

# FEDERAL REGISTER

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## Agencies in this issue—

The President  
Agency for International Development  
Agricultural Research Service  
Alien Property Office  
Atomic Energy Commission  
Civil Aeronautics Board  
Commodity Credit Corporation  
Consumer and Marketing Service  
Customs Bureau  
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Internal Revenue Service  
Interstate Commerce Commission  
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Securities and Exchange Commission  
Small Business Administration

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*Up-to-date Revision*

## PRINCIPAL OFFICIALS IN THE EXECUTIVE BRANCH

Appointed January 20–April 20, 1969

A listing of about 350 appointments of key officials made after January 20, 1969. Serves as a supplement to the 1968–69 edition of the U.S. Government Organization Manual.

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# Presidential Documents

## Title 3—THE PRESIDENT

### Proclamation 3911

#### CITIZENSHIP DAY AND CONSTITUTION WEEK, 1969

By the President of the United States of America

#### A Proclamation

The Constitution of the United States is often viewed as a revered document drawn in a far-off time by a group of exceedingly wise men we call the Founding Fathers. It is much more than that. The Constitution is a living set of principles, created during a hot Philadelphia summer in 1787 by men who were often passionate in their convictions and always jealous of the basic rights which had been secured by the American Revolution. This Constitution is not a museum-piece, but something as strong and as proud and as passionately alive today as were the men who created it almost 200 years ago.

As the foundation of our national life, the Constitution demands more than reverence. It demands the kind of active concern we show to anything we deeply care for. It demands our attention, our understanding of its character and of its fundamental place in our lives. This view of the Constitution will not allow us to pay honor to the idea unless we pay attention to the reality. It calls upon a citizen to not only be able to demand his rights, but also to know what they are.

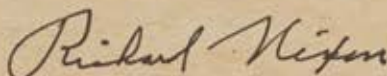
United States citizenship, then, is also demanding. But the demands are more than matched by the benefits. Each citizen can help himself, his fellow citizens, and his nation if he takes some time out of his life to read and talk and think about the Constitution.

By a joint resolution of February 29, 1952 (66 Stat. 9), the Congress set aside the seventeenth day of September of each year as Citizenship Day, in commemoration of the signing of the Constitution on September 17, 1787, and in recognition of all who attained citizenship during the year. And by a joint resolution of August 2, 1956, (70 Stat. 932), the Congress requested the President to designate the period beginning September 17 and ending September 23 of each year as Constitution Week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, direct the appropriate Government officials to display the flag of the United States on all government buildings on Citizenship Day, September 17, 1969. I urge Federal, State, and local officials, as well as all religious, civic, educational, and other interested organizations to make arrangements for impressive, meaningful pageants and observations on that day to inspire all our citizens to rededicate themselves to the service of their country and to the support and defense of the Constitution.

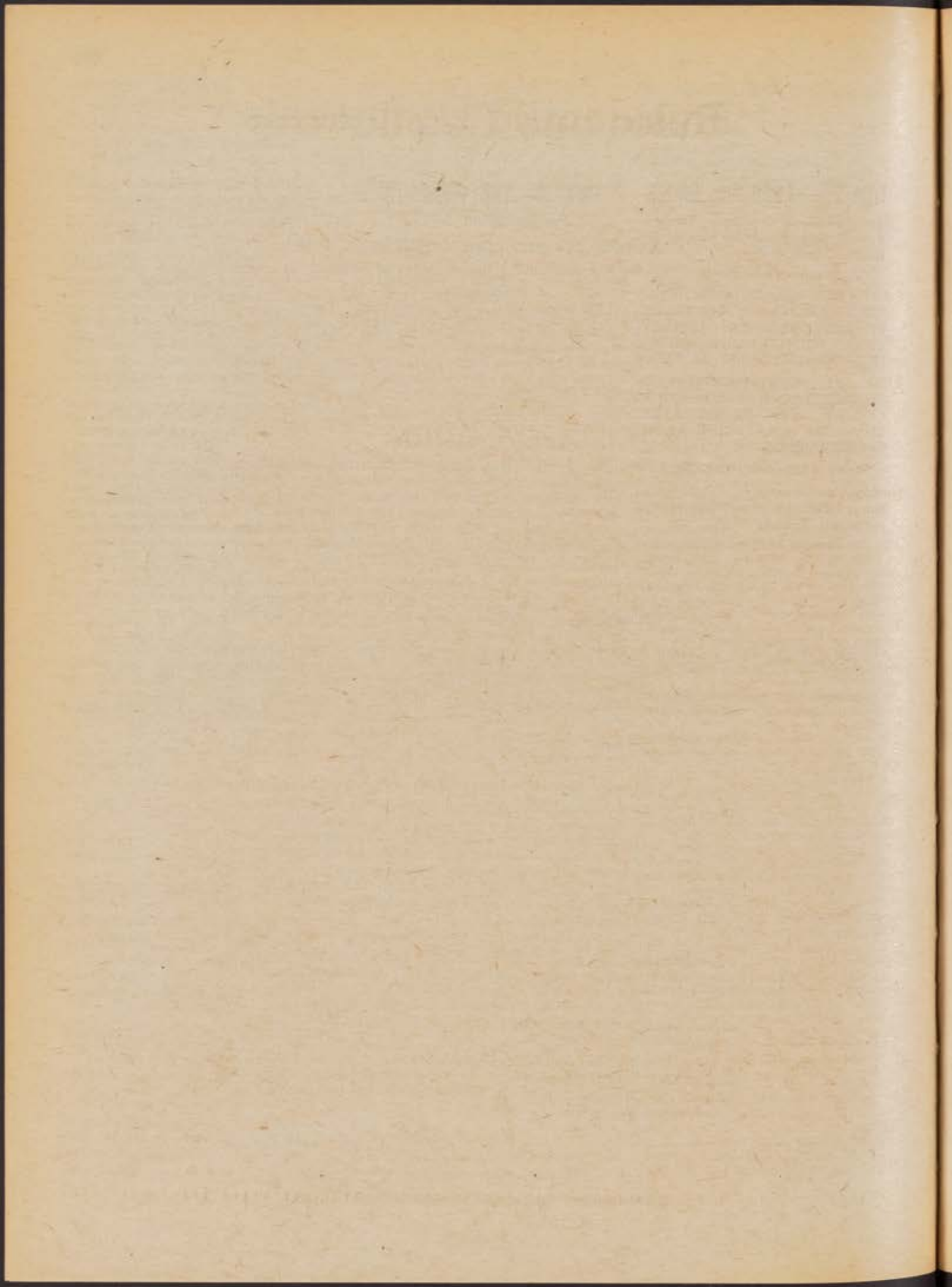
I also designate the period beginning September 17 and ending September 23, 1969, as Constitution Week; and I urge the people of the United States to observe that week with appropriate ceremonies and activities in their schools and churches, and in other suitable places, to the end that our citizens, whether naturalized or natural-born, may have a better understanding of the Constitution and of the rights and responsibilities of United States citizenship.

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of May, in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-third.



[F.R. Doc. 09-5856; Filed, May 13, 1969; 5:05 p.m.]

FEDERAL REGISTER, VOL. 34, NO. 93—THURSDAY, MAY 15, 1969





# Rules and Regulations

## Title 21—FOOD AND DRUGS

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

### SUBCHAPTER C—DRUGS

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

### PART 148j—NOVOBIOCIN

Novobiocin-Tetracycline Combination Drugs; Calcium Novobiocin-Sulfamethizole Tablets

In the FEDERAL REGISTER of December 24, 1968 (33 F.R. 19203-04), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparations marketed by The Upjohn Co., Kalamazoo, Mich. 49001:

1. Albamycin-T capsules containing tetracycline hydrochloride and sodium novobiocin.
2. Panalba capsules containing tetracycline phosphate complex and sodium novobiocin.
3. Panalba, half-strength capsules containing tetracycline phosphate complex and sodium novobiocin.
4. Albamycin-T flavored granules for suspension containing tetracycline hydrochloride and calcium novobiocin.
5. Panalba KM flavored granules for suspension containing tetracycline and calcium novobiocin.
6. Panalba KM drops, flavored granules for suspension containing tetracycline and calcium novobiocin.
7. Albamycin G.U. tablets containing calcium novobiocin and sulfamethizole.

The announcements stated that the Academy report found these products ineffective as a fixed combination for the indications specified in their labeling and that the Food and Drug Administration concurred that there is a lack of substantial evidence that each ingredient of the above combinations contributes to the claimed clinical effect. The panel noted the great frequency of adverse reactions (particularly skin rashes and hepatic dysfunction) from novobiocin. All interested persons were invited to submit within 30 days any pertinent data bearing on the proposal to amend the anti-

biotic drug regulations where necessary to delete the above antibiotic combinations from the list of drugs acceptable for certification.

Representatives of The Upjohn Co. promptly informed the Commissioner that the 30-day period was inadequate to enable them to supply additional information on the question of the efficacy of these drugs, and, acting on the representations made, the Commissioner agreed informally that the 30-day period for submission of new data could be extended for an additional period. The Commissioner received many testimonial type letters but no results of adequate and well-controlled studies which support the claimed clinical effectiveness of the drugs.

Accordingly, the Commissioner notified the manufacturer that reports of adequate and well-controlled studies would be required and that testimonial support for the claims was not acceptable. The response was that the company has no new data from controlled studies of the efficacy of these drugs and that it could not accumulate such data without the preparation of an elaborate and costly protocol for a clinical study that would require about 2 years for completion. The Commissioner, therefore, finds that substantial evidence of effectiveness required by law has not been presented.

On April 25, 1969, the Commissioner issued notice of the report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on Albamycin capsules and syrups containing novobiocin. This report, in which the FDA concurred, would require markedly restricted indications for use for novobiocin in light of its limited spectrum of usefulness, its high incidence of side effects, and the rapid emergence of resistant organisms.

The Commissioner concludes from these reports that there are significant medical hazards, without evidence of effectiveness, in the use of Albamycin-T and Panalba; that novobiocin is not the drug of first choice in any infection and is not indicated in any combination product; that Panalba and Albamycin-T should be withdrawn from the market; and that Albamycin Syrup and Capsules should be promptly relabeled with the new indications.

Accordingly, the Commissioner concludes that the regulations for the certification of antibiotic drugs should be amended as follows to delete the above-listed antibiotic combinations from the list of drugs acceptable for certification because of a lack of substantial evidence that the drugs will have the effectiveness they purport and are represented to have, and more particularly, that each ingredient in the above combinations contributes to the claimed clinical effect of the drugs. The Commissioner further concludes that the certificates of safety

and effectiveness heretofore issued for the combination drug should be revoked on the basis of the unwarranted hazard.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 141c, 146c, and 148j are amended by repealing §§ 141c.234, 141c.238, 141c.239, 141c.261, 146c.234, 146c.238, 146c.239, 146c.261, and 148j.4 and certificates of safety and effectiveness issued under those regulations are revoked.

The Upjohn Co., having been informed of the Commissioner's intention, has requested that the matter be the subject of a public hearing. Any person who will be adversely affected by the removal of any such drugs from the market may file, within 30 days of publication hereof in the FEDERAL REGISTER, objections to this order stating reasonable grounds and requesting a hearing on such objections. A statement of reasonable grounds for a hearing must identify the claimed errors in the NAS-NRC evaluation and identify any adequate and well-controlled investigations on the basis of which it could reasonably be concluded that the combination drug would have the effectiveness claimed and would be safe for their intended uses.

**Effective date.** This order shall become effective 30 days after the date of its publication in the FEDERAL REGISTER to allow time for a recall to be completed. Certification of new stocks has been discontinued.

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

Dated: May 9, 1969.

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

[F.R. Doc. 69-5780; Filed, May 14, 1969; 8:47 a.m.]

## Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 7012]

FILING OF CERTAIN MISCELLANEOUS RETURNS AND DOCUMENTS WITH SERVICE CENTERS

On March 11, 1969, notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 5067) in order to revise the rules for the filing of certain returns and other documents with service centers and to conform certain provisions of the regulations (26 CFR Parts 1, 25, 31, 36, 41, 45, 46, 48, 49, 147, 151, 152, 301) to the amendments made by section 1 of the Act of November 2, 1966 (Public



Law 89-713, 80 Stat. 1108). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments of the regulations as proposed are hereby adopted.

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

RANDOLPH W. THROWER,  
Commissioner of Internal Revenue.

Approved: May 9, 1969.

EDWIN S. COHEN,  
Assistant Secretary  
of the Treasury.

In order to revise the rules for the filing of certain returns and other documents with service centers and to conform certain provisions of the regulations to the amendments made by section 1 of the Act of November 2, 1966 (Public Law 89-713, 80 Stat. 1107), the following regulations (26 CFR Parts 1, 25, 31, 36, 41, 45, 46, 48, 49, 147, 151, 152, 301) are amended as set forth below. However, the amendments to such regulations do not make all of the changes necessitated by section 1 of such Act of November 2, 1966. Appropriate amendments to the regulations will be issued in the future to make the additional changes necessitated by such Act:

#### SUBCHAPTER A—INCOME TAX

### PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

PARAGRAPH 1. Subdivisions (iv) (a) and (v) (a) (2) of paragraph (a) (2) of § 1.761-1 are amended to read as follows:

#### § 1.761-1 Terms defined.

(a) *Partnership.* \* \* \*

(2) *Exclusion of certain partnerships from provisions of subchapter K.* \* \* \*

(iv) *Method of election.*—(a) *Complete exclusion from subchapter K.* Any unincorporated organization described in subdivisions (i) and (ii) or (iii) of this subparagraph which wishes to be excluded from all of subchapter K must make the election provided in section 761(a) in a statement attached to a properly executed partnership return, Form 1065, which shall contain the information required in this subdivision. Such return shall be filed with the internal revenue officer with whom a partnership return, Form 1065, would be required to be filed if no election were made. Where, for the purpose of determining the proper internal revenue officer with whom Form 1065 must be filed, it is necessary to determine the internal revenue district (or service center serving such district) in which the electing organization has its principal office or place of business, the principal office or place of business of the operator shall be considered the principal office or place of business of the organization, unless the person filing the return for the organization is not the operator, in which case, the principal office or place of business of the person filing the return shall be considered the principal office or place of business of the organization. For the first year with respect to which such unincorporated or-

ganization wishes to be excluded from subchapter K, its partnership return shall contain, in lieu of the information required by Form 1065 and by the instructions relating thereto, only the name or other identification and the address of the organization. The statement attached to the return shall include the names and addresses of all the members of the organization; a statement that the organization qualifies under subdivisions (i) and either (ii) or (iii) of this subparagraph, a statement that all of the members of the organization elect that it be excluded from all of subchapter K; and a statement indicating where a copy of the agreement under which the organization operates is available (or if the agreement is oral, from whom the provisions of the agreement may be obtained). Unless within 90 days after the formation of the organization (or by October 15, 1956, whichever is later) any member of the organization notifies the Commissioner that the member desires subchapter K to apply to such organization, and also advises the Commissioner that he has so notified all other members of the organization by registered or certified mail, the election to be excluded will be effective. Such election is irrevocable as long as the organization remains qualified under subdivisions (i) and either (ii) or (iii) of this subparagraph, or unless approval of revocation of the election is secured from the Commissioner. Application for permission to revoke the election must be submitted to the Commissioner of Internal Revenue, Attention: T-1 Washington, D.C. 20224, no later than 30 days after the beginning of the first taxable year to which the revocation is to apply. An unincorporated organization need not file an election to be excluded under section 761 for the first year of its existence but may do so at the time of filing the return for any taxable year for which exclusion from subchapter K is desired. Such unincorporated organization shall file a partnership return for the first taxable year in which the participants by a formal agreement undertake to engage in joint operations, or in the absence of a formal agreement for the first taxable year in which the participants with respect to the joint use of property jointly make or incur any expenditures treated as deductions for Federal income tax purposes, whether or not electing to be excluded from the provisions of subchapter K. Where no annual accounting period has been adopted by such unincorporated organization, its taxable year shall be the calendar year in accordance with section 441(g).

(v) *Information to be filed by organizations excluded under section 761.*—(a) \* \* \*

(2) For each subsequent taxable year for which it is excluded: Form 1096 for the organization and a Form 1099 for each person who was a member of the organization during any part of the calendar year. Form 1099 shall show the name and address of the organization (under "By Whom Paid"). In lieu of "Kind and Amount of Income Paid", each Form 1099 shall state "Filed under sec-

tion 761(a)" and the principal activity of the organization. Forms 1096 and 1099 shall be filed with the internal revenue officer designated in instructions applicable to such forms.

PAR. 2. Paragraph (a) of § 1.852-9 is amended by revising subparagraphs (2) (i) and (3) to read as follows:

§ 1.852-9 Special procedural requirements applicable to designation under section 852(b) (3) (D).

(a) *Regulated investment company.*

(2) *Return of undistributed capital gains tax.*—(i) *Form 2438.* Every regulated investment company which designates undistributed capital gains for any taxable year beginning after December 31, 1956, in accordance with subparagraph (1) of this paragraph, shall file for such taxable year an undistributed capital gains tax return on Form 2438 including on such return the total of its undistributed capital gains so designated and the tax with respect thereto. The return on Form 2438 shall be prepared in duplicate and shall set forth fully and clearly the information required to be included therein. The original of Form 2438 shall be filed on or before the 30th day after the close of the company's taxable year with the internal revenue officer designated in instructions applicable to Form 2438. The duplicate copy of Form 2438 for the taxable year shall be attached to and filed with the income tax return of the company on Form 1120 for such taxable year.

(3) *Payment of tax.* The tax required to be returned on Form 2438 shall be paid by the regulated investment company on or before the 30th day after the close of the company's taxable year to the internal revenue officer with whom the return on Form 2438 is filed.

PAR. 3. Paragraph (a) of § 1.1372-2 is amended to read as follows:

§ 1.1372-2 Manner and time for making election and filing shareholders' consent.

(a) *Manner of making election.* The election of a small business corporation should be made by the corporation by filing Form 2553, containing the information required by such form, and by filing, in the manner provided in § 1.1372-3, a statement of the consent of each shareholder of the corporation. The election form shall be signed by any person who is authorized to sign the return required under section 6037 and shall be filed with the internal revenue officer designated in the instructions applicable to Form 2553.

PAR. 4. Section 1.1372-3 is amended to read as follows:

§ 1.1372-3 Shareholders' consent.

(a) *In general.* The consent of a shareholder to an election by a small business corporation shall be in the form of a statement signed by the shareholder in which such shareholder consents to the election of the corporation. Such shareholder's consent is binding and may



not be withdrawn after a valid election is made by the corporation. Each person who is a shareholder of the electing corporation must consent to the election; thus, where stock of the corporation is owned by a husband and wife as community property (or the income from which is community property), or is owned by tenants in common, joint tenants, or tenants by the entirety, each person having a community interest in such stock and each tenant in common, joint tenant, and tenant by the entirety must consent to the election. The consent of a minor shall be made by the minor or by his legal guardian, or his natural guardian if no legal guardian has been appointed. The consent of an estate shall be made by the executor or administrator thereof. The statement shall set forth the name and address of the corporation and of the shareholder, the number of shares of stock owned by him, and the date (or dates) on which such stock was acquired. The consents of all shareholders may be incorporated in one statement. The consents of all persons who are shareholders at the time the election is made shall be attached to the election of the corporation. If the election is made before the first day of the corporation's taxable year for which it is effective, the consents of persons who become shareholders after the date of election and are shareholders on such first day shall be filed with the internal revenue officer with whom the election was filed as soon as practicable after such first day. The consent referred to in the preceding sentence will be considered timely if it is filed on or before the last day prescribed for making the election. Where a consent is filed after the date of election, a copy of the consent shall also be filed with the return required to be filed under section 6037. In the case of a shareholder in a community-property State whose spouse has filed a timely consent to an election under section 1372(a) for a taxable year beginning before January 1, 1961, the time for filing the consent of such shareholder shall not expire prior to May 15, 1961; in the case of a shareholder in a community-property State whose spouse has filed a timely consent to an election under section 1372(a) for a taxable year beginning after December 31, 1960, and on or before October 26, 1962, the consent of such shareholder shall be considered timely if it is filed on or before the last day prescribed for making the election. An election under section 1372(a) will not be valid if any of the consents are not timely filed. However, see paragraph (c) of this section for extension of time for filing consents. In addition, an election which was timely filed for any taxable year beginning before March 1, 1960, and which would be valid but for the fact that the consent of any shareholder of the corporation was not filed or was defective in any manner, will not be invalid if—

(1) A proper consent is filed by such shareholder after December 19, 1959, and on or before March 1, 1960.

(2) All shareholders of the corporation who previously filed timely and proper consents file new consents within the period mentioned in subparagraph (1) of this paragraph, and

(3) The shareholders show to the satisfaction of the district director with whom the election under section 1372(a) was filed that the failure to file timely and proper consents was not due to an intention to avoid making a valid election.

(b) *New shareholders.* If a person becomes a shareholder of an electing small business corporation after the first day of the taxable year for which the election is effective, or after the day on which the election is made (if such day is later than the first day of the taxable year), the consent of such shareholder shall be made in a statement filed (with the internal revenue officer with whom the election is filed) within the period of 30 days beginning with the day on which such person becomes a new shareholder. A copy of such consent should be furnished to the corporation by the new shareholder. If the new shareholder is an estate, the 30-day period shall not begin until the executor or administrator has qualified under local law to perform his duties, but in no event shall such period begin later than 30 days following the close of the corporation's taxable year in which the estate became a shareholder. The statement of consent shall set forth the name and address of the corporation and of such new shareholder, the number of shares of stock owned by such shareholder, the date on which such shares were acquired, and the name and address of each person from whom such shares were acquired. A copy of the consent of such new shareholder shall be filed with the return required to be filed under section 6037 for the taxable year to which such consent applies. For the effect of the failure of a new shareholder to consent, see paragraph (b) (1) of § 1.1372-4.

(c) *Extension of time for filing consents.* An election which is timely filed for any taxable year and which would be valid, or would not have terminated, except for the failure of any shareholder to file a consent within the time prescribed in paragraph (a) or (b) of this section will not be invalid, or will not be treated as having terminated, for such reason if—

(1) It is shown to the satisfaction of the district director or director of the service center that there was reasonable cause for the failure to file such consent and that the interests of the Government will not be jeopardized by treating such election as valid, or as not having terminated,

(2) Such shareholder files a proper consent to the election within such extended period of time as may be granted by the Internal Revenue Service, and

(3) New consents are filed within such extended period of time as may be granted by the Internal Revenue Service, by all persons who were shareholders of the corporation at any time during the taxable year with respect to which the failure to consent would (but for the pro-

visions of this paragraph) cause the corporation's election to be invalid or to terminate, and by all persons who were shareholders of the corporation subsequent to such taxable year and prior to the date on which an extension of time is granted in accordance with this paragraph.

PAR. 5. Paragraph (b) of § 1.1372-4 is amended by revising subparagraphs (2) and (3). The revised provisions read as follows:

§ 1.1372-4 Termination of election.

(b) *Method of termination.* . . .

(2) *Revocation.* An election under section 1372(a) may be revoked by the corporation for any taxable year of the corporation after the first taxable year for which the election is effective. A revocation can be made only with the consent of all the persons who are shareholders at the beginning of the day of revocation. Such revocation shall be made by the corporation by filing a statement that the corporation revokes the election made under section 1372(a), which statement shall indicate the first taxable year of the corporation for which the revocation is intended to be effective. The statement shall be signed by any person authorized to sign the return of the corporation under section 6037 and shall be filed with the internal revenue officer with whom the election was filed. In addition, there shall be attached to the statement of revocation a statement of consent, signed by each person who is a shareholder of the corporation at the beginning of the day on which such statement of revocation is filed, in which each such shareholder consents to the revocation by the corporation of the election under section 1372(a). For the time within which a revocation must be made to be effective for a particular taxable year of the corporation, see paragraph (c) of this section.

(3) *Ceases to be small business corporation.* An election under section 1372(a) terminates if at any time after the first day of the first taxable year of the corporation for which the election is effective, or after the day on which the election is made (if such day is later than the first day of the taxable year), the corporation ceases to be a small business corporation as defined in section 1371(a). Thus, the election is terminated if an 11th person, a nonresident alien, or a trust, partnership, or corporation becomes a shareholder, or if another class of stock is issued by the corporation. In the event of a termination under this subparagraph the corporation shall immediately notify the internal revenue officer with whom the election under section 1372(a) was filed. Such notification shall set forth the cause of the termination and the date thereof. In addition, if the termination was caused by the transfer of stock to an 11th shareholder, to a nonresident alien, or to a trust, partnership, or corporation, the notification shall specify the number of shares transferred to such person, the name of such person (or in the case of a trust the names of the trustees and beneficiaries),



and the name of the shareholder who transferred such stock to such person. If the termination was caused by the issuance of a second class of stock, the notification shall indicate the number of shares of such new class issued and shall describe the differentiating characteristics of the new class of stock.

PAR. 6. Paragraphs (a) and (c) of § 1.1375-3 are amended to read as follows:

**§ 1.1375-3 Treatment of family groups.**

(a) *In general.* Pursuant to section 1375(c), any dividend received by a shareholder from an electing small business corporation (including any amount treated as a dividend under section 1373(b)) may be apportioned or allocated by the Internal Revenue Service between or among shareholders of such corporation who are members of such shareholder's family, if it determines that such apportionment or allocation is necessary in order to reflect the value of services rendered to the corporation by such shareholders. In determining the value of services rendered by a shareholder, consideration shall be given to all the facts and circumstances of the business, including the managerial responsibilities of the shareholder, and the amount that would ordinarily be paid in order to obtain comparable services from a person not having an interest in the corporation. The taxable income of the corporation shall be neither increased nor decreased because of the reallocation of dividends under section 1375(c). The amount reallocated shall be considered a dividend to the shareholder to whom it is reallocated.

(c) *Example.* The provisions of section 1375(c) may be illustrated by the following example:

*Example.* The stock of an electing small business corporation is owned 50 percent by F and 50 percent by S, a minor son of F. For the taxable year, the corporation has \$70,000 of taxable income and earnings and profits. During the year, the corporation distributes dividends (including amounts treated as dividends under section 1373(b)) of \$35,000 to F and \$35,000 to S. Compensation of \$10,000 is paid by the corporation to F for services rendered during the year, and no compensation is paid to S, who rendered no services. Based on the relevant facts, a reasonable compensation for the services rendered by F would be \$30,000. In the discretion of the Internal Revenue Service, up to \$10,000 of the \$35,000 dividend received by S may, for tax purposes, be allocated to F.

PAR. 7. Paragraphs (d) (2) and (e) (1) of § 1.6031-1 are amended to read as follows:

**§ 1.6031-1 Return of partnership income.**

(d) *Partnerships having no United States business.*

(2) *Returns of information with respect to partnership required of citizen or resident partners.* Where a U.S. citizen or resident is a partner in a partnership described in subparagraph (1) of this

paragraph which is not required to file a partnership return, the district director or director of the service center may require such person to render such statements or provide such information as is necessary to show whether or not such person is liable for tax on income derived from such partnership. In addition, if an election in accordance with the provisions of section 703 (relating to elections affecting the computation of taxable income derived from a partnership) or section 761 (relating to the election to be excluded from the application of all or part of subchapter K, chapter 1 of the Code) is to be made by or for the partnership, a return on Form 1065 shall be filed for such partnership. See section 6063 and § 1.6063-1, relating to the authority of a partner to sign a partnership return. The filing of one such return for a taxable year of the partnership by a citizen or resident partner shall constitute a filing for the partnership of such partnership return.

(e) *Place and time for filing returns—*  
(1) *Place for filing—*(i) *Returns filed with district director or Director of International Operations.* The returns of partnerships doing business, or having income from sources, within the United States shall be filed with the district director for the internal revenue district in which the partnership has its principal office or principal place of business within the United States. If a partnership has no office, place of business, or agency within the United States, the return shall be filed with the Director of International Operations, Internal Revenue Service, Washington, D.C. 20225. A partnership return filed under the authority of paragraph (d) (2) of this section shall be filed with the internal revenue officer with whom the citizen or resident partner files his separate income tax return.

(ii) *Returns filed with service centers.* Notwithstanding subdivision (i) of this subparagraph, unless a return is filed by hand carrying, whenever instructions applicable to partnership returns provide that the return be filed with a service center, the return must be so filed in accordance with the instructions. Returns which are filed by hand carrying shall be filed with the district director in accordance with subdivision (i) of this subparagraph.

PAR. 8. Paragraph (c) of § 1.6034-1 is amended to read as follows:

**§ 1.6034-1 Information returns required of certain trusts claiming charitable or other deductions under section 642(c).**

(c) *Time and place for filing return.* The return on Form 1041-A shall be filed on or before the 15th day of the fourth month following the close of the taxable year of the trust, with the internal revenue officer designated by the instructions applicable to such form.

PAR. 9. Paragraph (b) of § 1.6037-1 is amended to read as follows:

**§ 1.6037-1 Return of electing small business corporation.**

(b) *Time and place for filing return.* The return shall be filed on or before the 15th day of the third month following the close of the taxable year with the internal revenue officer designated in the instructions applicable to Form 1120-S. (See section 6072.)

PAR. 10. Section 1.6091-2 is amended by adding a cross reference at the end of paragraph (d) thereof:

**§ 1.6091-2 Place for filing income tax returns.**

(d) *Hand-carried returns.* Notwithstanding paragraphs (1) and (2) of section 6091(b) and paragraph (c) of this section—

(1) *Persons other than corporations.* Returns of persons other than corporations which are filed by hand carrying shall be filed with the district director as provided in paragraph (a) of this section.

(2) *Corporations.* Returns of corporations which are filed by hand carrying shall be filed with the district director as provided in paragraph (b) of this section.

See § 301.6091-1 of this chapter (Regulations on Procedure and Administration) for provisions relating to the definition of hand carried.

PAR. 11. Section 1.6091-3 is amended by revising paragraphs (b) and (i) to read as follows:

**§ 1.6091-3 Income tax returns required to be filed with Director of International Operations.**

(b) *Income tax returns on an individual citizen of the United States whose principal place of abode for the period with respect to which the return is filed is outside the United States.* A taxpayer's principal place of abode will be considered to be outside the United States if his legal residence is outside the United States or if his return bears a foreign address.

(i) *Income tax returns of corporations which claim the benefits of section 922 (relating to special deduction for Western Hemisphere trade corporations) except in the case of consolidated returns filed pursuant to the regulations under section 1502.*

PAR. 12. Paragraph (c) (3) of § 1.6109-1 is amended to read as follows:

**§ 1.6109-1 Identifying numbers.**

(c) *Applications.*

(3) *Employer identification number.* Application for an employer identification number shall be made on Form SS-4. Form SS-4 will generally be furnished only on request and may be obtained from any district director or director of a service center, or any district office of the Social Security Administration.



The application, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. The application shall be signed by (i) the individual, if the person is an individual; (ii) the president, vice president, or other principal officer, if the person is a corporation; (iii) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (iv) the fiduciary, if the person is a trust or estate. The application for an employer identification number should be filed approximately 1 month in advance of the first required use of the number to permit issuance of the number in time for compliance with such requirement. The application shall be filed with the internal revenue officer designated in the instructions applicable to Form SS-4. An employer identification number will be assigned to the applicant in due course upon the basis of information reported on the application.

SUBCHAPTER B—ESTATE AND GIFT TAXES  
PART 25—GIFT TAX; GIFTS MADE  
AFTER DECEMBER 31, 1954

PAR. 13. Section 25.2513-3 is amended to read as follows:

§ 25.2513-3 Revocation of consent.

If the consent to the application of the provisions of section 2513 for a calendar year was effectively signified on or before the 15th day of April following the close of the calendar year, either spouse may revoke the consent by filing in duplicate a signed statement of revocation, but only if the statement is filed on or before such 15th day of April. Except as provided in paragraph (b) of § 301.6091-1 (relating to hand-carried documents), the statement shall be filed with the internal revenue officer with whom the gift tax return is required to be filed, or with whom the gift tax return would be required to be filed if a return were required. Therefore, a consent which was not effectively signified until after the 15th day of April following the close of the calendar year to which it applies may not be revoked.

PAR. 14. Paragraph (c) of § 25.2522 (a)-1 is amended to read as follows:

§ 25.2522(a)-1 Charitable and similar gifts; citizens or residents.

(c) In order to prove the right to the charitable, etc., deduction provided by section 2522 the donor must submit such data as may be requested by the Internal Revenue Service. As to the extent the deductions provided by this section are allowable, see section 2524.

PAR. 15. Paragraph (a) of § 25.2523 (a)-1 is amended to read as follows:

§ 25.2523(a)-1 Gift to spouse; in general.

(a) In general. In determining the amount of taxable gifts for the calendar

year 1955 or any calendar year thereafter, in the case of a donor who was a citizen or resident of the United States at the time the gift was made, there may be deducted an amount equal to one-half the value of any property interest (except as otherwise provided in paragraph (b) of this section) transferred by gift to a donee who at the time of the gift was the donor's spouse. This deduction is referred to as the "marital deduction." No marital deduction is authorized with respect to a gift if the donor, at the time of the gift, was a nonresident not a citizen of the United States. However, if the donor was a citizen or resident of the United States at the time the gift was made, he is not deprived of the right to the marital deduction by reason of the fact that his spouse was a nonresident not a citizen. For convenience the donor's spouse is generally referred to in the feminine gender, but if the donor is a woman the reference is to her husband. The donor must submit such proof as is necessary to establish the right to the marital deduction, including any evidence requested by the Internal Revenue Service.

PAR. 16. Paragraph (b) of § 25.6001-1 is amended to read as follows:

§ 25.6001-1 Records required to be kept.

(b) Supplemental data. In order that the Internal Revenue Service may determine the correct tax the donor shall furnish such supplemental data as may be deemed necessary by the Internal Revenue Service. It is, therefore, the duty of the donor to furnish, upon request, copies of all documents relating to his gift or gifts, appraisal lists of any items included in the total amount of gifts, copies of balance sheets or other financial statements obtainable by him relating to the value of stock constituting the gift, and any other information obtainable by him that may be necessary in the determination of the tax. See section 2512 and the regulations issued thereunder. For every policy of life insurance listed on the return, the donor must procure a statement from the insurance company on Form 938 and file it with the internal revenue officer with whom the return is filed. If specifically requested by an internal revenue officer, the insurance company shall file this statement direct with the internal revenue officer.

PAR. 17. Paragraph (b) of § 25.6011-1 is amended to read as follows:

§ 25.6011-1 General requirement of return, statement, or list.

(b) Use of prescribed forms. Copies of the forms prescribed by paragraph (b) of § 25.6001-1 and § 25.6019-1 may be obtained from district directors and directors of service centers. The fact that a person required to file a form has not been furnished with copies of a form will not excuse him from the making of a gift tax return, or from the furnishing of the evidence for which the forms are to be used. Application for a form should

be made to the district director or director of a service center in ample time to enable the person whose duty it is to file the form to have the form prepared, verified, and filed on or before the date prescribed for the filing thereof.

PAR. 18. Paragraph (c) of § 25.6019-1 is amended to read as follows:

§ 25.6019-1 Persons required to file returns.

(c) Ratification of return. The return shall not be made by an agent unless by reason of illness, absence, or nonresidence, the person liable for the return is unable to make it within the time prescribed. Mere convenience is not sufficient reason for authorizing an agent to make the return. If by reason of illness, absence or nonresidence, a return is made by an agent, the return must be ratified by the donor or other person liable for its filing within a reasonable time after such person becomes able to do so. If the return filed by the agent is not so ratified, it will not be considered the return required by the statute. Supplemental data may be submitted at the time of ratification. The ratification may be in the form of a statement, executed under the penalties of perjury and filed with the internal revenue officer with whom the return was filed, showing specifically that the return made by the agent has been carefully examined and that the person signing ratifies the return as the donor's. If a return is signed by an agent, a statement fully explaining the inability of the donor must accompany the return.

PAR. 19. Paragraph (b) of § 25.6019-3 is amended to read as follows:

§ 25.6019-3 Contents of return.

(b) Disclosure of transfers coming within provisions of section 2516. Section 2516 provides that certain transfers of property pursuant to written property settlements between husband and wife are deemed to be transfers for full and adequate consideration in money or money's worth if divorce occurs within 2 years. In any case where a husband and wife enter into a written agreement of the type contemplated by section 2516, and the final decree of divorce is not granted on or before the due date for the filing of a gift tax return for the calendar year in which the agreement became effective (see § 25.6075-1), the transfer shall be disclosed by the transferor upon a gift tax return filed for the calendar year in which the agreement became effective and a copy of the agreement shall be attached to the return. In addition, a certified copy of the final divorce decree shall be furnished the internal revenue officer with whom the return was filed not later than 60 days after the divorce is granted. Pending receipt of evidence that the final decree of divorce has been granted (but in no event for a period of more than 2 years from the effective date of the agreement), the transfer will tentatively be treated as made for a full and adequate consideration in money or money's worth.

PAR. 20. Section 25.6075-1 is amended to read as follows:



### § 25.6075-1 Returns; time for filing gift tax returns.

The gift tax return required by section 6019 must be filed on or before the due date. The due date is the date on or before which the return is required to be filed in accordance with the provisions of section 6075(b) or the last day of the period covered by an extension of time granted, as provided in § 25.6081-1. Unless an extension of time has been granted, the due date is the 15th day of April following the close of the calendar year in which gifts were made. When the due date falls on Saturday, Sunday, or a legal holiday, the due date for filing the return is the next succeeding day which is not Saturday, Sunday, or a legal holiday. For definition of a legal holiday, see section 7503 and § 301.7503-1 of this chapter (Regulations on Procedure and Administration). As to additions to the tax for failure to file the return within the prescribed time, see section 6651 and § 301.6651-1 of this chapter (Regulations on Procedure and Administration).

PAR. 21. Section 25.6081-1 is amended to read as follows:

### § 25.6081-1 Extension of time for filing returns.

It is important that the donor file on or before the due date a return as nearly complete and final as it is possible for him to prepare. However, the district director or director of the service center is authorized to grant a reasonable extension of time for filing returns. Applications for extensions of time for filing gift tax returns must contain a full recital of the causes for delay. Except as provided in paragraph (b) of § 301.6091-1 (relating to hand-carried documents), such application shall be made to the internal revenue officer with whom such return is required to be filed. Except in the case of donors who are abroad, no extension for filing gift tax returns may be granted for more than 6 months. An extension of time for filing a return does not operate to extend the time for payment of the tax or any part thereof, unless so specified in the extension. For extensions of time for payment of tax, see § 25.6161-1. No extension of time for filing a return may be granted unless the application is received by such internal revenue officer before the expiration of the time within which the return must otherwise be filed. The application should, when possible, be made sufficiently early to permit the internal revenue officer to consider the matter and reply before what otherwise would be the due date of the return.

PAR. 22. Section 25.6091 is amended by revising section 6091(b) and adding a historical note to read as follows:

### § 25.6091 Statutory provisions; place for filing returns or other documents.

Sec. 6091. Place for filing returns or other documents—

(b) Tax returns. In the case of returns of tax required under authority of part II of this subchapter—

(1) Persons other than corporations—(A) General rule. Except as provided in subpara-

graph (B), a return (other than a corporation return) shall be made to the Secretary or his delegate—

(i) In the internal revenue district in which is located the legal residence or principal place of business of the person making the return, or

(ii) At a service center serving the internal revenue district referred to in clause (i).

as the Secretary or his delegate may by regulations designate.

(B) Exception. Returns of—

(i) Persons who have no legal residence or principal place of business in any internal revenue district,

(ii) Citizens of the United States whose principal place of abode for the period with respect to which the return is filed is outside the United States,

(iii) Persons who claim the benefits of section 911 (relating to earned income from sources without the United States), section 931 (relating to income from sources within possessions of the United States), or section 933 (relating to income from sources within Puerto Rico), and

(iv) Nonresident alien persons,

shall be made at such place as the Secretary or his delegate may by regulations designate.

(4) Hand-carried returns. Notwithstanding paragraph (1) \* \* \*, a return to which paragraph (1)(A) \* \* \* would apply, but for this paragraph, which is made to the Secretary or his delegate by hand carrying shall, under regulations prescribed by the Secretary or his delegate, be made in the internal revenue district referred to in paragraph (1)(A)(i) \* \* \*.

(5) Exceptional cases. Notwithstanding paragraph (1) \* \* \* or (4) of this subsection, the Secretary or his delegate may permit a return to be filed in any internal revenue district, and may require the return of any officer or employee of the Treasury Department to be filed in any internal revenue district selected by the Secretary or his delegate.

[Sec. 6091 as amended by sec. 1(a), Act of Nov. 2, 1966 (Public Law 89-713, 80 Stat. 1107)]

PAR. 23. Section 25.6091-1 is amended to read as follows:

### § 25.6091-1 Place for filing returns and other documents.

(a) Returns filed with district director or Director of International Operations. If the donor is a resident of the United States, the gift tax return required by section 6019 shall be filed with the district director for the district in which the legal residence or principal place of business of the donor is located. If the donor is a nonresident (whether or not a citizen), and his principal place of business is located in an internal revenue district, the gift tax return shall be filed with the district director for the internal revenue district in which the donor's principal place of business is located. If the donor is a nonresident (whether or not a citizen), and he does not have a principal place of business which is located in an internal revenue district, the gift tax return shall be filed with the Director of International Operations, Internal Revenue Service, Washington, D.C. 20225, or with such other official as

may be designated by instructions applicable to the return.

(b) Returns filed with service centers. Notwithstanding paragraph (a) of this section, unless a return is filed by hand-carrying, whenever instructions applicable to gift tax returns provide that the returns be filed with a service center, the returns must be so filed in accordance with the instructions. Returns which are filed by hand carrying shall be filed with the district director in accordance with paragraph (a) of this section.

PAR. 24. Section 25.6151 is amended by revising section 6151(a) and adding a historical note to read as follows:

### § 25.6151 Statutory provisions; time and place for paying tax shown on return.

Sec. 6151. Time and place for paying tax shown on returns—(a) General rule. Except as otherwise provided in this section, when a return of tax is required under this title or regulations, the person required to make such return shall, without assessment or notice and demand from the Secretary or his delegate, pay such tax to the principal internal revenue officer for the internal revenue district in which the return is required to be filed, and shall pay such tax at the time and place fixed for filing the return (determined without regard to any extension of time for filing the return).

[Sec. 6151 as amended by sec. 1(b), Act of Nov. 2, 1966 (Public Law 89-713, 80 Stat. 1108)]

PAR. 25. Paragraph (c) of § 25.6161-1 is amended to read as follows:

### § 25.6161-1 Extension of time for paying tax or deficiency.

(c) Application for extension. An application for an extension of the time for payment of the tax shown on the return, or for the payment of any amount determined as a deficiency, shall be in writing and shall be accompanied by evidence showing the undue hardship that would result to the donor if the extension were refused. The application shall also be accompanied by a statement of the assets and liabilities of the donor and an itemized statement showing all receipts and disbursements for each of the 3 months immediately preceding the due date of the amount to which the application relates. The application, with supporting documents, must be filed with the applicable district director referred to in paragraph (a) of § 25.6091-1 regardless of whether the return is to be filed with, or the tax is to be paid to, such district director on or before the date prescribed for payment of the amount with respect to which the extension is desired. The application will be examined by the district director, and within 30 days, if possible, will be denied, granted, or tentatively granted subject to certain conditions of which the donor will be notified. If an additional extension is desired, the request therefor must be made to the district director on or before the expiration of the period for which the prior extension is granted.



SUBCHAPTER C—EMPLOYMENT TAXES

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

PAR. 26. Paragraph (b) (3) of § 31.3121(k)-1 is amended to read as follows:

§ 31.3121(k)-1 Waiver of exemption from taxes.

(b) Execution and amendment of certificate.

(3) Where to file certificate or amendment. The certificate on Form SS-15 and accompanying list on Form SS-15a of an organization which is required to make a return on Form 941 pursuant to § 31.6011(a)-1 or § 31.6011(a)-4 shall be filed with the internal revenue officer designated in the instructions applicable to Form SS-15 and Form SS-15a. The Form SS-15 and Form SS-15a of any other organization shall be filed in accordance with the provisions of § 31.6091-1 which are otherwise applicable to returns. Each Form SS-15a Supplement shall be filed with the internal revenue officer with whom the related Forms SS-15 and SS-15a were filed.

PAR. 27. Paragraph (a) of § 31.3504-1 is amended to read as follows:

§ 31.3504-1 Acts to be performed by agents.

(a) In general. In the event wages as defined in chapter 21 or 24 of the Internal Revenue Code of 1954, or compensation as defined in chapter 22 of such Code, of an employee or group of employees, employed by one or more employers, is paid by a fiduciary, agent, or other person, or if such fiduciary, agent, or other person has the control, receipt, custody, or disposal of such wages or compensation, the district director, or director of a service center, may, subject to such terms and conditions as he deems proper, authorize such fiduciary, agent, or other person to perform such acts as are required of such employer or employers under those provisions of the Internal Revenue Code of 1954 and the regulations thereunder which have application, for purposes of the taxes imposed by such chapter or chapters, in respect of such wages or compensation. If the fiduciary, agent, or other person is authorized by the district director, or director of a service center, to perform such acts, all provisions of law (including penalties) and of the regulations prescribed in pursuance of law applicable to employers in respect of such acts shall be applicable to such fiduciary, agent, or other person. However, each employer for whom such fiduciary, agent, or other person performs such acts shall remain subject to all provisions of law (including penalties) and of the regulations prescribed in pursuance of law applicable to an employer in respect of such acts. Any application for authorization to perform such acts, signed by such fiduciary, agent, or other person, shall be filed with the district director, or director of a service center,

with whom the fiduciary, agent, or other person will, upon approval of such application, file returns in accordance with such authorization.

PAR. 28. Subdivision (iii) of paragraph (a) (1) of § 31.6011(b)-1 is amended to read as follows:

§ 31.6011(b)-1 Employers' identification numbers.

(a) Requirement of application—(1) In general.

(iii) Method of application. The application, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Form SS-4 may be obtained from any district director or director of a service center or any district office of the Social Security Administration. The application shall be filed with the internal revenue officer designated in the instructions applicable to Form SS-4, or with the nearest district office of the Social Security Administration. The application shall be signed by (a) the individual, if the employer is an individual; (b) the president, vice president, or other principal officer, if the employer is a corporation; (c) a responsible and duly authorized member or officer having knowledge of its affairs, if the employer is a partnership or other unincorporated organization; or (d) the fiduciary, if the employer is a trust or estate. An identification number will be assigned to the employer in due course upon the basis of the information reported on the application required under this section.

PART 36—CONTRACT COVERAGE

PAR. 29. Paragraph (a) of § 36.3121(1)-0 is amended to read as follows:

§ 36.3121(1)-0 Introduction.

(a) The regulations in this part deal with the circumstances under which a domestic corporation may enter into an agreement with the Internal Revenue Service for the purpose of extending the insurance system established by title II of the Social Security Act to certain services performed outside the United States by citizens of the United States as employees of a foreign subsidiary of the domestic corporation, and with the obligations of a domestic corporation which enters into such an agreement. The provisions of the Internal Revenue Code of 1954, as amended, to which the regulations in this part pertain are contained in section 3121(l). The liabilities assumed under an agreement entered into pursuant to such section are based on the remuneration for services covered by the agreement. Such agreement may not be effective prior to January 1, 1955.

PAR. 30. Paragraphs (a) (1), (b) (3), and (c) of § 36.3121(l) (1)-1 are amended to read as follows:

§ 36.3121(l) (1)-1 Agreements entered into by domestic corporations with respect to foreign subsidiaries.

(a) In general. (1) Any domestic corporation having one or more foreign subsidiaries may request the Internal Revenue Service to enter into an agreement for the purpose of extending the Federal old-age, survivors, and disability insurance system established by title II of the Social Security Act to certain services performed outside the United States by all citizens of the United States who are employees of any such foreign subsidiary. See § 36.3121(l) (8)-1, relating to the definition of foreign subsidiary. Except as provided in § 36.3121(l) (5)-1, relating to the effect of the termination of an agreement entered into pursuant to the provisions of section 3121(l), the Internal Revenue Service shall, at the request of a domestic corporation enter into such agreement on Form 2032 in any case where a Form 2032 is executed, and submitted by the domestic corporation in the manner prescribed in this section. A domestic corporation may not have in effect at the same moment of time more than one agreement on Form 2032.

(b) Form and contents of agreement.

(3) That the agreement shall become effective on the first day of the calendar quarter in which the Form 2032 is signed by the district director or director of the service center or on the first day of the next succeeding calendar quarter, whichever is specified in the agreement;

(c) Execution and filing of Form 2032.

The request of any domestic corporation that the Internal Revenue Service enter into an agreement with the corporation on Form 2032 shall be signed by the corporation by executing and filing Form 2032 in triplicate. Such form shall be executed and filed in accordance with the regulations in this part and the instructions relating to the form. Each copy of the form shall be signed and dated by the officer of the corporation authorized to enter into the agreement, shall show the title of such officer, and shall have the corporate seal affixed thereto. A certified copy of the minutes of the meeting of the board of directors of the domestic corporation, or other evidence, showing the authority of such officer so to act shall accompany the form. Form 2032 executed and filed as provided in this paragraph shall be signed and dated by the district director or director of the service center and, upon such signing, the Form 2032 so executed and filed will constitute the agreement authorized in section 3121(l) (1). The Internal Revenue Service will return one copy of the agreement to the domestic corporation, will transmit one copy to the Department of Health, Education, and Welfare, and will retain one copy (together with all related papers).

PAR. 31. Paragraphs (c) and (d) of § 36.3121(l) (1)-2 are amended to read as follows:



### § 36.3121(l)(1)-2 Amendment of agreement.

(c) A domestic corporation shall signify its desire to amend an agreement entered into by the corporation as provided in § 36.3121(l)(1)-1 by executing and filing Form 2032 Supplement in triplicate.

(d) Form 2032 Supplement shall be executed and filed in the manner and in conformity with the requirements prescribed in the instructions relating to such form and in § 36.3121(l)(1)-1(c) in respect of an agreement on Form 2032. Form 2032 Supplement executed and filed as provided in this paragraph shall be signed and dated by the district director or director of the service center, and, upon such signing, the Form 2032 Supplement so executed and filed will constitute an amendment of the agreement entered into on Form 2032. The Internal Revenue Service will return one copy of the amendment to the domestic corporation, will transmit one copy to the Department of Health, Education, and Welfare, and will retain one copy (together with all related papers).

PAR. 32. Section 36.3121(l)(2)-1 is amended to read as follows:

### § 36.3121(l)(2)-1 Effective period of agreement.

(a) *In general.* An agreement entered into as provided in § 36.3121(l)(1)-1 shall be in effect for the period beginning with the first day of the calendar quarter in which the agreement is signed by the district director or director of the service center, or the first day of the calendar quarter following the calendar quarter in which the agreement is signed by the district director or director of the service center, whichever is specified in the agreement. In no case, however, shall the agreement be effective for any calendar quarter which begins prior to January 1, 1955.

(b) *Amendment of agreement.* If an amendment on Form 2032 Supplement (filed by a domestic corporation to include in its agreement services performed for a foreign subsidiary not previously named therein) is signed by the district director or director of the service center, within the quarter for which the agreement is first effective or within the first calendar month following such quarter, the agreement shall be effective with respect to the subsidiary named in the amendment as of the date such agreement first became effective. However, if the amendment is signed by the district director or director of the service center after the last day of the fourth month for which the agreement is in effect, such agreement shall be in effect with respect to the subsidiary named in the amendment for the period beginning with the first day of the calendar quarter following the calendar quarter in which the amendment is signed by the district director or director of the service center.

PAR. 33. Paragraphs (a) and (b) (2) of § 36.3121(l)(3)-1 are amended to read as follows:

### § 36.3121(l)(3)-1 Termination of agreement by domestic corporation or by reason of change in stock ownership.

(a) *Termination by domestic corporation.* (1) A domestic corporation which has entered into an agreement under section 3121(l)(1) with respect to one or more of its foreign subsidiaries may terminate such agreement in part or in its entirety by giving (for calendar quarters beginning before 1969, to the district director for the internal revenue district in which is located the principal place of business in the United States of the domestic corporation; and for calendar quarters beginning after 1968, except as provided in paragraph (b) of § 301.6091-1 (relating to hand-carried documents) to the director of the service center serving such internal revenue district) 2 years' advance notice in writing of its desire so to terminate the agreement at the end of a specified calendar quarter: *Provided, That,* at the time of the receipt of such notice by such internal revenue officer, the agreement has been in effect with respect to the subsidiary or subsidiaries covered by the notice for at least 8 years. The notice of termination shall be signed and dated and shall show (i) the title of the officer authorized to sign the notice, (ii) the name, address, and identification number of the domestic corporation, (iii) the internal revenue officer with whom the agreement was entered into, (iv) the name and address of each foreign subsidiary with respect to which the agreement is to be terminated, (v) the date on which the agreement became effective with respect to each such foreign subsidiary, and (vi) the date on which the agreement is to be terminated with respect to each such foreign subsidiary. The notice shall be submitted in duplicate and shall be accompanied by a certified copy of the minutes of the meeting of the board of directors of the domestic corporation, or other evidence, showing authorization for the notice of termination. No particular form is prescribed for the notice of termination. The Internal Revenue Service will transmit one copy of the notice of termination to the Department of Health, Education, and Welfare.

