of the notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated November 6, 1968, and supplement dated June 12, 1969, (2) the amendment to facility license, and (3) the Safety Evaluation by the Division of Reactor Licensing, which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Copies of items (2) and (3) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 12th day of November 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 69-13743; Filed, Nov. 19, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20635]

AEROLINEAS PERUANAS, S.A.

Notice of Reopened Hearing

By motion filed November 7, 1969, Aerolinas Peruanas, S.A. (APSA), requests that the hearing in the above-entitled proceeding be reopened to permit Dr. Maximo Cisneros, Chairman of the Board of Directors and President of APSA, to testify at a time and place to be fixed by the examiner. In support thereof, APSA represents that the testimony of Dr. Cisneros, who was not present during the several days of hearing which closed on June 27, 1969, will contribute to the development of a full record with respect to the ownership and control of a substantial number of shares of APSA's capital stock, which is an important factual issue in this proceeding. As a part of the same motion, APSA requests that further procedural steps in the proceeding, which includes the filing of reply briefs on November 17, 1969, be suspended.

The Bureau of Operating Rights does not oppose the motion filed by APSA.

The motion of APSA is granted. Notice is hereby given that a further hearing with respect to the matter herein above set forth is assigned to be held on December 3, 1969, at 9:30 a.m. in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

The permission previously granted to APSA and the Bureau and all other persons on the service list to file reply briefs on November 17, 1969, is hereby withdrawn. Following close of the reopened

hearing, by separate notice, permission will be granted to APSA and the Bureau and all other persons on the service list to file post reopened hearing briefs to the examiner.

A copy of this notice shall be served on all persons on the service list of this proceeding and published in the FEDERAL REGISTER.

Dated at Washington, D.C., November 14, 1969.

[SEAL] LOUIS W. SORNSON,
Hearing Examiner.

[F.R. Doc. 69-13809; Filed, Nov. 19, 1969; 8:49 a.m.]

[Docket No. 21599; Order 69-11-57]

ALASKA AIRLINES, INC., ET AL.

Order of Investigation and Suspension Regarding States-Alaska and Intra-Alaska Fare Increases

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of November 1969.

By tariff revisions[1] marked to become effective November 15, 1969, and November 16, 1969,[2] Alaska Airlines, Inc. (ASA), Pan American World Airways, Inc. (Pan American), and Western Air Lines, Inc. (Western), propose to increase various States-Alaska and Intra-Alaska passenger fares. Following is a comparison of the more significant existing and proposed jet coach fares in the States-Alaska market:

	Present	Proposed
Seattle-Anchorage	$99	[1] $104
Seattle-Fairbanks	99	[1] 106
Seattle-Juneau	69	69
Seattle-Kodiak [2] (direct)	93	104
Seattle-Ketchikan	47	53
Portland-Fairbanks	107	119

[1] The carriers do not propose to change the present level of night coach fares in these markets which are $85 Seattle-Anchorage, and $87 Seattle-Fairbanks.
[2] Only propeller first-class service offered in this market.

With respect to intra-Alaska fares, ASA proposes to increase 18 fares in amounts ranging from $4 to $10. Western proposes to increase its Anchorage-Kenai, Homer-Kenai, and Homer-Kodiak fares $7, $4, and $0.75, respectively. In addition, Western proposes to cancel various fares a majority of which relate to Cordova and Yakutat, where service was recently suspended by Western pursuant to Board Order 69-9-62, September 11, 1969.

All carriers propose to increase their various discount fares which are based on a percentage of regular one-way fares. Alaska and Pan American additionally propose to increase several excursion and group fares, and Alaska and Western propose to cancel free stopovers. Alaska would permit stopovers at Anchorage, Juneau, and Sitka for an additional charge of $5, and Western proposes such a charge for stopovers at all points on its routes within Alaska.

In support of its proposal ASA states that its current passenger yield is unsatisfactory. It alleges that the fares it proposes are both reasonable and justified in view of the unprecedented cost increases the company is facing while also operating in a traditionally high cost market. ASA estimates that the proposed adjustments would have resulted in a 4.25 percent increase ($659,000) in its fiscal 1969 passenger revenues. Western asserts that the proposed fare adjustments will correct a number of long-standing anomalies in the present Alaska fare structure, which predate the merger of Pacific Northern Airlines into Western Air Lines. Western estimates that the proposed fares would increase its passenger revenues over its Alaska routes by 8.9 percent, based on 1968 traffic.

Pan American alleges that the proposed fare increases will not have a significant impact upon its revenues, since its historical Alaskan schedule pattern consists of a basic nighttime flight (Seattle-Fairbanks), supplemented during the summer season by a twice-weekly daytime flight. Based on this pattern of service, Pan American expects to obtain no more than $50,000 in additional annual passenger revenues. This consists of approximately $31,000 related to increased standby fares and the remainder to the increased day fares in the summer. Pan American concludes that, in light of an experienced operating loss of $985,000 for its Alaskan operations in the year ended June 30, 1969, the small fare increase is justified.

The State of Alaska has filed complaints against the fare increases proposed by Western and Alaska Airlines and requests their suspension and investigation.[3] The State's complaint against Western is primarily directed to the reduced volume of Alaskan scheduled service which has been provided by Western during the past year. It alleges that, since Western's justification for fare increases is predicated on its 1968 financial picture (and schedules), it is not valid for future projections inasmuch as schedules have been decreased and there has been a concomitant decrease in expenses. As regards the fare increases proposed by Alaska, the State notes the carrier's recently improving financial results and contends that, in any event, 1968 or 1969 is not representative of 1970 because of fare and route changes effected in the recent past. The State also refers to the carrier's profitable charter operations and urges that, if such profits are not to be considered in connection with the passenger fares, the Board should review the allocations of costs between the two types of service.

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

The proposed fares in the States-Alaska market are, in most instances, higher than those which would be produced by the jet coach fare formula recently implemented within the 48 contiguous States. Nevertheless, we recognize as we have in the past, that costs of providing States-Alaska service are somewhat higher than those incurred in the lower 48 States.

For this reason and in view of the generally poor operating results of the carriers in this market, we believe an economic basis exists for a somewhat higher fare level than that produced by application of the domestic jet coach formula. Accordingly, the Board would consider the establishment of States-Alaska fares which reflect application of the domestic jet coach formula plus 10 percent.

With the exception of the Anchorage-Valdez fare discussed below, we do not believe the increases proposed in intra-Alaska fares are unreasonable. Many of the fares which ASA proposes to increase at this time were not increased on April 27, 1969, when the carrier revised its intra-Alaska fare structure. None of the three intra-Alaska fare increases proposed by Western were increased last spring. On the other hand, Alaska is here proposing to increase the Anchorage-Valdez fare from $30 to $33, in addition to an increase from $21 to $30 which the Board permitted last spring. The cumulative increase, therefore, would be $12 in slightly over 6 months. We believe that this increase is too large over such a limited period of time and that the fare should be held at its present level.

We are not unsympathetic toward the complaints of the State of Alaska. However, carriers operating between the 48 contiguous States and Alaska and within Alaska have undoubtedly been subject to many of the same increases in the cost of doing business as have those carriers operating wholly within the contiguous 48 States. Moreover, there is no basis to conclude that the factors noted by the State will sufficiently improve Alaska Airlines' financial results to obviate the fare increases we have decided to permit. Subject to consideration of any subsequent complaints should the carriers elect to file tariffs along the lines herein suggested, the Board concludes that the revenue increases resulting from such filings would be justified.

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

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[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff CAB No. 101 filed on Oct. 1, 1969, Oct. 16, 1969, and Oct. 17, 1969, by ASA, Western, and Pan American, respectively.

[2] Pan American's proposals are marked for effectiveness Nov. 16, while ASA and Western's proposals are marked to become effective Nov. 15.

[3] The complaint against the Alaska tariff was not timely filed; however, the Board has determined to consider it in the circumstances here present.

It is ordered, That:

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

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto[1] are suspended and their use deferred to and including February 12, 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. Except to the extent granted herein, the complaints of the State of Alaska in Dockets 21564 and 21598 are hereby dismissed;

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

5. Copies of this order shall be filed with the tariffs indicated in Appendix A and served upon Alaska Airlines, Inc., Pan American World Airways, Inc., Western Air Lines, Inc., and the State of Alaska which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[2]

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-13812; Filed, Nov. 19, 1969; 8:50 a.m.]

[Docket No. 21047]

OVERSEAS NATIONAL AIRWAYS, INC.

Application for Approval of Passenger Cruise Vessel Operation

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on December 8, 1969, at 10 a.m., e.s.t., in Room 630, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Robert L. Park.

In order to facilitate the conduct of the conference, interested parties are instructed to submit to the Examiner and to the parties on or before December 1, 1969, (1) proposed statements of issues, (2) proposed stipulations, (3) requests for information, (4) statements of positions, and (5) proposed procedural dates.

[1] Filed as part of the original document.

[2] Dissenting statement of Board Members Murphy and Minetti filed as part of the original document.

Dated at Washington, D.C., November 14, 1969.

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

[F.R. Doc. 69-13810; Filed, Nov. 19, 1969; 8:49 a.m.]

[Docket No. 21617; Order 69-11-61]

PHILIPPINE AIR LINES, INC.

Order To Show Cause Regarding Foreign Air Carrier Permit Authority

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of November 1969.

Philippine Air Lines, Inc. (PAL), holds a foreign air carrier permit[1] authorizing it to engage in foreign air transportation with respect to persons, property, and mail between the Philippines and San Francisco, via Honolulu. The permit also authorizes the carrier to engage in charter trips in foreign air transportaton. The permit, issued to PAL following denunciation by the Philippines of the 1946 air transport agreement, was made subject to termination if the Philippine Government should cancel or restrict the authority of U.S.-flag carriers to conduct flight operations to and from the Philippines.

On November 6, 1964, PAL filed an application in Docket 15668 requesting renewal of its permit pursuant to section 402 of the Act. The carrier's permit authority therefore continues in existence pursuant to 5 U.S.C. 558.

Since December 1965 the Government of the Philippines has refused to permit increases in the frequencies of U.S.-flag carrier schedules between the United States and the Philippines, and, in fact, has limited the U.S. carriers to fewer schedules than they operated in 1965. In contrast, PAL has been free to add frequencies to the United States and has done so. Thus, the Philippine Government has restricted the services of U.S.-flag carriers in operations to and from the Philippines while the flag carrier of the Philippines has been in a position to provide schedules to the United States and increase frequencies as it sees fit.

In view of the foregoing, the Board tentatively concludes that there is a failure of international comity and reciprocity with respect to air transportation between the Philippines and the United States. The rights of U.S.-flag carriers are subject to unilateral action by the Philippine Government restricting their authority to conduct operations to and from the Philippines while the schedules of the Philippine flag carrier under its existing permit are not subject to similar restriction by the U.S. Government. In order to correct this imbalance, the Board tentatively concludes that appropriate conditions should be placed in PAL's foreign air carrier permit so as to vest in the U.S. Government authority over flight operations of PAL to and from the United States comparable to that possessed by the Philippine Government over U.S.-flag carriers.

Accordingly, we have determined to direct PAL and other interested persons to show cause by December 8, 1969, why PAL's permit should not be amended to allow the Board to require PAL to submit its existing and proposed schedules involving service to U.S. points to the Board for approval under the procedures set forth herein.

Accordingly, it is ordered, That:

1. Philippine Air Lines and any other interested persons be and they are hereby directed to show cause why the Board should not, subject to the approval of the President, amend Philippine Air Lines' foreign air carrier permit so as to incorporate the following conditions:

(a) The holder shall, upon order of the Board and within the time specified therein, file with the Board for approval its existing or proposed schedules of service between any point in the United States and any point outside thereof. Such filings shall include all schedules which are or will be operated by the holder between each pair of points set forth in the order, including the type of equipment used or to be used, the time of arrival and departure at each point, the frequency of each schedule, and the effective date of any proposed schedule.

(b) The holder may continue to operate existing schedules and may inaugurate operations under proposed schedules 30 days after the filing thereof unless the Board issues an order, subject to disapproval by the President of the United States within 20 days after adoption, notifying the holder that such operations, or any part thereof, are disapproved. If the notification pertains to a proposed schedule, service thereunder shall not be inaugurated or if the Board so provides may be inaugurated subject to the terms and conditions of the notice. If the notification pertains to an existing schedule, service thereunder shall be discontinued at such time as the Board shall direct, or may be continued subject to such terms and conditions as the Board may provide.

(c) The Board may take all actions pursuant to (a) and (b) above without hearing and in the Board's sole discretion.

(d) This condition shall terminate upon the effective date of any agreement between the United States and the Philippines covering the foreign air transportation herein authorized.

2. Any interested person having objections to the action proposed hereinabove shall file with the Board, by December 2, 1969, a memorandum of opposition stating objections supported by evidence;[2]

3. In the event no objections are filed, all further procedural steps will be

[1] Issued pursuant to Order E-17953, effective Jan. 22, 1962, for a period of 3 years.

[2] Since provision is made for response to this order, petitions for reconsideration of this order will not be entertained.

deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

4. If timely and properly supported objections are filed, further consideration will be accorded the matters and issues raised by any memoranda in opposition before further action is taken by the Board: *Provided*, That the Board may proceed to enter an order in accordance with the tentative findings and conclusions herein if it determines that there are no factual issues presented which warrant the holding of an evidentiary hearing.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-13813; Filed, Nov. 19, 1969; 8:50 a.m.]

[Docket No. 18776 etc.]

SOUTHERN PACIFIC CO. ET AL.

Applications for Freight Forwarding Authority and Approvals

Southern Pacific Co., Southern Pacific Air Freight, Inc., et al.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on December 9, 1969, at 10 a.m., e.s.t., in Room 630, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Thomas P. Sheehan.

In order to facilitate the conduct of the conference, interested parties are instructed to submit to the Examiner and to the parties on or before December 1, 1969, (1) proposed statements of issues, (2) proposed stipulations, (3) requests for information, (4) statements of positions, and (5) proposed procedural dates.

Dated at Washington, D.C., November 14, 1969.

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

[F.R. Doc. 69-13811; Filed, Nov. 19, 1969; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18732; FCC 69-1217]

LAND MOBILE SPECTRUM UTILIZATION

Notice of Inquiry

In the matter of the report on a study of Land Mobile Spectrum Utilization prepared for the Commission by the Stanford Research Institute.

1. In June of 1968, the Commission awarded a contract to the Stanford Research Institute (SRI) to study, among other things, the feasibility of increasing the sharing of the frequencies available to the various private land mobile radio services and to recommend more efficient methods of making frequency assignments in these services. SRI has completed its study and the results are contained in its interim report prepared in March 1969, and in its final report prepared in July 1969. Both of these reports (hereinafter referred to as the SRI report) have been published and copies may be obtained from the U.S. Department of Commerce, National Bureau of Standards. Details on how to order copies of the report are given in paragraph 4 of this notice.

2. Commission study and evaluation of the findings and recommendations is in process. It is evident that implementation of the basic concepts would have a far reaching effect on the land mobile radio services, especially on the methods of assignment and management of the radio spectrum allocated to these services. Understandably, the report has generated much interest and discussion. We believe that it would be desirable to have the views of interested persons thereon so as to have as broad a basis as possible for any determination we may reach.

3. Accordingly, we hereby invite interested persons to submit comments, views, and information relevant to the matters covered in the SRI report. The comments may be directed to the entire report or to any part or aspect of it on which the respondent may feel particularly interested or qualified. It should be emphasized that the purpose of this inquiry is primarily to enable us to evaluate better the impact on the industry of SRI's findings and recommendations and to provide a forum for the discussion of this important work. Accordingly, all comments will be considered to the extent that we feel they are helpful to our considerations of this work, but we do not at this time anticipate issuing any report on the comments received except to the extent that may be relevant to any rule making proposals that may ensue.

4. Copies of the SRI Report, "A Study of Land Mobile Spectrum Utilization," consisting of four volumes may be obtained from the U.S. Department of Commerce, National Bureau of Standards, Clearing House for Federal Scientific and Technical Information, Springfield, Va. 22151. The final report does not entirely duplicate the interim report and if complete study is desired, all four volumes should be obtained. The following information is necessary for ordering:

Volume	Accession No.	Price per volume	
		Printed	Microfiche
Part A Interim	PB 182-792	$3	$0.65
Part B Interim	PB 182-918	3	.65
Part A Final	PB 184-983	3	.65
Part B Final	PB 184-984	3	.65

5. Interested persons may submit their comments by January 15, 1970. An original and 14 copies of each response should be filed.

Adopted: November 7, 1969.

Released: November 13, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-13805; Filed, Nov. 19, 1969; 8:49 a.m.]

[Dockets Nos. 18735 and 18736; FCC 69-1225]

GRENADA BROADCASTING CO., INC., AND PEMBERTON BROADCASTING CO., INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Grenada Broadcasting Co., Inc., Grenada, Miss., Docket No. 18735, File No. BPH-6756, Requests: 100.1 mcs, No. 261; 3 kw; 108 feet, Pemberton Broadcasting Co., Inc., Grenada, Miss., Docket No. 18736, File No. BPH-6763, Requests: 100.1 mcs, No. 261; 3 kw; 300 feet, for construction permits.

1. The Commission has under consideration the above-captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. Grenada Broadcasting Co. has requested waiver of the multiple ownership interim policy in effect during the pendency of the rule making proceeding in Docket 18110. Since this application was the only one then on file, the interim policy called for withholding action on the application because applicant was licensee of a full-time station in the market. Applicant requested waiver to permit grant of the application, arguing that the companion AM station's facilities were restricted at night and that the joint AM-FM operation it proposed was the only feasible method of establishing a viable FM service in the community. However, in view of the filing of a competing application, the question of waiver to permit grant of the application has become moot. In any event, the hearing on these applications, in accordance with the procedures outlined in Seabord Rudolph Hubbard 15 FCC 2d 690 (1968) need not be delayed. As a result, the request will be denied to the extent it has not already been granted by virtue of the prompt designation for hearing of the application.

3. According to its application Grenada Broadcasting Co. would require $48,725 to construct and operate its proposed station for 1 year without reliance on revenues. Applicant indicates an intention to rely in part on revenues, but their availability has not been demonstrated. To meet this requirement, applicant has shown $10,100 in cash and $5,000 in profits from existing operations. Reliance is also placed on various assets but such reliance is misplaced in the absence of a showing of their liquidity. Accordingly, a financial issue will be specified.

4. In Suburban Broadcasters, 30 FCC 951 (1961), our public notice of August 22, 1968, FCC 68-847, 13 RR 2d

[1] Chairman Burch abstaining from voting; Commissioner Wells not participating.

1903, and City of Camden (WCAM), 18 FCC 2d 412 (1969), we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. In this case neither applicant appears to have contacted a representative cross-section of the area nor adequately provided the comments regarding community needs obtained from such contacts. Nor, as a result, is it clear that the programs proposed are responsive to specific community needs as evaluated. As a result, we are unable at this time to determine whether either of the applicants is aware of and responsive to the needs of the area. Accordingly, Suburban issues are required.

5. Since no determination has yet been reached on whether the antenna proposed by Pemberton Broadcasting Co. would constitute a menace to air navigation, an issue regarding this matter is required.

6. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations which would receive FM service of 1 mv/m or greater intensity, together with the availability of other primary aural services in such areas will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

7. Grenada Broadcasting Co. proposes 22.22 percent duplicated programing while Pemberton Broadcasting Co. proposes independent programing. Therefore, evidence regarding program duplication will be admissible under the standard comparative issue. When duplicated programing is proposed, the showing permitted under the standard comparative issue will be limited to evidence concerning the benefits to be derived from the proposed duplication, and a full comparison of the applicants' program proposals will not be permitted in the absence of a specific programing inquiry—Jones T. Sudbury, 8 FCC 2d 360, FCC 67–614 (1967).

8. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

9. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine whether Grenada Broadcasting Co. has available the additional $33,625 from revenues and other sources required for construction and first-year operation of its proposed station to thus demonstrate its financial qualifications.

(2) To determine the efforts made by Grenada Broadcasting Co. to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(3) To determine the efforts made by Pemberton Broadcasting Co. to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(4) To determine whether there is a reasonable possibility that the tower height and location proposed by Pemberton Broadcasting Co. would constitute a menace to air navigation.

(5) To determine which of the proposals would, on a comparative basis, better serve the public interest.

(6) To determine in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications for construction permit should be granted.

10. *It is further ordered*, That the Federal Aviation Administration is made a party to the proceeding.

11. *It is further ordered*, That Grenada Broadcasting Co.'s request for waiver of the interim policy in Docket No. 18110 is granted to the extent indicated and in all other respects is denied.

12. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

13. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: November 7, 1969.

Released: November 14, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69–13806; Filed, Nov. 19, 1969; 8:49 a.m.]

[Docket No. 18734; FCC 69–1222]

LONG ISLAND PAGING

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

1. The Commission has before it for consideration (a) an application, File No. 3433–C2–P–67, filed January 25, 1967, by Edith V. Joyce, Donald G. Joyce, Dorothy R. Spangehl, and June L. Hill, doing business as Long Island Paging (Joyce) for a construction permit to establish a new one-way signaling service in the Domestic Public Land Mobile Radio Service at Smithtown, N.Y., using the frequency 43.58 Mc/s[1]; (b) a petition to deny the application filed March 22, 1967, by Pagecall, Inc. (Pagecall); (c) a petition to dismiss filed July 19, 1967, by Marvin R. Neuwirth, doing business as Community Answering Service (CAS); (d) a Statement filed January 11, 1968, by Aircall New York Corp. (Aircall); and, (e) a "Petition to Deny Application, as Amended" filed May 20, 1969, by MRN.

2. Pagecall is the licensee of Station KEC935 in the Domestic Public Land Mobile Radio Service at Union-Newark, N.J., operating on the frequency 35.58 Mc/s. Its petition to deny was based on a claim of electrical mutual exclusivity with respect to the use of said frequency and was supported by engineering information indicating that the grant of a 35.58 Mc/s frequency to Joyce at its proposed location at Smithtown, N.Y., would result in harmful interference to Pagecall's New Jersey facility. This alleged conflict was removed when Joyce amended its application November 8, 1967, to request 43.58 Mc/s in lieu of 35.58 Mc/s. Thereafter, on September 20, 1968, Pagecall requested that its petition to deny be dismissed.

3. Aircall, licensee of Station KEA627 at New York, N.Y., submitted a Statement on January 11, 1968, which discussed the possibility of its station receiving electrical interference from Joyce depending on the adequacy, design, and installation of Joyce's proposed directional antenna and upon the accuracy with which the transmitter output power would be maintained in day to day operation. On March 17, 1969, Joyce and Aircall filed a joint letter requesting that Aircall's "Statement" be withdrawn and that attached correspondence consisting of the agreement between the parties be included in Joyce's application.

4. On July 19, 1967, CAS, licensee of Station KED367 at Bayshore, N.Y., filed its petition to dismiss which claimed that CAS has been serving the central Long Island area since 1964; that in spite of its broad coverage CAS continues to operate at a loss, and that an extensive advertising campaign will probably not alter this situation; that Joyce's application proposes one way service in direct competition with CAS in that it will serve the same area as does CAS; that in view of the foregoing CAS has standing to file its petition; that Joyce's application was executed by the applicant before many of the exhibits were obtained; that Joyce did not even exist as a partnership at the time the application was signed, based upon the date of the partnership agreement; and, that said agreement is not signed by all of the alleged partners. On

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[1] Chairman Burch abstaining from voting; Commissioner Robert E. Lee concurring in the results; Commissioner Wells not participating.

[1] The application originally requested frequency 35.58 Mc/s but was amended on Nov. 8, 1967, to request 43.58 Mc/s. This amendment was returned for want of signature and refiled on Nov. 30, 1967.

December 12, 1968, Joyce filed a letter by New York counsel to the effect that Joyce was in existence as a partnership in New York State as of a date prior to the execution of its application; and, that although the copy of the partnership agreement submitted with Joyce's application was not signed by all of the partners, an additional copy submitted by counsel was signed by all.

5. On May 20, 1969, MRN, the legal successor in interest to CAS, filed its petition to deny, as amended, in which it restated many of the claims which were alleged in the petition by CAS. Additionally, it claimed that Joyce has filed certain amendments to "cure basic defects" in its application; that such amendments were "substantial" and should have been placed on the Commission's Public Notice, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended (Act); that, consequently, the petition to deny, as amended, was timely filed; that MRN has filed for a new one-way paging facility with which Joyce's proposed service will compete; that a grant of Joyce's application will cause economic harm to MRN's two-way operation, since practically speaking, a one-way communication system competes economically with a two-way operation; that Joyce has not kept the Commission supplied with its current financial statements and a more recent showing of need for the proposed service; and, that based upon the foregoing allegations, an expedited hearing should be held.

6. Section 309(d)(1) of the Act and § 21.27(c) of the Commission's rules provide for the issuance of a public notice of the filing of any "major" or "substantial" amendment to any application already on file with the Commission. Joyce's application has been on file since 1967 and several amendments have been filed since that time. Only one of these, however, could be reasonably considered as major or substantial in effect, and this was the change in proposed frequency, which appeared on the Commission's Public Notice on December 11, 1967 (Report No. 365). Accordingly, there has been no filing by Joyce since that date to justify the lateness of MRN's petition. However, the matters raised therein, insofar as they relate to allegations contained in the petition to dismiss by CAS, which was timely filed, warrant consideration.

7. MRN and its predecessor CAS have been licensed to offer two-way and one-way services on the frequency 454.20 Mc/s (base) since 1964. MRN's allegations that the facilities proposed by Joyce will be in direct competition with the operation of Station KED367 and will cause it economic injury give MRN standing to protest Joyce's application. MRN's allegations of insufficient public demand to support an additional carrier in the proposed area coupled with Joyce's failure to demonstrate that existing operations in the area cannot satisfy current demands for new one-way services are sufficient to raise an issue as to whether or not a grant of Joyce's application would result in wasteful duplication of common carrier facilities. Further, the competitive status between MRN, authorized to operate on a frequency assigned to two-way mobile communication services, and Joyce, who is seeking authority to utilize a frequency assigned exclusively for one-way signaling service, requires the adduction of evidence on the nature and availability of services presently offered to potential one-way subscribers in the Suffolk County, N.Y., area. We find, therefore, that a hearing is needed to determine whether a grant of the captioned application would serve the public interest, convenience and necessity.

8. Section 21.504(a) of the Commission's rules and regulations describes a field strength contour of 43 decibels above one microvolt per meter as the limits of reliable service area for base stations engaged in one-way communications service. Propagation data set forth in § 21.504(b) are a proper basis for establishing the location of the service contours (F50,50) for the facilities involved in this proceeding.

9. Additionally, we find that except for the issues herein designated, the applicant is financially, technically, legally, and otherwise qualified to render the services proposed.

10. Accordingly, in view of our conclusions above: *It is ordered*, That the "Petition to Deny, as amended," is dismissed, and that, to the extent hereinafter provided, the "Petition to Dismiss" is granted, and in all other respects said petition is denied.

11. *It is further ordered*, That pursuant to sections 309 (d) and (e) of the Communications Act of 1934, as amended, the captioned application is designated for hearing, at the Commission offices in Washington, D.C., on a date to be hereafter specified on the following issues:

(a) To determine the nature and extent of the one-way service currently offered by MRN including the rates, charges, practices, personnel, classifications, regulations, and facilities relating thereto.

(b) To determine the nature and extent of the services proposed to be offered by Joyce including the rates, charges, practices, personnel, classifications, regulations, and facilities relating thereto.

(c) To determine in accordance with the standards set forth in paragraph 8 above the areas and populations which receive services from Station KED367 within its 43 dbu contour.

(d) To determine in accordance with the standards set forth in paragraph 8 above the areas and populations which the Joyce application proposes to cover within its 43 dbu contour, and to determine the need for the proposed services in said areas.

(e) To determine the present uses, demands and need for the one-way service of Station KED367 in said areas as determined in accordance with issue (c); and to determine the capacity of said station.

(f) To determine, in light of the evidence adduced on all the foregoing issues, whether or not, and under what conditions, the public interest, and convenience or necessity would be served by a grant of the captioned application.

12. *It is further ordered*, That MRN is made a party to the proceeding.

13. *It is further ordered*, That the burden of proof on issues (a), (c), and (e) be placed on MRN; that the burden of proof on issues (b), (d), and (f) be placed on Joyce.

14. *It is further ordered*, That the parties desiring to participate herein shall file their notices in accordance with the provisions of § 1.221 of the Commission's rules.

Adopted: November 7, 1969.

Released: November 14, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 69-13807; Filed, Nov. 19, 1969; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

ORIENT/ATLANTIC AND GULF RATE AGREEMENT

Notice of Agreement Filed

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed by:

Mr. Bernard Katz, Traffic Manager, Thor Eckert & Company, Inc., General Agents, 19 Rector Street, New York, N.Y. 10006.

Agreement No. 9818, a rate making arrangement between China Merchants Steam Navigation Co., China Union Lines, Korea Shipping Corp., Orient Overseas Lines and Pacific Star Lines, was originally published in the FEDERAL REGISTER of September 9, 1969. The parties have refiled the subject agreement limiting the geographic scope to the trade from ports in Japan to the U.S. Atlantic and Gulf ports in the Portland, Maine, to Brownsville, Tex., range.

Dated: November 17, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY, *Secretary.*

[F.R. Doc. 69-13814; Filed, Nov. 19, 1969; 8:50 a.m.]

[1] Chairman Burch abstaining from voting; Commissioner Wells not participating.

FEDERAL POWER COMMISSION

[Project 1126]

OREGON

Order Vacating Withdrawal of Lands

NOVEMBER 13, 1969.

Application has been filed by the Forest Service (Applicant) U.S. Department of Agriculture, for vacation of the power withdrawal pertaining to the following described lands of the United States located within Deschutes National Forest:

WILLAMETTE MERIDIAN, OREGON

All portions of the following lands lying within the project boundaries of the diversion dam intake and power house and within 30 feet of the center line of the pipeline location, all as shown on a map designated "Exhibit F" and entitled "Odell Outlet Power Project", and filed in the office of the Federal Power Commission on October 27, 1930.

T. 23 S., R. 6 E., (unsurveyed)
Sec. 25, N½SW¼, SW¼SW¼.
(Approximately 3 acres.)

The subject lands lie on or near Odell Creek immediately below the outlet of Odell Lake, in the upper drainage area of the Deschutes River.

The lands were withdrawn pursuant to the filing on October 27, 1930 of an application for license for Project No. 1126. Notice of the power withdrawal for Project No. 1126 was given to the General Land Office (now Bureau of Land Management) by Commission letter dated October 31, 1930.

A 10-year license for the project was issued February 19, 1931, however, the project was never constructed and the Commission accepted the surrender of the license on December 22, 1933. Growth of the area for recreational purposes coupled with the availability of commercial power renders any power value of the Odell Creek site negligible.

The Commission finds: Inasmuch as the subject lands have insignificant power value, the power withdrawal pertaining thereto serves no useful purpose and should be vacated.

The Commission orders: The withdrawal of the subject lands pursuant to the application for Project No. 1126 is hereby vacated.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-13748; Filed, Nov. 19, 1969; 8:45 a.m.]

[Docket No. CP70-117]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

NOVEMBER 14, 1969.

Take notice that on October 30, 1969, Arkansas Louisiana Gas Co. (Applicant), Post Office Box 1734, Shreveport, La. 71102, filed in Docket No. CP70-117 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7 of the regulations thereunder for a certificate of public convenience and necessity authorizing the construction during the 1970 calendar year, and operation of certain gas-sales or transportation facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes the construction of various pipeline taps and miscellaneous rearrangements of Applicant's pipeline. Applicant states the maximum deliveries to any one customer will not exceed 100,000 Mcf per year, and that none of the gas will be used for boiler fuel purposes.

The total estimated cost of the proposed facilities will not exceed $300,000.

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. 69-13749; Filed, Nov. 19, 1969; 8:45 a.m.]

[Docket No. RI70-473]

CARRL OIL ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

NOVEMBER 14, 1969.

On October 17, 1969, Carrl Oil (Operator) et al. (Carrl),[1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is designated as follows:

Description: Notice of change, dated October 17, 1969.
Purchaser and producing area: Texas Eastern Transmission Corp. (South Bird Island Field, Kleberg County, Tex.) (RR. District No. 4).
Rate schedule designation: Supplement No. 2 to Carrl's FPC gas rate schedule No. 8.
Effective date: November 17, 1969.[2]
Amount of annual increase: $7,229.
Effective rate: 15.0613375 cents per Mcf.[3,4]
Proposed rate: 16.0654063 cents per Mcf.[3,5]
Pressure base: 14.65 p.s.i.a.

Carrl's proposed 16.0654063 cents per Mcf periodic rate increase exceeds the area increased rate ceiling of 14 cents per Mcf for Texas Railroad District No. 4 as announced in the Commission's statement of general policy No. 61-1, as amended, and should be suspended for 5 months from November 17, 1969, the expiration date of the statutory notice.

The proposed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: 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 proposed change, and that Supplement No. 2 to Carrl's FPC gas rate schedule No. 8 be suspended and the use thereof deferred as hereinafter ordered.

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 upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Carrl's FPC gas rate schedule No. 8.

(B) Pending such hearing and decision thereon, Supplement No. 2 to Carrl's FPC gas rate schedule No. 8 is hereby suspended and the use thereof deferred until April 17, 1970, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington,

[1] Address is: Post Office Box 576, Corpus Christi, Tex. 78403.

[2] The stated effective date is the first day after expiration of the statutory notice.

[3] Subject to a downward B.t.u. adjustment.

[4] Includes the Texas tax which has been filed.

[5] Periodic rate increase.

D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before December 31, 1969.

By the Commission.

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

[F.R. Doc. 69-13750; Filed, Nov. 19, 1969; 8:45 a.m.]

[Docket No. CP70-35]

CENTRAL ILLINOIS PUBLIC SERVICE CO. AND TEXAS EASTERN TRANSMISSION CORP.

Order Setting Hearing Date and Prescribing Procedure

NOVEMBER 12, 1969.

Central Illinois Public Service Co. (Central Illinois), Illinois Building, Springfield, Ill. 62701, filed on August 14, 1969, in Docket No. CP70-35, pursuant to section 7(a) of the Natural Gas Act, an application for an order directing Texas Eastern Transmission Corp. (Texas Eastern), Houston, Tex. 77001, to connect its natural gas transportation facilities with pipeline and distribution facilities to be constructed by the applicant and sell and deliver natural gas to the applicant for resale in the village of Broughton and environs in Hamilton County, Ill., and to construct and operate a line tap and metering and regulating facilities at the delivery point about 3 miles south of Broughton.

Central Illinois proposes to construct and operate approximately 3 miles of 2-inch transmission main and a natural gas distribution system in Broughton at an estimated cost of $51,570 to be financed from internal funds.

Broughton's natural gas requirements in the fourth year of operation are estimated at 14,886 Mcf annual and 224 Mcf maximum day at 15.025 p.s.i.a.

Central Illinois alleged that it distributes natural gas in many cities and towns in Illinois and is authorized by the Illinois Commerce Commission to render the proposed service.

Texas Eastern filed an answer stating its position that the sale and delivery by Texas Eastern of the small volume of gas requested by Central Illinois is not economically feasible.

Notice of Central Illinois' application, setting September 15, 1969, as the final date for filing protests or petitions to intervene, was published in the FEDERAL REGISTER on August 28, 1969 (34 F.R. 13765). None was filed.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that a public hearing be held on the issues presented by Central Illinois' application as ordered hereinafter.

The Commission orders:

(A) A public hearing on the issues presented by Central Illinois' application in Docket No. CP70-35 will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., commencing at 10 a.m. on February 17, 1970.

(B) Each party shall file with the Commission and serve on the other party and the Commission's staff the proposed evidence comprising its case-in-chief, including prepared testimony of witnesses and exhibits, as follows: Central Illinois on or before December 15, 1969; Texas Eastern on or before January 12, 1970.

Central Illinois shall file and serve rebuttal evidence on or before February 2, 1970.

By the Commission.

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

[F.R. Doc. 69-13751; Filed, Nov. 19, 1969; 8:45 a.m.]

[Dockets Nos. RP70-8, RP70-9]

COLORADO INTERSTATE GAS CO.

Order Providing for Hearing, Suspending Proposed Tariff Sheets, and Consolidating Proceedings

NOVEMBER 12, 1969.

On October 3, 1969, Colorado Interstate Gas Co. (Colorado) tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1 to become effective on November 18, 1969.[1] This matter has been given Docket No. RP70-8. The proposed rate changes would increase charges for jurisdictional sales and services by approximately $8,235,887 annually, based on sales for the 12-month period ending June 30, 1969, as adjusted. The proposed increase would increase the rates and charges in all of Colorado's rate schedules except its Rate Schedule PS-1 and would allow a rate of return on the jurisdictional business of 8¼ percent.

Colorado states that the proposed changes are required to compensate for a deficiency in jurisdictional revenues incurred during the above-mentioned 12-month test period ending June 30, 1969. The stated causes for this deficiency include increased costs of financing; operating and maintaining the pipeline system; purchasing supplies, materials, labor, and services for the pipeline; Federal, State, and local taxes; and purchasing and producing natural gas for the system's operation.

In addition on October 3, 1969, Colorado tendered for filing a petition for approval of a plan of disposition of its deferred tax reserve now maintained in FPC Account No. 282. This matter has been given Docket No. RP70-9.

Colorado proposes that the present balance of $7,546,000 in the above-mentioned account be disposed of in accordance with a procedure under which amounts determined to be consumer contributed would be amortized over a 4-year period commencing January 1, 1969, and ending December 31, 1972, and the balance determined not to be consumer contributed would be transferred to earned surplus. In its proposal Colorado states that under this procedure $1,555,969 would be returned to jurisdictional customers over the 4-year period and the remainder of $5,990,031 would be transferred to unappropriated earned surplus.

Review of the filing indicates that certain issues are raised which require development in evidentiary proceedings and that these two filings designated Dockets Nos. RP70-8 and RP70-9 should be consolidated. 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.

We contemplate that some of the issues involved in this proceeding may be susceptible of hearing and decision within the 5 months 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.

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 and charges contained in Colorado's FPC Gas Tariff, as proposed to be amended herein, and that the proposed tariff sheets listed in footnote (1) above be suspended, and the 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 Commission enter upon a hearing concerning the propriety of Colorado's proposed plan of distribution of funds in its FPC Account No. 282.

(3) It is appropriate that the matters designated herein as Dockets Nos. RP70-8 and RP70-9 be consolidated for hearing and decision.

(4) 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) The matters designated herein as Dockets Nos. RP70-8 and RP70-9 are hereby consolidated for hearing and decision.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held commencing on December 17, 1969, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street

[1] Fourth Revised Sheet No. 4; Fourth Revised Sheet No. 5; Fourth Revised Sheet No. 6; Fourth Revised Sheet No. 7; Sixth Revised Sheet No. 9; Fifth Revised Sheet No. 10; Fourth Revised Sheet No. 11; Fifth Revised Sheet No. 11B; Fourth Revised Sheet No. 11C; Third Revised Sheet No. 11D; First Revised Sheet No. 12; Second Revised Sheet No. 14; Fourth Revised Sheet No. 16A; Second Revised Sheet No. 17; Second Revised Sheet No. 18B; and Fourth Revised Sheet No. 19.

