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Pages 6025–6070

Agencies in this issue—

Detailed list of Contents appears inside.

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Contents

(Continued on next page)

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1969, and specifies how they are affected.

3 CFR

EXECUTIVE ORDERS:

11248 (amended by EO 11463)---- 6029
11463---------- 6029

5 CFR

213 (6 documents)---------- 6035, 6036

7 CFR

814---------- 6031
907---------- 6034
908---------- 6035

8 CFR

214---------- 6036
238---------- 6036
316a---------- 6036

9 CFR

PROPOSED RULES:

76---------- 6047

10 CFR

2---------- 6037
50---------- 6037
115---------- 6037

14 CFR

71 (2 documents)---------- 6038

PROPOSED RULES:

73---------- 6050

16 CFR

13 (3 documents)---------- 6039, 6040

21 CFR

120 (2 documents)---------- 6041
121---------- 6043
138---------- 6043
145---------- 6044
148v---------- 6044

42 CFR

PROPOSED RULES:

73---------- 6047

49 CFR

PROPOSED RULES:

1048---------- 6050

Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11463

PLACING AN ADDITIONAL POSITION IN LEVEL V OF THE FEDERAL EXECUTIVE SALARY SCHEDULE

By virtue of the authority vested in me by section 5317 of title 5 of the United States Code, as amended, and as President of the United States, section 2 of Executive Order No. 11248 of October 10, 1965, as amended, is further amended by adding thereto the following:

(22) General Counsel, Office of the Special Representative for Trade Negotiations.

Richard Nixon

THE WHITE HOUSE,
April 1, 1969.

[F.R. Doc. 69-4022; Filed, Apr. 2, 1969; 12:31 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

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

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 814.7, Amdt. 1]

PART 814—ALLOTMENT OF SUGAR QUOTAS, MAINLAND CANE SUGAR AREA

1969

Basis and purpose. This allotment order is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 926, as amended), hereinafter called the "Act", for the purpose of allotting the 1969 sugar quota for the Mainland Cane Sugar Area among persons who process sugar from sugarcane and market such sugar for consumption in the continental United States.

Section 205(a) of the Act requires the Secretary to allot a quota whenever he finds that the allotment is necessary, among other things (1) to prevent disorderly marketing of sugar or liquid sugar and (2) to afford all interested persons an equitable opportunity to market sugar or liquid sugar. Section 205(a) also requires that such allotment be made after such hearing and upon such notice as the Secretary may prescribe.

Pursuant to the applicable rules of practice and procedure a preliminary finding was made that allotment of the quota is necessary and a notice was published on February 12, 1969 (34 F.R. 2051), of a public hearing to be held in New Orleans, La., at the Whitney Bank Building on February 27, 1969, beginning at 10 a.m., c.s.t., for the purpose of receiving evidence to enable the Secretary (1) to affirm or revoke the preliminary finding of necessity for allotments, (2) to establish a fair, efficient, and equitable allotment of the 1969 quota for the Mainland Cane Sugar Area, (3) to revise or amend the allotment of the quota for the purposes of (a) allotting any increase or decrease in the quota, (b) prorating any deficit in the allotment for any allottee when written notification of release by an allottee of any part of an allotment becomes a part of the official records of the Department, and (c) substituting revised or corrected data where such data becomes a part of the official records of the Department, and (4) to make provision for transfer and exchange of allotments.

The hearing was held at the place and time specified in the notice and testimony was given with respect to all of the issues referred to in the hearing notice. In arriving at the findings, conclusions, and regulatory provisions of this order, all proposed findings and conclusions were carefully and fully considered in conjunction with the record evidence pertaining thereto.

Omission of a recommended decision and effective date. The record of the hearing shows that the supply of sugar available for marketing is substantially in excess of the quota of 1,152,000 tons and that 1969 marketings of mainland cane sugar, unless restricted, would substantially exceed the 1969 quota for the Mainland Cane Sugar Area. The proceeding to which this order relates was instituted for the purpose of allotting the quota for the Mainland Cane Sugar Area to prevent disorderly marketing and to afford each interested person an equitable opportunity to market sugar within the quota for the area. In view of the need for allotments and the fact that several allottees have ample sugar to market their entire 1969 allotment, it is imperative that these processors know as soon as possible the approximate quantity of sugar each may market within the quota during the balance of the year in order to plan marketings and prevent disorderly marketing that could occur if the effective date of the allotment order is unduly delayed. Accordingly, in order to fully effectuate the purposes of section 205(a) of the Act it is hereby found that due and timely execution of the functions imposed upon the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision in this proceeding. It is also hereby further found and determined for the reasons given above for the omission of a recommended decision that compliance with the 30-day effective date requirement of 5 U.S.C. (80 Stat. 378) is impractical and contrary to the public interest, and consequently, this order shall become effective when filed for public inspection in the Office of the Federal Register.

Basis for findings and conclusions. Section 205(a) of the Act reads in pertinent parts as follows:

> * * * Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processings of sugar or liquid sugar from sugarbeets or sugarcane, limited in any year when proportionate shares were in effect to processings to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person; and the ability of such person to market or import that portion of such quota or proration thereof allotted to him. * * * The Secretary is also authorized in making such allotments of a quota for any calendar year to take into consideration in lieu of or in addition to the foregoing factors of processing, past marketings, and ability to market, the need for establishing an allotment which will permit such marketing of sugar as is necessary for the reasonably efficient operation of any nonaffiliated single plant processor of sugarbeets or any processor of sugarcane and as may be necessary to avoid unreasonable carryover of sugar in relation to other processors in the area: *Provided,* That * * * the marketing allotment of a processor of sugarcane shall not be increased under this provision above an allotment equal to the effective inventory of sugar of such processor on January 1 of the calendar year for which such allotment is made: * * * *Provided further,* That the total increases in marketing allotments made pursuant to this sentence * * * to processors in the mainland cane sugar area shall be limited to 16,000 short tons of sugar, raw value, for each calendar year. In making such allotments, the Secretary may also take into consideration and make due allowance for the adverse effect of drought, storm, flood, freeze, disease, insects, or other similar abnormal and uncontrollable conditions seriously and broadly affecting any general area served by the factory or factories of such person. * * *

The record of the hearing indicated that the prospective supply of mainland cane sugar available for marketing in 1969 exceeds the quota for that area to an extent that allotment of the quota is necessary (11).

The Government witness introduced for the record annual data on processings, marketings, and inventories for the most recent 5-year period (R. 11, 12, Ex. 6).

The three factors of "processings," "past marketings," and "ability to market," the adverse effect of storm, freeze, and other similar abnormal conditions and the provision of section 205(a) of the Act added by the Sugar Act Amendments of 1965 which provides for establishing an allotment for any processor as may be necessary to avoid unreasonable carryover of sugar in relation to other processors in the area have been considered by the allotment method herein adopted as set forth in Finding 5.

The allotment method adopted is the same as that proposed by the Government witness at the hearing. The substantive features of the method adopted was also supported by the witnesses representing the 49 Mainland Cane processors.

The Government witness proposed that the factor "processings from proportionate shares" should be measured for each processor by the higher of either its production of sugar from 1968 crop sugarcane or 82 percent of his average production from the 1966 and 1967 crops of sugarcane in short tons, raw value, expressed as a percentage of the total of the measure for all processors and weighted by 60 percent. The primary purpose for using an alternative measure of "processings" (82 percent of his average production from the 1966 and 1967 crops of sugarcane) is to give protection against a crop failure or some

other unavoidable occurrence which reduced processings of the crop used for the measure of processings.

Giving consideration to "past marketings" by using the average annual marketings for each processor for the 3-year period 1966 through 1968 and giving this factor a weighting of 20 percent in determining allotments contributes to an orderly rate of change in the marketings of each processor relative to others. Measuring the factor "ability to market" as herein adopted and giving this factor a weighting of 20 percent in determining allotments gives recognition to the sugar produced from 1968 crop sugarcane which each processor will have available for marketing within the 1969 quota and also recognizes the relative sharing of each processor in past new-crop marketings within the quota.

The allotment method adopted herein gives consideration to the provision in section 205(a) of the Act which provides for increasing allotments for any processor to avoid unreasonable carryover of sugar in relation to other processors in the area. Processors' basic allotments which are less than their January 1, 1969 effective inventories of sugar are subject to upward adjustments by an aggregate of not more than 16,000 tons. Such adjustments reduce the quantity of 1968 crop sugar which could not otherwise be marketed under 1969 allotments and would have to be carried in inventory or marketed under bond for refining and storage until January 1, 1970.

An allotment of 50 short tons, raw value, is established herein for Louisiana State University as proposed by the witness representing the Louisiana processors.

Findings and conclusions. On the basis of the record of the hearing, I hereby find and conclude that:

(1) The quantity of sugar available for marketing in 1969, consisting of January 1, 1969, effective inventories of mainland cane sugar of approximately 1,075,000 tons plus 1969 crop sugar produced before January 1, 1970, of between 700,000 and 800,000 tons would substantially exceed the current 1,152,000-ton quota established for the area.

(2) The supply situation makes necessary the allotment of the 1969 sugar quota for the Mainland Cane Sugar Area to assure an orderly marketing of sugar, and to afford all interested persons equitable opportunities to market sugar within the quota.

(3) It is desirable to postpone the allotment of the entire 1969 calendar year sugar quota for the Mainland Cane Sugar Area until final processings from 1968 crop sugarcane are known for all allottees. Therefore, to prevent any allottee from marketing a quantity of sugar larger than eventually may be allotted to it, when the entire 1969 quota is allotted on the basis of final 1968 crop data, allotments herein shall be limited to 95 percent of the allotments determined under finding (5) for all allottees.

(4) Fifty short tons, raw value, shall be set aside from the quota, and an allotment of 50 short tons, raw value, shall be established for the Louisiana State University.

(5) The remainder of the 1969 Mainland Cane Sugar Area quota for consumption within the continental United States, after setting aside 50 tons as provided in finding (4) shall be allotted to processors other than Louisiana State University by measuring and weighting each of the three factors of "processings," "past marketings," and "ability to market" specified in section 205(a) of the Act; and by giving consideration to the need for establishing an allotment for any processor as may be necessary to avoid unreasonable carryover of sugar in relation to other processors in the area (within specified limits) as provided in section 205(a) of the Act; and by determining allotments as follows based on data in the hearing record and any revised or corrected final data of which official notice will be taken:

(a) The factor "processings" shall be measured for each processor by either his production of sugar from 1968 crop sugarcane in short tons, raw value, or 82 percent of his average crop-year production from the 1966 and 1967 crops of sugarcane in short tons, raw value, whichever is higher, expressed as a percentage of the total of the measure for all processors and weighted by 60 percent.

(b) The factor "past marketings" shall be measured for each processor by his average annual quota marketings for the years 1966 through 1968 in short tons, raw value, expressed as a percentage of the total of the measure for all processors and weighted 20 percent.

(c) The factor "ability to market" shall be measured by the sum of (i) each processor's January 1, 1969, effective inventory, and (ii) his share of the difference between the 1969 quota in short tons, raw value, for the Mainland Cane Sugar Area after deducting 50 tons set aside under finding (4) and the total of the effective inventories of all processors. Each processor's share of such difference shall be determined by applying to the area total difference the percentage that his average 1966 through 1968 new-crop marketings were of the total average new-crop marketings of all processors for such years. The sum of (i) and (ii) in short tons, raw value, expressed for each processor as a percentage of the total of the measure for all processors shall be weighted 20 percent.

(d) To determine each processor's basic allotment in short tons, raw value, the total percentage for each processor derived by measuring and weighting the three factors as heretofore proposed shall be multiplied by the quota for the Mainland Cane Sugar Area in short tons, raw value, less 50 tons set aside under finding (4).

(e) Basic allotments established pursuant to paragraph (d) of this finding which are less than the respective processors' January 1, 1969, effective inventories are subject to upward adjustments by a total not to exceed 16,000 short tons, raw value, and the basic allotments of processors having January 1, 1969, effective inventories less than their basic allotments shall be reduced proportionately as necessary to make total adjusted allotments equal to the area quota in short tons, raw value, less 50 tons set aside under finding (4), except, that no processor's basic allotment shall be reduced to a level less than the respective processor's January 1, 1969, effective inventory. The basic allotments of those processors having January 1, 1969, effective inventories larger than their basic allotments are subject to upward adjustments (not to exceed 16,000 tons) in the following manner: (i) The basic allotments of processors having January 1, 1969, physical inventories in excess of basic allotments shall be increased to the level of the physical inventories, (ii) The remainder of the 16,000 tons or lesser quantity (if such lesser quantity will provide adjusted allotments equal to Jan. 1, 1969, effective inventories) shall be added to the basic allotments of the other processors in such a manner that will not permit any processor to market a larger percentage of its January 1, 1969, effective inventory by the use of this adjustment than other processors. No increased allotment established pursuant to this subdivision shall be larger than the respective processor's January 1, 1969, effective inventory.

(f) Any revision in allotments made to give effect to any increase or decrease in the Mainland Cane Sugar Area quota shall be determined by the full application of the formula for determining allotments as provided in paragraphs (a) through (e) of this finding (5).

(g) Any revision in allotments made to give effect to a release of all or a part of an allotment by an allottee shall be determined by prorating such release or deficit to all other allottees to the extent they are able to market additional sugar on the basis of adjusted allotments computed pursuant to paragraph (e) of this finding.

(6) Final adjustments in the data for the 1968 crop including January 1, 1969, effective inventories, will be made on the basis of sugar production and marketing reports covering the period ending April 30, 1969.

(7) The quantity of sugar and the percentages referred to in finding (5) based on data involving some estimates for 1968 crop processings and January 1, 1969, inventories which shall be used in determining allotments pending the availability and substitution of revised data are set forth in the following table:

Processor	Processings of sugar [1]		Average quota marketings within allotments 1966–68		Ability to market					Processor's basic allotment [4]		Processor's adjusted allotment [5] short tons, raw value
					Effective inventory Jan. 1, 1969 [2]	New crop quota marketings		Measures used				
	Short tons, raw value	Percent of total	Short tons, raw value	Percent of total		Average 1966–68	Shares of difference [3]	Col. (5) plus Col. (7)	Percent of total	Percent of total	Short tons, raw value	
						Short tons, raw value						
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Albania Sugar Co.	10,481	0.850	10,076	0.871	4,850	7,956	1,754	6,604	0.573	0.799	9,204	8,885
Alma Plantation, Ltd.	11,562	.938	10,088	.872	5,978	8,142	1,795	7,773	.675	.872	10,045	9,697
J. Aron & Co., Inc.	17,334	1.406	13,480	1.165	8,381	12,054	2,657	11,038	.958	1.268	14,607	14,101
Billeaud Sugar Factory	11,185	.908	9,534	.824	6,385	6,365	1,403	7,788	.676	.845	9,734	9,397
Breaux Bridge Sugar Co-op.	11,771	.955	9,267	.801	8,872	5,289	1,166	10,038	.871	.907	10,448	10,086
Wm. T. Burton Industries, Inc.	7,337	.595	7,026	.607	3,416	5,413	1,193	4,609	.400	.559	6,439	6,216
Caire & Graugnard	6,459	.524	5,814	.503	4,047	4,156	916	4,963	.431	.501	5,771	5,571
Cajun Sugar Co-op. Inc.	26,529	2.153	23,174	2.003	26,611	14	3	26,614	2.310	2.154	24,813	[6] 26,611
Caldwell Sugar Co-op., Inc.	17,667	1.433	13,381	1.157	10,907	10,544	2,325	13,232	1.149	1.321	15,217	14,690
Columbia Sugar Co.	10,057	.816	8,459	.731	6,257	5,736	1,265	7,522	.653	.767	8,836	8,530
Cora-Texas Manufacturing Co., Inc.	11,296	.917	8,168	.706	11,262	1,799	397	11,659	1.012	.894	10,298	[5] 11,262
Dugas & LeBlanc, Ltd.	20,859	1.692	15,534	1.343	13,639	10,821	2,386	16,025	1.391	1.562	17,995	17,372
Duhe & Bourgeois Sugar Co.	11,602	.941	10,091	.872	5,928	8,256	1,820	7,748	.673	.874	10,068	9,719
Erath Sugar Co., Ltd.	6,662	.541	6,515	.563	2,575	5,234	1,154	3,729	.324	.502	5,783	5,583
Evan Hall Sugar Co-op., Inc.	29,402	2.386	23,115	1.998	17,877	17,725	3,908	21,785	1.891	2.209	25,447	24,566
Frisco Cane Co., Inc.	2,532	.205	2,602	.225	854	2,182	481	1,335	.116	.191	2,200	2,124
Glenwood Co-op., Inc.	21,918	1.778	16,249	1.405	13,727	12,530	2,764	16,491	1.432	1.634	18,823	18,171
Helvetia Sugar Co-op., Inc.	15,881	1.289	12,401	1.072	10,420	8,812	1,943	12,363	1.073	1.202	13,846	13,366
Iberia Sugar Co-op., Inc.	24,425	1.982	19,022	1.644	17,871	10,476	2,310	20,181	1.752	1.868	21,518	20,773
Lafourche Sugar Co.	21,518	1.746	18,316	1.583	12,533	13,546	2,986	15,519	1.347	1.634	18,823	18,171
Harry L. Laws & Co., Inc.	18,608	1.510	15,710	1.358	10,859	10,668	2,352	13,211	1.147	1.407	16,208	15,647
Levert-St. John, Inc.	16,125	1.308	13,101	1.133	7,400	11,479	2,531	9,931	.862	1.184	13,639	13,167
Little Texas, Inc.	5,881	.477	5,160	.446	4,621	2,619	577	5,198	.451	.466	5,368	5,182
Louisa Sugar Co-op., Inc.	13,153	1.067	11,485	.993	7,981	7,723	1,703	9,684	.841	1.007	11,600	11,198
Louisiana State Penitentiary	3,827	.311	4,124	.357	3,360	962	212	3,572	.310	.320	3,686	3,558
Meeker Sugar Co-op, Inc.	12,497	1.014	11,756	1.016	12,945	1,298	286	13,231	1.149	1.041	11,992	[6] 12,437
Milliken & Farwell, Inc.	13,358	1.084	10,535	.911	8,876	7,261	1,601	10,477	.910	1.015	11,692	11,287
M. A. Patout & Son, Ltd.	18,285	1.484	15,782	1.364	9,951	11,940	2,632	12,583	1.092	1.382	15,920	15,369
Poplar Grove Planting & Refining Co.	11,202	.909	8,871	.767	7,774	5,559	1,225	8,999	.781	.855	9,849	9,508
Savoie Industries	21,070	1.710	15,448	1.335	14,453	10,821	2,386	16,839	1.462	1.585	18,258	17,626
St. James Sugar Co-op, Inc.	25,647	2.081	19,927	1.723	24,834	5,415	1,194	26,028	2.260	2.045	23,557	[6] 24,834
St. Mary Sugar Co-op, Inc.	17,680	1.435	14,861	1.285	10,181	11,164	2,461	12,642	1.097	1.337	15,402	[5] 14,868
South Coast Corp.	74,209	6.021	63,855	5.520	73,549	11,283	2,487	76,036	6.601	6.037	69,543	[6] 73,549
Southdown, Inc.	43,167	3.503	37,092	3.207	28,617	22,370	4,932	33,549	2.912	3.326	38,314	36,987
Sterling Sugars, Inc.	32,644	2.649	26,485	2.290	19,126	19,639	4,330	23,456	2.036	2.455	28,280	27,300
J. Supple's Sons Planting Co., Inc.	6,214	.504	5,719	.494	4,203	3,375	744	4,947	.429	.487	5,610	5,416
Valentine Sugars, Inc.	14,321	1.163	10,677	.923	8,150	8,554	1,886	10,036	.871	1.057	12,176	11,754
Vida Sugars, Inc.	5,403	.438	5,436	.470	1,866	4,464	984	2,850	.247	.406	4,677	4,515
A. Wilbert's Sons Lumber & Shingle Co.	10,595	.860	10,563	.913	5,776	7,369	1,625	7,401	.643	.827	9,527	9,197
Young's Industries, Inc.	7,225	.586	6,977	.603	3,885	4,333	955	4,840	.420	.556	6,405	6,183
Louisiana subtotal	667,588	54.169	55,876	48.053	460,797	325,355	71,729	532,526	46.228	51.358	591,618	584,473
Atlantic Sugar Association, Inc.	30,739	2.494	35,352	3.056	29,897	0	0	29,897	2.595	2.627	30,262	29,897
Florida Sugar Corp.	20,490	1.663	18,031	1.559	23,125	1,637	361	23,486	2.039	1.717	19,779	[7] 21,174
Glades County Sugar Growers Co-op, Association	39,547	3.209	43,701	3.778	44,343	0	0	44,343	3.849	3.451	39,754	[7] 40,601
Osceola Farms Co.	48,935	3.971	50,609	4.375	55,754	0	0	55,754	4.840	4.225	48,670	[7] 51,050
South Puerto Rico Sugar Co., Inc.	72,239	5.861	77,099	6.665	76,543	2,567	566	77,109	6.694	6.188	71,283	71,283
Sugarcane Growers Co-op of Florida	99,424	8.067	110,397	9.543	109,612	0	0	109,612	9.515	8.652	99,667	[7] 100,363
Talisman Sugar Corp.	40,410	3.279	44,255	3.826	42,559	0	0	42,559	3.695	3.472	39,995	39,995
United States Sugar Corp.	213,050	17.287	221,474	19.145	232,754	17,734	3,910	236,664	20.545	18.310	210,922	[7] 213,114
Florida subtotal	564,834	45.831	600,918	51.947	614,587	21,938	4,837	619,424	53.772	48.642	560,332	567,477
Total all mainland cane	1,232,422	100.000	1,156,794	100.000	1,075,384	347,293	76,566	1,151,950	100.000	100.000	1,151,950	1,151,950