(2) A notice of termination given by a domestic corporation in respect of any one or more of its foreign subsidiaries may be revoked by the corporation with respect to any such subsidiary or subsidiaries by giving, prior to the close of the calendar quarter specified in the notice of termination, written notice of revocation. The notice of revocation shall be filed with the internal revenue officer with whom the notice of termination was filed. Such notice of revocation shall be signed and dated and shall show (i) the title of the officer authorized to sign the notice of revocation, (ii) the name, address, and identification number of the domestic corporation, (iii) the name and address of each foreign subsidiary with respect to which the notice of termination is revoked, and (iv) the date of the notice of termination to be

revoked. The notice shall be submitted in duplicate and shall be accompanied by a certified copy of the minutes of the meeting of the board of directors of the domestic corporation, or other evidence, showing authorization for the notice of revocation. No particular form is prescribed for the notice of revocation. The Internal Revenue Service will transmit one copy of the notice of revocation to the Department of Health, Education, and Welfare.

### (b) Termination by reason of change in stock ownership. \* \* \*

(2) A domestic corporation which has entered into an agreement as provided in § 36.3121(l)(1)-1 shall furnish (for calendar quarters beginning before 1969, to the district director for the internal revenue district in which is located its principal place of business in the United States; and for calendar quarters beginning after 1968, except as provided in paragraph (b) of § 301.6091-1 (relating to hand-carried documents) to the director of the service center serving such internal revenue district) written notification in the event that a foreign corporation named in the agreement, including any amendment thereof, as a foreign subsidiary of the domestic corporation ceases to be its foreign subsidiary. The written notification shall be furnished in duplicate on or before the last day of the first month following the close of the calendar quarter in which the foreign corporation ceases, at any time in such quarter, to be a foreign subsidiary of the domestic corporation. Such notification shall be signed and dated by the president or other principal officer of the domestic corporation. The written notification shall show (i) the title of the officer signing the notice, (ii) the name, address, and identification number of the domestic corporation, (iii) the internal revenue officer with whom the agreement was entered into, (iv) the date on which the agreement was entered into, (v) the name and address of the foreign corporation with respect to which the notification is furnished, and (vi) the date on which the foreign corporation ceased to be a foreign subsidiary of the domestic corporation. No particular form is prescribed for the written notification. The Internal Revenue Service will transmit one copy of the written notification to the Department of Health, Education, and Welfare.

PAR. 34. Section 36.3121(l)(7)-1 is amended by revising subparagraphs (1), (2), and (3) (i) of paragraph (a) and by revising subdivisions (i) and (iii) of paragraph (b) (2). The revised provisions read as follows:

### § 36.3121(l)(7)-1 Overpayments and underpayments.

(a) *Adjustments.* (1) *In general.* Errors in the payment of amounts for which liability equivalent to the employee and employer taxes with respect to any payment of remuneration is incurred by a domestic corporation pursuant to its agreement are adjustable by the domestic corporation in certain



cases without interest. However, not all corrections made under this section constitute adjustments within the meaning of the regulations in this part. The various situations in which such corrections constitute adjustments are set forth in subparagraphs (2) and (3) of this paragraph. All corrections in respect of underpayments and all adjustments or credits in respect of overpayments made under this section must be reported on a return filed by the domestic corporation under the regulations in this part and not on a return filed with respect to the employee and employer taxes imposed by sections 3101 and 3111, respectively. Every return on which such a correction (by adjustment, credit, or otherwise) is reported pursuant to this section must have securely attached as a part thereof a statement explaining the error in respect of which the correction is made, designating the calendar quarter in which the error was ascertained, and setting forth such other information as would be required if the correction were in respect of an overpayment or underpayment of taxes under the Federal Insurance Contributions Act. An error is ascertained when the domestic corporation has sufficient knowledge of the error to be able to correct it. An underpayment may not be corrected under this section after receipt from the district director or director of the service center of written notification of the amount due and demand for payment thereof, but the amount shall be paid in accordance with such notification.

(2) *Underpayments.* If a domestic corporation fails to report, on a return filed under the regulations in this part, all or any part of the amount for which liability equivalent to the employee and employer taxes is incurred under its agreement with respect to any payment of remuneration, the domestic corporation shall adjust the underpayment by reporting the additional amount due as an adjustment on a return or supplemental return filed on or before the last day on which the return for the return period in which the error is ascertained is required to be filed. The amount of each underpayment adjusted in accordance with this subparagraph shall be paid, without interest, at the time fixed for reporting the adjustment. If an adjustment is reported pursuant to this subparagraph but the amount thereof is not paid when due, interest thereafter accrues.

(3) *Overpayments.* . . .

(ii) A correction may not be made in one calendar year in respect of any part of an overpayment which was collected from an individual in a prior calendar year unless the domestic corporation has secured the written statement of the individual showing that he has not claimed and will not claim refund or credit of the amount so collected, and retains such receipt as a part of its records. See § 31.6413(c)-1 of this chapter, relating to claims for special credit or refund.

The correction constitutes an adjustment under this subparagraph only if it

is reported on the return for the period in which the error is ascertained or on the return for the next following period, and then only if the correction is reported within the statutory period of limitation upon refund or credit of overpayments of amounts due under the agreement. See paragraph (b) (2) (iii) of this section relating to such statutory period. A claim for credit or refund may be filed in accordance with the provisions of paragraph (b) (2) of this section for any overpayment of an amount due under the agreement which is not adjusted under this subparagraph.

(b) *Errors not adjustable.* . . .

(2) *Overpayments.* (i) If more than the correct amount due from a domestic corporation pursuant to its agreement (including the amount of any interest or addition) is paid and the amount of the overpayment is not adjusted under paragraph (a) (3) of this section, the domestic corporation may file a claim for refund or credit. Except as otherwise provided in this subparagraph, such claim shall be made in the same manner and subject to the same conditions as to allowance of the claim as would be the case if the claim were in respect of an overpayment of taxes under the Federal Insurance Contributions Act. Refund or credit of an amount erroneously paid by a domestic corporation under its agreement may be allowed only to the domestic corporation.

(iii) No refund or credit of an overpayment of the amount due from a domestic corporation under its agreement will be allowed after the expiration of 2 years after the date of payment of such overpayment, except upon one or more of the grounds set forth in a claim filed prior to the expiration of such 2-year period.

#### SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

#### PART 41—EXCISE TAX ON USE OF CERTAIN HIGHWAY MOTOR VEHICLES

PAR. 35. Paragraph (a) (1) of § 41.6109-1 is amended to read as follows:

§ 41.6109-1 *Employer identification numbers.*

(a) *Requirement of application—(1) In general.* An application on Form SS-4 for an employer identification number shall be made by every person in whose name a highway motor vehicle is registered at a time, after September 30, 1962, when a taxable use of such vehicle occurs, but who prior to such time neither has been assigned an employer identification number nor has applied therefor. The application, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Form SS-4 may be obtained from any district director or director of a service center. The application shall be filed with the internal

revenue officer designated in the instructions applicable to Form SS-4. The application shall be signed by (i) the individual, if the person is an individual; (ii) the president, vice president, or other principal officer, if the person is a corporation; (iii) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (iv) the fiduciary, if the person is a trust or estate. An employer identification number will be assigned to the person in due course upon the basis of information reported on the application required under this section.

#### PART 45—MISCELLANEOUS STAMP TAXES

PAR. 36. Paragraph (a) (1) of § 45.6109-1 is amended to read as follows:

§ 45.6109-1 *Employer identification numbers.*

(a) *Requirement of application—(1) In general.* An application on Form SS-4 for an employer identification number shall be made by every person who, at any time after September 30, 1962, performs any act with respect to which a tax is imposed by section 4461, 4471, 4821, or 4841, but who prior to such time neither has been assigned an employer identification number nor has applied therefor. The application, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Form SS-4 may be obtained from any district director or director of a service center. The application shall be filed with the internal revenue officer designated in the instructions applicable to Form SS-4. The application shall be signed by (i) the individual, if the person is an individual; (ii) the president, vice president, or other principal officer, if the person is a corporation; (iii) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (iv) the fiduciary, if the person is a trust or estate. An employer identification number will be assigned to the person in due course upon the basis of information reported on the application required under this section.

#### PART 46—REGULATIONS RELATING TO MISCELLANEOUS EXCISE TAXES PAYABLE BY RETURN

PAR. 37. Paragraph (a) (1) of § 46.6109-1 is amended to read as follows:

§ 46.6109-1 *Employer identification numbers.*

(a) *Requirement of application—(1) In general.* An application on Form SS-4 for an employer identification number shall be made by every person who, at any time after September 30, 1962, performs any manufacturing or processing



operation with respect to which a tax is imposed by section 4501(a) or 4511, but who prior to such time neither has been assigned an employer identification number nor has applied therefor. The application, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Form SS-4 may be obtained from any district director or director of a service center. The application shall be filed with the internal revenue officer designated in the instructions applicable to Form SS-4. The application shall be signed by (i) the individual, if the person is an individual; (ii) the president, vice president, or other principal officer, if the person is a corporation; (iii) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (iv) the fiduciary, if the person is a trust or estate. An employer identification number will be assigned to the person in due course upon the basis of information reported on the application required under this section.

#### PART 48—MANUFACTURERS AND RETAILERS EXCISE TAXES

PAR. 38. Paragraph (a)(1) of § 48.6109-1 is amended to read as follows:

##### § 48.6109-1 Employer identification numbers.

(a) *Requirement of application*—(1) *In general.* An application on Form SS-4 for an employer identification number shall be made by every person who, at any time after September 30, 1962, makes a sale of an article with respect to which a tax is imposed by chapter 31 or 32 of the Code, but who prior to such time neither has been assigned an employer identification number nor has applied therefor. The application, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Form SS-4 may be obtained from any district director or director of a service center. The application shall be filed with the internal revenue officer designated in the instructions applicable to Form SS-4. The application shall be signed by (i) the individual, if the person is an individual; (ii) the president, vice president, or other principal officer, if the person is a corporation; (iii) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (iv) the fiduciary, if the person is a trust or estate. An employer identification number will be assigned to the person in due course upon the basis of information reported on the application required under this section.

#### PART 49—FACILITIES AND SERVICES EXCISE TAXES

PAR. 39. Paragraph (a)(1) of § 49.6109-1 is amended to read as follows:

##### § 49.6109-1 Employer identification numbers.

(a) *Requirement of application*—(1) *In general.* An application on Form SS-4 for an employer identification number shall be made by every person who, at any time after September 30, 1962, receives a payment for a facility or service with respect to which a tax is imposed by chapter 33 of the Code, but who prior to such time neither has been assigned an employer identification number nor has applied therefor. The application, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Form SS-4 may be obtained from any district director or director of a service center. The application shall be filed with the internal revenue officer designated in the instructions applicable to Form SS-4. The application shall be signed by (i) the individual, if the person is an individual; (ii) the president, vice president, or other principal officer, if the person is a corporation; (iii) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (iv) the fiduciary, if the person is a trust or estate. An employer identification number will be assigned to the person in due course upon the basis of information reported on the application required under this section.

#### PART 147—TEMPORARY REGULATIONS UNDER THE INTEREST EQUALIZATION TAX ACT

PAR. 40. That part of paragraph (b) of § 147.1-1 which precedes subparagraph (1) is amended to read as follows:

##### § 147.1-1 Credit or refund in case of insurance companies.

(b) *Credit or refund for overpayment of tax.* If an insurance company is entitled to a credit or refund (without interest) for overpayment of tax in 1964 or in any subsequent calendar year under paragraph (a) of this section, the company may, in accordance with the applicable provisions of § 301.6402-2 of this chapter (Regulations on Procedure and Administration), file a claim for refund on Form 843 or claim credit for such overpayment on any return made on Form 3780 after the close of such calendar year. Each claim for credit or refund must be accompanied by a statement which shall include the following information:

PAR. 41. Paragraph (c)(1) of § 147.2-1 is amended to read as follows:

##### § 147.2-1 Credit or refund in case of direct investments.

(c) *Refund or credit for overpayment*—(1) *Filing of claim.* A claim for refund or credit (without interest) for an overpayment of tax under paragraph (b) of this section shall be made in accordance with the applicable provisions of § 301.6402-2 of this chapter (Regulations on Procedure and Administration). The taxpayer may file a claim for refund on Form 843 or claim credit for the amount on a return on Form 3780. Each claim of credit or refund must be accompanied by a statement setting forth the applicable information required by subparagraph (2) of this paragraph.

PAR. 42. Paragraph (c)(4) of § 147.4-1 is amended to read as follows:

##### § 147.4-1 Exclusion for original or new issues where required for international monetary stability.

##### (c) Notice of acquisition of Canadian issues.

(4) *Extensions of time.* Extensions of time within which a notice of acquisition must be filed will be granted for good cause. Except as provided in paragraph (b) of § 301.6091-1 (relating to hand-carried documents) the request for extension of time shall be made to the internal revenue officer (including the Director of International Operations, Washington, D.C. 20225) with whom the acquiring U.S. person files his income tax return.

PAR. 43. Paragraph (b)(1) of § 147.6-1 is amended to read as follows:

##### § 147.6-1 Credit or refund in case of sales by underwriters and dealers to foreign persons.

(b) *Refund or credit for overpayment*—(1) *In general.* A claim for refund or credit for an overpayment of tax under paragraph (a) of this section shall be made in accordance with the applicable provisions of § 301.6402-2 of this chapter (Regulations on Procedure and Administration). The taxpayer may file a claim for refund on Form 843 or claim credit for the amount on a return on Form 3780. Each claim for credit or refund must be accompanied by a statement setting forth the applicable information required by paragraph (d) of this section.

PAR. 44. Paragraph (d) of § 147.8-1 is amended to read as follows:

##### § 147.8-1 Interest equalization quarterly tax return.

(d) *Place for filing returns.* The return under paragraph (a) of this section shall be filed with the internal revenue officer designated in instructions applicable to such return.



PAR. 45. Paragraph (b) of § 147.8-3 is amended to read as follows:

**§ 147.8-3 Reporting requirements for members of exchanges and associations.**

(b) *Time and manner of filing information return.* The information referred to in paragraph (a) of this section shall be furnished on return Form 3845, Brokers' Quarterly Information Return. Each such return shall contain all of the information required by such form and the accompanying instructions. Form 3845 shall be filed with the internal revenue officer designated in instructions applicable to Form 3845. Form 3845 shall be filed on or before the last day of the month following the close of each calendar quarter beginning on or after July 1, 1964.

**PART 151—REGULATORY TAXES ON NARCOTIC DRUGS**

PAR. 46. Paragraph (c) of § 151.30 is amended to read as follows:

**§ 151.30 Employer identification numbers.**

(c) The application on Form SS-4, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Form SS-4 may be obtained from any district director or director of a service center. The application on Form SS-4 shall be filed with the internal revenue officer designated in the instructions applicable to Form SS-4. The application shall be filed on or before the seventh day after the first date, after September 30, 1962, on which occurs any act with respect to which a tax is imposed by section 4721. The application shall be signed by (1) the individual, if the person is an individual; (2) the president, vice president, or other principal officer if the person is a corporation; (3) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (4) the fiduciary, if the person is a trust or estate. An employer identification number will be assigned to the person in due course upon the basis of the information reported on the application required under this section.

**PART 152—REGULATORY TAXES ON MARIHUANA**

PAR. 47. Paragraph (c) of § 152.28 is amended to read as follows:

**§ 152.28 Employer identification numbers.**

(c) The application on Form SS-4, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein

called for. Form SS-4 may be obtained from any district director or director of service center. The application on Form SS-4 shall be filed with the internal revenue officer designated in the instructions applicable to Form SS-4. The application shall be filed on or before the seventh day after the first date, after September 30, 1962, on which occurs any act with respect to which a tax is imposed by section 4751. The application shall be signed by (1) the individual, if the person is an individual; (2) the president, vice president, or other principal officer if the person is a corporation; (3) a responsible and duly authorized member or officer having knowledge of its affairs, if the person is a partnership or other unincorporated organization; or (4) the fiduciary, if the person is a trust or estate. An employer identification number will be assigned to the person in due course upon the basis of the information reported on the application required under this section.

**SUBCHAPTER F—PROCEDURE AND ADMINISTRATION**

**PART 301—PROCEDURE AND ADMINISTRATION**

PAR. 48. Section 301.6091-1 is amended by adding at the end thereof the following new paragraph:

**§ 301.6091-1 Place for filing returns and other documents.**

(c) *Definition of hand carried.* For purposes of this section and section 6091 (b) (4) and the regulations issued thereunder, a return or document will be considered to be hand carried if it is brought to the district director by the person required to file the return or other document, or by his agent. Examples of persons who will be considered to be agents, for purposes of the preceding sentence, are: Members of the taxpayer's family, an employee of the taxpayer, the taxpayer's attorney, accountant, or tax advisor, and messengers employed by the taxpayer. A return or document will not be considered to be hand carried if it is sent to the Internal Revenue Service through the U.S. Mail.

[F.R. Doc. 69-5790; Filed, May 14, 1969; 8:50 a.m.]

**Title 7—AGRICULTURE**

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

[Valencia Orange Reg. 276]

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

**Limitation of Handling**

**§ 908.576 Valencia Orange Regulation 276.**

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

Order No. 908, as amended (7 CFR Part 908, 33 F.R. 19829), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the Federal Register (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 13, 1969.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period May 16, 1969, through May 22, 1969, are hereby fixed as follows:

- (i) District 1: 517,000 cartons;
- (ii) District 2: 385,000 cartons;
- (iii) District 3: 198,000 cartons.

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



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

Dated: May 14, 1969.

PAUL A. NICHOLSON,  
Deputy Director, Fruit and  
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**Chapter XIV—Commodity Credit Corporation, Department of Agriculture**  
**SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS**

[CCC Grain Price Support Regs., 1969 Crop  
Oat Supp.]

**PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES**

**Subpart—1969 Crop Oat Loan and Purchase Program**

The General Regulations Governing Price Support for the 1964 and Subsequent Crops (Revision 1), published at 31 F.R. 5941, and any amendments thereto, and the 1966 and Subsequent Crop Oats Loan and Purchase Program regulations published at 31 F.R. 4581 and any amendments thereto, which contain regulations of a general nature with respect to price support loan and purchase operations are further supplemented for the 1969 crop of oats as follows:

Sec.	
1421.2661	Purpose.
1421.2662	Availability.
1421.2663	Maturity of loans.
1421.2664	Deduction of storage charges.
1421.2665	Support rates.

**AUTHORITY:** The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c; 7 U.S.C. 1421, 1441.

**§ 1421.2661 Purpose.**

This supplement contains additional program provisions which, together with the provisions of the General Regulations Governing Price Support for the 1964 and Subsequent Crops, the 1966 and Subsequent Crop Oats Loan and Purchase Program regulations, and any amendments thereto, apply to price support loans on and purchases of the 1969 crop of oats.

**§ 1421.2662 Availability.**

A producer desiring price support must request a loan on his 1969 crop of eligible oats on or before April 30, 1970, in Alaska, Idaho, Maine, Michigan, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming, and by March 31, 1970, in all other States. To obtain price support through sales, a producer must execute and deliver to the appropriate ASCS county office a Purchase Agreement (Form CCC-614), indicating the approximate quantity of 1969 crop oats he will sell to CCC, on or before May 31, 1970, in the States named in this section and on or before April 30, 1970, in all other States.

**§ 1421.2663 Maturity of loans.**

Unless demand is made earlier, loans on oats stored in Alaska, Idaho, Maine, Michigan, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming, mature on May 31, 1970, and loans on oats stored in all other States mature on April 30, 1970.

**§ 1421.2664 Deduction of storage charges.**

(a) **Warehouses approved under Uniform Grain Storage Agreement.** Subject to the provisions of § 1421.2656, the following schedules of deductions shall apply to oats stored in an approved warehouse operating under the Uniform Grain Storage Agreement:

Maturity date, Apr. 30, 1970	Deduction (cents per bushel)	Maturity date, May 31, 1970
(i).....		(i).....
Prior to May 14, 1969.....	11	Prior to May 8, 1969.....
May 14-June 19.....	10	May 8-June 13.....
June 20-July 26.....	9	June 14-July 20.....
July 27-Sept. 1.....	8	July 21-Aug. 26.....
Sept. 2-Oct. 8.....	7	Aug. 27-Oct. 2.....
Oct. 9-Nov. 14.....	6	Oct. 3-Nov. 8.....
Nov. 15-Dec. 21.....	5	Nov. 9-Dec. 15.....
		Dec. 16, 1969.....
		Jan. 21, 1970.....
Dec. 22, 1969-Jan. 27, 1970.....	3	Jan. 22-Feb. 27.....
Jan. 28-Mar. 5.....	2	Feb. 28-Apr. 5.....
Mar. 6-Apr. 30, 1970.....	1	Apr. 6-May 31, 1970.....

<sup>1</sup> Dates storage charges start, all dates inclusive.

(b) **Warehouses operated by Eastern common carriers.** (1) Eligible oats stored in the following approved Eastern common carrier warehouse may be placed under loan or offered for sale to CCC:

Pennsylvania Railroad Co., Canton Elevator—  
Warehouse Code 9-2151, Baltimore, Md.

(2) Subject to the provisions of § 1421.2658, the following schedule of deductions shall apply to oats stored in the approved warehouse listed in subparagraph (1) of this paragraph:

Maturity date, Apr. 30, 1970	Deduction (cents per bushel)	Maturity date, May 31, 1970
(1) Prior to June 25, 1969.		(1) Prior to July 26, 1969.
June 25-July 14.....	16	July 26-Aug. 14.....
July 15-Aug. 3.....	15	Aug. 15-Sept. 3.....
Aug. 4-Aug. 23.....	14	Sept. 4-Sept. 23.....
Aug. 24-Sept. 12.....	13	Sept. 24-Oct. 13.....
Sept. 13-Oct. 2.....	12	Oct. 14-Nov. 2.....
Oct. 3-Oct. 22.....	11	Nov. 3-Nov. 22.....
Oct. 23-Nov. 11.....	10	Nov. 23-Dec. 12.....
Nov. 12-Dec. 1.....	9	Dec. 13, 1969-Jan. 1, 1970.....
Dec. 2-Dec. 21.....	8	Jan. 2-Jan. 21.....
Dec. 22, 1969- Jan. 10, 1970.....	7	Jan. 22-Feb. 10.....
Jan. 11-Jan. 30.....	6	Feb. 11-Mar. 2.....
Jan. 31-Feb. 19.....	5	Mar. 3-Mar. 22.....
Feb. 20-Mar. 11.....	4	Mar. 23-Apr. 11.....
Mar. 12-Mar. 31.....	3	Apr. 12-May 1.....
Apr. 1-Apr. 30, 1970.....	2	May 2-May 31, 1970.....
	1	

<sup>1</sup> Storage commence date, all dates inclusive.

<sup>2</sup> Charges shall be reduced by 2 cents per bushel if producer presents evidence that elevation charges were prepaid.

**§ 1421.2665 Support rates.**

(a) **Basic support rates.** The basic county support rates for use in making loans and for use in settling loans and

for purchases are listed below. The term "county" as used in this subpart with reference to the State of Alaska shall mean "marketing area." Marketing areas in Alaska shall be the areas established under the State Small Grain Incentive Program. Farm stored loans shall be made at the basic support rate for the county in which the oats are produced, adjusted by the Weed Control discount where applicable. Warehouse stored loans, farm stored loan settlements, and purchases shall be made on the basis of the basic support rate for the county in which the oats were produced adjusted by the premiums and discounts shown in paragraph (b) of this section and any other discounts established by CCC applicable to the grade and quality of the oats on which the loan or settlement is made. The basic county support rate applies to oats grading No. 3, having moisture not in excess of 14 percent.

County	Rate per bushel
All counties	\$0.74

County	Rate per bushel	County	Rate per bushel
Delta	\$0.63	Kenai-Sol-	
Fairbanks	.62	dotna	\$0.71
Glenallen	.69	Palmer	.75
Homer	.66	Talkeetna	.75

County	Rate per bushel
All counties	\$0.82

County	Rate per bushel
All counties	\$0.72

County	Rate per bushel	County	Rate per bushel
Alameda	\$0.77	Plumas	\$0.73
Alpine	.75	Riverside	.77
Amador	.75	Sacramento	.75
Butte	.74	San Benito	.76
Calaveras	.75	San Bernar-	
Colusa	.75	dino	.77
Contra Costa	.77	San Diego	.77
Del Norte	.73	San Francisco	.77
El Dorado	.75	San Joaquin	.76
Fresno	.76	San Luis	
Glenn	.74	Obispo	.76
Humboldt	.75	San Mateo	.77
Imperial	.77	Santa Bar-	
Inyo	.77	bara	.76
Kern	.77	Santa Clara	.77
Kings	.76	Santa Cruz	.76
Lake	.75	Shasta	.72
Lassen	.72	Sierra	.73
Los Angeles	.78	Siskiyou	.71
Madera	.76	Solano	.77
Marin	.77	Sonoma	.78
Mariposa	.76	Stanislaus	.76
Mendocino	.75	Sutter	.75
Merced	.76	Tehama	.73
Modoc	.71	Trinity	.75
Mono	.76	Tulare	.76
Monterey	.76	Tuolumne	.75
Napa	.76	Ventura	.77
Nevada	.73	Yolo	.76
Orange	.77	Yuba	.74
Placer	.74		

<sup>1</sup> In Alaska loan rates are for marketing areas.



COLORADO	
County	Rate per bushel
All counties.....	\$0.69

CONNECTICUT	
All counties.....	\$0.72

DELAWARE	
All counties.....	\$0.73

FLORIDA	
All counties.....	\$0.78

GEORGIA	
All counties.....	\$0.74

IDAHO			
County	Rate per bushel	County	Rate per bushel
Ada.....	\$0.69	Gem.....	\$0.69
Adams.....	.67	Gooding.....	.68
Bannock.....	.67	Idaho.....	.66
Bear Lake.....	.67	Jefferson.....	.65
Benewah.....	.67	Jerome.....	.68
Bingham.....	.65	Kootenai.....	.67
Blaine.....	.67	Latah.....	.68
Boise.....	.69	Lemhi.....	.65
Booner.....	.65	Lewis.....	.67
Booneville.....	.65	Lincoln.....	.68
Boundary.....	.65	Madison.....	.65
Butte.....	.65	Minidoka.....	.68
Camas.....	.68	Nex Perce.....	.68
Canyon.....	.69	Oneida.....	.67
Caribou.....	.66	Owyhee.....	.69
Cassia.....	.68	Payette.....	.69
Clark.....	.65	Power.....	.67
Clearwater.....	.67	Shoshone.....	.65
Custer.....	.65	Teton.....	.65
Elmore.....	.69	Twin Falls.....	.68
Franklin.....	.67	Valley.....	.67
Fremont.....	.65	Washington.....	.68

ILLINOIS			
County	Rate per bushel	County	Rate per bushel
Adams.....	\$0.65	Kane.....	\$0.65
Alexander.....	.68	Kankakee.....	.65
Bond.....	.66	Kendall.....	.65
Boone.....	.65	Knox.....	.65
Brown.....	.65	Lake.....	.66
Bureau.....	.65	La Salle.....	.65
Calhoun.....	.66	Lawrence.....	.67
Carroll.....	.65	Lee.....	.65
Cass.....	.65	Livingston.....	.65
Champaign.....	.65	Logan.....	.65
Christian.....	.65	McDonough.....	.65
Clark.....	.66	McHenry.....	.65
Clay.....	.67	McLean.....	.65
Clinton.....	.67	Macon.....	.65
Coles.....	.65	Macoupin.....	.66
Cook.....	.67	Madison.....	.67
Crawford.....	.67	Marion.....	.67
Cumberland.....	.66	Marshall.....	.65
De Kalb.....	.65	Mason.....	.65
De Witt.....	.65	Massac.....	.68
Douglas.....	.65	Menard.....	.65
Du Page.....	.65	Mercer.....	.65
Edgar.....	.65	Monroe.....	.68
Edwards.....	.68	Montgomery.....	.66
Eminham.....	.66	Morgan.....	.65
Payette.....	.66	Moultrie.....	.65
Ford.....	.65	Ogle.....	.65
Franklin.....	.68	Peoria.....	.65
Fulton.....	.65	Perry.....	.68
Gallatin.....	.69	Platt.....	.65
Greene.....	.66	Pike.....	.65
Grundy.....	.65	Pope.....	.69
Hamilton.....	.68	Pulaski.....	.68
Hancock.....	.65	Putnam.....	.65
Hardin.....	.69	Randolph.....	.68
Henderson.....	.65	Richland.....	.67
Henry.....	.65	Rock Island.....	.65
Iroquois.....	.65	Saint Clair.....	.68
Jackson.....	.68	Saline.....	.69
Jasper.....	.67	Sangamon.....	.65
Jefferson.....	.68	Schuyler.....	.65
Jersey.....	.66	Scott.....	.65
Jo Daviess.....	.65	Shelby.....	.65
Johnson.....	.68	Stark.....	.65

ILLINOIS—Continued			
County	Rate per bushel	County	Rate per bushel
Stephenson.....	\$0.65	Wayne.....	\$0.68
Tazewell.....	.65	White.....	.68
Union.....	.68	Whiteside.....	.65
Vermilion.....	.65	Will.....	.68
Wabash.....	.68	Williamson.....	.68
Warren.....	.65	Winnebago.....	.65
Washington.....	.68	Woodford.....	.65

INDIANA			
County	Rate per bushel	County	Rate per bushel
Adams.....	\$0.66	Lawrence.....	\$0.68
Allen.....	.66	Madison.....	.66
Bartholomew.....	.67	Marion.....	.66
Benton.....	.65	Marshall.....	.66
Blackford.....	.66	Martin.....	.68
Boone.....	.66	Miami.....	.66
Brown.....	.68	Monroe.....	.68
Carroll.....	.66	Montgomery.....	.66
Cass.....	.66	Morgan.....	.66
Clark.....	.68	Newton.....	.65
Clay.....	.68	Noble.....	.66
Clinton.....	.66	Ohio.....	.69
Crawford.....	.68	Orange.....	.68
Davies.....	.68	Owen.....	.66
Dearborn.....	.69	Parke.....	.65
Decatur.....	.67	Perry.....	.68
De Kalb.....	.66	Pike.....	.68
Delaware.....	.66	Porter.....	.66
Dubois.....	.68	Posey.....	.68
Elkhart.....	.67	Pulaski.....	.66
Payette.....	.66	Putnam.....	.66
Floyd.....	.68	Randolph.....	.66
Pountain.....	.65	Ripley.....	.69
Franklin.....	.68	Rush.....	.66
Fulton.....	.66	Saint Joseph.....	.67
Gibson.....	.68	Scott.....	.69
Grant.....	.66	Shelby.....	.66
Greene.....	.68	Spencer.....	.68
Hamilton.....	.66	Starke.....	.66
Hancock.....	.66	Steuben.....	.67
Harrison.....	.68	Sullivan.....	.67
Hendricks.....	.66	Switzerland.....	.69
Henry.....	.66	Tippecanoe.....	.66
Howard.....	.66	Tipton.....	.66
Huntington.....	.66	Union.....	.66
Jackson.....	.68	Vanderburgh.....	.68
Jasper.....	.65	Vermillion.....	.65
Jay.....	.66	Vigo.....	.66
Jefferson.....	.69	Wabash.....	.66
Jennings.....	.69	Warren.....	.65
Johnson.....	.66	Warrick.....	.68
Knox.....	.68	Washington.....	.68
Kosciusko.....	.66	Wayne.....	.66
Lagrange.....	.67	Wells.....	.66
Lake.....	.66	White.....	.66
La Porte.....	.67	Whitley.....	.66

IOWA			
County	Rate per bushel	County	Rate per bushel
Adair.....	\$0.65	Dickinson.....	\$0.63
Adams.....	.65	Dubuque.....	.65
Allamakee.....	.65	Emmet.....	.63
Appanoose.....	.65	Payette.....	.65
Audubon.....	.64	Floyd.....	.64
Benton.....	.65	Franklin.....	.64
Black Hawk.....	.65	Fremont.....	.65
Boone.....	.64	Greene.....	.64
Bremer.....	.65	Grundy.....	.64
Buchanan.....	.65	Guthrie.....	.64
Buena Vista.....	.64	Hamilton.....	.64
Butler.....	.64	Hancock.....	.64
Calhoun.....	.64	Hardin.....	.64
Carroll.....	.64	Harrison.....	.64
Cass.....	.65	Henry.....	.65
Cedar.....	.65	Howard.....	.65
Cerro Gordo.....	.64	Humboldt.....	.64
Cherokee.....	.63	Ida.....	.63
Chickasaw.....	.65	Iowa.....	.65
Clarke.....	.65	Jackson.....	.65
Clay.....	.64	Jasper.....	.64
Clayton.....	.65	Jefferson.....	.65
Clinton.....	.65	Johnson.....	.65
Crawford.....	.63	Jones.....	.65
Dallas.....	.64	Keokuk.....	.65
Davis.....	.66	Kossuth.....	.64
Decatur.....	.65	Lee.....	.65
Delaware.....	.65	Linn.....	.65
Des Moines.....	.65	Louisa.....	.65

IOWA—Continued			
County	Rate per bushel	County	Rate per bushel
Lucas.....	\$0.65	Ringgold.....	\$0.65
Lyon.....	.62	Sac.....	.64
Madison.....	.65	Scott.....	.65
Mahaska.....	.65	Shelby.....	.64
Marion.....	.65	Sioux.....	.62
Marshall.....	.64	Story.....	.64
Mills.....	.65	Tama.....	.64
Mitchell.....	.64	Taylor.....	.65
Monona.....	.63	Union.....	.65
Monroe.....	.65	Van Buren.....	.65
Montgomery.....	.65	Wapello.....	.65
Muscatine.....	.65	Warren.....	.65
O'Brien.....	.63	Washington.....	.65
Osceola.....	.62	Wayne.....	.65
Page.....	.65	Webster.....	.64
Palo Alto.....	.64	Winnebago.....	.64
Plymouth.....	.63	Winneshiek.....	.65
Pocahontas.....	.64	Woodbury.....	.63
Polk.....	.64	Worth.....	.64
Pottawattamie.....	.65	Wright.....	.64
Poweshiek.....	.64		

KANSAS			
County	Rate per bushel	County	Rate per bushel
Allen.....	\$0.68	Linn.....	\$0.68
Anderson.....	.68	Logan.....	.69
Atchison.....	.68	Lyon.....	.68
Barber.....	.71	McPherson.....	.69
Barton.....	.69	Marion.....	.69
Bourbon.....	.69	Marshall.....	.67
Brown.....	.67	Meade.....	.71
Butler.....	.70	Miami.....	.68
Chase.....	.69	Mitchell.....	.67
Chautauqua.....	.70	Montgomery.....	.70
Cherokee.....	.70	Morris.....	.68
Cheyenne.....	.68	Morton.....	.71
Clark.....	.71	Nemaha.....	.67
Clay.....	.67	Neosho.....	.69
Cloud.....	.67	Ness.....	.69
Coffey.....	.68	Norton.....	.67
Comanche.....	.71	Osage.....	.68
Cowley.....	.70	Osborne.....	.67
Crawford.....	.69	Ottawa.....	.67
Decatur.....	.67	Pawnee.....	.69
Dickinson.....	.68	Phillips.....	.66
Doniphan.....	.68	Pottawatomie.....	.67
Douglas.....	.68	Pratt.....	.70
Edwards.....	.69	Rawlins.....	.68
Elk.....	.69	Reno.....	.69
Ellis.....	.68	Republic.....	.66
Ellsworth.....	.68	Rice.....	.69
Finney.....	.70	Riley.....	.67
Ford.....	.70	Rooks.....	.67
Franklin.....	.68	Rush.....	.69
Geary.....	.68	Russell.....	.68
Gove.....	.69	Saline.....	.68
Graham.....	.68	Scott.....	.69
Grant.....	.70	Sedgwick.....	.70
Gray.....	.70	Seward.....	.71
Greeley.....	.69	Shawnee.....	.68
Greenwood.....	.69	Sheridan.....	.68
Hamilton.....	.70	Sherman.....	.68
Harper.....	.71	Smith.....	.66
Harvey.....	.69	Stafford.....	.69
Haskell.....	.70	Stanton.....	.70
Hodgeman.....	.69	Stevens.....	.71
Jackson.....	.68	Sumner.....	.71
Jefferson.....	.68	Thomas.....	.68
Jewell.....	.66	Trego.....	.68
Johnson.....	.69	Wabaunsee.....	.68
Kearny.....	.70	Wallace.....	.69
Kingman.....	.70	Washington.....	.66
Kiowa.....	.70	Wichita.....	.69
Labette.....	.70	Wilson.....	.69
Lane.....	.69	Woodson.....	.68
Leavenworth.....	.69	Wyandotte.....	.69
Lincoln.....	.67		

KENTUCKY	
County	Rate per bushel
All Counties.....	\$0.74

LOUISIANA	
Parish	Rate per bushel
All Parishes.....	\$0.74



## RULES AND REGULATIONS

## MAINE

County	Rate per bushel
All Counties.....	\$0.72

## MARYLAND

All Counties.....	\$0.73
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## MASSACHUSETTS

All Counties.....	\$0.72
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## MICHIGAN

County	Rate per bushel	County	Rate per bushel
Alcona.....	\$0.65	Keweenaw.....	\$0.66
Alger.....	.67	Lake.....	.67
Allegan.....	.67	Lapeer.....	.65
Alpena.....	.65	Leelanau.....	.66
Antrim.....	.66	Lenawee.....	.67
Arenac.....	.65	Livingston.....	.66
Baraga.....	.66	Luce.....	.67
Barry.....	.67	Mackinac.....	.67
Bay.....	.65	Macomb.....	.66
Benzie.....	.66	Maine.....	.67
Berrien.....	.66	Marquette.....	.66
Branch.....	.66	Mason.....	.67
Calhoun.....	.66	Mecosta.....	.66
Cass.....	.66	Menominee.....	.66
Charlevoix.....	.66	Midland.....	.65
Cheboygan.....	.66	Missaukee.....	.66
Chippewa.....	.67	Monroe.....	.67
Clare.....	.66	Montcalm.....	.66
Clinton.....	.66	Montmorency.....	.65
Crawford.....	.65	Muskegon.....	.67
Delta.....	.66	Newaygo.....	.67
Dickinson.....	.66	Oakland.....	.66
Eaton.....	.66	Oceana.....	.67
Emmet.....	.66	Ogemaw.....	.65
Genesee.....	.65	Ontonagon.....	.66
Gladwin.....	.65	Osceola.....	.66
Gogebic.....	.66	Oscoda.....	.65
Grand.....	.66	Otsego.....	.66
Traverse.....	.66	Ottawa.....	.67
Gratiot.....	.66	Presque Isle.....	.65
Hillsdale.....	.67	Roscommon.....	.65
Houghton.....	.66	Saginaw.....	.65
Huron.....	.65	Saint Clair.....	.66
Ingham.....	.66	Saint Joseph.....	.66
Ionia.....	.66	Sanilac.....	.65
Iosco.....	.65	Schoolcraft.....	.67
Iron.....	.66	Shiawassee.....	.65
Isabella.....	.66	Tuscola.....	.65
Jackson.....	.66	Van Buren.....	.67
Kalamazoo.....	.67	Washtenaw.....	.66
Kalkaska.....	.66	Wayne.....	.66
Kent.....	.67	Wexford.....	.67

## MINNESOTA

Aitkin.....	\$0.61	Jackson.....	\$0.61
Anoka.....	.63	Kanabec.....	.62
Becker.....	.67	Kandiyohi.....	.61
Beltzrami.....	.66	Kittson.....	.64
Benton.....	.61	Koochiching.....	.58
Big Stone.....	.58	Lac Qui Parle.....	.59
Blue Earth.....	.62	Lake.....	.63
Brown.....	.61	Lake of the Woods.....	.56
Carlton.....	.62	Le Sueur.....	.62
Carver.....	.63	Lincoln.....	.59
Cass.....	.59	Lyon.....	.59
Chippewa.....	.59	McLeod.....	.62
Chisago.....	.63	Mahnomen.....	.56
Clay.....	.56	Marshall.....	.55
Clearwater.....	.56	Martin.....	.61
Cook.....	.63	Meeker.....	.61
Cottonwood.....	.60	Mille Lacs.....	.61
Crow Wing.....	.60	Morrison.....	.60
Dakota.....	.63	Mower.....	.62
Dodge.....	.62	Murray.....	.59
Douglas.....	.59	Nicollet.....	.62
Faribault.....	.62	Nobles.....	.60
Fillmore.....	.63	Norman.....	.55
Freeborn.....	.62	Olmsted.....	.62
Goodhue.....	.62	Otter Tail.....	.58
Grant.....	.58	Pennington.....	.55
Hennepin.....	.63	Pine.....	.62
Houston.....	.63	Pipestone.....	.59
Hubbard.....	.58	Polk.....	.55
Isanti.....	.62	Pope.....	.59
Itasca.....	.59		

## MINNESOTA—Continued

County	Rate per bushel	County	Rate per bushel
Ramsey.....	\$0.63	Swift.....	\$0.59
Red Lake.....	.55	Todd.....	.60
Redwood.....	.60	Traverse.....	.57
Renville.....	.61	Wabasha.....	.62
Rice.....	.62	Wadena.....	.59
Rock.....	.60	Waseca.....	.63
Roseau.....	.55	Washington.....	.63
Saint Louis.....	.62	Watsonwan.....	.61
Scott.....	.63	Wilkin.....	.57
Sherburne.....	.62	Winona.....	.63
Sibley.....	.62	Wright.....	.62
Stearns.....	.61	Yellow Medi- cine.....	.59
Steele.....	.62		
Stevens.....	.58		

## MISSISSIPPI

County	Rate per bushel
All counties.....	\$0.73

## MISSOURI

Adair.....	\$0.67	Linn.....	\$0.68
Andrew.....	.67	Livingston.....	.68
Atchison.....	.66	McDonald.....	.70
Audrain.....	.66	Macon.....	.67
Barry.....	.70	Madison.....	.69
Barton.....	.69	Maries.....	.69
Bates.....	.68	Marion.....	.65
Benton.....	.68	Mercer.....	.68
Bollinger.....	.69	Miller.....	.69
Boone.....	.68	Mississippi.....	.68
Buchanan.....	.69	Moniteau.....	.69
Butler.....	.69	Monroe.....	.66
Caldwell.....	.69	Montgomery.....	.68
Callaway.....	.68	Morgan.....	.69
Camden.....	.69	New Madrid.....	.69
Cape Girar- deau.....	.68	Newton.....	.69
Carroll.....	.68	Nodaway.....	.66
Carter.....	.69	Oregon.....	.70
Cass.....	.68	Osage.....	.69
Cedar.....	.68	Ozark.....	.70
Chariton.....	.68	Pemiscot.....	.69
Christian.....	.70	Perry.....	.68
Clark.....	.65	Pettis.....	.69
Clay.....	.69	Phelps.....	.69
Clinton.....	.69	Pike.....	.65
Cole.....	.69	Platte.....	.69
Cooper.....	.69	Polk.....	.68
Crawford.....	.69	Pulaski.....	.69
Dade.....	.68	Putnam.....	.67
Dallas.....	.69	Rails.....	.65
Davies.....	.68	Randolph.....	.67
De Kalb.....	.68	Ray.....	.69
Dent.....	.69	Reynolds.....	.69
Douglas.....	.70	Ripley.....	.70
Dunklin.....	.69	Saint Charles.....	.67
Franklin.....	.69	Saint Clair.....	.68
Gasconade.....	.69	Sainte Gene- vie.....	.68
Gentry.....	.67	St. Francois.....	.69
Greene.....	.69	Saint Louis.....	.68
Grundy.....	.67	Saline.....	.68
Harrison.....	.67	Schuyler.....	.67
Henry.....	.68	Scotland.....	.66
Hickory.....	.68	Scott.....	.68
Holt.....	.67	Shannon.....	.69
Howard.....	.68	Shelby.....	.66
Howell.....	.70	Stoddard.....	.69
Iron.....	.69	Stone.....	.70
Jackson.....	.68	Sullivan.....	.67
Jasper.....	.69	Taney.....	.70
Jefferson.....	.68	Texas.....	.69
Johnson.....	.68	Vernon.....	.68
Knox.....	.66	Warren.....	.68
Laclede.....	.69	Washington.....	.69
Lafayette.....	.68	Wayne.....	.69
Lawrence.....	.69	Webster.....	.69
Lewis.....	.65	Worth.....	.66
Lincoln.....	.67	Wright.....	.69

## MONTANA

Beaverhead.....	\$0.64	Carter.....	\$0.56
Big Horn.....	.58	Cascade.....	.59
Blaine.....	.55	Chouteau.....	.57
Broadwater.....	.60	Custer.....	.55
Carbon.....	.59	Daniels.....	.52

## MONTANA—Continued

County	Rate per bushel	County	Rate per bushel
Dawson.....	\$0.52	Musselshell.....	\$0.57
Deer Lodge.....	.62	Park.....	.60
Fallon.....	.53	Petroleum.....	.56
Fergus.....	.57	Phillips.....	.54
Flathead.....	.62	Pondera.....	.58
Gallatin.....	.60	Powder River.....	.57
Garfield.....	.54	Powell.....	.62
Glacier.....	.59	Prairie.....	.54
Golden Val- ley.....	.58	Ravalli.....	.63
Granite.....	.63	Richland.....	.52
Hill.....	.56	Roosevelt.....	.51
Jefferson.....	.61	Rosebud.....	.56
Judith Basin.....	.58	Sanders.....	.64
Lake.....	.63	Sheridan.....	.51
Lewis and Clark.....	.61	Silver Bow.....	.62
Liberty.....	.57	Stillwater.....	.59
Lincoln.....	.64	Sweet Grass.....	.59
McCone.....	.53	Teton.....	.58
Madison.....	.62	Toole.....	.58
Meagher.....	.59	Treasure.....	.57
Mineral.....	.64	Valley.....	.53
Missoula.....	.63	Wheatland.....	.58
		Wilbax.....	.53
		Yellowstone.....	.59

## NEBRASKA

Adams.....	\$0.64	Jefferson.....	\$0.65
Antelope.....	.61	Johnson.....	.66
Arthur.....	.62	Kearney.....	.64
Banner.....	.62	Keith.....	.63
Blaine.....	.61	Keya Paha.....	.60
Boone.....	.62	Kimball.....	.63
Box Butte.....	.62	Knox.....	.61
Boyd.....	.60	Lancaster.....	.65
Brown.....	.61	Lincoln.....	.63
Buffalo.....	.63	Logan.....	.62
Burt.....	.63	Loup.....	.61
Butler.....	.64	McPherson.....	.62
Cass.....	.65	Madison.....	.62
Cedar.....	.62	Merrick.....	.62
Chase.....	.65	Morrill.....	.62
Cherry.....	.61	Nance.....	.62
Cheyenne.....	.63	Namaha.....	.66
Clay.....	.64	Nuckolls.....	.65
Colfax.....	.63	Otoe.....	.65
Cuming.....	.63	Pawnee.....	.66
Custer.....	.62	Perkins.....	.64
Dakota.....	.63	Phelps.....	.64
Dawes.....	.62	Pierce.....	.61
Dawson.....	.63	Platte.....	.62
Deuel.....	.63	Polk.....	.63
Dixon.....	.63	Red Willow.....	.65
Dodge.....	.64	Richardson.....	.66
Douglas.....	.65	Rock.....	.61
Dundy.....	.66	Saline.....	.65
Fillmore.....	.64	Sarpy.....	.65
Franklin.....	.65	Saunders.....	.65
Frontier.....	.64	Scotts Bluff.....	.62
Furnas.....	.65	Seward.....	.64
Gage.....	.66	Sheridan.....	.62
Garden.....	.62	Sherman.....	.62
Garfield.....	.61	Sioux.....	.62
Gosper.....	.64	Stanton.....	.62
Grant.....	.61	Thayer.....	.65
Greeley.....	.62	Thomas.....	.61
Hall.....	.63	Thurston.....	.63
Hamilton.....	.63	Valley.....	.62
Harlan.....	.65	Washington.....	.64
Hayes.....	.65	Wayne.....	.62
Hitchcock.....	.66	Webster.....	.65
Holt.....	.61	Wheeler.....	.61
Hooker.....	.61	York.....	.63
Howard.....	.62		

## NEVADA

County	Rate per bushel
All counties.....	\$0.79

## NEW HAMPSHIRE

All counties.....	\$0.72
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## NEW JERSEY

All counties.....	\$0.73
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## NEW MEXICO

All counties.....	\$0.76
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NEW YORK

County	Rate per bushel
All counties	\$0.74
NORTH CAROLINA	
All counties	\$0.74

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Adams	\$0.52	McLean	\$0.50
Barnes	.54	Mercer	.50
Benson	.52	Mountrail	.49
Billings	.51	Morton	.51
Bottineau	.50	Nelson	.53
Bowman	.52	Oliver	.51
Burke	.49	Pembina	.52
Burlingame	.52	Pierce	.51
Cass	.54	Ramsey	.52
Cavalier	.52	Ransom	.54
Dickey	.54	Renville	.50
Divide	.49	Richland	.55
Dunn	.50	Rolette	.50
Eddy	.53	Sargent	.54
Emmons	.52	Sheridan	.51
Foster	.53	Sioux	.52
Golden Valley	.51	Slope	.51
Grand Forks	.53	Stark	.51
Grant	.51	Steele	.53
Griggs	.53	Stutsman	.54
Hettinger	.51	Towner	.51
Kidder	.53	Trall	.53
La Moure	.54	Walsh	.52
Logan	.53	Ward	.50
McHenry	.50	Wells	.52
McIntosh	.53	Williams	.49
McKenzie	.50		

OHIO

Adams	\$0.72	Licking	\$0.69
Allen	.68	Logan	.69
Ashland	.69	Lorain	.70
Ashtabula	.73	Lucas	.68
Athens	.73	Madison	.69
Auglaize	.68	Mahoning	.73
Belmont	.74	Marion	.69
Brown	.71	Medina	.71
Butler	.68	Meigs	.73
Carroll	.73	Mercer	.66
Champaign	.69	Miami	.68
Clark	.69	Monroe	.74
Clermont	.70	Montgomery	.68
Clinton	.70	Morgan	.73
Columbiana	.73	Morrow	.69
Coshocton	.71	Muskingum	.72
Crawford	.69	Noble	.73
Cuyahoga	.71	Ottawa	.69
Darke	.67	Paulding	.67
Defiance	.67	Perry	.71
Delaware	.69	Pickaway	.69
Erie	.69	Pike	.72
Fairfield	.69	Portage	.72
Fayette	.69	Preble	.67
Franklin	.69	Putnam	.68
Fulton	.68	Richland	.69
Gallia	.73	Ross	.70
Geauga	.72	Sandusky	.69
Greene	.69	Scioto	.72
Guernsey	.73	Seneca	.69
Hamilton	.69	Shelby	.68
Hancock	.68	Stark	.72
Hardin	.68	Summit	.71
Harrison	.73	Trumbull	.73
Henry	.68	Tuscarawas	.72
Highland	.71	Union	.69
Rocking	.71	Van Wert	.67
Holmes	.71	Vinton	.72
Huron	.69	Warren	.69
Jackson	.72	Washington	.74
Jefferson	.74	Wayne	.71
Knox	.69	Williams	.68
Lake	.72	Wood	.68
Lawrence	.72	Wyandot	.69

OKLAHOMA

County	Rate per bushel
All counties	\$0.72

OREGON

County	Rate per bushel	County	Rate per bushel
Baker	\$0.68	Lake	\$0.70
Benton	.73	Lane	.72
Clackamas	.73	Lincoln	.72
Clatsop	.73	Linn	.72
Columbia	.73	Malheur	.68
Coos	.72	Marion	.73
Crook	.71	Morrow	.70
Curry	.72	Multnomah	.73
Deschutes	.71	Polk	.73
Douglas	.72	Sherman	.71
Gilliam	.71	Tillamook	.73
Grant	.70	Umatilla	.69
Harney	.69	Union	.69
Hood River	.73	Wallowa	.68
Jackson	.72	Wasco	.71
Jefferson	.71	Washington	.73
Josephine	.72	Wheeler	.71
Klamath	.70	Yamhill	.73

PENNSYLVANIA

County	Rate per bushel
All counties	\$0.74

RHODE ISLAND

All counties	\$0.72
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SOUTH CAROLINA

All counties	\$0.74
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SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	\$0.57	Jackson	\$0.56
Beadle	.57	Jerauld	.57
Bennett	.57	Jones	.56
Bon Homme	.59	Kingsbury	.57
Brookings	.58	Lake	.57
Brown	.55	Lawrence	.55
Brule	.57	Lincoln	.60
Buffalo	.57	Lyman	.56
Butte	.55	McCook	.58
Campbell	.54	McPherson	.54
Charles Mix	.58	Marshall	.55
Clark	.56	Meade	.55
Clay	.61	Mellette	.57
Codington	.57	Miner	.57
Corson	.54	Minnehaha	.59
Custer	.58	Moody	.58
Davison	.57	Pennington	.56
Day	.56	Perkins	.54
Deuel	.58	Potter	.55
Dewey	.55	Roberts	.56
Douglas	.58	Sanborn	.57
Edmunds	.55	Shannon	.58
Fall River	.58	Spink	.56
Faulk	.55	Stanley	.56
Grant	.58	Sully	.57
Gregory	.57	Todd	.56
Haakon	.56	Tripp	.57
Hamlin	.57	Turner	.60
Hand	.56	Union	.61
Hanson	.57	Walworth	.55
Harding	.54	Washabaugh	.57
Hughes	.56	Yankton	.60
Hutchinson	.59	Ziebach	.55
Hyde	.56		

TENNESSEE

County	Rate per bushel
All counties	\$0.74

TEXAS

All counties	\$0.74
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UTAH

All counties	\$0.76
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VERMONT

All counties	\$0.72
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VIRGINIA

All counties	\$0.73
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WASHINGTON

County	Rate per bushel	County	Rate per bushel
Adams	\$0.68	Lewis	\$0.73
Asotin	.68	Lincoln	.68
Benton	.70	Mason	.73
Chelan	.71	Okanogan	.71
Clallam	.73	Pacific	.73
Clark	.73	Pend Oreille	.66
Columbia	.68	Pierce	.73
Cowlitz	.73	San Juan	.73
Douglas	.70	Skagit	.73
Ferry	.69	Skamania	.73
Franklin	.68	Snohomish	.73
Garfield	.68	Spokane	.67
Grant	.69	Stevens	.67
Grays Harbor	.73	Thurston	.73
Island	.73	Wahkiakum	.73
Jefferson	.73	Walla Walla	.68
King	.73	Whatcom	.73
Kitsap	.73	Whitman	.67
Kittitas	.71	Yakima	.71
Klickitat	.71		

WEST VIRGINIA

County	Rate per bushel
All counties	\$0.74

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	\$0.65	Marathon	\$0.65
Ashland	.65	Marquette	.66
Barron	.63	Marquette	.65
Bayfield	.64	Menominee	.65
Brown	.64	Milwaukee	.67
Buffalo	.63	Monroe	.65
Burnett	.63	Oconto	.65
Calumet	.64	Oneida	.66
Chippewa	.64	Outagamie	.64
Clark	.64	Ozaukee	.66
Columbia	.65	Pepin	.63
Crawford	.66	Pierce	.63
Dane	.66	Polk	.63
Dodge	.65	Portage	.65
Door	.64	Price	.65
Douglas	.63	Racine	.67
Dunn	.64	Richland	.66
Eau Claire	.64	Rock	.66
Florence	.66	Rusk	.64
Fond du Lac	.64	Saint Croix	.63
Forest	.66	Sauk	.66
Grant	.66	Sawyer	.64
Green	.66	Shawano	.65
Green Lake	.65	Sheboygan	.65
Iowa	.67	Taylor	.65
Iron	.66	Trempealeau	.64
Jackson	.65	Vernon	.65
Jefferson	.66	Vilas	.66
Juneau	.65	Walworth	.66
Kenosha	.67	Washington	.63
Kewaunee	.64	Washington	.66
LaCrosse	.64	Waukesha	.67
Lafayette	.67	Waupaca	.65
Langlade	.65	Waushara	.65
Lincoln	.65	Winnebago	.64
Manitowoc	.64	Wood	.65

WYOMING

County	Rate per bushel
All counties	\$0.66

(b) Premiums and discounts.