NW., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in Colorado's FPC Gas Tariff, as proposed to be amended herein.

(C) Pending such hearing and decision thereon, Colorado's revised tariff sheets listed in footnote (1) above are hereby suspended and the use thereof is deferred until May 18, 1970, and until such further time as they are made effective in the manner prescribed in the Natural Gas Act.

(D) At the hearing on December 17, 1969, Colorado's prepared testimony (Statement P), filed and served on October 20, 1969, together with its entire rate filing as submitted and served on October 3, 1969, and all materials filed in Docket No. RP70–9 as submitted and served on October 3, 1969, be admitted as Colorado's case-in-chief as provided by § 154.63(e)(1) of the Commission's regulations under the Natural Gas Act, and Order No. 254, 28 FPC 495, subject to appropriate motions, if any, by parties to the proceeding.

(E) Following admission of Colorado's complete case-in-chief, the parties shall present their views and the Presiding Examiner, in the exercise of his discretion, shall determine which issues, if any, shall be heard in an initial phase hearing; fix dates for service of Staff's and Intervenor's evidence on such issues and service of Colorado's rebuttal testimony; 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. The Examiner shall thereafter fix dates for service of testimony and cross-examination on all issues not being heard in the first phase hearing.

(G) Presiding Examiner Francis L. Hall, 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 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. 69–13752; Filed, Nov. 19, 1969; 8:45 a.m.]

[Docket No. RP70–11]

EL PASO NATURAL GAS CO.

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

NOVEMBER 12, 1969.

El Paso Natural Gas Co. (El Paso) on October 13, 1969, filed two sets of revised tariff sheets proposing changes in its presently effective FPC Gas Tariff Original Volume No. 1. The sheets designated "Revised Tariff Sheets"[1] provide for an increase in El Paso's Southern division rates of 4.42 cents per Mcf or $51,123,300 annually. Of this total increase, 3.16 cents per Mcf, $36,510,247, is based on claimed increases in costs other than purchased gas and the remaining 1.26 cents per Mcf, $14,613,053, is attributable to estimated increases in the cost of purchased gas. El Paso requests an effective date of November 13, 1969, for these tariff sheets.

El Paso states that the principal reasons for its proposed increase are increases in the cost of capital, purchased gas, taxes, labor, materials, and supplies. El Paso in this docket claims the need for a 8.25 percent rate of return. The increase in return and associated taxes amounts to $32.7 million which is 90 percent of the $36.5 million portion of the increase attributable to costs other than purchased gas costs.

El Paso also tendered tariff sheets designated "Alternative Revised Tariff Sheets" designed, inter alia, to implement the further tracking of supplier rate increases after December 31, 1969, the last date upon which El Paso was authorized to make tracking filings in Docket No. RP69–20. By order issued this same day in Docket No. RP69–20, we granted El Paso's motion to extend the tracking period set forth in our March 20, 1969, order as amended. Concurrently therewith, we granted El Paso's request to deem the "Alternative Revised Tariff Sheets" withdrawn.

As previously noted $14,613,053 of El Paso's proposed rate increase relates to claimed increases in purchased gas costs. Of this amount, $1,383,246 represents supplier rate increases which have suspension periods expiring before December 31, 1969, and $4,728,580 represents supplier rate increases having suspension periods expiring between January 1, 1970, and March 31, 1970. By order issued this same date at Docket No. RP69–20 we have permitted El Paso to recover certain of these purchased gas costs as they are sustained by means of tracking filings through April 12, 1970. On April 13, 1970, the end of the suspension period provided for herein, El Paso may be exposed to approximately $10,900,000 of possible increases in purchased gas costs. Under these circumstances it appears appropriate to afford El Paso an opportunity to track supplier rate increases after April 12, 1970. In so doing, we recognize that El Paso's customers should not be required to pay rates based on purchased gas not being sustained by El Paso. Accordingly, at the end of the suspension period provided for herein, April 13, 1970, El Paso may only place into effect that portion of its proposed increased rates equal to the then effective rates plus 3.16 cents per Mcf (3.16 cents being the claimed increase in costs other than purchased gas costs). In order to permit El Paso to recover increased purchased gas costs which may be sustained after April 13, 1970, we will allow El Paso to track supplier rate changes through December 31, 1970, up to a level equal to 4.42 cents per Mcf (3.16-cent costs other than purchased gas costs +1.26-cent purchased gas costs) above the rates in effect on September 17, 1969, the last day of actual experienced purchased gas costs included in El Paso's filing in Docket No. RP70–11.

A review of El Paso's "Revised Tariff Sheets" and the data in support thereof, indicates that certain issues are raised therein which require development in an evidentiary proceeding. The proposed increased rates, charges, and other tariff changes have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

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.

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 El Paso's FPC Gas Tariff, as proposed to be amended by its "Revised Tariff Sheets", and that the proposed "Revised 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 4, 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 El Paso's FPC Gas Tariff, as proposed to be amended.

(B) Pending such hearing and decision thereon El Paso's proposed "Revised Tariff Sheets" listed above are hereby suspended and the use thereof deferred until April 13, 1970, and thereafter shall be effective upon the following condition:

[1] 19th Revised Sheet No. 4, 21st Revised Sheet Nos. 6 and 8, 23d Revised Sheet Nos. 10 and 11, 18th Revised Sheet No. 11–A, 19th Revised Sheet Nos. 17 and 18, 22d Revised Sheet No. 19, 16th Revised Sheet No. 27–B, 19th Revised Sheet No. 27–E, 18th Revised Sheet Nos. 27–I and 34, and 22d Revised Sheet No. 36.

(1) El Paso may place in effect on April 13, 1970, or thereafter in the manner prescribed by the Natural Gas Act, 3.16 cents per Mcf of its requested 4.42 cents per Mcf rate increase in addition to the rate then currently in effect.

(C) After April 12, 1970, El Paso may, from time to time until December 31, 1970, file with the Commission as a part of its FPC Gas Tariff, Original Volume No. 1, revised tariff sheets, necessary to reflect increases or decreases in its rates up to a level equal to 4.42 cents per Mcf above the rates in effect on September 17, 1969, based upon increases or decreases in the cost of El Paso's purchased gas, subject to the conditions as hereinafter described and computed in accordance with the following provisions of this paragraph (C):

(1) Increases or decreases in El Paso's rate made pursuant to paragraph (C) shall only reflect those changes in the cost of gas purchased by El Paso from those fields and from those gas supply sources presently connected to El Paso's Southern Division System and identified in Statement H(1), Schedule No. H(1)–3.1 of El Paso's filing herein and under those FPC Gas Rate Schedules of El Paso's Southern Division System suppliers now on file with this Commission and identified in Statement H(1), Schedule No. H(1)–3.2, sheets 1 through 416, of El Paso's filing herein: *Provided, however,* That rates effective hereunder shall be adjusted to reflect any reduction of the rates effective subject to refund in Dockets Nos. RP69–6 and RP69–20: *And provided further,* That only those increases under the Southern Division System supplier rate schedules, or any decreases therein, ordered by the Commission shall be used in the computation of increases or decreases in El Paso's rates made pursuant to paragraph (C): *And, provided further,* That the aggregate net increase in El Paso's rates made pursuant to paragraph (C) shall not exceed 1.26 cents per Mcf.

(2) No change in rates shall be made hereunder until the net change in the annualized cost of purchased gas for El Paso's Southern Division System under the supplier rate schedules, determined as herein provided, causes a total Southern Division System change in purchased gas costs of at least one-tenth of one cent (0.1¢) per Mcf (at 14.73 p.s.i.a.), based upon El Paso's Southern Division System gas sales for the 12-month period ending not less than 60 days and not more than 90 days preceding the effective date of any change in rate made under the provisions of paragraph (C);

(3) The annualized cost of gas purchased by El Paso for its Southern Division System under each such supplier rate schedule shall be determined by application of the rate then in effect thereunder to the volume of gas purchased during the 12-month period ending not less than 60 days nor more than 90 days preceding the effective date of such increase or decrease, for each supplier rate schedule reflected in Statement H(1), Schedule No. H(1)–3.2 of El Paso's filing herein;

(4) The amount of any net change in the annualized cost of purchased gas for El Paso's Southern Division System shall be determined as the difference between the annualized cost of purchased gas, computed in accordance with the immediately preceding subparagraph (3), and the amount that would have been paid as determined by application of the last supplier rate used for a change in rates hereunder to the volume prescribed in subparagraph (3). The amount per Mcf of any change in rates hereunder shall be determined by dividing the annual amount of the above change in costs by El Paso's total Southern Division System sales made during the 12-month period used to determine the annualized cost of purchased gas under the immediately preceding subparagraph (3). Such change in rates shall be uniformly applied to all rate schedules affected by El Paso's filing herein and in the commodity component of Rate Schedule G of El Paso's FPC Gas Tariff, Original Volume No. 1: *Provided, however,* That the aggregate net increase to reflect increased purchase gas costs hereunder shall not exceed 1.26 cents per Mcf.

(5) No filing shall be made pursuant to paragraph (C) until all increased supplier rates included therein are actually effective, or until a motion to place such rates in effect has been filed with the Commission; *Provided,* That El Paso's filings shall not provide for an effective date prior to the day on which the suspended supplier increases become effective by motion;

(6) Revised tariff sheets filed in accordance herewith shall become effective 30 days after filing or such later date as El Paso proposes; and

(7) If, as a result of any final order of the Commission, not stayed by the Commission or the courts, El Paso shall receive refunds, including interest, under any supplier rate schedule applicable to increased rates collected thereunder which have been reflected in changes in El Paso's Southern Division System rates hereunder, El Paso shall refund the jurisdictional portion of all refunds received to its jurisdictional customers, without further interest, upon accumulation of $1 million or more, except for the final refund which shall be made if, but only if, the total amount remaining refundable is $50,000 or more.

(D) As a condition of this order, El Paso shall execute and file in triplicate with the Secretary of this Commission, within twenty (20) days of the date of this order, its written agreement and undertaking to comply with the terms of paragraph (C)(7) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from its board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the tariff sheets involved and upon all parties of record in this proceeding, as follows:

Agreement and Undertaking of El Paso Natural Gas Co. to Comply with the Terms and Conditions of Paragraph (C)(7) of Federal Power Commission's Order issued November ....., 1969, in Docket No. RP70–11.

In conformity with the requirements of the order issued November ....., 1969, in Docket No. RP70–11 El Paso Natural Gas Co., hereby agrees and undertakes to comply with the terms and conditions of paragraph (C)(7) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officer, thereupon duly authorized in accordance with the terms of the resolution of its Board of Directors, a certified copy of which is appended hereto, this ..... day of ....., 1969.

El Paso Natural Gas Co.
By .....

Attest:
.....
Secretary

(E) At the hearing on December 4, 1969, El Paso's prepared testimony (Statement P) filed and served on October 28, 1969, together with its entire rate filing as submitted and served on October 13, 1969, shall be admitted to the record as El Paso'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.

(F) Following admission of El Paso'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 Intervenors' evidence and El Paso's rebuttal evidence of 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.

(G) Presiding Examiner, Max L. Kane, or any other designated by the Chief Examiner for that purpose (see Delegation of Authority, 18 CFR 3.56(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 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. 69–13753; Filed, Nov. 19, 1969; 8:45 a.m.]

[Dockets Nos. CP69–269, CP69–237]

FORAKER GAS CO. ET AL.

Notice of Continuance

NOVEMBER 14, 1969.

Foraker Gas Co., applicant, Texas Eastern Transmission Corp., respondent, Docket No. CP69–269; and United Cities Gas Co., applicant, Texas Eastern Transmission Corp., respondent, Docket No. CP69–237.

Notice is hereby given that the hearing scheduled to commence at 10 a.m.,

e.s.t., on November 18, 1969, in the above-designated matter, is continued until further notice.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-13754; Filed, Nov. 19, 1969; 8:46 a.m.]

[Docket No. RI70-29, etc.]

MOBIL OIL CORP. ET AL.

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

NOVEMBER 10, 1969.

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

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

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

The Commission orders:

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

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

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 29, 1969.

(E) For the reasons set forth in Appendix "A" hereto, the proceedings in Dockets Nos. G-19002 and G-19003 are terminated.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

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

APPENDIX A

Docket No.	Respondent	Rate schedule	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate
RI70-29...	Mobil Oil Corp.	354	1 to 18	Montana-Dakota Utilities Co., Wyoming.	$549	10-13-69	11-13-69	[1] 11- 1-69	14.714	14.787
RI70-454...	Mobil Oil Corp., Operator et al.	212	10	do.	766	10-13-69	11-13-69	[2] 11- 2-69	14.641	14.787
RI70-455...	Pauley Petroleum, Inc.	2	10	Phillips Petroleum Co., Texas RR. District No. 10.	14,793	10-13-69	11-13-69	[3] 1- 1-70	8.67639	10.5729
RI70-456...	Bayou Oil Co. et al.	2	9	do.	366	10-13-69	11-13-69	[3] 1- 1-70	8.67639	[4] 10.5731
					19,037				7.85936	[5] 9.6229
RI70-457...	Humble Oil & Refining Co.	157	2	Coastal States Gas Producing Co., Texas RR. District No. 4.	480	10-13-69	11-13-69	11-14-69	12.0	13.0

[1] Request for waiver of notice granted, and filing accepted subject to the proceeding now pending in Docket No. RI70-29.
[2] Request for waiver of notice granted, and proposed tax increase suspended for 1 day.
[3] Request for waiver of notice denied.
[4] Sweet gas.
[5] Sour gas.

Mobil's proposed increase under its FPC gas rate schedule No. 354 reflects reimbursement for a severance tax recently enacted by the State of Wyoming which is retroactively effective as of January 1, 1968. The increase by Mobil pertains only to past production back to that date. Mobil has previously filed for an increased rate to reflect tax reimbursement for future production, and such increased rate is presently being collected, subject to refund, in Docket No. RI70-29. Consequently, the proposed increase for past production is accepted as of November 1, 1969, subject to refund in the existing proceeding in Docket No. RI70-29.

Mobil's proposed increase under its FPC gas rate schedule No. 212 also reflects tax reimbursement for the Wyoming severance tax but covers tax reimbursement for future production as well as reimbursement for taxes applicable to past production back to January 1, 1968. Accordingly, we shall suspend the proposed increase for 1 day from November 1, 1969, the requested effective date, with waiver of notice granted.

After the amounts of tax reimbursement applicable to past production have been recovered, Mobil shall file appropriate rate decreases under its FPC gas rate schedule Nos. 212 and 354 to reduce the rates proposed herein so as to provide for tax reimbursement for future production only. Mobil will also be required to refund any reimbursement relating to the Wyoming tax collected in these proceedings in the event the tax is for any reason held invalid upon judicial review.

The rates of Pauley and Bayou for their sales to Phillips are geared to the revenues of Phillips' purchaser, El Paso Natural Gas Co. El Paso increased its average resale rate on March 7, 1969, subject to refund, in Docket No. RP69-6. The increased rates now filed by Pauley and Bayou are based on El Paso's increased rate. Phillips was contractually due an increased rate for its resale to El Paso on August 1, 1969, but did not file for such rate. If it had filed, its increased rate would have been subject to suspension until January 1, 1970. Good cause has not been shown for granting the requests of Pauley and Bayou for waiver of notice. However, we believe it appropriate to suspend their proposed increased rates only until January 1, 1970, the same period Phillips' increase would have been suspended if Phillips had filed for the increased rate to which it is contractually entitled.

On October 23, 1969, Bayou and Pauley filed in Dockets Nos. G-19002 and G-19003, respectively, motions to terminate those proceedings which pertain to lower increased rates previously filed with respect to the same sales to Phillips involved here. The proposed increased rates suspended in such dockets have never been made effective. Therefore, such proceedings should properly be terminated.

Humble proposed a periodic increase from 12 cents to 13 cents under its FPC gas rate schedule No. 157 for a sale to Coastal which in turn resells the gas, under its FPC gas rate schedule No. 55 at a rate of 14.5 cents, subject to refund, to Natural aGs Pipeline Company of America. Good cause thus exists for suspending Humble's proposed increase for only 1 day.

[F.R. Doc. 69-13763; Filed, Nov. 19, 1969; 8:46 a.m.]

[Docket No. CP70-119]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

NOVEMBER 14, 1969.

Take notice that on November 5, 1969, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP70-119 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience

and necessity authorizing the sale and delivery and transportation for resale, of additional volumes of natural gas to existing customers, and the construction and operation of additional facilities necessary therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes:

(a) Sale and delivery, and transportation for resale, to existing customers of additional volumes of gas totaling 157,744 Mcf per day;

(b) Sale and delivery to existing customers of additional storage service under Applicant's FPC gas rate Schedule S–1 of 124,800 Mcf per day;

(c) Sale and delivery to existing customers of storage service totaling 91,593 Mcf per day under a new rate schedule to be denominated S–2;

(d) The construction and operation of the following transmission facilities:

(1) Approximately 31.40 miles of 36-inch diameter pipeline looping at various locations in Effingham, Shelby, Livingston, Grundy, and Du Page Counties, Ill.;

(2) Approximately 3.36 miles of 42-inch pipeline looping in Cook County, Ill.;

(3) Approximately 7.98 miles of 24-inch pipeline looping in Ogle and Winnebago Counties, Ill.;

(4) Approximately 15.54 miles of 16-inch pipeline looping in Ogle and De Kalb Counties, Ill.;

(e) The construction and operation of the following storage facilities:

(1) At the Cairo Storage Field in Louisa County, Iowa, four injection-withdrawal wells and approximately 1 mile of 6-inch gathering pipeline;

(2) At the Columbus City Storage Field in Louisa County, for injection-withdrawal wells approximately 1.50 miles of 6-inch gathering pipeline;

(3) At the Herscher Northwest Storage Field in Kankakee County, Ill., two injection-withdrawal wells and approximately 0.75 mile of 12-inch gathering pipeline;

(4) At the Loudon Storage Field in Fayette and Effingham Counties, Ill., approximately 1.75 miles of 8-inch gathering pipeline; and

(5) Miscellaneous facilities appurtenant to the above and existing facilities.

The total estimated cost of the proposed facilities is $15,157,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 2, 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. 69–13755; Filed, Nov. 19, 1969; 8:46 a.m.]

[Docket No. CP70–120]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

NOVEMBER 14, 1969.

Take notice that on November 5, 1969, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP70–120 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and sale for resale of additional volumes of natural gas to existing customers and the construction and operation of additional facilities necessary therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes the following:

(a) To sell and deliver to existing resale customers additional volumes of gas totalling 104,000 Mcf per day;

(b) To construct and operate the following facilities:

(1) Additional compressor horsepower at existing stations as follows:

No. 154 Gray County, Tex., 1,040 additional horsepower;
No. 191 Hutchinson County, Tex., 9,300 additional horsepower; and
No. 199 Muscatine County, Iowa, 12,500 additional horsepower

(2) Approximately 149.72 miles of 36-inch pipeline looping at various locations in Beaver County, Okla.; Meade, Ford, Edwards, Russell, Ellsworth, Lincoln, Republic, and Washington Counties, Kans.; Otoe and Cass Counties, Nebr.; Adams, Adair, Marion, and Mahaska Counties, Iowa; and Bureau, Du Page, and Cook Counties, Ill.

(3) Miscellaneous facilities appurtenant to the above and existing facilities.

The total estimated cost of the proposed facilities is $31,715,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 8, 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. 69–13756; Filed, Nov. 19, 1969; 8:46 a.m.]