[1] The higher of either the production of sugar from the 1968 crop sugarcane or 82 percent of the average production from the 1966 and 1967 crops of sugarcane.

[2] Effective inventory, Jan. 1, 1969, is the physical inventory Jan. 1, 1969, plus processings from 1968 crop cane in 1969.

[3] The difference between 1,151,950 tons (quota for 1969 established by S.R. 811, less 50 tons reserve for Louisiana State University) and the total average 1966–68 new-crop marketings prorated on the basis of the 1966–68 average new crop marketings shown in col. 6.

[4] Column (10) was determined by weighting "processings" col. (2) by 60 percent, "marketings" col. (4) by 20 percent, and "ability" col. (9) by 20 percent. Column (11) was determined by multiplying the quota, less 50 tons reserved for Louisiana State University, by Col. (10).

[5] Basic allotments (col. 11) which were less than the respective processors' Jan. 1, 1969, effective inventories were subject to upward adjustments by a total not to exceed 16,000 short tons, raw value, and the basic allotments of processors having Jan. 1, 1969, effective inventories less than their basic allotments were reduced proportionately as necessary to make total adjusted allotments equal to the area quota less 50 tons reserve for Louisiana State University, except, that no processor's basic allotment was reduced to a level less than the respective processor's Jan. 1, 1969, effective inventory. The basic allotments of those processors having Jan. 1, 1969, effective inventories larger than their basic allotments were subject to upward adjustments (not to exceed 16,000 tons) in the following manner: (1) The basic allotment of processors having physical inventories in excess of such allotments were increased to the level of the physical inventories, (2) the remainder of the 16,000 tons was added to the basic allotments of the other processors in such a manner that will not permit any processor to market a larger percentage of its Jan. 1, 1969, effective inventory by the use of this adjustment than other affected processors.

[6] Adjusted allotment established to equal Jan. 1, 1969, physical inventory.

[7] Adjusted allotment established to permit each processor affected to market 91.5621 percent of its Jan. 1, 1969, effective inventory.

(8) The order shall be revised without further notice or hearing for the purpose of (a) alloting any quantity of an allotment to other allottees when written notification of release by an allottee of any part of an allotment becomes a part of the official records of the Department, (b) revising allotments by the substitution of revised or corrected data which have become a part of the official records of the Department; and (c) revising allotments to give effect to any increase or decrease in the quota made by the Secretary pursuant to the provisions of the Sugar Act of 1948, as amended. Any

revision in allotments made to give effect to (a) of this finding (8) shall be made by increasing proportionately the allotments as provided in finding (5)(g), except that the quantity prorated to any allottee releasing allotments in excess of a specified quantity should be limited in accordance with the written statement of release by any such allottee. In making changes under (b) and (c) of this finding (8) allotments shall be determined by the full application of the formula for determining allotments as provided in paragraphs (a) through (e) of finding (5).

(9) Official notice will be taken of (a) written notification to the Agricultural Stabilization and Conservation Service by an allottee that he is unable to fill all or a part of his allotment when the notification becomes a part of the official records of the Department, (b) substitution of revised or corrected data where such data becomes a part of the official records of the Department, and (c) any regulation issued by the Secretary, after publication in the FEDERAL REGISTER, which changes the 1969 Mainland Cane Sugar Area quota.

(10) To facilitate full and effective use of allotments, provision shall be made in the order for transfer of allotments under circumstances of a succession of interest, and under circumstances involving an allottee becoming unable to process sugarcane and such sugarcane as he would normally process, if operating, is processed by other allottees.

(11) To aid in the efficient movement and storage of sugar, provision shall be made to enable a processor to market a quantity of sugar of his own production in excess of his allotment equivalent to the quantity of sugar which he holds in storage and which was acquired by him within the allotment of another allottee.

(12) Allotments established in the foregoing manner and in the amounts set forth in the order provide a fair, efficient, and equitable distribution of any 1969 Mainland Cane Sugar Area quota that may be established for consumption within the continental United States and meet the requirements of section 205(a) of the Act.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act, it is hereby ordered that § 814.7 be amended to read as follows:

§ 814.7 Allotment of the 1969 sugar quota for the Mainland Cane Sugar Area.

(a) *Allotments.* For the period January 1, 1969, until the date allotments of the entire 1969 calendar year sugar quota for the Mainland Cane Sugar Area are prescribed, 1,094,400 short tons, raw value, of the 1969 quota for the Mainland Cane Sugar Area is hereby allotted to the following processors in the quantities which appear opposite their respective names:

Processors	Allotment (Short tons, raw value)
Albania Sugar Co	8,441
Alma Plantation, Ltd	9,212
J. Aron & Co., Inc	13,396
Billeaud Sugar Factory	8,927
Breaux Bridge Sugar Co-op	9,582
Wm. T. Burton Industries, Inc	5,905
Caire & Graugnard	5,292
Cajun Sugar Co-op, Inc	25,280
Caldwell Sugars Co-op, Inc	13,955
Columbia Sugar Company	8,103
Cora-Texas Manufacturing Co., Inc	10,699
Dugas & LeBlanc, Ltd	16,503
Duhe & Bourgeois Sugar Co	9,233
Erath Sugar Co., Ltd	5,304
Evan Hall Sugar Co-op, Inc	23,338
Frisco Cane Co., Inc	2,018
Glenwood Co-op, Inc	17,262
Helvetia Sugar Co-op, Inc	12,698
Iberia Sugar Co-op, Inc	19,734
Lafourche Sugar Co	17,262
Harry L. Laws & Co., Inc	14,865
Levert-St. John, Inc	12,509
Little Texas, Inc	4,923
Louisa Sugar Co-op, Inc	10,638
Louisiana State Penitentiary	3,380
Louisiana State University	48
Meeker Sugar Co-op, Inc	11,815
Milliken & Farwell, Inc	10,723
M. A. Patout & Son, Ltd	14,601
Poplar Grove Planting & Refining Co	9,033
Savoie Industries	16,745
St. James Sugar Co-op, Inc	23,592
St. Mary Sugar Co-op, Inc	14,125
South Coast Corp	69,872
Southdown, Inc	35,138
Sterling Sugars, Inc	25,935
J. Supple's Sons Planting Co., Inc	5,145
Valentine Sugars, Inc	11,166
Vida Sugars, Inc	4,289
A. Wilbert's Sons Lumber & Shingle Co	8,737
Young's Industries, Inc	5,874
Louisiana Subtotal	555,297
Atlantic Sugar Association	28,402
Florida Sugar Corp	20,115
Glades County Sugar Growers Co-op Association	38,571
Osceola Farms Co	48,498
South Puerto Rico Sugar Co., Inc	67,719
Sugarcane Growers Co-op of Florida	95,345
Talisman Sugar Corp	37,995
United States Sugar Corp	202,458
Florida Subtotal	539,103
Unallotted	57,600
Total, all mainland cane	1,152,000

(b) *Marketing limitations.* Marketings shall be limited to allotments as established herein subject to the prohibitions and provisions of §§ 816.1 through 816.9 of this chapter (33 F.R. 8495).

(c) *Transfer of allotments.* The Administrator, Agricultural Stabilization and Conservation Service of the Department, may permit marketings to be made by one allottee, or other persons, within the allotment established for another allottee upon relinquishment by such allottee of a quantity of its allotment and upon receipt of evidence satisfactory to the Administrator that (1) a merger, consolidation, transfer of sugar-processing facilities, or other action of similar effect upon the allottees or persons involved has occurred, or (2) the allottee receiving such permission will process 1969 crop sugarcane which the allottee relinquishing allotment has become unable to process.

(d) *Exchanges of sugar between allottees.* When approved in writing by the Administrator, Agricultural Stabilization and Conservation Service of the Department, any allottee holding sugar or liquid sugar acquired by him within the allotment of another person established in paragraph (a) of this section may ship, transport, or market up to an equivalent quantity of sugar processed by him in excess of his allotment established in paragraph (a) of this section. The sugar or liquid sugar held under this paragraph shall be subject to all other provisions of this section as if it had been processed by the allottee who acquired it for the purpose authorized by this paragraph.

(e) *Delegation.* The Administrator, Agricultural Stabilization and Conservation Service of the Department, is hereby authorized to revise the allotments established under this order without further notice or hearing in accordance with findings and conclusions heretofore made, to give effect to (1) the substitution of revised or corrected data, (2) the reallocation of any quantity of an allotment released by an allottee, and (3) any change in the Mainland Cane Sugar Area quota.

(Secs. 205, 209, 403, 61 Stat. 926 as amended, 928, 932; 7 U.S.C. 1115, 1119, 1153)

Effective date. This docket will become effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on March 27, 1969.

CLARENCE D. PALMBY,
Assistant Secretary.

[F.R. Doc. 69-3876; Filed, Apr. 2, 1969; 11:05 a.m.]

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

[Naval Orange Reg. 176]

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

Limitation of Handling

§ 907.476 Navel Orange Regulation 176.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 33 F.R. 15471), regulating the handling of Naval 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 Naval Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 1, 1969.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period April 4, 1969, through April 10, 1969, are hereby fixed as follows:

(i) District 1: 924,000 cartons;

(ii) District 2: 276,000 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated: April 2, 1969.

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

[F.R. Doc. 69–4020; Filed, Apr. 2, 1969; 12:06 p.m.]

[Valencia Orange Reg. 269]

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

Limitation of Handling

§ 908.569 Valencia Orange Regulation 269.

(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 April 1, 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 April 4, 1969, through April 10, 1969, are hereby fixed as follows:

(i) District 1: 71,498 cartons;

(ii) District 2: 36,430 cartons;

(iii) District 3: 250,000 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: April 2, 1969.

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

[F.R. Doc. 69–4021; Filed, Apr. 2, 1969; 12:06 p.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Post Office Department

Section 213.3111 is amended to reflect in Schedule A the abolishment of previously excepted assistants in Regional Offices of the Department. Effective on publication in the FEDERAL REGISTER, subparagraphs (4), (5), and (10) of paragraph (a) of § 213.3111 are revoked.

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

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

[F.R. Doc. 69–3889; Filed, Apr. 2, 1969; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Post Office Department

Section 213.3311 is amended to show that seven positions of Legislative Liaison Specialist and four positions of Legislative Research Assistant are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraphs (20) and (21) are added to paragraph (a) of § 213.3311 as set out below.

§ 213.3311 Post Office Department.

(a) *Office of the Postmaster General.* * * *

(20) Seven Legislative Liaison Specialists.

(21) Four Legislative Research Assistants.

* * * * *

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

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

[F.R. Doc. 69–3888; Filed, Apr. 2, 1969; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Small Business Administration

Section 213.3332 is amended to show that the positions of one Confidential Assistant to the Deputy Administrator, and of one Special Assistant and one Confidential Assistant to the Associate Administrator for Procurement and Management Assistance are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraphs (i), (j), and (k) are added to § 213.3332 as set out below.

§ 213.3332 Small Business Administration.

* * * * *

(i) One Confidential Assistant to the Deputy Administrator.

(j) One Special Assistant to the Associate Administrator for Procurement and Management Assistance.

(k) One Confidential Assistant to the Associate Administrator for Procurement and Management Assistance.

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

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

[F.R. Doc. 69-3890; Filed, Apr. 2, 1969; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

General Services Administration

Section 213.3337 is amended to show that the positions of one Special Assistant to the Administrator and of one additional Confidential Assistant to the Administrator are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (6) is amended, and subparagraph (7) is added to paragraph (a) of § 213.3337 as set out below.

§ 213.3337 General Services Administration.

(a) *Office of the Administrator* * * *

(6) Two Confidential Assistants to the Administrator.

(7) One Special Assistant to the Administrator.

* * * * *

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

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

[F.R. Doc. 69-3885; Filed, Apr. 2, 1969; 8:46 a.m.]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that the position of Deputy Assistant Secretary for Equal Opportunity is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (34) is added to paragraph (a) of § 213.3384 as set out below.

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* * * *

(34) Deputy Assistant Secretary for Equal Opportunity.

* * * * *

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

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

[F.R. Doc. 69-3886; Filed, Apr. 2, 1969; 8:46 a.m.]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that one additional position of Special Assistant to the Assistant Secretary for Metropolitan Development is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (11) of paragraph (d) of § 213.3384 is amended as set out below.

§ 213.3384 Department of Housing and Urban Development.

* * * * *

(d) *Office of the Assistant Secretary for Metropolitan Development.* * * *

(11) Two Special Assistants to the Assistant Secretary.

* * * * *

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

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

[F.R. Doc. 69-3887; Filed, Apr. 2, 1969; 8:47 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

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

PART 214—NONIMMIGRANT CLASSES

The third sentence of paragraph (a) *General* of § 214.1 *Requirements for admission, extension, and maintenance of status* is amended to read as follows: "A separate application must be executed and submitted for each alien seeking an extension of temporary stay; however, regardless of whether they accompanied the applicant to the United States, the minor, unmarried children of any applicant and the spouse of any applicant who is a section 101(a)(15)(F)(i) nonimmigrant may be included in the application of the principal applicant and may be granted the same extension without fee."

PART 238—CONTRACTS WITH TRANSPORTATION LINES

The listing of transportation lines under "At Nassau" of § 238.4 *Preinspection outside the United States* is amended by adding the following transportation line in alphabetical sequence: "Executive Jet Aviation, Inc."

PART 316a—RESIDENCE, PHYSICAL PRESENCE AND ABSENCE

The listing of American institutions of research in § 316a.2 *American institutions of research* is amended by adding the following institution of research in alphabetical sequence: "Louisiana State University."

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

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the amendment to § 214.1(a) confers a benefit upon persons affected thereby and the amendments to §§ 238.4 and 316a.2 add a transportation line and an American institution of research to the listings, respectively.

Dated: March 27, 1969.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 69-3866; Filed, Apr. 2, 1969; 8:46 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

MISCELLANEOUS AMENDMENTS TO CHAPTER

The present provisions of Part 50 of the Atomic Energy Commission's regulations require the filing of 19 copies of an application for a license for a production or utilization facility (other than a license for export only or an amendment thereto) in addition to three signed originals, except that 40 copies of the safety analysis report are required (§ 50.30(c)).

The Commission has adopted an amendment of § 50.30(c) which changes the number of copies of an application for a license, including amendments to

an application, which must be submitted for the different types of facilities. The amendment also requires that updated copies of applications for licenses for power and test reactors be served upon the members and alternates of the atomic safety and licensing board designated to conduct the hearing required by the Atomic Energy Act for the issuance of a construction permit, the Chairman of the Atomic Safety and Licensing Board Panel, the Director, Division of Reactor Licensing, and the Office of the Secretary. An updated copy is also required to be made available at an appropriate office near the site of the proposed facility for inspection by the public and production at the hearing for the use of any other parties to the proceeding. This requirement has been reflected in an amendment to Appendix A of Part 2.