Premiums:	Cents per bushel
Grade No. 2 or better	1
Test weight:	
Heavy	1
Extra heavy	2
Discounts:	
Grade No. 4 on the factor of test weight only but otherwise No. 3 or better	3
* Premiums shall not be applicable to "badly stained or materially weathered oats."	



## Discounts—Continued

	Cents per bushel
Grade No. 4 because of being "badly stained or materially weathered"—No. 4 on the factor of test weight and because of being "badly stained or materially weathered"—	7
Garlicky	10
Weed control discount (where required by § 1421.74)	3
	10

Other Factors: Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of the oats, such as (but not limited to) low test weight, foreign material, heat damage, percent of sound cultivated oats, wild oats, moisture, sour, stones, musty, ergoty, weevily, smutty, and bleached. Such discounts will be established not later than the time delivery of oats to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at ASCS county offices approximately 1 month prior to the loan maturity date.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 8, 1969.

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

[F.R. Doc. 69-5736; Filed, May 14, 1969;  
8:45 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 69-SO-15]

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

##### Designation and Revocation of Transition Areas

###### Correction

In F.R. Doc. 69-5182 appearing at page 7123 in the issue of Thursday, May 1, 1969, the agency bracket should read as set forth above.

[Airspace Docket No. 68-SW-54]

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

#### PART 75—ESTABLISHMENT OF JET ROUTES

##### Alteration and Designation of Federal Airways and Jet Routes; Amendment

On April 4, 1969, F.R. Doc. 69-3959 was published in the FEDERAL REGISTER (34 F.R. 6079) that amended Parts 71 and 75 of the Federal Aviation Regulations. These amendments will become effective May 29, 1969.

In Item No. 2, paragraph g., Jet Route No. 138 was altered. In this alteration of J-138 it was inadvertently stated that

J-138 was being extended from San Antonio, Tex., direct to Humble, Tex., whereas it should have been extended from San Antonio direct to Houston, Tex., as proposed in the notice. Accordingly, action is taken herein to correct this discrepancy.

Since this action is taken to bring the final rule in conformity with the proposal in NPRM 68-SW-54, no further notice is necessary, and the effective date of the final rule as initially adopted may be retained.

In consideration of the foregoing, F.R. Doc. 69-3959 (34 F.R. 6079), is amended, effective immediately, as follows:

Item 2, paragraph g., is amended to read:

g. In the caption Jet Route No. 138 "San Antonio, Tex." is deleted and "Houston, Tex." is substituted therefor; and in the text Jet Route No. 138 "to San Antonio, Tex." is deleted and "San Antonio, Tex.; to Houston, Tex." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348, sec. 5(c), Department of Transportation Act, 49 U.S.C. 1655(c))

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

T. McCORMACK,  
Acting Chief, Airspace and  
Air Traffic Rules Division.

[F.R. Doc. 69-5786; Filed, May 14, 1969;  
8:48 a.m.]

## Title 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket No. C-1521]

#### PART 13—PROHIBITED TRADE PRACTICES

##### Atlas Quilting Corp.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely*: 13.1108-40 Federal Trade Commission Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition*: 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements*: 13.1212-80 Textile Fiber Products Identification Act; 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements*: 13.1852-70 Textile Fiber Products Identification Act; 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, 72 Stat. 1717; secs. 2-5, 54 Stat. 1128-1130, 15 U.S.C. 45, 70, 68) [Cease and desist order, Atlas Quilting Corp., Brooklyn, N.Y., Docket C-1521, April 28, 1969]

Consent order requiring a former Brooklyn, N.Y., manufacturer of quilted interlining material to cease misbranding and falsely invoicing its merchandise and failing to keep required records.

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

It is ordered, That respondent Atlas Quilting Corp., a corporation, and its officers, 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 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 place 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 respondent Atlas Quilting Corp., a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from failing to maintain and preserve records of fiber content by textile fiber products manufactured by it, as required by section 6(a) of the Textile Fiber Products Identification Act and Rule 39 of the regulations thereunder.

It is further ordered, That respondent Atlas Quilting Corp., a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of quilted interlining materials or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character or amount of the constituent fibers contained in such products on invoices or shipping memoranda applicable thereto, or in any other manner.

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



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

Issued: April 28, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 69-5759; Filed, May 14, 1969;  
8:46 a.m.]

[Docket No. C-1522]

# PART 13—PROHIBITED TRADE PRACTICES

## Frank Chaimovits and Atlas Quilting Corp.

Subpart—Invoicing products falsely: § 13.1108 Invoicing products falsely: 13.1108-40 Federal Trade Commission Act. Subpart—Misbranding or mislabeling: § 13.1185 Composition: 13.1185-90 Wool Products Labeling Act; § 13.1212 Formal regulatory and statutory requirements: 13.1212-80 Textile Fiber Products Identification Act; 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements: 13.1852-70 Textile Fiber Products Identification Act; 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, 72 Stat. 1717; secs. 2-5, 54 Stat. 1128-1130, 15 U.S.C. 45, 70, 68) [Cease and desist order, Frank Chaimovits, Brooklyn, N.Y., Docket C-1522, April 28, 1969]

Consent order requiring a former official of a Brooklyn, N.Y., manufacturer of quilted lining material to cease misbranding and falsely invoicing his merchandise and failing to keep required records.

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

It is ordered, That respondent Frank Chaimovits, individually and as a former officer of Atlas Quilting Corp., a corporation, and respondent's 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 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 place 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 respondent Frank Chaimovits, individually and as a former officer of Atlas Quilting Corp., a corporation, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, of offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from failing to maintain and preserve records of fiber content of textile fiber products manufactured by him, as required by section 6(a) of the Textile Fiber Products Identification Act and Rule 39 of the regulations thereunder.

It is further ordered, That respondent Frank Chaimovits, individually and as a former officer of Atlas Quilting Corp., a corporation, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of quilted interlining materials or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character or amount of the constituent fibers contained in such products on invoices or shipping memoranda applicable thereto, or in any other manner.

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: April 28, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 69-5760; Filed, May 14, 1969;  
8:46 a.m.]

[Docket No. 8682 o]

# PART 13—PROHIBITED TRADE PRACTICES

## Seeburg Corp.

Subpart—Acquiring corporate stock or assets: § 13.5 Acquiring corporate stock or assets.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Cease and desist order, The Seeburg Corporation, Chicago, Ill., Docket 8682, April 10, 1969]

Order requiring a Chicago, Ill., manufacturer of vending machines to divest itself of a Chattanooga, Tenn., company in the same business, and refrain for a period of 10 years from acquiring any domestic vending equipment supplier without prior Commission approval.

The order of divestiture, including further order requiring report of compliance therewith, is as follows:

A. It is ordered, That respondent, The Seeburg Corp., a corporation, and its officers, directors, agents, representatives, employees, subsidiaries, affiliates, successors and assigns, within one (1) year from the date of service of this order, shall divest absolutely and in good faith, all stock, assets, properties, rights and privileges, tangible or intangible, including but not limited to, all properties, plants, machinery, equipment, trade names, contract rights, patents, trademarks, and good will acquired by The Seeburg Corp., as a result of the acquisition by The Seeburg Corp., of the assets of Cavalier Corp., together with all plants, machinery, buildings, land, improvements, equipment and other property of whatever description that has been added to or placed on the premises of the former Cavalier Corp., so as to restore Cavalier Corp., as a going concern and effective competitor in the manufacture and sale of bottle vending machines.

B. It is further ordered, That pending divestiture, respondent shall not make any changes in any of the plants, machinery, buildings, equipment, or other property of whatever description of the former Cavalier Corp., which shall impair its present capacity for the production, sale and distribution of vending machines, or its market value.

C. It is further ordered, That by such divestiture, none of the assets, properties, rights or privileges, described in paragraph A of this order, shall be sold or transferred, directly or indirectly, to any person who is at the time of the divestiture an officer, director, employee, or agent of, or under the control or direction of, The Seeburg Corp., or any subsidiary or affiliated corporations of The Seeburg Corp., or owns or controls, directly or indirectly, more than one (1) percent of the outstanding shares of common stock of The Seeburg Corp., or to any purchaser who is not approved in advance by the Federal Trade Commission.

D. It is further ordered, That respondent shall for a period of ten (10) years from the date of service of this order, cease and desist from acquiring, directly or indirectly, through subsidiaries or otherwise, without the prior approval of the Federal Trade Commission, all or any part of the share capital or other assets of any corporation engaged in the manufacture and/or sale of vending machines in the United States.

E. It is further ordered, That respondent shall submit to the Commission periodically, within thirty (30) days from the date of service of this order and



every ninety (90) days thereafter, a report in writing setting forth its efforts and progress in carrying out the divestiture requirements of this order until all such assets have been divested with the approval of the Commission; and respondent shall submit to the Commission on the first day of each calendar year a report in writing setting forth its compliance with the cease and desist provisions of this order.

**F. It is further ordered.** That respondent notify the Commission of the names and addresses of all persons, firms or corporations who shall express to respondent any interest in purchasing the assets to be divested under the terms of this order, within thirty (30) days after having been informed of such interest.

**G. It is further ordered.** That respondent's motion to withdraw this matter from adjudication be, and it hereby is, denied.

Issued: April 10, 1969.

By the Commission.<sup>1</sup>

[SEAL]

JOSEPH W. SHEA,  
Secretary.

[P.R. Doc. 69-5761; Filed, May 14, 1969;  
8:46 a.m.]

[Docket No. 8757]

### PART 13—PROHIBITED TRADE PRACTICES

#### Michael M. Turin and International Yardage Fair

Subpart—Misbranding or mislabeling: § 13.1185 *Composition*: 13.1185-80 Textile Fiber Products Identification Act. § 13.1212 *Formal regulatory and statutory requirements*: 13.1212-80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements*: 13.1852-70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Michael M. Turin, Costa Mesa, Calif., Docket 8757, April 11, 1969]

Consent order requiring a Costa Mesa, Calif., retailer of fabrics to cease misbranding its textile fiber products by failing to disclose on labels when the fabrics are "remnants of undetermined fiber content".

The order to cease and desist is as follows:

**It is ordered.** That respondent Michael M. Turin, an individual formerly trading as International Yardage Fair, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection

<sup>1</sup> Commissioners Dixon and Elman believe that, in view of the changed conditions now existing in the vending machine industry, the public interest would be served by disposing of the case on the basis of the consent order settlement submitted by respondent.

with the introduction, delivery for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from misbranding textile fiber products by failing to disclose the required fiber content information as to remnants of fabrics which are for practical purposes of unknown or undetermined fiber content that are displayed for sale at retail by labeling such remnants of fabrics as "remnants of undetermined fiber content" or, in lieu of such individual labeling, by using, in immediate conjunction with such display, a conspicuous sign reading "remnants of undetermined fiber content".

By "Final Order" further order requiring report of compliance is as follows:

**It is further ordered.** That respondent 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 the order to cease and desist contained in the aforesaid initial decision.

Issued: April 11, 1969.

By the Commission.

[SEAL]

JOSEPH W. SHEA,  
Secretary.

[P.R. Doc. 69-5762; Filed, May 14, 1969;  
8:46 a.m.]

## Title 31—MONEY AND FINANCE: TREASURY

### Chapter I—Monetary Offices, Department of the Treasury

#### PART 82—SILVER COIN REGULATIONS Revocation of Part

The Silver Coin Regulations are being revoked. This revocation terminates the prohibitions on the melting, treating or exporting from the United States of silver coin of the United States. These prohibitions applied to the silver dollar, the clad 40 percent silver half dollar, and the half dollar, quarter, and dime minted of silver nine-tenths fine. The revocation will not be retroactive and, therefore, will not operate to authorize any melting, treating, or exportation of silver coin which

took place in violation of Part 82. Because the revocation relieves existing restrictions, it is found, in accordance with 5 U.S.C. 553, that notice and public procedure thereon are unnecessary.

Accordingly, Part 82, Chapter I of Title 31 of the Code of Federal Regulations, is revoked. This revocation shall not be deemed to authorize any previous melting, treating, or exportation prohibited by Part 82, and all penalties, forfeitures, and liabilities under the regulations of this part or other applicable laws shall continue and may be enforced as if such revocation had not been made.

**Effective date.** This revocation shall be effective immediately.

Dated: May 12, 1969.

PAUL W. EGGERS,  
General Counsel.

[P.R. Doc. 69-5769; Filed, May 14, 1969;  
8:48 a.m.]

## Title 50—WILDLIFE AND FISHERIES

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

#### PART 33—SPORT FISHING

##### Necedah National Wildlife Refuge, Wis.

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

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

#### WISCONSIN

##### NECEDAH NATIONAL WILDLIFE REFUGE

Sport fishing on the Necedah National Wildlife Refuge, Wis., is permitted only on the Sprague-Mather Pool. The open area, approximately 2,000 acres, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

- (1) Fishing permitted June 1, 1969, through September 30, 1969.
- (2) The use of boats without motors is permitted.

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

DAVID J. BROWN,  
Refuge Manager, Necedah National Wildlife Refuge, Necedah, Wis.

MAY 9, 1969.

[P.R. Doc. 69-5764; Filed, May 14, 1969;  
8:46 a.m.]



# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Consumer and Marketing Service

[ 7 CFR Part 61 ]

#### COTTONSEED

##### Fees and Linters Factor

Notice is hereby given in accordance with the Administrative Procedure Provisions in 5 U.S.C. 553 that the Consumer and Marketing Service is considering amendment of § 61.45 of the Regulations for Cottonseed Sold or Offered for Sale for Crushing Purposes (7 CFR Part 61, Subpart A) to increase the fee charged licensed cottonseed chemists for each certificate of the grade of cottonseed issued by them from 40 cents to 50 cents and § 61.102(b) of the Standards for Grades of Cottonseed Sold or Offered for Sale for Crushing Purposes Within the United States (7 CFR Part 61, Subpart B) to revise the table of premiums and discounts for total linters content of cottonseed, pursuant to authority contained in the Agricultural Marketing Act of 1946, as amended (60 Stat. 1087; U.S.C. 1621 et seq.).

**Statement of considerations.** The cost of administering the cottonseed regulations has increased materially since the last adjustment in the fee charged licensed cottonseed chemists for each certificate of the grade of cottonseed issued by them. Consequently, it is necessary to increase this fee from 40 cents to 50 cents for each certificate.

Both a quantity index and a quality index are used in determining the grade of cottonseed. The quantity index is a measure of the amount of oil, protein, and linters available from the seed. It is proposed that the table of premiums and discounts for total linters content of cottonseed contained in § 61.102(b) for determining the quantity index of cottonseed be amended because changes in prices for linters and cottonseed oil and meal have increased the value of linters in relationship to other products of cottonseed from 1.0 percent to 1.5 percent.

It is proposed that paragraph (b) of § 61.102 be revised to read as follows:

§ 61.102 Determination of quantity index.

(b) The premium or discount for total linters content of cottonseed to be used in paragraph (a) of this section will be according to the following table:

Total linters contents of cottonseed (percent) <sup>1</sup>	Premium or discount (quantity index units) <sup>2</sup>	Total linters content of cottonseed (percent) <sup>1</sup>	Premium or discount (quantity index units) <sup>2</sup>
20.0	+14.25	10.5	0
19.0	+12.75	10.0	-7.75
18.0	+11.25	9.0	-2.25
17.0	+9.75	8.0	-4.75
16.0	+8.25	7.0	-7.25
15.0	+6.75	6.0	-9.75
14.0	+5.25	5.0	-12.25
13.0	+3.75	4.0	-14.75
12.0	+2.25	3.0	-17.25
11.0	+0.75	2.0	-20.75
		1.0	-23.75

<sup>1</sup> Total linters content to the nearest 0.1 percent will be used in calculating premiums and discounts.

<sup>2</sup> Premiums and discounts are calculated on the basis of the following formulas:

Percent linters on cottonseed	Premium or discount factor
10.6 and over....	Premium = (percent linters minus 10.5) × 1.5.
10.5.....	None.
10.4 to 9.0.....	Discount = (10.5 minus percent linters) × 1.5.
8.9 to 4.0.....	Discount = (9.0 minus percent linters) × 2.5 + 2.25.
3.9 to 0.....	Discount = 4.0 (minus percent linters) × 3.0 + 14.75.

It is proposed that these amendments would be made effective about July 1, 1969.

Any person who wishes to submit written data, views or arguments concerning the proposed amendment may do so by filing them in duplicate with the Office of the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250 not later than 30 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice of rulemaking shall be made available for public inspection in said office during regular business hours and in a manner convenient to the public business (7 CFR 1.27).

Dated: May 9, 1969.

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

[F.R. Doc. 69-5778; Filed, May 14, 1969; 8:47 a.m.]

#### [ 7 CFR Parts 1003, 1004, 1016 ]

[Docket Nos. AO-293-A21, AO 160-A41, AO 312-A18]

#### MILK IN WASHINGTON, D.C., DELAWARE VALLEY, AND UPPER CHESAPEAKE BAY MARKETING AREAS

##### Notice of Postponement of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of

1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a notice was issued on April 25, 1969 (34 F.R. 7171), giving notice of a public hearing to be held in the Academy Room, Emerson Hotel, Baltimore and Calvert Streets, Baltimore, Md., beginning at 9:30 a.m., on May 27, 1969, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Washington, D.C., Delaware Valley, and Upper Chesapeake Bay marketing areas.

Proponent of the proposal for cooperative service payment provisions under the three respective orders has requested that the hearing be postponed for an indefinite period. Accordingly, notice is hereby given that the said hearing is postponed indefinitely to a date yet to be determined.

Signed at Washington, D.C., on May 12, 1969.

JOHN C. BLUM,  
Deputy Administrator,  
Regulatory Programs.

[F.R. Doc. 69-5779; Filed, May 14, 1969; 8:47 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[ 14 CFR Parts 21, 36 ]

[Docket No. 9337; Notice 69-1B]

#### NOISE STANDARDS; AIRCRAFT TYPE CERTIFICATION

##### Notice of Further Extension of Comment Period

The Federal Aviation Administration proposed in Notice 69-1, published in the FEDERAL REGISTER on January 11, 1969 (34 F.R. 453), to add a new Part 36 to the Federal Aviation Regulations containing type certification noise standards for subsonic transport category airplanes, and for subsonic turbojet powered airplanes regardless of category. The original comment period expired on March 12, 1969. This comment period was then extended to May 14, 1969, by Notice 69-1A, published in the FEDERAL REGISTER on March 6, 1969 (34 F.R. 4893).

By letter dated May 5, 1969, the Air Transport Association has requested a further extension of comment period to June 18, 1969. Petitioner states that its technical and economic data supporting the views of its members cannot be placed in the appropriate form for FAA



consideration by May 14, 1969. Because of the effect that the proposed rule may have on the air carriers, the FAA agrees that some extension of time should be given for the proper submission of their comments. However, because of the public interest in expeditious rule making to control aircraft noise, and the large volume of comments that will be received in response to the notice, an extension of the comment date to June 18, 1969, would unduly delay the schedule for the processing of this rule making action. Instead, it has been determined that if the petitioner submits either a summary of its comments to NPRM 69-1, or the conclusions it has reached with respect to the proposals in the NPRM, it may submit the detailed technical or economic information in support of its summary or conclusion at a later date without unduly delaying the processing of the rule.

Therefore, pursuant to the authority contained in sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, and 1423), section 611 of the Federal Aviation Act of 1958 (82 Stat. 395), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)), the ATA, or any other interested person may, at any time prior to May 20, 1969, submit a summary of comments or conclusions with respect to the proposals contained in NPRM 69-1. In such case detailed technical or economic or other information supporting the comments or conclusions must be submitted prior to June 5, 1969.

Issued in Washington, D.C., on May 13, 1969.

D. D. THOMAS,  
Deputy Administrator.

[F.R. Doc. 69-5873; Filed, May 14, 1969;  
10:05 a.m.]

#### [ 14 CFR Parts 71, 75 ]

[Airspace Docket No. 68-EA-50]

#### JET ROUTES

##### Proposed Alteration; Extension of Comment Period

In a supplemental notice of proposed rule making published in the *FEDERAL REGISTER* on April 9, 1969 (34 F.R. 6289), it was stated that the Federal Aviation Administration (FAA) proposed to alter certain jet routes in the general vicinity of Cleveland, Ohio; Pittsburgh, Pa., and Washington, D.C.

In accordance with the terms of the notice, the time for public comment was to expire on May 9, 1969.

The Air Transport Association of America has requested an extension of the comment period so that they may properly evaluate and comment on the proposals contained in the notice. The FAA considers that such extension is justified. Accordingly, notice is hereby given that all comments received on Airspace Docket No. 68-EA-50 on or before May 23, 1969, will be considered by the FAA before action is taken on the regulatory actions proposed therein.

Communications should be submitted in triplicate to the Director, Eastern Region, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430.

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

Issued in Washington, D.C., on May 9, 1969.

T. McCORMACK,  
Acting Chief, Airspace and  
Air Traffic Rules Division.

[F.R. Doc. 69-5787; Filed, May 14, 1969;  
8:48 a.m.]

## CIVIL AERONAUTICS BOARD

### [ 14 CFR Part 241 ]

[Docket No. 20988; EDR-162]

#### UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

##### Reclassification of Local Service Carriers as Group III Route Carriers

MAY 12, 1969.

Notice is hereby given that the Civil Aeronautics Board has under consideration an amendment to Part 241 which would reclassify the local service carriers as Group III route air carriers for reporting purposes. This amendment is proposed under authority of sections 204(a) and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766; 49 U.S.C. 1324, 1377.

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter in communications received on or before May 26, 1969, will be considered by the Board before taking action on the proposal. Copies of communications will be available for examination by interested persons in the Docket Section, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL]

MABEL McCART,  
Acting Secretary.

**Explanatory statement.** By Notice the Board is proposing to reclassify the local service carriers, for purposes of reporting under the Uniform System of Accounts and Reports, from the Group II to the Group III Route Air Carriers. The principal effect of the reclassification will be a greater amount of detailed data maintained and reported under functional expense accounts 6400 "Aircraft and Traffic Servicing," and 6700 "Promotion and Sales."

The need to have the same information reported by the local service carriers and the trunk carriers has been apparent for some time. The rapid growth of the local service industry through mergers and other changes has resulted in more urgent demands for comparable data from the trunk carriers and the local service carriers to insure soundness of costing in route and rate matters. We believe that it would be advantageous not only to the Board but to the local service carriers individually and the industry as a whole to have all accounts and reports made at the same level of detail, to provide a comparable data base and to eliminate analytical problems arising from the lack of detail provided under the present rule.

It is proposed that the rule become effective July 1, 1969.

**Proposed rule.** It is proposed to amend section 04, Air Carrier Groupings and Standard Name Abbreviations, of Part 241 of the Economic Regulations (14 CFR Part 241) by reclassifying all local service carriers from Group II Route Air Carriers to Group III Route Air Carriers and updating the names of all of the reporting carriers, so that the section reads as follows:

#### Section 04—Air Carrier Groupings and Standard Name Abbreviations

##### GROUP I ROUTE AIR CARRIERS

Name	Abbreviation
Aspen Airways, Inc.....	Aspen.
Caribbean-Atlantic Airlines, Inc.	Caribair.
Chicago Helicopter Airways, Inc.	Chicago Helicopter.
Kodiak Airways, Inc.....	Kodiak.
Los Angeles Airways, Inc..	LA Airways.
New York Airways, Inc.....	NY Airways.
Reeve Aleutian Airways, Inc.	Reeve.
San Francisco & Oakland Helicopter Airlines, Inc.	SFO Helicopter.
Washington Airways, Inc..	Washington.
Western Alaska Airlines, Inc.	Western Alaska.
Wien Consolidated Airlines, Inc.	Wien.

##### GROUP II ROUTE AIR CARRIERS

Airlift International, Inc..	Airlift.
Aloha Airlines, Inc.....	Aloha.
Trans Caribbean Airways, Inc.	Trans Car.

##### GROUP III ROUTE AIR CARRIERS

Air West, Inc.....	Air West.
Alaska Airlines, Inc.....	Alaska.
Allegheny Airlines, Inc.....	Allegheny.
American Airlines, Inc.....	American.
Braniff Airways, Inc.....	Braniff.
Continental Air Lines, Inc.	Continental.
Delta Air Lines, Inc.....	Delta.
Eastern Air Lines, Inc.....	Eastern.
The Flying Tiger Line Inc.	Flying Tiger.
Frontier Airlines, Inc.....	Frontier.
Hawaiian Airlines, Inc.....	Hawaiian.
Mohawk Airlines, Inc.....	Mohawk.
National Airlines, Inc.....	National.
North Central Airlines, Inc.	North Central.
Northeast Airlines, Inc.....	Northeast.
Northwest Airlines, Inc.....	Northwest.
Ozark Air Lines, Inc.....	Ozark.



GROUP III ROUTE AIR CARRIERS—Con.		
Name	Abbreviation	
Pan American World Airways, Inc.	Pan American.	
Piedmont Aviation, Inc.	Piedmont.	
Seaboard World Airlines, Inc.	Seaboard.	
Southern Airways, Inc.	Southern.	
Texas International Airlines, Inc.	Texas.	
Trans World Airlines, Inc.	Trans World.	
United Air Lines, Inc.	United.	
Western Air Lines, Inc.	Western.	

GROUP I SUPPLEMENTAL AIR CARRIERS		
Interstate Air motive, Inc.	Interstate.	
Johnson Flying Service, Inc.	Johnson.	
Purdue Airlines, Inc.	Purdue.	
Standard Airways, Inc.	Standard.	
Vance International Airways, Inc.	Vance.	

GROUP II SUPPLEMENTAL AIR CARRIERS		
American Flyers Airline Corp.	American Flyers.	
Capitol International Airways, Inc.	Capitol.	
Modern Air Transport, Inc.	Modern.	
Overseas National Airways, Inc.	Overseas National.	
Saturn Airways, Inc.	Saturn.	
Southern Air Transport, Inc.	Southern Air Transp.	
Trans International Airlines, Inc.	Trans International.	
Universal Airlines, Inc.	Universal.	
World Airways, Inc.	World.	

[F.R. Doc. 69-5792; Filed, May 14, 1969; 8:48 a.m.]

#### [ 14 CFR Part 288 ]

[Docket No. 20989; EDR-163]

### EXEMPTION OF AIR CARRIERS FOR MILITARY CHARTERS AND SUBSTITUTE SERVICE

#### Logair and Quicktrans Minimum Rates

MAY 12, 1969.

Notice is hereby given that the Civil Aeronautics Board proposes to amend Part 288 of the Economic Regulations to set new minimum rates for Logair and Quicktrans domestic cargo charters. The principal features of the proposed amendment are explained in the explanatory statement below, and the text of the proposed amendment is also set forth below. The amendment is proposed under authority of sections 204, 403, and 416 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 758, and 771, as amended; 49 U.S.C. 1324, 1373, and 1386).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter in communications received on or before May 28, 1969, will be considered by the Board before taking action. Copies of communications will be available for examination by interested persons upon receipt in the Docket Section of the Board, Room 712, Universal Building,

1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] MABEL McCART,  
Acting Secretary.

**Explanatory statement.** With this notice of proposed rule making the Board is proposing to revise the minimum rates for Logair and Quicktrans domestic cargo charters set forth in § 288.7(b) of the Economic Regulations and to establish minimum rates for additional aircraft proposed to be used for Logair and Quicktrans charters during fiscal year 1970. This action is part of a comprehensive review of the minimum rates applicable to transportation services performed by air carriers for the military. Revised minimum rates applicable to international operations will be proposed in a separate rule making proceeding.

Five carriers<sup>1</sup> have submitted cost forecasts and the Department of Defense has submitted its analyses of the carriers' costs, recommended adjustments, and proposals for new domestic minimum rates. Comments on the DOD submissions have also been received from the carriers and conferences were conducted with each carrier concerning adjustments to their cost data. All materials submitted by the carriers and DOD have been analyzed by the Board, and the carriers' forecasts have been adjusted in accordance with the broad policies developed in previous rate reviews. The forecasts and proposed adjustments are set forth in the appendices, together with explanatory notes setting forth the basis for each adjustment.

The most significant adjustments were those made to reflect reasonably attainable aircraft utilization; to eliminate unsupported costs and anticipatory cost increases; to apply standard depreciation costs appropriate for each aircraft type; to apply current military fuel prices; to reflect the stage lengths specified by the DOD as typical for Logair and Quicktrans; and to reflect comparable figures with respect to utilization, aircraft speed, and fuel consumption for the same aircraft type where forecasts of two carriers showed a wide disparity.

The depreciation adjustments reflect our current best judgment, in the light of available information, of the service lives and residual values of the various aircraft types. For the jet aircraft our proposed minimum rates reflect a 14-year service life and 10 percent residual value (in lieu of the 12 years and 15 percent reflected in fiscal year 1969 rates); for the L-100-20 aircraft (stretched, modified L-100 aircraft owned by Airlift since 1967), 10 years and 10 percent; for the L-188C aircraft, 6 years and 15 percent (in lieu of 5 years and 15 percent for fiscal 1969); and for the AW-650, 8 years and 10 percent (in lieu of 8 years

<sup>1</sup> Airlift International, Inc.; Overseas National Airlines, Inc.; Saturn Airways, Inc.; Universal Airlines, Inc.; and World Airways, Inc.

and 15 percent). The DC-6A continues at 4 years and 15 percent. In reaching these conclusions, consideration has been given to the submissions of all parties, information received from an aircraft manufacturer, and current industry practices, all of which have been evaluated in the light of our knowledge of the cost and performance characteristics of the aircraft concerned and other competitive aircraft.

Subsequent to the submission of its cost forecast, universal submitted a contract with Hawker Siddeley for certain mandatory modifications of its AW-650 aircraft. Because of spar fatigue, four of the carrier's fleet of eight AW-650's are scheduled to be modified during fiscal year 1970 at an average cost of \$107,500. The expense of these modifications is reflected by depreciating such costs on the basis of an 8-year service life and 10-percent residual.

Typical Logair stage length has been specified as 400 miles<sup>2</sup> and typical Quicktrans stage length as 450 miles. Adjustments to conform with those mileages, which were made for purposes of establishing group rates, are particularly significant in the case of World's B-727 aircraft, since that carrier's forecast was derived from its foreign experience with the B-727, which it indicated reflected a 750-mile stage. Accordingly, the appendices show the adjustments to World's forecast separately at 750 miles, 400 miles and 450 miles.<sup>3</sup>

Consideration has been given to differences in stage length, fuel costs and utilization in arriving at proposed rates for Logair and Quicktrans services. We have used the current levels of 13.7 cents and 14.7 cents<sup>4</sup> per gallon, respectively, for Logair and Quicktrans fuel costs, have reflected cost differences related to the stage lengths, and have made utilization adjustments reflecting the greater frequency of schedules in Logair service (daily schedules) as opposed to Quicktrans service (often two or three schedules per week).

Finally, consistent with our practice in other years, we have arrived at aver-

<sup>2</sup> DOD specified a 350-mile stage for AW-650 Logair services. No Quicktrans services are forecast for the AW-650. No typical stage lengths were specified for the DC-6A, the DC-8-55F, or the DC-8-61CF, but this did not have an impact on our computations since individual rates, rather than group rates, are being established for these aircraft types. We have based the DC-6A line-haul rate on Saturn's forecast stage of 414 miles, and the DC-8-55F and DC-8-61CF line-haul rates on Universal's forecast of 650 miles.

<sup>3</sup> Appendices filed as part of original document.

<sup>4</sup> Overseas presented data supporting somewhat higher fuel costs, which included transportation and overhead add-ons, but that carrier has not been a "regular" Quicktrans contractor, and our information reveals that the add-ons have not been applied to purchasers under "regular" or continuing contracts. Therefore, the 14.7 cents price has been used for all putative regular contractors, including Overseas.



## PROPOSED RULE MAKING

age costs for each aircraft group by weighing the cost data in accordance with the number of aircraft offered by each carrier. The DOD suggested another weighing method, based on cost incentives and mobilization values, which is analogous to the formula which DOD has heretofore employed in making awards for international contracts. However, DOD's grouping of aircraft types is not the same as the grouping employed herein, which is based upon costs after the adjustments described above and in the appendices. Moreover, in Logair and Quicktrans service the increments of use and the operating factors appear too complex and to variable to permit our attempting to predict which aircraft will in fact be used, or our adopting the precise distinctions used by the DOD for purposes of providing incentives to the carriers to lower costs and to maintain an appropriate mobilization base. Therefore, we have continued to rely on the relative number of available aircraft for purposes of weighing the domestic cost data.

The adjusted carrier costs and weightings for each aircraft type and group for which cost data were submitted<sup>4</sup> are summarized below:

<sup>4</sup>DOD recommended that current Logair/Quicktrans rates for the C-46, DC-6A, DC-7B/C/BP/CF, L-1049H, and CL-44 be extended, since it "does not intend to procure the services of piston aircraft, except in those instances where there is insufficient turbine-powered equipment offered [and] there is no projected fixed (long-term) requirement for the CL-44 capabilities," but maintaining the rates "will afford the DOD the maximum flexibility to respond to emergency requirements when such requirements exceed the available capability of suitable turbine-powered aircraft or ACL requirements necessitate the capabilities of the CL-44." However, DOD has not furnished information as to the extent of its anticipated requirements nor has it stated that it will confine its use of the listed aircraft to emergency situations. On the other hand, of these aircraft, only the DC-6A has been offered for Logair-Quicktrans use, and cost information has been furnished for that aircraft type. Accordingly, we will establish a minimum rate for the DC-6A, but not for the remaining aircraft types listed, for which no cost projections have been made. Saturn has indicated that its DC-6A submission was made on the basis of costs for regular and continuing projects, and that the costs should not apply to services of a sporadic nature. While the Board recognizes that there may well be cost differences between the two types of services, we would point out that we are here establishing minimum rates only.

Finally, we note that the basis for World's DC-6A forecast was not shown (apparently since the carrier had no appreciable experience with this aircraft during the base period), and accordingly, we have not relied upon that submission.

Carrier	Aircraft type	Number aircraft	Stage length		Adjusted cost per course flown statute mile	
			Logair	Quicktrans	Logair	Quicktrans
Group A:					Cents	Cents
Overseas.....	DC-9-30	5	400	450	180.87	181.00
Do.....	L-188C	8	400	450	183.22	182.48
Universal.....	L-188C	13	400	450	176.13	176.77
Weighted average.....					179.22	179.34
Group B:						
Airlift.....	L-100-20	3	400	450	208.78	210.01
World.....	B-727-100	3	400	450	211.28	211.90
Weighted average.....					210.03	210.95
All other:						
Saturn.....	DC-6A	3	414	414	145.54	145.54
Universal.....	AW-650	8	350		169.76	
Do.....	DC-8-55F	1	650	650	318.07	324.76
Do.....	DC-8-61CF	1	650	650	372.89	379.95

The minimum rate structure we propose is the same as in prior years, consisting of a line haul rate per course-flown statute mile plus a rate per directed landing for each aircraft type, based on the weighted average costs and stage lengths set forth in the preceding table. Because of the cost differences adverted to above, we propose to establish separate line haul rates for Logair and Quicktrans charters. The landing charges in effect for the various aircraft types during fiscal 1969 are proposed to remain the same

for fiscal 1970. Although a change was proposed by Universal for the AW-650, it was not cost-supported. The \$250 landing charge proposed for the newly offered DC-8-55F and DC-8-61CF appears to be a reasonable average for the two aircraft types, but because of their greatly differing capacities we believe it more appropriate to fix the separate landing charges of \$225 for the DC-8-55F and \$275 for the DC-8-61CF.

The current and proposed rates are compared in the following table:

Aircraft type	Per course-flown mile				Per directed landing <sup>1</sup>
	Current rates		Proposed rates		
	Logair	Quicktrans	Logair	Quicktrans	
Group A:					
DC-9-30	\$1.6013	\$1.6414	\$1.4172	\$1.4601	\$150
L-188C	1.6013	1.6414	1.4172	1.4601	150
Group B:					
B-727-100	1.9076	1.9387	1.7253	1.7763	150
L-100	1.7534	1.7905			150
L-100-20			1.7253	1.7763	150
All other:					
AW-650	1.2654	1.3124	1.4119		100
DC-6A	1.2016	1.1559	1.1535	1.1535	125
DC-8-55F			2.8346	2.9014	225
DC-8-61CF			3.3058	3.3764	275

<sup>5</sup>No change is proposed.

It will be noted that the proposed minimum rates are, except for the AW-650, lower than the current rates. We propose that the revised rates be effective as of July 1, 1969.

**Proposed rule.** It is proposed to amend Part 288 of the Economic Regulations (14 CFR Part 288) by revising § 288.7(b) to read as follows:

§ 288.7 Reasonable level of compensation.

(b) For Logair and Quicktrans services, other than specified in paragraph (c) of this section:

Aircraft type	Linehaul rate per course-flown statute mile		Rate per directed landing
	Logair	Quicktrans	
DC-9-30	\$1.4172	\$1.4601	\$150
L-188C	1.4172	1.4601	150
B-727-100	1.7253	1.7763	150
L-100-20	1.7253	1.7763	150
AW-650	1.4119		100
DC-6A	1.1535	1.1535	125
DC-8-55F	2.8346	2.9014	225
DC-8-61CF	3.3058	3.3704	275

[F.R. Doc. 69-5791; Filed, May 14, 1969; 8:48 a.m.]

## [ 14 CFR Part 298 ]

[Docket No. 20984; EDR-161]

## CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

## Confidentiality of Traffic Data in Reports of Commuter Air Carriers

MAY 9, 1969.

Notice is hereby given that the Civil Aeronautics Board proposes to amend Part 298 of the economic regulations so as to withhold from public disclosure the traffic data of commuter air carriers set forth in reports filed by such carriers pursuant to Subpart F of this part. The principal features of the proposed amendments are explained in the attached explanatory statement below, and the text of the proposed amendments is also set forth below. The amendments are proposed under authority of sections



204, 416, and 1104 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 771, 797; 49 U.S.C. 1324, 1386, 1504).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter in communications received on or before June 16, 1969, will be considered by the Board before taking action on the proposal. Copies of communications will be available for examination by interested persons upon receipt in the Docket Section of the Board, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL]

MABEL McCART,  
Acting Secretary.

**Explanatory statement.** By ER-574, adopted April 23, 1969, effective July 1, 1969, the Board, *inter alia*, is requiring (1) all air taxi operators to register annually with the Board and (2) scheduled air taxis (designated therein as "commuter air carriers") to file quarterly reports with the Board which include traffic data. The only issue in that proceeding (Docket 19352) which has not been resolved is whether the traffic data in reports filed by commuter air carriers should be treated as confidential information and withheld from public disclosure, as certain commuter air carriers and two air taxi trade associations have requested in their comments filed in the above rule making proceeding, or whether they should be made available for public inspection like data in most reports which are filed with the Board. The Board in ER-574, *supra*, indicated that it would resolve that issue in a subsequent rule making proceeding. Hence this proceeding.

Essentially, the proponents of confidentiality argue that operations under Part 298 are conducted under conditions of free entry without any franchise protection, that the exposure to the public of an individual carrier's route information would provide data of value to a competitor or a potential competitor who, with the information as to the experience and results of the existing carrier, would have complete freedom to enter into a market which may have been pioneered and developed by that carrier. It is also argued that in some markets an air taxi operator competes solely with a purely

intrastate carrier who would not be subject to the reporting requirements, and that it would be unfair to give such a carrier access to the air taxi's traffic data.

On the other hand, there are cogent arguments for full disclosure of traffic data. To begin with, any person considering commencing an operation in a particular market has access to the schedules of the various air taxi operators providing service therein, and thus can determine the capacity being offered.<sup>1</sup> Also, by monitoring enplanements at airports, a prospective competitor is in a position to ascertain traffic data as well. While a public report of traffic and capacity would undoubtedly make the information easier to obtain, the extent to which availability of this information would actually lead to uneconomic competition in the industry is not clear. Indeed, it is possible that the availability of this information would deter uneconomic competition in those markets where the disclosed traffic data indicated existing operations were marginal.

Moreover, the withholding of data from public disclosure would, to some extent at least, impair their usefulness. Reports of this nature may be of interest to the financial community, aircraft manufacturers, the certificated carriers (who themselves report their origin and destination data to the Board and whose data are available for use by air taxi operators), airport and community interests, and students of air transportation. Moreover, the utility of the information in the hands of the Board is enhanced by making it available to these segments of the public which are then in a position to make use of the information freely in Board proceedings and in documents filed with the Board. And, of course, disclosure of this information is in accord with public policy favoring the fullest possible disclosure and is in keeping with the Congressional intent in the Freedom of Information Act.

In resolving this issue, at least several alternatives are available to the Board. In the first place, it could either withhold the data completely or make them fully available to the public. Also, the Board could release the information to the public after a prescribed time period such as 6 months after the reports were due to be filed with the Board. A further possi-

<sup>1</sup> Many commuter air carriers publish their schedules in the Official Airline Guide. In any event, the rule (ER-574, *supra*) requires commuter air carriers to file their current flight schedules with the Board.

ble solution would be to withhold the specific data and release periodic summaries of traffic without identifying a particular carrier's traffic in a particular market.

The Board specifically requests that persons who favor public disclosure file comments indicating their need for and the use they would make of such data. Those who seek confidential treatment of the data should set forth with specificity the adverse impact which they allegedly would suffer from the disclosure of such data.

The proposed rule is set forth in the alternative: Either (1) a complete withholding of data from public disclosure; or (2) a withholding of data for a prescribed period.

**Proposed rule.** It is proposed to amend Part 298 of the economic regulations (14 CFR Part 298) by adopting one of the two alternative rules below:

1. Amend the table of contents by adding § 298.66 as follows:

Sec.  
298.66 Public disclosure withheld.  
298.66 Public disclosure withheld for prescribed period.

2. Add new § 298.66 as follows:

§ 298.66 Public disclosure withheld.

Data reported on Schedule T-1 of CAB Form 298-C shall be available for official use on behalf of the Board, but shall otherwise be withheld from public disclosure, subject to its release in particular cases as the Board's regulatory needs may require, or in other situations where the Board finds that disclosure will no longer adversely affect the interests of the reporting carrier or is required in the public interest.

§ 298.66 Public disclosure withheld for prescribed period.

For a period of six (6) months from the date on which CAB Form 298-C is required to be filed with the Board, data reported therein on Schedule T-1 shall be available for official use on behalf of the Board, but shall otherwise be withheld from public disclosure; *Provided, however*, That prior to the end of such 6-month period, the data may be released in particular cases as the Board's regulatory needs may require, or in other situations where the Board finds that disclosure will no longer adversely affect the interests of the reporting carrier or is required in the public interest.

[F.R. Doc. 69-5793; Filed, May 14, 1969; 8:48 a.m.]



# Notices

## DEPARTMENT OF STATE

Agency for International Development  
STELIOS M. STELSON FOUNDATION,  
INC.

### Register of Voluntary Foreign Aid Agencies

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (AID regulation 3) 22 CFR Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a Certificate of Registration<sup>1</sup> as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

The Stelios M. Stelson Foundation, Inc.,  
3062 Allegheny Ave., Columbus, Ohio  
43209.

Dated: May 7, 1969.

HERBERT SALZMAN,  
Assistant Administrator for  
Private Resources.

[F.R. Doc. 69-5775; Filed, May 14, 1969;  
8:47 a.m.]

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

[T.D. 69-121; Customs Delegation Order 34]

### REGIONAL COMMISSIONERS OF CUSTOMS

### Delegation of Authority To Waive Claims for Erroneous Payments to Employees

MAY 8, 1969.

By virtue of the authority conferred upon me as Commissioner of Customs by Treasury Department Order No. 214 (Revision 1), dated April 17, 1969 (34 F.R. 6864), I hereby delegate to regional commissioners of customs insofar as the customs employees in their regions are concerned the authority of the Secretary of the Treasury under Public Law 90-616, October 21, 1968, 82 Stat. 1212, and the regulations of the Comptroller General in 4 CFR Part 201, 33 F.R. 20001, December 31, 1968, as corrected, 34 F.R. 303, January 9, 1969, to waive in whole or in part erroneous payments of pay to Treasury employees aggregating not more than \$500 in conformity with the

<sup>1</sup> Certificate filed as part of original document.

limitations and standards set forth in the aforesaid act and regulations.

[SEAL] EDWIN F. RAINS,  
Acting Commissioner of Customs.

[F.R. Doc. 69-5788; Filed, May 14, 1969;  
8:48 a.m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

LOUISE SOFIE SCHWABEDISSEN

### Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Mrs. Louise Sofie Schwabedissen, Augusta Str. 3, Herford, Germany, Claim No. 58848, Vesting Order No. 10035, \$13,536.36 in the Treasury of the United States.

Executed at Washington, D.C., on  
May 12, 1969.

For the Attorney General.

WILLIAM D. RUCKELSHAUS,  
Assistant Attorney General,  
Civil Division, Director, Office  
of Alien Property.

[F.R. Doc. 69-5807; Filed, May 14, 1969;  
8:49 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Colorado 0128555]

### COLORADO

### Notice of Termination of Proposed Withdrawal and Reservation of Lands

MAY 7, 1969.

Notice of a Bureau of Mines, Department of the Interior application, Colorado 0128555, for withdrawal and reservation of lands for experimental purposes in connection with the development of oil shale processing techniques, was published as F.R. Doc. 66-7701, on page 9609 of the issue for Friday, July 15, 1966. The applicant agency has canceled its application involving the lands described in the FEDERAL REGISTER publication referred to above. Therefore, pursuant to the regulations contained in 43

CFR Part 2311, such lands, at 10 a.m. on June 12, 1969, will be relieved of the segregative effect of the above-mentioned application.

J. ELLIOTT HALL,  
Chief, Division of Lands and  
Minerals, Program Manage-  
ment and Land Office.

[F.R. Doc. 69-5777; Filed, May 14, 1969;  
8:47 a.m.]

[NM Misc. 18]

### NEW MEXICO

### Order Opening Lands to Entry and Patenting

MAY 8, 1969.

1. In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

NEW MEXICO PRINCIPAL MERIDIAN

#### GROUP I

- T. 2 N., R. 1 E.,  
Sec. 6, lots 1, 2, 3, 4, and N $\frac{1}{2}$ .
- T. 3 N., R. 1 W.,  
Sec. 36.
- T. 1 N., R. 3 W.,  
Sec. 4, lots 1, 2, 3 and 4;  
Sec. 5, lots 2, 3, 4, 6, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , and  
W $\frac{1}{2}$ SW $\frac{1}{4}$ .
- T. 2 N., R. 3 W.,  
Sec. 32, lots 1 to 7, inclusive, SW $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , and NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 36, N $\frac{1}{2}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$   
SE $\frac{1}{4}$ , and S $\frac{1}{2}$ SE $\frac{1}{4}$ .
- T. 2 N., R. 4 W.,  
Sec. 16, N $\frac{1}{2}$ , SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , and S $\frac{1}{2}$   
SE $\frac{1}{4}$ .
- T. 4 N., R. 11 W.,  
Secs. 3, 10 and 13;  
Sec. 14, E $\frac{1}{2}$  and SW $\frac{1}{4}$ ;  
Secs. 15 and 16;  
Sec. 22, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , and  
S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Secs. 23 and 25;  
Sec. 26, NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , and  
S $\frac{1}{2}$ ;  
Secs. 27, 32, and 33;  
Sec. 34, S $\frac{1}{2}$ N $\frac{1}{2}$  and S $\frac{1}{2}$ ;  
Secs. 35 and 36.
- T. 6 N., R. 11 W.,  
Sec. 32.
- T. 8 N., R. 11 W.,  
Sec. 1, lots 1, 2, 3, 4, and S $\frac{1}{2}$ N $\frac{1}{2}$ ;  
Secs. 3, 5 and 9.
- T. 7 N., R. 12 W.,  
Sec. 19, lot 1;  
Sec. 29.
- T. 8 N., R. 12 W.,  
Sec. 5;  
Sec. 7, lots 1, 2, 3, and 4;  
Sec. 15, SW $\frac{1}{4}$ .
- T. 7 N., R. 13 W.,  
Secs. 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, and 21;  
Sec. 23, N $\frac{1}{2}$ N $\frac{1}{2}$ .
- T. 8 N., R. 13 W.,  
Secs. 1, 3, 11, 13, 25, 29, 31, and 33.
- T. 1 N., R. 18 W.,  
Sec. 2;  
Sec. 16, E $\frac{1}{2}$ , NW $\frac{1}{4}$ , and SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 32.