[Project 1299]

NEW ENGLAND FISH CO.

Notice of Application for New License for Constructed Project

NOVEMBER 14, 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 New England Fish Co. (correspondence to: M. L. Grout, New England Fish Co., Pier 89, Seattle, Wash. 98119) for constructed Project No. 1299 located on One Mile Creek, One-Half Mile Creek, and a small unnamed creek, all of which flow into the North East Arm of Uganik Bay, on Kodiak Island, Kodiak Recording District, Alaska, and affecting lands of the United States.

The existing project consists of: (1) A small diversion dam on One Mile Creek; (2) a flume 105 feet long passing

through two settling basins; (3) a 10-inch wood-stave pipeline about 5,300 feet long extending to applicant's cannery in which is located a 70 horsepower Pelton water wheel and a d.–c. generator; (4) a 1,000-foot branch line of 8-inch wood-stave pipe starting at the applicant's cannery and extending upstream to an intake tank on a small unnamed creek; (5) an 800-foot branch line of 8-inch wood pipe starting between Survey Station L26 and L27 on the project's main pipeline and extending up a side stream to an intake tank on One-Half Mile Creek; and (6) appurtenant facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 5, 1970, 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. 69-13757; Filed, Nov. 19, 1969; 8:46 a.m.]

[Project 2101]

SACRAMENTO MUNICIPAL UTILITY DISTRICT

Notice of Application for Amendment of License for Partly Constructed Project

NOVEMBER 14, 1969.

Public notice is hereby given that application for amendment of license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Sacramento Municipal Utility District (correspondence to: Paul E. Shaad, General Manager and Chief Engineer, Sacramento Municipal Utility District, 6201 S Street, Sacramento, Calif. 95811) for the partly constructed Upper American River Project No. 2101, located on Silver Creek, a tributary of the South Fork American River, in Eldorado County, Calif., and affecting lands of the United States within the Eldorado National Forest.

According to the application, recent studies made by the licensee engineering consultants have shown that neither the unconstructed Jones Fork Power Plant nor Ice House Tunnel are economical additions to the project, and since their construction is expressly required by license Article 44, the licensee seeks to delete from the article mention of Jones Fork Power Plant and Ice House Tunnel as part of the project.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 6, 1970, 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. 69-13758; Filed, Nov. 19, 1969; 8:46 a.m.]

[Docket No. G–5061 etc.]

SHELL OIL CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service, and Petitions To Amend Certificates; Correction

NOVEMBER 12, 1969.

Shell Oil Co. and other Applicants listed herein, Docket No. G–5061 et al.; Vincent Kutch et al., Docket No. CI70–349.

In the notice of application for certificates, abandonment of service, and petitions to amend certificates, issued October 28, 1969, and published in the FEDERAL REGISTER November 6, 1969 (34 F.R. 17968), on page 17969, Docket No. C170–349: Change filing date to read "10–9–69" in lieu of "10–2–69."

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-13759; Filed, Nov. 19, 1969; 8:46 a.m.]

[Docket No. RP70–14]

TEXAS GAS TRANSMISSION CORP.

Notice of Proposed Changes in Rates and Charges

NOVEMBER 12, 1969.

Take notice that Texas Gas Transmission Corp. (Texas Gas) on November 7, 1969, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1, to become effective on December 16, 1969. The proposed rate changes would increase charges for jurisdictional sales by $5,031,437 annually, based on volumes for the 12-month period ended March 31, 1969, as adjusted. The proposed increase would be applicable to all of Texas Gas' sales rate schedules.

Texas Gas states that the reason for the proposed rate increase is occasioned solely by, and will compensate Texas Gas only for an increase in its cost of purchased gas, resulting from the filing of proposed increased rates by its supplier, United Gas Pipeline Co. on October 31, 1969, in Docket No. RP70–13. If United's proposed increased rates are suspended Texas Gas proposes that its rate changes become effective on the same day as United's, in lieu of December 16, 1969.

Copies of the filing were served on Texas Gas' customers and interested State commissions.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 2, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-13760; Filed, Nov. 19, 1969; 8:46 a.m.]

[Docket No. RP70–13]

UNITED GAS PIPE LINE CO.

Notice of Proposed Changes in Rates and Charges

NOVEMBER 12, 1969.

Take notice that on October 31, 1969, United Gas Pipe Line Co. (United) tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, to become effective on December 16, 1969. The proposed rate change would increase charges for jurisdictional sales and services by about $33,100,000 based on sales and transportation deliveries for the 12-month period ending July 31, 1969, as adjusted. The proposed increased rates would apply in all areas served by United other than Northwest Mississippi.

United states the main reasons for the proposed rate increases are (1) increases in purchased gas costs, underground storage, and transmission expenses, (2) the proposed reversion from the use of liberalized depreciation to the straight line method of computing depreciation for tax purposes, and (3) the need for a rate of return of 9 percent.

Copies of the filing are being served on customers and interested State regulatory agencies.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 2, 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 1.18 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. 69-13761; Filed, Nov. 19, 1969; 8:46 a.m.]

[Docket No. CP70-125]

GREAT LAKES GAS TRANSMISSION CO.

Notice of Application

NOVEMBER 18, 1969.

Take notice that on November 10, 1969, Great Lakes Gas Transmission Co. (applicant), 1 Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP70-125 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing additional sales of natural gas in interstate commerce, the construction and operation of the facilities necessary therefor, and the establishment of an emergency interconnection, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport and sell approximately 4,000,000 Mcf of natural gas to Panhandle Eastern Pipe Line Co. (Panhandle) for a limited period ending November 1, 1970, and to construct and operate a meter station near Birch Run, Mich., required to make such sale and to maintain such facilities as an emergency interconnection with Panhandle.

The total estimated cost of the proposed facilities is $42,915 to be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 5, 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. 69-13861; Filed, Nov. 18, 1969; 4:09 p.m.]

[Docket No. CP70-124]

GREAT LAKES GAS TRANSMISSION CO.

Notice of Application

NOVEMBER 18, 1969.

Take notice that on November 10, 1969, Great Lakes Gas Transmission Co. (applicant), 1 Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP70-124 an application pursuant to section 3 of the Natural Gas Act for authorization to import until November 1, 1970, an additional 3,285,000 Mcf of natural gas from Trans-Canada Pipe Lines Ltd. (Trans-Canada) at the international boundary near Emerson, Manitoba, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to import the additional volumes of natural gas for resale to Panhandle Eastern Pipe Line Co. (Panhandle) pursuant to a precedent agreement for the sale of such gas to Panhandle during the limited period involved to meet Panhandle's winter requirements. Applicant states that no new facilities are required to receive the additional gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 5, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-13862; Filed, Nov. 18, 1969; 4:09 p.m.]

SECURITIES AND EXCHANGE COMMISSION

COMMERCIAL FINANCE CORPORATION OF NEW JERSEY

Order Suspending Trading

NOVEMBER 14, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Commercial Finance Corporation of New Jersey (a New Jersey corporation) and all other securities of Commercial Finance Corporation of New Jersey 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 17, 1969, through November 26, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-13777; Filed, Nov. 19, 1969; 8:47 a.m.]

LIBERTY EQUITIES CORP.

Order Suspending Trading

NOVEMBER 14, 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 15, 1969, through November 24, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-13778; Filed, Nov. 19, 1969; 8:47 a.m.]

LIQUID OPTICS CORP.

Order Suspending Trading

NOVEMBER 14, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Liquid Optics Corp. (a New York corporation) and all other securities of Liquid Optics Corp. being

traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 17, 1969, through November 26, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-13779; Filed, Nov. 19, 1969; 8:47 a.m.]

[70-4800]

MAINE YANKEE ATOMIC POWER CO. ET AL.

Notice of Proposed Issue and Sale of Subordinated Notes by Subsidiary Company and Acquisition by Sponsor Companies

NOVEMBER 14, 1969.

In the matter of Maine Yankee Atomic Power Co., New England Power Co., The Connecticut Light & Power Co., The Hartford Electric Light Co., Montaup Electric Co., Western Massachusetts Electric Co., and Maine Public Service Co.

Notice is hereby given that Maine Yankee Atomic Power Co. ("Maine Yankee"), 9 Green Street, Augusta, Maine 04330, an electric utility company and a subsidiary company of both Northeast Utilities ("Northeast") and New England Electric System ("NEES"), registered holding companies; New England Power Co. ("NEPCO"), an electric utility subsidiary company of NEES; Western Massachusetts Electric Co. ("WMECO"), The Connecticut Light & Power Co. ("CL&P"), and The Hartford Electric Light Co. ("Hartford"), three public utility subsidiary companies of Northeast; Montaup Electric Co. ("Montaup"), an electric-utility subsidiary company of Eastern Utility Associates, a registered holding company; and Maine Public Service Co. ("MPS"), an exempt holding company (referred to collectively as "applicant-sponsors"), have filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9(a), and 10 of the Act 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.

Maine Yankee is constructing a nuclear-powered electric generating plant with a net expected capacity of approximately 800 megawatts. The total capital cost of the plant, excluding the cost of the initial inventory of nuclear fuel of about $20 million, is currently estimated at $181 million. The sponsors are committed by capital fund agreements and power contracts to provide Maine Yankee, in accordance with their stock percentages, the capital required by Maine Yankee, and to purchase a like percentage of the capacity and power output of the Maine Yankee plant on a cost-of-service basis, which includes an appropriate return on their investment. After the decision of the Court of Appeals for the District of Columbia Circuit on March 26, 1969, setting aside the Commission order authorizing the initial stock issuance, sale and acquisition of Maine Yankee common stock (Holding Company Act Release No. 16006), the sponsors affirmed their commitment to finance Maine Yankee and acknowledged their willingness to effect whatever change might be required by any regulatory agency or court having jurisdiction. On June 3, 1969, certain of the sponsor companies filed a proposal, to which all the sponsor companies, including those not subject to the Act, and signatories, to afford the other public utility companies in the New England area, including cooperatives and municipally owned systems, an opportunity to participate in the power output of Maine Yankee. On September 5, 1969, the Commission issued a supplemental order for hearing and consolidation of proceedings on such proposal, and the hearing therein is now in progress (Holding Company Act Release No. 16470).

Maine Yankee proposes to issue and sell to its sponsor companies, including the applicant-sponsors, an aggregate of $120 million of its subordinated notes for the purpose of obtaining funds from time to time as may be required to meet the construction expenses of Maine Yankee, including payment of borrowings from banks or sponsors, the proceeds of which had been applied to such expenses. The applicant-sponsors seek to acquire 44 percent of the $120 million of subordinated notes in the following percentages: NEPCO, 20 percent; CL&P, 8 percent; MPS, 5 percent; Hartford, 4 percent; Montaup, 4 percent; and WMECO, 3 percent. The remaining amounts will be issued to the other sponsor companies and the acquisitions thereof are not subject to the approval of this Commission. Maine Yankee has arranged to obtain short-term interim financing from The First National Bank of Boston from time to time prior to December 31, 1972, of up to an aggregate at any one time outstanding of $30 million (see Holding Company Act Release No. 16057, May 6, 1968). The filing states that the notes will mature within 1 year from the date of issue and would bear interest at an annual rate which is 1½ percent in excess of the lowest prime rate for commercial loans in effect at any bank in Boston on the date of issue thereof. The notes will be subordinated and junior in right of payment to all indebtedness of Maine Yankee for money borrowed from banks or other financial institutions. It is stated that the net proceeds of any bond financing or other debt securities issued by Maine Yankee which, by their terms, mature more than 12 months from the date of issue, will be applied as soon as practicable after the receipt thereof, first to the payment of any bank debt outstanding and thereafter to the payment pro rata of any of the subordinated notes then outstanding.

The filing states that the Massachusetts Department of Public Utilities has jurisdiction over the acquisition of the notes by the Massachusetts sponsors and that no other State commission 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 December 9, 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-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 applicants-declarants 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 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 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. 69-13780; Filed, Nov. 19, 1969; 8:48 a.m.]

PACIFIC FIDELITY CORP.

Order Suspending Trading

NOVEMBER 14, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Pacific Fidelity Corp. (a Nevada corporation) and all other securities of Pacific Fidelity Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities

exchange be summarily suspended, this order to be effective for the period November 16, 1969, through November 25, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-13781; Filed, Nov. 19, 1969; 8:48 a.m.]

[70-4781]

VERMONT YANKEE NUCLEAR POWER CORP.

Notice of Filing and Order for Hearing on Application for Exception From Competitive Bidding for Issuance and Sale of First Mortgage Bonds

NOVEMBER 13, 1969.

Notice is hereby given that Vermont Yankee Nuclear Power Corp. ("Vermont Yankee"), 77 Grove Street, Rutland, Vt. 05701, an electric utility company and an indirect subsidiary company of both Northeast Utilities and New England Electric System, registered holding companies, has filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Vermont Yankee is constructing a nuclear electric generating plant with a net expected capacity of approximately 540 megawatts. Upon commencement of commercial operation, scheduled for 1971, all of the net energy output of the plant will be purchased by Vermont Yankee's 10 sponsor companies and such other companies as may in the future participate in a proportionate allocation of the output of the plant. The total capital cost of the plant is now estimated at $120 million. Vermont Yankee has already issued and sold $40 million of common stock to its 10 sponsor companies and has authorization to borrow up to $20 million from banks. An additional $20 million will be needed by the end of this year.

The present application requests, pursuant to subparagraph (a)(5) of Rule 50, exception from the competitive bidding requirements of Rule 50 for the issue and sale by Vermont Yankee from time to time but not later than March 31, 1970, of up to $40 million of first mortgage bonds, the proceeds of which are to be used to finance construction and to repay short-term notes issued therefor. In support of its request, Vermont Yankee cites the protracted litigation involving its common stock and interim debt financing as heretofore authorized by the Commission, the pending proceeding before the Commission, and the administrative and judicial proceedings with respect to the provisional construction permit issued to Vermont Yankee by the Atomic Energy Commission ("AEC") under the Atomic Energy Act of 1954, and certain matters relating thereto. See Vermont Yankee Nuclear Power Corporation, Holding Company Act Release No. 15958 (Feb. 6, 1968); Municipal Electric Association of Massachusetts, et al. v. SEC, No. 21707, United States Court of Appeals for the District of Columbia Circuit (Mar. 26, 1969); Vermont Yankee Nuclear Power Corporation, Holding Company Act Release No. 16053 (May 1, 1968); and Municipal Electric Association of Massachusetts v. SEC, No. 22078, United States Court of Appeals for the District of Columbia Circuit.

Vermont Yankee was granted a provisional construction permit by the AEC on December 11, 1967, following the initial decision of the Atomic Safety and Licensing Board ("Board"). A petition for review of the AEC's order has been filed in the Court of Appeals for the District of Columbia Circuit. Argument was held June 26, 1969, and no decision has yet been rendered.

On June 3, 1969 the applicant companies filed a proposal, to which all the sponsor companies, including those not subject to the Act, are signatories, to afford the other public utility companies in the New England area, including cooperatives and municipal-owned systems, an opportunity to participate in the power output of Vermont Yankee. On September 5, 1969 the Commission issued a supplemental order for hearing and consolidation of proceedings on such proposal, and hearings therein are now in progress (Holding Company Act Release No. 16470).

It is contemplated that 35 percent of the construction requirements of Vermont Yankee will be supplied by the sponsors and the balance will be obtained by the issue and sale by Vermont Yankee of long-term debt securities. Under the power contracts each sponsor is obligated to purchase its proportional share of the power output of Vermont Yankee at a price reflecting costs of service plus a reasonable return on the common stock investment. Since the power contracts are Vermont Yankee's sole source of revenue, Vermont Yankee's ability to service its indebtedness is dependent upon such contracts. In view of the pending litigation, Vermont Yankee represents that it cannot expect to obtain reasonable terms of sale of its bonds through competitive bidding, and, in fact, it is unlikely that it will receive any bids.

It is stated that the fees and expenses in connection with the application are $750 for legal services. It is also stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the requested exception from competitive bidding.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a public hearing be held with respect to the proposed exception; all interested persons be afforded an opportunity to be heard; and that the application should not be granted except pursuant to further order of the Commission:

It is ordered, That a hearing be held herein on December 9, 1969 at 10 a.m., at the office of the Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549. On such date the Hearing Room Clerk will advise as to the room in which the hearing will be held.

It is further ordered, That a Hearing Examiner, hereinafter to be designated shall preside at said hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18(c) of the Act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of the application and that, upon the basis thereof, the following matter and question is presented for consideration, without prejudice, however, to the presentation of additional matters and questions upon further examination:

Whether the requested exception meets the standards of subparagraph (a)(5) of Rule 50;

It is further ordered, That particular attention be directed at said hearing to the foregoing matter and question.

It is further ordered, That any person, other than applicant, desiring to be heard in connection with this proceeding or proposing to intervene therein shall file with the Secretary of the Commission, on or before December 4, 1969, a written request relative thereto as provided in Rule 9 of the Commission's rules of practice. 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. 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 jurisdiction be, and it hereby is, reserved to separate, in whole or in part, either for hearing or for disposition, any issues or questions which may arise in these proceedings and to take such other action as may appear conducive to an orderly, prompt, and economical disposition of the matters involved.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this notice and order by certified mail to Vermont Yankee; The Municipal Electric Association of Massachusetts; the Municipal Departments of Chicopee, Shrewsbury, and Wakefield, Mass.; the Massachusetts Department of Public Utilities; the Maine Public Utilities Commission; the Vermont Public Service Board, the New Hampshire Public Utilities Commission; the Connecticut

Public Utilities Commission; the Rhode Island Department of Business Regulation, Division of Public Utilities; the Atomic Energy Commission and the Federal Power Commission, and that notice to all other interested persons shall be given by a general release of the Commission and by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

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

[F.R. Doc. 69-13782; Filed, Nov. 19, 1969; 8:48 a.m.]

[70-4807]

VERMONT YANKEE NUCLEAR POWER CORP. ET AL.

Notice of Proposed Issue and Sale of Subordinated Notes by Subsidiary Company and Acquisition by Sponsor Companies

NOVEMBER 14, 1969.

In the matter of Vermont Yankee Nuclear Power Corp., New England Power Co., the Connecticut Light & Power Co., the Hartford Electric Light Co., Montaup Electric Co., and Western Massachusetts Electric Co.

Notice is hereby given that Vermont Yankee Nuclear Power Corp. ("Vermont Yankee"), 77 Grove Street, Rutland, Vt. 05701, an electric utility company and a subsidiary company of both Northeast Utilities ("Northeast") and New England Electric System ("NEES"), registered holding companies; New England Power Co. ("NEPCO"), an electric utility subsidiary company of NEES; Western Massachusetts Electric Co. ("WMECO"), The Connecticut Light & Power Co. ("CL&P"), and The Hartford Electric Light Co. ("Hartford"), three public utility subsidiary companies of Northeast; and Montaup Electric Co. ("Montaup"), an electric-utility subsidiary company of Eastern Utilities Associates, a registered holding company (referred to collectively as "applicant-sponsors"), have filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b), 9(a), and 10 of the Act 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.