Sections 50.33 and 50.34 have also been amended to provide that information relating to the technical qualifications of the applicant shall be included in the safety analysis report as described in § 50.34 rather than in the general information described in § 50.33. Amendments similar to those described above have also been made to Part 115.

Because these amendments relate to minor, nonsubstantive matters, the Commission has found that good cause exists for omitting notice of proposed rule making and public procedures thereon as unnecessary.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments of 10 CFR Parts 2, 50, and 115 are published as a document subject to codification to be effective 30 days after publication in the FEDERAL REGISTER.

PART 2—RULES OF PRACTICE

1. The last sentence of section I(a) of Appendix A of 10 CFR Part 2 is amended to read as follows:

I. Preliminary Matters

(a) * * * The notice of hearing also states the procedures whereby persons may seek to intervene or make a limited appearance, explains the differences between those forms of participation in the proceeding, and states the times and places of the availability, in an appropriate office near the site of the proposed facility, of the notice of hearing, an updated copy of the application, the report of the Advisory Committee on Reactor Safeguards, the applicant's summary of the application, and the staff safety analysis.

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

2. Paragraph (c) of § 50.30 of 10 CFR Part 50 is revised to read as follows:

§ 50.30 Filing of applications for licenses; oath or affirmation.

* * * * *

(c) *Number of copies of applications.* (1) Each filing of an application for a license to construct and operate a production or utilization facility (including amendments to such applications) should include, in addition to the three signed originals, the following number of copies:

(i) For an application for a license for a facility described in § 50.21(b) or § 50.22, or a testing facility: 25 copies of that portion of the application containing the information required by § 50.33 (general information) and 70 copies of that portion of the application containing the information required by § 50.34 (safety analysis report);

(ii) For an application for an amendment to a license for a facility described in § 50.21(b) or § 50.22, or a testing facility: 19 copies of that portion of the application containing the information required by § 50.33 (general information) and 40 copies of that portion of the application containing the information required by § 50.34 (safety analysis report);

(iii) For an application for a license for any other facility, or an amendment to a license for such facility: 19 copies of both that portion of the application containing the information required by § 50.33 (general information) and that portion of the application containing the information required by § 50.34 (safety analysis report);

(iv) Application for a license or an amendment to a license authorizing export only: three copies.

(2) With respect to an application for a license described in subdivision (1)(i) of this paragraph, the applicant shall update 10 copies of the application and, upon notification of the appointment of an atomic safety and licensing board to conduct the public hearing required by the Atomic Energy Act for the issuance of a construction permit, serve such updated copies of the application, eliminating all superseded information, together with an index of the updated application, as follows:

(i) Each atomic safety and licensing board member and alternate—one copy.

(ii) Chairman of the Atomic Safety and Licensing Board Panel—one copy.

(iii) Office of the Secretary—one copy.

(iv) Director, Division of Reactor Licensing—two copies.

Any subsequent amendments to the application filed prior to the public hearing shall be served in the same manner. At the time of filing of such an application, one copy shall be made available in an appropriate office near the site of the proposed facility for inspection by the public and updated as amendments to the application prior to the public hearing may be made. This updated copy shall be produced at the public hearing for the use of any other parties to the proceeding. The applicant shall certify that the updated copies of the application contain the current contents of the application submitted in accordance with the requirements of this part. The applicant shall also update and serve copies of the application and make available a copy of such updated application in an appropriate office near the site of the facility for inspection by the public at such time as the Commission may issue a notice of public hearing concerning the issuance of an operating license.

* * * * *

§ 50.33 [Amended]

3. Paragraph (g) of § 50.33 of 10 CFR Part 50 is deleted.

4. New (a)(9) and (b)(7) are added to § 50.34 of 10 CFR Part 50 to read as follows:

§ 50.34 Contents of applications: technical information.

(a) *Preliminary safety analysis report.* * * *

(9) The technical qualifications of the applicant to engage in the proposed activities in accordance with the regulations in this chapter.

(b) *Final safety analysis report.* * * *

(7) The technical qualifications of the applicant to engage in the proposed activities in accordance with the regulations in this chapter.

PART 115—PROCEDURES FOR REVIEW OF CERTAIN NUCLEAR REACTORS EXEMPTED FROM LICENSING REQUIREMENTS

5. Paragraph (c) of § 115.20 of 10 CFR Part 115 is amended to read as follows:

§ 115.20 Application for authorizations.

* * * * *

(c) *Number of copies of applications.* (1) Each filing of any application for an authorization to construct and operate a nuclear reactor (including amendments to such applications) should include, in addition to the three signed originals, 25 copies of that portion of the application containing the information required by § 115.22 (general information) and 70 copies of that portion of the application containing the information required by § 115.23 (safety analysis report). Each application for an amendment to an authorization should include, in addition to the three signed originals, 19 copies of that portion of the application containing the information required by § 115.22 (general information) and 40 copies of that portion of the application containing the information required by § 115.23 (safety analysis report).

(2) The applicant for an authorization to construct and operate a nuclear reactor shall update 10 copies of the application and, upon notification of the appointment of an atomic safety and licensing board to conduct a public hearing on the issuance of a construction authorization, serve such updated copies of the application, eliminating all superseded information, together with an index of the updated application, as follows:

(i) Each atomic safety and licensing board member and alternate—1 copy.

(ii) Chairman of the Atomic Safety and Licensing Board Panel—1 copy.

(iii) Office of the Secretary—1 copy.

(iv) Director, Division of Reactor Licensing—2 copies.

Any subsequent amendments filed prior to the hearing shall be served in the same

manner. At the time of filing the application, one copy shall be made available in an appropriate office near the site of the proposed reactor for inspection by the public and periodically updated as amendments to the application prior to the public hearing on the issuance of the construction authorization are made. This updated copy shall be produced at the public hearing for the use of any other parties to the proceeding. The applicant shall certify that the updated copies of the application contain the current contents of the application submitted in accordance with the requirements of this part. The applicant shall also update and serve copies of the application and make available a copy of such updated application in an appropriate office near the site of the facility for inspection by the public at such time as the Commission may issue a notice of public hearing concerning the issuance of an operating authorization.

6. Paragraph (e) of § 115.23 is deleted.

7. A new paragraph (j) is added to § 115.23 to read as follows:

§ 115.23 Contents of application: technical information safety analysis report.

Each application shall state the following technical information:

* * * * *

(e) [Deleted]

* * * * *

(j) The technical qualifications of the applicant to engage in the proposed activities.

(Secs. 103, 104, 161, 182, 68 Stat. 936, 937, 948, 953; 42 U.S.C. 2133, 2134, 2201, 2232)

Dated at Germantown, Md., this 12th day of March 1969.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 69-3852; Filed, Apr. 2, 1969; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-SO-28]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Oxford, Miss., transition area.

The Oxford transition area is described in § 71.181 (34 F.R. 4637). In the description, an extension is predicated on the 257° bearing from the University-Oxford Airport. Since the final approach radial of the NDB (ADF) RWY 9 special instrument approach procedure has been changed from the 257° bearing from the airport to the 276° bearing from the Oxford RBN, it is necessary to alter the description accordingly.

Since this amendment is minor in nature and does not require additional airspace, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 24, 1969, as hereinafter set forth.

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

OXFORD, MISS.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the University-Oxford Airport (lat. 34°23'05" N., long. 89°32'10" W.); within 2 miles each side of the 276° bearing from the Oxford RBN (lat. 34°23'00" N., long. 89°32'30" .W.), extending from the 5-mile radius area to 8 miles West of the RBN.

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

Issued in East Point, Ga., on March 25, 1969.

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

[F.R. Doc. 69-3870; Filed, Apr. 2, 1969; 8:46 a.m.]

[Airspace Docket No. 68-SO-61]

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

Designation and Alteration of Transition Areas

On January 10, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 401) stating that the Federal Aviation Administration proposed amendments to Part 71 of the Federal Aviation Regulations that would redescribe, alter, revoke, and designate the controlled airspace within the State of Georgia and its coastal waters by designating the Georgia transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., May 29, 1969, as hereinafter set forth.

Section 71.181 (34 F.R. 4637, 3796) is amended as follows:

1. The Georgia transition area is added as follows:

GEORGIA

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Georgia including the offshore airspace within 3 nautical miles from the parallel to the shoreline of Georgia and including the additional airspace outside the United States southeast of Savannah bounded by a line beginning at lat. 32°03'25" N., long. 80°46'30" W.; to lat. 32°00'00" N., long. 80°33'00" W.; to lat. 31°30'00" N., long. 80°51'05" W.; to lat. 31°30'00" N., long. 80°47'30" W.; to lat. 31°11'30" N., long. 81°01'10" W.; to lat. 30°44'00" N., long. 81°18'10" W.; to lat. 30°43'05" N., long. 81°21'00" W.; thence north via a line 3 nautical miles from and parallel to the shoreline to the point of beginning, and including the airspace extending upward from 2,000 feet MSL southeast of Brunswick bounded by a line beginning at lat. 31°11'30" N., long 81°01'10" W.; to lat. 30°45'15" N., long. 80°58'50" W.; to lat. 30°44'00" N., long. 81°18'10" W.; thence northeast to point of beginning. Excluding the portion within R-3001, R-3002A, and R-6004.

2. In the Albany, Ga., transition area, all after "* * * within 2 miles each side of the 194° bearing from the Sylvester RBN (latitude 31°33'27" N., long. 83°53'34" W.)," is deleted and "extending from the 5-mile radius area to 8 miles south of the RBN." is substituted therefor.

3. In the Augusta, Ga., transition area, all after "* * * within 2 miles each side of the 346° bearing from the Emory RBN," is deleted and "extending from the Daniel Field 5-mile radius area to 8 miles north of the RBN." is substituted therefor.

4. The Blakely, Ga., transition area is revoked.

5. In the Brunswick, Ga., transition area, all after "* * * extending from the VORTAC to 8 miles southwest of the VORTAC," is deleted and "excluding the portion outside of the continental limits of the United States." is substituted therefor.

6. In the Cordele, Ga., transition area, all after "* * * within 2 miles each side of the Vienna 226° radial" is deleted and "extending from the 9-mile radius area to the VORTAC." is substituted therefor.

7. In the Dublin, Ga., transition area, all after "* * * extending from the 5-mile radius area to the VORTAC." is deleted.

8. In the Eastman, Ga., transition area, all after "* * * Eastman-Dodge County Airport (latitude 32°12'51" N., longitude 83°07'42" W.)." is deleted.

9. In the Hazlehurst, Ga., transition area, all after "* * * within 2 miles each side of the Alma VORTAC 342° radial" is deleted and "extending from the 5-mile radius area to 18 miles north of the VORTAC." is substituted therefor.

10. In the Macon, Ga., transition area, all after "* * * within 8 miles southeast and 5 miles northwest of the Macon ILS localizer southwest course," is deleted and "extending from the Lewis B. Wilson Airport 10-mile radius area to 12 miles southwest of the OM." is substituted therefor.

11. In the Rome, Ga., transition area, all after "* * * within 2 miles each side of the 165° bearing from the Rome RBN," is deleted and "extending from the 8-mile radius area to 8 miles south of the RBN." is substituted therefor.

12. In the Savannah, Ga., transition area, all after "* * * within 2 miles each side of the Savannah ILS localizer east course," is deleted and "extending from the Savannah Municipal Airport 8-mile radius area to 8 miles east of the INT of the ILS localizer east course and

the Savannah VORTAC 179° radial." is substituted therefor.

13. In the Toccoa, Ga., transition area, all after "* * * within 2 miles each side of the 180° and 360° radials of the Toccoa VOR" is deleted and "extending from the 4-mile radius area to 6 miles north of the VOR." is substituted therefor.

14. In the Valdosta, Ga., transition area, all after "* * * within 2 miles each side of the Valdosta VOR 187° radial," is deleted and "extending from the VOR to 8 miles south of the VOR." is substituted therefor.

15. In the Vidalia, Ga., transition area, all after "* * * Vidalia, Ga., RBN (latitude 32°11'48.8" N., longitude 82°22' 16.7" W.)," is deleted and "extending from the 6-mile radius area to 8 miles east of the RBN." is substituted therefor.

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

Issued in Washington, D.C., on March 26, 1969.

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

[F.R. Doc. 69-3871; Filed, Apr. 2, 1969; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1499]

PART 13—PROHIBITED TRADE PRACTICES

Consumers Food, Inc., and George Sharkey

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* 13.155-100 Usual as reduced, special, etc.; § 13.230 *Size or weight.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1743 *Size or weight;* Misrepresenting oneself and goods—Prices: § 13.1805 *Exaggerated as regular and customary.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1905 *Terms and conditions.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Consumers Food, Inc., et al., Washington, D.C., Docket C-1499, Feb. 25, 1969]

In the Matter of Consumers Food, Inc., a Corporation, and George Sharkey, Individually and as an Officer of said Corporation

Consent order requiring a Washington, D.C., distributor of freezers and food to cease using false pricing and savings claims and failing to disclose that its sales contracts may be sold to a finance company.

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

Part I. *It is ordered,* That respondents Consumers Food, Inc., a corporation, and its officers, and George Sharkey, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of freezers, freezer food plans, food or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, through the use of terms such as "Anniversary Sale Special" or in any other manner, that any price is a special or reduced price unless such price constitutes a significant reduction from the price at which such merchandise has been sold in substantial quantities or offered for sale in good faith for a reasonably substantial period of time, by respondents in the recent, regular course of their business.

2. Falsely representing, in any manner, that savings are available to purchasers or prospective purchasers of respondents' merchandise, or misrepresenting, in any manner, the amount of savings available to purchasers or prospective purchasers of respondents' merchandise at retail.

3. Representing, directly or by implication, in any manner, that the price per pound of meat is a net weight price when in fact the price per pound of meat is based on the weight of the meat before trimming.

4. Failing to clearly and conspicuously disclose, in the body of any advertisement for meat that is to be sold by gross weight, the average percentage of weight loss that results from trimming.

5. Representing, directly or by implication, that purchasers of respondents' freezer food plan can buy their usual food requirements and a freezer for the same or a lesser amount of money than they have been paying for said food requirements alone.

6. Representing, directly or by implication, that food prices charged by respondents are significantly lower than the prices which they have been paying.

7. Representing, directly or by implication, that purchasers cannot buy food under respondents' food plan unless a freezer is purchased from respondents.

8. Failing to disclose orally, prior to the time of sale, and in writing with such conspicuousness and clarity as is likely to be observed and read by such purchaser:

A. On any conditional sale contract, and

B. On a separate document presented to a purchaser of respondents' merchandise concurrent with the execution of any promissory note or other instrument of indebtedness executed by such purchaser,

that such conditional sale contract, promissory note or other instrument of indebtedness, at respondents' option and without notice to the purchaser, may be discounted, negotiated or assigned to a finance company or other third party to whom the purchaser will thereafter be indebted and against whom the purchaser's claims or defenses may not be available.

Part II. *It is further ordered,* That respondents Consumers Food, Inc., a corporation, and its officers, and George Sharkey, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of food, or any purchasing plan involving food, do forthwith cease and desist from directly or indirectly:

1. Disseminating, or causing to be disseminated, any advertisement by means of the U.S. mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations or misrepresentations prohibited in paragraphs 1 through 7 of Part I of this order.

2. Disseminating, or causing the dissemination of, any advertisement by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of any food or any purchasing plan involving food in commerce, as "commerce" is defined in the Federal Trade Commission Act, which contains any of the representations prohibited in paragraphs 1 through 7 of this order.

Part III. *It is further ordered,* That respondents Consumers Food, Inc., a corporation, and its officers, and George Sharkey, individually and as an officer of said corporation, do forthwith deliver a copy of this order to cease and desist to each of its operating divisions and to all present and future salesmen or other persons engaged in the sale of respondents' products or services, and secure from each such salesman or other person a signed statement acknowledging receipt of said order.

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

Issued: February 25, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-3860; Filed, Apr. 2, 1969; 8:45 a.m.]

[Docket No. C-1498]

PART 13—PROHIBITED TRADE PRACTICES

M. Levy Co. Inc. of Shreveport, et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30-30 Fur Products Labeling Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73-10 Fur Products Labeling Act; § 13.155 *Prices:* 13.155-40 Exaggerated as regular and customary. Subpart—Invoicing products falsely:

§ 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, M. Levy Co. Inc. of Shreveport, et al., Shreveport, La., Docket C–1498, Feb. 20, 1969]

In the Matter of M. Levy Co. Inc. of Shreveport, a Corporation, Trading as M. Levy, and Albert N. Elmer, Individually and as an Officer of Said Corporation

Consent order requiring a Shreveport, La., retailer of ready-to-wear garments for men, women, children, and infants to cease falsely advertising and invoicing its fur products and failing to maintain required records.

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

It is ordered, That respondents M. Levy Co. Inc. of Shreveport, a corporation, and its officers, trading as M. Levy or any other name, and Albert N. Elmer, individually and as an officer of said corporation, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required to be disclosed on an invoice under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing to set forth on an invoice the item number or mark assigned to such fur product.

B. Falsely or deceptively advertising any fur product through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of any such fur product, and which:

1. Represents, directly or by implication, that any price, whether accompanied or not by descriptive terminology is the respondents' former price of such fur product unless such price is the price at which such fur product has been sold or offered for sale in good faith by the respondents in the recent regular course of business, or otherwise misrepresents the price at which any such fur product has been sold or offered for sale by respondents.

2. Falsely or deceptively represents that savings are afforded to the purchaser of any such fur product or misrepresents in any manner the amount of savings afforded to the purchaser of such fur product.

3. Falsely or deceptively represents that the price of any such fur product is reduced.

4. Fails to set forth the term "natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

5. Fails to set forth all parts of the information required under section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in type of equal size and conspicuousness and in close proximity with each other.

C. Failing to maintain full and adequate records disclosing the facts upon which pricing claims and representations of the types described in subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations under the Fur Products Labeling Act are based.

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

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

Issued: February 20, 1969.

By the Commission.

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

[F.R. Doc. 69–3861; Filed, Apr. 2, 1969; 8:45 a.m.]