- T. 2 N., R. 18 W.,  
 Sec. 1, lot 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , and NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 2;  
 Sec. 4, lots 2, 3, and 4;  
 Sec. 5, lot 1 and SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 6, lots 6 and 7;  
 Sec. 7, lots 1, 2 and 3;  
 Sec. 12, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , and SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 13, N $\frac{1}{2}$ NW $\frac{1}{4}$ , and SW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 Sec. 15, W $\frac{1}{2}$ ;  
 Sec. 16, E $\frac{1}{2}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , and SW $\frac{1}{4}$ ;  
 Sec. 20, S $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
 Sec. 21;  
 Sec. 22, W $\frac{1}{2}$ ;  
 Sec. 27, W $\frac{1}{2}$ ;  
 Sec. 28, N $\frac{1}{2}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;  
 Sec. 32;  
 Sec. 33, E $\frac{1}{2}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , and SW $\frac{1}{4}$ ;  
 Sec. 34, NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 36.  
 T. 3 N., R. 18 W.,  
 Sec. 29, S $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
 Sec. 31, lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$  and W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 32.  
 T. 1 N., R. 19 W.,  
 Sec. 2;  
 Sec. 16, N $\frac{1}{2}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , and NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 36.  
 T. 2 N., R. 19 W.,  
 Sec. 1, SE $\frac{1}{4}$ ;  
 Sec. 11, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ , and SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 12, N $\frac{1}{2}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;  
 Sec. 13, NE $\frac{1}{4}$ ;  
 Sec. 14, W $\frac{1}{2}$ E $\frac{1}{2}$  and W $\frac{1}{2}$ ;  
 Sec. 15, 16, 32, and 36.  
 T. 3 N., R. 19 W.,  
 Sec. 24, E $\frac{1}{2}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ W $\frac{1}{2}$ , and SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 36, W $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , and S $\frac{1}{2}$ .  
 T. 2 N., R. 20 W.,  
 Sec. 36, E $\frac{1}{2}$ .  
 T. 21 S., R. 5 W.,  
 Sec. 19, lot 2, W $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ .  
 T. 23 S., R. 7 W.,  
 Sec. 7, W $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;  
 Sec. 8, E $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , and SW $\frac{1}{4}$ ;  
 Sec. 17, N $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , and NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 18, NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , and SW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
 T. 32 S., R. 15 W.,  
 Sec. 3, NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 Sec. 4, N $\frac{1}{2}$ N $\frac{1}{2}$ ;  
 Sec. 5, N $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , and NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 6, lot 1 and NE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 Sec. 8, E $\frac{1}{2}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 9, N $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , and SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 11, NE $\frac{1}{4}$ NE $\frac{1}{4}$  and NE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 Sec. 12, SW $\frac{1}{4}$ NW $\frac{1}{4}$  and W $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
 Sec. 13, E $\frac{1}{2}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , and NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 14, S $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , and SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 15, NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , and S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 16;  
 Sec. 17, N $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ , and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 18, lot 2, S $\frac{1}{2}$ NE $\frac{1}{4}$  and N $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 21, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;  
 Sec. 22, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ , and SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 23, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;  
 Sec. 24;  
 Sec. 25, E $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , and S $\frac{1}{2}$ ;  
 Sec. 26, S $\frac{1}{2}$ S $\frac{1}{2}$ ;  
 Sec. 27, NW $\frac{1}{4}$ NE $\frac{1}{4}$  and W $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
 Sec. 28, E $\frac{1}{2}$ ;  
 Sec. 29, N $\frac{1}{2}$ SW $\frac{1}{4}$  and SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 30, lots 2, 3, E $\frac{1}{2}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , and S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 31, E $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
 Sec. 33, NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Secs. 34, 35 and 36.  
 T. 33 S., R. 15 W.,  
 Sec. 2, lots 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$ , and N $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
 Sec. 3, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , and S $\frac{1}{2}$ S $\frac{1}{2}$ ;  
 Sec. 4, lots 1, 2, 3, 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , and W $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
 Sec. 5, lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , and N $\frac{1}{2}$ SE $\frac{1}{4}$ .  
 T. 32 S., R. 16 W.,  
 Secs. 1 and 2;  
 Sec. 3, lots 1, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , and S $\frac{1}{2}$ ;  
 Secs. 10, 11, 12, 13, 14, 15, and 21;  
 Sec. 22, E $\frac{1}{2}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , and SW $\frac{1}{4}$ ;  
 Secs. 23, 24, 25, 26, 27, 28, 33, 34, and 35.  
 T. 33 S., R. 16 W.,  
 Sec. 1, S $\frac{1}{2}$ S $\frac{1}{2}$ ;  
 Secs. 2 and 3;  
 Sec. 4, lots 1, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$  and S $\frac{1}{2}$ .  
 T. 1 S., R. 19 W.,  
 Sec. 2, lots 1 to 12, inclusive, and NW $\frac{1}{4}$ SW $\frac{1}{4}$ .  
 T. 4 S., R. 1 E.,  
 Sec. 36.  
 T. 5 S., R. 1 E.,  
 Sec. 2.  
 T. 20 S., R. 16 E.,  
 Sec. 25, W $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
 Sec. 26, E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 33, SE $\frac{1}{4}$ SW $\frac{1}{4}$  and S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 34, NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , and S $\frac{1}{2}$ S $\frac{1}{2}$ ;  
 Sec. 35, S $\frac{1}{2}$ S $\frac{1}{2}$ .  
 T. 20 S., R. 17 E.,  
 Sec. 8, N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$  and S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 9, W $\frac{1}{2}$ ;  
 Sec. 17, E $\frac{1}{2}$ ;  
 Sec. 20, NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , and NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 24, W $\frac{1}{2}$ E $\frac{1}{2}$  and E $\frac{1}{2}$ W $\frac{1}{2}$ .  
 T. 18 S., R. 21 E.,  
 Sec. 29, NW $\frac{1}{4}$ .  
 T. 20 $\frac{1}{2}$  S., R. 23 E.,  
 Sec. 35, lots 1, 2, 3, and S $\frac{1}{2}$ S $\frac{1}{2}$ .  
 T. 7 S., R. 26 E.,  
 Sec. 13, SE $\frac{1}{4}$ NE $\frac{1}{4}$ .  
 T. 16 S., R. 27 E.,  
 Sec. 5, E $\frac{1}{2}$ SE $\frac{1}{4}$ .  
 T. 21 S., R. 27 E.,  
 Sec. 2;  
 Sec. 8, S $\frac{1}{2}$ ;  
 Sec. 9, SW $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , and SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 10, S $\frac{1}{2}$ ;  
 Sec. 11, S $\frac{1}{2}$ ;  
 Secs. 14, 15, 16, 17, 22, and 23.  
 T. 12 S., R. 29 E.,  
 Sec. 9, E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 10, W $\frac{1}{2}$ SE $\frac{1}{4}$ .  
 T. 19 S., R. 31 E.,  
 Sec. 32.  
 T. 23 S., R. 31 E.,  
 Sec. 27, N $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 32;  
 Sec. 35, SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 36.  
 T. 23 S., R. 32 E.,  
 Sec. 24, E $\frac{1}{2}$ ;  
 Sec. 25, E $\frac{1}{2}$ ;  
 Secs. 32 and 36.  
 T. 24 S., R. 32 E.,  
 Secs. 2, 16, and 32.  
 T. 25 S., R. 35 E.,  
 Sec. 32.  
 T. 11 N., R. 1 E.,  
 Sec. 16, lots 1, 2, 3, and 4;  
 Sec. 32, lots 1, 2, 3, E $\frac{1}{2}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , and SW $\frac{1}{4}$ SW $\frac{1}{4}$ .  
 T. 15 N., R. 7 E.,  
 Sec. 2.  
 T. 16 N., R. 7 E.,  
 Sec. 36.  
 T. 20 N., R. 9 E.,  
 Sec. 2, lots 1 to 5, inclusive, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$  and S $\frac{1}{2}$ ;  
 Sec. 36, lots 5, 6, 7, and 8.  
 T. 21 N., R. 9 E.,  
 Sec. 32.  
 T. 20 N., R. 10 E.,  
 Sec. 32.  
 T. 21 N., R. 10 W.,  
 Sec. 34, NE $\frac{1}{4}$ .  
 T. 21 N., R. 12 W.,  
 Sec. 24, SW $\frac{1}{4}$ .  
 T. 16 N., R. 20 W.,  
 Sec. 34, NW $\frac{1}{4}$ .  
 T. 4 S., R. 14 E.,  
 Sec. 36.  
 T. 4 S., R. 15 E.,  
 Sec. 16;  
 Sec. 31, NE $\frac{1}{4}$  and N $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 32.  
 T. 3 S., R. 16 E.,  
 Sec. 24, N $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
 Sec. 30, lot 4 and SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 32;  
 Sec. 33, SE $\frac{1}{4}$ NE $\frac{1}{4}$  and NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 34, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 35, S $\frac{1}{2}$ S $\frac{1}{2}$ ;  
 Sec. 36.  
 T. 4 S., R. 16 E.,  
 Sec. 3, lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$  and E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 4, lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , and S $\frac{1}{2}$ S $\frac{1}{2}$ ;  
 Sec. 6, lots 2, 4 and 5;  
 Sec. 7, SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 9, W $\frac{1}{2}$ W $\frac{1}{2}$ ;  
 Sec. 12, N $\frac{1}{2}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , and NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 16;  
 Sec. 20, N $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 21, NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Secs. 32 and 36.  
 T. 3 S., R. 17 E.,  
 Sec. 23, SE $\frac{1}{4}$ SW $\frac{1}{4}$  and S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 24, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 36.  
 T. 4 S., R. 17 E.,  
 Sec. 2, lots 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$ , and NW $\frac{1}{4}$ SW $\frac{1}{4}$ .  
 T. 3 S., R. 18 E.,  
 Sec. 32, W $\frac{1}{2}$ .  
 The areas described aggregate 104.-050.87 acres in Bernalillo, Catron, Chaves, Eddy, Hidalgo, Lea, Lincoln, Luna, McKinley, San Juan, Santa Fe, Socorro, Rio Arriba and Valencia Counties.  
 2. The topography of the lands described above varies from gently sloping to undulating sand dunes, rough and broken hill land and rough mountainous terrain. Vegetation consists of desert shrub type, which includes native grasses, sagebrush, salt cedar, shiner-oak and pinon-juniper. Soils range from shallow to sandy-rocky loams in the mountainous areas and deep sandy loams and clay loams on the undulating to gently sloping terrain.  
 3. Subject to valid existing rights, the provisions of existing withdrawals and requirements of applicable law, the lands described in group I and group II are hereby open to petition-application, location and selection. All valid applications received at or prior to 10 a.m. on June 24, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The lands described in group II shall also be open to applications and offers under the mineral leasing laws and to location and entry under the U.S. mining laws. All valid applications received at or prior to 10 a.m. on June 24, 1969, shall be considered as



simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. As to the coal in NE $\frac{1}{4}$  Sec. 34, T. 21 N., R. 10 W., this order does not affect the coal since this tract has always been open to coal leasing.

Inquiries concerning the lands should be addressed to the Chief, Division of Lands and Minerals Program Management and Land Office, Bureau of Land Management, Post Office Box 1449, Santa Fe, N. Mex. 87501.

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

[F.R. Doc. 69-5765; Filed, May 14, 1969;  
8:46 a.m.]

[Wyoming 0266519]

## WYOMING

### Notice of Termination of Proposed Withdrawal and Reservation of Lands

MAY 8, 1969.

Notice of a Bureau of Reclamation application, Wyoming 0266519, for withdrawal and reservation of lands for reclamation purposes in connection with the Yellowtail Reservoir, Missouri River Basin Project, Wyoming, was published as F.R. Doc. 64-1797, on page 2707 of the issue for February 26, 1964. The applicant agency has canceled its application insofar as it affects the following described lands:

#### SIXTH PRINCIPAL MERIDIAN

- T. 56 N., R. 94 W.,  
Lots 53-A, -B, -C, -D.  
T. 57 N., R. 94 W.,  
Sec. 4, S $\frac{1}{2}$ ;  
Sec. 5, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ ,  
SE $\frac{1}{4}$ SW $\frac{1}{4}$ , and S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 7, lots 3, 4, 5, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , and E $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 8, NE $\frac{1}{4}$  and NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 9, N $\frac{1}{2}$ , SE $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 10, W $\frac{1}{2}$ W $\frac{1}{2}$ ;  
Sec. 15, W $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
Sec. 16, NE $\frac{1}{4}$  and NE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 18, lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
W $\frac{1}{2}$ SE $\frac{1}{4}$ , and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 19, lot 1, NE $\frac{1}{4}$ NW $\frac{1}{4}$  and N $\frac{1}{2}$ NE $\frac{1}{4}$ .  
T. 58 N., R. 94 W.,  
Sec. 19, lots 1, 2, 7, 8, S $\frac{1}{2}$ NE $\frac{1}{4}$  and SE $\frac{1}{4}$ ;  
Sec. 30, E $\frac{1}{2}$ ;  
Sec. 31, N $\frac{1}{2}$ NE $\frac{1}{4}$  and SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 32, W $\frac{1}{2}$ W $\frac{1}{2}$ .  
T. 57 N., R. 95 W.,  
Sec. 2;  
Sec. 3, lot 1, S $\frac{1}{2}$ NE $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;  
Sec. 10, E $\frac{1}{2}$ ;  
Secs. 11 and 13;  
Sec. 12, S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , and S $\frac{1}{2}$ ;  
Sec. 14, NW $\frac{1}{4}$  and E $\frac{1}{2}$ ;  
Sec. 24, N $\frac{1}{2}$ N $\frac{1}{2}$ .  
T. 58 N., R. 95 W.,  
Sec. 23, lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$ , and N $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 24, lots 2, 3, 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ ,  
SW $\frac{1}{4}$ , and W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 25, W $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , and  
NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 34, NE $\frac{1}{4}$ ;  
Sec. 35, N $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ ,  
and SE $\frac{1}{4}$ .

The areas described aggregate 9,067.31 acres.

Therefore, pursuant to the regulations contained in 43 CFR Part 2311, such

lands, at 10 a.m. on June 9, 1969, will be relieved of the segregative effect of the above-mentioned application.

ED PIERSON,  
State Director.

[F.R. Doc. 69-5766; Filed, May 14, 1969;  
8:46 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Research Service

### ECONOMIC POISONS CONTAINING CERTAIN PESTICIDE CHEMICALS FOR CERTAIN USES

#### Cancellation of Registration

Upon recommendation of the President's Science Advisory Committee and based on difficulties arising from zero tolerance and no residue registrations, the Agricultural Research Service of the U.S. Department of Agriculture and the Food and Drug Administration of the Department of Health, Education, and Welfare requested that a committee be appointed by the National Academy of Sciences, National Research Council, to evaluate the practice of registering economic poisons for use on food crops on a zero tolerance or no residue basis. The committee completed its study in June 1965, and submitted a report which included the following recommendation:

The concepts of "no residue" and "zero tolerance" as employed in the registration and regulation of pesticides are scientifically and administratively untenable and should be abandoned.

After extensive consideration of the report, the Agricultural Research Service of the U.S. Department of Agriculture and the Food and Drug Administration of the Department of Health, Education, and Welfare agreed on a procedure to implement the Committee's recommendations.

A joint USDA-HEW Statement for Implementation of the NRC Pesticide Residues Committee's "Report on 'No Residue' and 'Zero Tolerance'" was published in the FEDERAL REGISTER on April 13, 1966 (31 F.R. 5723). It was agreed that registrations of all products specifying uses involving reasonable expectation of small residues on food or feed at harvest in the absence of a finite tolerance or exemption should be discontinued as of December 31, 1967, unless evidence was presented to support a finite tolerance or to show that enough progress had been made in the investigation to warrant the conclusion that the registration could be continued without undue hazard to the public health.

In accordance with the provision of section 4 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135b) registrants were notified that registration of products containing certain pesticide chemicals bearing directions for use as specified were canceled effective 30 days following receipt of the notice, unless directions for such uses were immediately deleted from labeling

of such products or other procedure invoked as provided in section 4 of the Act.

Registrations have been canceled for economic poisons containing the chemicals listed below which had labeling recommending the pesticide uses as follows. These cancellations are in addition to those listed in the FEDERAL REGISTER of May 11, 1968, as corrected May 21, 1968 (33 F.R. 7091, 7499):

NOTE: Page references below relate to pages in the "USDA Summary of Registered Agricultural Pesticide Chemical Uses."

Aldrin (pp. 5-10a): Almonds, avocados, beans (except seed treatment), blackberries, blueberries, boysenberries, buckwheat, cashews, chestnuts, cotton (except seed treatment), currants, dates, dewberries, figs, filberts, flax, gooseberries, guavas, hazelnuts, hickory nuts, hops, huckleberries, kumquats, loganberries, mint, okra, olives, papayas, passion fruit, peanuts (seed), pecans, persimmons, pomegranate, raspberries, safflower (except seed treatment), sorghum (except seed treatment), sugarcane (bait use only—0.25 lb. actual/A.), tangelos, walnuts, youngberries, and greenhouse use.

Allethrin (pp. 15-20): Alfalfa, celery, clover, cucurbits, eggplants, peas, potatoes, spinach, beef cattle, dairy cattle, goats, sheep, swine, poultry, barns, dairy barns, milk rooms, animal pens, poultry houses, and grain bins.

3-Amino-2,5-dichlorobenzole acid (pp. 23-24, 2d Ed.; 1-A-3.1 to 3.2, 3d Ed.): Safflower (seed crop).

Anthracene oil (p. 29): Corn cribs, storage bins, poultry houses, and brooder houses.

BBC (Technical) (pp. 52-60): Barley, blueberries, buckwheat, cotton, cotton (seed), cranberries, currants, endive, flax, gooseberries, grasses, grass (pasture and range), hops, lespedeza, millet, milo, oats, oats (seed), pasture grass (all), pecans, rice, rye, safflower, sorghum, soybeans, sugar beets, sugarcane, vetch, walnuts, wheat, wheat (seed), beef cattle, goats, sheep, animal pens, and barns.

Calcium cyanamide (pp. 93-96, 2d Ed.; 1-C-1 to 1.3, 3d Ed.): Uses on the following when applied later than 30 days before planting: Almonds, apples, apricots, asparagus, avocados, barley, beans, beets, blackberry, blueberries, broccoli, brussels sprouts, cabbage, cantaloupes, carrots, cashews, cauliflower, celery, cherries, chestnuts, collards, corn, cowpeas, cucumbers, dates, eggplant, endive, figs, filberts, garlic, guavas, hazelnuts, hickory nuts, hops, horseradish, kale, kohlrabi, leeks, lettuce, mangoes, melons, mustard greens, nectarines, oats, okra, olives, onions, papayas, parsnips, passion fruit, peaches, pears, peas, peas (canning), pecans, peppers, persimmons, pimientos, plums, pomegranate, potatoes, prunes, pumpkins, quinces, radishes, rice, rutabagas, rye, safflower, shallots, spinach, squash (summer and winter), sweet potatoes, swiss chard, timothy, tomatoes, turnips, walnuts, watermelons, and wheat.

Captan (pp. 101-107): Gooseberries. Alpha isomer of 2-Carbomethoxy-1-methylvinyl dimethyl phosphate (pp. 115-117a): Asparagus, barley, cotton, flax, grass (pasture and range), oats, pumpkins, safflower, squash (winter), and wheat.

Carbophenothion (pp. 123-127): Blackberries, cranberries, currants, gooseberries, potatoes (white), and raspberries.

Chlorbenside (p. 136): Grapes and raspberries.

2-Chloro-1-(2,4-dichlorophenyl)vinyl diethyl phosphate (p. 148): corn (field).

1-Chloro-2-nitropropane (p. 154): Beets (table), cucumbers, and peas.

Citronella, oil of (p. 160b): Show stock (dairy and beef cattle).



Coal tar neutral oils and coal tar acid combination (pp. 161-162): Beef cattle, dairy cattle, goats, sheep, swine, and poultry.

Cresosote (p. 193): Beef cattle, goats, poultry, sheep and swine.

Cresylic acid: Livestock.

Cyano (methylmercuri) guanidine (pp. 204-205): Potatoes and vegetable plantbeds.

DDT (pp. 212-227): Pollar preplant soil application, and bait uses on alfalfa (except when grown for seed only), barley, clover (except when grown for seed only), birdsfoot trefoil, grasses, lespedeza (except when grown for seed only), millet, milo, pasture grass, rice, rye, sorghum vetch (except when grown for seed only), and forage legumes.

DDVP (pp. 228-229a): Bananas.

Dameton (pp. 232-235): Cherries, pineapple, and watermelons.

Diammonium ethylene bisdithiocarbamate (pp. 236-237): Cotton.

Dicaphon (p. 245): Dairy barns and poultry houses.

Dichlorone (pp. 246-247): Apricots, cabbage, potatoes, and raspberries.

2,3-Dichloroallyl diisopropylthiocarbamate (pp. 249-250, 2d Ed.; I-D-6.1 to 6.2, 3d Ed.): Potatoes.

2,4-Dichlorophenoxyacetic acid (pp. 255-260a, 2d Ed.; I-D-7.1 to 7.7, 3d Ed.): 4.0 lb. actual/A. spot treatment on resistant crops (such as grasses).

Dieldrin (pp. 276-286): Almonds, avocados, beans (except seed), blackberries, boysenberries, buckwheat, cantaloupes, cashews, chestnuts, currants, dates, dewberries, figs, filberts, flax, gooseberries, guavas, hazelnuts, hickory nuts, hops, horseradish, huckleberries, lespedeza, mangoes, millet, milo, oats, olives, papayas, passion fruit, pasture grass, pecans, persimmons, pomegranate, pumpkins, raspberries, safflower, squash (winter), sugarcane, walnuts, watermelons, and young berries.

Diethyl diphenyl dichloroethane (pp. 289-290): Dairy barns.

Diethyl dithiobis(thionoformate) (p. 291): Beans (snap).

0,0-Diethyl 0-[2-isopropyl-4-methyl-pyrimidinyl(6)]thiophosphate (pp. 299-311b): Mung beans and pinto beans.

0,0-Dimethyl S-[4-oxo-1,2,3-benzotriazin-3(4H)ylmethyl]phosphorothioate (pp. 317-321a): Safflower (seed crop) and vetch (seed crop).

0,0-Dimethyl-S-2-(ethylsulfenyl) ethylphosphorothioate (pp. 324-325): Barley, grasses, oats, wheat, celery, lettuce, peppers, radishes, rutabagas, spinach and tomatoes all grown for seed only.

Endosulfan (pp. 374-378b): Clover.

Ethion (pp. 385-388): Clover (seed crop) and figs.

N-Ethylmercuri-1,2,3,6-tetrahydro-3,6-ando-methano-3,4,5,6,7,7-hexachlorophthalimide (p. 392): Barley, flax, oats, rye, and wheat.

Ferbam (pp. 413-415): Sweet potatoes.

Folpet (pp. 413-419): Potatoes.

Heptachlor (pp. 426-429): Cucumber (seed).

Lead arsenate (pp. 455-458): Almonds, cabbage, lettuce, potatoes, spinach, and turnips.

Maleic hydrazide (pp. 492-492a, 2d Ed.; I-D-12.1 to 12.2, 3d Ed.): Beans (green and dry), beans, corn (field and sweet), lima beans, pasture, peas, strawberries, sugar beets, and tomatoes.

Maneb (pp. 493-495): Blackberries, cotton, peanuts, and raspberries.

6-Methyl-1,2,3-quinolinedithiol cyclic carbonate: Grasses (seed crop) and eggplants (seed crop).

Nabam (II) (p. 553): Cotton.

Nabam (IV) (pp. 555-556): Almonds, apples, apricots, cherries, grapes, nectarines, peaches, pears, plums, and prunes.

Nabam (VI) (pp. 559-562): Cotton, pecans, and sugar beets.

Nabam (VII) (pp. 563-565): Almonds, apples, apricots, cherries (excluding sour), cot-

ton, macadamia nuts, nectarines, peaches, pears, pecans, and plums (prunes).

Mapthylene (p. 570): Chickens (in laying cages) and poultry.

N-1-Naphthyl phthalamic acid (pp. 573-574, 2d Ed.; I-N-4.1 to 4.2, 3d Ed.): Asparagus (seed beds and established beds).

N-1-Naphthyl phthalamic acid (sodium salt) (pp. 575-576, 2d Ed.; I-N-5.1 to 5.2, 3d Ed.): Asparagus (seed beds and established beds) and cotton.

Nicotine sulfate (pp. 579-583): Alfalfa, almonds, bananas, barley, birdsfoot trefoil, blueberries, buckwheat, carrots, cashews, chestnuts, clover, cotton, dates, endive, figs, filberts, flax, grasses, guavas, hazelnuts, hickory nuts, hops, horseradish, huckleberries, lespedeza, mangoes, millet, milo, oats, olives, papayas, passion fruit, pasture grass, pecans, persimmons, pomegranate, potatoes, rice, rye, safflower, salsify, sorghum, soybeans, sugar beets, sugarcane, sweet potatoes, vetch, walnuts, wheat, beef cattle, goats, sheep, and swine.

N-Octyl bicycloheptene dicarboximide (p. 586): Stored grain (barley, corn, oats, rice, rye, sorghum (grain), and wheat).

Pentachlorophenol (pp. 618-622, 2d Ed.; I-P-2.1 to 2.2, 3d Ed.): Alfalfa and cotton.

Phenothiazine (p. 632): 15.0 percent powder application to beef cattle, goats, sheep, and swine.

Phenyl mercuri monoethanol ammonium acetate (p. 644): Apples and strawberries.

Phenyl mercury nitrate (p. 644a): Almonds and prunes.

Phenyl mercury urea (p. 646): Barley, corn, cottonseed, flax, oats, peas, rice, rye, sorghum, and wheat.

Potassium cresylate (p. 668): Beef cattle, dairy cattle, goats, and sheep.

8-Quinolnol benzoate (p. 678a): Beef cattle, dairy cattle, goats, sheep, and swine.

Sabadilla (pp. 689-691): Beef cattle, dairy cattle, goats, sheep, swine, and poultry.

Sodium cresylate (p. 710): Beef cattle, goats, and sheep.

Sodium dimethyl dithiocarbamate (I) (pp. 711-712): Potatoes.

Sodium dimethyl dithiocarbamate (II) (pp. 713-714): Potatoes.

Sodium fluosilicate (pp. 718-720): Cattle, hogs, and sheep.

TEPP (pp. 762-765): Barns, dairy barns, feed rooms, and milk rooms.

Tetradifon (pp. 771-775): Clover (seed crop only) and mangoes.

Zineb (pp. 829-833): Almonds, cotton, pecans, and sugar beets.

Ziram (pp. 834-836): Potatoes.

Done at Washington, D.C., this 12th day of May 1969.

HARRY W. HAYS,

Director,

Pesticides Regulation Division.

[F.R. Doc. 69-5810; Filed, May 14, 1969; 8:50 a.m.]

## Commodity Credit Corporation

[Amdt. 1]

## SALES OF CERTAIN COMMODITIES

### May Sales List

Item 3 of the Notice to Buyer section of the CCC Monthly Sales List for May (34 F.R. 7291) is amended to read as follows:

Interest rates per annum under the CCC Export Credit Sales Program (Announcement GSM-4) for May 1969 are 6% percent for U.S. bank obligations and 7% percent for foreign bank obligations. Commodities now eligible for financing

under the CCC Export Credit Sales Program include oats, wheat, wheat flour, barley, bulgur, corn, cornmeal, grain sorghum, upland and extra-long staple cotton, milled and brown rice, tobacco, cottonseed oil, soybean oil, dairy products, tallow, lard, breeding cattle, raisins, and rye. Commodities purchased from CCC may be financed for export as private stocks under Announcement GSM-4.

Signed at Washington, D.C., on May 12, 1969.

KENNETH E. FRICK,

Executive Vice President,

Commodity Credit Corporation.

[F.R. Doc. 69-5809; Filed, May 14, 1969; 8:50 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

#### ALDICARB

#### Notice of Extension of Temporary Tolerance

The Union Carbide Corp., 270 Park Avenue, New York, N.Y. 10017, was granted an extension of a temporary tolerance of 0.2 part per million for residues of the insecticide aldicarb (2-methyl-2-(methylthio)propionaldehyde O-(methylcarbamoyl)oxime) in or on cottonseed (notice was published in the FEDERAL REGISTER of June 5, 1968 (33 F.R. 8357)). The petitioner has requested further extension of the temporary tolerance for this commodity. The Commissioner of Food and Drugs has determined that a 1-year extension will protect the public health.

A condition under which this temporary tolerance is extended is that the insecticide will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture.

This extension of the temporary tolerance expires May 24, 1970.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: May 8, 1969.

J. K. KIRK,

Associate Commissioner

for Compliance.

[F.R. Doc. 69-5783; Filed, May 14, 1969; 8:46 a.m.]

### Office of Education

#### CONSTRUCTION OF NONCOMMERCIAL EDUCATIONAL BROADCAST FACILITIES

#### Notice of Acceptance of Applications for Filing

Notice is hereby given that the following described applications for Federal financial assistance in the construction



of noncommercial educational broadcasting facilities are accepted for filing under the provisions of title III, part IV of the Communications Act of 1934, as amended (47 U.S.C. 390-399) and in accordance with 45 CFR 60.8.

Any interested person may, pursuant to 45 CFR 60.10, within 30 calendar days from the date of this publication, file comments regarding these applications with the Director, Educational Broadcasting Facilities Program, U.S. Office of Education, Washington, D.C. 20202.

#### EDUCATIONAL TELEVISION

South Carolina Educational Television Commission, 2712 Millwood Avenue, Columbia, S.C. 29205, File No. 9/339/0001-T, to improve the facilities of noncommercial educational television station WRLK-TV on channel 31, Columbia, S.C., accepted as of April 1, 1969. Estimated project cost: \$409,250. Grant requested: \$306,250. Application signed by: Mr. Henry J. Cauthen, General Manager.

University of Utah, Salt Lake City, Utah 84112, File No. 9/339/0002-T, to expand the facilities of noncommercial educational television station KUED-TV on channel 7, Salt Lake City, Utah, accepted as of March 15, 1969. Estimated project cost: \$79,000. Grant requested: \$59,310. Application signed by: Mr. W. S. Partridge, Vice President for Research.

Spokane Public Schools, School District No. 81, West 825 Trent Avenue, Spokane, Wash. 99201, File No. 9/339/0003-T, to improve the facilities of noncommercial educational television station KSPS-TV on channel 7, Spokane, Wash., accepted as of April 14, 1969. Estimated project cost: \$117,825. Grant requested: \$69,670. Application signed by: Mr. Albert L. Ayars, Superintendent of Schools.

South Texas Educational Broadcasting Council, 205 Vaughn Plaza, Corpus Christi, Tex. 78401, File No. 9/339/0009-T, for the establishment of a new noncommercial television station on channel 38, Corpus Christi, Tex., accepted as of April 14, 1969. Estimated project cost: \$636,738. Grant requested: \$477,553. Application signed by: Mr. Don E. Weber, Chairman, Board of Directors, South Texas Educational Broadcasting Council.

Community Television, Inc., 2037 Main Street, Jacksonville, Fla. 32206, File No. 9/339/0010-T, to expand the facilities of noncommercial educational television station WJCT-TV on channel 7, Jacksonville, Fla., accepted as of April 14, 1969. Estimated project cost: \$298,397. Grant requested: \$223,797. Application signed by: Mr. Wilbur H. Shorts, President.

Board of Education of Jefferson County, 3332 Newburg Road, Louisville, Ky. 40218, File No. 9/339/0014-T, to improve the facilities of noncommercial educational television station WFPK-TV on channel 15, Louisville, Ky., accepted as of April 14, 1969. Estimated project cost: \$860,808. Grant requested: \$645,606. Application signed by: Mr. Richard VanHoose, Superintendent.

The Greater Washington Educational Television Association, Inc., 2800 Fourth Avenue NW., Washington, D.C. 20001, File No. 9/339/0015-T, to improve the fa-

cilities of noncommercial educational television station WETA-TV, on channel 26, Washington, D.C., accepted as of April 15, 1969. Estimated project cost: \$303,104. Grant requested: \$227,328. Application signed by: Mr. William J. McCarter, Vice President and General Manager.

WGBH Educational Foundation, 125 Western Avenue, Boston, Mass. 02134, File No. 9/339/0019-T, to expand the facilities of noncommercial educational television station WGBH-TV on channel 2, Boston, Mass., accepted as of April 15, 1969. Estimated project cost: \$96,304. Grant requested: \$72,228. Application signed by: Mr. Hartford N. Gunn, Jr., Vice President and General Manager.

The Twin City Area Educational Television Corp., 1640 Como Avenue, St. Paul, Minn. 55108, File No. 9/339/0020-T, to improve the facilities of noncommercial educational television station KTCA-TV on channel 2, St. Paul, Minn., accepted as of April 15, 1969. Estimated project cost: \$389,300. Grant requested: \$291,975. Application signed by: Mr. W. D. Donaldson, Assistant Secretary.

Long Island Educational Television Council, Inc., Ellington Avenue West, Garden City, N.Y. 11530, File No. 9/339/0022-T, to improve the facilities of noncommercial educational television station WLIW-TV on channel 21, Garden City, N.Y., accepted as of April 15, 1969. Estimated project cost: \$159,190. Grant requested: \$119,392. Application signed by: Mr. John C. Lackas, President.

West Virginia Educational Broadcasting Authority, 1033 Quarrier Street, room 701, Charleston, W. Va. 25301, File No. 9/339/0028-T, for the establishment of a new noncommercial educational television station on channel 9, Grandview, W. Va., accepted as of April 15, 1969. Estimated project cost: \$480,961. Grant requested: \$283,825. Application signed by: Mr. Harry M. Brawley, Executive Secretary.

Washburn University of Topeka, 17th and College, Topeka, Kans. 66621, File No. 9/339/0029-T, to improve the facilities of noncommercial educational television station KTUU-TV on channel 11, Topeka, Kans., accepted as of April 15, 1969. Estimated project cost: \$99,227. Grant requested: \$74,420. Application signed by: Mr. John W. Henderson, President, Washburn University of Topeka.

Yale New Haven Educational Corp., Inc., 1772 Yale Station, New Haven, Conn. 06520, File No. 9/339/0033-T, for the establishment of a new noncommercial educational television station on channel 65, New Haven, Conn., accepted as of April 15, 1969. Estimated project cost: \$566,000. Grant requested: \$340,000. Application signed by: Mr. Howard S. Weaver, President.

New Jersey Public Broadcasting Corp., State House, Trenton, N.J. 08625, File No. 9/339/0037-T, for the establishment of a new noncommercial educational television station on channel 19, New Brunswick, N.J., accepted as of April 15, 1969. Estimated project cost: \$645,905. Grant requested: \$320,000. Application signed by: Mr. William H. King, Acting Executive Director.

State Board of Directors for Educational Television, University of South Dakota, Vermillion, S. Dak. 57069, File No. 9/339/0038-T, for the establishment of a new noncommercial educational television station on channel 13, Eagle Butte, S. Dak., accepted as of April 15, 1969. Estimated project cost: \$639,715. Grant requested: \$479,715. Application signed by: Mr. Harry J. Oggen, Chairman.

Area ETV Foundation, 300 Harry Hines Boulevard, Dallas, Tex. 75201, File No. 9/339/0042-T, to expand the facilities of noncommercial educational television station KERA-TV on channel 13, Dallas, Tex., accepted as of April 15, 1969. Estimated project cost: \$423,508. Grant requested: \$200,000. Application signed by: Mr. Robert A. Wilson, Executive Vice President.

Northern California ETV Association, Inc., 1304 East Street, Post Office Box 9, Redding, Calif. 96001, File No. 9/339/0056-T, to expand the facilities of noncommercial educational television station KIXE-TV on channel 9, Redding, Calif., accepted as of October 14, 1968. Estimated project cost: \$130,000. Grant requested: \$97,500. Application signed by: Mr. William T. Reed, General Manager.

Texas A & M University, College Station, Tex. 77843, File No. 9/339/0057-T, for the establishment of a new noncommercial educational television station on channel 15, Bryan, Tex., accepted as of December 10, 1968. Estimated project cost: \$88,258. Grant requested: \$66,193. Application signed by: Mr. Earl Rudder, President.

#### EDUCATIONAL RADIO

Bay Area Educational Television Association, 525 Fourth Street, San Francisco, Calif. 94107, File No. 9/339/0004-R, for the establishment of a new noncommercial educational radio station KOED-FM on channel 203, San Francisco, Calif., accepted as of April 9, 1969. Estimated project cost: \$35,468. Grant requested: \$26,188. Application signed by: Mr. James Day, President.

Regents of New Mexico State University, Drawer 3J University Park Branch, Las Cruces, N. Mex. 88001, File No. 9/339/0006-R, to expand the facilities of noncommercial educational radio station KRWG-FM on channel 214, Las Cruces, N. Mex., accepted as of April 11, 1969. Estimated project cost: \$154,595. Grant requested: \$114,447. Application signed by: Mr. Harvey C. Jacobs, Head, Department of Journalism and Mass Communications.

School District 4, Lane County, 200 North Monroe Street, Lane County, Ore. 97402, File No. 9/339/0007-R, to expand the facilities of noncommercial educational radio station KRVM-FM on channel 220, Eugene, Ore., accepted as of April 11, 1969. Estimated project cost: \$22,456. Grant requested: \$16,842. Application signed by: Mr. Vernon W. Smith, Deputy Clerk, School District No. 4.

Pacifica Foundation, Inc., 2207 Shattuck Avenue, Berkeley, Calif. 94704, File No. 9/339/0011-R, to expand the facilities



of noncommercial educational radio station KPFB-FM on channel 231, Berkeley, Calif., accepted as of April 14, 1969. Estimated project cost: \$13,744. Grant requested: \$9,744. Application signed by: Mr. Alfred E. Partridge, President.

University of South Florida, 4202 Fowler Avenue, Tampa, Fla. 33620, File No. 9/339/0013-R, to expand the facilities of noncommercial educational radio station WUSF-FM on channel 209, Tampa, Fla., accepted as of April 14, 1969. Estimated project cost: \$64,410. Grant requested: \$48,305. Application signed by: Mr. Gerhard C. Eichholz, General Manager, WUSF-FM.

Milwaukee Board of School Directors, 5225 West Vliet Street, Milwaukee, Wis. 53208, File No. 9/339/0016-R, for the establishment of a new noncommercial educational radio (FM) station on channel 205, Milwaukee, Wis., accepted as of April 15, 1969. Estimated project cost: \$51,247. Grant requested: \$26,247. Application signed by: Thomas A. Linton, Secretary-Business Manager, Milwaukee Board of School Directors.

University of Maine, Alumni Hall, Orono, Maine 04473, File No. 9/339/0017-R, for the establishment of a new noncommercial educational radio station WMEH-FM on channel 215, Bangor, Maine, accepted as of April 15, 1969. Estimated project cost: \$96,288. Grant requested: \$72,216. Application signed by: Winthrop C. Libby, Acting President, University of Maine.

The Curators of the University of Missouri, 206 Administration Building, 8001 Natural Bridge Road, File No. 9/339/0021-R, St. Louis, Mo. 63121, for the establishment of a new noncommercial educational radio station (FM) on channel 214, St. Louis, Mo., accepted as of April 15, 1969. Estimated project cost: \$140,487. Grant requested: \$105,365. Application signed by: Mr. Dale O. Bowling, Business Manager, 116 Jesse Hall, Columbia, Mo.

The Curators of the University of Missouri, Jesse Hall, Columbia, Mo. 65201, File No. 9/339/0023-R, for the establishment of a new noncommercial educational radio station KBIA-FM on channel 217, Columbia, Mo., accepted as of April 15, 1969. Estimated project cost: \$139,013. Grant requested: \$104,260. Application signed by: Mr. Dale O. Bowling, Business Manager.

Augusta College, 2500 Walton Way, Augusta, Ga. 30904, File No. 9/339/0024-R, for the establishment of a new noncommercial educational radio station (FM) on channel 214, Augusta, Ga., accepted as of April 15, 1969. Estimated project cost: \$64,785. Grant requested: \$36,571. Application signed by: Mr. John H. Gleason, Dean.

Board of Regents for Northwest Missouri State College, Maryville, Mo. 64468, File No. 9/339/0025-R, for the establishment of a new noncommercial educational radio station (FM) on channel 213, Maryville, Mo., accepted as of April 15, 1969. Estimated project cost: \$99,893. Grant requested: \$74,893. Application signed by: Mr. Garvin Williams, President.

San Bernardino Junior College, 701 South Mt. Vernon Avenue, San Bernardino, Calif. 92403, File No. 9/339/0026-R, to expand the facilities of noncommercial educational radio station KVCR-FM on channel 220, San Bernardino, Calif., accepted as of April 15, 1969. Estimated project cost: \$8,300. Grant requested: \$6,225. Application signed by: Raymond F. Ellerman, Superintendent.

Washington State University, Pullman, Wash. 99163, File No. 9/339/0027-R, for the establishment of a new noncommercial educational radio station KWSC-FM on channel 214, Pullman, Wash., accepted as of April 15, 1969. Estimated project cost: \$69,888. Grant requested: \$52,415. Application signed by: Mr. Glenn Terrell, President.

The University of Washington, Seattle, Wash. 98105, File No. 9/339/0030-R, to expand the facilities of noncommercial educational radio station KUDW-FM on channel 235, Seattle, Wash., accepted as of April 15, 1969. Estimated project cost: \$43,969. Grant requested: \$32,969. Application signed by: Mr. George W. Farwell, Vice President for Research.

The Greater Washington Educational Television Association, Inc., 2600 Fourth Street NW., Washington, D.C. 20001, File No. 9/339/0035-R, for the establishment of a new noncommercial educational radio station WETA-FM, on channel 215, Washington, D.C., accepted as of April 15, 1969. Estimated project cost: \$123,570. Grant requested: \$84,678. Application signed by: Mr. William J. McCarter, Vice President and General Manager.

University of Massachusetts, Amherst, Mass. 01002, File No. 9/339/0038-R, to expand the facilities of noncommercial educational radio station WFCR-FM on channel 203, Amherst, Mass., accepted as of April 15, 1969. Estimated project cost: \$15,692. Grant requested: \$11,769. Application signed by: Mr. John W. Lederle, President.

Wisconsin State University, 18th and Weeks Avenue, Superior, Wis. 54880, File No. 9/339/0039-R, to improve the facilities of noncommercial educational radio station WSSU-FM on channel 217, Superior, Wis., accepted as of April 15, 1969. Estimated project cost: \$17,335. Grant requested: \$13,001. Application signed by: Mr. Karl W. Meyer, President.

Pacifica Foundation, Inc., 2207 Shattuck Avenue, Berkeley, Calif. 94704, File No. 9/339/0040-R, for the establishment of a new noncommercial educational radio station (FM) on channel 211, Houston, Tex., accepted as of April 15, 1969. Estimated project cost: \$37,498. Grant requested: \$26,066. Application signed by: Mr. Lawrence Lee, Houston Project Manager.

Educational Communications Board, 732 North Midvale Boulevard, Madison, Wis. 53705, File No. 9/339/0041-R, to expand the facilities of noncommercial educational radio station WHKW-FM on channel 207, Chilton, Wis., accepted as of April 15, 1969. Estimated project cost: \$2,545. Grant requested: \$1,550. Application signed by: Mr. William C. Kahl, Chairman.

Educational Communications Board, 732 North Midvale Boulevard, Madison, Wis. 53705, File No. 9/339/0043-R, to expand the facilities of noncommercial educational radio station WHAD-FM on channel 214, Delafield, Wis., accepted as of April 15, 1969. Estimated project cost: \$2,545. Grant requested: \$1,700. Application signed by: Mr. William C. Kahl, Chairman.

Pasadena Area Junior College District, 1570 Colorado Boulevard, Pasadena, Calif. 91106, File No. 9/339/0044-R, to expand the facilities of noncommercial educational radio station KPCS-FM on channel 207, Pasadena, Calif., accepted as of April 15, 1969. Estimated project cost: \$17,620. Grant requested: \$13,215. Application signed by: Mr. Harold E. Salisbury, General Manager, KPCS.

Educational Communications Board, 732 North Midvale Boulevard, Madison, Wis. 53705, File No. 9/339/0045-R, to expand the facilities of noncommercial educational radio station WHRM-FM on channel 219, Wausau, Wis., accepted as of April 15, 1969. Estimated project cost: \$1,210. Grant requested: \$800. Application signed by: Mr. William C. Kahl, Chairman.

Educational Communications Board, 732 North Midvale, Madison, Wis. 53705, File No. 9/339/0047-R, to expand the facilities of noncommercial educational radio station WHMD-FM on channel 218, Suring, Wis., accepted as of April 15, 1969. Estimated project cost: \$7,825. Grant requested: \$5,280. Application signed by: Mr. William C. Kahl, Chairman.

Educational Communications Board, 732 North Midvale, Madison, Wis. 53705, File No. 9/339/0048-R, to expand the facilities of noncommercial educational radio station WHHI-FM on channel 217, Highland, Wis., accepted as of April 15, 1969. Estimated project cost: \$7,825. Grant requested: \$5,280. Application signed by: Mr. William C. Kahl, Chairman.

Educational Communications Board, 732 North Midvale Boulevard, Madison, Wis. 53705, File No. 9/339/0050-R, to expand the facilities of noncommercial educational radio station WHWC-FM on channel 202, Colfax, Wis., accepted as of April 15, 1969. Estimated project cost: \$7,825. Grant requested: \$5,180. Application signed by: Mr. William C. Kahl, Chairman.

Educational Communications Board, 732 North Midvale Boulevard, Madison, Wis. 53705, File No. 9/339/0043-R, to expand the facilities of noncommercial educational radio station WHLA-FM on channel 212, Holmen, Wis., accepted as of April 15, 1969. Estimated project cost: \$7,825. Grant requested: \$5,280. Application signed by: Mr. William C. Kahl, Chairman.

Educational Communications Board, 732 North Midvale Boulevard, Madison, Wis. 53705, File No. 9/339/0051-R, to expand the facilities of noncommercial educational radio station WHSA-FM on channel 210, Brule, Wis., accepted as of April 15, 1969. Estimated project cost:



\$7,825. Grant requested: \$5,180. Application signed by: Mr. William C. Kahl, Chairman.

Northwest Mississippi Junior College, College Station, Senatobia, Miss. 38668, File No. 9/339/0052-R, for the establishment of a new noncommercial educational radio station (FM) on channel 208, Senatobia, Miss., accepted as of April 15, 1969. Estimated project cost: \$23,244. Grant requested: \$17,433. Application signed by: Mr. R. D. McLendon, President.

Montana State University, Bozeman, Mont. 59715, File No. 9/339/0053-R, to expand the facilities of noncommercial educational radio station KGLT-FM on channel 211, Bozeman, Mont., accepted as of April 15, 1969. Estimated project cost: \$50,506. Grant requested: \$37,879. Application signed by: Mr. Leon H. Johnson, President.

Newark Board of Education, 31 Green Street, Newark, N.J. 07102, File No. 9/339/0054-R, to expand the facilities of noncommercial educational radio station WBGO-FM on channel 202, Newark, N.J., accepted as of April 15, 1969. Estimated project cost: \$27,247. Grant requested: \$18,185. Application signed by: Mr. Franklin Titus, Superintendent of Schools.

Approved: May 12, 1969.

JAMES E. ALLEN, Jr.,  
U.S. Commissioner of Education.

[F.R. Doc. 69-5806; Filed, May 14, 1969;  
8:49 a.m.]

## ATOMIC ENERGY COMMISSION

### STATE OF NORTH DAKOTA

#### Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of North Dakota for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A resume, prepared by the State of North Dakota and summarizing the State's proposed program for control over sources of radiation, is set forth below as an appendix to this notice. The appendix referenced in the resume is included in the complete text of the program. A copy of the program, including proposed North Dakota regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C. 20545. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send

them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 30 days after initial publication of this notice in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as part 150 of the Commission's regulations in FEDERAL REGISTER issuances of February 14, 1962, 27 F.R. 1351; April 3, 1965, 30 F.R. 4352; September 22, 1965, 30 F.R. 12069; March 19, 1966, 31 F.R. 4668; March 30, 1966, 31 F.R. 5120; December 2, 1966, 31 F.R. 15145; July 15, 1967, 32 F.R. 10432; June 27, 1968, 33 F.R. 9388; and April 16, 1969, 34 F.R. 6517. In reviewing this proposed agreement, interested persons should also consider the afore-mentioned exemptions.

Dated at Washington, D.C., this 9th day of May 1969.

For the Atomic Energy Commission.

W. B. McCool,  
Secretary.

PROPOSED AGREEMENT BETWEEN THE UNITED STATES ATOMIC ENERGY COMMISSION AND THE STATE OF NORTH DAKOTA FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under chapters 6, 7, and 8, and section 161 of the act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor of the State of North Dakota is authorized under section 23-20.1-05 of chapter 23-20.1 of the North Dakota Century Code to enter into this Agreement with the Commission; and

Whereas, the Governor of the State of North Dakota certified on April 15, 1969, that the State of North Dakota (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on -----, that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of

radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemptions from licensing of those materials subject to this Agreement; and

Whereas, this Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I. Subject to the exceptions provided in articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under chapters 6, 7, and 8, and section 161 of the act with respect to the following materials:

A. Byproduct materials;  
B. Source materials; and  
C. Special nuclear materials in quantities not sufficient to form a critical mass.

ART. II. This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ART. III. Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ART. IV. This Agreement shall not affect the authority of the Commission under subsection 161 b. or f. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ART. V. The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and the assistance of the other party thereon.



ART. VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ART. VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ART. VIII. This Agreement shall become effective on September 1, 1969, and shall remain in effect unless and until such time as it is terminated pursuant to article VII.

Done at \_\_\_\_\_, in triplicate, this \_\_\_\_\_ day of \_\_\_\_\_,

For the United States Atomic Energy Commission.

For the State of North Dakota.

#### FOREWORD

This narrative presents a description of the history, practices, capabilities and proposed activities of the State of North Dakota in controlling ionizing radiation.

Section 274 of the 1954 Atomic Energy Act, as amended, authorizes the U.S. Atomic Energy Commission to enter into an agreement with the governor of a state to transfer to the state licensing and regulatory authority over byproduct, source, and certain quantities of special nuclear materials. To this end, the following narrative has been prepared:

#### 1.0 PROGRESS CHRONOLOGY

1957 The Legislative Assembly of the State of North Dakota enacted a law providing for the registration of all sources of ionizing radiation. This law is contained within sections 23-20-02 through 23-20-06 of chapter 23-20 of the North Dakota Century Code.

1957 through 1959 Radiation protection activities were limited in scope due to a lack of funds specifically set aside for this program. Some of the major accomplishments of this period consisted of the registration of sources of ionizing radiation used within the State of North Dakota; review of plans and specifications for radiation protection in hospitals proposed for construction or remodeling; and removing shoe-fitting fluoroscopes from public accessibility.

1960 A physical survey of all registered dental X-ray units in the State was conducted by the Division of Dental Health of the State Department of Health.

1961 The State Department of Health began operating a radiation surveillance air-sampling station on an around-the-clock basis.

1962 With the support of categorical funds from the U.S. Public Health Service, the North Dakota State Department of Health assigned the responsibility of a program of Radiological Health to the Division of Institutional Sanitation of the Environmental Health and Engineering Services Section of the Department.

1963 A statewide pasteurized milk sampling network was initiated to assess the radionuclide concentration of North Dakota milk.

1964 The Radiological Health Program initiated the routine physical inspection of all nondental X-ray units across the

State. Prior to becoming a routine function, a few X-ray facilities had been surveyed at the request of the X-ray owner. The initial 1957 registration of sources of ionizing radiation was updated in early 1964 so that a systematic X-ray inspection system was readily adopted.

1965 The North Dakota State Department of Health was awarded a research contract by the U.S. Public Health Service (contract No. PH 86-66-6) to determine the effectiveness of farming modifications in the reduction of radionuclides in milk. The Legislative Assembly of the State of North Dakota enacted a law (sections 23-20.1-01 through 23-20.1-11 of chapter 23-20.1 of the North Dakota Century Code) which provides for a licensing and regulatory radiation program. This law designated the North Dakota State Department of Health as the State radiation control agency responsible for the administration of the licensing and regulatory radiation program and it also authorized the Governor of the State of North Dakota to enter into an agreement with the U.S. Atomic Energy Commission.

1966 The name of the Division of Institutional Sanitation was changed to the Division of Environmental Engineering.

1968 On March 1, 1968, the Radiological Health Regulations of the North Dakota State Department of Health (regulation 83) became effective.

#### 2.0 CURRENT ACTIVITIES

2.1 *Registration of sources of radiation.* The registration of sources of ionizing radiation has been conducted since 1957 in accordance with sections 23-20-02 through 23-20-06 of chapter 23-20 of the North Dakota Century Code. From 1957 to the adoption of regulation 83 of the State Department of Health, the registration process provided a location-inventory of X-ray units, radium users, and Atomic Energy Commission licensed radioactive materials.

With the adoption of regulation 83 of the North Dakota State Department of Health, the registration process was administratively changed to the extent that radioactive materials and certain minor radiation emitting devices were exempt from registration. The registration now consists of the location-inventory of sources of electrically produced radiation such as X-ray machines. Radioactive materials are under the licensing provisions of regulation 83.

The following table enumerates the X-ray units registered with the State Department of Health:

REGISTRATION SUMMARY<sup>1</sup>

X-ray	X-ray machines	X-ray tubes
Human uses:		
Physicians (M.D.)	126	166
Dentists	205	205
Other practitioners	50	51
Hospitals	192	264
Veterinary	5	5
Others	7	7
Total	685	698

<sup>1</sup> Exclusive of Federal agencies.

2.2 *Radiation protection in X-ray facilities.* Each week approximately eight thousand people in the State of North Dakota are exposed to diagnostic X-ray. Comprehensive evaluations of X-ray facilities have been performed by the program staff. The comprehensive evaluation includes radiation measurements to determine the radiation exposure of the operator, patient, and people outside of the X-ray area; the acceptability of X-ray equipment, based upon current standards; evaluation of other portions of the X-ray facility necessary to its operation; and a dis-

cussion with the operating and administrative staff on problems which need attention and those which could measurably reduce unnecessary radiation exposure. In addition to the discussions with the operating and administrative staff in each facility, a formal report, outlining the results of the evaluation and recommendations of the Department of Health is sent to the administration of the facility.

All of the facilities employing diagnostic X-ray in the State of North Dakota have received an initial evaluation. Forty-eight percent of the diagnostic X-ray machines in the State of North Dakota were found to be deficient upon initial evaluation. The majority of the deficiencies were with respect to inadequate collimation and/or inadequate filtration of the useful X-ray beam. Both of these deficiencies result in unnecessary radiation exposure of the general population of the State. Where the filtration was found to be inadequate, aluminum filters were furnished and installed as a result of the evaluation.

Currently, followup evaluations are being conducted to determine the degree of compliance with the comments and recommendations of the initial evaluation. The followup evaluations, performed thus far, indicate that appropriate steps have been taken by the facilities to correct their deficiencies and, hence, reduce unnecessary radiation exposure. It is estimated that 80 to 90 percent of the diagnostic X-ray facilities in North Dakota are now in compliance with regulation 83 and the recommendations of the National Committee on Radiation Protection and Measurements as published in the "National Bureau of Standards Handbook No. 76."