Vermont Yankee is constructing a nuclear-powered electric generating plant with a net expected capacity of approximately 540 megawatts. The total capital cost of the plant, excluding the cost of the initial inventory of nuclear fuel of about $20 million, is currently estimated at $124,200,000. The sponsors are committed by capital fund agreements and power contracts to provide Vermont Yankee, in accordance with their stock percentages, the capital required by Vermont Yankee, and to purchase a like percentage of the capacity and power output of the Vermont Yankee plant on a cost-of-service basis, which includes an appropriate return on their investment. After the decision of the Court of Appeals for the District of Columbia Circuit on March 26, 1969, setting aside the Commission order authorizing the initial stock issuance, sale and acquisition of Vermont Yankee common stock (Holding Company Act Release No. 15958), the sponsors affirmed their commitment to finance Vermont Yankee and acknowledged their willingness to effect whatever change might be required by any regulatory agency or court having jurisdiction. On June 3, 1969, certain of the sponsor companies filed a proposal, to which all the sponsor companies, including those not subject to the Act, and signatories, to afford the other public utility companies in the New England area, including cooperatives and municipally owned systems, an opportunity to participate in the power output of Vermont Yankee. On September 5, 1969, the Commission issued a supplemental order for hearing and consolidation of proceedings on such proposal, and the hearing therein is now in progress (Holding Company Act Release No. 16470).

Vermont Yankee proposes to issue and sell to its sponsor companies, including the applicant-sponsors, an aggregate of $84 million of its subordinated notes for the purpose of obtaining funds from time to time as may be required to meet the construction expenses of Vermont Yankee, including payment of borrowings from banks or sponsors, the proceeds of which had been applied to such expenses. Vermont Yankee has arranged to obtain short-term interim financing from banks pursuant to revolving-credit agreements, pending the issue and sale of long-term debt by Vermont Yankee. These revolving-credit agreements provide for short-term loans from banks until March 31, 1970, to Vermont Yankee up to an aggregate at any one time outstanding of $20 million (see Holding Company Act Release No. 16413, June 27, 1969). By order dated June 27, 1969, Vermont Yankee received authorization from the Commission (Holding Company Act Release No. 16414) to issue and sell to its sponsor companies, including applicant-sponsors, up to $20 million of subordinated notes only for the purpose of obtaining funds with which to pay their obligations to banks as they come due under the revolving-credit agreement mentioned above. The present application seeks to increase the total amount of subordinated notes outstanding to $84 million and the applicant-sponsors seek to acquire 34.5 percent of the $84 million of subordinated notes in the following percentages: NEPCO, 20 percent; CL&P, 6 percent; Hartford, 3.5 percent; Montaup, 2.5 percent; and WMECO, 2.5 percent. The remaining amounts will be issued to the other sponsor companies and the acquisitions thereof are not subject to the approval of this Commission. The application states that the notes will mature within 1 year from the date of issue and would bear interest at an annual rate which is 1½ percent in excess of the lowest prime rate for commercial loans in effect at any bank in New York City and the date of issue thereof. The notes will be subordinated and junior in right of payment to all indebtedness of Vermont Yankee for money borrowed from banks or other financial institutions.

The application states that the Vermont Public Service Board has jurisdiction over the issue and sale of the notes and the Massachusetts Department of Public Utilities has jurisdiction over the acquisition of the notes by the Massachusetts sponsors. No other State commission 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 December 5, 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 applicants 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. 69-13783; Filed, Nov. 19, 1969; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 20

U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 595 (31 F.R. 12981), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates are as indicated below. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base period.

W. T. Grant Co., variety-department stores from 9-3-69 to 9-2-70 except as otherwise indicated: No. 70, Atlanta, Ga.; No. 718, Indianapolis, Ind.; No. 853, Middlesex, N.J. (9-1-69 to 8-31-70); No. 724, Parsippany, N.J. (9-1-69 to 8-31-70); No. 173, Paterson, N.J.; No. 393, Roselle, N.J. (9-1-69 to 8-31-70); No. 675, Asheville, N.C.; No. 313, Newark, Ohio; No. 770, Altoona, Pa.; No. 751, Broomall, Pa. (8-21-69 to 8-20-70); No. 905, Norristown, Pa. (9-1-69 to 8-31-70); No. 399, Philadelphia, Pa.; No. 466, Pittsburgh, Pa.; Nos. 28 and 747, Reading, Pa.; No. 154, Sunbury, Pa.; No. 589, Newport, Vt.; No. 241, St. Johnsbury, Vt.; No. 581, Fredericksburg, Va. (9-1-69 to 8-31-70); No. 356, Clarksburg, W. Va. (9-1-69 to 8-31-70).

S. S. Kresge Co., variety-department stores from 9-3-69 to 9-2-70 except as otherwise indicated: No. 66, Bridgeport, Conn.; No. 291, New London, Conn.; No. 358, Wilmington, Del.; No. 728, Bradenton, Fla.; No. 742, St. Petersburg, Fla.; No. 34, Bloomington, Ill.; No. 164, Canton, Ill.; No. 174, Champaign Ill.; Nos. 416, 445, and 4624, Chicago, Ill.; No. 50, Deerfield, Ill.; No. 4612, Freeport, Ill.; No. 207, Harrisburg, Ill.; No. 218, La Grange, Ill.; No. 25, Markham, Ill.; No. 630, Park Forest, Ill.; No. 321, Quincy, Ill.; No. 4592, Streator, Ill.; No. 483, Bedford, Ind.; No. 237, Elkhart, Ind.; No. 568, Fort Wayne, Ind.; No. 7, Indianapolis, Ind.; No. 84, Richmond, Ind.; No. 4628, Burlington, Iowa; No. 4606, Cedar Rapids, Iowa; No. 270, Davenport, Iowa; Nos. 71 and 542, Des Moines, Iowa; No. 100, Dubuque, Iowa; No. 145, Fort Dodge, Iowa; No. 559, Iowa City, Iowa; No. 210, Marshalltown, Iowa; No. 692, Mason City, Iowa; No. 163, Sioux City, Iowa; No. 152, Waterloo, Iowa; No. 127, Leavenworth, Kans.; No. 697, Wichita, Kans.; No. 56, Louisville, Ky.; Nos. 385, 457, and 624, Louisville, Ky. (9-1-69 to 8-31-70); No. 112, Paducah, Ky. (9-1-69 to 8-31-70); Nos. 20, 285, 348, and 616, Baltimore, Md.; No. 209, Dundalk, Md.; No. 341, Forestville, Md.; No. 698, Glen Burnie, Md.; No. 695, Hagerstown, Md.; No. 165, Boston, Mass.; No. 63, Brockton, Mass.; No. 653, Cambridge, Mass.; No. 4581, Fitchburg, Mass.; No. 294, Lynn, Mass.; No. 485, Adrian, Mich.; No. 605, Allen Park, Mich.; Nos. 74 and 160, Ann Arbor, Mich.; No. 21, Battle Creek, Mich.; No. 296, Berkeley, Mich.; No. 227, Birmingham, Mich.; Nos. 16, 350, and 580, Dearborn, Mich.; Nos. 1, 208, 289, 290, 340, 369, 395, 456, 521, 527, 533, 620, 652, and 4538, Detroit, Mich.; No. 507, Escanaba, Mich.; No. 185, Ferndale, Mich.; No. 642, Flint, Mich.; No. 59, Grand Rapids, Mich.; No. 276, Hazel Park, Mich.; Nos. 211 and 365, Highland Park, Mich.; No. 103, Jackson, Mich.; No. 4631, Lansing, Mich.; Nos. 245 and 685, Lincoln Park, Mich.; No. 27, Livonia, Mich.; No. 529, Monroe, Mich.; No. 626, Muskegon, Mich.; No. 623, Plymouth, Mich.; Nos. 13 and 684, Pontiac, Mich.; No. 577, River Rouge, Mich.; No. 677, Rochester, Mich.; No. 415, Roseville, Mich.; No. 530, Royal Oak, Mich.; No. 428, Saginaw, Mich.; No. 123, Southfield, Mich.; No. 687, Southgate, Mich.; No. 566, Wayne, Mich.; No. 683, St. Paul, Minn.; No. 52, Winona, Minn.; No. 89, Hannibal, Mo.; No. 82, Kansas City, Mo.; No. 58, St. Joseph, Mo.; Nos. 24, 461, 601, and 4845, St. Louis, Mo.; No. 4616, Springfield, Mo.; No. 11, Webster Groves, Mo.; No. 608, Morristown, N.J.; No. 75, Plainfield, N.J.; Nos. 28, 118, 298, and 459, Cleveland, Ohio; No. 328, Columbus, Ohio; Nos. 628 and 631, Dayton, Ohio; No. 171, Lancaster, Ohio; No. 48, Stow, Ohio; No. 284, Altoona, Pa.; No. 639, Baden, Pa.; No. 302, Bridgeville, Pa.; No. 309, Camp Hill, Pa.; No. 76, Erie, Pa.; No. 143, Hazleton, Pa.; No. 64, Lancaster, Pa.; No. 476, Levittown, Pa.; Nos. 191, 269, 327, 379, 438, 528, 545, and 4513, Philadelphia, Pa.; Nos. 53 and 675, Pittsburgh, Pa.; No. 92, Scranton, Pa.; No. 492, Springfield, Pa.; No. 475, Uniontown, Pa.; No. 509, Upper Darby, Pa.; No. 68, Wilkes-Barre, Pa.; No. 67, Williamsport, Pa.; No. 671, Rapid City, S. Dak.; No. 738, Chattanooga, Tenn. (9-1-69 to 8-31-70); No. 342, Danville, Va. (9-1-69 to 8-31-70); No. 660, Norfolk, Va. (9-1-69 to 8-31-70); No. 4548, Petersburg, Va. (9-1-69 to 8-31-70); No. 425, Bluefield, W. Va. (9-1-69 to 8-31-70); No. 391, Charleston, W. Va. (9-1-69 to 8-31-70); No. 4542, Beloit, Wis.; No. 607, Eau Claire, Wis.; No. 86, Racine, Wis.; No. 78, Superior, Wis.

S. H. Kress and Co., variety-department stores from 9-3-69 to 9-2-70 except as otherwise indicated: 97 East Congress Street, Tucson, Ariz.; 546 Main Street, Grand Junction, Colo.; 6108 14th Street West, Bradenton, Fla.; 64 East Flagler Street, Miami, Fla.; 811 Franklin Street, Tampa, Fla.; 832 Broad Street, Augusta, Ga.; 15 South Main Street, Fort Scott, Kans.; 111 North Main Street, Hutchinson, Kans.; 7 South Jefferson, Iola, Kans.; 617 North Broadway, Pittsburg, Kans.; 2214 Fifth Avenue, Meridian, Miss. (9-3-69 to 8-2-70); 580 Central Avenue, East Orange, N.J.; 300 South Main Street, Salisbury, N.C.; 109-113 North Second Street, Muskogee, Okla.; 423 Elk Avenue, Elizabethton, Tenn. (9-1-69 to 8-31-70); 220 Broad Street, Kingsport, Tenn. (9-1-69 to 8-31-70); 1031 East Elizabeth Street, Brownsville, Tex.; 124 East Jackson Street, Harlingen, Tex.; 101 North Flores Street, San Antonio, Tex.; 315 East Houston Street, San Antonio, Tex.; 105 West Center Street, Provo, Utah; 29 West Campbell Avenue, Roanoke, Va. (9-1-69 to 8-31-70); 160 Main Street, Warrenton, Va. (9-1-69 to 8-31-70).

McCrory-McLellan-Green Stores, variety-department stores from 9-3-69 to 9-2-70 except as otherwise indicated: No. 444, Bessemer, Ala. (9-3-69 to 8-2-70); Nos. 1106 and 1128, Birmingham, Ala. (9-3-69 to 8-2-70); No. 442, Gadsden, Ala. (9-3-69 to 8-2-70); No. 600, Huntsville, Ala. (9-3-69 to 8-2-70); No. 1109, Montgomery, Ala. (9-3-69 to 8-2-70); No. 580, Tucson, Ariz.; No. 509, Little Rock, Ark.; No. 1119, Bridgeport, Conn.; No. 287, Clearwater, Fla.; No. 1003, Coral Gables, Fla.; No. 112, Deland, Fla.; No. 270, Fort Lauderdale, Fla.; No. 130, Fort Myers, Fla.; No. 245, Homestead, Fla.; No. 95, Jacksonville, Fla.; No. 173, Kissimmee, Fla.; No. 157, Lake City, Fla.; No. 1313, Lake Wales, Fla.; No. 97, Lakeland, Fla.; No. 74, Miami, Fla.; No. 57, Ocala, Fla.; No. 61, Orlando, Fla.; No. 150, Plant City, Fla.; No. 324, St. Petersburg, Fla.; No. 111, Tallahassee, Fla.; No. 71, West Palm Beach, Fla.; No. 244, Winter Haven, Fla.; No. 1130, Albany, Ga.; Nos. 191 and 1211, Atlanta, Ga.; No. 1113, Augusta, Ga.; No. 1107, Columbus, Ga.; No. 423, Dublin, Ga. (9-1-69 to 8-31-70); No. 327, East Point, Ga.; No. 412, Gainesville, Ga.; No. 433, Griffin, Ga.; No. 435, Marietta, Ga.; No. 176, Savannah, Ga.; No. 424, Thomasville, Ga.; No. 303, Waycross, Ga.; No. 676, Pekin, Ill.; No. 44, Anderson, Ind.; No. 195, Indianapolis, Ind.; No. 569, Fort Dodge, Iowa; No. 1081, Keokuk, Iowa (9-9-69 to 9-8-70); No. 560, Mason City, Iowa; No. 470, Topeka, Kans.; No. 305, Lexington, Ky. (9-1-69 to 8-31-70); No. 1204, Lexington, Ky.; No. 1135, Louisville, Ky.; No. 135, Baton Rouge, La. (9-3-69 to 8-2-70); No. 298, Lafayette, La. (9-3-69 to 8-2-70); No. 1312, New Orleans, La. (9-3-69 to 8-2-70); No. 1125, Shreveport, La. (9-3-69 to 8-2-70); No. 620, Waterville, Maine; Nos. 234 and 314, Baltimore, Md.; No. 21, Cumberland, Md.; No. 68, Easton, Md.; No. 46, Frederick, Md.; No. 31, Hagerstown, Md.; No. 631, Boston, Mass.; No. 556, Alpena, Mich.; No. 668, Grand Haven, Mich.; No. 541, Petoskey, Mich.; No. 1056, St. Paul, Minn.; No. 616, Columbia, Miss. (8-27-69 to 8-2-70); No. 575, Columbus, Miss. (9-3-69 to 8-2-70); No. 646, Pascagoula, Miss. (8-27-69 to 8-26-70); No. 308, Clifton, N.J.; No. 1006, Plainfield, N.J. (8-28-69 to 8-27-70); No. 485, Hobbs, N. Mex.; No. 700, Albemarle, N.C.; No. 406, Concord, N.C.; No. 1123, Durham, N.C.; No. 306, Fort Bragg, N.C.; No. 479, Goldsboro, N.C.; No. 1140, Kinston, N.C.; No. 427, Lexington, N.C.; No. 699, New Bern, N.C.; No. 1141, Reidsville, N.C.; No. 402, Washington, N.C.; No. 1045, Wilmington, N.C.; No. 1127, Winston-Salem, N.C.; No. 1035, Columbus, Ohio; No. 26, East Liverpool, Ohio; No. 597, Lawton, Okla.; No. 1083, Oklahoma City, Okla.; No. 633, Pryor, Okla.; No. 8, Allentown, Pa.; No. 9, Altoona, Pa.; No. 155, Canonsburg, Pa.; No. 28, Chester, Pa.; No. 220, Connellsville, Pa.; No. 87, Du Bois, Pa.; No. 316, Edwardsville, Pa.; No. 39, Hanover, Pa.; No. 323, Hazleton, Pa.; No. 51, Indiana, Pa.; No. 80, Lancaster, Pa.; No. 42, Lebanon, Pa.; No. 273, Lewistown, Pa.; No. 326, North York, Pa.; Nos. 63 and 201, Philadelphia, Pa.; No. 104, Phillipsburg, Pa.; No. 334, Reading, Pa.; No. 85, Waynesboro, Pa.; No. 14, York, Pa.; No. 164, Aiken, S.C.; No. 1103, Charleston, S.C.; No. 1104, Columbia, S.C.; No. 1108, Greenville, S.C.; No. 1136, Spartanburg, S.C.; No. 415, Sumter, S.C.; No. 139, Bristol, Tenn.; No. 429, Chattanooga, Tenn.; No. 497, Columbia, Tenn.; No. 430, Jackson, Tenn. (9-1-69 to 8-31-70); No. 297, Kingsport, Tenn.; No. 307, Memphis, Tenn.; Nos. 337 and 417, Murfreesboro, Tenn.; No. 507, Nashville, Tenn.; No. 292, Oak Ridge, Tenn. (9-1-69 to 8-31-70); No. 320, Whitehaven, Tenn.; No. 241, Galveston, Tex.; No. 533, McAllen, Tex.; No. 1132, San Antonio, Tex.; No. 1117, Alexandria, Va. (9-1-69 to 8-31-70); No. 309, Arlington, Va.; No. 296, Front Royal, Va.; No. 142, Harrisonburg, Va.; No. 505, Roanoke, Va. (9-1-69 to 8-31-70); No. 47, Winchester, Va. (9-1-69 to 8-31-70); No. 13, Charleston, W. Va.; No. 1133, Charleston, W. Va. (9-1-69 to 8-31-70); No. 32, Fairmont, W. Va. (9-1-69 to 8-31-70); No. 40, Grafton, W. Va. (9-1-69 to 8-31-70); Nos. 15 and 1131, Huntington, W. Va.; No. 83, Martinsburg, W. Va.; No. 33, Morgantown, W. Va.; No. 451, La Crosse, Wis.; No. 578, Marinette, Wis.; No. 579, Monroe, Wis.; No. 694, Oconomowoc, Wis.

G. C. Murphy Co., variety-department stores from 9-3-69 to 9-2-70: No. 250, Rome, Ga.; No. 102, Tifton, Ga.; No. 17, Ashland, Ky.; No. 239, Louisville, Ky.; No. 111, Maysville, Ky.; No. 149, Annapolis, Md.; Nos. 138, 148, 151, 152, 153, 200, and 224, Baltimore, Md.; No. 179, Cumberland, Md.; No. 242, Hillcrest Heights, Md.; No. 273, Hyattsville, Md.; No. 236, Oxon Hill, Md.; Nos. 248 and 266, Rockville, Md.; No. 199, Silver Spring, Md.; No. 95, Westminster, Md.; No. 117, All-

quippa, Pa.; No. 27, Ambridge, Pa.; No. 78, Bangor, Pa.; No. 188, Barnesboro, Pa.; No. 68, Beaver, Pa.; No. 32, Beaver Falls, Pa.; No. 130, Bedford, Pa.; No. 144, Bellefonte, Pa.; No. 115, Bellevue, Pa.; No. 178, Brookville, Pa.; No. 30, Brownsville, Pa.; No. 160, Burgettstown, Pa.; No. 92, Butler, Pa.; No. 55, California, Pa.; No. 54, Carnegie, Pa.; No. 11, Charlerol, Pa.; No. 88, Clairton, Pa.; No. 66, Clarion, Pa.; No. 158, Clearfield, Pa; No. 201, Connellsville, Pa.; No. 169, Corry, Pa.; No. 46, Elizabeth, Pa.; Nos. 175 and 225, Erie, Pa.; No. 124, Everett, Pa.; No. 58, Farrell, Pa.; No. 44, Ford City, Pa.; No. 184, Franklin, Pa.; No. 129, Gettysburg, Pa.; No. 3 Greensburg, Pa.; No. 43, Greenville, Pa.; No. 13, Grove City, Pa.; No. 28, Hanover, Pa.; No. 165, Harrisburg, Pa.; No. 228, Havertown, Pa.; No. 211, Hollidaysburg, Pa.; No. 143, Huntingdon, Pa.; No. 126, Indiana, Pa.; No. 23, Irwin, Pa.; No. 45, Jeannette, Pa.; No. 9, Kittanning, Pa.; No. 6, Latrobe, Pa.; No. 79, Lehighton, Pa.; No. 232, Lemoyne, Pa.; No. 59, Lewistown, Pa.; No. 116, Ligonier, Pa.; No. 202, McDonald, Pa.; No. 1, McKeesport, Pa.; No. 16, Meadville, Pa.; No. 70, Mechanicsburg, Pa.; No. 186, Meyersdale, Pa.; No. 84, Midland, Pa.; No. 31, Monessen, Pa.; No. 146, Mount Union, Pa.; No. 233, Natrona Heights, Pa.; No. 193, Nazareth, Pa.; No. 48, New Bethlehem, Pa.; No. 106, New Castle, Pa.; No. 4, New Kensington, Pa.; No. 157, North East, Pa.; Nos. 229 and 246, Philadelphia, Pa.; Nos. 12, 29, 57, 61, 83, 163, 170, 206, 221, 237, and 258, Pittsburgh, Pa.; No. 183, Punxsutawney, Pa.; No. 127, Red Lion, Pa.; No. 247, Ridgway, Pa.; No. 7, Rochester, Pa.; No. 85, St. Marys, Pa.; No. 128, Sharon, Pa; No. 118, Shippensburg, Pa.; No. 145, State College, Pa.; No. 64, Tarentum, Pa.; No. 73, Titusville, Pa.; No. 164, Uniontown, Pa.; No. 159, Vandergrift, Pa.; No. 60, Warren, Pa.; No. 155, Washington, Pa.; No. 177, Waynesburg, Pa.; No. 47, West Newton, Pa.; No. 39, Wilkinsburg, Pa.; No. 227, Willow Grove, Pa.; No. 205, York, Pa.; No. 180, Richwood, W. Va.; No. 209, East Rainelle, W. Va.; No. 172, Fairmont, W. Va.; No. 137, Hinton, W. Va.; No. 194, Logan, W. Va.; No. 185, Philippi, W. Va.; No. 19, Sistersville, W. Va.; No. 133, Welch, W. Va.; No. 14, Wellsburg, W. Va.