[Docket No. C–1500]

PART 13—PROHIBITED TRADE PRACTICES

Mrs. E. J. Wahlie and Wahlie's Floret and Gift Shop

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

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Mrs. E. J. Wahlie trading as Wahlie's Floret and Gift Shop, Lima, Ohio, Docket C–1500, Feb. 25, 1969]

In the Matter of Mrs. E. J. Wahlie, an Individual Trading as Wahlie's Floret and Gift Shop

Consent order requiring a Lima, Ohio, operator of a gift shop to cease marketing dangerously flammable fabric including wood fiber chips.

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

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

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

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

Issued: February 25, 1969.

By the Commission.

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

[F.R. Doc. 69–3862; Filed, Apr. 2, 1969; 8:45 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

N-(Mercaptomethyl)Phthalimide S-(O,O-Dimethyl Phosphorodithioate)

A petition (8F0699) was filed with the Food and Drug Administration by Stauffer Chemical Co., 1200 South 47th Street, Richmond, Calif. 94804, proposing the establishment of tolerances for residues of the insecticide *N*-(mercaptomethyl)-phthalimide *S*-(*O,O*-dimethyl phosphorodithioate) in on on the raw agricultural commodities: Alfalfa at 40 parts per million; apples, peaches, and pears at 10 parts per million; and meat and fat of meat of cattle, goats, hogs, and sheep at 0.2 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

The Commissioner of Food and Drugs referred the petition to an advisory committee, as provided by section 408 (d) and (g) of the Federal Food, Drug, and Cosmetic Act, with the request that it make a report and recommendation thereon. The advisory committee unanimously recommended that the tolerances be established as proposed.

Based on consideration given the data submitted in the petition, the report and recommendations of the advisory committee, and other relevant material, the Commissioner concludes that:

1. The tolerances established by this order will protect the public health.

2. The insecticide and its oxygen analog should be added to the list of members of the class of cholinesterase-inhibiting pesticides.

3. Tolerances regarding milk, eggs, or poultry are unnecesary since the proposed usage is not reasonably expected to result in residues of the insecticide in these commodities. The usage is classified in the category specified in § 120.6(a)(3).

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 120 is amended as follows:

1. Section 120.3(e)(5) is amended by alphabetically inserting in the list of cholinesterase-inhibiting pesticides two new items, as follows:

§ 120.3 Tolerances for related pesticide chemicals.

* * * * *

(e) * * *

(5) * * *

N-(Mercaptomethyl) phthalimide *S*-(*O,O*-dimethyl phosphorodithioate).

N-(Mercaptomethyl) phthalimide *S*-(*O,O*-dimethyl phosphorothioate).

* * * * *

2. The following new section is added to Subpart C:

§ 120.261 *N*-(Mercaptomethyl)phthalimide *S*-(*O,O*-dimethyl phosphorodithioate) and its oxygen analog; tolerances for residues.

Tolerances are established for the cholinesterase-inhibiting residues of the insecticide *N*-(mercaptomethyl) phthalimide *S*-(*O,O*-dimethyl phosphorodithioate) and its oxygen analog *N*-(mercaptomethyl) phthalimide *S*-(*O,O*,-dimethyl phosphorothioate) in or on raw agricultural commodities as follows:

40 parts per million in or on alfalfa.

10 parts per million in or on apples, peaches, and pears.

0.2 part per million in meat and fat of meat of cattle, goats, hogs, and sheep.

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

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

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: March 26, 1969.

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

[F.R. Doc. 69-3864; Filed, Apr. 2, 1969; 8:45 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Surfactants

In response to the notice published in the FEDERAL REGISTER of June 18, 1968 (33 F.R. 8847), proposing that § 120.1001 (c) and (d) be amended to exempt certain surfactants and related adjuvants from the requirement of a tolerance when used in pesticide formulations, individuals and organizations submitted 35 comments. No requests were received for referral of the proposal to an advisory committee pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act. The comments questioned the need for petitions, fees, and data. Some referred to toxicity data on certain surfactants previously presented for other purposes as a basis for exemption when used in pesticide formulations.

The U.S. Department of Agriculture has reported that the surfactants and related adjuvants in this order are useful in pesticide formulations.

Having considered the comments received and other relevant information, the Commissioner of Food and Drugs concludes that the proposal should be adopted as set forth below. Some of the proposed items have been changed and/or regrouped and one new item, guar gum, has been added.

Requests to add other surfactants and related adjuvants to § 120.1001 should be presented as petitions submitted in accordance with § 120.7 and should be accompanied by a deposit for fees as prescribed by § 120.33.

In general the minimum toxicity data requirement shall be 90-day subacute oral feeding studies in two mammalian species (preferably the rat and the dog) for listing in § 121.1001(d) and 2-year chronic oral feeding studies in two mammalian species (preferably the rat and the dog) for listing in § 120.1001(c). Residue data and toxicity data requirements will vary with the toxicity of the ingredient. On request, scientists of the Food and Drug Administration will furnish information on data requirements for petitions on specific compounds. No petition is necessary, however, if upon written request and without the presentation of new toxicity data the Commissioner can conclude that a certain inert ingredient that has been shown to be useful in pesticide formulations is generally recognized as safe for the purpose.

Surfactants and other adjuvants that are active or inert ingredients used in pesticide chemical formulations should have clearance by December 31, 1969, unless evidence is presented to show that enough progress has been made in the investigation to warrant the conclusion that continued use would be without undue hazard to the public health. In no event should use without clearance be continued beyond December 31, 1970.

Section 121.102 *Adjuvants for pesticide chemicals* of the food additive regulations (21 CFR 121.102) exempts substances listed in § 120.1001 (c) and (d) from the requirement of a food additive tolerance under section 409 of the act for use as adjuvants added to pesticides by growers or applicators prior to application to the raw agricultural commodity. Accordingly, the substances shown below are exempted from such a food additive tolerance.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (c), (e), 68 Stat. 512, 514; 21 U.S.C. 346a (c), (e)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.1001 is amended by alphabetically inserting in paragraphs (c) and (d) new items, as follows:

§ 120.1001 Exemptions from the requirement of a tolerance.

* * * * *

(c) * * *

Inert ingredients	Limits	Uses
* * *	* * *	* * *
Alkyl (C_8-C_{24}) benzenesulfonic acid and its ammonium, calcium, magnesium, potassium, sodium, and zinc salts.		Surfactants, related adjuvants of surfactants.
α-Alkyl(C_{11}-C_{15})-*omega*-hydroxypoly(oxyethylene); the poly(oxyethylene) content averages 3–20 moles.		Do.
α-Alkyl(C_{12}-C_{15})-*omega*-hydroxypoly(oxyethylene) sulfate, ammonium, calcium, magnesium, potassium, sodium, and zinc salts; the poly(oxyethylene) content averages 3 moles.		Do.
Alkyl (C_{12}-C_{15}) sulfate, ammonium, calcium, magnesium, potassium, sodium, and zinc salts.		Do.
* * *	* * *	* * *
α-Butyl-*omega*-hydroxypoly(oxypropylene) block polymer with poly(oxyethylene); molecular weight 2,400–3,500.		Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
Castor oil, polyoxyethylated; the poly(oxyethylene) content averages 40 moles.		Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
Diethylene glycol abietate		Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
α-(*p*-Dodecylphenyl)-*omega*-hydroxypoly(oxyethylene) produced by the condensation of 1 mole of dodecylphenol (dodecyl group is a propylene tetramer isomer) with an average of 4–14 or 30–70 moles of ethylene oxide; if a blend of products is used, the average number of moles of ethylene oxide reacted to produce any product that is a component of the blend shall be in the range of 4–14 or 30–70.		Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
Epoxidized linseed oil		Surfactants, related adjuvants of surfactants.
Epoxidized soybean oil		Do.
* * *	* * *	* * *
Guar gum		Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
α-Hydro-*omega*-hydroxypoly(oxyethylene); molecular weight 200–9,500 (as defined in § 121.1185).		Surfactants, related adjuvants of surfactants.
α-Hydro-*omega*-hydroxypoly(oxypropylene); molecular weight 4,000		Do.
Hydroxyethyl cellulose		Do.
* * *	* * *	* * *
α-Lauryl-*omega*-hydroxypoly(oxyethylene) sulfate, sodium salt; the poly(oxyethylene) content is 3–4 moles.		Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
Lignosulfonate, ammonium, calcium, magnesium, potassium, sodium, and zinc salts.		Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
Methyl ester of rosin, partially hydrogenated (as defined in § 121.1059)		Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
α-(*p*-Nonylphenyl)-*omega*-hydroxypoly(oxyethylene) produced by the condensation of 1 mole of nonylphenol (nonyl group is a propylene trimer isomer) with an average of 4–14 or 30–70 moles of ethylene oxide; if a blend of products is used, the average number of moles of ethylene oxide reacted to produce any product that is a component of the blend shall be in the range of 4–14 or 30–70.		Surfactants, related adjuvants of surfactants.
α-(*p*-Nonylphenyl)-*omega*-hydroxypoly(oxyethylene) mixture of dihydrogen phosphate and monohydrogen phosphate esters and the corresponding sodium salts of the phosphate esters; the nonyl group is a propylene trimer isomer and the poly(oxyethylene) content averages 6–10 moles.		Do.
α-(*p*-Nonylphenyl)-*omega*-hydroxypoly(oxyethylene)sulfate, ammonium, calcium, magnesium, potassium, sodium, and zinc salts; the nonyl group is a propylene trimer isomer and the poly(oxyethylene) content averages 4 moles.		Do.
α-*cis*-9-Octadecenyl-*omega*-hydroxypoly(oxyethylene); the octadecenyl group is derived from oleyl alcohol and the poly(oxyethylene) content averages 20 moles.		Do.
Oleic acid diester of α-hydro-*omega*-hydroxypoly(oxyethylene); the poly(oxyethylene) having average molecular weight 400.		Do.
* * *	* * *	* * *
β-Pinene polymers		Surfactants related adjuvants, of surfactants.
Polyglyceryl phthalate ester of coconut oil fatty acids		Do.
Poly(oxypropylene) block polymer with poly(oxyethylene); molecular weight 1,800–9,000.		Do.
Poly(vinylpyrrolidone); molecular weight 40,000 or over		Do.
* * *	* * *	* * *
Rosin, partially dimerized (as defined in § 121.1059)		Surfactants, related adjuvants of surfactants.
Rosin, partially hydrogenated (as defined in § 121.1059)		Do.
Rosin, wood		Do.
* * *	* * *	* * *
Sodium carboxymethylcellulose		Surfactants, related adjuvants of surfactants.
Sodium cetyl sulfate		Do.
Sodium dioctylsulfosuccinate		Do.
Sodium dodecylphenoxybenzenedisulfonate		Do.
* * *	* * *	* * *
Sodium *N*-lauroyl-*N*-methyltaurine		Surfactants, related adjuvants of surfactants.
Sodium lauryl glyceryl ether sulfonate		Do.
Sodium octyl sulfate		Do.
Sodium *N*-oleoyl-*N*-methyltaurine		Do.
Sodium oleyl sulfate		Do.
Sodium *N*-palmitoyl-*N*-methyltaurine		Do.
* * *	* * *	* * *
Sodium salt of sulfated oleic acid		Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
Sorbitan fatty acid esters (fatty acids limited to C_{12}, C_{14}, C_{16}, and C_{18} containing minor amounts of associated fatty acids) and their poly(oxyethylene) derivatives; the poly(oxyethylene) content averages 20 moles.		Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
α-Stearoyl-*omega*-hydroxypoly(oxyethylene); the poly(oxyethylene) content averages either 8 moles or 40 moles; if a blend of products is used, the average number of moles of ethylene oxide reacted to produce any product that is a component of the blend shall be either 8 or 40.		Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
Tall oil; fatty acids not less than 58 percent, rosin acids not more than 44 percent, unsaponifiables not more than 8 percent.		Surfactants, related adjuvants of surfactants.
α-[*p*-(1,1,3,3-Tetramethylbutyl)phenyl]-*omega*-hydroxypoly(oxyethylene) produced by the condensation of 1 mole of *p*-(1,1,3,3,-tetramethylbutyl) phenol with an average of 4–14 or 30–70 moles of ethylene oxide; if a blend of products is used, the average number of moles of ethylene oxide reacted to produce any product that is a component of the blend shall be in the range of 4–14 or 30–70.		Do.
* * *	* * *	* * *

(d) * * *

Inert ingredients	Limits	Uses
* * *	* * *	* * *
N,N-Bis(2-hydroxyethyl)alkylamine, where the alkyl groups (C_{14}-C_{18}) are derived from tallow.		Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
α-(Di-*sec*-butyl)phenyl-poly(oxypropylene) block polymer with poly (oxyethylene); the poly(oxypropylene) content averages 4 moles, the poly(oxyethylene) content averages 5 moles, the molecular weight averages 600.		Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
α-Dodecyl-*omega*-hydroxypoly(oxyethylene) mixture of dihydrogen phosphate and monohydrogen phosphate esters; the poly(oxyethylene) content averages 4-4.5 moles.		Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
Ethyl methacrylate		Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
Methyl methacrylate		Surfactants, related adjuvants of surfactants.
Mono-, di-, and triethanolamine salts and dimethylaminopropylamine salt of alkyl (C_8-C_{24}) benzenesulfonic acid.		Do.
Morpholine salt of dodecylbenzenesulfonic acid		Do.
Naphthalenesulfonic acid-formaldehyde condensate and its sodium salt		Do.
* * *	* * *	* * *
Polyoxyethylated sorbitol fatty acid esters; the polyoxyethylated sorbitol solution containing 15 percent water is reacted with fatty acids limited to C_{12}, C_{14}, C_{16}, and C_{18} containing minor amounts of associated fatty acids; the poly(oxyethylene) content averages 30 moles.		Surfactants, related adjuvants of surfactants.
Sodium butyl naphthalenesulfonate		Do.
Sodium mono- and dimethylnaphthalenesulfonate; molecular weight 245–260.		Do.
Sodium mono- di-, and triisopropylnaphthalenesulfonate		Do.
Sodium salt of partially or completely saponified dark wood rosin (as defined in § 121.2562(a)(1)(v)).		Do.
Tetrasodium *N*-(1,2-dicarboxyethyl)-*N*-octadecylsulfosuccinamate		Do.
* * *	* * *	* * *
α-Tridecyl-*omega*-hydroxypoly(oxyethylene) mixture of dihydrogen phosphate and monohydrogen phosphate esters; the poly(oxyethylene) content averages 5.5–10 moles.		Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *

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

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

(Sec. 408 (c), (e), 68 Stat. 512, 514; 21 U.S.C. 346a (c), (e))

Dated: March 24, 1969.

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

[F.R. Doc. 69-3712; Filed, Apr. 2, 1969; 8:45 a.m.]

PART 121—FOOD ADDITIVES

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

1,2-DIHYDRO-2,2,4-TRIMETHYLQUINOLINE, POLYMERIZED; DELETION

Two comments were received expressing objections to an order published in the FEDERAL REGISTER of April 7, 1967 (32 F.R. 5675), which amended the food additive regulations (21 CFR 121.2520, 121.2526, 121.2562, 121.2571) by deleting provision for use of 1,2-dihydro-2,2,4-trimethylquinoline, polymerized, as a component of food-contact articles. The deletions were based upon newly received information (that is, an article published in "Toxicology and Applied Pharmacology," 9:583–596 (1966)) reporting that the substance induces cancer when ingested by test animals.

In comments submitted in support of these objections, one of the five authors of the above-referenced article expressed the opinion that the information discussed in the article did not support the authors' published conclusion that the substance is a carcinogen. This author acknowledged unexplained discrepancies between the incidence of lymphoma (number of animals with lymphoma divided by the total number examined) stated in the published article and the incidence of lymphoma stated in the unpublished report of the study of rats maintained for 2 years on diets containing 0, 0.01, 0.1, or 1.5 percent of polymerized 1,2-dihydro-2,2,4-trimethylquinoline. The incidence of lymphoma for rats fed 0 percent of this substance and those fed dietary levels of 0.01, 0.1 and 1.5 percent, respectively, were 2/23, 1/20, 3/23, and 6/18 according to the unpublished report of the feeding study rather than 1/9, 1/10, 3/15, and 8/8 as stated in the published article.

The Commissioner of Food and Drugs has evaluated these comments and concludes that:

1. The available data do not permit a finding that the subject substance has been demonstrated to be a carcinogen; however, it should be considered to be at least a "probable carcinogen."

2. The available data fail to establish that the previously permitted uses of the food additive are safe.

3. The previous authority for the food additive use of this substance should not be reinstated.

4. The food additive regulations should be amended to delete provision for use of trimethyl dihydroquinoline, polymerized, as a component of food-contact articles since this nomenclature would include 1,2-dihydro-2,2,4-trimethylquinoline, polymerized.

Therefore pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(3)(A), 701(a), 52 Stat. 1055, 72 Stat. 1786, as amended 76 Stat. 785; 21 U.S.C. 348(c)(3)(A), 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2520 *Adhesives* is amended by deleting the item "Trimethyl dihydroquinoline, polymerized" from the list of substances in paragraph (c)(5).

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

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

(Secs. 409(c)(3)(A), 701(a), 52 Stat. 1055, 72 Stat. 1786, as amended, 76 Stat. 785; 21 U.S.C. 348(c)(3)(A), 371(a))

Dated: March 25, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-3863; Filed, Apr. 2, 1969; 8:45 a.m.]

SUBCHAPTER C—DRUGS

PART 138—DRUGS; OFFICIAL NAMES

New Names

In the FEDERAL REGISTER of September 27, 1968 (33 F.R. 14547), a notice was published proposing that § 138.2 be amended by adding certain additional items to the list therein as official names for drugs.

Having considered the comments received in response to the proposal and other relevant information, the Commissioner of Food and Drugs concludes that:

1. The proposed names "dextran 70" and "furazosin" should not be adopted at this time pending further study.

2. The proposed name "methotrexate" should not be added to § 138.2 since it is already designated in the official compendia.

3. The balance of the proposal should be adopted with minor technical or editorial changes.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 508, 76 Stat. 1789; 21 U.S.C. 358) and the administrative procedure provisions of 5 U.S.C. 552 (80 Stat. 383, as amended 81 Stat. 54), and under authority delegated to the Commissioner (21 CFR 2.120), § 138.2 is amended by alphabetically inserting in the table the following new items as official names for drugs:

§ 138.2 Drugs; official names.