An important aspect of the evaluation of X-ray facilities is that of radiation protection education. This aspect deals with the people operating the X-ray machines. A vast majority of the facilities in North Dakota do not have registered technologists to perform their X-ray services. The people operating the X-ray units, while they may be knowledgeable as to the proper radiographic technique necessary to obtaining a good radiograph, do not have a full appreciation of radiation protection. In the survey work across the State, there have been numerous instances where the operator, because of the lack of knowledge, has not made full use of the radiation protection devices and equipment available within the facility. Informing the operator of the practical methods that can be applied to reduce the radiation exposure to their patients as well as to themselves and the consequences of not applying these methods adds to the evaluation time; however, it is felt that it is time well spent. Lectures to professional groups on X-ray and radiation protection in X-ray facilities have been performed. More program emphasis will be placed on the educational aspects of radiation protection in X-ray facilities in the future, with the offering of short courses to X-ray operators across the State.

2.3 *Environmental radiation surveillance.* Since September of 1961, the Department has actively and continuously participated in the U.S. Public Health Service Radiation Surveillance Network with the operation of an air and precipitation sampling station at Bismarck, N. Dak. In addition to the direct operation of this Bismarck station, the Department has also acted in a liaison capacity between the U.S. Public Health Service Pasteurized Milk Radiation Surveillance Network and a milk sampling station operated by the First District Health Unit in Minot, N. Dak.

In January of 1964, a six-station milk sampling network was established in the State of North Dakota due to rising radionuclide levels in milk and, in particular, the



levels of Strontium-90. The six stations, chosen on the basis of geographical and population significance, submitted weekly samples to the State Department of Health for radiochemical analysis. In May and June of 1964, Strontium-90 concentrations of 77 and 76 picocuries per liter, respectively, were observed. Since 1964 there has been a steady decline in Strontium-90 with average monthly concentrations in 1964, 1965, and 1966 of 56.7, 25.4 and 12.9 picocuries per liter of milk, respectively. In January of 1968, the six stations were placed on a biweekly sampling schedule with a minimum of three stations sampling every week.

In addition to the radiochemical analysis of milk, the program has the capability for radiochemical analysis of air, precipitation, water and, in general, all portions of the environmental food chain.

As a result of the levels of Strontium-90 encountered in North Dakota milk in 1964, the U.S. Public Health Service awarded a research contract to the North Dakota State Department of Health (contract No. PH 86-66-6) for a study to determine the effectiveness of farming modifications in the reduction of the radionuclides in milk.

In the summer of 1967, the Department of Health conducted a study to determine the radon concentrations within the uranium mines of southwestern North Dakota. The uranium operations in North Dakota consist of the open-pit mining of uraniferous lignite coal and reducing the moisture content and bulk volume of the ore by either ashing the material at the mine site or in rotary kilns. The ash is then transported outside of this State for further processing. The mine's radon concentration was determined by the collection of radon daughter products on a membrane filter and alpha counting. Since the mines are fully open to the atmosphere, there is little opportunity for accumulation of radon and its daughter products. The results of the Department's radon study indicated that the radon concentrations were well within nonoccupational maximum permissible concentrations.

Evaluations of the radioactive materials found in the various aspects of the environment are performed according to the appropriate accepted standards, limitations, and guidelines as set forth in the North Dakota Radiological Health Regulations; the U.S. Public Health Service Drinking Water Standards; the Radiation Protection Guides and the Protective Action Guides of the Federal Radiation Council; and the appropriate recommendations of the National Council on Radiation Protection and Measurements.

**2.4 Radioactive materials.** Since 1961, present Radiological Health Program staff have accompanied Atomic Energy Commission compliance personnel on approximately 100 percent of the inspections performed in the State of North Dakota. The compliance inspections included evaluation of diagnostic and therapeutic medical applications, industrial radiography applications, educational and research applications, of byproduct materials; the uranium operations of southwestern North Dakota; and the small quantities of special nuclear materials employed at the universities in the State. Exclusive of Federal agencies, on January 1, 1969, 34 Atomic Energy Commission licenses were in effect in North Dakota. In addition to the Atomic Energy Commission licenses, there are 12 facilities possessing radium. Regulation 83, as adopted by the North Dakota State Department of Health, provides for the licensing of all radioactive materials including naturally occurring or accelerator produced as well as byproduct, source, and certain quantities of special nuclear material. The provisions of regulation 83 which refer to

radioactive materials licensed by the U.S. Atomic Energy Commission become effective upon an agreement with the AEC for transfer of this authority to the State of North Dakota.

Radium-226, the most commonly used nuclide of radium in North Dakota, has not been under any regulatory control. The lack of control is apparent. Preliminary surveys of radium users in North Dakota have indicated that there are problems. Many of the facilities evaluated do not maintain accurate facility inventories; do not provide adequate shielded storage; the storage containers are not properly marked indicating the presence of a radioactive material; leak tests of sealed sources are not performed at regular inter-

vals, if at all; and there is a lack of adequate facility instrumentation for making radiation measurements in and around the areas where radium is used. Furthermore, there has been a lack of communication on the part of radium users with the Department in the event of source loss or incident. The control of radium and other radionuclides which have not been regulated in the past will provide an effective means of permitting the beneficial applications of these radioactive materials without the disadvantages of unnecessary radiation exposure to the users or to the general public.

The following table numerically describes the utilization of radioactive materials in the State of North Dakota:

Category of usage	Atomic Energy Commission licenses				Facilities possessing radium	All radioactive materials
	Byproduct	Source	Special nuclear material			
Medical	16	0	0	7	21	
Educational	5	1	2	2	10	
Civil defense	3	0	0	0	3	
Industrial	3	0	0	1	4	
State agencies	2	0	0	2	4	
Uraniferous lignite ashing	0	2	0	0	2	
Total	29	3	2	12	46	

### 3.0 PROCEDURES AND POLICIES FOR THE CONTROL OF RADIATION

**3.1 Licensing and registration.** The State program provides for the control of radioactive materials, those occurring naturally or artificially produced, and electrically produced radiation. Electrically produced radiation, such as that from X-ray units, is under the category of registration. Licensing procedures are provided for radioactive materials.

Licenses for radioactive materials shall be of two types, general and specific. A general license is effective by regulation 83 of the Department and without the filing of an application or the issuance of licensing documents to particular persons. A specific license, incorporating appropriate conditions, shall be issued to named persons, upon application and in accordance with the appropriate provisions of regulation 83. Requirements for the possession of byproduct, source and special nuclear materials will be compatible with those of the U.S. Atomic Energy Commission.

The licensing program will be essentially the same as that presently employed by the U.S. Atomic Energy Commission. Prelicensing inspections will be performed when determined to be necessary. With respect to license applications for the non-routine medical use of radioactive materials, the review of the Medical Advisory Committee of the U.S. Atomic Energy Commission will be sought.

The Director of the Division of Environmental Engineering will evaluate all license applications. Other division staff members will assist in this function as they acquire competence through training and experience.

**3.2 Inspection.** Staff personnel will conduct inspections of licensees and registrants to determine compliance with Regulation 83 of the Department and to evaluate the adequacy of the radiation protection program of the licensee or registrant. The inspection includes review of the radiation safety practices, equipment, radiation surveys and personnel exposures pertinent to the facilities. Inspections of facilities utilizing radioactive materials will be compatible with those currently performed by the Division of Compliance of the U.S. Atomic Energy Commission.

The inspections will be performed by staff qualified in radiological health. The inspection staff will be kept current on develop-

ments in the field of radiological health by continued training and appropriate courses conducted by the U.S. Atomic Energy Commission and the U.S. Public Health Service (Bureau of Radiological Health).

The following frequency for the inspection of licensees in the State of North Dakota is planned, but may be either increased or decreased depending upon individual circumstances and the experience of the Department:

1. Industrial radiographers—once each 6 months.
2. Operations involving waste disposal—once each 6 months.
3. Broad licenses—industrial, medical, academic—once each 12 months.
4. Other specific licenses—industrial, medical, academic—once each 24 months.
5. Others—based on hazards associated with the program.

Most inspections will be scheduled visits, but a significant number may be on an unannounced basis.

At the completion of each inspection, the inspector will confer with the licensee and management to discuss the results of his inspection, presenting oral recommendations or suggestions, if indicated. This also provides an opportunity for answering any questions which a licensee or management may have regarding the regulatory program.

The inspector will submit, in writing, a comprehensive report to the Director of the Division of Environmental Engineering relating the findings of his inspection. The report will enumerate items of noncompliance, if any, and present recommendations. Recommendations made by inspectors in the field are subject to critical review of the Director of the Division of Environmental Engineering.

Licensees and management will be informed of the results of all inspections, orally at the time of the inspection and by letter or notice from the Department.

**3.3 Compliance.** If it is determined by the inspection that only minor items of non-compliance are involved such as failure to label, improper signs, etc. and the licensee agrees, in writing, to correct these items at the time of inspection, no further action will be taken by the Department, except that these items will be reviewed during the next inspection.

If items of noncompliance of a more serious nature are found, the licensee will be required



to correct such items within a specified period of time. The licensee will be required to inform the Department in writing within 30 days or less, depending upon the degree of hazard involved, of the corrective action taken and the date the corrective action was completed. The Department will conduct a follow-up inspection or the matter will be reviewed during the next regular inspection to assure that the corrective action has been accomplished.

Whenever, in the judgment of the Department, any person has engaged in or is about to engage in any acts or practices in violation of sections 23-20.1-01 through 23-20.1-11 of chapter 23-20.1 of the North Dakota Century Code or regulations issued under this law, the Department, in accordance with the laws of the State governing injunctions and other process may maintain an action in the name of this State enjoining such acts or practices or to direct compliance.

Should the Department determine that an emergency exists requiring immediate action to protect the public health and safety, the Department may, without notice or hearing, issue an order reciting the existence of such emergency and requiring that such immediate action be taken as is necessary to meet this emergency.

Opportunity for a hearing is afforded any person to whom an emergency order has been directed, upon the filing of an application with the Department. The person will be afforded a hearing before the State Health Council within 10 days. On the basis of such hearing, the emergency order shall be continued, modified, or revoked within 30 days after such hearing.

The modification, revocation, or termination of a radioactive materials license is provided for in section 3.614 of regulation 83. An opportunity for a hearing is afforded any licensee with respect to amendment or suspension of his license. Petition filing and hearing procedures are provided for in chapter 23-32 of the North Dakota Century Code.

Only in instances of willful negligence on the part of the licensee, continued noncompliance after notice or when a serious potential hazard exists, will full legal measures be employed. Section 23-20.1-10 of chapter 23-20.1 of the North Dakota Century Code provides for penalties for persons who violate any portions of the law or rules, regulations or orders in effect pursuant thereto of the Department.

**3.4 Administrative procedures and judicial review.** The issuance or modification of rules and regulations including emergency orders relating to the control of sources of ionizing radiation; granting, suspending, revoking or amending any license; or determining compliance with rules and regulations of the Department will be conducted in accordance with provisions of chapter 28-32 of the title "Administrative Agencies Practice Act" of the North Dakota Century Code. Among other things, this law states:

1. That there must be a legality review by the Attorney General's office of any rule or regulation before it is adopted by a State agency.

2. That rules and regulations, to have force and effect of law until amended or repealed by the agency or declared invalid by courts, must be filed in the Attorney General's office. Also a copy of each rule and regulation accompanied by the Attorney General's Opinion must be filed with the Clerk of District Court of each county and the Secretary of the State Bar Association.

3. That upon receipt of a petition from any person substantially interested in the effect of a rule or regulation, the agency may grant the petitioner a public hearing upon such terms and conditions as the agency may prescribe.

4. The rules of procedure for hearings.  
5. That determinations of the agency may be appealed to the district courts.  
6. The scope of and procedure on appeal from determination of the administrative agency.

7. That a review of and final judgment of district courts may be appealed to and reviewed by the State Supreme Court.

**3.5 Radiological emergencies.** The Department currently has the appropriate equipment, instrumentation and knowledgeable staff to evaluate radiological incidents involving a release or loss of radioactive materials. A formal radiological emergency guide has been developed to cope with radiological incidents which occur within the State of North Dakota. This guide sets forth the basic elements of immediate action, the responsibilities of State and local agencies, and establishes the lines of communication in order that the control of radioactive materials, lost through some accident or incident, can be restored as quickly as possible and with minimum danger to human health or damage to property.

The radiological emergency guide provides general guidance to individuals who may not be specifically trained in the handling of peacetime radiological emergencies. It also provides a more detailed approach to the handling of radiological incidents occurring within licensed facilities, even though the licensed facility should have emergency procedures specific to its own operations. Direct assistance and/or consultation, as may be needed to provide immediate relief of a radiological incident, is available to the licensee from the North Dakota State Department of Health.

Notification of the State Department of Health of a radiological incident by a licensee and/or registrant is provided for in section 4.530 of regulation 83. Notification of the State Department of Health of radiological incidents occurring beyond a licensee's premises is provided for in the Radiological Emergency Guide.

**3.6 Instrumentation.** The Department has a variety of portable radiation survey instruments which can detect and measure radiation exposures over a wide range of exposure levels. The portable instrumentation is available for support of inspections and for evaluation of radiological emergencies.

Laboratory instrumentation includes equipment which provides identification and precise measurement of the quantity of radioactive materials. Raw data output from the multichannel analyzer and low background alpha-beta counting systems is processed by means of electronic data processing systems. Laboratory equipment provides the function of radioanalysis of environmental samples for data with which to evaluate radionuclides released to the environment.

**3.7 Effective date of license transfer and reciprocity.** Subsection 2 of section 23-20.1-05 of chapter 23-20.1 of the North Dakota Century Code provides for the effective date of license transfer. Any person who, on the effective date of the agreement with the Atomic Energy Commission, possesses a license issued by the Federal Government shall be deemed to possess the same pursuant to a license issued under this chapter, which shall expire either 90 days after receipt from the Department of a notice of expiration of such license or on the date of expiration specified in the Federal license, whichever is earlier.

Provisions for license reciprocity are covered under section 3.700 of regulation 83 of the Department. This section provides for the recognition of licenses issued by the U.S. Atomic Energy Commission or agreement States other than the State of North Dakota.

#### 4.0 ORGANIZATION AND PROGRAM STRUCTURE

The portion of the State Department of Health responsible for radiation protection is the Radiological Health Program of the Division of Environmental Engineering. Item 5.1 of the Appendix outlines the line of organizational structuring as it pertains to Radiological Health. Item 5.2 of the Appendix is the internal structuring of the Division of Environmental Engineering. Each of the five division units has a person with a specific responsibility and each contributes to the information exchange and manpower pool coordinated by the Director of the Division of Environmental Engineering. The three units directly pertaining to radiation protection, namely, the radioactive materials unit, the radiation surveillance unit, and the X-ray and electronic products unit are all staffed by people qualified by virtue of training and experience in radiation protection.

To assure that all units of the Division of Environmental Engineering are covered by people knowledgeable in all aspects of division responsibility and to provide manpower backup in the event of staff vacancies, the concept of information exchange and manpower pool was developed. Information exchange is accomplished through the inter-unit communication of technical information related to specific units through seminars and by training in the field. This concept provides manpower depth to an otherwise small division with many responsibilities.

The Director of the Division of Environmental Engineering will review all applications for licenses, amendments and renewals. It will also be his responsibility to issue, modify, or deny the application.

The radioactive materials unit will maintain the necessary records by which the Atomic Energy Commission can periodically evaluate and determine the degree of compatibility of the North Dakota program to that of the Atomic Energy Commission and other agreement States.

Inspections will be performed by the Director of the Division and/or the other two members of the present division staff who are qualified by training and experience in radiation protection. A synopsis of the training and experience of the division staff with primary responsibility in the field of radiation protection is attached in the Appendix as item 5.3.

[P.R. Doc. 69-5782; Filed, May 14, 1969; 8:47 a.m.]

[Docket No. 50-191]

#### BABCOCK & WILCOX CO.

#### Notice of Issuance of Amended Facility License

The Atomic Energy Commission ("the Commission") has issued, effective as of the date of issuance, Amendment No. 4, as set forth below, to Facility License No. CX-19. The license as previously issued authorized The Babcock & Wilcox Co., to possess, use and operate the critical experiment facility ("the facility") situated in Bay No. 1 of the Company's Critical Experiment Laboratory located in Campbell County, near Lynchburg, Va., for the conduct of certain critical experiments. The amendment, which revises the license in its entirety, (1) authorizes performance of the Plutonium Recycle Critical Experiments in the facility, (2) incorporates Technical Specifications into the license, and (3) authorizes the receipt, possession and use of 30 kilograms



of plutonium. The amendment was issued in accordance with the Company's application for license amendment dated January 30, 1969, and supplements thereto.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this amended license may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 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 Company's application for license amendment dated January 30, 1969, and supplements thereto dated March 19 and April 22, 1969, (2) a related Safety Evaluation prepared by the Division of Reactor Licensing, and (3) the Technical Specifications, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 5th day of May 1969.

For the Atomic Energy Commission.

**DENNIS L. ZIEMANN,**  
Acting Assistant Director for  
Reactor Operations, Division  
of Reactor Licensing.

[License CX-19, Amdt. 4]

1. The Atomic Energy Commission ("the Commission") has found that:

A. The application for license, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (hereinafter, "the Act"), and the Commission's regulations set forth in Title 10, CFR Chapter I;

B. The facility has been constructed in conformity with Construction Permit No. CPCX-18, and will be operated in conformity with the (a) application and (b) rules and regulations of the Commission;

C. There is reasonable assurance that the facility can be operated at the designated location without endangering the health and safety of the public;

D. The Babcock & Wilcox Co., is technically and financially qualified to engage in the proposed activities in accordance with the Commission's regulations;

E. The issuance of this license, as amended, for possession, use and operation of the facility and the receipt, possession and use of the special nuclear material in the manner proposed by the Babcock & Wilcox Co., in its application will not be inimical to the common defense and security or to the health and safety of the public;

F. The Babcock & Wilcox Co., has submitted proof of financial protection which satisfies the requirements of Commission reg-

ulations currently in effect and has executed an indemnity agreement pursuant to 10 CFR Part 140; and

G. Prior public notice of proposed issuance of this license amendment is not required since operation of the facility in accordance with the terms of this license, as amended, does not involve significant hazard considerations different from those previously evaluated.

2. Facility License No. CX-19, as amended, is hereby amended in its entirety to read:

A. This license applies to the critical experiment facility (herein "the facility") situated in Bay No. 1 of the Critical Experiment Laboratory which is owned by The Babcock & Wilcox Co. (hereinafter, "the licensee") and is located in Campbell County, near Lynchburg, Va., as described in the licensee's application for license dated September 11, 1961, as amended by subsequent amendments thereto (herein referred to as "the application"). Construction of the facility was authorized by Construction Permit No. CPCX-18.

B. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses the licensee:

(1) Pursuant to section 104c of the Act and 10 CFR Chapter I, Part 50, "Licensing of Production and Utilization Facilities", to possess, use and operate the facility as a utilization facility for the conduct of critical experiments as described in the application, at the designated location near Lynchburg, Va., in accordance with the procedures and limitations described in the application and in this license;

(2) Pursuant to the Act and 10 CFR Chapter I, Part 70, "Special Nuclear Material", to receive, possess and use in connection with operation of the facility up to (1) 125.35 kilograms of contained uranium-235, (2) 30 kilograms of plutonium and (3) 80 grams of plutonium contained in encapsulated plutonium-beryllium neutron sources; and

(3) Pursuant to the Act and 10 CFR Chapter I, Part 30, "Rules of General Applicability to Licensing of Byproduct Material", to possess, but not to separate, such byproduct material as may be produced by operation of the facility.

C. This license shall be deemed to contain and be subject to the conditions specified in Part 20, § 20.34 of Part 30, §§ 50.54 and 50.59 of Part 50, and § 70.32 of Part 70 of the Commission's regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) Critical experiment: The licensee may conduct the Plutonium Recycle Critical Experiments in the facility as described in the application for license amendment dated January 30, 1969, and supplements thereto dated March 19 and April 22, 1969.

(2) Maximum power level: The licensee may operate the facility at power levels up to a maximum of 50 kilowatts (thermal).

(3) The Technical Specifications contained in Appendix A to this license (hereinafter, "the Technical Specifications") are hereby incorporated in this license. The licensee shall operate the reactor in accordance with the Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in § 50.59 of Part 50.

D. This amended license is effective as of the date of issuance and shall expire at mid-

<sup>1</sup> This item was not filed with the Office of the Federal Register but is available for inspection in the Public Document Room of the Atomic Energy Commission.

night, December 19, 1971, unless sooner terminated.

Date of issuance: May 5, 1969.

For the Atomic Energy Commission.

**DENNIS L. ZIEMANN,**  
Acting Assistant Director for Reactor  
Operations, Division of Reactor  
Licensing.

[F.R. Doc. 69-5741; Filed, May 14, 1969; 8:45 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 20772]

**CHRISTMAN CORP. ET AL.**

### Notice of Proposed Approval

Application of Christman Corp. et al. for approval of control and interlocking relationships under sections 408 and 409 of the Federal Aviation Act of 1958, as amended, Docket 20772.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the order set forth below under delegated authority. Interested persons are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., May 12, 1969.

**A. M. ANDREWS,**  
Director, Bureau of  
Operating Rights.

#### ORDER APPROVING CONTROL RELATIONSHIPS

Issued under delegated authority.

Application of Christman Corporation, doing business as Christman Air Freight, Christman Trucking Corporation, et al. for approval of control and interlocking relationships under sections 408 and 409 of the Federal Aviation Act of 1958, as amended, Docket 20772.

By application filed February 27, 1969,<sup>1</sup> Christman Corp., doing business as Christman Air Freight (Christman), an applicant for domestic and international air freight forwarding authority, Mr. Walter L. Christman, Mrs. Audrey W. Christman, his wife, Mr. Dominic DiGrado and Christman Trucking Corp. (Trucking), request that the Board approve, pursuant to sections 408 and 409 of the Federal Aviation Act of 1958, as amended (the Act), the control relationships between Christman and its wholly owned subsidiary, Trucking, and the interlocking relationships created by reason of the offices and directorships held by the individual applicants.

Christman, a Pennsylvania corporation, is presently engaged in the business of owning and leasing real estate and items of personal property, and is a commission sales or operating agent for Domestic Air Express of Jamaica, N.Y. (DAX).<sup>2</sup> Trucking, also a Pennsylvania corporation, is an intrastate

<sup>1</sup> The application was supplemented by letter of Apr. 7, 1969.

<sup>2</sup> The applicants state that upon the Board's issuance of air freight forwarding authority to Christman, the company will terminate its agency relationship with DAX.



and interstate common carrier by motor vehicle and is engaged in the transportation of general commodities having either an immediately prior or immediately subsequent shipment by air carrier between certain specified airports situated in Pennsylvania, Ohio, and West Virginia, on the one hand,<sup>3</sup> and points in eastern Ohio, western Pennsylvania, northern West Virginia, and western Maryland, on the other hand.<sup>4</sup> Mr. Christman owns 99.9 percent of the stock of Christman, and is the president, treasurer and a director of both Christman and Trucking. Mrs. Christman owns 0.1 percent of the stock of Christman and is secretary and a director of both companies. Mr. DiGrado is vice president and a director of both companies.

No objection to the application has been received.

Notice of intent to dispose of the application without a hearing has been published in the *FEDERAL REGISTER*, and a copy of such notice has been furnished by the Board to the Attorney General not later than 1 day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the foregoing, it is concluded that Christman is an air carrier and Trucking is a common carrier both within the meaning of section 408 of the Act, and the common control of both companies by Mr. Christman is subject to that section of the Act. However, it has been further concluded that such control relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly, and do not restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing and it is found that the public interest does not require a hearing.

The common control by Mr. Christman of Christman and Trucking warrants approval. The Board previously has approved control and interlocking relationships between air freight forwarders and short-haul interstate motor carriers of general commodities. These decisions have been based essentially on the conclusion that the short-haul service of the motor carrier vis-a-vis the activities of the air freight forwarder does not involve prime air freight markets and, therefore, did not present conflicts of interest detrimental to the forwarder.<sup>4</sup> A similar conclusion is applicable in the instant case, particularly since Trucking's ICC and intrastate authorities are limited to pickup and delivery service having an immediately prior or immediately subsequent

movement by air. It, therefore, appears that approval of the control relationships would not be inconsistent with the public interest. On the other hand, should the general character of Trucking alter in any significant respect through expansion of operations, new issues may be raised which could only be resolved upon the filing of a further application in the matter.

It is further concluded that interlocking relationships involving Christman and Trucking will result from the holding by the individual applicants of the positions hereinabove described. However, we have concluded that such relationships come within the scope of the exemption from the provisions of section 408(b) of the Act without a hearing, and that the application, to the extent that it requests approval of the interlocking relationship, should be dismissed.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13 and 385.3, it is found that the foregoing control relationship should be approved under section 408(b) of the Act without a hearing, and that the application, to the extent that it requests approval of the interlocking relationship, should be dismissed.

Accordingly, it is ordered:

1. That the control by Walter L. Christman of Christman and Trucking, be and it hereby is approved; and

2. That, except to the extent granted herein, the application in Docket 20772, be and it hereby is dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petition within 5 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL]

MABEL MCCART,  
Acting Secretary.

[F.R. Doc. 69-5794; Filed, May 14, 1969;  
8:48 a.m.]

[Docket No. 20809; Order 69-5-38]

### FLEET AIRLINES, INC.

#### Order To Show Cause Regarding Establishment of Service Mail Rates

Issued under delegated authority on May 9, 1969.

Fleet Airlines, Inc. (Fleet), is an air taxi operator providing services pursuant to Part 298 of the Board's economic regulations. By Order 69-1-114, January 27, 1969, the Board approved Agreement CAB 20709 between North Central Airlines, Inc. (North Central), and Fleet. This agreement contemplates that Fleet will discharge North Central's certificate obligation to serve Mankato, Minn. through the operation of small aircraft between Mankato and Minneapolis/St. Paul, Minn. Fleet expects to initiate service with deHavilland Heron type aircraft.

No service mail rate is currently in effect for this service by Fleet. By petition filed March 12, 1969, Fleet requested the establishment of final service mail rates for the transportation of priority and nonpriority mail by air between Mankato and Minneapolis/St. Paul, Minn. Fleet requests that the multielement rates previously paid to North Central on this route pursuant to Orders E-25610

and E-17255 be established. On April 3, 1969, the Postmaster General filed an answer in support of Fleet's petition.<sup>1</sup>

The rate for the air transportation of mail applicable to service by North Central was established by the Board in the Domestic Service Mail Rate Investigation, Order E-25610, August 28, 1967. This rate is the same as that requested in Fleet's petition. Therefore, we propose to establish a service rate for the air transportation of mail by Fleet at the same level as that established in Order E-25610, and the terms and provisions of that order also shall be applicable to Fleet in the same manner as they were applicable to North Central in providing mail services between Mankato and Minneapolis/St. Paul, Minn.

However, in the case of rates for the air transportation of nonpriority mail, an open-rate situation has existed since April 6, 1967, when the Post Office petitioned for the establishment of new nonpriority mail rates in Docket 18381. The rates currently being paid air carriers (including North Central) for the transportation of nonpriority mail are those established by Order E-17255, July 31, 1961, in the Nonpriority Mail Rate Case, and these rates are subject to such retroactive adjustment to April 6, 1967, as the final decision in Docket 18381 may provide. Since it is the expressed intention of the Post Office Department and Fleet that Fleet will receive the same compensation as North Central would for the same services, we propose to establish a temporary service rate for nonpriority mail for Fleet at the level established in Order E-17255, as amended. We will also make Fleet a party to the proceedings in Docket 18381 and the temporary nonpriority mail rate established herein shall be subject to such retroactive adjustment as may be ordered in that proceeding.

Under the circumstances, the Board finds it in the public interest to fix and determine the fair and reasonable rates of compensation to be paid to Fleet Airlines, Inc., by the Postmaster General for the air transportation of mail, and the facilities used and useful therefor, and the services connected therewith, between Mankato and Minneapolis/St. Paul, Minn. Upon consideration of the petition, the answer of the Postmaster General, and other matters officially noticed, the Board proposes to issue an order<sup>2</sup> to include the following findings and conclusions:

<sup>1</sup> The present rates are as follows: Priority Mail by Air: 24 cents per ton-mile plus 9.36 cents per pound at Mankato and 2.34 cents per pound at Minneapolis/St. Paul. Nonpriority Mail by Air: 15.115 cents per ton-mile plus 4.98 cents per pound at Mankato and 1.66 cents per pound at Minneapolis/St. Paul.

<sup>2</sup> As this order to show cause does not constitute a final action and merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). The provisions of that part dealing with petitions for Board review will be applicable to any final action which may be taken by the staff in this matter under authority delegated in § 385.14(g).

<sup>3</sup> The specified airports are as follows: The Greater Pittsburgh Airport and Allegheny County Airport, both in Allegheny County, Pa.; the Ohio County Airport in Ohio County, W. Va.; and the Cleveland-Hopkins Airport in Cuyahoga County, Ohio.

<sup>4</sup> It is not clear from the application whether the applicants contend that if the control relationship is approved Christman will be able to publish rates to points on Trucking's system beyond the terminal zone or whether the relationship will enable Trucking to provide improved service for Christman and other customers. It is sufficient to note that if Christman contemplates publishing rates to points beyond the established terminal zone, it must first comply with Part 222 of the Board's Economic Regulations.

<sup>5</sup> Air-Land Freight Consolidators, et al., Order 69-3-10, Mar. 4, 1969. See also Drake Motor Lines, Inc. and Shulman, Inc., Orders 68-9-24 and 68-9-111, Sept. 6 and Sept. 24, 1968, respectively; Novo Industrial Corp. and Boss-Linco Lines, Inc., Order 68-10-134 and 68-11-61, Oct. 25 and Nov. 14, 1968, respectively.



[Docket No. 18650; Order 69-5-37]

# INTERNATIONAL AIR TRANSPORT ASSOCIATION

## Order Regarding Specific Commodity Rates

Issued under delegated authority on May 9, 1969.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated April 10, 1969, names additional specific commodity rates, as set forth in the attachment hereto,<sup>1</sup> which reflect significant reductions from the general cargo rates. In addition, rates for a new commodity description, "Toys," have been specified.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it tentatively is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 20806, R-16 through R-20, be and hereby is deferred with a view toward eventual approval, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL]

MABEL McCART,  
Acting Secretary.

[P.R. Doc. 69-5796; Filed, May 14, 1969;  
8:49 a.m.]

[Docket No. 18650; Order 69-5-35]

# INTERNATIONAL AIR TRANSPORT ASSOCIATION

## Order Regarding Specific Commodity Rates

Issued under delegated authority on May 9, 1969.

By Order 69-4-116, dated April 25, 1969, action was deferred, with a view toward eventual approval, on certain

5. Fleet Airlines, Inc., is hereby made a party in Docket 18381; and

6. This order shall be served upon Fleet Airlines, Inc., the Postmaster General, and North Central Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL]

MABEL McCART,  
Acting Secretary.

[P.R. Doc. 69-5797; Filed, May 14, 1969;  
8:49 a.m.]

[Docket No. 18650; Order 69-5-36]

# INTERNATIONAL AIR TRANSPORT ASSOCIATION

## Order Regarding Specific Commodity Rates

Issued under delegated authority on May 9, 1969.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated April 16, 1969, names additional specific commodity rates, as set forth in the attachment hereto,<sup>1</sup> which reflect significant reductions from the general cargo rates.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it tentatively is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 20745, R-63 through R-67, be and hereby is deferred with a view toward eventual approval, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL]

MABEL McCART,  
Acting Secretary.

[P.R. Doc. 69-5795; Filed, May 14, 1969;  
8:48 a.m.]

<sup>1</sup> Filed as part of the original document.

<sup>1</sup> Filed as part of the original document.

1. The fair and reasonable final service mail rate to be paid on and after March 12, 1969, to Fleet Airlines, Inc., pursuant to section 406 of the Act, for the transportation of priority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Mankato and Minneapolis/St. Paul, Minn. shall be the rate established by the Board in Order E-25610, August 28, 1967, and shall be subject to the other provisions of that order;

2. The fair and reasonable temporary service mail rate to be paid on and after March 12, 1969, to Fleet Airlines, Inc., pursuant to section 406 of the Act for the transportation of nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Mankato and Minneapolis/St. Paul, Minn. shall be the rates established by the Board in Order E-17255, July 31, 1961, as amended, subject to such retroactive adjustment as may be made in Docket 18381; and

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

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

It is ordered, That:

1. All interested persons and particularly Fleet Airlines, Inc., the Postmaster General, and North Central Airlines, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the rates specified above, as the fair and reasonable rates of compensation to be paid to Fleet Airlines, Inc., for the transportation of priority and nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

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

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

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



resolutions adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 69-4-116 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 20745, R-61 and R-62, be, and it hereby is, approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL]

MABEL McCART,  
Acting Secretary.

[F.R. Doc. 69-5798; Filed, May 14, 1969;  
8:49 a.m.]

[Docket No. 18650; Order 69-5-39]

## INTERNATIONAL AIR TRANSPORT ASSOCIATION

### Order Regarding Specific Commodity Rates

Issued under delegated authority on May 9, 1969.

By Order 69-4-112, dated April 25, 1969, the Board deferred action, with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA), relating to specific commodity rates. The Board, in deferring action on the agreement, granted 10 days in which interested persons may file petitions in support of or in opposition to the Board's proposed action.

No petitions have been received within the filing period, and the Board herein will make final its tentative conclusions in Order 69-4-112.

Accordingly, it is ordered, That:

Agreement CAB 20806, R-8 through R-14, be, and it hereby is, approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL]

MABEL McCART,  
Acting Secretary.

[F.R. Doc. 69-5799; Filed, May 14, 1969;  
8:49 a.m.]

[Docket No. 18650; Order 69-5-26]

## INTERNATIONAL AIR TRANSPORT ASSOCIATION

### Order Regarding Reduced Rate Trans- portation for Cargo Sales Agent

Issued under delegated authority on May 8, 1969.

By Order 69-4-65, dated April 14, 1969, the Board deferred action, with a view toward eventual approval, on cer-

tain resolutions adopted by the International Air Transport Association (IATA), relating to reduced rate transportation for cargo sales agents. The Board, in deferring action on the agreement, granted 10 days in which interested persons may file petitions in support of or in opposition to the Board's proposed action.

No petitions have been received within the filing period, and the Board herein will make final its tentative conclusions in Order 69-4-65.

Accordingly, it is ordered, That:

Agreements CAB 20805 and 20885 be, and they hereby are, approved.

This order will be published in the FEDERAL REGISTER.

[SEAL]

MABEL McCART,  
Acting Secretary.

[F.R. Doc. 69-5800; Filed, May 14, 1969;  
8:49 a.m.]

[Docket No. 20291; Order 69-5-45]

## INTERNATIONAL AIR TRANSPORT ASSOCIATION

### Order Regarding Fare Matters

Issued under delegated authority on May 12, 1969.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted by mail votes. The agreements have been assigned the above-designated CAB Agreement numbers.

The agreements would: (1) Reduce by \$10.00 the round-trip economy class fares between San Juan and Barranquilla to reflect, on a shortest operating mileage basis, the nonstop service recently introduced by Avianca, and (2) increase, generally by \$15, the 17-day round-trip excursion fares between New York/San Juan and Aruba/Bonaire/Curacao which the carriers by experience have found to be uneconomical. Although the latter fares would be increased, the agreement would still provide the traveling public with significant reductions. The New York fares would provide reductions of 38 percent and the San Juan fares of about 50 percent from the otherwise applicable round-trip economy class fares.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the following resolutions, which are incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA resolutions
20937 -----	100 (Mail 581) 070.
20940 -----	100 (Mail 583) 061.

Accordingly, it is ordered, That:

Action on Agreements CAB 20937 and 20940 be and hereby is deferred with a view toward eventual approval.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL]

MABEL McCART,  
Acting Secretary.

[F.R. Doc. 69-5801; Filed, May 14, 1969;  
8:49 a.m.]

[Docket No. 20877; Order 69-5-42]

## SHAWNEE AIRLINES, INC.

### Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority on May 9, 1969.

By petition filed April 2, 1969, Shawnee Airlines, Inc. (Shawnee), requests the Board to establish final multielement service mail rates for the transportation of mail by air from Gainesville, Fla., to Lakeland, Fla., via Orlando, Fla.; from Atlanta, Ga., to Lakeland, Fla., via Gainesville, Fla.; and from Orlando, Fla., to Gainesville, Fla. No service mail rates are currently in effect for this service by Shawnee. Shawnee states that it is presently operating scheduled services between the aforesaid points as an air taxi operator under Part 298 of the Board's Economic Regulations; that it uses Beechcraft 99 turboprop aircraft for this service; and that there are no certificated carriers operating on the segments for which rates are requested.

On April 9, 1969, the Postmaster General filed an answer in support of Shawnee's petition and stating that it is to the Postmaster General's advantage to be provided with the services proposed at the rates requested.<sup>1</sup>

With respect to priority mail, Shawnee requests the rate for the air transportation of mail established in the Domestic Service Mail Rate Investigation, Docket 16349, by Order E-25610, August 28, 1967, as that rate may be amended. With respect to the air transportation of nonpriority mail, however, owing to the open-rate situation that has existed since April 6, 1967, when the Post Office petitioned for establishment of new nonpriority mail rates in Docket 18381, Shawnee requests the same compensation as that established by Order E-17255, July 31, 1961, in the Nonpriority Mail Rate Case, Docket 10920, subject to such retroactive adjustment to April 6, 1967, as the final decision in Docket 18381 may provide.

As previously stated, Shawnee has requested the establishment of mail rates

<sup>1</sup> The present rates are as follows:

Priority Mail by Air: 24 cents per ton-mile plus 9.36 cents per pound at Gainesville and Lakeland, and 2.34 cents per pound at Atlanta and Orlando.

Nonpriority Mail by Air: 15.115 cents per ton-mile plus 4.98 cents per pound at Gainesville and Lakeland and 1.66 cents per pound at Atlanta and Orlando.



on segments on which it is currently providing scheduled service as follows: From Gainesville, Fla., to Lakeland, Fla., via Orlando, Fla.; from Atlanta, Ga., to Lakeland, Fla., via Gainesville, Fla.; and from Orlando to Gainesville, Fla. Since certificated air carrier service is available between Atlanta, Ga., and Orlando, Fla., Shawnee does not seek to provide mail service between these points, and the service mail rates proposed herein shall not be construed by any combination thereof as authorizing Shawnee to engage in the transportation of mail in any market served by an air carrier certificated by the Board.

Under these circumstances it appears that the proposed services of Shawnee will improve the mail services between the points where certificated carrier services are not available. The Board, therefore, finds it in the public interest to fix and determine the fair and reasonable rates of compensation to be paid to Shawnee by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, from Gainesville, Fla., to Lakeland, Fla., via Orlando, Fla.; from Atlanta, Ga., to Lakeland, Fla., via Gainesville, Fla.; and from Orlando to Gainesville, Fla. Upon consideration of the petition and other matters officially noticed, the Board proposes to issue an order<sup>2</sup> to include the following findings and conclusions:

1. That the fair and reasonable final service mail rates to be paid to Shawnee Airlines, Inc., pursuant to section 406 of the Act for the transportation of priority mail by aircraft, the facilities used and useful therefor, and the services connected therewith, from Gainesville, Fla., to Lakeland, Fla., via Orlando, Fla.; from Atlanta, Ga., to Lakeland, Fla., via Gainesville, Fla.; and from Orlando to Gainesville, Fla., shall be the rates established by the Board in Order E-25610, August 28, 1967, as amended, and shall be subject to the other provisions of that order;

2. The fair and reasonable temporary service mail rates to be paid to Shawnee Airlines, Inc., pursuant to section 406 of the Act for the transportation of nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith, from Gainesville, Fla., to Lakeland, Fla., via Orlando, Fla.; from Atlanta, Ga., to Lakeland, Fla., via Gainesville, Fla.; and from Orlando to Gainesville, Fla., shall be the rates established by the Board in Order E-17255, July 31, 1961, as amended, subject to such retroactive adjustment as may be made in Docket 18381;

<sup>2</sup> As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Pt. 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

3. The service mail rates here fixed and determined are to be paid in their entirety by the Postmaster General; and

4. These rates shall apply to described mail services of Shawnee Airlines, Inc., to the extent it is authorized to provide such mail services as an air taxi operator pursuant to the provisions of Part 298 of the Board's Economic Regulations and shall not apply to segments served by certificated air carriers.

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

It is ordered, That:

1. All interested persons and particularly Shawnee Airlines, Inc., and the Postmaster General are directed to show cause why the Board should not publish the final and temporary rates specified above as the fair and reasonable rates of compensation to be paid to Shawnee Airlines, Inc., for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

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

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

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

5. Shawnee Airlines, Inc., is hereby made a party in Docket 18381.

This order shall be served upon Shawnee Airlines, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

[SEAL]

MABEL MCCART,  
Acting Secretary.

[F.R. Doc. 69-5802; Filed, May 14, 1969;  
8:49 a.m.]

[Docket No. 20628; Order 69-5-28]

## AMERICAN AIRLINES, INC., ET AL.

### Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of May 1969.

Passenger fare revisions proposed by American Airlines, Inc., Braniff Airways, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., Docket 20928.

By tariff filed March 18, 1969,<sup>1</sup> marked to become effective May 19, 1969, Trans World Airlines, Inc. (TWA), has proposed to revise its domestic fares by (1) adjusting its jet coach fares so that all fares would fall within 4 percent (plus or minus) of the present industry jet coach fare norm, and (2) adjusting its jet first-class fares to maintain the existing differential between coach and first-class fares.<sup>2</sup>

Subsequently, by tariff revisions marked to become effective May 19, 1969, Braniff Airways, Inc. (Braniff), and United Air Lines, Inc. (United), have filed to match TWA's proposal in part. Furthermore, American Airlines, Inc. (American), has filed to match TWA's proposal, as revised, and Western Air Lines, Inc. (Western), has filed to match the fares proposed by American, TWA, and United, but only in competitive markets. American, Braniff, and United, similarly to TWA, propose to adjust their jet coach fares to a level within 4 percent of the industry jet coach norm, as determined in the staff's study of the domestic fare structure published in January 1968, rounded and adjusted for the fare changes permitted by the Board in February of this year. These carriers also propose to make similar changes in jet first-class fares.

A complaint has been filed by the Honorable John E. Moss, M.C. (California), and 19 other Members of Congress requesting suspension and investigation of the proposals, the institution of a general rate proceeding to investigate the fare structure of air carriers, and the undertaking of a rulemaking procedure to amend Part 241 of Title 14 of the Code of Federal Regulations (and applicable schedules and definitions) to require submission of traffic and operations data on a revenue-hour basis. The complaint alleges that the proposed changes are unlawful because the Passenger Fare Study formula used as a standard, and the values upon which the formula is based, do not comply with the statutory standards of the Federal Aviation Act of 1958, the economic regulations of the Board, and/or the rules of rate-making previously enunciated by the Board. The complaint further alleges that, contrary to the applicants' contention, their proposal is not consistent with the staff's

<sup>1</sup> Revisions to Airline Tariff Publishers, Inc., Agent, Tariffs CAB Nos. 101, 98, and 90.

<sup>2</sup> TWA also proposed to discontinue the common rating of Los Angeles and San Francisco. TWA proposed to do this by basing the new Los Angeles fares on the jet coach norm or the present fare, whichever is lower, and basing the new San Francisco fares on the Los Angeles fares per mile, subject to a maximum difference of \$5. The city of San Francisco filed a telegraphic complaint, to be followed by a formal complaint, and on April 10, TWA notified the city and the Board of its decision to cancel this portion of its proposal.



recommendations regarding the elimination of extreme variations.

In support of their proposals, and in answer to the complaint, the carriers assert that the changes are being made to reflect desirable improvements and eliminate inequities in the present fare structure, and to generate needed additional revenue. TWA and United assert that while the fare increases permitted to become effective on February 20 and 26, 1969, provided some measure of relief, improved the relationship between fares and costs, and improved the fare differential between classes of service, they did not provide for sufficient increases in revenue. They allege that their increased revenues would be significantly less than the 3.8 percent estimated by the Board, due to the nature of their operations. TWA alleges that its proposal is consistent with the first recommendation in the staff's fare study of 1968, and that inconsistencies in the present fare structure should be removed prior to further study leading to the development of a new fare structure.

Moreover, the carriers assert that the basis for the suspension request is not that the proposed fares are *prima facie* unjust or outside the zone of reasonableness, but that the formula used in their construction, and the values used in the formula, may not comply with the Federal Aviation Act or with the Board's rules and regulations; that to the extent the complaint attacks the method used to construct the proposed fares, it ignores its own earlier statement that under the statutory standards of just and reasonable fares it is the result reached, not the method employed, which is controlling; and that in this regard the complaint has failed to show that the end result of the proposals contravenes the standards of the Act.

Upon consideration of the tariff proposals, the complaint and answers thereto, and other relevant matters, the Board finds that the proposals 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 Board is not opposed to elimination of extreme variations from the "norm", *per se*. However, we are not at this time prepared to conclude that the fare norm utilized by the carriers in developing their proposals is the most appropriate measure against which to make adjustments in the structure. In view of the advanced stage of the Board's informal investigation into cost oriented norms, and the expectation that an adequately tested formula may be arrived at during the time in which these proposed fares are being investigated, the Board is unwilling to permit the proposed fare changes to become effective at this time.

Aside from questions of fare structure, the tariff filings before us represent requests for an increase in revenue. Less than 3 months ago (Feb. 20, 1969, and

various dates thereafter), the Board permitted a general fare increase which, it was estimated, will result in additional revenues approaching 4 percent for the trunkline industry.<sup>2</sup> It is true that this percentage of increased revenues is an "industry average" figure; and individual carriers may find inequities in their fare structures which will warrant some increase. We note that the carriers have recently filed to place a 7-day minimum stay requirement on their Discover America excursion fares, to become effective June 1, 1969. This limitation should lessen the diversionary effect of these fares and, according to earlier estimates, would have contributed additional revenues for the trunkline carriers of some \$15 million based on 1967 traffic. In all these circumstances, the Board is unable at this time to approve without investigation a further revenue increase for the trunkline industry.

In this connection, the Board is very much concerned about a problem which it considers basic to the economic state of the industry, and which cannot be solved by a series of fare increases. This problem is the presently depressed level of load factors. Load factors for the domestic trunkline carriers have been dropping steadily since 1966. The 53 percent passenger load factor reported for the calendar year 1968 is the lowest reported for any of the past 20 years. This trend gains added significance in light of the substantial amount of traffic that traveled at discount fares last year (in excess of 40 percent). Moreover, estimates indicate that the domestic trunk load factor will drop to even lower levels during 1969.

The carriers have not erred in their basic traffic forecasts. Both the carriers and the Board have been surprisingly accurate in traffic forecasting. But the carriers have bought equipment despite (not by reason of) traffic forecasts.

As long as the industry's load factor continues its present downward trend, and inflationary pressures persist, the carriers may find themselves in a cost-revenue squeeze despite the introduction of more efficient aircraft and the adjustment of their fares. Another significant aspect of an unnecessary increase in unused capacity is the corresponding growth in the investment base and fixed charges. On the other hand, it cannot be expected that fare increases will stimulate additional traffic. The basic solution to the industry's present financial situation would appear to lie in exercising restraint in ordering new flight equipment and in the use of its available capacity, rather than in increasing its price to the public.

Returning to the question of fare structure, the Board is of the opinion that inconsistencies arising from the lack of published joint fares are inseparable from the inconsistencies which may exist in presently published local fares. We believe that correction of both should proceed simultaneously. A significant number of passengers are today traveling in markets where one carrier service

is not available, and where no joint fare is published for inter-carrier connecting service. Passengers traveling in such markets must pay a combination of local fares, each of which reflects the February increases. Fares for these passengers, therefore, reflect a compounding of increases which the formula permitted by the Board in February 1969, was not intended to reflect. The Board finds no reason for continuing such inequity.

On the basis of the foregoing, the Board is of the opinion that the proposals now before it are, if nothing else, premature. It is probable that a more appropriate measure of consistency, in the form of a cost-oriented norm, will soon be adequately tested out. And the Board believes that elimination of inconsistencies in presently published fares should be accompanied by elimination of the inconsistencies which exist by reason of the lack of a published joint single-factor fare for connecting service. We view these two facets of the fare structure as inseparable, and believe that joint fares should be published in all markets where the volume of traffic averages one or more passengers a day.

In view of the above, we deem it advisable to defer action on the complainants' request that the Board institute a general rate proceeding to investigate the fare structure of air carriers pending further informal investigation into a cost-oriented formula. Complainants also request that the Board undertake a rule making proceeding to amend Part 241 of the economic regulations "to require submission of revenue-hour information (e.g., available seat-hours, available ton-hours, passenger-hours flown, ton-hours flown, etc.) in order that such data will be readily available for a comprehensive investigation of the fare structure."

At present, the carriers report over-all aircraft revenue hours for scheduled and nonscheduled services, separately, on a system basis. In addition, the Board has under consideration in a pending rule-making proceeding proposed amendments to Part 241 which would, *inter alia*, require certificated carriers to report monthly on a flight stage basis revenue aircraft hours (airborne) and aircraft hours (ramp-to-ramp).<sup>3</sup> Such data, together with other data which would be required under the proposed rule, would provide the revenue-hour information specified by complainants on a flight segment basis. In light of the foregoing, complainants' request will be denied.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

**It is ordered, That:**

1. An investigation is instituted to determine whether the fares and provisions described in Appendix A attached hereto,<sup>4</sup> and rules, regulations, or practices affecting such fares and provisions, are or will be, unjust or unreasonable,

<sup>2</sup> EDR-146, Sept. 25, 1968.

<sup>3</sup> Appendix A filed as part of original document.

<sup>4</sup> Order 69-2-98, adopted Feb. 19, 1969.



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, and practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto<sup>1</sup> are suspended and their use deferred to and including August 16, 1969, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order of special permission of the Board;

3. Except to the extent granted herein, the complaint in Docket 20923 to the extent that it requests initiation of a rulemaking proceeding under Part 241 of Title 14, CFR is hereby denied; and such complaint to the extent that it requests a general rate proceeding to investigate the fare structure of air carriers is hereby deferred;

4. The complaints of the city of San Francisco and the San Francisco Chamber of Commerce, in Docket 20880, which are related to the Los Angeles-San Francisco common fares, are dismissed;

5. This investigation be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

6. A copy of this order be filed with the aforesaid tariffs and served upon American Airlines, Inc., Braniff Airways, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc., which are made parties to this proceeding.

This order will be published in the **FEDERAL REGISTER**.

By the Civil Aeronautics Board.\*

[SEAL]

MABEL McCART,  
Acting Secretary.

[P.R. Doc. 69-5847; Filed, May 14, 1969;  
8:50 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Report 439]

### COMMON CARRIER SERVICES INFORMATION<sup>1</sup>

#### Domestic Public Radio Services Applications Accepted for Filing<sup>2</sup>

MAY 12, 1969.

Pursuant to §§ 1.227(b) (3) and 21.26 (b) of the Commission's rules, an appli-

\* Members Gilliland and Adams would not have suspended or investigated these fares.

<sup>1</sup> All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

<sup>2</sup> The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

cation, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not

acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS  
COMMISSION,  
BEN F. WAPLE,  
Secretary.

[SEAL]

#### APPENDIX

##### APPLICATIONS ACCEPTED FOR FILING:

##### DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE:

##### File No.; applicant; call sign; nature of application

- 6657-C2-AL-69—Rochester Uni-Call Corp.; (KEC521); Consent to assignment of license from Rochester Uni-Call Corp., Assignor to: Tel-Page Corp., Assignee.
- 6658-C2-AL-(2)69—Autofone Co.; Consent to assignment of license from: Communication Enterprises, Inc., doing business as Autofone Co., Assignor, to: Ray Andrew Fields, Assignee, Stations: KOF910 Vancouver, Wash., KOP257 Portland, Oreg.
- 6660-C2-P-69—South Central Bell Tel. Co.; (KIC344); C.P. to change the input power of transmitters operating on frequencies 152.51, 152.63, and 152.72 MHz at station located at Location No. 2: 201 Court Avenue, Memphis, Tenn.
- 6661-C2-P-69—Southwestern Bell Telephone Co.; (KKB395); C.P. to add a fifth channel to operate on frequency 152.72 MHz at station located at 5 miles south southeast of Goldsmith, Tex.
- 6662-C2-P-69—Dome Communications; (KLF516); C.P. to add a second channel to operate on frequency 152.15 MHz at station located at Location No. 2: 1432 Big Horn Ave., Sheridan, Wyo.
- 6663-C2-P-(3)69—Illinois Bell Tel. Co.; (KSA752); C.P. to add a fourth channel to operate on frequency 152.72 MHz and change the antenna system located at 5 miles northwest of Rockford, Ill.
- 6405-C2-P/L-69—South Central Bell Telephone Co.; (KIC343); C.P. and modification of license to change the antenna system operating on frequencies 152.51, 152.63, 152.69, and 152.78 MHz located approximately 7.5 miles south of Nashville, Tenn.
- 6678-C2-P-69—Mobilphone; (New); C.P. for a new 1-way station to be located 2.5 miles north of U.S. Highway No. 83 on North Tenth Street, McAllen, Tex., to operate on frequency 152.24 MHz.
- 6679-C2-P-(2)69—Boca Mobilphone; (KPFQ941); C.P. to add a second base channel to operate on frequency 454.200 MHz and relocate facilities operating on 454.35 MHz to 351 Southwest First Avenue, Boca Raton, Fla.
- 6670-C2-TC-69—Philadelphia Mobile Telephone Co.; (KGI775); Consent to transfer of control from Robert L. Storer and John B. Huffaker, Assignors, to: Teletech Corp., Assignee.
- 6688-C2-P-69—Gulf Mobilephone of Vicksburg; (New); C.P. for a new 2-way station to be located at 903 Clay Street, Vicksburg, Miss., to operate on base frequency 454.15 MHz.
- 6689-C2-P-69—Gulf Mobilephone of Vicksburg; (New); C.P. for a new 2-way station to be located on Highway No. 84, at the Mississippi River Bridge, Natchez, Miss.
- 6690-C2-P-69—Piedmont Telephone Co.; (KIM907); C.P. to replace the base transmitter operating on frequency 152.57 MHz located at State Routes No. 55 and No. 625, Haymarket, Va.
- 6695-C2-P-69—The Pacific Tel. & Tel. Co.; (KMA829); C.P. to change the antenna system and relocate facilities operating 35.58 MHz at Location No. 6 to: 530 "B" Street, San Diego, Calif.
- 6696-C2-P-69—Radio Page of Michiana, Inc.; (New); C.P. for a new 2-way station to be located at 106 West Monroe Street, South Bend, Ind., to operate on frequency 152.21 MHz.
- 6714-C2-P-69—Tuolumne Telephone Co.; (New); C.P. for a new 2-way station to be located at Shingletown, Calif., to operate on base frequency 152.54 MHz.