Neisner Brothers, Inc., variety-department stores from 9–3–69 to 9–2–70: No. 162, Cocoa, Fla.; No. 158, Fort Lauderdale, Fla.; No. 99, Gainesville, Fla.; No. 175, Key West, Fla.; No. 21, Miami, Fla.; No. 14, Ocala, Fla.; No. 40, Pompano Beach, Fla.; No. 174, Port Charlotte, Fla.; No. 157, Tallahassee, Fla.; Nos. 146 and 147, Tampa, Fla.; Nos. 32, 43, 63, and 82, Detroit, Mich.; No. 58, Escanaba, Mich.; No. 13, Hamtramck, Mich.; No. 101, Lincoln Park, Mich.; No. 17, Pontiac, Mich.; No. 107, Royal Oak, Mich.; No. 73, Wyandotte, Mich.; No. 59, St. Louis, Mo.; No. 70, Omaha, Nebr.; No. 127, East Paterson, N.J.; No. 149, Middletown, N.J.; No. 131, Brownsville, Tex.; No. 75, Corpus Christi, Tex.; No. 45, Laredo, Tex.; Nos. 120, 141, and 160, San Antonio, Tex.

J. J. Newberry Co., variety-department stores from 9–3–69 to 9–2–70 except as otherwise indicated: No. 270, Martinsville, Ind.; No. 254, Harlan, Ky. (9–1–69 to 8–31–70); No. 197, Somerset, Ky. (9–1–69 to 8–31–70); No. 417, Ellsworth, Maine; No. 264, Farmington, Maine; No. 34, Madawaska, Maine; No. 351, Norway, Maine; No. 154, Elkton, Md.; No. 31, Hagerstown, Md.; No. 67, Northampton, Mass.; No. 715, Norfolk, Nebr.; No. 732, Sidney, Nebr.; No. 253, Laconia, N.H.; No. 107, Freehold, N.J.; No. 187, Vineland, N.J.; No. 204, Berwick, Pa.; No. 9, Chambersburg, Pa.; No. 127, Lewisburg, Pa.; No. 106, Lock Haven, Pa.; No. 129, Milton, Pa.; No. 1, Stroudsburg, Pa.; No. 90, Sunbury, Pa.; No. 169, Fredericksburg, Va. (9–1–69 to 8–31–70); No. 467, Front Royal, Va. (9–1–69 to 8–31–70); No. 229, Salem, Va. (9–1–69 to 8–31–70); No. 435, Waynesboro, Va. (9–1–69 to 8–31–70); No. 261, Winchester, Va. (9–1–69 to 8–31–70).

T. G. & Y. Stores Co., variety-department stores from 9–3–69 to 9–2–70 except as otherwise indicated: No. 174, Fort Smith, Ark. (9–3–69 to 8–2–70); No. 155, Kansas City, Kans.; No. 143, Mission, Kans.; No. 158, Independence, Mo.; No. 163, Jefferson City, Mo.; No. 132, Kansas City, Mo.; No. 13, Anadarko, Okla.; No. 31, Bartlesville, Okla.; No. 6, Clinton, Okla.; No. 8, Elk City, Okla.; No. 30, Midwest City, Okla.; No. 57, Muskogee, Okla.; No. 35, Ponca City, Okla.; No. 53, Shawnee, Okla.

The following certificates were issued to establishments relying on the base-year employment experience of other establishments, either because they came into existence after the beginning of the applicable base year or because they did not have available base-year records. The certificates permit the employment of full-time students at rates of not less than 85 percent of the statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment of all employees.

W. T. Grant Co., variety-department stores for the occupations of salesclerk, stock clerk, office clerk, cashier except as otherwise indicated, 9–3–69 to 9–2–70 except as otherwise indicated: No. 1113, Rockland, Maine, 6 to 10 percent (salesclerk, cashier); No. 1082, Baltimore, Md., 7 to 15 percent; No. 66, Pompton Plains, N.J., 8 to 33 percent (salesclerk, office clerk, stock clerk, 8–21–69 to 8–20–70); No. 974, West Caldwell, N.J., 6 to 10 percent (9–1–69 to 8–31–70); No. 1143, Folcroft, Pa., 22 percent; No. 1077, Newtown Square, Pa., 10 to 15 percent; No. 729, Kingsport, Tenn., 3 to 14 percent (9–1–69 to 8–31–70); No. 954, Fredericksburg, Va., 2 to 11 percent (salesclerk, 9–1–69 to 8–31–70); No. 123, Harrisonburg, Va., 2 to 13 percent; No. 209, Vienna, Va., 4 to 11 percent.

S. S. Kresge Co., variety-department stores for the occupations of salesclerk, stock clerk, office clerk, checker-cashier, maintenance, customer service, food preparation except as otherwise indicated, 10 percent except as otherwise indicated, 9–3–69 to 9–2–70 except as otherwise indicated: No. 4121, Denver, Colo. (salesclerk, stock clerk, office clerk, checker-cashier, 28 to 57 percent, 9–1–69 to 8–31–70); No. 173, Milford, Conn. (salesclerk); No. 745, Carol City, Fla. (salesclerk, 7 to 21 percent); No. 791, Clearwater, Fla. (salesclerk, 2 to 10 percent); No. 4019, Champaign, Ill. (salesclerk, stock clerk, checker-cashier, office clerk, 4 to 15 percent); No. 503, Oak Brook, Ill. (salesclerk, stock clerk, checker-cashier, office clerk, 12 to 20 percent); No. 4562, Chicago, Ill. (salesclerk, stock clerk, checker-cashier, office clerk, 16 to 41 percent); No. 170, Cedar Rapids, Iowa (salesclerk, stock clerk, office clerk, checker-cashier, 3 to 10 percent); No. 4584, Clinton, Iowa (salesclerk, stock clerk, office clerk, checker-cashier, 0.7 to 14 percent, 8–31–69 to 8–30–70); No. 4156, Urbandale, Iowa (salesclerk, stock clerk, office clerk, checker-cashier, 10 to 24 percent, 8–21–69 to 8–20–70); No. 197, Salina, Kans. (salesclerk, stock clerk, office clerk, checker-cashier, 7 to 15 percent); No. 195, Bangor, Maine (salesclerk); No. 264, Lutherville-Timonium, Md. (salesclerk); No. 450, Braintree, Mass. (salesclerk); Nos. 131 and 468, Ann Arbor, Mich.; No. 4036, Benton Harbor, Mich.; No. 4516, Detroit, Mich.; No. 4083, Flint, Mich. (8 to 10 percent, 8–24–69 to 8–23–70); No. 571, Fraser, Mich.; No. 465, Grosse Pointe, Mich.; No. 679, Kalamazoo, Mich.; No. 353, Madison Heights, Mich. (8 to 10 percent); No. 516, Pontiac, Mich.; No. 667, Roseville, Mich.; No. 4074, Southfield, Mich.; Nos. 364 and 4002, Warren, Mich.; No. 678, Westland, Mich. (8–23–69 to 8–22–70); No. 477, Wyoming, Mich. (8–26–69 to 8–25–70); No. 323, Rochester, Minn. (salesclerk, stock clerk, checker-cashier, office clerk, 14 to 27 percent); No. 49, Kansas City, Mo. (salesclerk, stock clerk, office clerk, checker-cashier, 13 to 20 percent); No. 4220, Kansas City, Mo. (salesclerk, stock clerk, office clerk, checker-cashier, 5 to 10 percent, 8–26–69 to 8–25–70); No. 4022, Grand Forks, N. Dak. (salesclerk, stock clerk, checker-cashier, office clerk, 6 to 14 percent); No. 4544, Minot, N. Dak. (salesclerk, 13 to 22 percent); No. 186, Lancaster, Pa. (salesclerk); No. 189, Middletown, Pa. (salesclerk); No. 129, Philadelphia, Pa. (salesclerk, 3 to 10 percent); No. 723, Cleveland, Tenn. (salesclerk, stock clerk, maintenance, office clerk, checker-cashier, customer service, 2 to 17 percent, 9–1–69 to 8–31–70); No. 4050, Johnson City, Tenn. (salesclerk, stock clerk, maintenance, office clerk, checker-cashier, customer service, 2 to 17 percent, 9–1–69 to 8–31–70); No. 4195, Beaumont, Tex. (salesclerk, 7 to 27 percent, 8–22–69 to 8–21–70); No. 4017, Houston, Tex. (salesclerk, 7 to 27 percent); No. 196, Alexandria, Va. (salesclerk, stock clerk, maintenance, office clerk, checker-cashier, customer service, 14 to 25 percent, 9–1–69 to 8–31–70); No. 4062, Danville, Va. (salesclerk, stock clerk, maintenance, office clerk, checker-cashier, customer service, 9–1–69 to 8–31–70); No. 561, Winchester, Va. (salesclerk, stock clerk, maintenance, office clerk, checker-cashier, customer service 11 to 34 percent, 9–1–69 to 8–31–70); No. 4521, Parkersburg, W. Va. (salesclerk, stock clerk, maintenance, office clerk, checker-cashier, customer service, 4 to 24 percent, 9–1–69 to 8–31–70); No. 4503, Wheeling, W. Va.; No. 4089, La Crosse, Wis. (salesclerk, stock clerk, checker-cashier, office clerk, 3 to 10 percent).

S. H. Kress and Co., variety-department stores for the occupations of salesclerk, stock clerk, 9–3–69 to 9–2–70: Bridgeton Shopping Center, Bridgeton, N.J. (17 to 35 percent); 403 South West 25th Street, Oklahoma City, Okla. (0 to 15 percent).

Lerner Shops, apparel store; No. 195, Mobile, Ala.; salesclerk, cashier, credit clerk; 5 to 21 percent; 8–24–69 to 8–23–70.

McCrory-McLellan-Green Stores, variety-department stores for the occupations of salesclerk, stock clerk, office clerk except as otherwise indicated, 9–3–69 to 9–2–70 except as otherwise indicated: No. 7503, Decatur, Ala., 2 to 21 percent (9–3–69 to 8–2–70); No. 379, Phoenix, Ariz., 5 to 16 percent; No. 371, Fort Lauderdale, Fla., 13 to 26 percent (8–18–69 to 8–2–70); No. 342, Fort Myers, Fla., 6 to 15 percent; No. 347, Leesburg, Fla., 7 to 24 percent; No. 365, Melbourne, Fla., 10 to 30 percent; No. 344, Mount Dora, Fla., 7 to 24 percent; No. 98, St. Augustine, Fla., 7 to 24 percent (8–28–69 to 8–27–70); No. 339, Winter Garden, Fla., 4 to 15 percent (salesclerk); No. 360, East Alton, Ill., 11 to 19 percent; No. 1318, Louisville, Ky., 0 to 11 percent; No. 346, Lavale, Md., 1 to 5 percent (salesclerk, office clerk, stock clerk, janitorial); No. 447, Lapeer, Mich., 10 to 27 percent (salesclerk, stock clerk); No. 679, Sturgis, Mich., 10 to 27 percent; No. 706, Albuquerque, N. Mex., 0 to 40 percent (salesclerk, office clerk, stock clerk, janitorial); No. 167, Pottstown, Pa., 1 to 18 percent (salesclerk, stock clerk, janitorial, office clerk); No. 254, York, Pa., 22 to 27 percent (salesclerk, office clerk, stock clerk, janitorial, 8–22–69 to 8–21–70); No. 341, Moundsville, W. Va., 5 to 22 percent.

G. C. Murphy Co., variety-department stores for the occupations of salesclerk, stock clerk, office clerk, janitorial, 9–3–69 to 9–2–70 except as otherwise indicated: Nos. 91 and

285, Baltimore, Md., 16 to 31 percent; No. 301, Glen Burnie, Md., 14 to 23 percent; No. 302, Carlisle, Pa., 17 to 25 percent; No. 280, McKeesport, Pa., 3 to 23 percent; No. 293, Pittsburgh, Pa., 9 to 25 percent; No. 8, Washington, Pa.; 3 to 23 percent (8-26-69 to 8-25-70); No. 94, York, Pa., 5 to 19 percent (8-22-69 to 8-21-70); No. 319, Richmond, Va., 9 to 17 percent (8-26-69 to 8-25-70).

Neisner Brothers Inc., variety-department stores for the occupations of salesclerk, stock clerk, office clerk except as otherwise indicated, 10 to 29 percent except as otherwise indicated, 9-3-69 to 9-2-70: No. 192, Avon Park, Fla; No. 188, Brandon, Fla. (salesclerk, stock clerk, 4 to 10 percent); No. 183, Dade City, Fla.; No. 197, De Land, Fla. (8 to 17 percent); No. 179, Lake City, Fla. (salesclerk, 8 to 17 percent); No. 196, Marathon, Fla. (salesclerk, stock clerk, 7 to 17 percent); No. 187, New Port Richey, Fla.; No. 184, Palmetto, Fla. (salesclerk); No. 189, Stuart, Fla.; No. 194, Tallahassee, Fla. (4 to 17 percent); No. 204, Burlington, Iowa (salesclerk, stock clerk, office clerk, maintenance, 4 to 23 percent); No. 168, Spencer, Iowa (salesclerk, stock clerk, maintenance, 4 to 20 percent); No. 142, Trenton, N.J. (salesclerk, stock clerk, 13 to 24 percent).

J. J. Newberry Co., variety-department stores for the occupations of salesclerk, stock clerk, office clerk, marker, janitorial, window trimmer except as otherwise indicated, 9-3-69 to 9-2-70: Ellsworth Shopping Center, Ellsworth, Maine, 0 to 10 percent; No. 549, Bricktown, N.J., 9 to 17 percent; No. 428, Newton, N.J., 9 to 10 percent; No. 559, Mitchell, S. Dak., 6 to 16 percent (stock clerk, salesclerk).

T. G. & Y. Stores Co., variety-department stores for the occupations of salesclerk, stock clerk, office clerk except as otherwise indicated: No. 248, Pine Bluff, Ark., 11 to 34 percent, 9-2-69 to 9-1-70 (salesclerk, stock clerk); No. 159, Columbia, Mo., 5 to 30 percent, 9-3-69 to 9-2-70; No. 151, Gladstone, Mo., 22 to 39 percent, 8-24-69 to 8-23-70; No. 454, Hannibal, Mo., 14 to 30 percent, 9-3-69 to 9-2-70; No. 280, Belen, N. Mex., 13 to 24 percent, 8-27-69 to 8-26-69; No. 288, Espanola, N. Mex., 13 to 24 percent, 8-28-69 to 8-27-70; No. 402, Dimmitt, Tex., 14 to 30 percent, 8-27-69 to 8-26-70; No. 65, Enid, Okla., 22 to 25 percent, 9-3-69 to 9-2-70; No. 809, Texas City, Tex., 30 percent, 8-28-69 to 8-27-70.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 30 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 13th day of November 1969.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 69-13776; Filed, Nov. 19, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1350]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

NOVEMBER 14, 1969.

The following applications are governed by Special Rule 247[1] of the Commission's general rules of practice (49 CFR 1100.247 as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

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

No. MC 2900 (Sub-No. 181), filed October 24, 1969. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32203. Applicant's representative: Larry D. Knox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products*, from Lancaster, Pa., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 2900 (Sub-No. 182), filed October 24, 1969. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32203. Applicant's representative: Larry D. Knox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, iron or steel; fittings, valves, hydrants, and gaskets;* from Birmingham, Ala., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC-15197 (Sub-4), filed October 24, 1969. Applicant: JOHN BUYSMAN, JR., 102 West Eighth Street, Sheldon, Iowa. Applicant's representative: George O. Johnson, 412 West Ninth Street, Sioux Falls, S. Dak. 57104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mineral mixture*, for livestock and poultry feeding; *animal and poultry feed and concentrates, dry earth paint* (impregnated with disinfectants); *animal and poultry tonics and medicines, insecticides, livestock and poultry feeders and equipment; advertising matter and premiums*, from Quincy, Ill., to Alexandria, S. Dak., and *empty containers used in transporting above described commodities, and damaged, refused, or unclaimed shipments*, on return, under

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

contract with Moorman Manufacturing Co., Quincy, Ill. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak., or Sioux City, Iowa.

No. MC 30844 (Sub-No. 298), filed October 16, 1969. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by vehicle, over irregular routes, transporting: *Foodstuffs* other than frozen, from Rochester, N.Y., to points in Minnesota, Missouri, and Wisconsin. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 43038 (Sub-No. 443), filed October 20, 1969. Applicant: COMMERCIAL CARRIERS, INC., 10701 Middlebelt Road, Romulus, Mich. 48174. Applicant's representatives: Harold H. Clokey, 248 Chester Avenue SE., Atlanta, Ga. 30316, and T. Randolph Buck, 3800 Frederica Street, Owensboro, Ky. 42301 and Paul H. Jones (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks, and parts and accessories* moving in connection with shipments thereof, in secondary movements, in truckway service, between points in Utah, on the one hand, and, on the other, points in Idaho. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Salt Lake City, Utah.