Official name	Chemical name or description	Molecular formula
• • •	• • •	• • •
Benzoctamine	*N*-Methyl-9,10-ethanoanthracene-9(10*H*)-methylamine	$C_{18}H_{19}N$.
• • •	• • •	• • •
Chlorthalidone	2-Chloro-5-(1-hydroxy-3-oxo-1-isoindolinyl) benzenesulfonamide	$C_{14}H_{11}ClN_2O_4S$.
• • •	• • •	• • •
Cirolemycin	An antibiotic substance derived from *Streptomyces bellus* var. *cirolerosis* var. *nova*.	
• • •	• • •	• • •
Ciofibrate	Ethyl 2-(*p*-chlorophenoxy)-2-methylpropionate	$C_{12}H_{15}ClO_3$.
• • •	• • •	• • •
Clogestone	6-Chloro-3β,17-dihydroxypregna-4,6-dien-20-one	$C_{21}H_{29}ClO_3$.
• • •	• • •	• • •
Crufomate	4-*tert*-Butyl-2-chlorophenyl methyl methylphosphoramidate	$C_{12}H_{19}ClNO_3P$.
• • •	• • •	• • •
Deferoxamine	*N*-[5-[3-[(5-Aminopentyl)hydroxycarbamoyl]propionamido]pentyl]-3-[[5-*N*-hydroxyacetamido)pentyl]carbamoyl]propionohydroxamic acid.	$C_{25}H_{48}N_8O_8$
• • •	• • •	• • •
Dextran 40	A polysaccharide having a weight average molecular weight of 40,000; produced by the action of *Leuconostoc mesenteroides* on sucrose.	
• • •	• • •	• • •
Dimethindene	2-[1-[2-[2-(Dimethylamino)ethyl]inden-3-yl]ethyl]pyridine	$C_{20}H_{24}N_2$
Dimethisterone	17β-Hydroxy-6α-methyl-17-(1-propynyl)androst-4-en-3-one	$C_{23}H_{32}O_2$
• • •	• • •	• • •
Ethosuximide	2-Ethyl-2-methylsuccinimide	$C_7H_{11}NO_2$
Ethynodiol	19-Nor-17α-pregn-4-en-20-yne-3β, 17-diol	$C_{20}H_{28}O_2$
• • •	• • •	• • •
Fluprednisolone	6α-Fluoro-11β, 17α, 21-trihydroxypregna-1,4-diene-3,20-dione; 6α-fluoroprednisolone.	$C_{21}H_{27}FO_5$
• • •	• • •	• • •
Flurothyl	Bis(2,2,2-trifluoroethyl)ether	$C_4H_4F_6O$
• • •	• • •	• • •
Furosemide	4-Chloro-*N*-furfuryl-5-sulfamoylanthranilic acid	$C_{12}H_{11}ClN_2O_5S$
• • •	• • •	• • •
Glycopyrrolate	3-Hydroxy-1,1-dimethylpyrrolidinium bromide α-cyclopentylmandelate.	$C_{19}H_{28}BrNO_3$
• • •	• • •	• • •
Guanadrel	(1,4-Dioxaspiro[4.5]dec-2-ylmethyl)guanidine	$C_{10}H_{19}N_3O_2$
Halquinols	5,7-Dichloro-8-quinolinol, 5-chloro-8-quinolinol, and 7-chloro-8-quinolinol in proportions resulting naturally from chlorination of 8-quinolinol.	$C_9H_5Cl_2NO$ and C_9H_6ClNO
• • •	• • •	• • •
Iodamide	α,5-Diacetamido-2,4,6-triiodo-*m*-toluic acid	$C_{12}H_{11}I_3N_2O_4$
• • •	• • •	• • •
Melphalan	L-3-[*p*[Bis(2-chloroethyl)amino]phenyl]alanine	$C_{13}H_{18}Cl_2N_2O_2$
• • •	• • •	• • •
Methacycline	4-(Dimethylamino)-1,4,4a,5,5a,6,11,12a-octahydro-3,5,10,12,12a-pentahydroxy-6-methylene-1,11-dioxo-2-naphthacenecarboxamide; 6-deoxy-6-demethyl-6-methylene 5-oxytetracycline.	$C_{22}H_{22}N_2O_8$
• • •	• • •	• • •
Methixene	1-Methyl-3-(thioxanthen-9-ylmethyl)piperidine	$C_{20}H_{23}NS$
Methoxyflurane	2,2-Dichloro-1,1-difluoroethyl methyl ether	$C_3H_4Cl_2F_2O$
• • •	• • •	• • •
Metoserpate	Methyl 11,17α,18α-trimethoxy-3β,20α-yohimban-16β-carboxylate	$C_{24}H_{32}N_2O_6$
Metronidazole	2-Methyl-5-nitroimidazole-1-ethanol	$C_6H_9N_3O_3$
Mianserin	1,2,3,4,10,14b-Hexahydro-2-methyldibenzo[*c,f*]pyrazino[1,2-*a*] azepine.	$C_{18}H_{20}N_2$
• • •	• • •	• • •
Mitotane	1,1-Dichloro-2-(*o*-chlorophenyl)-2-(*p*-chlorophenyl)ethane	$C_{14}H_{10}Cl_4$
• • •	• • •	• • •
Nalidixic acid	1-Ethyl-1,4-dihydro-7-methyl-4-oxo-1,8-naphthyridine-3-carboxylic acid.	$C_{12}H_{12}N_2O_3$
• • •	• • •	• • •
Nandrolone	17β-Hydroxyester-4-en-3-one	$C_{18}H_{26}O_2$
• • •	• • •	• • •
Niridazole	1-(5-Nitro-2-thiazolyl)-2-imidazolidinone	$C_6H_8N_4O_3S$
• • •	• • •	• • •
Nortriptyline	10,11-Dihydro-*N*-methyl-5*H*-dibenzo[*a,d*]cycloheptene-Δ^5,γ-propylamine.	$C_{19}H_{21}N$
• • •	• • •	• • •
Opipramol	4-[3-(5*H*-dibenz[*b,f*]azepin-5-yl)propyl]-1-piperazineethanol	$C_{23}H_{29}N_3O$
• • •	• • •	• • •
Panthenol	2,4-Dihydroxy-*N*-(3-hydroxypropyl)-3,3-dimethylbutyramide; pantothenyl alcohol.	$C_9H_{19}NO_4$
• • •	• • •	• • •
Pargyline	*N*-Methyl-*N*-2-propynylbenzylamine	$C_{11}H_{13}N$
• • •	• • •	• • •
Pentazocine	1,2,3,4,5,6-Hexahydro-*cis*-6,11-dimethyl-3-(3-methyl-2-butenyl)-2,6-methano-3-benzazocin-8-ol.	$C_{19}H_{27}NO$
• • •	• • •	• • •
Poneuronium	1,1'-(3α,17β-Dihydroxy-5α-androstan-2β,16β-ylene)bis[1-methylpiperidinium]diacetate.	$C_{38}H_{60}N_2O_4$
• • •	• • •	• • •
Propranolol	1-(Isopropylamino)-3-(1-naphthyloxy)-2-propanol	$C_{16}H_{21}NO_2$
• • •	• • •	• • •
Thioridazine	10-[2-(1-Methyl-2-piperidyl)ethyl]-2-(methylthio)phenothiazine	$C_{21}H_{26}N_2S_2$
• • •	• • •	• • •
Tolazamide	1-(Hexahydro-1*H*-azepin-1-yl)-3-(*p*-tolyisulfonyl)urea	$C_{14}H_{21}N_3O_3S$
• • •	• • •	• • •
Tromethamine	2-Amino-2-(hydroxymethyl)-1,3-propanediol	$C_4H_{11}NO_3$

Effective date. This order shall become effective 30 days after its publication in the FEDERAL REGISTER.

(Sec. 508, 76 Stat. 1789; 21 U.S.C. 358)

Dated: March 25, 1969.

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

[F.R. Doc. 69-3713; Filed, Apr. 2, 1969; 8:45 a.m.]

PART 145—ANTIBIOTIC DRUGS; DEFINITIONS AND INTERPRETATIVE REGULATIONS

PART 148v—CANDICIDIN

Candicidin, Candicidin Vaginal Tablets, Candicidin Vaginal Ointment

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), the antibiotic drug regulations are amended as follows to provide for certification of the subject antibiotic drugs:

1. Section 145.2 is amended by adding to paragraph (a) a new subparagraph, as follows:

§ 145.2 Definitions of antibiotic substances.

(a) * * *

(30) *Candicidin.* Each of the heptane antibiotic substances produced by the growth of *Streptomyces griseus* and each of the same substances produced by any other means is a kind of candicidin.

* * * * *

2. Section 145.3 is amended by adding to paragraphs (a) and (b) a new subparagraph each, as follows:

§ 145.3 Definitions of master and working standards.

(a) * * *

(32) *Candicidin.* The term "candicidin master standard" means a specific lot of candicidin that is designated by the Commissioner as the standard of comparison in determining the potency of the candicidin working standard.

* * * * *

(b) * * *

(32) *Candicidin.* The term "candicidin working standard" means a specific lot of a homogeneous preparation of candicidin.

* * * * *

3. Section 145.4 is amended by adding to paragraph (b) a new subparagraph, as follows:

§ 145.4 Definitions of the terms "unit" and "microgram" as applied to antibiotic substances.

(b) * * *

(33) *Candicidin.* The term "microgram" applied to candicidin means the candicidin activity (potency) contained in 1.0 microgram of the candicidin master standard when dried for 3 hours at 40° C. and a pressure of 5 millimeters or less.

* * * * *

4. The following new Part 148v is added to Title 21, Chapter I:

Sec.
148v.1 Candicidin.
148v.2 Candicidin vaginal tablets.
148v.3 Candicidin vaginal ointment.

AUTHORITY: The provisions of this Part 148v issued under sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357.

§ 148v.1 Candicidin.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Candicidin is a brown to yellow powder. It is sparingly soluble in water; very slightly soluble in ethyl alcohol, butyl alcohol, and acetone. It is so purified and dried that:

(i) Its potency is not less than 1,000 micrograms of candicidin per milligram on an anhydrous basis.

(ii) Its moisture content is not more than 4 percent.

(iii) Its pH is not less that 8.0 nor more than 10.0 in a 1 percent aqueous suspension.

(iv) It exhibits absorption maxima within ±3 mμ at wavelengths of 342, 359, 378, and 397 mμ and absorption minima within ±3 mμ at wavelengths of 348, 366, and 390 mμ. Its ultraviolet absorption spectrum is characteristic of a conjugated heptaene.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3(b) of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, moisture, pH, and identity.

(ii) Samples required: 10 packages, each containing approximately 300 milligrams.

(4) *Fees.* $4 for each package in the samples submitted in accordance with subparagraph (3)(ii) of this paragraph.

(b) *Tests and methods of assay—*(1) *Potency—*(i) *Culture media.* Use ingredients that conform to the standards prescribed by the U.S.P. or N.F., if the articles are so recognized.

(*a*) Make nutrient agar for carrying the test organism as follows:

Peptone	6.0 gm.
Pancreatic digest of casein	4.0 gm.
Yeast extract	3.0 gm.
Beef extract	1.5 gm.
Dextrose	1.0 gm.
Agar	15.0 gm.
Distiller water, q.s. pH 6.5–6.6 after sterilization	1,000.0 ml.

(*b*) Make nutrient broth for preparing an inoculum of the test organism as follows:

Peptone	10 gm.
Dextrose	20 gm.
Distilled water, q.s. pH 5.6–5.7 after sterilization.	1,000 ml.

In lieu of preparing the media from the individual ingredients specified in this subdivision, they may be made from a dehydrated mixture that, when reconstituted with distilled water, has the same composition as such media. Minor modifications of the individual ingredients specified in this subdivision are permissible if the resulting media possess growth-promoting properties at least equal to the media described.

(ii) *Preparation of the inoculated broth.* The test organism is *Saccharomyces cerevisiae* (ATCC 9763) which is maintained on slants of nutrient agar, prepared as described in subdivision (i)(*a*) of this subparagraph, and transferred once a month. After transfer, the culture is incubated at 37° C. for 24 hours and then stored under refrigeration. Using 3 milliliters of sterile U.S.P. saline T.S. wash the overnight growth from a freshly inoculated slant onto a large nutrient agar surface such as that provided by a Roux bottle containing 300 milliliters of the nutrient agar. Spread the suspension of the organism evenly over the entire nutrient agar surface with the aid of sterile glass beads, and incubate for 24 hours at 37° C. Suspend the resulting growth from the nutrient agar surface with 30 milliliters of sterile U.S.P. saline T.S. The suspension may be used for 1 month if kept under refrigeration. Prepare the daily inoculated broth by adding an appropriate aliquot of the suspension (usually 0.1 to 0.3 milliliter per each 100 milliliters of nutrient broth) to the nutrient broth prepared as described in subdivision (i)(*b*) of this subparagraph.

(iii) *Preparation of working standard solutions.* Use sterile equipment for all stages of this assay. Dry an appropriate amount of the working standard for 3 hours at 40° C. and a pressure of 5 millimeters or less. Accurately weigh a portion of the dried standard and dissolve in sufficient dimethylsulfoxide to give a stock solution of 1,000 micrograms of candicidin per milliliter. The stock solution should be prepared simultaneously with the samples to be tested and should be used for 1 day only. Prepare the daily standard curve by diluting the stock solution in sterile distilled water to the following final concentrations: 0.03, 0.043, 0.06, 0.085, 0.12 microgram of candicidin per milliliter. The 0.06 microgram per milliliter concentration is the reference concentration. Add 1 milliliter of each final concentration to each of four sterile test tubes having outside dimensions of 16 millimeters x 125 millimeters.

(iv) *Preparation of the sample solution.* Dissolve a portion of the sample in sufficient dimethylsulfoxide to yield an estimated concentration of 1,000 micrograms of candicidin per milliliter. Further dilute an aliquot in sterile distilled water to the reference concentration of 0.06 microgram of candicidin per milliliter. Add 1 milliliter of this sample solution to each of four sterile test tubes having outside dimensions of 16 millimeters x 125 millimeters.

(v) *Procedure.* Add 9 milliliters of the inoculated broth prepared as directed in subdivision (ii) of this subparagraph to each tube containing sample and standard solutions and incubate at 25° C. for 16–18 hours. Keep the tubes covered. After incubation, add 0.5 milliliter of 12 percent formaldehyde to each tube. Using a suitable photoelectric colorimeter at the wavelength of 530 mμ, set the instrument at zero absorption with clear, uninoculated broth prepared as described in subdivision (i)(*b*) of this subparagraph. Determine the absorption value for each sample and standard tube.

(vi) *Estimation of potency.* Plot the standard response line on semilogarithmic graph paper with absorption values on the arithmetic scale and concentrations on the logarithmic scale. Draw the straight line of best fit through the points, either by inspection or by means of the following equations:

$$L=\frac{3a+2b+c-e}{5},$$

$$H=\frac{3e+2d+c-a}{5},$$

where:

L = Calculated absorption value for the lowest concentration of the standard curve.

H = Calculated absorption value for the highest concentration of the standard curve.

a, b, c, d, e = Average absorption value for the 0.03, 0.043, 0.06, 0.085, 0.12 microgram per milliliter concentrations of the standard curve, respectively.

Plot the values obtained for *L* and *H* and connect with a straight line. Using the average absorption value for each sample solution, determine the concentration of the sample solution from the standard response line. Multiply the concentration by the appropriate dilution factor to determine the content of candicidin in the sample.

(2) *Moisture.* Proceed as directed in § 141a.5(a) of this chapter.

(3) *pH.* Proceed as directed in § 141a.5 (b) of this chapter, using a 1 percent aqueous suspension.

(4) *Identity*—(i) *Preparation of aqueous alcohol solution.* Prepare an aqueous alcohol solution by mixing 53 volumes of ethyl alcohol and 47 volumes of water.

(ii) *Preparation of the sample solution.* Triturate 10 milligrams of the candicidin sample with a few drops of the aqueous alcohol solution or dissolve 10 milligrams in 5 milliliters of dimethylsulfoxide. Transfer the solution to a 100-milliliter volumetric flask and bring to volume with the aqueous alcohol solution. Transfer a 25-milliliter aliquot to a 100-milliliter volumetric flask and bring to volume with the aqueous alcohol solution.

(iii) *Procedure.* Using a suitable recording spectrophotometer, determine the absorption between the wavelengths of 340 mμ and 400 mμ of the 25 micrograms of candicidin per milliliter solution in a 1-centimeter silica cell with a blank of the aqueous alcohol solution or if dimethylsulfoxide was used, a dimethylsulfoxide-aqueous alcohol blank.

§ 148v.2 Candicidin vaginal tablets.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Candicidin vaginal tablets are tablets composed of candicidin with suitable binders, diluents, and lubricants. Each tablet contains 3 milligrams of candicidin. The tablets shall disintegrate within 30 minutes. The moisture content is not more than 1 percent. The candicidin used in making the batch conforms to the standards of § 148v.1 (a)(1). Each other substance used in making the batch, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* The drug shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The candicidin used in making the batch for potency, moisture, pH, and identity.

(*b*) The batch for potency, moisture, and disintegration time.

(ii) *Samples required.* (*a*) The candicidin used in making the batch: 10 packages each consisting of approximately 300 milligrams.

(*b*) The batch:

(*1*) For all tests except disintegration time: A minimum of 50 tablets.

(*2*) For disintegration time: six tablets.

(*c*) In case of an initial request for certification, each other substance used in making the batch: One package of each, containing approximately 5 grams.

(4) *Fees.* $4.00 for each package in the samples submitted in accordance with the requirements of subparagraph (3) (ii) (*a*) and (*c*) of this paragraph; $.75 for each tablet in the sample submitted in accordance with subparagraph (3) (ii) (*b*) (*1*) of this paragraph; $3.00 for all tablets in the sample submitted in accordance with subparagraph (3) (ii) (*b*) (*2*) of this paragraph.