##### Major Amendment

- 5434-C2-P-69—Spencer Communications Service; (KIY446); Change frequency to read 454.225 MHz. All other particulars to remain the same as reported on public notice dated March 24, 1969, Report No. 432.
- 3626-C2-P-68—Communications Engineering, Inc.; (New); Amended to change the frequencies for the control and repeater facilities to specify 75.54 and 72.54 MHz, respectively. All other particulars to remain as reported on public notice dated January 29, 1968.

##### Corrections

- 6418-C2-P-(2)69—General Telephone Co. of the Southeast; (New); Correct to read: Frequency 152.84 MHz.



## Corrections—Continued

6419-C2-P-69—General Telephone Co. of the Southeast; (New); Correct to read: Frequencies 152.54 and 152.78 MHz. All other particulars same as reported in public notice dated May 5, 1969, Report No. 438.

## RURAL RADIO SERVICE:

6664-C1-P-69—Pacific Power & Light Co.; (New); C.P. for a new station to be located at 15.7 miles north of Columbia Falls, Mont., to operate on frequency 157.95 MHz communicating with station KFL914, Kallispell, Mont.

6659-C1-AL-69—Autofone Co.; (KPX66); Consent to assignment of license from Communication Enterprises, Inc., doing business as Autofone Co., Assignor, to: Ray Andrew Fields, Assignee.

6680-C1-P/L-69—The Mountain Telephone & Telegraph Co.; (New); C.P. and license for a new rural subscriber station to be located 35 miles southeast of Billings, Mont., to operate on frequency 157.80 MHz communicating with station KSV89, Billings, Mont. 6681-C1-ML-69—The Mountain Telephone & Telegraph Co.; (KSV89); Modification of license to add a rural subscriber: W. H. Willcutt, located 36 miles southeast of Billings, Mont. All other terms of the existing license to remain the same.

6691-C1-P/L-69—Central Telephone Co.; (New); C.P. and license for a new interoffice fixed station to operate with two units at any temporary-fixed location within the territory of grantee, to operate on frequencies 152.78 and 153.04 MHz.

## POINT-TO-POINT MICROWAVE RADIO SERVICE: (TELEPHONE CABLES)

6659-C1-P/ML-69—American Telephone & Telegraph Co.; (KEP72); C.P. and modification of license for a (developmental) temporary fixed station to add eight transmitters to operate on frequencies in the 3700-4900, 5925-6425, and 10700-11700 MHz frequency bands. 6665-C1-P-69—Southern Bell Telephone & Telegraph Co.; (KJH41); C.P. to add frequency 6336.9 MHz toward Florence, S.C. (power split), at station located at 7 miles west of Hartsville, S.C.

6666-C1-P-69—Central Telephone Co.; (New); C.P. for a new fixed station to be located at Spirit Mountain, approximately 11.8 miles northwest of Bullhead City, Ariz., to operate on frequencies 6315.9 and 11285.0 MHz toward Mohave, Nev., and add frequencies 609.3 and 11115.0 MHz toward Searchlight, Nev.

6667-C1-P-69—Central Telephone Co.; (New); C.P. for a new fixed station to be located at Mohave, Nev., approximately 1.5 miles west of Bullhead City, Ariz., to operate on frequencies 6083.8 and 10835.0 MHz toward Spirit Mountain, Nev., and 6034.2 and 10755.0 MHz toward Christmas Tree Pass, Nev.

6668-C1-P-69—Central Telephone Co.; (KYN50); C.P. to add frequencies 5974.8 and 10895.0 MHz toward Christmas Tree Pass, Nev., at station located 3 miles west of Nelson, Nev.

6669-C1-P-69—Central Telephone Co.; (KYN49); C.P. to add frequencies 6286.2 and 11685.0 MHz toward Mohave, Nev., and 6226.9 and 11445.0 MHz toward Nelson, Nev., at station located at Christmas Tree Pass, Nev., approximately 12 miles northwest of Bullhead City, Ariz.

6682-C1-P-69—The Pacific Telephone & Telegraph Co.; (KMM97); C.P. to add frequencies 6330.7 and 11545 MHz toward Bicycle Hill, Calif., at station located at Turquoise, 15 miles northeast of Baker, Calif.

6683-C1-MP-69—Southwestern Bell Telephone Co.; (KYO86); Modification of C.P. to change frequencies from 5937.8 and 6056.4 MHz to 6115.7 and 5937.8 MHz toward Lytle Gap, Tex. All other terms of the existing C.P. to remain the same.

6684-C1-P-69—American Telephone & Telegraph Co.; (KGH97); C.P. to add frequency 3790 MHz toward Mt. Nebo, Pa., at station located at 416 Seventh Avenue, Pittsburgh, Pa.

6685-C1-P-69—American Telephone & Telegraph Co.; (KGO66); C.P. to add frequency 3830 MHz toward Pittsburgh & Butler, Pa., at station located 0.6 mile north of Mt. Nebo, Pa.

6686-C1-P-69—American Telephone & Telegraph Co.; (KGN92); C.P. to add frequency 3790 MHz toward Mt. Nebo, Pa., at station located at 5.2 miles east of Butler, Pa.

6715-C1-TC-69—Beaver State Telephone Co.; Consent to transfer of control from Beaver State Telephone Co. Transferor, to: Telephone Utilities, Inc., Transferee. Stations: KPT38 Lakewier, Oreg., KPT39 Hy, Oreg.

4596-C1-P-69—Illinois Bell Telephone Co.; (KYS94); Correct to read C.P. to add frequencies 6019.3 and 11545 MHz toward Albany, Ill., and add frequencies 6152.8 and 11693 MHz toward Rock Island, Ill. All other particulars same as reported in public notice dated February 10, 1969, Report No. 426.

6411-C1-P-69—Illinois Bell Telephone Co. (New); Correct to read C.P. for a new fixed station: Frequencies 6108.3 and 11525 MHz; 5960.9, 6078.6, 5974.8 and 11685 MHz (relocated from KJ356). All other particulars same as reported in public notice dated May 5, 1969, Report No. 438.

6408-C1-P-69—Communications Satellite; (New); Correct frequencies to read: 6635, 6675, 6595, 10755, 10915, and 11075 MHz. All other particulars same as reported on public notice dated May 5, 1969, Report No. 438.

## POINT TO POINT MICROWAVE RADIO SERVICE: (NONTELEPHONE)

6391-C1-P-69—Microwave Service Co.; (New); C.P. for a new station to be located at the studio of KKBC(TV), Lubbock, Tex. (lat. 33°32'54" N., long. 101°51'39" W.), to operate on frequency 6404.8 MHz toward the KKBC(TV) transmitter site at Lubbock, Tex. (lat. 33°30'03" N., long. 101°52'20" W.), on azimuth of 191 degrees/45 minutes.

(Informative: Applicant proposes to provide an STL service to KKBC(TV) that would supplant the existing KKBC(TV)-owned STL system. Note: Applicant has requested Special Temporary Authority.)

6692-C1-P-69—Western Microwave, Inc.; (New); C.P. for a new station on Fort Peck Indian Reservation, 15.5 miles north-northwest of Poplar, Mont., at 48°19'40" N., long. 105°17'55" W. Frequency 11305 MHz on azimuth 134 degrees/13 minutes.

6693-C1-P-69—Western Microwave, Inc.; (KSQ29); C.P. to add frequency at station located at Fox Creek, 9.4 miles west of Sidney, Mont., at lat. 47°42'30" N., long. 104°21'09" W. and to add new point of communications at Glendive Knob, Mont. Frequency 11175 MHz on azimuths 47 degrees/18 minutes, 89 degrees/42 minutes and 198 degrees/12 minutes. 6694-C1-P-69—Western Microwave, Inc.; (KSQ30); C.P. to add frequency 11905 MHz on azimuth 325 degrees/08 minutes at station located 5 miles south of Glendive, Mont.

(Informative: Applicant proposes to provide the television signal of CKCK-TV of Saskatchewan, Canada, to Glendive Cable TV in Glendive; Community Service Television in Williston and Big Sky TV Cable, Inc. in Sidney, Mont.)

6716-C1-P-69—United Video, Inc.; (New); C.P. for a new station to be located 3.7 miles northwest of Lebanon, Mo., at lat. 37°42'39" N., long. 92°42'43" W. Frequencies: 10735 and 10895 MHz on azimuth 200 degrees/39 minutes.

6717-C1-P-69—United Video, Inc.; (New); C.P. for a new station to be located 1.14 miles southeast of Marsfield, Mo., at lat. 37°19'32" N., long. 92°53'49" W. Frequencies: 11425 and 11585 MHz on azimuth 243 degrees/30 minutes.

6718-C1-P-69—United Video, Inc.; (New); C.P. for a new station to be located at 5.4 miles southwest of Springfield, Mo., at lat. 37°08'58" N., long. 93°20'08" W. Frequencies: 10735 and 10895 MHz on azimuth 275 degrees/44 minutes.

6719-C1-P-69—United Video, Inc.; (New); C.P. for a new station to be located 1.28 miles west-northwest of Phelps, Mo., at lat. 37°11'43" N., long. 93°55'39" W. Frequencies: 11425 and 11585 MHz on azimuth 257 degrees/17 minutes.

(Informative: Applicant proposes to provide the television signals of stations KETC and KPLR-TV of St. Louis, Mo., to Joplin, Mo., for delivery to Midwest Cablevision, Inc.)

## Major Amendment

1563-C1-P-69—Penn Service Microwave Co.; (New); Amended to change frequencies 11300, 11350, and 11400 MHz to 11225, 11385, and 11545 MHz toward Aris, Pa., on azimuth 274 degrees/30 minutes. Transmitter location: Bald Eagle Mountain, 3 miles south of Williamsport, Pa.

All other particulars same as reported in public notice dated September 30, 1968. 4184-C1-P-69—Penn Service Microwave Co.; (New); Amended to change frequencies 11300, 11350, and 11400 MHz to 11225, 11385, and 11545 MHz toward Cogan Station, Pa., on azimuth 325 degrees/30 minutes. Transmitter location: Bald Eagle Mountain, 3 miles south of Williamsport, Pa.

All other particulars same as reported in public notice dated March 31, 1969.



## Correction

6312-C1-MP-69—Western Microwave, Inc.; (KPQ42); Correct to read: Modification of C.P. to (a) change frequencies 5000.0 MHz and 6260.0 MHz to 6271.3 MHz and 6241.7 MHz toward Big Timber and Greenough, Mont., on azimuths of 251 degrees/12 minutes and 122 degrees/55 minutes, respectively; and (b) change frequency 6260.0 MHz to 6241.7 MHz toward Little Belt Mountain, Mont., on azimuth of 338 degrees/00 minutes. Transmitter location: 19 miles northeast of Greycliff, Mont.

[F.R. Doc. 69-5803; Filed, May 14, 1969; 8:49 a.m.]

[Docket Nos. 18547, 18548; FCC 69-503]

# ERWIN O'CONNER BROADCASTING CO. AND NORMAN A. THOMAS

## Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Erwin O'Connor trading as Erwin O'Connor Broadcasting Co., Dayton, Tenn., requests: 104.9 mc. No. 285; 923 watts; 337 feet; Docket No. 18547, File No. BPH-6408; Norman A. Thomas, Dayton, Tenn., requests: 104.9 mc. No. 285; 3 kw; 198 feet; Docket No. 18548, File No. BPH-6479; 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. 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 within the 1-mv/m contour together with the availability of other primary aural services in such areas will be considered under the comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

3. According to his application Erwin O'Connor would require \$30,000 to construct and operate his proposed station for 1 year without reliance on revenues. In fact, however, he indicated his intention to rely on revenues to cover part of his operating costs. His showing in this regard is not adequate in that the advertiser statements specify sums which appear to be excessively high. Without reliance on this item O'Connor has available a total of \$15,800 in liquid assets as supplemented by a bank loan. Accordingly, an issue will be specified to determine the availability of the additional \$14,200. If it is to be from advertisers, further documentation will be required to demonstrate that the advertisers could be relied on to spend the amounts specified.

4. According to his application Norman A. Thomas would require \$4,690 to construct his proposed station and \$4,260 to operate it for 1 year without reliance on revenues. The former figure has been adequately documented, but the latter figure which appears to be inordinately low has not been. In addition, he relies on existing capital of \$5,000 and profits from existing operations of \$4,500, but the application lacks substantiation for either amount. Accordingly, an issue will

be specified to determine the costs for first-year operation and applicant's ability to meet this cost and that of construction.

5. In Suburban Broadcasters, 30 FCC 1020, 20 R.R. 951 (1961), and our public notice of August 22, 1968 (FCC 68-847), we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. Norman A. Thomas does not appear to have made an adequate survey, nor has he adequately listed the suggestions received, or the programing he proposes to meet these needs as evaluated. Thus, we are unable at this time to determine whether Norman A. Thomas is aware of and responsive to the needs of the area. Accordingly, a Suburban issue is required.

6. Norman A. Thomas proposes 62.5 percent duplicated programing while Erwin O'Connor proposes independent operation. 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).

7. Except as indicated below, the applicants are qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing on the issues set forth below.

8. 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 Erwin O'Connor has available to him the additional \$14,200 required to construct and operate his proposed station for 1 year and thus demonstrate his financial qualifications.

2. To determine the amount reasonably required by Norman A. Thomas to operate his proposed station for 1 year without reliance on revenues and whether he has available to him the necessary funds for construction and first-year operation of his proposed station to thus demonstrate his financial qualifications.

3. To determine the efforts made by Norman A. Thomas 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 which of the proposals would on a comparative basis better serve the public interest.

5. To determine in the light of the evidence adduced pursuant to the foregoing issue, which if either of the applications for construction permit should be granted.

9. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants, 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.

10. 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: May 7, 1969.

Released: May 12, 1969.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 69-5805; Filed, May 14, 1969; 8:49 a.m.]

[Docket No. 17243, etc.; FCC 69R-202]

# KITTYHAWK BROADCASTING CORP. ET AL.

## Memorandum Opinion and Order Enlarging Issues

In regard applications of Kittyhawk Broadcasting Corp., Kettering, Ohio, Docket No. 17243, File No. BP-16603; The Gem City Broadcasting Co., Kettering, Ohio, et al., Docket Nos. 17244, 17245, 17247, 17249, 17250, File No. BP-16877; for construction permits.

1. Kittyhawk Broadcasting Corp. (Kittyhawk) is one of a number of applicants in this proceeding who are seeking authorizations for a new standard broadcast station in Ohio, Indiana, and Kentucky. They were designated for hearing by the Commission in an order released March 16, 1967 (FCC 67-256), and in addition to the areas and populations and 307(b) issues, a Suburban Policy issue was designated against Kittyhawk. A contingent comparative issue was also specified.

<sup>1</sup> Commissioner Robert E. Lee concurring in the result; Commissioner Cox absent.



2. Gem City Broadcasting Co. (Gem City), another of the applicants, on March 5, 1969, filed a petition to enlarge issues against Kittyhawk as follows:<sup>1</sup>

(a) To determine the facts and circumstances with respect to Kittyhawk Broadcasting Corp. failure to notify the Commission, in connection with this proceeding, of the execution of an option agreement by Kittyhawk Television Corp., licensee of UHF television station WKTR-TV, to sell such station to American Broadcasting Companies, Inc.

(b) To determine whether Kittyhawk Broadcasting Corp. has failed to keep the Commission informed of substantial changes of decisional significance as required by § 1.65 of the Commission's rules.

(c) To determine the effect of the facts adduced pursuant to issues A and B above on the requisite and comparative qualifications of Kittyhawk Broadcasting Corp. to receive a grant of its application.

The petitioner supports its request for issues with the following factual allegations which Kittyhawk does not deny. On January 15, 1969, Kittyhawk Television Corp. granted an option to the American Broadcasting Companies, Inc. to purchase the assets of Kittyhawk's television station, WKTR-TV, channel 16, Kettering, Ohio. The option was filed with the Ownership Section of the Broadcast Bureau on February 14, 1969, but has never been filed in this docket proceeding. The stock ownership and officers and directors of Kittyhawk Broadcasting Corp. and Kittyhawk Television Corp. are almost identical, and the control of both corporations resides in the same individuals. Mr. John Kemper is president of one, chairman of the other, and largest single stockholder of both corporations. The studio location specified for the proposed Kittyhawk standard broadcast station is in the WKTR-TV television studio building. On February 2, 1968, Kittyhawk Television filed with the Commission an application which is still pending for permission to identify its television station as a Kettering-Dayton television station.

3. Petitioner states its understanding that the option has been exercised and argues that this would result in substantially revised plans for the AM proposal requiring an inquiry into the proposed location of the AM studio, the staffing of the AM facility and the resultant changes in financial requirements, all of which are clearly of decisional significance. It is also argued that the option indicates that the principals of Kittyhawk Broadcasting Corp. have no desire to serve the community of Kettering, a matter which allegedly bears substantially on the determination of the Suburban Community issue. Petitioner maintains that in order to comply with rule 1.65 an applicant must either amend its application or furnish a statement for the record containing the appropriate in-

formation, neither of which has been done here, and that the requirement of the rule is not met by filing information in the ownership report. Cleveland Broadcasting Co., Inc., 2 FCC 2d 717 (1966) and other cases are cited.

4. To show good cause for the late filing of this petition, Gem City states that it did not learn of the existence of the option to sell until after it had been filed with the Commission and after having read about it in a newspaper article dated February 14, 1969. Although the option agreement was filed with the Commission on February 14, the document was not available to petitioner until about March 3, 1969. It is asserted that the time since March 3, was consumed in a thorough investigation of the matter and the preparation of other steps necessary to document and support the factual assertions.

5. Kittyhawk, opposing the petition to enlarge, states that WKTR-TV and ABC never reached an agreement concerning the sale of the station and negotiations have ceased, and continues that there are no present plans to sell WKTR-TV to ABC or any other company or individual. It argues that the option would only have become a substantial matter of decisional significance if it had been accepted by ABC and if a final agreement had been entered into by the two parties. Kittyhawk construes rule 1.65 as not requiring the reporting of preliminary negotiations that have ceased and insists that the negotiations could not possibly be of significance in the 307(b) radio proceeding pending before the Review Board. Kittyhawk states that it complied with the requirements of § 1.613(a)(3) of the rules by filing the option with the Commission within 30 days after it was made, which filing made the correct information concerning the offer a matter of public record. However, since it was only an option, Kittyhawk argues that it fell far short of an agreement which would have come within the scope of 1.65 and that since the offer to ABC did not result in a final agreement, it was and is unnecessary to amend the application or in any other way burden the record with the details of the unilateral offer.

6. The Broadcast Bureau supports the petition to enlarge issues insofar as it seeks inquiry into Kittyhawk's 1.65 shortcomings on a comparative basis. According to the Bureau, Kittyhawk should have amended its application to reflect the changes because the requirements of rule 1.65 have not been satisfied by the filing of this information on the Commission's ownership form 323. Replying to the opposition, Gem City maintains that the fact that the option was not exercised is of no relevance and that the fact that a final sales contract, which would also have had to be filed, was not entered into does not relieve Kittyhawk of its obligation to keep the Commission fully informed of all activities which either result in changes in answers to the questions set forth in the pending application or concern matters which are of substantial and decisional significance in the proceeding. With respect to the Broadcast Bureau's comments support-

ing enlargement of the issues on only a comparative basis, Gem City submits that failure to comply with the rule reflects on the requisite qualifications of Kittyhawk and that, therefore, a disqualifying "failure to report" issue should be added.

7. It is well established that the filing of contracts pursuant to the terms of § 1.613 of the Commission's rules does not meet the requirements of rule 1.65. *Cleveland Broadcasting Co., Inc.*, supra; *Central Broadcasting Co., Inc.*, 3 FCC 2d 577 (1966); *Gordon Sherman*, 4 FCC 2d 337 (1966). In light of the Suburban Community issue which has been specified here against Kittyhawk and of Kittyhawk's proposal to locate its standard broadcast studio at the studio of its television station, the transaction contemplated by the option was of sufficient significance to require that it be reported under the provisions of § 1.65. This being so, there can be no question but that Kittyhawk's failure to make the necessary report would require exploration at the hearing on the comparative issues. Our examination of the precedents, particularly that of *A-C Broadcasters*, 10 FCC 2d 256 (1967), indicates that the further specification of a qualifications issue on the basis of Kittyhawk's failure to report the granting of an option is not justified.<sup>2</sup> In *A-C Broadcasters*, an applicant had failed to disclose under the provisions of 1.65 its future intent to assign the construction permit and the Commission ruled that "serious as this violation is, we do not think it warrants the drastic remedy proposed" which was designation for hearing on character issues. The Commission there concluded that the reporting failure constituted an isolated infraction of the rules which could best be dealt with through the imposition of a monetary forfeiture. Of course, this remedy is not available to the Board, but under the circumstances of this case, and inasmuch as the option agreement has now expired, the Board feels that exploration of Kittyhawk's failure to report under the comparative issue, should that issue be reached, is sufficient.

8. Accordingly, it is ordered, That the petition to enlarge issues filed by Gem City Broadcasting Co. on March 5, 1969, is granted to the extent indicated below and in all other respects is denied: To determine the facts and circumstances with respect to Kittyhawk Broadcasting Corporation's failure to notify the Commission, pursuant to the provisions of § 1.65 of the Commission's rules, of the execution of an option agreement by Kittyhawk Television Corp. to sell UHF television station WKTR-TV to American Broadcasting Companies, Inc., and the effect thereof on the comparative qualifications of Kittyhawk Broadcasting Corp. under the contingent comparative issue specified in the Commission's designation order.

And

9. It is further ordered, That no further action on this enlargement is neces-

<sup>1</sup> Also before the Board are: Opposition, filed by Kittyhawk on Mar. 14, 1969; Broadcast Bureau comments, filed on Mar. 19, 1969; and Gem City reply, filed Apr. 1, 1969.

<sup>2</sup> But see, also, *Vernon Broadcasting Co.*, 12 FCC 2d 946 (1968).



sary unless the Board's disposition of the exceptions to the Initial Decision herein so indicates.

Adopted: May 7, 1969.

Released: May 9, 1969.

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

[F.R. Doc. 69-5804; Filed, May 14, 1969;  
8:40 a.m.]

## FEDERAL MARITIME COMMISSION

CENTURION TRANSPORT, INC.,  
ET AL.

### Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Thomas E. Kimball, Lillick, McHose, Wheat, Adams, and Charles, 1625 K Street, NW., Washington, D.C. 20006.

Agreement No. T-2289 between Centurion Transport, Inc., General Steamship Corp., Ltd., California Maritime Services, Inc., and International Terminals, Inc. (the Parties) provides for the formation of a joint venture for the conduct of marine terminal and related operations at the Ports of Long Beach and Los Angeles, Calif. The joint venture will be known as California United Terminals. The agreement sets forth the means for the transaction of business of the joint venture, capitalization, determination and distribution of profits and losses, assessment of charges and other requirements for effectuating the agreement.

Dated: May 12, 1969.

By order of the Federal Maritime Commission,

THOMAS LISI,  
Secretary.

[F.R. Doc. 69-5783; Filed, May 14, 1969;  
8:48 a.m.]

## CITY OF LONG BEACH AND CALIFORNIA UNITED TERMINALS

### Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Leslie E. Still, Jr., Deputy City Attorney, City of Long Beach, Suite 600, City Hall, Long Beach, Calif. 90802

Agreement No. T-2295, between the Board of Harbor Commissioners of the City of Long Beach (City) and California Maritime Services, Inc., Centurion Transport Inc., General Steamship Corp., Ltd., and International Terminals, Inc., all doing business as California United Terminals (United), is a nonexclusive preferential and secondary assignment of certain wharf space and contiguous wharf premises together with one-half of a transit shed at Long Beach, Calif. The leased premises will be used by United to conduct a contract wharfage business. As compensation, City will receive a minimum of \$337,500 during the first 12-month period of the agreement and a minimum of \$387,500 during the second and third 12-month periods from all applicable tariff charges accruing from operations on the premises. After accrued tariff charges have reached \$387,500 in each 12-month period, revenues will be divided between City and United as follows: 60 percent to City and 40 percent to United. City retains the right to make temporary berthing assignments at the premises to other users, and tariff charges in connection therewith will be the exclusive property of City and shall be credited to the respective account of United and City in accordance with the terms of the agreement.

Dated: May 12, 1969.

By order of the Federal Maritime Commission,

THOMAS LISI,  
Secretary.

[F.R. Doc. 69-5784; Filed, May 14, 1969;  
8:48 a.m.]

[Docket No. 69-23]

## GULF-PUERTO RICO LINES, INC.

### General Increases in Rates in U.S. Gulf/Puerto Rico Trade; Order of Investigation

There recently have been filed with the Federal Maritime Commission by Gulf-Puerto Rico Lines, U.S.A., Inc. Supplements Nos. 27 and 5 to its Freight Tariffs FMC-F Nos. 1 and 2 which generally increase rates and charges in the subject trade by 10 percent.

Upon consideration of said schedules and protests thereto filed by the associations, firms, corporations or public bodies named in the appendix to this order, there is reason to believe that the above designated increased rates should be made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable or otherwise unlawful under section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing therefore:

*It is ordered*, That pursuant to the authority of section 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of said increased rates with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the matter hereby placed under investigation is further changed, amended, or reissued such matter will be included in this investigation.

*It is further ordered*, That Gulf-Puerto Rico Lines, Inc. be named as respondent in this proceeding.

*It is further ordered*, That this proceeding be assigned for public hearing before an examiner of the Commission's office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

*It is further ordered*, That (I) a copy of this order shall forthwith be served on the respondents and protestants herein; (II) the said respondents and protestants be duly notified of the time and place of the hearing; and (III) this order be published in the FEDERAL REGISTER and notice of said hearing be served upon respondents.

All persons (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL]

THOMAS LISI,  
Secretary.

<sup>1</sup> Gulf-Puerto Rico Lines, Inc. is the only participating party named in the tariff.



## APPENDIX

Edward Schmeitzer and Mario P. Escudero,  
1140 Connecticut Ave. NW., Washington,  
D.C. 20036  
Attorneys for the Commonwealth of Puerto  
Rico

Southern Lumber Exporters Association, Inc.,  
308 Cigall Bldg., New Orleans, La. 70130.  
American Cast Iron Pipe Co., Post Office Box  
2603, Birmingham, Ala. 35202

McWane Cast Iron Pipe Co., Post Office Box  
2601, Birmingham, Ala. 35202

United States Pipe and Foundry Co., Post  
Office Box 2651, Birmingham, Ala. 35202  
Woodward Co. (A division of the Mead Corp.),  
Woodward, Ala. 35189

[F.R. Doc. 69-5785; Filed, May 14, 1969;  
8:48 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. CP69-289]

## COLORADO INTERSTATE GAS CO.

## Notice of Application

MAY 8, 1969.

Take notice that on May 5, 1969, Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (Applicant), Post Office Box 1087, Colorado Springs, Colo. 80901, filed in Docket No. CP69-289 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the installation and operation of additional compressor facilities for the transportation of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to install and operate one 1,440 horsepower compression unit at its Mocane Station in Beaver County, Okla. Applicant states that this unit is the same size as the three existing units.

The total estimated cost of the proposed unit plus installation is \$612,300, which will be financed from current working funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 6, 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. 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.

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. 69-5743; Filed, May 14, 1969;  
8:45 a.m.]

[Docket No. CP69-292]

## CONSOLIDATED GAS SUPPLY CORP.

## Notice of Application

MAY 9, 1969.

Take notice that on May 7, 1969, Consolidated Gas Supply Corp. (Applicant), 445 West Main Street, Clarksburg, W. Va. 26301, filed in Docket No. CP69-292 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities in the State of New York, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct approximately 7.9 miles of 24-inch pipeline in Madison and Oneida Counties, N.Y., looping its existing line No. 30. Applicant states that the proposed facilities are required to meet normal growth in the peak flow requirements of its markets in New York during the 1969-70 winter season. No new sales or services are proposed in this application.

The application indicates that the estimated cost of the proposed project is \$1,247,919, which cost will be financed in part from funds on hand in part by borrowing from Applicant's parent corporation, Consolidated Natural Gas Co.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 29, 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. 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.

Take further notice that, pursuant to the authority contained in and sub-

ject 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. 69-5744; Filed, May 14, 1969;  
8:45 a.m.]

[Docket No. CP69-281]

CITY OF MONTEAGLE, TENN., AND  
EAST TENNESSEE NATURAL GAS CO.

## Notice of Application

MAY 7, 1969.

Take notice that on May 1, 1969, the City of Monteagle, Tenn. 37356, filed in Docket No. CP69-281 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing East Tennessee Natural Gas Co. (respondent) to establish physical connection of its transmission system with the facilities to be constructed by Applicant and to sell and deliver volumes of natural gas to Applicant for resale and distribution in Monteagle, Tenn., and environs, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a natural gas distribution system in Monteagle, Tenn., and environs, and seeks an order of the Commission directing Respondent to sell and deliver to Applicant the volumes of gas necessary to serve Applicant's requirements.

The estimated third year peak day and annual requirements of Applicant's system are 350 Mcf and 27,986 Mcf, respectively.

The total estimated cost of Applicant's proposed system is \$130,000, which will be financed through the sale of gas revenue bonds.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 4, 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. 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.

GORDON M. GRANT,  
Secretary.

[F.R. Doc. 69-5742; Filed, May 14, 1969;  
8:45 a.m.]

[Docket No. CP69-285]

## NORTHERN NATURAL GAS CO.

### Notice of Application

MAY 8, 1969.

Take notice that on May 2, 1969, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP69-285 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities necessary to transport natural gas to be purchased from producers in a new supply area, Perry Bass Field, Pecos County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate 16.0 miles of 12-inch pipeline to transport gas in an easterly direction from the Perry Bass Field to connect with Applicant's existing 16-inch line extension into the NE, Oates Field, all in Pecos County, Tex. Applicant will also construct and operate measurement facilities and various sizes of gathering lines to enable it to gather, transport and treat the purchased gas.

The application indicates that Applicant has entered into contracts with Perry R. Bass, Gulf Oil Corp., Sams Oil Corp., and M. C. Vinson to purchase the Perry Bass Field gas at an initial price of 17.5 cents per Mcf.

The application shows the total estimated cost of Applicant's proposed facilities to be \$1,062,000, which cost will be financed from cash on hand.

Any persons desiring to be heard or to make any protest with reference to said application should on or before June 5, 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) 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. 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.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Fed-

eral 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. 69-5745; Filed, May 14, 1969;  
8:45 a.m.]

[Docket No. RP69-35]

## PANHANDLE EASTERN PIPE LINE CO.

### Notice of Proposed Changes in Rates and Charges

MAY 8, 1969.

Take notice that on May 5, 1969, Panhandle Eastern Pipe Line Co. (Panhandle) tendered for filing proposed changes in its FPC Gas Tariff, original volume No. 1, to become effective on June 20, 1969. The proposed rate changes would increase charges for jurisdictional sales and services by \$21,550,768 annually, based on sales for the 12-month period ending February 28, 1969, as adjusted. The proposed increase would be applicable to Panhandle's Rate Schedules G-1, 2, 3; SG-1, 2, 3; LS-1, 2; S-1; SS-1; CS-1; and I-1, 2, 3.

Panhandle states that the reasons for the proposed rate increases are increased: (1) Operating and maintenance costs; (2) interest and other financial costs; (3) Federal and State income taxes, ad valorem and other taxes; (4) cost of supplies, materials, labor and services. The proposed rates include a claimed 7.5 percent rate of return.

Copies of the proposed tariff changes were served on all of Panhandle's 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 May 29, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with

the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,  
Secretary.

[F.R. Doc. 69-5746; Filed, May 14, 1969;  
8:45 a.m.]

[Docket No. G-3784 etc.]

## SOHIO PETROLEUM CO. ET AL.

### Findings and Order; Correction

MAY 1, 1969.

Sohio Petroleum Co. (Operator) et al. (successor to Blanco Oil Co.), and other Applicants listed herein, Docket No. G-3784 et al.; Texaco, Inc., Dockets Nos. CI69-171 and (CI69-961).

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket numbers, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, making successor co-respondent, redesignating proceedings, requiring filing of agreements and undertakings, and accepting related rate schedules and supplements for filing, issued November 18, 1968, and published in the FEDERAL REGISTER, November 30, 1968 (33 F.R. 17858), on page 23, footnote 71: Delete that portion of footnote 71 beginning with "Rate" and ending with "RI67-423;".

GORDON M. GRANT,  
Secretary.

[F.R. Doc. 69-5747; Filed, May 14, 1969;  
8:45 a.m.]

[Docket No. G-7214 etc.]

## STANDARD OIL COMPANY OF TEXAS ET AL.

### Findings and Order; Correction

MAY 1, 1969.

Standard Oil Company of Texas, a Division of Chevron Oil Co., and other Applicants listed herein, Docket No. G-7214 et al.; Mobil Oil Corp., Dockets Nos. CI69-574 and (CI67-1626).

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket number, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, making successors co-respondents, redesignating proceedings, requiring filing of surety bond, accepting agreements and undertakings for filing, and accepting related rate schedules and supplements for filing, issued March 11, 1969, and published in the FEDERAL REGISTER March 19, 1969 (34 F.R. 5397), on page 18, first column: Dockets Nos. CI69-574 and (CI67-1626) delete footnote "7".

GORDON M. GRANT,  
Secretary.

[F.R. Doc. 69-5748; Filed, May 14, 1969;  
8:45 a.m.]



[Docket No. RI69-692, etc.]

**SUN OIL CO. AND UNION OIL  
COMPANY OF CALIFORNIA****Order Providing for Hearings on and  
Suspension of Proposed Changes  
in Rates; Correction**

MAY 7, 1969.

Sun Oil Co., Dockets Nos. RI69-692 et al.; Union Oil Company of California, Docket No. RI69-705.

In the order providing for hearings on and suspension of proposed changes in rates, issued April 16, 1969 and published in the FEDERAL REGISTER Apr. 25, 1969 (34 F.R. 6047), in Appendix "A", page 4, Union Oil Company of California: Docket No. RI69-705, under column headed "Docket No." change "RI60-705" to read "RI69-705."

GORDON M. GRANT,  
Secretary.

[F.R. Doc. 69-5749; Filed, May 14, 1969;  
8:45 a.m.]

[Project 405]

**SUSQUEHANNA POWER CO. AND  
PHILADELPHIA ELECTRIC POWER  
CO.****Corrected and Clarified Notice of Ap-  
plication for Amendment of License  
for Constructed Project**

MAY 8, 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 The Susquehanna Power Co. and Philadelphia Electric Power Co. (correspondence to: Vincent P. McDevitt, Esq., and Eugene J. Bradley, Esq., 1000 Chestnut Street, Philadelphia, Pa. 19105) for constructed Conowingo Project No. 405, located on the Susquehanna River in York, Lancaster, Chester, Montgomery, and Delaware Counties, Pa., and Harford and Cecil Counties, Md., near Chester and Philadelphia, Pa., and Baltimore, Md.

The application seeks approval of a revised Exhibit K project map to show a change in the project boundary caused by the removal of an area of approximately 150 acres (not 26.2 acres as was stated in our notice issued Apr. 8, 1969) located on the westerly bank of the river about 9 miles above the Conowingo Dam. The land would be sold to Philadelphia Electric Co. for use in connection with two proposed nuclear thermal electric generating units of 1,100 mw (electrical output) each. The nuclear plant, known as Peach Bottom Nuclear Plant, would withdraw about 50,400 g.p.m. of water for station service uses, such as domestic water supply, fire protection, make-up water lost in boilers and other facilities, cooling of equipment, and 3,350 c.f.s. condenser cooling water—all of which,

except for minor losses, would be returned to the reservoir. Three induced draft cooling towers would be constructed on the land to be sold to reduce the temperature of the used cooling water to an acceptable level before it is returned to the reservoir.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 28, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,  
Secretary.

[F.R. Doc. 69-5750; Filed, May 14, 1969;  
8:45 a.m.]

[Docket No. RI69-740]

**TEXACO, INC.****Order Accepting Superseding Contract, Providing for Hearing on and Suspension of Proposed Changes in Rates, and  
Allowing Rate Changes To Become Effective Subject to Refund**

MAY 9, 1969.

On April 16, 1969, Texaco, Inc. (Texaco), tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes which constitute increased rates and charges, are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI69-740	Texaco, Inc., Post Office Box 52332, Houston, Tex. 77052, Attention: R. E. Wright, Division Manager, Gas Division, Texaco, Inc.	433	1	Phillips Petroleum Co.* (Guymon-Hugoton Field, Texas County, Okla.) (Panhndle Area).	\$555	4-16-69	4-5-17-69 (Accepted)		9.8262	12.0000	
		433	1			4-16-69	4-5-17-69	4-5-18-69			
		327	7	Kansas-Nebraska Natural Gas Co., Inc. (Bradshaw Gas Field, Hamilton County, Kans.).	5,148	4-16-69	4-5-17-69	4-5-18-69	12.8	13.5	

\* Terminates all prior agreements between buyer and seller and, among other things, provides for rate of 12 cents beginning Mar. 5, 1960, and 1 cent periodic increase at the beginning of each 5-year period thereafter. Provides for primary term of 20 years beginning Mar. 5, 1960.

† Supersedes Texaco, Inc., Rate Schedule No. 71.

‡ The gas is not dedicated to any specific resale contract of Phillips. Phillips resells gas in the area from several plants at various rates which are in effect subject to refund.

§ The stated effective date is the first day after expiration of the statutory notice.

¶ The suspension period is limited to 1 day.

‡ Renegotiated rate increase.

§ Pressure base is 14.65 p.s.i.a.

¶ Basic contract dated after Sept. 28, 1960, the date of issuance of general policy statement No. 61-1 and the proposed rate does not exceed the area increased rate ceiling of 16 cents per Mcf.

‡ Periodic rate increase.

§ Subject to a downward B.T.U. adjustment.

Texaco requests waiver of the statutory notice to permit an effective date of April 17, 1969 for supplement No. 1 to Texaco's FPC Gas Rate Schedule No. 433, and an effective date of May 14, 1969, for supplement No. 7 to its FPC

Gas Rate Schedule No. 327. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Texaco's rate filings and such request is denied.

Texaco proposes a renegotiated rate increase from 9.8262 cents to 12.0000 cents per Mcf under its FPC Gas Rate Schedule No. 433 for a wellhead sale of gas to Phillips Petroleum Co. (Phillips), from the Guymon-Hugoton Field, Texas



County, Okla. (Panhandle Area), Phillips gathers and processes the gas and resells the gas to interstate pipeline companies at rates which are in effect subject to refund. Texaco's proposed rate exceeds the area increased rate ceiling for the Oklahoma Panhandle Area as announced in the Commission's statement of general policy No. 61-1, as amended. Since Phillips' resale rates are in effect subject to refund, we conclude that Texaco's rate increase should be suspended for one day from May 17, 1969, the expiration date of the statutory notice.

Concurrently with the filing of its rate increase, Texaco submitted a superseding contract dated March 5, 1969, designated as Texaco's FPC Gas Rate Schedule No. 433, which provides for its proposed rate increase. We believe that it would be in the public interest to accept for filing Texaco's proposed contract, designated as Texaco's FPC Gas Rate Schedule No. 433, to become effective on May 17, 1969, the expiration date of the statutory notice, but not the proposed rate contained therein which is suspended as hereinafter ordered.

The contract related to Texaco's rate filing (Supplement No. 7 to Texaco's FPC Gas Rate Schedule No. 327) was executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed rate of 13.5 cents per Mcf exceeds the area increased rate ceiling of 11 cents per Mcf for Kansas, but does not exceed the initial service ceiling of 16 cents per Mcf established for the area involved. We believe, in this situation, Texaco's proposed rate filing should be suspended for 1 day from May 17, 1969, the expiration date of the statutory notice.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

**The Commission finds:**

(1) Good cause has been shown for accepting for filing Texaco's superseding contract dated March 5, 1969, designated as Texaco's FPC Gas Rate Schedule No. 433, and for permitting such rate schedule to become effective on May 17, 1969, the expiration date of the statutory notice.

(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 lawfulness of the proposed changes, and that Supplements Nos. 1 and 7 to Texaco's FPC Gas Rate Schedules Nos. 433 and 327, respectively, to be suspended and the use thereof deferred as hereinafter ordered.

**The Commission orders:**

(A) Texaco's superseding contract dated March 5, 1969, designated as Texaco's FPC Gas Rate Schedule No. 433, is accepted for filing and permitted to become effective as of May 17, 1969, the expiration date of the statutory notice.

(B) 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 Chapter 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 rates and charges contained in Supplements Nos. 1 and 7 to Texaco's FPC Gas Rate Schedules Nos. 433 and 327, respectively.

(C) Pending a hearing and decision thereon, the rate supplements herein are suspended and their use deferred until the 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 Texaco, 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 Texaco shall execute and file in Docket No. RI69-740, 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 a copy thereof upon the purchasers under the rate schedules involved. Unless Texaco is advised to the contrary within 15 days after the filing of their agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.*

(D) Until otherwise ordered by the Commission, neither the supplements, nor the rate schedules sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension periods.

(E) 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 July 1, 1969.

By the Commission.

[SEAL] GORDON M. GRANT,  
Secretary.

[F.R. Doc. 69-5756; Filed, May 14, 1969;  
8:46 a.m.]

[Project 2239]

**TOMAHAWK POWER & PULP CO.**

**Notice of Application for Amendment of License for Constructed Project**

MAY 8, 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 Tomahawk Power & Pulp Co. (correspondence to: William H. Shockley, General Manager,

<sup>1</sup> If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

Tomahawk Power & Pulp Co., R.F.D. No. 5, Tomahawk, Wis. 54487) for constructed Project No. 2239, known as Kings Dam, located on the Wisconsin River in Lincoln County, Wis.

The application seeks authorization to alter the project facilities of the project works by adding to Unit No. 3 a synchronous motor generator direct coupled to a pocket grinder (now part of the project) which is coupled to a repaired turbine. The effect of the alteration is to reduce the maximum output of the unit which had been rated under the license as 794 horsepower to 785 horsepower, based upon the available water supply.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 26, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,  
Secretary.

[F.R. Doc. 69-5751; Filed, May 14, 1969;  
8:45 a.m.]

[Docket No. RP69-27]

**TRANSWESTERN PIPELINE CO.**

**Order Regarding Revised Tariff Sheets**

MAY 9, 1969.

Order rejecting revised tariff sheets, authorizing the filing of proposed alternative revised tariff sheets, providing for hearing and for suspension, allowing the proposed alternative revised tariff sheets to become effective subject to refund, and prescribing conditions.

On April 1, 1969, Transwestern Pipeline Co. (Transwestern) filed revised tariff sheets<sup>1</sup> to its FPC Gas Tariff First Revised Volume No. 1 which provide for an increase of 1.45 cents per Mcf over the rates currently in effect pursuant to the stipulation and agreement filed in FPC Docket No. RP67-8 and approved by the Commission by order issued November 14, 1967. The revised tariff sheets, proposed to become effective on May 16, 1969, would result in an estimated increase in jurisdictional revenues of approximately \$3,916,400 annually.

Transwestern states that the proposed changes in rates are made solely to cover increases in the cost of purchased gas occasioned by certain supplier rate increase filings totalling approximately

<sup>1</sup> Proposed Revised Tariff Sheets: Fifth Revised Sheet No. 4 and Second Revised Sheet No. 6.



\$3,935,925 annually. Of these supplier rate increases, \$147,151 have already been effectuated, \$138,204 can be placed into effect at any time, with the balance of \$3,640,570 being under suspension. Included in the latter amount are increases of approximately \$2,900,000 by Gulf Oil Corp. for which the suspension period will end on May 27, 1969.

Since some of the purchased gas cost increases sought to be included in Transwestern's cost of service are not currently effective, Transwestern has proposed an "alternative procedure" for the filing of revised tariff sheets. This procedure is patterned after that authorized for El Paso Natural Gas Company in Docket No. RP69-20. If authorized to do so, Transwestern agrees to withdraw its revised tariff sheets and in lieu thereof to file from time to time alternative revised tariff sheets increasing and decreasing its CDQ-1 and CDQ-2 rates up to a net aggregate increase of 1.45 cents per Mcf above its present rates. Transwestern proposes that refunds of any of the increased supplier rates relating to increases made in accordance with this "alternative procedure" be flowed through to its jurisdictional customers. Revised tariff sheets submitted in accordance with this proposal would become effective 30 days after filing. No change in rates would be made until the aggregate of increases in the supplier rates involved would produce an increase in Transwestern's rates of at least 1 mill per Mcf. Transwestern's right to make any rate changes under this proposal would terminate on March 31, 1970.

As support for its proposed increased rates, Transwestern submitted an earnings study based upon the 12 months ended November 30, 1968, with certain adjustments. However, the company did not include in its supporting materials a complete Statement F (data in support of the claimed rate of return) as required by § 154.63 of the Commission's regulations under the Natural Gas Act. Specifically: Statements F(2), F(4), and Schedules F(5)-1, F(5)-2, F(5)-3, and F(5)-4 were not included; Statement F(1) fails to give reasons in support of the claimed rate of return; and Statement F(3) does not show the weighted average cost of debt capital.

Protests or motions to reject either (or both) the revised tariff sheets and the "alternative procedure" were filed by the State of California and the Public Utilities Commission of the State of California (California); Pacific Lighting Service Co., Southern California Gas Co., and Southern Counties Gas Company of California (Pacific Lighting Companies); and the San Diego Gas and Electric Co. (San Diego).

California urges the Commission to reject Transwestern's revised tariff sheets because the potential supplier rate increases are not "known and measurable" changes as required by § 154.63 (e) (2) of the Commission's regulations. California protests the alternative procedure proposed by Transwestern for the following reasons: (1) The filing contains a purchased gas adjustment in violation of § 154.38(d) (3) of the regu-

lations; (2) the filing is incomplete because it fails to include a complete rate of return statement; (3) the March 31, 1970 suggested cutoff date for increases is arbitrary; (4) Transwestern improperly seeks to limit the reflection of reductions in producer rates to those rate schedules with respect to which there have been rate increases; and (5) Transwestern would allow increases up to a net increase in cost of purchased gas of 1.45 cents per Mcf. It states that "Any increase in Transwestern's rates must be limited to a gross increase in cost of purchased gas of 1.45 cents per Mcf before any offsetting reductions in the cost of purchased gas are taken into account. Otherwise, Transwestern might be permitted to reflect producer increases in excess of the total exposure with respect to which it seeks relief."

Pacific Lighting Companies and San Diego urge that the Commission reject the revised tariff sheets filed by Transwestern because the company is incurring only a small portion of the potential increased purchased gas costs which were the basis for the filing. In the event that the Commission should accept Transwestern's alternative procedure, they request that the full 5-month suspension period be imposed in order that concomitant relief can be obtained from the California Public Utilities Commission.

In view of our acceptance herein of Transwestern's proposed "alternative procedure", it is unnecessary to consider the objections raised by California and the Pacific Lighting Cos. which relate solely to the acceptability for filing of Transwestern's revised tariff sheets which provide for a present rate increase of 1.45 cents per Mcf.

California also asserts that Transwestern's proposed alternative procedure contains a purchased gas cost adjustment prohibited by § 154.38(d) (3) of the Commission's regulations. Sections 154.38 and 154.39 of the regulations prescribe the details to be included in rate schedules filed with the Commission, and are generally designed to insure clarity and specificity in the setting forth of the service offered and the rates and conditions imposed by a rate schedule. Section 154.38(d) (3), to which California refers generally prohibits the inclusion in a rate schedule of complicated adjustment provisions or "clauses," which by their own weight purport to change the rate specified in such tariff.

Transwestern has proposed no tariff sheets containing terms which are unclear, rates which must be computed by formula, or rate levels which by virtue of the terms of the tariff itself may change according to circumstances. If the rates contained in the presently effective tariff of Transwestern are to be changed, they will be changed in a manner strictly in accordance with the Natural Gas Act. We conclude that Transwestern's proposed "alternative procedure" does not violate the provisions of § 154.38 of the regulations under the Natural Gas Act.

By accepting Transwestern's alternative proposal, we are indeed permitting the periodic adjustment of rates in re-

sponse to changes in Transwestern's average cost of purchased gas. However, our action in this and other recent orders permitting during a limited period the tracking by pipeline companies of imminent supplier increases as of the date such increases are incurred, subject to the conditions of those orders, gives effect to the policy set forth in Texas Eastern, 39 FPC 630, that future refunds must be flowed through and that it is the responsibility of a pipeline to protect its rights by filing a tracking rate increase. Our action herein will not only assure the flowthrough of refunds, but will provide for the review of the cost of service of the pipeline in a single proceeding rather than requiring a series of re-determinations as tracking increases are filed.

We deem the objection raised by California relating to the calculation of Transwestern's average cost of purchased gas on a net basis to be without merit. California is correct that if a net basis is used, Transwestern might be permitted to reflect more than 1.45 cents per Mcf of producer increases, even though the maximum increase in Transwestern's rates would be 1.45 cents. It is not claimed, however, that increases in addition to those specifically named would not be legitimate costs to Transwestern; nor is there any suggestion by California that offsetting reductions be limited to those presently contemplated. Transwestern's "alternative procedure," unlike its basic filing, should not be limited to a reflection of producer increases "known" at the time of the filing, because it provides for no rate increases unless and until the costs are actually incurred.

Transwestern has proposed a cutoff date for increases under its alternative procedure of March 31, 1970. As noted above, California in one of its objections contends that this cutoff date is arbitrary. Considering that the authorization herein requested is substantially the same as allowed in El Paso's Docket RP69-20 by order issued March 20, 1969, and that Transwestern and El Paso serve many of the same customers, it is appropriate that filings under the proposed "alternative procedure" be permitted only until December 31, 1969, as allowed in El Paso in Docket No. RP69-20.

As noted above, California criticizes the part of Transwestern's suggested ordering language that would limit the reflection of reductions in producer rates to those rate schedules with respect to which there have been prior rate increases. This objection has been met by the language contained in subparagraph (B) (2) herein.

It does not appear necessary in the public interest that the full 5-month suspension period be applied to Transwestern's alternative proposal. San Diego states that the California gas utilities "must be afforded an opportunity to reduce the impact on their operations" of these tracking increases. If this contention has merit, it would also apply to Transwestern's need to reduce the impact on its operations of producer rate



increases. In addition, the question of possible rate relief for these companies appears more properly addressed to the California Public Utilities Commission.

The rates and charges to be contained in the revised tariff sheets filed pursuant to the procedure herein authorized have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists to grant Transwestern's request to file tariff sheets pursuant to the alternative procedure proposed in its filing submitted April 1, 1969, subject to the provisions of this order.

(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 lawfulness of the rates and charges contained in Transwestern's FPC Gas Tariff, First Revised Volume No. 1, as proposed to be amended by such revised tariff sheets, and that the first revised tariff sheets filed pursuant to this authorization be suspended and the use thereof be deferred subject to the conditions herein provided.

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 regulations under the Natural Gas Act (18 CFR Ch. I), permission is hereby granted for the filing of revised tariff sheets pursuant to Transwestern's "alternative procedure" as herein conditioned, and a public hearing be held at a date to be hereafter set.

(B) Pending such hearing and decision thereon, the first set of revised tariff sheets filed pursuant to this authorization is hereby suspended and the use thereof deferred for a period of 1 day following the proposed effective date thereof, and thereafter shall be effective upon the following conditions:

(1) Transwestern may, from time to time, until December 31, 1969, file with the Commission as part of its FPC Gas Tariff, First Revised Volume No. 1, revised tariff sheets made pursuant to this order, necessary to reflect increases or decreases in the rates thereunder based upon increases or decreases in the cost of Transwestern's purchased gas, computed in accordance with the following provisions of this paragraph (B).