No. MC 56679 (Sub-No. 33) (Correction), filed October 17, 1969, published in the FEDERAL REGISTER issue of November 6, 1969, corrected and republished as corrected this issue. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue SE., Atlanta, Ga. 30315. Applicant's representative: B. K. McClain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, potatoes, and potato products*, from plantsite and/or warehouse facilities of Ore-Ida Foods, Inc., in Montcalm County, Mich., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to reflect Montcalm County in lieu of Montcalm City as previously published. If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 73165 (Sub-No. 274), filed October 27, 1969. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Post Office Box 1348, Birmingham, Ala. 35201. Applicant's representative: Fred F. Bradley, 213 St. Clair Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe; fittings, valves, hydrants, and gaskets*, from Birmingham, Ala., to points in North Carolina and South Carolina. NOTE: Applicant states tacking the proposed authority at Birmingham, Ala., with its MC 73165 and various subnumbers to serve points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 73165 (Sub-No. 275), filed October 28, 1969. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Post Office Box 1348, Birmingham, Ala. 35201. Applicant's representative: Robert M. Pearse, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and flooring*, from the plantsite of Birmingham Forest Products, Inc., at Cordova, Ala., to points in Illinois, Kentucky, Louisiana, Mississippi, Tennessee, Texas, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 75302 (Sub-No. 9), filed October 6, 1969. Applicant: DOUDELL TRUCKING COMPANY, a corporation, 545 Queen's Row, San Jose, Calif. 95106. Applicant's representative: Marvin Handler, 405 Montgomery Street, Suite 1401, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A and B explosives, and general commodities* moving on Government bills of lading, between the Sierra Army Depot at Herlong, Calif., and Sacramento, Calif.: From Sacramento, Calif., over Interstate Highway 80 to Reno, Nev., thence over U.S. Highway 395 to junction with California County Road A–26, thence over California County Road A–26 to Sierra Army Depot at Herlong, Calif., and return over the same route, serving no intermediate points. NOTE: Applicant states that this is a regular-route application and tacking will be performed at Sacramento, Calif., with applicant's regular route authority as set forth in its certificate or registration in Docket No. MC–75302 (Sub-No. 6), conversion of which is being sought by separate application. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 76436 (Sub-No. 38) (Correction), filed October 8, 1969, published in the FEDERAL REGISTER issue of November 6, 1969, corrected and republished as corrected this issue. Applicant: SKAGGS TRANSFER, INC., 2400 Ralph Avenue, Louisville, Ky. 40216. Applicant's representative: Rudy Yessin, Sixth Floor, McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between Cadiz, Ky. and Memphis, Tenn.: From Cadiz, Ky., over U.S. Highway 68 to Hardin, Ky., thence over U.S. Highway 641 to Paris, Tenn., thence over U.S. Highway 79 to Milan, Tenn., thence over U.S. Highway 45E to its junction with U.S. Highway 45, thence over U.S. Highway 45 to its junction with Interstate Highway 40, thence over Interstate Highway 40 to its junction with Interstate Highway 240, thence over Interstate Highway 240 to Memphis, Tenn., and return over the same route, serving no intermediate points. Restriction: Service at Memphis, Tenn., and its commercial zone is restricted against the handling of traffic originating at, destined to, or interchanged at Nashville, Tenn., and its commercial zone; Louisville, Ky., and its commercial zone, and Evansville, Ind., and its commercial zone. NOTE: The purpose of this republication is to include in the restriction Louisville, Ky., and its commercial zone, which was inadvertently omitted from the previous publication. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 97068 (Sub-No. 10), filed October 29, 1969. Applicant: H. S. ANDERSON TRUCKING COMPANY, a corporation, Post Office Box 3656, Port Arthur, Tex. 77640. Applicant's representative: James M. Doherty, 904 Lavaca, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from Baytown and East Baytown, Tex., to points in Arkansas, Kansas, Louisiana, Mississippi, New Mexico, and Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 103552 (Sub-No. 9), filed October 24, 1969. Applicant: THE FARER TRANSPORTATION COMPANY, a corporation, 15 West Dover Street, Waterbury, Conn. 06720. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magazines, books, periodicals, advertising matter, song sheets, sheet music, comics, comic sheets, and shopping news*, between Waterbury and Hartford, Conn., on the one hand, and, on the other, New London, Conn. NOTE: Applicant states it will tack at Waterbury and Hartford, Conn., with presently held authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 107002 (Sub-No. 383), filed October 23, 1969. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representatives: John J. Borth (same as above) and H. D. Miller, Jr., Post Office Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Blackstrap molasses*, in bulk, in tank vehicles, from Mobile, Ala., to points in Florida, Louisiana, and Mississippi. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Mobile, Ala.

No. MC 108449 (Sub-No. 302), filed September 26, 1969. Applicant: INDIANAHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representatives: W. A. Myllenbeck (same address as applicant) and Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid natural gas*, between points in the United States (excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 109064 (Sub-No. 20) (Amendment), filed September 11, 1969, published in the FEDERAL REGISTER issue of October 9, 1969, amended and republished as amended, this issue. Applicant: TEX-O-KA-N TRANSPORTATION COMPANY, INC., Post Office Box 8367–3301, Southeast Loop 820, Fort Worth, Tex. 76112. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe*, between points in Cooke County, Tex., on the one hand, and, on the other, points in Arkansas, Louisiana, Missouri, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is sought. The purpose of this republication is to add Arkansas as a State sought to be served. Also, to change applicant's representative to Clayte Binion, listed above, in lieu of Reagan Sayers. If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex.

No. MC 109478 (Sub-No. 114), filed September 18, 1969. Applicant: WORSTER MOTOR LINES, INC., Gay Road, North East, Pa. 16428. Applicant's representative: William W. Knox, 23 West 10th Street, Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juice and fruit juice products, including wine and vinegar*, (1) from Brocton, N.Y., and points in Monroe and Genesee Counties, N.Y. to Fall River, Boston, New Bedford, and Taunton, Mass., Providence, R.I., and Swedesboro, N.J., (2) from Boston and Waban, Mass., and Philadelphia, Pa., to Brocton, N.Y., and points in Monroe and Genesee counties, N.Y., (3) between Brocton, N.Y., and points in Monroe and Genesee Counties, N.Y., on the one hand, and, on the other, Jersey City, N.J., and points in New Jersey within 25 miles thereof; (4) between Leroy, N.Y., and points within 50 miles thereof, on the one hand, and, on the other, points in New York; (5) from Westfield, N.Y., to Front Royal, Va.; (6) from North East, Pa., and points in that part of Chautauqua County, N.Y., within 5 miles of the shore of Lake Erie, to points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, and the District of Columbia; (7) from North East, Pa., and Westfield, Brocton, and Silver Creek, N.Y., to points in Indiana and Illinois; (8) from points in Erie County, Pa., to points in New York and Ohio; (9) from points in Chautauqua and Erie Counties, N.Y., to points in Pennsylvania and Ohio; (10) between Erie and North East, Pa., and Brocton, Silver Creek, and Westfield, N.Y., on the one hand, and, on the other, points in the Lower Peninsula of Michigan; and, (11) from Geneva, Ohio, to points in New York (except Auburn, Binghamton, Cortland, Elmira, Geneva, Ithaca, Endicott, Johnson City, Oneonta, Oswego, Rochester, Rome, Schenectady, Syracuse, Utica, and points on and south of a line from Glens Falls, N.Y., to the Vermont-New York State line near Glens Falls and on and east of a line from Glens Falls along U.S. Highway 9 to Albany, N.Y., and thence along U.S. Highway 9W to New York, N.Y., and points in the New York, N.Y., commercial zone), points in Pennsylvania (except points in the Philadelphia, Pa., commercial zone), points in New Jersey (except points in the Philadelphia, Pa., commercial zone), and points in Maryland, Illinois, and the Lower Peninsula of Michigan. NOTE: Common control may be involved. Applicant states it seeks to tack wherever it is permitted under presently authorized authority now held but does not identify the points or territories which can be served through tacking. Persons interested in tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states that since it believes that some of the authority sought duplicates existing authority, this involves an interpretation of existing authority, however no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., New York, N.Y., or Buffalo, N.Y.

No. MC 109692 (Sub-No. 24), filed September 5, 1969. Applicant: GRAIN BELT TRANSPORTATION COMPANY, a corporation, 51 Central Avenue, Kansas City, Kans. 66118. Applicant's representative: Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from the plantsite of Armco Steel Corp., in Kansas City, Mo., to points in Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 109994 (Sub-No. 31) filed October 13, 1969. Applicant: SIZER TRUCKING, INC., Box 97, East Highway 94, Rochester, Minn. 55901. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and articles distributed by meat packing houses*, as described in sections A and C of appendix I to report in *Descriptions of Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except in bulk), from Edgar, Wis., to points in Connecticut, Maryland, Massachusetts, New York, Pennsylvania, Virginia, District of Columbia, and Rhode Island. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110420 (Sub-No. 601), filed October 9, 1969. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and vegetable oils, and blends and products thereof*, in bulk, between points in Will County, Ill., on the one hand and, on the other, points in the United States east of the Mississippi River, Minnesota, Iowa, Missouri, North Dakota, South Dakota, Kansas, Nebraska, and Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110420 (Sub-No. 603), filed October 27, 1969. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by vehicle, over irregular routes, transporting: *Chocolate, flavoring and coating compounds, and cocoa products*, in bulk, from St. Louis, Mo., to Dallas, Tex., Indianapolis, Ind., and Kansas City, Kans.-Mo., commercial zone; and Chicago, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110410 (Sub-No. 10) (Correction), filed October 6, 1969, published in FEDERAL REGISTER issue of October 30,

1969, and republished as corrected this issue. Applicant: BENTON BROTHERS FILM EXPRESS, INC., 168 Baker Street NW., Atlanta, Ga. 30303. Applicant's representative: William Addams, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magazines*, (1) between Atlanta, Ga., on the one hand, and, on the other, Ailey, Augusta, Savannah, and Waycross, Ga., and Jacksonville, Fla. (2) between Jacksonville, Fla., on the one hand, and, on the other, Waycross, Ga. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of his republication is to show part 2 above, erroneously omitted from previous publication. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 110525 (Sub-No. 934) (amendment), filed September 29, 1969, published in the FEDERAL REGISTER issue of October 23, 1969, amended and republished as amended this issue. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as applicant) and Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from points in Delaware County, Ohio, to points in Alabama, Arkansas (except Fort Smith), Iowa, Illinois, Minnesota, Missouri, Tennessee, and Wisconsin. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. The purpose of this republication is to reflect an expansion in the origin from "Delaware, Ohio", to "Delaware County, Ohio". If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 938), filed October 27, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Leopard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. and Robert K. Maslin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen textroxide*, in bulk, in specially designed tank trucks, moving under special permit between Vicksburg, Miss., and Air Force Bases and Missile Test Facilities located in Arizona, Arkansas, California, Colorado, Florida, Kansas, New Mexico, Nevada, and Ohio. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111397 (Sub-No. 88), filed October 13, 1969. Applicant: DAVIS TRANSPORT, INC., 1345 South Fourth Street, Paducah, Ky. 42001. Applicant's representative: Herbert S. Melton, Jr., Box 1284, Paducah, Ky. 42001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rubber and rubber products* between the plantsite of General Tire and Rubber Co., at or near Mayfield, Ky., on the one hand and, on the other, points in Alabama, Arkansas, Florida, Georgia, Indiana, Illinois, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Akron or Cleveland, Ohio.

No. MC 112801 (Sub-No. 98), filed October 16, 1969. Applicant: TRANSPORT SERVICE CO., a corporation, Post Office Box 50272, Chicago, Ill. 60650. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed*, in bulk, from Sioux City, Iowa, to points in Nebraska, South Dakota, and Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113535 (Sub-No. 12) (Correction), filed September 26, 1969, published in FEDERAL REGISTER issue of November 6, 1969, and republished as corrected, this issue. Applicant: A & W TRUCKING CO., INC., Rural Route No. 2, Box 370, Mosinee, Wis. 54455. Applicant's representative: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Mosinee, Green Bay, Nekoosa, Port Edwards, Appleton, Menasha, Columbus, and Plover, Wis., and Dubuque, Iowa, to points in Grant, Iowa, and Lafayette Counties, Wis., Jo Daviess and Carroll Counties, Ill.; points in Clayton, Delaware, Dubuque, Jones, Jackson, and Clinton Counties, Iowa (except Dubuque, Iowa). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to correctly describe the points in Wisconsin County. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 114019 (Sub-No. 198), filed October 27, 1969. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animals and vegetable oils, and blends and products thereof*, in bulk, in tank vehicle, between points in Will County, Ill., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115841 (Sub-No. 359) (Amendment), filed September 8, 1969, published in FEDERAL REGISTER issue of October 2, 1969, amended October 27, 1969, and republished as amended, this issue. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representatives: C. E. Wesley (same address as above) and E. Stephen Heisley, 666 11th Street, NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from Frankfort, Mich., to points in Texas, Oklahoma, Missouri, Iowa, Kansas, Nebraska, Wisconsin, and Illinois; (2) *frozen fruits, vegetables, and berries*, from Frankfort, Mich., to points in Indiana, Kentucky, Ohio, and West Virginia; (3) *frozen foods*, from Chickasha, Okla., to points in Iowa, Colorado, Kansas, Nebraska, Missouri, and Wisconsin; and (4) *frozen foods*, from Allentown and Chambersburg, Pa., to points in Missouri, Iowa, Kansas, Nebraska, West Virginia, and points in Virginia east of U.S. Highway 220. NOTE: Applicant states that it intends to tack, however, portions of the destination can already be served by tacking. It further states that a partial purpose of the instant application is to remove tacking now being done. Common control may be involved. The purpose of this republication is to broaden the scope of destination territory sought. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Kansas City, Mo.

No. MC 116544 (Sub-No. 114), filed October 21, 1969. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Avenue, Post Office Box 636, Carthage, Mo. 64836. Applicant's representative: Robert Wilson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Dodge City, Kans., to points in North Dakota, South Dakota, Nebraska, Minnesota, Wisconsin, and

Colorado. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 116993 (Sub-No. 2), filed October 16, 1969. Applicant: CITY HAUL, INC., 705 East Peal Street, Cincinnati, Ohio 45202. Applicant's representative: Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, Ohio 45202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise* dealt in by retail department stores and *materials and supplies* used in the conduct of such stores on schedules determined by the shipper, between the stores and warehouses of the John Shillito Co., located in Cincinnati, Ohio, on the one hand, and, on the other, the stores of the John Shillito Co., located in Jefferson County and Fayette County, Ky.; under the continuing contracts with the John Shillito Co., of Cincinnati, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio.

No. MC 118143 (Sub-No. 1), filed September 25, 1969. Applicant: EDWARD BUKOWSKI, 3941 Windgap Avenue, Pittsburgh, Pa. 15204. Applicant's representative: Edward M. Larkin, 5151 Penn Avenue, Pittsburgh, Pa. 15224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *bananas, plaintains, pineapples, coconuts, and other agricultural commodities* otherwise exempt from regulations under section 203(b)(6) of the Interstate Commerce Act when transported separately or in mixed shipments with bananas, plantains, pineapples, and coconuts, from Wilmington, Del., to points in New York, New Jersey, Maryland, Pennsylvania, Ohio, and West Virginia, in vehicles requiring mechanical refrigeration, (2) *bananas, pineapples, and other agricultural commodities* otherwise exempt from regulations under section 203(b)(6) of the Interstate Commerce Act when transported separately or in mixed shipments with bananas, plantains, pineapples, and coconuts, from New York, N.Y., Weehawken, N.J., and Baltimore, Md., to points in that part of Pennsylvania on and west of U.S. Highway 119 and on and south of U.S. Highway 422, in vehicles requiring mechanical refrigeration, and (3) *bananas and agricultural commodities* otherwise exempt from regulations under section 203(b)(6) of the Interstate Commerce Act when transported separately or in mixed shipments with bananas, plantains, pineapples, and coconuts, from points in the Borough of McKees Rocks, Pa., to Youngstown, Cleveland, and Akron, Ohio, in vehicles requiring mechanical refrigeration. NOTE: All duplicating authority to be eliminated. Applicant states it seeks authority which will complement its existing authority in territory now served, as well as seeking new and extended territory. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 118159 (Sub-No. 81), filed October 27, 1969. Applicant: EVERETT LOWRANCE, INC., 4916 Jefferson Highway, New Orleans, La. Applicant's representative: David D. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of National Beef Packing Co. at/or near Liberal, Kans., to points in Kentucky, Tennessee, Oklahoma, Mississippi, Louisiana, and Texas, restricted to traffic originating at the plantsite and warehouse facilities of National Beef Packing Co. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., Dallas, Tex., or Washington, D.C.

No. MC 118989 (Sub-No. 34), filed October 23, 1969. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, Wis. 53211. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers (bottles or jars), caps, covers, stoppers, tops, and fiberboard boxes*, from the plantsite and facilities of Obear Nester Glass Co. at Lincoln, Ill., to points in Wisconsin, Iowa, Missouri, the Lower Peninsula of Michigan, Indiana, Illinois, Ohio, Kentucky, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 119406 (Sub-No. 3), filed October 23, 1969. Applicant: ROBERT J. GRALL, 1402 Hamann Road, Manitowoc, Wis. 54220. Applicant's representative: Edward Solie, Executive Building, Suite 100, 4513 Vernon Boulevard, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lime and limestone products* from points in Kossuth Township, Manitowoc County, Wis., to points in Indiana, Illinois, Missouri, Iowa, Minnesota, and the Upper Peninsula of Michigan: (2) *lumber*, from points in the Lower Peninsula of Michigan to points in Wisconsin; and (3) *pallets, bin boxes, and skids*, from points in Lima Township, Sheboygan County, Wis., to points in the Lower Peninsula of Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 119641 (Sub-No. 83), filed October 14, 1969. Applicant: RINGLE EXPRESS, INC., 450 South Ninth Street, Fowler, Ind. 47944. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except truck tractors), (2) *agricultural implements and machinery*, and (3) *attachments* for, and equipment designed for use with the foregoing articles described in (1) and (2) above when moving in mixed loads with such articles described in (1) and (2) above, from the United States-Canadian border crossings in Michigan to points in the United States (except Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming); restricted to traffic in foreign commerce originating at the plant warehouse or distribution facilities of the International Harvester Co. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 228), filed October 21, 1969. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery goods and frozen prepared foods*, from Deerfield, and Chicago, Ill., to points in Indiana, Kentucky, Missouri, Michigan, and points in Ohio on and west of a line beginning at Sandusky, then south on Ohio Highway 4 to Marion, then south on U.S. Highway 23 to Portsmouth. NOTE: Applicant states that it could tack to serve points in Wisconsin and Minnesota; however, tacking is not intended. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119777 (Sub-No. 167), filed October 20, 1969. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, Ky. 42431. Applicant's representative, Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and flooring*, from the plantsite of Birmingham Forest Products, Inc., at Cordova, Ala., to points in Arkansas, Iowa, Kentucky, Minnesota, Missouri, North Carolina, North Dakota, South Dakota, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC-126970 and subs thereunder, therefore, dual operation may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 120737 (Sub-No. 7), filed October 24, 1969. Applicant: STAR DELIVERY & TRANSFER, INC., Rural Route No. 5, Box 39, Canton, Ill. 61520. Applicant's representative: Chester J. Claudon, 121 West Elm Street, Canton, Ill.