(b) *Tests and methods of assay*—(1) *Potency.* Weigh a pool of five tablets and grind in a mortar to a very fine powder. Suspend an accurately weighed aliquot (of approximately 2 grams) in 10 milliliters of dimethylsulfoxide. Centrifuge for 5 minutes at 20,000 revolutions per minute. Carefully decant the supernatant solution into a sterile 250- milliliter volumetric flask. Wash the residue three times with 5-milliliter portions of dimethylsulfoxide, centrifuging each time. Add the washes to the 250-milliliter volumetric flask and fill to volume with sterile distilled water. Using sterile distilled water, further dilute to the reference concentration of 0.06 microgram of candicidin per milliliter (estimated). Proceed as directed in § 148v.1(b)(1). The candicidin content is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of milligrams of candicidin that it is represented to contain.

(2) *Disintegration time.* Proceed as directed in the U.S.P. using sterile distilled water as the immersion fluid.

(3) *Moisture content.* Proceed as directed in § 141a.5(a) of this chapter.

§ 148v.3 Candicidin vaginal ointment.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Candicidin vaginal ointment is composed of candicidin and a suitable ointment base. It contains 0.6 milligram of candicidin per gram. Its moisture content is not more than 0.1 percent. The candicidin used conforms to the requirements of § 148v.1(a)(1). Each other substance used in making the batch, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The candicidin used in making the batch for potency, moisture, pH, and identity.

(*b*) The batch for potency and moisture.

(ii) Samples required:

(*a*) The candicidin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of five immediate containers.

(*c*) In case of an initial request for certification, each other substance used in making the batch. One package of each, containing approximately 5 grams.

(4) *Fees.* $4 for each package or immediate container in the sample submitted in accordance with subparagraph (3) (ii) of this paragraph.

(b) *Tests and methods of assay*—(1) *Potency.* Accurately weigh approximately 3 grams of the ointment into a 50-milliliter centrifuge tube. Dissolve the ointment in 30 milliliters of *n*-hexane by warming the centrifuge tube with hot water. Centrifuge for 15 minutes at 20,000 revolutions per minute. Carefully decant the supernatant, leaving all sediment in the tube. Repeat the suspending and centrifuging operation three times or until all the ointment base is washed out. After the final wash, evaporate off the *n*-hexane by air evaporation. Dissolve the sediment in 10 milliliters of dimethylsulfoxide, quantitatively transfer to a sterile 200-milliliter volumetric flask, and fill to volume with sterile distilled water. Further dilute with sterile distilled water to the reference concentration of 0.06 microgram of candicidin per milliliter (estimated). Proceed as directed in § 148v.1(b)(1). The candicidin content is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of milligrams of candicidin that it is represented to contain.

(2) *Moisture content.* Proceed as directed in § 141a.8(b) of this chapter.

Since the manufacturer has presented data establishing the safety and efficacy of the subject antibiotic drugs and since it is in the public interest not to delay in providing for their certification, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: March 25, 1969.

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

[F.R. Doc. 69-3865; Filed. Apr. 2, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 76]

HOG CHOLERA

Interstate Movement of Vaccines and Swine Treated With Such Vaccines; Notice Regarding Proposed Amendments and of Hearing Thereon

On November 20, 1968, there was published in the FEDERAL REGISTER (33 F.R. 17180) a notice with respect to proposed amendments of Part 76, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, relating to the interstate movement of hog cholera vaccines and swine treated with such vaccines.

I. Certain of the proposed amendments included effective dates with respect to various provisions. Notice is hereby given that a proposal that such dates be modified as indicated below is being considered:

1. In proposed paragraph (e) of § 76.1, the date "September 1, 1969" would be changed to "December 1, 1969," and in proposed paragraph (x) of said section the dates "March 1, 1969" and "August 31, 1969" would be changed to "June 1, 1969" and "November 30, 1969," respectively;

2. In proposed § 76.4, the date "March 1, 1969" would be changed to "June 1, 1969";

3. In paragraphs (c), (d), (e), and (f) of proposed § 76.5, the date "March 1, 1969" would be changed to "June 1, 1969," and the date "September 1, 1969" would be changed to "December 1, 1969";

4. In subparagraph (2) of paragraph (a) of proposed § 76.9, the date "September 1, 1969" would be changed to "December 1, 1969," and in subparagraph (1) of paragraph (b) of proposed § 76.9, the date "September 1, 1969" would be changed to "December 1, 1969," and the date "March 1, 1969" would be changed to "June 1, 1969";

5. In the proposed amendments of § 76.10, the dates "March 1, 1969" and "September 1, 1969," wherever they appear therein, would be changed to "June 1, 1969" and "December 1, 1969," respectively; and

6. In the proposed amendment of paragraph (b) of § 76.16, the date "September 1, 1969" would be changed to "December 1, 1969," and in the proposed amendment of paragraph (c) of said section, the date "February 28, 1969" would be changed to "May 31, 1969."

The proposed amendments would affect the interstate movement of hog cholera vaccines and of swine vaccinated with such vaccines. They would not affect present requirements concerning the interstate movement or use of anti-hog-cholera serum or hog cholera antibody concentrate. Information available to the Department indicates that the current inventory of such products is approximately 70 million cc's (4½ to 5 million doses). The proposed amendments contain provisions for the shipment of hog cholera vaccines for exportation from the United States. The volume of production for export purposes is estimated, on the basis of currently available information, to be in excess of 5 million doses per year. Provision is also made in the proposed amendments for the interstate shipment of vaccines for research purposes and biologics production.

II. Consideration is also being given to making all provisions of the proposed amendments of the regulations, other than those referred to in Part I of this document, if adopted, effective on June 1, 1969.

III. Notice is further given that an oral public hearing will be held beginning at 10 a.m., e.s.t., on April 15, 1969, in Room 2096 of the South Building, U.S. Department of Agriculture, 14th Street and Independence Avenue SW., Washington, D.C., at which time all interested persons will be given an opportunity to express their views with respect to the proposed amendments of the regulations published in the FEDERAL REGISTER on November 20, 1968, as amended by the proposals set forth above in this document. The hearing will be open to the public and a stenographic transcript will be made of the hearing. The presiding officer at the hearing will be a hearing examiner from the Office of Hearing Examiners of the Department designated for that purpose.

Any person who wishes to submit written data, views, or arguments on such proposals, in addition to or in lieu of oral presentation at the hearing, may do so by filing them with the Director, Animal Health Division, Agricultural Research Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782, on or before April 18, 1969. All written submissions made pursuant to this notice and the notice published in the FEDERAL REGISTER on November 20, 1968, and the transcript of the above hearing, will be available for public inspection in the office of said Director, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

All relevant data, views, and arguments presented at the hearing and submitted in writing, and any other information in the possession of the Department will be evaluated, and a determination made as to what action should be taken with respect to such proposals.

Done at Washington, D.C., this 1st day of April 1969.

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

[F.R. Doc. 69-3954; Filed, Apr. 2, 1969; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 73]

BIOLOGICAL PRODUCTS

Additional Standards; Rubella Virus Vaccine, Live

Notice is hereby given that the Director, National Institutes of Health, proposes to amend Part 73 of the Public Health Service Regulations by prescribing specific standards of safety, purity and potency for Rubella Virus Vaccine, Live. The proposed standards limit the manufacture of rubella vaccine in duck embryo or canine renal cell cultures. When sufficient evidence is available which demonstrates that other cell culture systems capable of producing rubella vaccine meet the same or equivalent standards for safety, purity and potency as those proposed by these additional standards, these standards will be amended to permit the use of such other cell systems.

Inquiries may be addressed, and data, views, and arguments may be presented by interested parties, in writing, in triplicate, to the Director, National Institutes of Health, Public Health Service, 9000 Rockville Pike, Bethesda, Md. 20014. All relevant material received not later than 30 days after publication of this notice in the FEDERAL REGISTER will be considered.

Notice is also given that it is proposed to make any amendment that is adopted effective on the date of publication in the FEDERAL REGISTER.

1. Add to the table of contents in numerical order, the following:

ADDITIONAL STANDARDS: RUBELLA VIRUS VACCINE, LIVE

Sec.
73.190 The product.
73.191 Production.
73.192 Test for safety.
73.193 Potency test.
73.194 General requirements.
73.195 Clinical trials to qualify for license.
73.196 Equivalent methods.

§ 73.74 [Amended]

2. Amend § 73.74(a)(2) by inserting "Rubella Virus Vaccine, Live" after "Measles Virus Vaccine, Live, Attenuated".

§ 73.86 [Amended]

3. Amend § 73.86 by inserting after "Rocky Mountain Spotted Fever Vaccine—18 months (5° C., 1 year.)" the following:

Rubella Virus Vaccine, Live—1 year. § 73.84 does not apply.

4. Add to Part 73 the following:

ADDITIONAL STANDARDS: RUBELLA VIRUS VACCINE, LIVE

§ 73.190 The product.

(a) *Proper name and definition.* The proper name of this product shall be Rubella Virus Vaccine, Live, which shall consist of a preparation of live, attenuated rubella virus.

(b) *Criteria for acceptable strains of attenuated rubella virus.* Strains of attenuated rubella virus used in the manufacture of vaccine shall be identified by (1) historical records including origin and manipulation during attenuation and (2) antigenic specificity as rubella virus as demonstrated by tissue culture neutralization tests.

(c) *Extraneous agents.* Seed virus used for vaccine manufacture shall be free of all demonstrable extraneous viable microbial agents.

(d) *Field studies with experimental vaccines.* (1) Strains used for the manufacture of Rubella Virus Vaccine, Live, shall have been shown in field studies with experimental vaccines to be safe and potent in the group of individuals inoculated, which must include at least 10,000 susceptible individuals. Susceptibility shall be shown by the absence of neutralizing or hemagglutination-inhibiting antibodies against rubella virus or by other appropriate methods.

(2) The virus strain used in the field studies shall be propagated in the same cell culture system that will be used in the manufacture of the product.

(3) The field studies shall be so conducted that at least 5,000 of the susceptible individuals must reside when inoculated in areas where mortality and morbidity data are regularly compiled in accordance with procedures such as those used by the U.S. Bureau of Vital Statistics in death certificates. Data in such form as will identify each inoculated person shall be furnished to the Director, Division of Biologics Standards.

(4) Inoculated persons shall be shown not to be contagious for contacts through surveillance of rubella susceptible contacts of the inoculated persons.

(e) *Neurovirulence safety test of the virus seed strain in monkeys*—(1) *The test.* A demonstration shall be made in monkeys of the lack of neurotropic properties of the seed strain of attenuated rubella virus used in manufacture of rubella vaccine. For this purpose, vaccine from each of the five consecutive lots used by the manufacturer to establish consistency of manufacture of the vaccine shall be tested in monkeys shown to be serologically negative for rubella virus antibodies by following the procedures prescribed in § 73.140(c)(1) or § 73.162(c), except that histologic examination shall be made of appropriate sections of the brain in addition to such examination of the spinal cord.

(2) *Test results.* The rubella virus seed has acceptable neurovirulence properties for use in vaccine manufacture if for each of the five lots; (i) 80 percent of the monkeys survive the observation period and (ii) there is no clinical or histopathologic evidence of central nervous system involvement attributable to the replication of the virus.

(3) *New seed lots—test for neurovirulence.* The neurovirulence properties of each new seed shall be tested as prescribed in subparagraphs (1) and (2) of this paragraph. Only seed lots which meet the neurovirulence requirement shall be used for rubella vaccine manufacture. The test need not be repeated as long as the same seed lot of virus is used.

§ 73.191 Production.

(a) *Virus cultures.* Rubella virus shall be propagated in duck embryo cell cultures or canine renal cell cultures.

(b) *Virus propagated in duck embryo tissue cell cultures.* Embryonated duck eggs used as a source of duck embryo tissue for the propagation of rubella virus shall be derived from flocks certified by the supplier to be free of avian tuberculosis, the avian leucosis-sarcoma group of viruses and other agents pathogenic for ducks. Only ducks so certified and in overt good health and which are maintained in quarantine shall be used as a source of duck embryo tissue used in the propagation of rubella virus. Ducks in the quarantined flock that die shall be necropsied and examined for evidence of significant pathologic lesions. If any such signs or pathologic lesions are observed, eggs from that flock shall not be used for the manufacture of Rubella Virus Vaccine, Live. Control vessels shall be prepared, observed and tested as prescribed in § 73.141(g).

(c) *Virus propagated in canine renal tissue cell cultures.* When canine renal cell cultures are used for the propagation of rubella virus the renal tissue shall be obtained from dogs meeting the requirements specified in § 73.141(c). Control vessels shall be prepared, observed and tested as prescribed in § 73.141(g).

(d) *Reference Rubella Virus.* A Reference Rubella Virus, Live, shall be obtained from the Division of Biologics Standards as a control for correlation of virus titers.

(e) *Passage of virus strain in vaccine manufacture.* Virus in the final vaccine shall represent no more than five cell culture passages beyond the passage used as the seed strain for the manufacture of the vaccines used to perform the field studies (§ 73.190(d)), which qualified the manufacturer's vaccine strain for license.

(f) *Cell cultures in vaccine production areas.* Only the cell cultures used in the propagation of rubella virus vaccine shall be introduced into rubella virus vaccine production areas.

(g) *Test samples.* Test samples of rubella virus harvests or pools shall be withdrawn and maintained by following the procedures prescribed in § 73.141(h).

§ 73.192 Test for safety.

(a) *Tests prior to clarification of vaccine manufactured in duck embryo cell cultures.* Prior to clarification, the following tests shall be performed on each rubella virus pool prepared in duck embryo cell cultures:

(1) *Inoculation of adult mice.* The test shall be performed in the volume and following the procedures prescribed in § 73.142(a)(1), and the virus pool is satisfactory only if equivalent test results are obtained.

(2) *Inoculation of suckling mice.* The test shall be performed in the volume and following the procedures prescribed in § 73.142(a)(2), and the virus pool is satisfactory only if equivalent test results are obtained.

(3) *Inoculation of monkey tissue cell cultures.* A rubella virus pool shall be tested for adventitious agents in the volume and following the procedures prescribed in § 73.142(a)(3), except that the virus need not be neutralized by antiserum. The rubella virus pool is satisfactory only if equivalent test results are obtained.

(4) *Inoculation of other cell cultures.* The rubella virus pool shall be tested for adventitious agents in the volume and following the procedures prescribed in § 73.142(a)(3), in rhesus or cynomolgus monkey kidney, in chick embryo, duck embryo, and in human cell cultures, except that the virus need not be neutralized by antiserum. The rubella virus pool is satisfactory only if results equivalent to those in § 73.142(a)(3) are obtained.

(5) *Inoculation of embryonated chicken eggs.* A suspension of each undiluted rubella virus pool shall be tested in the volume and following the procedures prescribed in § 73.142(a)(5) except that the virus need not be neutralized by antiserum. The virus pool is satisfactory only if there is no evidence of advantitious agents.

(6) *Inoculation of embryonated duck eggs.* A suspension of each undiluted rubella virus pool shall be tested in embryonated duck eggs, in the volume and following the procedures prescribed in § 73.142(a)(5) except that the virus need not be neutralized by antiserum. The virus pool is satisfactory only if there is no evidence of adventitious agents.

(7) *Bacteriological tests.* In addition to the tests for sterility required pursuant to § 73.73, bacteriological tests shall be performed on each rubella virus pool for the presence of M. tuberculosis, both avian and human, by appropriate culture methods. The virus pool is satisfactory only if found negative for M. tuberculosis, both avian and human.

(8) *Test for avian leucosis.* The vaccines shall be tested for avian leucosis, in the volume and following the procedures prescribed in § 73.142(a)(8). The cultures are satisfactory for vaccine manufacture if found negative for avian leucosis.

(9) *Inoculation of cell cultures and embryonated eggs after neutralization of the virus with antiserum.* Each of the tests prescribed in subparagraphs (3), (4), (5), and (6) of this paragraph shall be carried out also with rubella virus that has been neutralized by the addition of high titer antiserum of nonhuman, nonsimian, and nonavian origin except that the volume of virus suspension of each undiluted virus pool tested shall be no less than 5 ml. The rubella antiserum shall have been prepared by using a rubella virus propagated in a cell culture system other than that used for the manufacture of the vaccine under test, and

the cell culture system shall be free of extraneous agents which might elicit antibodies that could inhibit growth of any known extraneous agents which might be present in the vaccine under test. These tests may be performed either before or after clarification of the virus. The virus pool is satisfactory only if the results obtained are equivalent to those required in those subparagraphs.

(b) *Tests prior to clarification of vaccine manufactured in canine renal cell cultures.* Prior to clarification each rubella virus pool prepared in canine renal cell cultures shall be tested as follows:

(1) *Inoculation of adult mice.* The test shall be performed in the volume and following the procedures prescribed in § 73.142(a)(1), and the virus pool is satisfactory only if equivalent test results are obtained.

(2) *Inoculation of suckling mice.* The test shall be performed in the volume and following the procedures prescribed in § 73.142(b)(2), and the virus pool is satisfactory only if equivalent test results are obtained.

(3) *Inoculation of monkey tissue cell cultures.* The test shall be performed in the volume and following the procedures prescribed in § 73.142(a)(3), except that the virus need not be neutralized by antiserum. The rubella virus pool is satisfactory only if equivalent test results are obtained.

(4) *Inoculation of other cell cultures.* The tests shall be performed in the volume and following the procedures prescribed in § 73.142(a)(3) except that the types of other cell cultures employed shall be those prescribed in § 73.142(b)(4) and except that the virus need not be neutralized by antiserum. The rubella virus pool is satisfactory only if equivalent test results are obtained.

(5) *Inoculation of embryonated chicken eggs.* The tests shall be performed in the volume and following the procedures prescribed in § 73.142(a)(5) except that the virus need not be neutralized by antiserum. The rubella virus pool is satisfactory only if equivalent test results are obtained.

(6) *Bacteriological tests.* In addition to the tests for sterility required pursuant to § 73.73, bacteriological tests shall be performed on each rubella virus pool for the presence of M. tuberculosis, both avian and human, by appropriate culture methods, except that the virus need not be neutralized by antiserum. The rubella virus pool is satisfactory only if found negative for M. tuberculosis, both avian and human.

(7) *Tests for adventitious agents.* Tests shall be performed for the presence of adventitious agents as prescribed in § 73.142(b)(8), and the rubella virus pool is satisfactory only if equivalent test results are obtained.