(2) Increases or decreases in Transwestern's CDQ-1 and CDQ-2 rates made pursuant to this order shall only reflect those changes in the cost of gas purchased by Transwestern from fields and sources identified in Schedule H(1)-3.4 of Transwestern's filing herein and under those FPC gas rate schedules of suppliers now on file with this Commission and identified in said schedule; provided, however, that the aggregate net increase in Transwestern's CDQ-1 and CDQ-2 rates made pursuant to this order shall not exceed 1.45 cents per Mcf (at 14.73 p.s.i.a.).

(3) No change in rates shall be made hereunder until the net change in Trans-

western's annualized cost of purchased gas under the supplier rate schedules identified in said Schedule H(1)-3.4, determined as herein provided, causes a total system increase in purchased gas cost of at least one-tenth of 1 cent (0.1-cent) per Mcf (at 14.73 p.s.i.a.), based on Transwestern's total system test year sales for the 12-month period ending not less than 60 days nor more than 90 days preceding the effective date of Transwestern's change in rates.

(4) The annualized cost of gas purchased by Transwestern under each supplier rate schedule shall be determined by application of the rates then in effect thereunder to the volume of purchased gas during the 12-month period ending not less than 60 nor more than 90 days preceding the effective date of such Transwestern increase or decrease, for each of such supplier rate schedules reflected in Schedule H(1)-3.4 of Transwestern's filing herein.

(5) The amount of any net change in the annualized cost of purchased gas shall be determined as the difference between the annualized cost of purchased gas computed in accordance with the above subparagraph (4), 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 (4), or, if applicable, the amount used to compute any rate change made upon the commencement of service authorized in FPC Docket CP68-181 by Commission order issued February 4, 1969. For the purpose of the initial change in rates made hereunder, the base cost of purchased gas to be applied to the volume prescribed above shall be 16.14 cents per Mcf (at 14.73 p.s.i.a.) as reflected in Transwestern's rate reduction filing made effective October 1, 1968, pursuant to the provisions of stipulation and agreement approved by Commission order issued November 14, 1967, in Docket No. RP67-8, or if such initial rate change is made subsequent to the commencement of service under such authorization in Docket No. CP68-181, the gas purchase cost used to determine the rate filed upon the commencement of service thereunder. The amount per Mcf of any change in rates hereunder shall be determined by dividing the annual amount of the above change in cost by Transwestern's total sales made under its CDQ-1 and CDQ-2 rate schedules during the 12-month period used to determine the annualized cost of purchased gas. Such change in rates shall be uniformly applied to the commodity component of the CDQ-1 and CDQ-2 Rate Schedules of Transwestern's FPC Gas Tariff, First Revised Volume No. 1; provided, however, that the aggregate net increase shall not exceed 1.45 cents per Mcf.

(6) Revised tariff sheets filed in accordance herewith shall become effective 30 days after filing or such later date as Transwestern proposes, except as otherwise provided in this paragraph (B), subject to refund in the event that the

increased rates therein are ultimately determined to be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful.

(7) If, as a result of any final order of the Commission, not stayed by the Commission or the courts, Transwestern shall receive refunds, including interest under any supplier rate schedule applicable to increased rates collected thereunder which have been reflected in changes in Transwestern's CDQ-1 and CDQ-2 rates hereunder, Transwestern shall refund to its CDQ-1 and CDQ-2 customers, without further interest thereon, the jurisdictional portion of such amounts, upon accumulation of \$250,000 or more, except for the final refund which shall be made if, but only if, the total amount remaining refundable is \$12,500 or more.

(8) No filing shall be made pursuant to this order 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 Transwestern's filing shall not provide for an effective date prior to the day on which the suspended supplier increases become effective by motion.

(C) As a condition of this order, Transwestern 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 subparagraphs (B) (6) and (B) (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 Transwestern Pipeline Company to comply with the terms and conditions of subparagraphs (B) (6) and (B) (7) of the Federal Power Commission order issued \_\_\_\_\_, 1969, in Docket No. RP69-27.

In conformity with the requirements of the order issued \_\_\_\_\_, 1969, in Docket No. RP69-27, Transwestern Pipeline Co., hereby agrees and undertakes to comply with the terms and conditions of subparagraphs (B) (6) and (B) (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.

Transwestern Pipeline Company.

By \_\_\_\_\_

Attest:

(Secretary)

(D) The revised tariff sheets filed herein, providing for a present increase of 1.45 cents per Mcf, are hereby rejected.

By the Commission.

[SEAL]

GORDON M. GRANT,  
Secretary.

[F.R. Doc. 69-5752; Filed, May 14, 1969; 8:45 a.m.]



[Docket No. CP69-284]

**UNITED GAS PIPE LINE CO.****Notice of Application**

May 9, 1969.

Take notice that on May 1, 1969, United Gas Pipe Line Co. (Applicant), Post Office Box 1407, Shreveport, La. 71102, filed in Docket No. CP69-284 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities for the transportation and sale of natural gas in interstate commerce for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Application seeks authorization to engage in a 3-year expansion program which will augment its ability to meet the increasing needs of its Shreveport and Jackson Division. Specifically, Applicant proposes to construct and operate approximately 38.4 miles of 30-inch loop lines, 118.4 miles of 24-inch transmission lines, and 2.7 miles of 10-inch line. Applicant also proposes to construct and operate two injection-withdrawal wells and appurtenances in the Bistineau Storage Field. There will also be made various rearrangements of existing facilities.

The application states that the added capacity to result from construction of the above facilities will be used to deliver increased volumes of natural gas to distributor customers of Applicant in its Shreveport and Jackson Divisions and to two existing industrial customers of Applicant, Mississippi Power & Light Co. and Gulf Power Co., and to deliver natural gas from south Louisiana into the northern part of Applicant's system in order to supplement declining supplies locally available in that area.

The total estimated cost of the proposed facilities is \$31,944,000. The application states that it is proposed to finance the facilities initially through internally generated funds and short-term demand notes.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 6, 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 (§ 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. 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.

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. 69-5753; Filed, May 14, 1969;  
8:46 a.m.]

**FEDERAL TRADE COMMISSION****SPECIAL REPORTS RELATING TO  
LARGE CORPORATE MERGERS****Requirements Concerning Notification  
and Submission****Correction**

In F.R. Doc. 69-5617 appearing at page 7592 in the issue of Saturday, May 10, 1969, the first word of the paragraph designated "(3)" should read "Within" instead of "With".

**GENERAL SERVICES  
ADMINISTRATION**

[Federal Property Management Reg.;  
Temporary Reg. D-17]

**POSTMASTER GENERAL****Delegation of Authority With Regard  
to Contracts for Inspection and  
Maintenance of Fixed Equipment in  
Certain Post Office Buildings**

1. *Purpose.* This regulation delegates authority to the Postmaster General to enter into contracts for periods not exceeding 3 years for the inspection and maintenance of fixed equipment in certain post office buildings.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, authority is hereby delegated to the Postmaster General under section 210(a)(14) of the Act to enter into contracts for periods not exceeding 3 years for the inspection and maintenance of fixed equipment in Federally owned buildings maintained and operated by the Post Office Department.

b. This delegation may be redelegated to any officer or employee of the Post Office Department.

c. This authority shall be exercised in accordance with the limitations and requirements of the above-cited act and other applicable statutes and regulations.

Dated: May 8, 1969.

ROBERT L. KUNZIG,  
Administrator of General Services.

[F.R. Doc. 69-5776; Filed, May 14, 1969;  
8:47 a.m.]

**SECURITIES AND EXCHANGE  
COMMISSION****BARTEP SECURITIES, INC.****Order Suspending Trading**

May 9, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Bartep Industries, Inc., being traded otherwise than on a national securities exchange, is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 10, 1969, through May 19, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F.R. Doc. 69-5768; Filed, May 14, 1969;  
8:46 a.m.]

**COMMERCIAL FINANCE CORPORATION  
OF NEW JERSEY****Order Suspending Trading**

May 9, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Commercial Finance Corporation of New Jersey, a New Jersey corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 11, 1969, through May 20, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F.R. Doc. 69-5769; Filed, May 14, 1969;  
8:46 a.m.]



[File No. 1-3421]

**CONTINENTAL VENDING MACHINE CORP.****Order Suspending Trading**

MAY 9, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

*It is ordered,* Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 12, 1969, through May 21, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 69-5770; Filed, May 14, 1969;  
8:47 a.m.]

[File No. 1-2782]

**PARVIN-DOHRMANN CO.****Order Terminating Summary Suspension of Trading**

MAY 8, 1969.

The common stock, 50 cents par value, and the \$2.50 dividend convertible preferred stock, \$2.50 par value, of Parvin-Dohrmann Co. being listed and registered on the American Stock Exchange and all other securities of Parvin-Dohrmann Co. being traded otherwise than on a national securities exchange; and

The Commission having, on May 5, 1969, issued an order pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934 summarily suspending trading in said securities effective for the period May 6, 1969, through May 15, 1969; and

The Commission being of the opinion that the public interest does not require the continuance of said suspension of trading after May 10, 1969:

*It is ordered,* Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that the suspension of trading pursuant to said order of May 5, 1969, shall terminate effective on May 10, 1969.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 69-5771; Filed, May 14, 1969;  
8:47 a.m.]

**PHOTO MARK COMPUTER CORP.****Order Suspending Trading**

MAY 9, 1969.

It appearing to the Securities and Exchange Commission that the summary

suspension of trading in the common stock of Photo Mark Computer Corp., New York, N.Y., and all other securities of Photo Mark Computer 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 May 10, 1969, through May 19, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 69-5772; Filed, May 14, 1969;  
8:47 a.m.]

**SMALL BUSINESS ADMINISTRATION**

[Declaration of Disaster Loan Area 708]

**OKLAHOMA****Declaration of Disaster Loan Area**

Whereas, it has been reported that during the month of May 1969, because of the effects of certain disasters, damage resulted to residences and business property located in Kiowa County, Okla.:

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

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

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

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid County, and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on or about May 4, 1969.

**OFFICE**

Small Business Administration Regional Office, 501 Mercantile Bldg., 30 North Hudson, Oklahoma City, Okla. 73102

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1969.

Dated: May 6, 1969.

HILARY SANDOVAL, Jr.,  
Administrator.

[F.R. Doc. 69-5773; Filed, May 14, 1969;  
8:47 a.m.]

[Declaration of Disaster Loan Area 707]

**TEXAS****Declaration of Disaster Loan Area**

Whereas, it has been reported that during the month of May 1969, because of the effects of certain disasters, damage resulted to residences and business property located in Taylor County, Tex.;

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

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

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

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid County, and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on or about May 5, 1969.

**OFFICE**

Small Business Administration Regional Office, 1616 19th St., Lubbock, Tex. 79401

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1969.

Dated: May 6, 1969.

HILARY SANDOVAL, Jr.,  
Administrator.

[F.R. Doc. 69-5774; Filed, May 14, 1969;  
8:47 a.m.]

**INTERSTATE COMMERCE COMMISSION**

[Notice 1294]

**MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS**

MAY 9, 1969.

The following applications are governed by Special Rule 1.247<sup>1</sup> of the Commission's general rules of practice (49 CFR, 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 pro-

<sup>1</sup> Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.



ceeding. A protest under these rules should comply with § 1.247(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 § 1.247(d)(4) of the special rules, and shall include the certification required therein.

Section 1.247(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 504 (Sub-No. 95), filed April 25, 1969. Applicant: HARPER MOTOR LINES, INC., 213 Long Avenue, Elberton, Ga. 30635. Applicant's representatives: Guy H. Postell and Archie B. Culbreth, 1273 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Granite and materials and supplies* used in the quarrying and finishing of granite, from points in Fairfield County, S.C., to points in Elbert County, Ga. Note: Applicant

states it intends to tack at Elberton, Ga., to serve points in Illinois, Indiana, Michigan, Iowa, Wisconsin, Tennessee, Kentucky, Missouri, New York, New Jersey, Virginia, West Virginia, Pennsylvania, Maryland, Delaware, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and Connecticut. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 730 (Sub-No. 307), filed April 16, 1969. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. 94604. Applicant's representative: Richard N. Cooledge (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Oregon and Washington, to points in California. Note: Applicant holds contract carrier authority under MC 133094, therefore, dual operations may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Seattle, Wash.

No. MC 1838 (Sub-No. 7), filed April 25, 1969. Applicant: ALEX C. SMITH, INC., 13557 Bloomingdale Road, Akron, N.Y. 14001. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Pulpboard*, from the plantsite of the National Gypsum Co., near New Columbia, Pa., to Akron and Clarence Center, N.Y., and (2) *scrap paper and materials and supplies* used in the manufacture and distribution of pulpboard, from points in New York, to the plantsite of National Gypsum Co., near New Columbia, Pa., under a continuing contract, or contracts, with National Gypsum Co., of Buffalo, N.Y. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2392 (Sub-No. 72), filed April 18, 1969. Applicant: WHEELER TRANSPORT SERVICE, INC., Post Office Box 14248 West Omaha Station, Omaha, Nebr. 68114. Applicant's representative: Keith D. Wheeler (Same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer materials*, in bulk, from Des Moines, Iowa, to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin. Note: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 3062 (Sub-No. 29) (Correction), filed March 3, 1969, published in *FEDERAL REGISTER* issue of March 27, 1969, and republished as corrected, this issue. Applicant: L. A. TUCKER TRUCK LINES INCORPORATED, Post Office

Box 538, Cape Girardeau, Mo. 63701. Applicant's representative: G. M. Rebman, 314 North Broadway, St. Louis, Mo. 63102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Clothing* on racks, and (2) *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), (1) between Chaffee, Mo., and Rector, Ark., and (2) between the plantsite of Thorngate Ltd., at or near Chaffee, Mo., and the plantsite of Thorngate Ltd., at Rector, Ark. Note: Applicant states it will tack at Chaffee, Mo., for service to Missouri and Illinois points, and Memphis, Tenn. The purpose of this republication is to redescribe authority sought in (2) above. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Memphis, Tenn.

No. MC 4405 (Sub-No. 472), filed April 14, 1969. Applicant: DEALERS TRANSIT, INC., 7701 South Lawndale Avenue, Chicago, Ill. 60652. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) *Trailers*, other than those designed to be drawn by passenger automobiles, and *container chassis* in initial truckaway and driveaway service, from Camden, N.J., to points in the United States excluding Hawaii, and (B) *tractors*, in secondary movements in driveaway service only when drawing trailers in initial movements, from Camden, N.J., to points in Alaska, Arizona, Nevada, Oregon, and Vermont. Note: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 10457 (Sub-No. 2), filed April 11, 1969. Applicant: BURGRABE TRUCK LINES, INC., Old U.S. Highway 40, Warrenton, Mo. 63383. Applicant's representative: Joseph R. Nacy, 117 West High Street, Post Office Box 352, Jefferson City, Mo. 65101. Authority sought to operate as a common carrier, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, livestock, high explosives, liquid fuels in bulk, commodities requiring special equipment) (1) Regular routes: Between junction Missouri Highway 47 and U.S. Highway 40 (Interstate Route 70) and Truxton, Mo., from junction Missouri Highway 47 and U.S. Highway 40 (Interstate Route 70) over Missouri Highway 47 to junction Lincoln County Route A, thence over Lincoln County Route A to Truxton, and return over the same route, serving all intermediate points and serving the junction of Missouri Highway 47 and U.S. Highway 40 (Interstate Route 70) for joinder only. (2) Irregular routes: *Beverages* in containers, from the plantsite of Warrenton



Products, Inc., at or near Warrenton, Mo., to points in Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, or Jefferson City, Mo.

No. MC 14552 (Sub-No. 29), filed April 16, 1969. Applicant: J. V. McNICHOLAS TRANSFER COMPANY, a corporation, 555 West Federal Street, Youngstown, Ohio 44501. 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: *Used household goods*, between points in Mahoning, Trumbull, Portage, Cuyahoga, and Franklin Counties, Ohio; and Allegheny, Beaver, Lawrence, and Mercer Counties, Pa., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Applicant holds contract carrier authority under MC-123991 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 14552 (Sub-No. 35), filed April 24, 1969. Applicant: J. V. McNICHOLAS TRANSFER COMPANY, a corporation, 555 West Federal Street, Youngstown, Ohio 44502. Applicant's representative: James W. Muldoon, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fabricated steel*, from Bellefontaine, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, Pennsylvania, and West Virginia; and (2) *materials and supplies* used in the fabricating of steel, from points in the destination States named in (1) above, to Bellefontaine, Ohio, restricted to traffic originating at or destined to plantsites of Carter States named in (1) above, to Bellefontaine, Ohio. NOTE: Applicant states no duplicating authority is sought. Applicant holds contract carrier authority under MC 123991 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 14702 (Sub-No. 27), filed March 19, 1969. Applicant: OHIO FAST FREIGHT, INC., Post Office Box 808, Warren, Ohio 44482. 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: *Iron and steel pipe, conduit, metallic tubing, and fittings therefor*, unloaded by mechanical devices furnished by the carrier, from Glendale, W. Va.; Carnegie, Ambridge, and New Kensington, Pa.; and Niles, Ohio, to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Mary-

land, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, South Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, Missouri, Minnesota, Georgia, Florida, and the District of Columbia. NOTE: Applicant states it can tack the existing authority at Warren, Ohio, so as to serve the Lower Peninsula of Michigan, Indiana, Ohio, Pennsylvania, New York, New Jersey, Maryland, West Virginia, Virginia, the District of Columbia, and the Chicago, Ill., commercial zone. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 30530 (Sub-No. 9), filed April 24, 1969. Applicant: NORTH EASTERN MOTOR FREIGHT, INC., 5231 Monroe Street, Denver, Colo. 80216. Applicant's representative: Leslie R. Kehl, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives*, between points in California, Colorado, Nebraska, Nevada, Oregon, Utah, and Washington. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 30844 (Sub-No. 273), filed April 17, 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 motor vehicle, over irregular routes, transporting: *Canned goods and preserved foodstuffs*, from (1) Terre Haute, Ind., to points in Nebraska, Colorado, Kansas, and Missouri (except Kansas City, Kans.; Kansas City, Mo., and their commercial zones and St. Joseph, Mo.), (2) from points in Michigan to points in Missouri, Kansas, and Arkansas, and (3) from Orrville, Ohio, to points in Missouri, Kansas, Nebraska, and Twin Cities, Minn. NOTE: Applicant states it does not intend to tack and is apparently willing to accept a restriction against tacking if warranted. Applicant further states that the purpose of this application is to eliminate the gateways and tacking which it must now observe (except from Terre Haute, Ind., to Kansas City, Kans.; Kansas City, Mo., and their commercial zones and St. Joseph, Mo.), which are already authorized to applicant and its affiliated companies. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 30844 (Sub-No. 274), filed April 18, 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 motor vehicle, over irregular routes, transporting: *Meats, meat products,*

*meal 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 (1) York, Nebr., to points in Ohio and Covington, Ky., (2) Fort Dodge and Denison, Iowa, to points in Connecticut, Maine, New Hampshire, and Vermont, and (3) the plantsite and facilities of Sunflower Packing Co., Inc., at or near Wichita, Kans., to points in Ohio, Pennsylvania, New York, New Jersey, Delaware, Maryland, Washington, D.C., Massachusetts, Vermont, Connecticut, Rhode Island, Maine, New Hampshire, Virginia, and West Virginia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Washington, D.C.

No. MC 31879 (Sub-No. 28), filed April 22, 1969. Applicant: EXHIBITORS FILM DELIVERY & SERVICE CO., INC., 101 West 10th Avenue, North Kansas City, Mo. 64116. Applicant's representative: Warren A. Goff, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except classes A and B explosives, household goods as defined in 17 M.C.C. 467, commodities in bulk, and livestock), restricted so that no service shall be rendered in the transportation of any parcels, packages, or articles weighing in the aggregate more than 100 pounds from one consignor at any one location to one consignee at any one location, on any one day, and (2) *motion picture film, materials, equipment, and supplies* used in connection with the exhibition of motion pictures, and concession items sold in motion picture theaters: (a) Between St. Louis, Mo., except those points within its commercial zone which are located in Illinois, on the one hand, and, on the other, points in Adair, Atchison, Andrew, Barry, Barton, Bates, Benton, Boone, Buchanan, Caldwell, Callaway, Camden, Carroll, Cass, Cedar, Chariton, Christian, Clay, Clinton, Cole, Cooper, Dade, Dallas, Daviess, De Kalb, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Howard, Jackson, Jasper, Johnson, Laclede, Lafayette, Lawrence, Linn, Livingston, McDonald, Macon, Mercer, Miller, Moniteau, Morgan, Newton, Nodaway, Pettis, Platte, Polk, Putnam, Randolph, Ray, St. Clair, Saline, Schuyler, Stone, Sullivan, Taney, Vernon, Webster, and Worth Counties, Mo.; (b) between St. Louis, Mo., except those points within its commercial zone which are located in Illinois, on the one hand, and, on the other, all points in Kansas; and (c) between St. Louis, Mo., except those points within its commercial zone which are located in Illinois, on the one hand, and, on the other, points in Nebraska on, south, and 10 miles north of a line beginning on U.S. Highway 138 at the Nebraska-Colorado State line to U.S. Highway 30, and thence continuing over U.S.



Highway 30 to the Nebraska-Iowa State line. **NOTE:** Applicant desires the right to tack the above operating authority with that now held or pending, and to interline with other motor common carriers. Applicant states joinder would be at any point in Kansas, to serve Denver, Colo. If a hearing is deemed necessary, applicant requests it convene at St. Louis, Mo., and terminate at Kansas City, Mo.

No. MC 31879 (Sub-No. 29), filed April 25, 1969. Applicant: EXHIBITORS FILM DELIVERY & SERVICE CO., INC., 101 West 10th Avenue, North Kansas City, Mo. 64116. Applicant's representative: Warren A. Goff, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined in 17 M.C.C. 467, commodities in bulk, and livestock), between points in Adair, Atchison, Andrew, Barry, Barton, Bates, Benton, Boone, Buchanan, Caldwell, Callaway, Camden, Carroll, Cass, Cedar, Chariton, Christian, Clay, Clinton, Cole, Cooper, Dade, Dallas, Daviess, De Kalb, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Howard, Jackson, Jasper, Johnson, Laclede, Lafayette, Lawrence, Linn, Livingston, McDonald, Macon, Mercer, Miller, Moniteau, Morgan, Newton, Nodaway, Pettis, Platte, Polk, Putnam, Randolph, Ray, St. Clair, Saline, Schuyler, Stone, Sullivan, Taney, Vernon, Webster, and Worth Counties, Mo.; points in Kansas, and points in Nebraska on, south, and 10 miles north of a line beginning on U.S. Highway 138 at the Nebraska-Colorado State line to U.S. Highway 30 and thence continuing over U.S. Highway 30 to the Nebraska-Iowa State line, restricted so that no service shall be rendered in the transportation of any parcel, package, or article weighing more than 100 pounds and further restricted against the transportation of any parcel, package, or article weighing in the aggregate of more than 200 pounds from any one consignor at any one location to any one consignee at any one location, on any one day. **NOTE:** Applicant states it presently holds authority in all of the territory sought restricted against the transportation of more than 100 pounds in any one day from any one consignor to any one consignee at any given location. The effect of this application will be to raise the aggregate weight limit from 100 pounds to 200 pounds. Applicant desires the right to tack the above sought operating authority with that now held or pending, and to interline with other motor common carriers. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 33641 (Sub-No. 87), filed April 18, 1969. Applicant: IML FREIGHT, INC., Post Office Box 2277, Salt Lake City, Utah 84110. Applicant's representative: Edward J. Hegarty, Shell Building, 100 Bush Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explo-

sives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the facilities of The Nestle Co., Inc., at Burlington, Wis., as an off-route point in connection with applicant's authorized regular route operations. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or New York, N.Y.

No. MC 35628 (Sub-No. 297), filed April 28, 1969. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville SW., Grand Rapids, Mich. 49502. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsites of Eastman Kodak Co. in and near Windsor, Colo., as off-route points in connection with applicant's authorized regular-route operations between Denver, Colo., and Cheyenne, Wyo., over U.S. Highway 85 as authorized at sheet 2 of certificate MC 35628 Sub 231. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Rochester or Buffalo, N.Y.

No. MC 41404 (Sub-No. 82), filed April 28, 1969. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, Post Office Box 440, Fulton Highway, Martin, Tenn. 38237. Applicant's representative: Tom D. Copeland (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products*; (2) *products manufactured, processed or distributed by milk processing centers, creameries and dairies*; and (3) *section 203(b) (6) commodities* when shipped in the same trailer and at the same time with commodities in (1) and (2), in mechanically refrigerated trailers, from the plantsite and processing facilities of the Ryan Milk Co. at or near Murray, Ky., to points in Alabama, Mississippi, Louisiana, Tennessee, Michigan, Indiana, Illinois, Wisconsin, Ohio, Missouri, Arkansas, Iowa, and Texas, restricted against the transportation of the above commodities in liquid or bulk form in tank vehicles. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., Louisville, Ky., or Chicago, Ill.

No. MC 42487 (Sub-No. 713), filed April 16, 1969. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. R. Oldenburg, Post Office Box 5138, Chicago, Ill. 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household

goods as defined by the Commission, commodities in bulk, and those requiring special equipment, livestock and assembled automobiles), (1) regular routes, between Ames, Iowa, and Minneapolis, Minn., from Ames over U.S. Highway 69 to the junction of U.S. Highway 65 at or near Albert Lea, Minn., thence over U.S. Highway 65 to Minneapolis, and return over the same route, serving no intermediate points; and (2) alternate routes, between Kansas City, Mo., and Minneapolis, Minn., from Kansas City over Interstate Highway 35 to Minneapolis, and return over the same route, as an alternate route in connection with applicant's presently held regular route authority, serving no intermediate points, restricted to the transportation of traffic moving between Kansas City, Mo., and Minneapolis, Minn., and points beyond either, or both, of these points. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., St. Louis, Mo., or Washington, D.C.

No. MC 42487 (Sub-No. 714), filed April 9, 1969. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. R. Oldenburg, Post Office Box 5138, Chicago, Ill. 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the plantsite of R. R. Donnelley & Sons Co., at or near Glasgow, Ky., as an off-route point in connection with applicant's authorized regular route operations. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 42487 (Sub-No. 715), filed April 24, 1969. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, Post Office Box 3062, Portland, Ore. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cocoa butter*, liquid, in bulk, in tank vehicles, from Salinas, Calif., to Chicago, Ill. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 44447 (Sub-No. 26), filed April 17, 1969. Applicant: SUBURBAN MOTOR FREIGHT, INC., 1100 King Avenue, Columbus, Ohio 43212. Applicant's representative: Taylor C. Burneson, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives,



household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the site of the warehousing and distribution facilities of the National Cash Register Co., located in Lemon Township of Butler County, Ohio, on Ohio Highway 63, as an off-route point in connection with applicant's authorized regular-route operations to and from Dayton, Ohio. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Cincinnati, Ohio.

No. MC 51146 (Sub-No. 130), filed April 18, 1969. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representatives: D. F. Martin (same address as applicant), and Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products, products produced or distributed by manufacturers and converters of paper and paper products*, from Airlake Industrial Park, at or near Lakeville, Minn., to points in Iowa, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin, and (2) *equipment, materials, and supplies used in the manufacture and distribution of paper and paper products*, from the above destination States to the Airlake Industrial Park at or near Lakeville, Minn. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 57239 (Sub-No. 13), filed April 21, 1969. Applicant: RENNER'S EXPRESS, INC., 1350 South West Street, Indianapolis, Ind. 46206. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the plants of Essex Wire Corp., located in Whitley County, Ind. (south of U.S. Highway 30), as an off-route point in connection with applicant's authorized regular-route operations to and from Fort Wayne, Ind. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 57315 (Sub-No. 15), filed April 16, 1969. Applicant: TRI-STATE TRANSPORT, INC., 91 Heard Street, Chelsea, Mass. 02150. Applicant's representative: Frank J. Weiner, Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in section B

of Appendix I to the report in descriptions in Motor Carrier Certificates, 61 M.C.C. 206 and 766, from Boston, Mass., to Bethlehem, Bristol, Southington, Hartford, Thomaston, Watertown, Woodbury, and points in Fairfield and New Haven Counties, Conn. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Hartford, Conn.

No. MC 59583 (Sub-No. 123), filed April 16, 1969. Applicant: THE MASON AND DIXON LINES, INCORPORATED, Eastman Road, Kingsport, Tenn. 37660. Applicant's representative: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. 37660. 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), (1) between Abingdon, Va., and the junction of U.S. Highways 21 and 40 near Cambridge, Ohio: From Abingdon over U.S. Highway 19 to the junction of U.S. Highway 21 at or near Bluefield, Va.-W. Va.; thence over U.S. Highway 21 to the junction of U.S. Highway 40, and return over the same route, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations between Abingdon, Va., and Cambridge, Ohio, over U.S. Highways 11, 25-E, 25, 22, 62, and 40 and Kentucky Highway 490, serving no intermediate points. (2) Between Abingdon, Va., and Columbus, Ohio: (a) From Abingdon over U.S. Highway 19 to the junction of U.S. Highway 21 at or near Bluefield, Va.-W. Va.; thence over U.S. Highway 21 to the junction of U.S. Highway 33 at or near Ripley, W. Va.; thence over U.S. Highway 33 to Columbus, and return over the same route; (b) from Abingdon over U.S. Highway 19 to the junction of U.S. Highway 21 at or near Bluefield, Va.-W. Va.; thence over U.S. Highway 21 to the junction of U.S. Highway 35 at or near Charleston, W. Va.; thence over U.S. Highway 35 to the junction of U.S. Highway 23 at or near Chillicothe, Ohio; thence over U.S. Highway 23 to Columbus, and return over the same route, as alternate routes for operating convenience only in connection with applicant's authorized regular-route operations between Abingdon, Va., and Columbus, Ohio, over U.S. Highways 11, 25-E, 25, 22, and 62 and Kentucky Highway 490, serving no intermediate points. (3) Between Abingdon, Va., and Cincinnati, Ohio: From Abingdon over U.S. Highway 19 to the junction of U.S. Highway 21 at or near Bluefield, Va.-W. Va.; thence over U.S. Highway 21 to the junction of U.S. Highway 60 at or near Charleston, W. Va.; thence over U.S. Highway 60 to the junction of U.S. Highway 52 at or near Huntington, W. Va.; thence over U.S. Highway 52 to Cincinnati, and return over the same route, as an alternate route for operating con-

venience only in connection with applicant's authorized regular-route operations between Abingdon, Va., and Cincinnati, Ohio, over U.S. Highways 11, 25-E, and 25 and Kentucky Highway 490, serving no intermediate points. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Nashville, Tenn.

No. MC 61264 (Sub-No. 26), filed April 25, 1969. Applicant: PILOT FREIGHT CARRIERS, INC., Post Office Box 615, Winston-Salem, N.C. 27102. Applicant's representative: William F. King, 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: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those injurious or contaminating to other lading), serving the Sequoyah Nuclear Power Plant of the Tennessee Valley Authority near Daisy, Tenn., as an off-route point in connection with applicant's regular-route operations to and from Rossville, Ga. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chattanooga, Tenn., or Atlanta, Ga.

No. MC 61264 (Sub-No. 27), filed April 25, 1969. Applicant: PILOT FREIGHT CARRIERS, INC., Post Office Box 615, Winston-Salem, N.C. 27102. Applicant's representative: William F. King, 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: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those injurious or contaminating to other lading), serving the plant of Revere Copper and Brass, Inc., located on Alabama Highway 79 approximately 6 miles south of Scottsboro, Ala., as an off-route point in connection with carrier's regular-route operations to and from Fort Oglethorpe, Ga. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Birmingham, Ala.

No. MC 61396 (Sub-No. 217), filed April 24, 1969. Applicant: HERMAN BROS., INC., 2501 North 11th Street, Post Office Box 189, Omaha, Nebr. 68101. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Dennison, Iowa, to points in Minnesota, Missouri, Kansas, Nebraska, and South Dakota. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.



No. MC 61396 (Sub-No. 218), filed April 28, 1969. Applicant: HERMAN BROS., INC., 2501 North 11th Street, Post Office Box 189, Omaha, Nebr. 68101. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, urea, fertilizer, and fertilizer ingredients*, from the plantsite of Agrico Chemical Co., located at or near Blair, Nebr., to points in Colorado, Kansas, Illinois, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Memphis, Tenn.

No. MC 67450 (Sub-No. 31), filed April 21, 1969. Applicant: PETERLIN CARTAGE CO., a corporation, 9651 South Ewing Avenue, Chicago, Ill. 60602. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Food, foodstuffs, food preparations, cooking oils, shortening, matches, and advertising matter* when moving in conjunction with the foregoing commodities, and such *materials, equipment, and supplies* as are used by persons engaged in the manufacture, sale, and distribution of the foregoing commodities, between Cedar Rapids, Iowa, and St. Charles, Ill., from Cedar Rapids over U.S. Highway 30 to junction U.S. Highway 30A, thence over U.S. Highway 30A to junction Illinois Highway 47, thence over Illinois Highway 47 to junction Highway 64, thence over Illinois Highway 64 to St. Charles, Ill., and return over the same route, serving no intermediate points. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 76032 (Sub-No. 241), filed April 16, 1969. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: William E. Kenworthy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Tularosa, N. Mex., and Albuquerque, N. Mex.; from Tularosa, over U.S. Highway 54 to junction U.S. Highway 380, thence over U.S. Highway 380 to junction Interstate Highway 25, thence over Interstate Highway 25 to Albuquerque, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Washington, D.C.

No. MC 76987 (Sub-No. 5), filed April 25, 1969. Applicant: ORVILLE C. BADGER TRUCKING CO., INC., 15 Lexington Avenue, New Haven, Conn. 06513.

Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pulpboard*, from the plantsite of National Gypsum Co., near New Columbia, Pa., to Portsmouth, N.H., and (2) *scrap paper and materials and supplies* used in the manufacture and distribution of pulpboard, from points in Connecticut, Massachusetts, and Rhode Island to the plantsite of National Gypsum Co., near New Columbia, Pa., under a continuing contract or contracts with National Gypsum Co. of Buffalo, N.Y. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 84784 (Sub-No. 2), filed April 25, 1969. Applicant: GEROSA HAULAGE & WAREHOUSE CORPORATION, 101 Lincoln Avenue, Bronx, N.Y. 10454. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pulpboard*, from the plantsite of National Gypsum Co., near New Columbia, Pa., to New York, N.Y.; and (2) *scrap paper and materials and supplies* used in the manufacture and distribution of pulpboard, from points in Delaware, Columbia, Schoharie, Schenectady, Rensselaer, Albany, Greene, Ulster, Sullivan, Orange, Dutchess, Putnam, Rockland, Westchester, Bronx, New York, Richmond, Kings, Queens, Nassau, and Suffolk Counties, N.Y., and points in New Jersey to the plantsite of National Gypsum Co. near Columbia, Pa., under a continuing contract or contracts with National Gypsum Company of Buffalo, N.Y. **NOTE:** Applicant is authorized to operate under MC 31357, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 86099 (Sub-No. 4), filed April 21, 1969. Applicant: CARL VAUGHT, 107 Kansas Avenue, Hiawatha, Kans. 66434. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value and dangerous explosives, household goods as defined in Practices of Motor Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and those commodities injurious or contaminating to other lading), between St. Joseph, Mo., and Elwood, Kans. **NOTE:** Applicant states it now has pending an application to convert its certificate of registration to a certificate. If a hearing is deemed necessary, applicant requests it be held at St. Joseph, Mo.

No. MC 94201 (Sub-No. 69), filed April 14, 1969. Applicant: BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, East Gadsden, Ala. Applicant's representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate

as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, caps and corrugated boxes*, from the plantsite, storage, and warehouse facilities of Brockway Glass Co., Inc., located at Montgomery, Ala., and points within its commercial zone, to points in Kentucky. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Montgomery or Birmingham, Ala., or Atlanta, Ga.

No. MC 94842 (Sub-No. 3), filed April 27, 1969. Applicant: ROBERT CROCKET, INC., 102 Crescent Avenue, Chelsea, Mass. 02150. Applicant's representative: Frank J. Weiner, Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight requires the use of special equipment, and related *machinery parts and related contractors materials and supplies* when their transportation is incidental to the transportation of commodities, which because of size or weight, requires special equipment, and *ordnance equipment, materials and supplies and quartermaster supplies* (except household goods and commodities in bulk), (1) between points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, and (2) between points named in (1) above, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to traffic moving to or from U.S. Government Agencies, Military Installations or Defense Department Establishments. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 100666 (Sub-No. 138), filed April 21, 1969. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112, and Paul Caplinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete products*, from points in Pulaski County, Ark., to points in Mississippi, Louisiana, Oklahoma, Kansas, Ohio, Illinois, Texas, Tennessee, Kentucky, and Missouri (except St. Louis, Mo. and the commercial zone thereof). **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 100666 (Sub-No. 139), filed April 25, 1969. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor



vehicle, over irregular routes, transporting: *Cut stone*, from Shreveport, La., to points in Arkansas, Mississippi, and Texas. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Shreveport, La.

No. MC 103926 (Sub-No. 20) (Amendment), filed March 19, 1969, published in the *FEDERAL REGISTER* issue of April 24, 1969, and republished, as amended, this issue. Applicant: W. T. MAYFIELD SONS TRUCKING CO., a corporation, Post Office Box 43171, Industrial Branch, Atlanta, Ga. 30336. Applicant's representative: R. J. Reynolds, Jr., 604-09 Healey Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which require the use of special equipment or special handling by reason of size or weight, (2) *ordnance equipment, materials and supplies and quartermaster supplies* (except household goods and commodities in bulk), and (3) *helicopters and helicopter parts and accessories* from, to, or between Military Installations, Defense Department Establishments, and/or Government Contractors located at points in the States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, and the Red River Army Depot at Texarkana, Tex. **NOTE:** Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Applicant also states that to a limited extent, the authority applied in part (1) of the instant application might duplicate the authority presently held in its Sub 8 certificate. The purpose of this republication is to more clearly set forth the territorial scope of the application. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 104004 (Sub-No. 181), filed April 17, 1969. Applicant: ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York, N.Y. 10017. Applicant's representative: John P. Tynan, 69-20 Fresh Pond Road, Ridgewood, N.Y. 11227. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those injurious or contaminating to other lading), (1) between Glasgow and Bowling Green, Ky., from Glasgow over Kentucky Highway 80 to junction U.S. Highway 68, thence over U.S. Highway 68 to Bowling Green, (2) between Glasgow and Louisville, Ky., from Glasgow over Kentucky Highway 90 to junction U.S. Highway 31-W, thence over U.S. Highway 31-W to junction Interstate Highway 65, thence over Interstate Highway 65 to Louisville (also from Glasgow over U.S. Highway 31-E to Louisville), (3) between Glasgow, Ky., and Cincinnati, Ohio,

from Glasgow over U.S. Highway 68 to junction Interstate Highway 75, thence over Interstate Highway 75 to Cincinnati, and (4) between Glasgow, Ky., and Evansville, Ind., from Glasgow to Bowling Green as specified above, thence over U.S. Highway 231 to junction U.S. Highway 60, thence over U.S. Highway 60 to junction U.S. Highway 41, thence over U.S. Highway 41 to Evansville, and in connection with (1) thru (4) above, return over the same routes, serving no intermediate points. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Cincinnati, Ohio.

No. MC 105045 (Sub-No. 21) (Correction), filed March 18, 1969, published in the *FEDERAL REGISTER* issues of April 24, 1969, and May 8, 1969, and republished as corrected, this issue. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania Street, Evansville, Ind. 47708. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which require the use of special equipment or special handling by reason of size or weight; (2) *ordnance equipment, materials, and supplies*; and (3) *quartermaster supplies* (except household goods and commodities in bulk), to, from, and between military installations or Defense Department establishments and Ports of Embarkation in the States of Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin and the District of Columbia. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. The purpose of this republication is to show the phrase as "to, from, and between Military installations or Defense Department establishments" in lieu of the word of as previously published. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106089 (Sub-No. 12), filed April 25, 1969. Applicant: JOHN G. LANE LINE, INC., 1017 North McDuff Avenue, Jacksonville, Fla. 32205. Applicant's representative: McCarthy Crenshaw, Room 1205, Universal Marion Building, 21 West Church Street, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bakery products*; and *bakery advertising matter*, from Miami, Fla., to Greenville, S.C., and points within 15 miles thereof; and (2) *stale bakery products* not requiring refrigeration in transit, from said destination points in (1) above, to said origin point in (1) above. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if war-

ranted. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., Atlanta, Ga., or Miami, Fla.

No. MC 106398 (Sub-No. 399), filed April 28, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, mounted on wheeled undercarriages equipped with hitchball connector, from Phoenix (Maricopa County), Ariz., to points in the United States (except California, Nevada, Utah, New Mexico, Alaska, and Hawaii). **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 107012 (Sub-No. 93), filed April 13, 1969. Applicant: NORTH AMERICAN VAN LINES, INC., Post Office Box 988 (Lincoln Highway East and Meyer Road), Fort Wayne, Ind. 46801. Applicant's representative: Martin A. Weissert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum louvers, lowered-penthouses, ventilators, roof curbs, and footwalks*, uncrated, from points in Prince Georges County, Md., to points in the United States (except Alaska and Hawaii) with the privilege to stop off said commodities en route to complete processing. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107403 (Sub-No. 773), filed April 28, 1969. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John E. Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid ethylene*, in bulk, from Baton Rouge, La., to points in Alabama, Arkansas, California, Illinois, Kansas, Kentucky, Michigan, South Carolina, Tennessee, and Texas. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., New Orleans, La., or Houston, Tex.

No. MC 107496 (Sub-No. 730), filed April 23, 1969. Applicant: RUAN TRANSPORT CORPORATION, 303 Keosauqua Way, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk; (1) from storage facilities of Allied Chemical Corp. located at or near Channahon (Smith-bridge) Ill., to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin;



and (2) from Joliet, Ill., to points in Wisconsin, Indiana, Ohio, and Lower Peninsula of Michigan. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 107496 (Sub-No. 731), filed April 23, 1969. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, from Mason City, Iowa, to points in Nebraska and Kansas. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 107515 (Sub-No. 655), filed April 11, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Granulated shellac* in bags, in vehicles equipped with mechanical refrigeration, from Memphis, Tenn., to Charlotte, N.C. **NOTE:** Applicant states it does not intend to tack and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 107541 (Sub-No. 26), filed April 25, 1969. Applicant: MAGEE TRUCK SERVICE, INC., 18101 Southeast McLoughlin Boulevard, Milwaukie, Ore. 97222. Applicant's representative: Earl V. White, 2400 Southwest Fourth Avenue, Portland, Ore. 97201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber, and boards and sheets composed of sawdust or ground wood with added resin binder, and fibreboard* (excepting gypsum board, paper board, and pulpboard), from points in Del Norte, Humboldt, Mendocino, Sonoma, Contra Costa, Alameda, Siskiyou, Shasta, Modoc, Lassen, Santa Clara, San Francisco, San Mateo, and Santa Cruz Counties, Calif., to points in Oregon, Washington, and Idaho. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Portland, Ore.

No. MC 107544 (Sub-No. 84), filed April 21, 1969. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, Post Office Box 580, Marion, Va. 24354. Applicant's representative: Harry C. Ames, Jr., 666 Eleventh Street NW, Washington, D.C. 20001. Authority

sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Caustic soda*, in bulk, from Saltville, Va., to points in North Carolina and South Carolina. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Applicant holds contract authority under MC 113959, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Richmond, Va., or Washington, D.C.

No. MC 107839 (Sub-No. 136), filed April 14, 1969. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT INC., 4985 York Street, Denver, Colo. 80216. Applicant's representative: Edward T. Lyons, Jr., Denver Club Building, Suite 420, Denver, Colo. 80202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses* as described in sections A, B, and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Colorado to points in Arizona, California, and Nevada. **NOTE:** Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 108207 (Sub-No. 259), filed April 30, 1969. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: Ralph W. Pulley, Jr., 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs, candy and confectionery products* (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from Minneapolis-St. Paul, Minn., and their commercial zones, to St. Joseph and Kansas City, Mo.; Memphis, Tenn., and points in Arkansas, Louisiana, Mississippi, Oklahoma, Texas, New Mexico, and Arizona. **NOTE:** Applicant indicates joinder through Texas to serve points in Arizona, California, and New Mexico by tacking with the authority under its Sub 38, and joinder at Kansas City, Mo., to serve points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas by tacking with the authority under its Sub 198. All duplicating authority will be eliminated. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 109324 (Sub-No. 20), filed April 21, 1969. Applicant: GARRISON MOTOR FREIGHT, INC., Post Office Box 969, Harrison, Ark. 72601. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives,

household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Harrison, Ark., and Jasper, Ark., over Arkansas Highway 7, serving all intermediate points. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Harrison or Little Rock, Ark.

No. MC 109337 (Sub-No. 11), filed April 28, 1969. Applicant: WATSON BROS. VAN LINES AND HEAVY HAULING CO., a corporation, 3514 South 25th Street, Omaha, Nebr. 68105. Applicant's representative: Samuel Zacharia, 711 First National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which require the use of special equipment or special handling by reason of size or weight; and (2) *ordnance equipment, materials and supplies, and quartermaster supplies* (except household goods and commodities in bulk), between points in Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Utah, Washington, Wisconsin, and Wyoming, restricted to traffic moving to or from military installations or Defense Department establishments. **NOTE:** Applicant states that no duplicating authority is being sought; and any authority granted herein, to the extent that it duplicates any authority now held by applicant, may be conditioned to confer but a single operating right. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Washington, D.C.

No. MC 109435 (Sub-No. 60), filed April 25, 1969. Applicant: ELLSWORTH BROS. TRUCK LINE, INC., Drawer "J" 116 North Allied Road, Stroud, Okla. 74079. Applicant's representative: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer blends*, in bulk, from the plantsite and/or storage facilities of Monsanto Co., at or near El Dorado, Ark., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, Oklahoma, South Carolina, Tennessee, and Texas, restricted to traffic originating at the named origins and destined to the named destination States. **NOTE:** Applicant states it does not intend to tack and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109637 (Sub-No. 359) (Correction), filed March 13, 1969, published *FEDERAL REGISTER* issues of April 10, and May 8, 1969, and republished in part, as corrected, this issue. Applicant: SOUTHERN TANK LINES, INC., Post Office Box 1047, 4107 Bells Lane, Louisville, Ky. 40201. Applicant's representative: Harris G. Andrews (same address as applicant). **NOTE:** The purpose of this partial republication is to reflect the correct



docket assigned as MC 109637 (Sub-No. 359), which was inadvertently shown as MC 109397 (Sub-No. 359) in its publication of May 8, 1969. The rest of the application remains as published on that date.

No. MC 110193 (Sub-No. 168), filed April 14, 1969. Applicant: SAFEWAY TRUCK LINES, INC., 20450 Ireland Road, Post Office Box 2628, South Bend, Ind. 46613. Applicant's representative: William J. Monheim (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Razor blades, safety razors, shaving cream, shaving soap, toilet preparations, and* (2) *advertising and display materials* when moving in mixed loads with the commodities named in (1) above, from Andover and Boston, Mass., to Chicago, Ill.; Cleveland and Cincinnati, Ohio; Indianapolis, Ind.; Minneapolis, Minn.; and St. Louis, Mo. Note: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110193 (Sub-No. 169), filed April 22, 1969. Applicant: SAFEWAY TRUCK LINES, INC., 20450 Ireland Road, Post Office Box 2628, South Bend, Ind. 46613. Applicant's representative: William J. Monheim (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 (except hides and commodities in bulk), from Davenport and Perry, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at Davenport and Perry, Iowa. Note: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110264 (Sub-No. 37), filed April 21, 1969. Applicant: ALBUQUERQUE PHOENIX EXPRESS, INC., 4500 McLeod Road, Albuquerque, N. Mex. Applicant's representative: Paul F. Sullivan, 701 Washington Building, Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between points in Kentucky, Indiana, Nebraska, Illinois, Missouri, Arkansas, Louisiana, New Mexico, Texas, Oklahoma, Kansas, and Colorado, on the one hand, and, on the other, points in Washington, California, Nevada, Utah, New Mexico, and Arizona. Restriction: Service performed hereun-

der shall be restricted to traffic moving on government bills of lading or on commercial bills of lading containing endorsements approved in *Interpretation of Government Rate Tariff—Eastern Central*, 332 I.C.C. 161, 164, and 165. Note: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110420 (Sub-No. 587), filed April 28, 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: *Corn syrup and corn syrup blended with other products*, in bulk, from Lincoln, Neb., to points in Colorado. Note: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 110525 (Sub-No. 906), filed April 24, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036, and Edwin H. van Deusen (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Rouseville, Pa., to Buffalo, N.Y. Note: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 110525 (Sub-No. 907), filed April 24, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as applicant), and Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from points in Carroll County, Ky., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, North Carolina, South Carolina, Tennessee, Texas, and Wisconsin. Note: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110683 (Sub-No. 57), filed April 16, 1969. Applicant: SMITH'S TRANSFER CORPORATION OF STAUNTON, VA., Post Office Box 1000, Staunton, Va. 24401. Applicant's representative: Francis W. McInerney, 1000 Sixteenth Street NW., Washington, D.C.

20036. 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 *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Madison, Wis., to points in Connecticut, Delaware, Maryland (except Baltimore), Massachusetts, New Jersey, New York, Rhode Island, and West Virginia (except Charleston), restricted to traffic originating at Madison, Wis. Note: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111302 (Sub-No. 52), filed April 21, 1969. Applicant: HIGHWAY TRANSPORT, INC., Post Office Box 79, Powell, Tenn. 37849. Applicant's representative: Paul E. Weaver, 1120 West Griffin Road, Lakeland, Fla. 33802. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Inedible tallow and/or grease, vegetable oils, and blends and mixtures thereof*, from Hammond, Ind., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia. Note: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 111302 (Sub-No. 53), filed April 21, 1969. Applicant: HIGHWAY TRANSPORT, INC., Post Office Box 79, Powell, Tenn. 37849. Applicant's representative: Paul E. Weaver, 1120 West Griffin Road, Lakeland, Fla. 33801. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Memphis, Tenn., and West Memphis, Ark., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Iowa, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. Note: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., Chicago, Ill., or Washington, D.C.

No. MC 111785 (Sub-No. 43), filed April 15, 1969. Applicant: BURNS MOTOR FREIGHT, INC., Post Office Box 149, U.S. Highway 219 North, Marlinton, W. Va. 24954. Applicant's representative: Theodore Polydoroff, 1120 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Dry fertilizer*, from points in Hertford County, N.C., to points in Virginia and West Virginia; and (2) *wooden posts, wooden rails, and wooden fencing*; (a)



from points in West Virginia to points in Michigan, Wisconsin, Vermont, New Hampshire, and Maine; and (b) from points in Michigan to points in North Carolina, South Carolina, Georgia, Tennessee, Kentucky, Virginia, Maryland, Delaware, Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Ohio, Illinois, Indiana, Wisconsin, West Virginia, and Washington, D.C. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112520 (Sub-No. 201), filed April 30, 1969. Applicant: MCKENZIE TANK LINES, INC., New Quincy Road, Post Office Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Jacksonville, Fla., to points in Georgia. NOTE: Applicant states it will tack with its present authority in Sub 15, to provide service to El Dorado, Ark.; with its Sub 25 to provide service to points in Alabama, Arkansas, Florida, Indiana, Kentucky, Mississippi, Missouri, Ohio, and Illinois (except Jacksonville); with its Sub 62 to provide service to Mobile, Ala.; with its Sub 82 to provide service to points in Florida and Alabama; with its Sub 84 to provide service to points in Alabama; with its Sub 169 to provide service to points in Alabama and Florida; with its Sub 172 to provide service to points in Alabama, Florida, and Georgia; and with its Sub 186 to provide service to points in Georgia, Florida, Alabama, Mississippi, Louisiana, South Carolina, North Carolina, Tennessee, Kentucky, West Virginia, Virginia, and Maryland. If a hearing is deemed necessary applicant requests it be held at Jacksonville, Fla.

No. MC 112617 (Sub-No. 256), filed April 11, 1969. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville, Ky. 40205. Applicant's representative: L. A. Jaskiewicz, 600 Madison Building, 1155 Fifteenth Street NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plantsite of the Illinois Nitrogen Corp. at or near Marseilles, Ill., to points in Indiana. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 113267 (Sub-No. 215), filed April 10, 1969. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. 62232. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to

operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Hillsdale, Mich., to points in North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Florida, Tennessee, and Kentucky, restricted to traffic originating at the plantsite and/or warehouses utilized by Great Markwestern Packing Co. at Hillsdale, Mich. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. 113388 (Sub-No. 90), filed April 25, 1969. Applicant: LESTER C. NEWTON, TRUCKING CO., a corporation, Post Office Box 265, Bridgeville, Del. Applicant's representative: William J. Augello, Jr., 36 West 44th Street, New York, N.Y. 10036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Potato products*, not frozen; and (2) *frozen foods*, in vehicles equipped with mechanical refrigeration; (a) from Moorefield, W. Va., to points in Georgia, Florida, North Carolina, South Carolina, Virginia, and points in Tennessee on and east of U.S. Highway 127; and (b) from points in New York on and west of U.S. Highway 15 to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113828 (Sub-No. 155), filed April 9, 1969. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington, D.C. 20014. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities* in bulk, from Greensboro, N.C., to points in North Carolina, South Carolina, Virginia, Maryland, West Virginia, and the District of Columbia, on traffic having a prior movement by rail. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113855 (Sub-No. 194) (Correction), filed March 28, 1969, published in the FEDERAL REGISTER issue of April 24, 1969, and republished as corrected this issue. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55901. Applicant's representative: Franklin J. Van Osdel, 502

First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Tractors*, with or without attachments, *tractor attachments including but not confined to backhoe loaders, front-end loaders, ditchers, forklifts, buckets, and parts of the above-named commodities*, between Topeka, Kans., on the one hand, and, on the other, points in Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Idaho, Nevada, Washington, Oregon, and California. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking if warranted. The purpose of this republication is to reflect the word "attachments", which appeared singular in the previous publication, also to include "front-end loaders" in the commodity description. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Kans., Chicago, Ill., or Salt Lake City, Utah.