61520. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implement parts, tractor parts and tractor attachments*, from Louisville, Ky., to points in Fulton and Rock Island Counties, Ill. NOTE: Applicant states that it will tack to serve an area between points within a 50-mile radius of Pottstown, Ill., on the one hand, and, on the other, Chicago, Rock Island, East St. Louis, and Moline, Ill. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 120906 (Sub-No. 5), filed October 24, 1969. Applicant: SPECIAL SERVICE DELIVERY, INC., 828 Prouty Avenue, Toledo, Ohio 43609. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities dealt in by hardware, industrial, and department store wholesalers*, between the plantsite of the Bostwick-Braun Co., at Toledo, Ohio, on the one hand, and, on the other, points in Monroe, Lenawee, Hillsdale, Branch, Calhoun, Jackson, Washtenaw, Wayne, Eaton, Ingham, Livingston, Oakland, Macomb, St. Clair, Lapeer, Genessee, Shiawasee, and Clinton Counties, Mich., restricted to shipment originating at, or destined to the plantsite of the Bostwick-Braun Co., at Toledo, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 120979 (Sub-No. 3), filed October 23, 1969. Applicant: BRIGHTWOOD TRANSFER, INC., 4000 East 16th Street, Indianapolis, Ind. 46218. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Wayne, Parke, Putnam, Vigo, Owen, Monroe, Morgan, Brown, Johnson, Henry, Bartholomew, Decatur, Rush, Fayette, Shelby, Marion, Boone, Hendricks, Hancock, Delaware, Randolph, Madison, Grant, Clay, Tipton, Hamilton, Howard, Clinton, Tippecanoe, Fountain, and Montgomery Counties, Ind.; restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 121470 (Sub-No. 5), filed October 24, 1969. Applicant: TANKSLEY TRANSFER COMPANY, a corporation, 901 Harrison Street, Nashville, Tenn. 37203. Applicant's representative: Dale Woodall, 900 Memphis Bank Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sheet metal products, building materials, lumber, wood decking, steel wall ties, metal and wood frames, and parts and accessories* used in the installation thereof, from Nashville, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Texas, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 124078 (Sub-No. 412), filed October 23, 1969. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Maury County, Tenn., to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Mississippi, Missouri, and Ohio. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 124211 (Sub-No. 138), filed October 26, 1969. Applicant: HILT TRUCK LINE, INC., 1415 South 35th Street, Post Office Drawer H, Council Bluffs, Iowa 51501. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Sioux County, Iowa, to points in Arkansas, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Oklahoma, Tennessee, Texas, and Wisconsin. Restrictions: The authority sought herein is restricted (1) to traffic originating at the plantsite and storage facilities used by Sioux-Preme Packing Co., at or near Sioux Center, Iowa; and (2) to the extent the authority sought herein duplicates any authority granted to carrier shall not be construed as conferring more than one operating right, severable by sale or otherwise. NOTE: Applicant states that it does not intend to tack, however authority sought can be tacked with numerous authorities in MC-124211 at numerous common points. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 124711 (Sub-No. 3), filed October 22, 1969. Applicant: BECKER & SONS, INC., 801 East Clark Street, Emporia, Kans. 66801. Applicant's representative: Erle W. Francis, 719 Capitol Federal Building, 700 Kansas Avenue, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solution*, from the plantsite of Williams Bros. Pipe Line Terminal, located at Kansas City, Kans., to points in Missouri. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Topeka, Kans.

No. MC 127834 (Sub-No. 41) (Amendment), filed September 2, 1969, published FEDERAL REGISTER issue of September 25, 1969, amended October 31, 1969, and republished as amended this issue. Applicant: CHEROKEE HAULING & RIGGING, INC., 540-42 Merritt Avenue, Nashville, Tenn. 37203. Applicants' representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum articles* (except commodities in bulk), between the plantsites, warehouses, production and distribution facilities of Consolidated Aluminum Corp., located at or near New Johnsonville, and Jackson, Tenn., on the one hand, and, on the other, points in Texas, Arkansas, Missouri, Iowa, Minnesota, and States east thereof. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to amend the commodity description. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 128375 (Sub-No. 33), filed September 15, 1969. Applicant: CRETE CARRIER CORPORATION, Post Office Box 249, Crete, Nebr. 68333. Applicant's representative: Donald H. Bowman, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor vehicle parts, accessories, fittings, and equipment, and related tools, materials, advertising and display matter*, (a) from Paulding, Ohio, Loudon, and Pulaski, Tenn., and points in their commercial zones to Nashville, Tenn., and points in its commercial zone; (b) from Pulaski, Loudon, Knoxville, and Nashville, Tenn., to points in the United States west of the Mississippi River and to points in Wisconsin, Illinois, Indiana, Michigan, and Mississippi; (c) from points in Marion and Winston Counties, Ala., to Harvey, Ill., and Loudon, Tenn., and points in its commercial zone; (d) between Harvey, Ill., Loudon, Knoxville, and Nashville, Tenn., and points in their commercial zones; and (e) from Montgomery, Ala., and points in its commercial zone, to Paulding, Ohio, and Nashville, Tenn., and points in their commercial zones; and (2) *used brake shoe cores*, from Detroit, Mich., and Buffalo, N.Y., and points in their commercial zones, to Paulding, Ohio, and points in its commercial zone, under contract with Maremont Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Lincoln, Nebr.

No. MC-128762 (Sub-No. 4), filed October 14, 1969. Applicant: P. L. LAW-

TON, INC., Post Office Box 325, Berwick, Pa. 18603. Applicant's representative: John M. Musselman, 400 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prepared foodstuffs*, not frozen and not in bulk; and *advertising materials, displays, dispensing equipment, premiums, and office equipment and supplies*, from the plantsite and warehouses of Wise Foods Division of Borden Foods, Borden, Inc., located in St. Johns County, Fla., to points in Georgia, North Carolina, South Carolina, Virginia, and West Virginia; and (2) *packing materials, display racks, machinery, office equipment and supplies; foodstuff ingredients*, except in bulk; *and prepared foodstuff*, not frozen and not in bulk, *advertising materials, displays, dispensing equipment, and premiums*, between Berwick, Pa., and St. Augustine, Fla.; under contract with Wise Foods Division of Borden Foods, Borden, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 128866 (Sub-No. 10), filed October 8, 1969. Applicant: B & B TRUCKING, INC., Post Office Box 128, Cherry Hill, N.J. 08034. Applicant's representative: Daniel L. O'Connor, 1815 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum food containers;* (a) from the plantsite of Penny Plate, Inc., at Cherry Hill, N.J., to the plantsite of Penny Plate, Inc., at Searcy, Ark.; the plantsite of Morton Frozen Foods, Inc., at Russellville, Ark.; the plantsite of Stouffer Foods, Inc., at Quincy, Ill.; the plantsite of Table Talk, Inc., at Worcester, Mass.; the plantsite of Pet, Inc., at Frankfort, Mich.; the plantsites of Banquet Division of F. M. Stamper, Inc., at Marshall, Carrollton, and Macon, Mo.; the plantsite of Parrish Baking Co. at Salisbury, N.C.; the plantsite of Morton Frozen Foods, Inc., at Concord, N.C.; the plantsites of Stouffer Foods, Inc., at Cleveland, and Solon, Ohio; the plantsite of Pet, Inc., at Chickasha, Okla.; the plantsite of Pet, Inc., at Chambersburg, Pa.; the warehouse of Bluff-Henley, Inc., at Philadelphia, Pa.; and the plantsites of Morton Frozen Foods, Inc., at Crozet and Waynesboro, Va.; (b) from the plantsite of Penny Plate, Inc., at Searcy, Ark., to the plantsite of Morton Frozen Foods, Inc., at Russellville, Ark.; the warehouse of Penny Plate, Inc., at Deerfield, Ill.; the plantsite of Stouffer Foods, Inc., at Quincy, Ill.; the plantsite of Table Talk, Inc., at Worcester, Mass.; the plantsite of Pet, Inc., at Frankfort, Mich.; the plantsites of Banquet Division of F. M. Stamper, Inc., at Marshall, Carrollton, and Macon, Mo.; the plantsite of Parrish Baking Co. at Salisbury, N.C.; the plantsite of Morton Frozen Foods, Inc., at Concord, N.C.; the plantsites of Stouffer Foods, Inc., at Cleveland and Solon, Ohio; the plantsite of Pet, Inc., at Chickasha, Okla.; the plantsite of Pet, Inc., at Chambersburg, Pa.; the warehouse of Buff-Henley, Inc., at Philadelphia, Pa.; and the plantsite of Morton Frozen Foods, Inc., at Waynesboro, Va.; (2) *aluminum foil or sheet*, from the plantsite of Kaiser Aluminum Co. at Ravenswood, W. Va., to the plantsites of Penny Plate, Inc., at Cherry Hill, N.J., and Searcy, Ark.; and (3) *scrap aluminum, defective or damaged aluminum foil or sheets, skids, pallets, and aluminum cores*, from the plantsites of Penny Plate, Inc., at Cherry Hill, N.J., and Searcy, Ark., to the plantsite of Kaiser Aluminum Co. at Ravenswood, W. Va., under contract with Penny Plate, Inc., Cherry Hill, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 128988 (Sub-No. 3), filed October 20, 1969. Applicant: JO/KEL, INC., Post Office Box 22265, Los Angeles, Calif. 90022. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Upholstery or carpet tacking rims or strips, nails, adhesive cement, mechanic hand tools and advertising materials, racks, and stands therefor*, from Los Angeles, Calif., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; and (2) *materials, equipment, and supplies* used in the manner and distribution of the commodities in (1) above on return. Restrictions: (1) All commodities in (1) and (2) above restricted against the transportation of commodities in bulk; and (2) limited to a transportation service performed under a continuing contract with Taylor Industries, Inc., City of Industry, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 129171 (Sub-No. 4), filed August 26, 1969. Applicant: ARTHUR SHELLEY, Rural Delivery No. 2, Dallas, Pa. 18612. Applicant's representative: Kenneth R. Davis, 1106 Dartmouth Street, Scranton, Pa. 18504. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery, and bakery goods*, from Elizabeth and Hammonton, N.J., and New York, N.Y., to Los Angeles and Oakland, Calif.; Portland, Oreg.; and Seattle, Wash. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 129852 (Sub-No. 3), filed October 13, 1969. Applicant: NEEPAWA TRANSPORT, INC., Box 113, Granville, Ill. 61326. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials;* (1) from Minneapolis-St. Paul, Minn., to Spring Valley, Pontiac, Peru, and Bloomington, Ill.; and (2) from Omaha, Nebr., to Peoria and Peru, Ill.; under contract with (1) Heller Importing & Distributing Co. of Peoria, Ill.; (2) Mautino Distributing Co. of Spring Valley, Ill.; (3) Dresbach Distributing Co. of Peru, Ill.; and (4) Corn Belt Sales Co. of Pontiac, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago or Springfield, Ill.

No. MC 133351 (Sub-No. 2), filed October 27, 1969. Applicant: ELTON F. PERKINS, doing business as PERKINS LUMBER COMPANY, Greene, Maine 04236. Applicant's representative: Peter L. Murray, 465 Congress Street, Portland, Maine 04111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Conveyor systems and machiney* used in the shoe and textile industries and *parts* thereof, from shipper's plant at Lewiston, Maine to customers of shippers located in that part of the United States east of North and South Dakota, Nebraska, Kansas, Oklahoma, and Texas, under contract with Diamond Machinery Co. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Maine.

No. MC 133733 (Sub-No. 2), filed October 9, 1969. Applicant: CERTIFIED TRANSFER & STORAGE, INC., Post Office Box 9189, El Paso, Tex. 79983. Applicant's representative: Jerry R. Murphy, 708 LaVeta NE., Albuquerque, N. Mex. 87109. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment); (1) between El Paso and Tornillo, Tex., over U.S. Highway 80 to Tornillo, and return over the same route, serving all intermediate points; (2) between Tornillo and Esperanza, Tex., from Tornillo over U.S. Highway 80 to junction unnumbered county road about 12 miles east of McNary, Tex., thence over unnumbered county road to Esperanza, and return over the same route, serving all intermediate points, and those off-route points within 5 miles of U.S. Highway 80; and (3) between El Paso, Tex., and Mesquite, N. Mex., from El Paso over U.S. Highway 80 to Mesquite, thence over unnumbered county road to San Miguel, N. Mex., thence over New Mexico Highway 28 to its junction with New Mexico Highway 273, thence over New Mexico Highway 273 to its junction with U.S. Highway 80 and return to El Paso, Tex., over U.S. Highway 80, serving all intermediate points, and all off-route points within 2 miles of the route described above. NOTE: Applicant states that it intends to tack the two routes herein sought at El Paso, Tex., so as to furnish single-line service at all points covered by this instant application. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at El Paso, Tex.

No. MC 133779 (Sub-No. 1), filed October 27, 1969. Applicant: FUNDIS COMPANY, a corporation, Broadway at Cornell, Lovelock, Nev. 89419. Applicant's

representative: Pete Fundis (same address as applicant), Post Office Box 740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earth*, infusorial or diatomaceous (diatomite); *earth*, diatomaceous, physically combined with alkyl naphthalene, sodium sulfonate; and *wood pulp sulphite;* except in bulk, from Colorado Junction, points in Pershing, Clark, and Washoe Counties, Nev., to points in Fresno, Imperial, Inyo, Kern, Kings, Los Angeles, Mono, Orange, Riverside, San Diego, San Bernardino, San Luis Obispo, Santa Barbara, Tulare, and Ventura Counties, Calif. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Reno and Carson City, Nev., or San Francisco, Calif.

No. MC 134110, filed October 10, 1969. Applicant: ROBERT POWERS AND RONALD POWERS, a partnership, doing business as R & R POWERS, Denham, Ind. Applicant's representative: William L. Carney, 105 East Jennings Avenue, South Bend, Ind. 46614. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Refractory products molds or rings, hot top*, from North Judson, Ind., to Birmingham and Gadsden, Ala., and Atlanta, Ga.; and (2) *articles of iron and steel manufacture*, from Birmingham and Gadsden, Ala., and Atlanta, Ga., to North Judson, Ind. NOTE: Applicant states that it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 134111, filed October 8, 1969. Applicant: HENRY L. HANKINS, doing business as JOHN DAY-PORTLAND AUTO FREIGHT, 300 Northwest Third, John Day, Ore. 97845. Applicant's representative: Roy Kilpatrick, Post Office Box 385, John Day, 97845. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except livestock, petroleum, and petroleum products in bulk in tank-type equipment, cement in bulk in tank-type equipment, and heavy machinery requiring the use of lowbed equipment); (1) between points in Grant and Wheeler Counties, Oreg.; and (2) between points in Grant and Wheeler Counties, Oreg., and points in Oregon. NOTE: Applicant states it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at Canyon City, Oreg.

MOTOR CARRIER OF PASSENGERS

No. MC 3700 (Sub-No. 62), filed October 23, 1969. Applicant: MANHATTAN TRANSIT COMPANY, a corporation, Route 46, East Paterson, N.J. 07407. Applicant's representative: Robert E. Goldstein, 8 West 40th Street, New York, N.Y. 10018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage in the same vehicle with passengers*, in round-trip special operations, during the authorized racing seasons at Liberty Bell Park Race Track, Philadelphia, Pa., beginning and ending at New York, N.Y., and extending to Liberty Bell Park Race Track, Philadelphia, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 45626 (Sub-No. 63), filed October 23, 1969. Applicant: VERMONT TRANSIT CO., INC., 135 St. Paul Street, Burlington, Vt. 05401. Applicant's representative: L. C. Major, Jr., Suite 301, Tavern Square, 421 King Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers in the same vehicle with passengers*, between Rutland, Vt., and Interchange 18 (known as the Corinth Road Interchange) of Interstate Highway 87 in the town of Queensbury, N.Y., as follows: From Rutland over U.S. Highway 4 to Hudson Falls, N.Y., thence over New York Highway 32 to Glens Falls, N.Y., thence over unnumbered highway to Interchange 18 of Interstate Highway 87, and return over the same route serving all intermediate points, restricted as follows: (1) Against pickup, at Glens Falls or at points between Glens Falls and Interchange 18 of Interstate Highway 87, of traffic destined to points south thereof; (2) against discharge, at Glens Falls or at points between Glens Falls and Interchange 18 of Interstate Highway 87, of traffic originating at points south thereof. NOTE: Applicant states it will tack with its MC 45626 Sub 33 at junction U.S. Highway 4 and Vermont Highway 30 and junction U.S. Highway 4 and Vermont Highway 22A, and with its MC 45626 Sub 47 at junction U.S. Highway 4 and New York Highway 149 and at Interchange 18 of Interstate Highway 87. If a hearing is deemed necessary, applicant requests it be held at Rutland, Burlington, and Montpelier, Vt.

No. MC 126114 (Sub-No. 1), filed October 9, 1969. Applicant: WILLINGHAM BUS LINES, INC., doing business as AKA AZTEC BUS LINES, 4437 Twain Avenue, San Diego, Calif. 92120. Applicant's representative: James H. Lyons, 606 South Olive Street, Suite 1420, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, beginning and ending at points in San Diego County, Calif., and extending to points in Arizona, Nevada, and Utah, in year-round operations. NOTE: Applicant states it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at San Diego or Los Angeles, Calif.

No. MC 129817 (Sub-No. 1), filed October 6, 1969. Applicant: JOSE RAUL ESPINOSA, doing business as ESPINOSA BUS LINES, 214 Northwest 42d Avenue, Miami, Fla. Applicant's representative: John P. Bond, 30 Giralda Avenue, Coral Gables, Fla. 33134. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in special operations, from points in Dade County, Fla., to Union City, N.J., and New York, N.Y., and return. NOTE: Applicant states it does not propose to pick up and discharge passengers at any other points. Applicant further states this service is a special service designed specifically to cater to Cuban refugees. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or New York, N.Y.

No. MC 133826 (Sub-No. 1), filed October 2, 1969. Applicant: CITY WIDE TRANSPORTATION CO. INC., 2800 Shell Road, Brooklyn, N.Y. Applicant's representative: Sidney J. Leshin, 501 Madison Avenue, New York, N.Y. 10022. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip special and charter operations beginning and ending at New York, N.Y., and extending to points in New York, New Jersey, Connecticut, and Pennsylvania. NOTE: Applicant states that it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 2866 (Sub-No. 18), filed October 20, 1969. Applicant: EDWARDS MOTOR TRANSIT COMPANY, a corporation, 56 East Third Street, Williamsport, Pa. 17701. Applicant's representative: Robert H. Griswold, Post Office Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, mail, and newspapers*, in the same vehicle with passengers; (1) between junction Interstate Highway 80, Exit 38, and Pennsylvania Highway 93 (formerly Pennsylvania Highway 29) north of Sybertsville, Pa., and junction New Jersey Highway 3 and Lincoln Tunnel approaches in North Bergen, N.J.; from junction Interstate Highway 80 and Pennsylvania Highway 93 (formerly Pennsylvania Highway 29) over Interstate Highway 80 to junction U.S. Highway 46 east of Columbia, N.J., thence over U.S. Highway 46 to junction Interstate Highway 80 near Netcong, N.J., thence over Interstate Highway 80 to junction U.S. Highway 46 near Denville, N.J., thence over U.S. Highway 46 to junction Interstate Highway 80 east of Parsippany, N.J., thence over Interstate Highway 80 to junction U.S. Highway 46, thence over U.S. Highway 46 to junction New Jersey Highway 3 near Clifton, N.J., thence over New Jersey Highway 3 to Lincoln Tunnel approaches in North Bergen, N.J., and return over the same route, as an alternate route for operating convenience only, serving no intermediate points and serving junction Interstate Highway 80 and U.S. Highway 309 and junction New Jersey Highway 31 and U.S. Highway 46 for purposes of joinder only; (2) between Hazleton, Pa., and junction U.S. Highway 309 and Interstate Highway 80 over U.S. Highway 309,

serving no intermediate points; and (3) between junction New Jersey Highway 31 (formerly New Jersey Highway 69) and U.S. Highway 22 east of Clinton, N.J., and junction New Jersey Highway 31 and U.S. Highway 46 at Buttzville, N.J., over New Jersey Highway 31, serving no intermediate points. NOTE: Applicant states the routes described in (2) and (3) above would be used as access or connecting routes between the route described in (1) above and its presently authorized service route. Common control may be involved.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-13741; Filed, Nov. 19, 1969; 8:45 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

NOVEMBER 17, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41803—*Newsprint paper to Milwaukee, Wis.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2961), for interested rail carriers. Rates on newsprint paper, in carloads, as described in the application, from Dalhousie, New Brunswick, Canada, to Milwaukee, Wis.

Grounds for relief—Water competition.

Tariff—Supplement 52 to Canadian National Railways tariff ICC E.543.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-13819; Filed, Nov. 19, 1969; 8:50 a.m.]

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