(8) *Inoculation of cell cultures and embryonated eggs after neutralization of the virus with antiserum.* Rubella virus propagated in canine renal cell cultures shall be tested in rhesus or cynomolgus monkey kidney cell cultures and human cell cultures, following the procedures and in the volume prescribed in paragraph (a)(9) of this section, except that the test in embryonated duck eggs need not be performed. The virus pool is satisfactory only if the results obtained are equivalent to those required by that subparagraph.

(c) *Clarification.* The rubella virus fluids shall be clarified by following the procedures prescribed in § 73.142(c).

(d) *Test after clarification-neurovirulence safety test in monkeys for neurotropic agents.* Before final dilution for standardization for live rubella virus content each lot of rubella vaccine shall be tested for neurotropic agents following the procedures prescribed in § 73.102 (e) except that appropriate sections of the brain and spinal cord shall be examined histologically. The test shall be performed before the product is placed in final containers and prior to the addition of an adjuvant. Signs suggestive of any neurotropic agent shall be recorded during the observation period of 17 to 19 days. The lot is satisfactory if the histologic examinations and other studies produce no evidence of changes in the central nervous system attributable to the presence of an extraneous neurotropic agent in the vaccine.

§ 73.193 Potency test.

The concentration of live rubella virus shall constitute the measure of potency. The titration shall be performed in a suitable cell culture system, using either the Reference Rubella Virus, Live, or a calibrated equivalent strain as a titration control. The concentration of live rubella virus contained in the vaccine of each lot under test shall be no less than the equivalent of 1,000 $TCID_{50}$ of the reference virus per human dose.

§ 73.194 General requirements.

(a) *Final container tests.* In addition to the tests required pursuant to § 73.75, an immunological and virological identity test shall be performed on the final container if it was not performed on each pool or on the bulk vaccine prior to filling.

(b) *Dose.* These standards are based on an individual human immunizing dose of no less than 1,000 $TCID_{50}$ of Rubella Virus Vaccine, Live, expressed in terms of the assigned titer of the Reference Rubella Virus, Live.

(c) *Labeling.* In addition to the items required by other applicable labeling provisions of this part, single dose container labeling for vaccine which is not protected against photochemical deterioration shall include a statement cautioning against exposure to sunlight.

(d) *Photochemical deterioration; protection.* Rubella Virus Vaccine, Live, in multiple dose containers, shall be protected against photochemical deterioration in accordance with the procedures prescribed in § 73.144(g).

(e) *Samples; protocols; official release.* For each lot of vaccine, the following shall be submitted to the Director, Division of Biologics Standards, National Institutes of Health, Bethesda, Md. 20014:

(1) A protocol which consists of a summary of the history of the manufacture of each lot including all results of each test for which test results are requested by the Director, Division of Biologics Standards.

(2) A total of no less than 120 ml. in 10 ml. volumes, in a frozen state (−60° C.), of preclarification bulk vaccine containing no preservative or adjuvant, and no less than 100 ml. in 10 ml. volumes, in a frozen state (−60° C.), of postclarification bulk vaccine containing stabilizer but no preservative or adjuvant, taken prior to filling into final containers.

(3) A total of no less than 200 recommended doses of the vaccine in final labeled containers distributed equally between the number of fillings made from each bulk lot, except that the representation of a single filling shall be no less than 30 final containers.

The product shall not be issued by the manufacturer until notification of official release of the lot is received from the Director, Division of Biologics Standards.

§ 73.195 Clinical trials to qualify for license.

To qualify for license, the antigenicity of Rubella Virus Vaccine, Live, shall be determined by clinical trials that follow the procedures prescribed in § 73.145 except that the immunogenic effect shall be demonstrated by establishing that a protective antibody response has occurred in at least 90 percent of each of the five groups of rubella susceptible individuals, each having received the parenteral administration of a virus vaccine dose which is not greater than that which was demonstrated to be safe in field studies when used under comparable conditions.

§ 73.196 Equivalent methods.

Modification of any particular manufacturing method or process or the conditions under which it is conducted as set forth in the additional standards relating to Rubella Virus Vaccine, Live, shall be permitted whenever the manufacturer presents evidence that demonstrates the modification will provide assurances of the safety, purity, and potency of the vaccine that are equal to or greater than the assurances provided by such standards, and the Director, National Institutes of Health so finds and makes such finding a matter of official record.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216; sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262)

Dated: March 13, 1969.

ROBERT Q. MARSTON,
Director,
National Institutes of Health.

Approved: April 1, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-3966; Filed, Apr. 2, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 73]

[Airspace Docket No. 69-WE-20]

TEMPORARY RESTRICTED AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 73 of the Federal Aviation Regulations that would designate a temporary restricted area overlying the current Camp Roberts, Calif., Restricted Area R-2504, to provide a training range for Reserve Units during their annual active duty training encampments from June 14, through July 26, 1969.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 15 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The primary training area for Reserve Units is at the Hunter-Liggett Military Reservation (HLMR), however, it is anticipated that experimental commitments by the Combat Developments Combat Experimentation Command will severely limit the availability of ranges at this installation this summer. Weather conditions during the winter have severely hampered experiments and have set test schedules well in arrears. Two artillery battalions assigned for active duty training are in direct support of Selected Reserve Force Readiness Status units. As such they are required to maintain a high degree of combat readiness, necessitating a great amount of live firing.

Planned usage of the proposed area will permit release of the airspace for air traffic control purposes approximately 70 percent of the 6-week period. No firing is planned for weekends.

If action is taken to adopt this proposal, a new temporary Restricted Area, R-2504A will be designated at Camp Roberts, Calif., as follows:

R-2504A CAMP ROBERTS, CALIF.

Boundaries.—Beginning at lat. 35°42'18" N., long. 120°47'55" W.; to lat. 35°42'18" N., long. 120°47'20" W.; to lat 35°42'58" N., long. 120°45'33" W.; to lat. 35°46'38" N., long. 120°44'38" W.; to lat. 35°47'18" N., long. 120°44'45" W.; to lat. 35°47'54" N., long. 120°45'49" W.; to lat. 35°49'10" N., long. 120°45'40" W.; to lat. 35°51'00" N., long. 120°46'25" W.; to lat. 35°51'11" N., long. 120°47'55" W.; to lat. 35°48'50" N., long. 120°49'58" W.; to lat. 35°46'00" N., long. 120°49'55" W.; to lat. 35°44'03" N., long. 120°48'08" W.; to lat. 35°43'08" N., long. 120°49'00" W.; to lat. 35°42'44" N., long. 120°48'48" W.; to point of beginning.

Designated altitudes. 5,000 feet MSL to 10,000 feet MSL.

Time of designation. Monday through Friday, June 14 through July 26, 1969.

Controlling agency. FAA, Oakland ARTC Center.

Using agency. Commanding General, Fort Ord, Calif.

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 April 1, 1969.

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

[F.R. Doc. 69-3957; Filed, Apr. 2, 1969; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1048]

[Ex Parte No. MC-37 (Sub-No. 14)]

DEFINITION OF THE ATLANTA, GA., COMMERCIAL ZONE

Extension of Time for Filing Comments

MARCH 28, 1969.

Petitioners: East Texas Motor Freight, Inc., T.I.M.E. Freight, Inc., Akers Motor Lines, Inc., and Alterman Transport Lines, Inc. Petitioners' representatives: Paul M. Daniel and Bill R. Davis, 1600 First Federal Building, Atlanta, Ga. 30303. At the request of an interested party, anyone wishing to make representations in favor of, or against, the above-proposed specific definition of the boundary of the Atlanta, Ga., commercial zone, may do so by the submission of written data, views, or arguments. An original and seven copies of such data, views, or arguments shall be filed with the Commission on or before April 28, 1969. Each such statement shall include a statement of position with respect to the proposed revision, and a copy thereof should be served upon petitioners' representatives.

This extends the time on or before which such statements may be filed, from March 31, 1969, as set forth in the previous publication of February 26, 1969.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-3893; Filed, Apr. 2, 1969; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

CAMEL HAIR, SORTED

Importation Directly From Czechoslovakia; Available Certifications

Notice is hereby given that certificates of origin issued by the Ministry of Foreign Trade of the Government of Czechoslovakia under procedures agreed upon between that government and the Office of Foreign Assets Control in connection with the Foreign Assets Control Regulations are now available with respect to the importation into the United States directly, or on a through bill of lading, from Czechoslovakia of the following commodity:

Camel hair, sorted.

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

[F.R. Doc. 69-3951; Filed, Apr. 2, 1969; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Filing of California State Protraction Diagrams

Correction

In F.R. Doc. 69-3310 appearing at page 5446 in the issue of Thursday, March 20, 1969, in the California Protraction Diagram No. 170 under "T. 42 N., R. 6 E.,", a line following "Sec. 21, W½;" should be added to read "Sec. 28, W½;". In California Protraction Diagram No. 171 under "T. 43 N., R. 3 E.," the second line should read "Sec. 19, W½;".

ATOMIC ENERGY COMMISSION

[Docket No. 50-286]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Order Reconvening Hearing

In the matter of Consolidated Edison Company of New York, Inc. (Indian Point Nuclear Generating Unit 3); Docket No. 50-286.

On March 26, 1969, during the course of the hearing in this proceeding, the intervenor Citizens Committee for the Protection of the Environment made a motion for a continuance of the hearing after a recess, in order to reconvene on April 28, 1969. The grounds of the motion were that more time was needed in order to adequately prepare for a consideration of the evidence adduced and proposed to be presented in the proceeding.

Upon a consideration of the motion, and the answers by all of the parties to the proceeding and responses made in connection therewith:

It is ordered, In accordance with the Atomic Energy Act, as amended, and the Commission's rules of practice, that the hearing in this proceeding, now in recess, shall resume and reconvene at 10 a.m., on Monday, April 28, 1969, in the auditorium at Spring Vale Inn, on Highway Route 9A at Crueger, N.Y. (which is near Buchanan, N.Y., the site of the proposed nuclear facility).

This order is supplementary to and in confirmation of the oral order to this effect issued on the record and reflected in the transcript of the proceeding during the hearing before its recess on March 27, 1969.

Issued: April 1, 1969, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[F.R. Doc. 69-3964; Filed, Apr. 2, 1969; 8:48 a.m.]

[Dockets Nos. 50-317, 50-318]

BALTIMORE GAS AND ELECTRIC CO.

Notice of Hearing on Application for Provisional Construction Permits

In the matter of Baltimore Gas and Electric Co. (Calvert Cliffs Nuclear Power Plant, Unit Nos. 7 and 2); Dockets Nos. 50-317, 50-318.

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities", and Part 2, "Rules of Practice", notice is hereby given that a hearing will be held at 10 a.m., local time, on May 12, 1969, in the Calvert County Courthouse, Route 2, Prince Frederick, Md., to consider the application filed under § 104 b of the Act by Baltimore Gas and Electric Co. (the applicant) for provisional construction permits for two pressurized water reactors, each designed to initially operate at 2440 megawatts (thermal), to be located at the applicant's site along the western shore of the Chesapeake Bay in Calvert County, Md., about 10 miles southeast of Prince Frederick, Md.

The hearing will be conducted by the Atomic Safety and Licensing Board designated by the Atomic Energy Commission, consisting of Mr. Arthur W. Murphy, Chairman, New York City; Mr. Reuel C. Stratton, Hartford, Conn.; and Dr. Clarke Williams, Upton, N.Y. Dr. A. Dixon Callihan, Oak Ridge, Tenn., has been designated as a technically qualified alternate, and Mr. Valentine B. Deale, Washington, D.C., has been designated as an alternate qualified in the conduct of administrative proceedings.

A prehearing conference will be held by the Board at 10 a.m., local time on April 29, 1969, in the Federal Office Building No. 7, Room 2008, 726 Jackson Place NW., Washington, D.C., to consider the matters provided for consideration by § 2.752 of 10 CFR Part 2 and section II of Appendix "A" to 10 CFR Part 2.

The Director of Regulation proposes to make affirmative findings on Item Numbers 1-3 and a negative finding on Item 4 specified below as the basis for the issuance of provisional construction permits to the applicant substantially in the form proposed in Appendices "A" and "B" hereto.

1. Whether in accordance with the provisions of 10 CFR 50.35(a):

(a) The applicant has described the proposed design of the facilities including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information, as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis reports;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted, a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest dates stated in the application for completion of construction of the proposed facilities, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facilities can be constructed and operated at the proposed location without undue risk to the health and safety of the public;

2. Whether the applicant is technically qualified to design and construct the proposed facilities;

3. Whether the applicant is financially qualified to design and construct the proposed facilities; and

4. Whether the issuance of permits for the construction of the facilities will be inimical to the common defense and security or to the health and safety of the public.

In the event that this proceeding is not a contested proceeding, as defined

by § 2.4 of the Commission's rules of practice, 10 CFR Part 2, the Board will, without conducting a de novo evaluation of the application, consider the issues of whether the application and the record of the proceeding contain sufficient information, and the review by the Commission's regulatory staff has been adequate, to support the findings proposed to be made and the provisional construction permits proposed to be issued by the Director of Regulation.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as the issues in this proceeding, Item Numbers 1 through 4 above as the basis for determining whether the provisional construction permits should be issued to the applicant.

As they become available, the application, the applicant's summary of the application, the report of the Commission's Advisory Committee on Reactor Safeguards (ACRS) and the Safety Evaluation by the Commission's regulatory staff will be placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., where they will be available for inspection by members of the public. Copies of the application and the regulatory staff's Safety Evaluation will also be available at the Calvert County Courthouse, Route 2. Prince Frederick, Md., for inspection by members of the public during regular business hours. Copies of the ACRS report and the regulatory staff's Safety Evaluation may be obtained by request to the Director of the Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issues specified, but who does not wish to file a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of § 2.715 of the Commission's rules of practice, 10 CFR Part 2. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, by April 24, 1969.

Any person whose interest may be affected by the proceeding who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding must file a petition for leave to intervene.

Petitions for leave to intervene, pursuant to the provisions of § 2.714 of the Commission's rules of practice, 10 CFR Part 2, must be received in the Office of the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., nct later than April 24, 1969, or in the event of a postponement of the prehearing conference, at such time as the Board may specify. The petition shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by Commission action, and the contentions of the petitioner in reasonably specific detail. A petition which sets forth contentions relating only to matters outside the Commission's jurisdiction will be denied. A petition for leave to intervene which is not timely filed will be denied unless the petitioner shows good cause for failure to file it on time.

A person permitted to intervene becomes a party to the proceeding, and has all the rights of the applicant and the regulatory staff to participate fully in the conduct of the hearing. For example, he may examine and cross-examine witnesses. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of § 2.705 of the Commission's rules of practice, 10 CFR Part 2, must be filed by the applicant on or before April 24, 1969.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary, United States Atomic Energy Commission, Washington, D.C. 20545. Attention: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Pending further order of the Board, parties are required to file, pursuant to the provisions of § 2.708 of the Commission's rules of practice, 10 CFR Part 2, an original and 20 conformed copies of each such paper with the Commission.

Dated at Germantown, Md., this 28th day of March 1969.

UNITED STATES ATOMIC ENERGY COMMISSION,
W. B. McCOOL,
Secretary.

[Docket No. 50-317]

PROVISIONAL CONSTRUCTION PERMIT

Construction Permit No. ------

1. Pursuant to § 104b. of the Atomic Energy Act of 1954, as amended (the Act), and Title 10, Chapter I, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities", and pursuant to the order of the Atomic Safety and Licensing Board, the Atomic Energy Commission (the Commission) hereby issues a provisional construction permit to the Baltimore Gas and Electric Co. (the applicant) for a utilization facility (the facility), designed to operate at 2440 megawatts (thermal), described in the application and amendments thereto (the application) filed in this matter by the applicant and as more fully described in the evidence received at the public hearing upon that application. The facility, known as the Calvert Cliffs Nuclear Power Plant, Unit No. 1, will be located at the applicant's site along the western shore of the Chesapeake Bay in Calvert County, Md., about 10½ miles southeast of Prince Frederick, Md.

2. This permit shall be deemed to contain and be subjct to the conditions specified in §§ 50.54 and 50.55 of said 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 conditions specified or incorporated below:

A. The earliest date for the completion of the facility is April 1, 1972, and the latest date for completion of the facility is April 1, 1973.

B. The facility shall be constructed and located at the site as described in the application in Calvert County, Md.

C. This construction permit authorizes the applicant to construct the facility described in the application and the hearing record in accordance with the principal architectural and engineering criteria set forth therein.

3. This permit is provisional to the extent that a license authorizing operation of the facility will not be issued by the Commission unless (a) the applicant submits to the Commission, by amendment to the application, the complete final safety analysis report, portions of which may be submitted and evaluated from time to time; (b) the Commission finds that the final design provides reasonable assurance that the health and safety of the public will not be endangered by the operation of the facility in accordance with procedures approved by it in connection with the issuance of said license; and (c) the applicant submits proof of financial protection and the execution of an indemnity agreement as required by § 170 of the Act.

For the Atomic Energy Commission.

[Dockct No. 50-318]

PROVISIONAL CONSTRUCTION PERMIT

Construction Pcrmit No. -------

1. Pursuant to § 104 b. of the Atomic Energy Act of 1954, as amended (the Act), and Title 10, Chapter I, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities", and pursuant to the order of the Atomic Safety and Licensing Board, the Atomic Energy Commission (the Commission) hereby issues a provisional construction permit to the Baltimore Gas and Electric Co. (the applicant) for a utilization facility (the facility), designed to operate at 2,440 megawatts (thermal), described in the application and amendments thereto (the application) filed in this matter by the applicant as more fuily described in the evidence received at the public hearing upon that application. The facility, known as the Calvert Cliffs Nuclear Power Plant, Unit No. 2, will be located at the applicant's site along the western shore of the Chesapeake Bay in Calvert County, Md., about 10½ miles southeast of Prince Frederick, Md.

2. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said 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 conditions specified or incorporated below:

A. The earliest date for the completion of the facility is April 1, 1973, and the latest date for completion of the facility is April 1, 1974.

B. The facility shall be constructed and located at the site as described in the application in Calvert County, Md.

C. This construction permit authorizes the applicant to construct the facility described

in the application and the hearing record in accordance with the principal architectural and engineering criteria set forth therein.