No. MC 113974 (Sub-No. 33), filed April 17, 1969. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., a corporation, 211 Washington Avenue, Dravosburg, Pa. 15034. Applicant's representative: W. H. Schlottman (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which require the use of special equipment or special handling by reason of size or weight, and (2) *ordnance equipment, materials and supplies, and quartermaster supplies* (except household goods and commodities in bulk), (a) between military installations or Defense Department establishments in the United States (except Hawaii) and (b) between points in (a) above, on the one hand, and, on the other, points in the United States (except Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Common control may be involved. Applicant also states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114789 (Sub-No. 23), filed April 16, 1969. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, Minn. 55359. Applicant's representative: Marshall D. Becker, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Canned, bottled, and packaged food products*, from points in New York, New Jersey, Pennsylvania, Massachusetts, and Ohio, to St. Paul, Minn., under contract with Gourmet Foods, Inc. NOTE: Applicant has common carrier authority pending under MC 117940 (Sub 3), therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 115162 (Sub-No. 172), filed April 15, 1969. Applicant: WALTER POOLE, doing business as POOLE



**TRUCK LINE**, Post Office Box 310, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrought iron pipe and connections or fittings, wrought iron conduit pipe and connections or fittings, flexible steel conduit, steel armored and steel and lead armored copper cable and strip steel, plastic pipe and tubing and fittings, copper pipe and tubing and fittings*, from Glen Dale, W. Va.; Carnegie, Pa.; Footville, Wis.; and New Brunswick, N.J.; to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Virginia, and Wisconsin. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 115180 (Sub-No. 49), filed April 21, 1969. Applicant: **ONLEY REFRIGERATED TRANSPORTATION, INC.**, 408 West 14th Street, New York, N.Y. 10014. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, and meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by Wilson & Co., Inc., at or near Monmouth, Ill., to points in Connecticut, Massachusetts, New York, and Rhode Island. **Restriction:** The operations sought herein are restricted to the transportation of traffic originating at the plantsite and storage facilities utilized by Wilson & Co., Inc., at or near Monmouth, Ill., and destined to the above-named destination points. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110193 (Sub-No. 168), filed April 28, 1969. Applicant: **HAROLD M. FELTY, INC.**, Rural Delivery No. 1, Pine Grove, Pa. 17963. Applicant's representative: John W. Dry, 541 Penn Street, Reading, Pa. 19601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete masonry units, including glazed concrete masonry units*, from points in the Borough of Media, Delaware County, Pa., to points in New York, Connecticut, New Jersey, Delaware, Maryland, Virginia, Massachusetts, Rhode Island, and the District of Columbia, and damaged or refused shipments on return. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is

deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 115841 (Sub-No. 349), filed April 21, 1969. 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 applicant), and E. Stephen Heisley, 666 11th Street, N.W., Washington, D.C. 20001. 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, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except in bulk, and except hides), from Glenwood and Marshalltown, Iowa, to points in Kentucky, Tennessee, North Carolina, and South Carolina. **NOTE:** Applicant states that it intends to tack the authority sought herein with its presently held authority serving points in Georgia, Alabama, Mississippi, and Louisiana. If a hearing is deemed necessary, applicant requests it be held at Nashville or Knoxville, Tenn., or Birmingham, Ala.

No. MC 115841 (Sub-No. 350), filed April 24, 1969. 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 N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from Denison, Tex., to points in Arkansas, Mississippi, Tennessee, Alabama, and Florida west of the Apalachicola River. **NOTE:** Applicant indicates tacking possibilities with presently held authority to serve points in Georgia and South Carolina. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., Nashville, Tenn., and Jackson, Miss.

No. MC 117116 (Sub-No. 2), filed April 11, 1969. Applicant: **BOAT CARRIER CORP.**, 101-53 124th Street, Richmond Hill, N.Y. 11419. Applicant's representative: Franklin Rand Weiss, 40-20 Junction Boulevard, Corona, N.Y. 11373. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats and boat accessories*; (1) from points in Penobscot County, Maine, to points in New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, and Pennsylvania; and (2) between points in New York, New Jersey, Connecticut, Rhode Island, Pennsylvania, Vermont, New Hampshire, and Massachusetts. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or New York, N.Y.

No. MC 117408 (Sub-No. 1), filed April 25, 1969. Applicant: **CROSBY EXPRESS, INC.**, 15 Lexington Avenue,

New Haven, Conn. 06513. Applicant's representative: William P. Sullivan, 1819 H Street N.W., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pulpboard*, from the plantsite of National Gypsum Co. near New Columbia, Pa., to New Haven, Conn.; and (2) *scrap paper and materials and supplies used in the manufacture and distribution of pulpboard*, from points in Delaware, Columbia, Schoharie, Schenectady, Rensselaer, Albany, Greene, Ulster, Sullivan, Orange, Dutchess, Putnam, Rockland, Westchester, Bronx, New York, Richmond, Kings, Queens, Nassau, and Suffolk Counties, N.Y., and points in Connecticut, Rhode Island, and New Jersey to the plantsite of National Gypsum Co. near New Columbia, Pa., under a continuing contract or contracts with National Gypsum Co. of Buffalo, N.Y. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117686 (Sub-No. 94) (Amendment), filed April 2, 1969, published in the **FEDERAL REGISTER** issue of April 24, 1969, and republished as amended this issue. Applicant: **HIRSCHBACH MOTOR LINES, INC.**, 3324 U.S. Highway 75 North, Post Office Box 417, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and animal feed* (except coffee), from Mobile, Ala., to points in Mississippi, Louisiana, Texas, Kansas, Missouri (except St. Louis and points in its commercial zone), South Dakota, Minnesota, Iowa, Nebraska, and North Dakota, restricted to traffic originating at Mobile, Ala. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. This republication is for the purpose of adding animal feed to the commodity description. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 117765 (Sub-No. 80), filed April 21, 1969. Applicant: **HAHN TRUCK LINE, INC.**, 5315 Northwest Fifth, Post Office Box 75267, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer, fertilizer compounds, fertilizer ingredients, fertilizer materials, and urea*, other than liquid, from Oklahoma City, Okla., to points in Arkansas, Kansas, and Texas; (2) *Urea* from Oklahoma City, Okla., to points in Oklahoma, applicable on shipments having prior interstate movement by rail; and (3) *prepared animal and poultry feed* in bags and containers, from Oklahoma City, Okla., to points in Arkansas and Texas. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant further states it seeks no duplicating authority. If a hearing is deemed necessary,



applicant requests it be held at Oklahoma City, Okla.

No. MC 117883 (Sub-No. 123), filed April 14, 1969. Applicant: **SUBLER TRANSFER, INC.**, 791 East Main Street, Post Office Box 62, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from Urbana and Springfield, Ohio, to points in Illinois and Indiana; and (2) *materials, equipment and supplies* used in the manufacture, sale and distribution of paper and paper products from points in Illinois and Indiana to Urbana and Springfield, Ohio. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 118142 (Sub-No. 29), filed April 22, 1969. Applicant: **M. BRUENGER & CO., INC.**, 6330 North Broadway, Wichita, Kans. 67214. Applicant's representative: J. F. Miller, 6415 Willow Lane, Shawnee Mission, Kans. 66208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as defined by the Commission, from Wichita, Kans., to points in Arizona and California. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 118263 (Sub-No. 11), filed April 14, 1969. Applicant: **COLDWAY CARRIERS, INC.**, Post Office Box 38, Clarksville, Ind. 47131. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, from Union City, Tenn., to Reading, Pa., and points in New Jersey and New York, N.Y., restricted to traffic originating at Union City, Tenn. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Applicant holds contract carrier authority under MC 111069 (Sub-No. 1) and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., New York, N.Y., or Washington, D.C.

No. MC 118288 (Sub-No. 32), filed April 25, 1969. Applicant: **STEPHEN F. FROST**, Post Office Box 28, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packing-houses* as described in sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Casper, Wyo., to points in Montana, Utah, Colorado, Idaho, Nevada, and California. **NOTE:**

Applicant states shipments originating at Billings, Mont.; in Oregon and Washington could be tacked at Casper, Wyo. Applicant also states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Cheyenne, Wyo., or Billings, Mont.

No. MC 119009 (Sub-No. 5), filed April 11, 1969. Applicant: **F & K MILK SERVICE, INC.**, Post Office Box 67, Union Grove, Wis. 53182. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago, Ill. 60656. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in Appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and *chocolate drinks, chocolate milk, cottage cheese, fruit juices, fruit flavored milk, sour cream, sour cream dips and yogurt* in containers, from the Borden, Inc., plant at or near Woodstock, Ill., to points in Wisconsin located on and south of U.S. Highway 10. **NOTE:** Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119305 (Sub-No. 8), filed April 21, 1969. Applicant: **C. ROBERT NATTRESS AND DONALD NATTRESS**, a partnership, doing business as B & D TRUCKING SERVICE, 33 West Garfield Avenue, Norwood, Delaware County, Pa. 19074. Applicant's representative: Ralph C. Busser, Jr., 1710 Locust Street, Philadelphia, Pa. 19103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Edible bakery products*, from Marysville, Pa., to Newark, Elizabeth, Garfield, and Linden, N.J. and New York, N.Y., under contract with Specialty Bakers, Inc., Marysville, Pa. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Philadelphia or Harrisburg, Pa.

No. MC 119531 (Sub-No. 115), filed April 16, 1969. Applicant: **DIECKBRODER EXPRESS, INC.**, 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, between Easton, Ind., on the one hand, and on the other, points in Illinois, Indiana, Kentucky, Michigan, Ohio, and Wisconsin. **NOTE:** Applicant states that tacking would take place in conjunction with its Sub 7, at Cleveland, Ohio, to serve points in New York and Pennsylvania. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 119547 (Sub-No. 23), filed April 28, 1969. Applicant: **EDGAR W. LONG, INC.**, Route 4, Zanesville, Ohio 47301. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Building materials, and articles* used in the installation thereof (except commodities in bulk, and those which require special equipment to load, unload or transport), from Cambridge, Ohio, to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 120021 (Sub-No. 1), filed April 16, 1969. Applicant: **THE COTTER MOVING & STORAGE COMPANY**, a corporation, 265-273 West Bowery Street, Akron, Ohio 44308. 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: *Used household goods*, between points in Ohio, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 121137 (Sub-No. 2), filed April 21, 1969. Applicant: **JONES RIGGING & HEAVY HAULING, INC.**, U.S. Highway 65 South, Post Office Box 6427, Pine Bluff, Ark. 71601. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery, steel beams and girders, except machinery, equipment, materials and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and machinery, equipment, materials and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof; fabricated and non-fabricated steel, tanks, concrete and concrete products*, between points in Arkansas. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 123048 (Sub-No. 152), filed April 10, 1969. Applicant: **DIAMOND TRANSPORTATION SYSTEM, INC.**, 1919 Hamilton Avenue, Racine, Wis. 53401. Applicant's representatives: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703, and Paul L. Martinson, Box A, Racine, Wis. 53401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements,*



*agricultural machinery, and parts for agricultural machinery*, from the plant-site and warehouse facilities of Oliver Corp., located at or near South Bend, Ind., to ports of entry located on the international boundary line between the United States and Canada, located at Port Huron and Detroit, Mich. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at South Bend, Ind., or Chicago, Ill.

No. MC 124111 (Sub-No. 21), filed April 17, 1969. Applicant: OHIO EASTERN EXPRESS, INC., 300 West Perkins Avenue, Post Office Box 2297, Sandusky, Ohio 44870. Applicant's representative: M. A. Taylor (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Imported frozen meats*, from points in the New York, N.Y., commercial zone as defined by the Commission, Newark, N.J., points in the Philadelphia, Pa., commercial zone as defined by the Commission and Wilmington, Del., to points in Illinois, Indiana, Michigan, Ohio, Wisconsin, and that part of Pennsylvania on and west of U.S. Highway 219, Covington and Louisville, Ky., and points in the St. Louis, Mo., commercial zone as defined by the Commission. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 124813 (Sub-No. 67), filed April 25, 1969. Applicant: UMTOWN TRUCKING CO., a corporation, 910 South Jackson, Eagle Grove, Iowa 50533. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, insecticides, animal and poultry tonics, livestock and poultry feeders, and related advertising matter and premium merchandise*, from the plant of Moorman Manufacturing Co., at Quincy, Ill., to points in Wright County, Iowa. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Applicant holds contract authority under MC 118468 Sub 16, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 125708 (Sub-No. 114), filed April 17, 1969. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. 62087. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, posts, and poles*, from points in Buchanan County, Mo., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Iowa, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, Missouri, Nebraska, New York, New Mexico, North Carolina, North Dakota, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, and West Virginia. **NOTE:** Appli-

cant indicates tacking possibilities with its presently held authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126183 (Sub-No. 2), filed April 21, 1969. Applicant: R. E. ROBINSON, doing business as BOWERS & SON, 2050 Blake Street, Denver, Colo. 80202. Applicant's representative: Marion F. Jones, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated; refrigeration equipment, business machines, and related machines, and all types of fragile store and office fixtures and furniture*, between points in Colorado, on the one hand, and, on the other, points in Wyoming, Nebraska, Kansas, New Mexico, Utah, Oklahoma, Texas, and Arizona. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 127038 (Sub-No. 3) (Correction), filed April 2, 1969, published in FEDERAL REGISTER issue of May 1, 1969, and republished as corrected, this issue. Applicant: SAM N. COLE, doing business as ALABAMA-GEORGIA EXPRESS, 2616 Commerce Boulevard (Irondale), Post Office Box 6608, Birmingham, Ala. 35210. Applicant's representative: William Addams, Suite 527, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except explosives and commodities requiring special equipment), between the plantsite of Bibb Manufacturing Co., at Percale, Ga., on the one hand, and, on the other, Birmingham, Ala., and points within 15 miles of Birmingham. **NOTE:** Applicant states that it would tack at Birmingham, Ala. The purpose of this publication is to show Birmingham, Ala., as a destination point. If a hearing is deemed necessary, applicant requests it be held at Macon or Atlanta, Ga.

No. MC 127049 (Sub-No. 4), filed April 30, 1969. Applicant: CEDARBURG CONTAINER CARRIERS CORPORATION, 1616 Second Avenue, Grafton, Wis. 53024. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wool tops*, from South Barre and Holyoke, Mass., to Grafton, Wis.; (2) *semi-processed yarn*, between Grafton and Hustisford, Wis., on the one hand, and, on the other, points in the United States (except Wisconsin, Alaska, and Hawaii), for the account of Badger Mills, Grafton, Wis., in Nos. (1) and (2) above; (3) *molded plastic products*, from Milwaukee, Pewaukee, and West Bend, Wis., to points in the United States (except Alaska, Hawaii, and Wisconsin); and (4) *expandable polystyrene*, from Leominster, Mass., Kobuta, Pa., Peru, Ill., and Midland, Mich., to Milwaukee and West Bend, Wis., for the account of Spectrum, Inc., Milwaukee, Wis., in Nos. (3) and (4)

above. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 127108 (Sub-No. 2), filed April 16, 1969. Applicant: J. HERBERT EWELL, Rural Delivery No. 2, Narvon, Pa. 17555. Applicant's representative: John M. Musselman, 400 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay*, in bulk, from points in Lancaster County, Pa., to points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties, N.J., and points in Ashtabula, Cuyahoga, Franklin, Geauga, Lake, Licking, Lorain, Muskingum, Portage, Summit, and Wayne Counties, Ohio; (2) *Clay*, in containers, from points in Lancaster County, Pa., to points in Illinois, Indiana, Michigan, and Ohio; and (3) *Clay*, from points in Lancaster County, Pa., to points in Maine, New Hampshire, and Vermont. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 127487 (Sub-No. 7), filed April 4, 1969. Applicant: HOLT MOTOR EXPRESS, INC., 701 North Broadway, Gloucester City, N.J. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, lumber, meats, perishable food products, films, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other loading, dairy products as defined by the Commission, and alcoholic beverages), between New York, N.Y., on the one hand, and, on the other, Philadelphia, Pa.; Audubon, Berlin, Beverly, Bridgeton, Collingswood, Camden, Delair, Gloucester, Gibbstown, Millville, Merchantville, Newport, Paulsboro, Riverton, Salem, Trenton, Vineland, Westmont, Westfield, and Yardville, N.J.; Ocean City, N.J., and points within 10 miles thereof (except Atlantic City, N.J., and points in Cape May County, N.J.; and Wilmington and Yorklyn, Del. Restrictions: The above authority is limited to (1) transportation having a prior or subsequent movement by water, (2) transportation performed via "gateway" points within the Philadelphia, Pa., commercial zone, as defined by the Commission, and (3) local service between the points named and may not be joined or tacked with applicant's existing operating rights. **NOTE:** A motion to dismiss has been filed concurrently with this application. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 127748 (Sub-No. 3), filed April 16, 1969. Applicant: FOURMEN DELIVERY SERVICE, INC., 153-27 Rockaway



Boulevard, Jamaica, N.Y. 11434. Applicant's representatives: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006 and Douglas Miller, Meadowbrook Bank Building, Malverne, N.Y. 11565. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are used or useful in the maintenance, repair and operation of aircraft (except aircraft engines and commodities in bulk), between LaGuardia Airport and John F. Kennedy International Airport at New York, N.Y., on the one hand, and, on the other, Newark Airport, Newark, N.J.* Note: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 127840 (Sub-No. 23), filed April 23, 1969. Applicant: MONTGOMERY TANK LINES, INC., 612 Maple, Willow Springs, Ill. 60480. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible tallow, inedible grease, vegetable oils, including products and blends of said commodities, in bulk, in tank vehicles, from Hammond, Ind., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.* Note: Applicant states it could tack with its presently held authorities in MC 127840 and Sub 5, wherein it is authorized to conduct operations in the States of Illinois, Connecticut, Colorado, Delaware, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and the District of Columbia. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128273 (Sub-No. 47), filed April 17, 1969. Applicant: MIDWESTERN EXPRESS, INC., Post Office Box 189, Fort Scott, Kans. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooling towers and/or fluid coolers, parts thereof, and materials and supplies used or useful in the construction and/or installation of the above described articles, (1) from points in Johnson County, Kans., to points in the United States (except Alaska and Hawaii), and (2) from points in San Joaquin County, Calif., to points in the United States (except Alaska and Hawaii).* Note: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128570 (Sub-No. 9), filed April 21, 1969. Applicant: BROOKS ARMORED CAR SERVICE, INC., 13

East 35th Street, Wilmington, Del. 19802. Applicant's representative: L. Agnew Myers, Jr., Suite 1122 Warner Building, E at 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Interoffice records and memoranda, accounting and billing records and media and documents, between Wilmington, Del., on the one hand, and, on the other, Morristown, N.J.* Note: Applicant holds contract carrier authority under MC 115601 and Subs, therefore dual operations may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Wilmington, Del., or Philadelphia, Pa.

No. MC 128801 (Sub-No. 1), filed April 27, 1969. Applicant: WILLIAM F. JONES, Rural Delivery No. 1, Stevens, Pa. 17578. Applicant's representative: Christian V. Graf, 407 Northfront Street, Harrisburg, Pa. 17101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen meats, from points in Nebraska (except Scottsbluff), Iowa (except Denison and Sioux City), Missouri (except Rockport), Kansas, and South Dakota, to Philadelphia, Pa., with no transportation for compensation on return except as otherwise authorized.* Restriction: Said operations to be limited to a transportation service to be performed, under a continuing contract, or contracts, with A. Servetnick & Sons, of Philadelphia, Pa. Note: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 128878 (Sub-No. 13), filed April 24, 1969. Applicant: SERVICE TRUCK LINES, INC., Post Office Box 961, Shreveport, La. 71102. Applicant's representatives: Ewell H. Muse, Jr., 415 Perry-Brooks Building, Austin, Tex. 78701 and C. Wade Shemwell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer, in bulk and in bags, from Nacogdoches, Tex., to points in Louisiana, Mississippi, Arkansas, and Oklahoma.* Note: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant did not specify location.

No. MC 129086 (Sub-No. 8), filed April 28, 1969. Applicant: SPENCER TRUCKING CORPORATION, Post Office Box 254 A, Route 2, Keyser, W. Va. 26726. Applicant's representative: Charles E. Creager, Post Office Box 3582, Baltimore, Md. 21214. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lime*, (a) from Strasburg, Va., to Keyser, W. Va., and Luke, Md., and (b) from Keyser, W. Va., to Luke, Md., (2) *limestone*, (a) from Strasburg, Va., to Keyser and Beryl, W. Va., and (b) from Keyser, W. Va., to Beryl, W. Va., (3) *lime*, (a) from Riverton, W. Va., to Keyser, W. Va., and Luke, Md., and (b) from Keyser,

W. Va., to Luke, Md., and (4) *limestone*, from Riverton, W. Va., to Keyser, W. Va. Note: Applicant indicates tacking with its outstanding authority at points in Mineral County, W. Va., to provide a through service from Riverton, W. Va., to points in Maryland on lime, and from Strasburg, to points in Maryland on lime and limestone. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129103 (Sub-No. 2), filed April 17, 1969. Applicant: EDMIER TRANSPORTATION, INC., 1500 South Cicero Avenue, Cicero, Ill. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from points in the Chicago, Ill., commercial zone as defined by the Commission and Lemont, Ill., to points in Indiana and Wisconsin. Note: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 129214 (Sub-No. 4), filed April 24, 1969. Applicant: CAVES TRUCKING COMPANY, INC., Post Office Box 206, Wild Rose, Wis. 54984. Applicant's representative: Gordon N. Caves (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated pulpboard boxes, wooden box materials and fibreboard boxes with wooden frames, from Wild Rose, Wis., to points in Michigan.* Note: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 129282 (Sub-No. 5), filed April 25, 1969. Applicant: FRED S. BERRY, doing business as BERRY TRANSPORTATION COMPANY, 305 Lancaster St., Post Office Box 1824, Longview, Tex. 75601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, also empty bottles, cans, cartons, kegs or other containers and pallets, between Fort Worth, Longview, and San Antonio, Tex., and points in Louisiana and Texarkana, Ark.* Note: Applicant also holds contract carrier authority under MC 128457, therefore dual operations may be involved. Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Alexandria, La., or Longview, Tex.

No. MC 129307 (Sub-No. 15), filed April 24, 1969. Applicant: McKEE LINES, INC., 664 54th Avenue, Mattawan, Mich. 49071. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lactose*, (1) from Mayville, Wis., and Bongards,



Minn., to St. Louis, Mo., and points in Indiana, Michigan, and Ohio; and (2) from Winsted, Minn., to St. Louis, Mo., and points in Indiana and Ohio. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant has contract carrier authority in MC 119394, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129307 (Sub-No. 16), filed April 24, 1969. Applicant: MCKEE LINES, INC., 664 54th Avenue, Mattawan, Mich. 49071. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and warehousing facilities of Pet, Inc., Frozen Foods Division, Frankfort, Mich., to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Ohio, and Wisconsin. **NOTE:** Applicant holds contract carrier authority under Docket No. MC 119394 therefore, dual operations may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133038 (Sub-No. 5), filed April 14, 1969. Applicant: FIRST SCOTT STREET CORPORATION, 3900 Orleans, Detroit, Mich. 48207. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. 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 Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Hillsdale, Mich., to points in Oklahoma, Texas, Missouri, Kansas, Louisiana, and Arkansas, restricted to traffic originating at the plantsite and/or warehouses utilized by Great Markwestern Packing Co., at Hillsdale, Mich. **NOTE:** Only Applicant also holds contract authority under MC 128634 Sub-1, therefore dual operations may be involved. Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 133039 (Sub-No. 2), filed April 22, 1969. Applicant: COLLIER TRUCKING COMPANY, INC., Rural Route No. 1, Coatesville, Ind. 46121. Applicant's representative: James D. Collins, 802 Board of Trade Building, Indianapolis, Ind. 46204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients*, in bulk and in bags (except liquid, in bulk, in tank vehicles), *livestock and poultry medication* (except liquid, in bulk, in tank vehicles), *grain*, from Lafayette, Ind., to points in Williams, DeKalb, Paulding, Fulton, Henry, Putnam, Lucas, Wood, Hancock, Hardin, Ottawa, San-

duky, Seneca, Wyandot, Marion, Erie, Huron, Allen, and Van Wert Counties, Ohio. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 133065 (Sub-No. 5), filed April 25, 1969. Applicant: GERALD ECKLEY, doing business as ECKLEY TRUCKING AND LEASING, Post Office Box 156, Mead, Nebr. 68401. Applicant's representative: Frederick J. Coffman, 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: *Commodities, materials, supplies, and equipment* used by a general contractor, between points in Missouri, Nebraska, Iowa, Illinois, Ohio, Indiana, Mississippi, Arkansas, Oklahoma, Texas, Louisiana, Georgia, Alabama, Kansas, Washington, Oregon, Idaho, and Montana, under continuing contract with C. E. Miller and Associates. **NOTE:** Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 133096 (Sub-No. 1), filed April 7, 1969. Applicant: HOMER OGLE, JR., doing business as OGLE'S TRANSFER SERVICE, Post Office Box 97, Yakutat, Alaska 99569. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, and class A and B explosives), serving Yakutat, Alaska, and vicinity, to the extent that established highways permit operations. **NOTE:** Applicant states it intends to interline with F.M.C. water carrier at Yakutat. If a hearing is deemed necessary, applicant requests it be held at Yakutat, Alaska.

No. MC 133153 (Sub-No. 2), filed April 21, 1969. Applicant: SEAWAY TRANSPORTATION COMPANY, a corporation, 755 East Hackley Avenue, Muskegon Heights, Mich. 49444. Applicant's representative: John P. Boeschstein, 810 Hackley Bank Building, Muskegon, Mich. 49440. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lime, lime hydrate or calcium carbide residue*, from the plantsite of E. I. DuPont Co., near Montague, Mich., to points in Indiana. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 133154 (Sub-No. 2), filed April 25, 1969. Applicant: DICK BELL TRUCKING, INC., 16036 Valley Boulevard, Fontana, Calif. 92335. Applicant's representative: Fred D. Preston, 5820 Wilshire Boulevard, Suite 605, Los Angeles, Calif. 90036. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Fibre and metal drums*, from Santa Ana, Calif., to Las Cruces, N. Mex.; (2) *mineral wool insulation including batts, batting, blankets, fill*, reinforced or not reinforced, from Fontana, Calif., to points in Arizona and Nevada, and (3) *expanded plastic articles*, from Napa,

Calif., to points in Arizona and Nevada; under contract with American Flotations Corp., Napa, Calif.; Mineral Wool Insulation, Fontana, Calif. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 133615 (Sub-No. 1), filed April 28, 1969. Applicant: RAYMOND L. NELSON & PATRICK D. FITZMORRIS, a partnership, doing business as BRICK CARTAGE CO., Tulsa, Okla. 74151. Applicant's representative: Raymond L. Nelson (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Face brick, common brick, fire brick, cement brick, brick, ledge stone, cut stone, stone, concrete blocks, light weight blocks, blocks, drain tile, hollow building tile, fire proofing tile, glazed tile, conduits, clay tile, clay pipe, flue lining, wall coping, clay, fire clay, mortar color, cement, fireplace hardware and materially related items*, between points in Missouri, Oklahoma, Texas, Arkansas, and Kansas. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla., or Dallas, Tex.

No. MC 133224, filed April 25, 1969. Applicant: FOLLMER TRANSPORT, INC., Post Office Box 55, West Milton, Pa. 17886. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Pulpboard*, from the plantsite of National Gypsum Co., near New Columbia, Pa., to points in Ohio, West Virginia, Virginia, Maryland, New York, New Jersey, Delaware, Connecticut, Massachusetts, and the District of Columbia to the plantsite of National Gypsum Co., near New Columbia, Pa., under a continuing contract or contracts with National Gypsum Co., of Buffalo, N.Y. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133242 (Sub-No. 3), filed April 18, 1969. Applicant: C. AND V. CORPORATION, 10345 Rainbow Lane, Indianapolis, Ind. Applicant's representative: Warren C. Moberly, 1212 Fletcher Trust Building, Indianapolis, Ind. 46204. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Steel bars, angles, sheets, plates, I beams, and channels, and new and used machine tools*, from Indianapolis, Ind., to points in Kankakee, Iroquois, Ford, Champaign, Vermillion, Edgar, Coles, Clark, Crawford, and Lawrence Counties, Ill., and points in Jefferson County, Ky.; and (2) *new and used machine tools*, from the above destination points in (1) above to Indianapolis, Ind.; under contract with Indianapolis Machinery Co., Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 133314 (Sub-No. 2), filed April 24, 1969. Applicant: SILVAN TRUCKING COMPANY, INC., Route 2, Box 87, Pendleton, Ind. Applicant's representative: Walter F. Jones, Jr., 601



Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Premixed cement and ingredients thereof*, between Indianapolis, Ind., on the one hand, and, on the other, points in Illinois, and (2) *fertilizer and fertilizer ingredients, including aqua ammonia, anhydrous ammonia, nitrogen fertilizer solutions and nitric acid*, from Seneca and Marseilles, Ill., to points in Indiana, Ohio, and Kentucky. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 133568 (Sub-No. 1), filed April 17, 1969. Applicant: WHITE'S DELIVERY SERVICE, INC., 155 North Front Street, Philadelphia, Pa. Applicant's representative: Alan Kahn, 1920 Tow Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cosmetics and toilet preparations and materials used and useful in the manufacture and distribution of cosmetics and toilet preparations* between the plantsite and facilities of Kolmar Manufacturing Laboratories in Port Jervis, N.Y., on the one hand, and, on the other, the plantsite and facilities of the Menley and James Division of Smith, Kline & French Laboratories in Bellmawr, N.J., under a continuing contract with Menley and James Division of Smith, Kline & French Laboratories. Restrictions: (1) No single shipment shall exceed 10,000 pounds in weight; (2) the transportation authorized hereunder is restricted to that in which delivery is made on the same day as pickup. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 133578 (Amendment), filed March 17, 1969, published *FEDERAL REGISTER* issue April 24, 1969, amended April 18, 1969, and republished, as amended this issue. Applicant: M. GALLAGHER AIRPORT EXPRESS, INC., 7707 Woodside Avenue, Elmhurst, N.Y. Applicant's representative: Samuel B. Zinder, Station Plaza East, Great Neck, N.Y. 11021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baggage and such personal property usually carried by airline passengers*, between Laguardia and John F. Kennedy International Airport, New York, N.Y., and Newark Airport, Newark, N.J., on the one hand, and, on the other, points in New York, Connecticut, Massachusetts, New Jersey, Pennsylvania, Maryland, Delaware, Rhode Island, and the District of Columbia. **NOTE:** The purpose of this republication is to include the state of Rhode Island as a destination point. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133587 (Sub-No. 2), filed April 27, 1969. Applicant: DOMINIC A. MARCHESE, 217 Fourth Street, Troy, N.Y. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap*

*iron and scrap steel* in bulk, in dump trailers, from Waterbury, Conn., to Watervliet and Troy, N.Y. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 133592 (Sub-No. 2), filed April 16, 1969. Applicant: JAMES F. BARNER AND ASHLEY BARNER, a partnership, doing business as BARNER & SONS, Route 1, Box 262, Fordyce, Ark. 71742. Applicant's representative: Donald R. Partney, 35 Glenmere Drive, Little Rock, Ark. 72204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Log cores*, from Dodson and Ruston, La., to Crossett, Ark., under contract with Georgia Pacific Corporation. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 133632 (Sub-No. 2), filed April 15, 1969. Applicant: HENRY F. STALEY, doing business as H. F. STALEY'S TRUCKING SERVICE, 2319 51st Place, Tuxedo, Md. 20781. Applicant's representative: Daniel B. Johnson, 716 Perpetual Building, 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fence, fence fittings and accessories, materials, supplies, and equipment used in the manufacture of fence and fence accessories, and reinforcing wire mesh, materials and supplies and equipment used in the manufacture of reinforcing wire mesh*, between Toledo, Ohio, Rock Hill, S.C., and Bladensburg, Md., and points in those States east of the Mississippi River, and Louisiana and Arkansas, not including Minnesota, restricted to a service to be performed under a continuing contract with the National Fence Manufacturing Co., Inc., Bladensburg, Md. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133637, filed April 8, 1969. Applicant: McLAUGHLIN TRUCKING, INC., 9044 South Richmond Street, Evergreen Park, Ill. 60642. Applicant's representative: Anthony T. Thomas, 1811 West 21st Street, Chicago, Ill. 60608. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, in bulk, in dump vehicles, from Burns Harbor, Ind., to points in Chicago, Ill., under contract with Mid-Continent Coal & Coke Co., Chicago, Ill. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 133654, filed April 21, 1969. Applicant: LESTER MOVING & STORAGE CO., a corporation, Route 4, Box 34, Hood River, Ore. 97031. Applicant's representative: Earl V. White, 2400 Southwest Fourth Avenue, Portland, Ore. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (a) between Hood River, Ore., and The Dalles, Ore.; and (b) between Hood River and The Dalles, Ore., on the one hand, and, on the other, points in Hood River and Wasco

Counties, Ore., and Klickitat and Skamania Counties, Wash., restricted to shipments in trailers and having a prior or subsequent movement by railroad. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Portland, Ore.

No. MC 133661, filed April 14, 1969. Applicant: CARL UNDERWOOD, doing business as UNDERWOOD'S TOWING, 2260 Tod Avenue SW., Warren, Ohio 44485. Applicant's representative: Earl N. Merwin, 85 East Gay Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, and replacement motor vehicles, and replacement and repair parts, and equipment for wrecked and disabled motor vehicles*, between points in Trumbull County, Ohio, on the one hand, and, on the other, points in Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania, Virginia, and West Virginia. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 133671, filed April 21, 1969. Applicant: MILLER BROS. CO., INC., Post Office Box No. 1, Hyrum, Utah 84319. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat packing house products and by-products*, from points in Cache County, Utah, to California and Nevada, under a continuing contract with E. A. Miller & Sons Packing Co., Inc.; Valley Rendering Corp., and Valley Hide Co., Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 133672, filed April 24, 1969. Applicant: BILL HUSBY, doing business as J & L TRUCKING COMPANY, 16 East 24th Street, Box 231, Spencer, Iowa 51301. Applicant's representative: Bill Husby (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products and articles distributed by meat packing-houses* as described in sections A, B, and C of Appendix I of the reports in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plantsite and/or warehouse facilities of John Morrell & Co., located at or near Ottumwa, Iowa, Estherville, Iowa, Sioux Falls, S. Dak., and Madison, S. Dak., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the plantsite and/or warehouse facilities of John Morrell & Co., at or near points named above and destined to the named territory. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, Chicago,



Ill., Estherville, Iowa, or Sioux Falls, S. Dak.

No. MC 133678, filed April 28, 1969. Applicant: F. B. GUEST, doing business as F. B. G. TRANSPORT, Route 5, Box 95A, Covington, Ga. 30209. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cottage cheese*, in vehicles equipped with mechanical refrigeration, from Rock Island, Ill., to the warehouse of Winn-Dixie Stores, Inc., located in the Great Southwest Industrial Area, Fulton County, Ga. (near Atlanta, Ga.). NOTE: Applicant holds contract authority under MC 125375 Sub 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 133680, filed April 29, 1969. Applicant: AMERICAN WHOLESALERS, INC., 8415 Ardmore Road, Landover, Md. 20785. Applicant's representative: Gerald H. Sherman, 1120 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mattresses, box springs, bedding accessories, electrical appliances, carpets, rugs, carpet padding, cotton-felt*, between Landover, Md. and points in Maryland, Virginia, District of Columbia, and Delaware; under contract with American Appliances Wholesalers, Inc., and Serta of Washington, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133681, filed April 21, 1969. Applicant: BIG CHET & SONS TRUCKING, INC., 203 Diamond Street, Brooklyn, N.Y. 11232. Applicant's representative: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Toilet preparations, soaps, lotions, perfumes, creams, powders, materials, and supplies* used in the preparation of the aforesaid commodities, between New York, N.Y., commercial zone, on the one hand, and, on the other, points in Hudson and Monmouth Counties, N.J., and (2) *returned and rejected shipments*, on return, under contract with Sacoma Cosmetiques, LCR Sales Services, B. H. Kaufear, Inc., and Vitabath Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133683, filed April 28, 1969. Applicant: WACHOVIA COURIER CORPORATION, Wachovia Building, Winston-Salem, N.C. 27102. Applicant's representative: David G. Macdonald and John Guandolo, 1000 16th Street NW., Suite 502, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cash letters, commercial papers, documents and records, bank stationery, sales, payroll and other accounting, audit and data processing media, and business, institutional and governmental records* (except currency,

coin and bullion) such as are used in the business of banks and banking institutions, (1) between Asheville, Charlotte, Greenville, Raleigh, and Winston-Salem, N.C., and (2) between Asheville, Charlotte, Greenville, Raleigh, and Winston-Salem, N.C., on the one hand, and, on the other, points in North Carolina, South Carolina, Virginia, those in Johnson, Sullivan, Hawkins, Hancock, Claiborne, Carter, Washington, Greene, Unicoi, Cocke, Sevier, Blount, Jefferson, Knox, Loudon, Anderson, Union, and Grainger Counties, Tenn., and Richmond and Columbia Counties, Ga., under contracts with persons, as defined in section 203(a) of the Interstate Commerce Act, who are engaged in the bank and banking institution business, and those in the business of furnishing data processing services. NOTE: Applicant has a pending application for common carrier authority under Docket No. MC 133682, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Winston-Salem, N.C., or Washington, D.C.

#### MOTOR CARRIERS OF PASSENGERS

No. MC 73742 (Sub-No. 1), filed April 23, 1969. Applicant: WINN BUS LINES, INCORPORATED, 901 Catherine Street, Richmond, Va. 23220. Applicant's representative: Beverley H. Randolph, Jr., 1200 Travelers Building, Richmond, Va. 23219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in connection with charter operations, from the pick-up area of Richmond, Va., and 15 miles beyond the city limits of Richmond, Va., as presently granted applicant under existing interstate rights, to points in Louisiana, Mississippi, Alabama, Rhode Island, and Michigan. NOTE: Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Richmond, Va.

#### APPLICATION OF FREIGHT FORWARDER

No. FF-267 (Sub-No. 4), HONOLULU FREIGHT SERVICE EXTENSION—California, filed May 2, 1969. Applicant: HONOLULU FREIGHT SERVICE, 2425 Porter Street, Los Angeles, Calif. 90021. Applicant's representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought under section 410, Part IV of the Interstate Commerce Act for a permit authorizing applicant to extend operation as a freight forwarder, in interstate or foreign commerce through the use of the facilities of common carrier by water, motor, and rail, in the transportation of, *general commodities*, except household goods as defined by the Commission, unaccompanied baggage and used automobiles, between points in Hawaii, on the one hand, and, on the other, points in California, except those in the Counties of Alameda, Contra Costa, Imperial, Kern, Los Angeles, Marin, Napa, Orange, Riverside, San Bernardino, San Diego,

San Francisco, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Solano, Sonoma, or Ventura.

#### APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 1515 (Sub-No. 136), filed April 21, 1969. Applicant: GREYHOUND LINES, INC., 1400 West Third Street, Cleveland, Ohio 44113. Applicant's representative: Barrett Elkins (same address as applicant). 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 Ithaca, N.Y., and junction New York State Thruway and New York Highway 414 (at Interchange No. 41), from Ithaca over New York Highway 89 to junction New York Highway 5 approximately 3 miles northeast of Seneca Falls, N.Y., thence over New York Highway 5 to junction New York Highway 318, thence over New York Highway 318 to Magee, N.Y., thence over New York Highway 414 to junction New York State Thruway (Interchange No. 41), and return over the same route, restricted to serving the intermediate points located on New York Highway 89 in the Town of Seneca Falls, N.Y., including the site of Eisenhower College. Applicant presently holds the following authority under Docket No. MC 1515 (Sub-No. 79): Over regular routes in the transportation of passengers and their baggage, and express and newspapers, in the same vehicle with passengers as follows: Between Ithaca, N.Y., and junction New York State Thruway and New York Highway 414 (at Interchange No. 41), as an alternate route for operating convenience only, in connection with carrier's authorized regular-route operations, serving no intermediate points; from Ithaca over New York Highway 89 to junction New York Highway 5 approximately 3 miles northeast of Seneca Falls, N.Y., thence over New York Highway 5 to junction New York Highway 318, thence over New York Highway 318 to Magee, N.Y., thence over New York Highway 414 to junction New York State Thruway (Interchange No. 41), and return over the same route. By the instant application, it seeks to amend the authority granted so as to permit service at certain intermediate points.

No. MC 133659 (Sub-No. 1), filed April 24, 1969. Applicant: CLIFF O. LIVINGSTON, SR., doing business as LIVINGSTON STORAGE & TRANSFER COMPANY, 4301 Allied Drive, Columbus, Ga. 31902. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road, NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as described by the Commission, between points in Early, Clay, Quitman, Stewart, Chattahoochee, Muscogee, Harris, Troup, Heard, Carroll, Coweta, Meriwether, Talbot, Marion, Webster, Terrell, Calhoun, Dougherty, Lee, Sumter, Schley, Taylor, Upson, Pike,



Fayette, Spalding, Lamar, Monroe, Crawford, Macon, Dooly, Crisp, Houston, Peach, Bibb, Butts, Clayton, Fulton, Douglas, Randolph, Decatur, Miller, Baker, Seminole, Mitchell, and Grady Counties, Ga.; and Randolph, Chambers, Lee, Russell, Barbour, Henry, Dale, Clay, Tallapoosa, Coosa, Elmore, Macon, Montgomery, Bullock, Butler, Crenshaw, Coffee, Covington, Conecuh, Geneva, Pike, Houston, Escambia, and Lowndes Counties, Ala.; and Okaloosa, Walton, Holmes, Jackson, Calhoun, Washington, Bay, Liberty, Leon, Franklin, Gadsden, Wakulla, and Santa Rosa Counties, Fla., restricted to traffic having a prior or subsequent movement in containers beyond the points authorized, and confined to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. Note: Applicant states it does not intend to tack and is apparently willing to accept a restriction against tacking if warranted. Common control may be involved.

No. MC 133669, filed April 25, 1969. Applicant: ALLSUP TRUCKING, INC., 6808 Nicolette, Riverside, Calif. 92504. Applicant's representative: Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif. 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beverages*, nonalcoholic, and (2) *glass containers*, from points in Los Angeles County, Calif., to Las Vegas, Nev., under continuing contract with American Drinks, Inc.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 69-5730; Filed, May 14, 1969;  
8:45 a.m.]

[Notice 831]

### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 12, 1969.

The following are notices of filing of applications for temporary authority under section 210(a) of the Interstate Commerce Act provided for under the new rules of ex parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Com-

mission, Washington, D.C., and also in the field office to which protests are to be transmitted.

#### MOTOR CARRIERS OF PROPERTY

No. MC 2392 (Sub-No. 73 TA), filed May 7, 1969. Applicant: WHEELER TRANSPORT SERVICE INC., Post Office Box 14248, West Omaha Station, Omaha, Nebr. 68114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furfuryl alcohol*, from Omaha, Nebr., to Bensenville, Ill., and Georgetown, Ill., for 150 days. Supporting shipper: The Quaker Oats Co., 345 Merchandise Mart Plaza, Chicago, Ill. 60654, George A. Lains. Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 61396 (Sub-No. 220 TA), filed May 7, 1969. Applicant: HERMAN BROS. INC., 2501 North 11th St., Post Office Box 189, Omaha, Nebr. 68101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furfuryl alcohol*, in bulk, in tank vehicles, from Omaha, Nebr., to points in Illinois, for 150 days. Supporting shipper: The Quaker Oats Co., 345 Merchandise Mart Plaza, Chicago, Ill. 60645, George A. Lains. Send protests to: Keith P. Kohrs, District Supervisor, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 107515 (Sub-No. 658 TA), filed May 6, 1969. Applicant: REFRIGERATED TRANSPORT COMPANY, INC., 3901 Jonesboro Road, Post Office Box 308, Forest Park, Ga. 30050. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pizza, salad and sandwich spread*, from Greensboro, N.C., to points in Norfolk, Richmond, Alexandria, and Roanoke, Va.; Charleston, Huntington, Fairmont, and Bluefield, W. Va.; Lexington and Louisville, Ky.; Knoxville, Nashville, Memphis, and Chattanooga, Tenn.; Vicksburg, Jackson, and Meridian, Miss.; Huntsville, Birmingham, Mobile, and Montgomery, Ala.; Atlanta, Savannah, Columbus, and Albany, Ga.; Miami, Tampa, Jacksonville, and Tallahassee, Fla.; Charleston, Columbia, and Greenville, S.C., for 150 days. Supporting shipper: Made Rite Sandwich Co., 2414 Battleground Avenue, Greensboro, N.C. 27408. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 113678 (Sub-No. 347 TA), filed May 5, 1969. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Oscar Mandel (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, from Sterling, Colo., to points in Kentucky,

Ohio, Illinois, Michigan, Pennsylvania, New Jersey, Maryland, and Washington, D.C., for 180 days. Supporting shipper: Sterling Colorado Beef Co., Sterling, Colo. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 123067 (Sub-No. 83 TA), filed May 7, 1969. Applicant: M & M TANK LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, in tank vehicles, from Suffolk, Va., to points in North Carolina, for 120 days. Supporting shipper: Mobil Chemical Co., 401 East Main Street, Richmond, Va. 23208. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead—Suite 417 (BSR Building), Charlotte, N.C. 28202.

No. MC 126045 (Sub-No. 17 TA), filed May 7, 1969. Applicant: ALTER TRUCKING AND TERMINAL CORPORATION, Post Office Box 3122, Davenport, Iowa 52808. Applicant's representative: John Lavender (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, from Des Moines, Iowa, to points in Missouri, Kansas, Nebraska, South Dakota, Minnesota, Wisconsin, and Illinois, for 180 days. Supporting shipper: Texas Gulf Sulphur Co., 811 Rusk Avenue, Suite 1704, Houston, Tex. 77002. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 127093 (Sub-No. 11 TA), filed May 5, 1969. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, a partnership, doing business as SMEESTER BROTHERS TRUCKING, 1330 South Jackson Street, Iron Mountain, Mich. 49801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building, roofing, insulating materials, gypsum products (except in bulk) and materials and accessories used in the installation thereof*, from the plantsite of the Celotex Corp. at or near Fort Dodge, Iowa, to points in Arkansas, Kentucky, and the Upper Peninsula of Michigan, under contract with The Celotex Corp., for 180 days. Supporting shipper: The Celotex Corp., 1500 North Dale Mabry, Tampa, Fla. 33607. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 133665 (Sub-No. 1 TA), filed May 5, 1969. Applicant: LES HUSKEY TRUCKING, INC., 6044 South Steele Street, Littleton, Colo. 80120. Applicant's representative: Herbert M. Boyle, 946 Metropolitan Building, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat*,



meat products, meat byproducts, and articles distributed by meat packing-houses, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, §1 M.C.C. 209 and 766, except hides and commodities in bulk, in tank vehicles, between Sterling, Colo., and points in Massachusetts, Kansas, Missouri, Connecticut, District of Columbia, Illinois, Iowa, Maine, Maryland, Michigan, Minnesota, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Wisconsin, Kentucky, Georgia, Utah, Arizona, California, Nevada, Oregon, and Washington, for 180 days. Supporting shipper: Sterling Colorado Beef Co., Sterling, Colo. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 133687 TA, filed May 2, 1969. Applicant: DAVID P. MCCARTHY INC., 631-633 East 13th Street, New York, N.Y. 10009. Applicant's representative: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Toys, gift sets, and model toy kits*, in containers or trailers, between the plantsites of Fred Bronner Corp. in Moonachie and Carlstadt, N.Y., and points in the New York, N.Y., commercial zone as defined by the Commission, for 180 days. Supporting shipper: Fred Bronner Corp., 120 East 23d Street, New York, N.Y. 10010. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 133694 TA, filed May 5, 1969. Applicant: VICTORY VAN CORPORATION, 950 South Pickett Street, Alexandria, Va. 22304. Applicant's representative: Carlyle C. Ring, Jr., Ring Building, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household goods, electronic equipment, manufactured products, and general supplies* required in business of shipper (except explosives), between points within the area described as follows: Montgomery, Prince Georges, Anne Arundel Counties, Md.; District of Columbia; and Arlington, Fairfax, Loudoun, and Prince William Counties, and Alexandria, Fairfax,

and Falls Church Cities, Va., for 180 days. Supporting shipper: E. M. Maney, Manager of IBM Traffic, International Business Machines Corp., 18100 Frederick Pike, Gaithersburg, Md. 20760. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenues NW., Washington, D.C. 20423.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 69-5811; Filed, May 14, 1969;  
8:50 a.m.]

[Notice 343]

### MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 12, 1969.

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

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

No. MC-FC-71135. By order of April 30, 1969, the Motor Carrier Board approved the transfer to Philip E. Reedy, doing business as Valley Transfer, 312 Flavin, Elkhorn, Nebr. 68022, of Certificate No. MC-121293 (Sub-No. 1) issued August 31, 1964, to Robert R. Hanson, doing business as Valley Transfer, 310 West Highway, Valley, Nebr. 68064 authorizing the transportation of: General commodities, with the usual exceptions, between Omaha and Fremont, Nebr.

No. MC-FC-71233. By order of April 30, 1969, the Motor Carrier Board approved the transfer to H. Monroe, Inc., Adams, Wis., of Certificate No. MC-119270 (Sub-No. 5) issued December 4, 1964, to Rueben W. Hartje, doing business as Hartje's Transfer, La Valle, Wis., authorizing the transportation of: *Lumber and lumber*

*products*, from the town of Quincy, Adams County, Wis., to points in Illinois, Indiana, Iowa, Michigan, and Minnesota; and *machinery, equipment, and supplies* used in lumber mill operations (except commodities because of size or weight requires the use of special equipment from points in Illinois, Indiana, Iowa, Michigan, and Minnesota, to the town of Quincy, Adams County, Wis. Robert J. Kay, 433 West Washington Street, Madison, Wis. 53703, attorney for applicants.

No. MC-FC-71299. By order of April 30, 1969, the Motor Carrier Board approved the transfer to Carr's DeLuxe Coaches, Ltd., Owen Sound, Ontario, Canada, of the Certificate in No. MC-125399, issued July 20, 1964, to Mrs. Retta Carr, doing business as Carr's DeLuxe Coaches, Owen Sound, Ontario, Canada, authorizing the transportation of passengers and their baggage, in the same vehicle, in round-trip charter operations, from ports of entry on the United States-Canada boundary line, to points in the United States (except Alaska and Hawaii), and return. S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005, attorney for applicants.

No. MC-FC-71302. By order of April 30, 1969, the Motor Carrier Board approved the transfer to Fiske Bros., Inc., Artesia, Calif., of the certificate in No. MC-123569 (Sub-No. 6), issued November 5, 1965, to Match Transportation Company, a California corporation, Colton, Calif., authorizing the transportation of cement, in bulk, from Cushenbury, Calif., to Mercury Test Site, Nevada, and points in Clark County, Nevada. R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017, attorney for applicants.

No. MC-FC-71322. By order of April 30, 1969, the Motor Carrier Board approved the transfer to Calvin C. Rose, doing business as Calvin Rose Trucking, Hillsboro, Wis. 54634, of the operating rights in certificate No. MC-128204 (Sub-No. 1) issued September 15, 1967, to Richland Hardwoods, Inc., Post Office Box 134, Richland Center, Wis. 53581, authorizing the transportation, over irregular routes, of concrete slat feeding floors and concrete beams from Hollandale, Minn., to points in Indiana, Ohio, Michigan, and Missouri.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 69-5812; Filed, May 14, 1969;  
8:50 a.m.]



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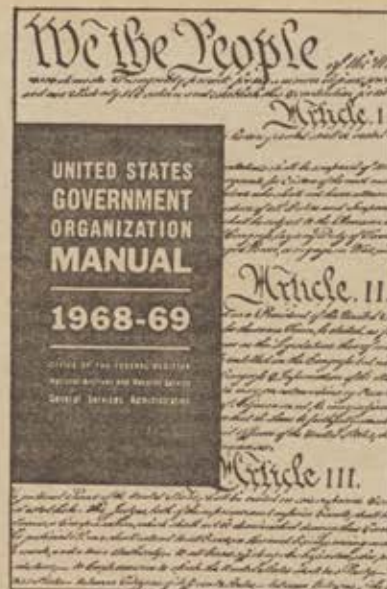


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