3. This permit is provisional to the extent that a license authorizing operation of the facility will not be issued by the Commission unless (a) the applicant submits to the Commission, by amendment to the application, the complete final safety analysis report, portions of which may be submitted and evaluated from time to time; (b) the Commission finds that the final design provides reasonable assurance that the health and safety of the public will not be endangered by the operation of the facility in accordance with procedures approved by it in connection with the issuance of said license; and (c) the applicant submits proof of financial protection and the execution of an indemnity agreement as required by § 170 of the Act.

For the Atomic Energy Commission.

[F.R. Doc. 69-3899; Filed, Apr. 1, 1969; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 19847, 19858; Order 69-3-97]

CITY OF LOS ANGELES, CALIF., ET AL.

Order Issuing Amended Certificates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of March 1969.

Application of city of Los Angeles, Calif. and Los Angeles area Chamber of Commerce for amendments of certificates of certain named air carriers so as to designate Ontario International Airport as a hyphenated point with Los Angeles International Airport, Docket 19847; application of city of Long Beach, Calif. and Long Beach Chamber of Commerce for amendments of certificates of certain named air carriers so as to designate Long Beach Airport as a hyphenated point with Los Angeles International Airport, Docket 19858.

By Order 68-8-118, dated August 29, 1968, the Board directed all interested parties to show cause why the certificates of certain air carriers[1] should not be amended so as to designate Ontario and Long Beach as a hyphenated point with Los Angeles. The order required that any interested persons having objections to the issuance of an order making final these findings and conclusions file such objections within 20 days. All air carriers filing certificate amendment applications pursuant to Order 68-8-118 (hereinafter referred to as the show cause order) were directed to file such applications within the same period of time.

Responsive pleadings have been received from Airlift International, Inc. (Airlift), Air West, Continental, Delta, National, TWA, Western, World Airways, Inc. (World), and the city of Long Beach, Calif., and the Long Beach Chamber of Commerce (the Long Beach Parties). World has also filed a motion to consolidate its application in Docket 18468[2] into Dockets 19847 and 19858, and/or with the applications of American, United, and TWA filed pursuant to the show cause order. Answers to World's motion were filed by American and TWA.[3] Certificate amendment applications pursuant to the show cause order have been received from Airlift, Air West, American, Continental, Delta, Flying Tiger, National,[4] TWA, United, and Western.

On December 17, 1968, the Long Beach Parties filed a motion seeking a temporary deferral of Board action for a period of 90 days with respect to the designation of Long Beach as a hyphenated point with Los Angeles. The petitioners allege that there has been strong opposition to the finalization of the show cause order by a large number of Long Beach residents and that this postponement will enable the city council to reassess its position as to the future of Long Beach Airport and to study the possibility of building an offshore airport. The Long Beach Parties also state that they would have no objection to the severance of their application from that of the Los Angeles Parties and/or to the issuance of an order making final the tentative findings and conclusions in the show cause order with respect to the proposed hyphenation of Ontario with Los Angeles. The Los Angeles Parties filed an answer stating that they have no objection to the temporary deferral of action as to the hyphenation of Long Beach if this would not delay the granting of their application. Subsequently, on January 23, 1969, the city of Long Beach filed another motion requesting permission to withdraw its application and for dismissal of proceedings as to the city of Long Beach. In support of this motion the city of Long Beach states that a policy decision as to the future development of Long Beach Airport will require more time and that, consequently, the Long Beach city council voted to withdraw its application. No answers have been filed in response to this motion. Upon consideration of these pleadings we have decided to dismiss the application of the Long Beach Parties.[5]

We conclude that the tentative findings and conclusions contained in Order 68-8-118, dated August 29, 1968, should be made final,[6] to the extent that they propose that Ontario be made a hyphenated point with Los Angeles, and (a) except with respect to amending the certificate of Air West for route 76 insofar as they would enable the carrier to schedule nonstop service on segments 7 and 11 between Ontario and San Diego, and insofar as they would authorize the carrier to provide nonstop service on segment 12 between Ontario and Salt Lake City; (b) except with respect to amending the certificates of American, TWA, and United insofar as they would enable these carriers to provide single-plane service between Ontario, on the one hand, and New York, Newark, Washington, and Baltimore, on the other hand, and (c) except with respect to amending Western's certificate for route 35. We further conclude that the public convenience and necessity require the amendment of the certificates of public convenience and necessity of the carriers listed in footnote one of this order, other than Western, in the form and manner set forth in the attached certificates.

Western objects to the proposed amendment of Air West's certificate for route 76 insofar as it would amend segment 11 so as to permit nonstop service between San Diego and Ontario, and amend segment 12 so as to permit service between Salt Lake City and Ontario. World objects to the Board's tentative findings and conclusions insofar as they would grant operating authority to American, TWA, and United to conduct transcontinental services between New York/Newark and Washington/Baltimore, on the one hand, and Ontario, on the other hand. Western and World both request a hearing on their respective objections. Under these circumstances, we have decided not to make final the authority proposed with respect to the above markets.[7] Moreover, no purpose will be served by amending Western's certificate for route 35 in the manner proposed by the show cause order. Los Angeles is presently named on this route only as a terminal point on segment 4, and our preset restriction against single-plane service between Ontario and Phoenix would effectively nullify the hyphenation of Ontario with Los Angeles on this segment.

Continental seeks to alter the procedure proposed in the show cause order,

[1] Air West, Inc., for route 76 (segments 7, 11, and 12 only); American Airlines, Inc., for route 4; Continental Air Lines, Inc., for route 29; Delta Air Lines, Inc., for route 24; The Flying Tiger Line, Inc., for route 100; National Airlines, Inc., for route 39; Trans World Airlines, Inc., for route 2; United Air Lines, Inc., for route 1; and Western Air Lines, Inc., for route 35.

[2] World's application in Docket 18468 requests certificate authority between the coterminal points Oakland/San Francisco and Los Angeles/Long Beach/Ontario, on the one hand, and the coterminal points New York/Newark and Washington/Baltimore, on the other hand.

[3] TWA also filed a motion for leave to file an unauthorized document. We will accept TWA's late-filed answer since just cause was shown.

[4] National's application was filed on February 17, 1969. We will accept National's late-filed application.

[5] Consequehtly, we will not discuss the objections to making final the authority proposed in the Long Beach markets. The various responses to the show cause order, to the extent that they concern the hyphenation of Ontario with Los Angeles, are discussed below.

[6] Restrictions proposed in ordering paragraph 2(b) of the show cause order are only applicable to an award in the proceeding and are clearly inapplicable to existing authority.

[7] We note that while Western objected to the amendment of segment 11 insofar as that amendment would permit Air West to provide nonstop service between San Diego and Ontario, it didn't object to Air West providing nonstop service between San Diego and Ontario pursuant to the proposed amendment of segment 7. We will, however, also prohibit the scheduling of nonstop service by Air West between San Diego and Ontario over this latter segment.

and TWA seeks to broaden the authority we have proposed. We will deny the requests of these carriers. Continental seeks modification of the show cause order so as to provide for designation of Ontario as a hyphenated point only after submission of specific service proposals for specific markets by carriers already authorized to serve the prime market. We do not believe that this procedure suggested by Continental is appropriate or required in the present situation. TWA requests that a long-haul restriction rather than a restriction against single-plane service be imposed in the markets listed in ordering paragraph 2(b) of the show cause order. We believe that such a long-haul restriction would not be a sufficient protection for the local service carrier, Air West.

Certificate amendment applications seeking the authority proposed in the Board's Show Cause order were submitted by all carriers listed in footnote one of this order. All of these carriers, with the exception of TWA and National, estimate that their gross annual transport revenue increases for the first full year of operations would fall within the range of $0–$100,000. TWA submitted an estimate within the $100,000–$1,000,000 range and National did not submit any estimate at all. The Board does not accept as reasonable the estimates of American, Continental, Delta, and United. In addition to other authority these carriers will be receiving, American and United will be able to provide service to Ontario from such points as Boston, Philadelphia, Cleveland, and Chicago; Continental will receive authority to provide service to Ontario from such points as Chicago, Kansas City, and Denver; and Delta will be able to provide service to Ontario from such points as Atlanta and New Orleans. National will be authorized to serve Ontario from New Orleans and Miami. The Board accepts as reasonable the estimates of Air West and Flying Tiger, which will be receiving more limited authority than the other carriers involved, and also accepts as reasonable the estimate of TWA.

Consequently, we find that the increases in gross annual transport revenues for the first full year of operations for American, Continental, Delta, National, TWA, and United will be within the $100,000–$1,000,000 range as set forth in § 389.25 (Schedule of Filing and Licensing Fees), and that the revenues of Air West and Flying Tiger will fall within the range of $0–$100,000.

Air West filed a petition for reconsideration in which the carrier states that it has no objection to the show cause order as currently framed but urges that more effective authority should be conferred upon it. Specifically, Air West seeks amendment of its certificate for route 76 so as to redesignate the intermediate point Los Angeles as Los Angeles-Ontario on segment 2(b)(iii) and to redesignate the terminal point Los Angeles as Los Angeles-Long Beach on segments 8 and 9.

Airlift, while not objecting to the Board's show cause order, requests the inclusion of Long Beach and Ontario as a hyphenated point with Los Angeles in its certificate. Airlift states that its authorization to serve Los Angeles (Order E–26810, dated May 20, 1968) and its implementation of such authority on August 19, 1968, were both subsequent to the basic application in this proceeding, and therefore its name did not appear in either of the original applications.

Upon consideration of these pleadings we are now persuaded that additional authority should be proposed for Air West, Airlift, and United. We tentatively find that the public convenience and necessity require the redesignations requested by Air West[8] and Airlift to the extent that these carriers propose that Ontario be made a hyphenated point with Los Angeles. In addition, we tentatively find that the public convenience and necessity require amending United's certificate for route 1 so as to redesignate the intermediate point Los Angeles-Long Beach as Los Angeles-Ontario-Long Beach on segment 7 subject to the restrictions set forth in ordering paragraph 6 of this order and further subject to a restriction prohibiting single-plane service between Ontario and Tacoma.[9] Amending the certificates of Air West and United in this manner will allow both carriers to provide service to Ontario from points they are now authorized to serve through Los Angeles.[10]

The findings and conclusions contained in Order 68–8–118, to the extent that they relate to Ontario being made a hyphenated point with Los Angeles, apply with equal force in this instance and are incorporated herein by reference. We shall grant interested persons 20 days in which to show cause: (1) Why the certificate of public convenience and necessity held by Airlift should not be amended so as to redesignate the intermediate point Los Angeles on segment 4 of route 120 as Long Angeles-Ontario, subject to the restrictions set forth in ordering paragraph 6 of this order; (2) why the certificate of public convenience and necessity held by Air West for route 76 should not be amended so as to redesignate the intermediate point Los Angeles as Los Angeles-Ontario on segment 2(b)(iii), subject to a restriction prohibiting single-plane service over this segment between Ontario and either San Jose or San Diego;[10a] and (3) why the certificate of public convenience and necessity held by United for route 1 should not be amended so as to redesignate the intermediate point Los Angeles-Long Beach as Los Angeles-Ontario-Long Beach on segment 7, subject to the restrictions set forth in ordering paragraph 6 of this order and further subject to a restriction prohibiting single-plane service between Ontario and Tacoma.

Accordingly, it is ordered, That:

1. The motion of Trans World Airlines, Inc., for leave to file an unauthorized document be and it hereby is granted;

2. The application in Docket 19858 of the city of Long Beach, Calif., and the Long Beach Chamber of Commerce for amendments of the certificates of certain named air carriers so as to designate Long Beach Airport as a hyphenated point with Los Angeles International Airport be and it hereby is dismissed;

3. The findings and conclusions set forth in Order 68–8–118, dated August 29, 1968, be and they hereby are made final, to the extent that they proposed that Ontario be made a hyphenated point with Los Angeles, and (a) except with respect to amending the certificate of public convenience and necessity of Air West, Inc. for route 76 insofar as they would enable the carrier to schedule nonstop service on segments 7 and 11 between Ontario and San Diego, and insofar as they would authorize the carrier to provide nonstop service on segment 12 between Ontario and Salt Lake City; and (b) except with respect to amending the certificates of American Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc., insofar as they would enable these carriers to provide single-plane service between Ontario on the on hand, and New York, Newark, Washington, and Baltimore on on the other hand;

4. Amended certificates of public convenience and necessity in the forms attached hereto be issued to Air West, Inc., for route 76; American Airlines, Inc., for route 4; Continental Air Lines, Inc., for route 29; Delta Air Lines, Inc., for route 24; The Flying Tiger Line, Inc., for route 100; National Airlines, Inc., for route 39; Trans World Airlines, Inc., for route 2; and United Air Lines, Inc., for route 1;

5. Said certificates shall be signed on behalf of the Board by its Secretary, shall have affixed thereto the seal of the Board, and shall be effective on April 11, 1969: *Provided, however,* That the effective date of said certificates shall automatically be postponed until further Board order if the appropriate license fees are not paid pursuant to § 389.21(b) of the regulations;

6. Any service operated by any carrier except Air West, Inc., pursuant to the authority granted herein shall be subject to

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[8] We will not, however, include the issue of service between Ontario and San Diego or San Jose because service between these points is in issue in the Pacific Northwest-California Service Investigation (Orders E–25504, dated August 8, 1967, and 68–9–78, dated September 18, 1968).

[9] Service between Ontario and Tacoma and in some of the markets which are the subject of the restriction of ordering paragraph 6 of this order are in issue in the Pacific Northwest-California case.

[10] These Ontario markets in which we are proposing authority for Air West are Reno, Sacramento, Stockton, Monterey-Salinas, Fresno, Bakersfield, Santa Barbara, Lake Tahoe, San Luis Obispo-Paso Robles, Santa Maria, Oxnard-Ventura, and Palmdale-Lancaster. In the following Ontario markets we are proposing authority for United: Visalia, Merced, Modesto, Medford, Eugene, Salem, and Spokane.

[10a] This restriction will not, of course, affect Air West's existing authority to operate between Ontario and either San Jose or San Diego over a combination of segments.

a restriction prohibiting single-plane service between Ontario, on the one hand, and Las Vegas, Los Angeles, Fresno, Bakersfield, Reno, Portland, Santa Barbara, San Diego, Monterey, Sacramento, Stockton, Long Beach, Phoenix, Tucson, Seattle, San Francisco/Oakland, San Jose, or Salt Lake City, on the other hand;[11]

7. The motion of World Airways, Inc., to consolidate its application in Docket 18468 into Dockets 19847 and 19858, and/or into the applications of American Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc., filed pursuant to Order 68–8–118, dated August 29, 1968, be and it hereby is denied;

8. The petition of Air West, Inc., for reconsideration of Order 68–8–118, dated August 29, 1968, except to the extent granted herein, be and it hereby is denied;

9. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein with respect to the request of Airlift International, Inc., and issue at the appropriate time an amended certificate to Airlift International, Inc., redesignating the intermediate point Los Angeles on segment 4 of route 120 as Los Angeles-Ontario, subject to the single-plane restriction referred to in ordering paragraph 6 above;

10. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein with respect to the request of Air West, Inc., and issue at the appropriate time an amended certificate to Air West, Inc., for route 76 redesignating the intermediate point Los Angeles as Los Angeles-Ontario on segment 2(b)(iii), subject to a restriction prohibiting single-plane service over this segment between Ontario and either San Jose or San Diego;

11. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein with respect to amending the certificate of United Air Lines, Inc., and issue at the appropriate time an amended certificate to United Air Lines, Inc., for route 1 redesignating the intermediate point Los Angeles-Long Beach as Los Angeles-Ontario-Long Beach on segment 7, subject to the restriction set forth in ordering paragraph 6 of this order and further subject to a restriction prohibiting single-plane service between Ontario and Tacoma;

12. Any interested persons having objections to the issuance of an order making final the proposed findings, conclusions, and certificate amendments set forth in paragraphs 9, 10, and 11 shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections; all motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests, or petitions for reconsideration of this order will be entertained:

13. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;

14. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the case will be submitted to the Board for final action; and

15. A copy of this order shall be served upon the following persons who are hereby made parties to this proceeding: Air West, Inc.; American Airlines, Inc.; Continental Air Lines, Inc.; Delta Air Lines, Inc.; The Flying Tiger Line, Inc.; Los Angeles Airways, Inc.; National Airlines, Inc.; Pan American World Airways, Inc.; Trans World Airlines, Inc.; United Air Lines, Inc.; Western Air Lines, Inc.; the city of Los Angeles, Calif.; and Los Angeles Area Chamber of Commerce, the city of Long Beach, Calif., and Long Beach Chamber of Commerce; and the city of Ontario, Calif.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69–3900; Filed, Apr. 2, 1969; 8:48 a.m.]

[11] In the certificates which are filed as part of the original document, as in any which may hereafter be issued in this proceeding, this restriction is made applicable to only those markets where otherwise the holder would acquire effective single-plane authority. It does not affect any authority the holder may already possess to operate between the points named.

[Docket No. 20812; Order 69–3–43]

HOUSEHOLD GOODS AIRFREIGHT FORWARDER INVESTIGATION

Order Instituting Investigation and Consolidating Applications

Correction

In F.R. Doc. 69–3226 appearing at page 5344 in the issue of Tuesday, March 18, 1969, the following corrections should be made in footnote 2:

1. The word "stroes" in the sixth line should read "stores".

2. The ninth line should read "equipment or supply of such stores, or offices,".

[Docket No. 20863; Order 69–3–117]

RUTAS AEREAS NACIONALES, S.A. (RANSA)

Order To Show Cause Regarding Cancellation of Foreign Air Carrier Permit

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of March 1969.

Rutas Aereas Nacionales, S.A. (RANSA), holds a foreign air carrier permit which authorizes foreign air transportation with respect to persons, property, and mail between the coterminal points Maiquetia (Caracas), Maracaibo, and Barcelona, Venezuela; the intermediate points Aruba and Curacao, N.W.I.; Kingston, Jamaica, B.W.I.; and the terminal point Miami, Fla.[1] On January 6, 1969, the United States was informed by the Government of Venezuela that on June 12, 1967, it canceled all the permits issued to RANSA, including the designation of the carrier under the bilateral agreement between the United States and Venezuela to operate the foregoing route.

In view of the fact that the Government of Venezuela has canceled RANSA's permits and withdrawn RANSA's designation under the Air Transport Agreement between the United States and Venezuela, effective August 22, 1953, the Board has tentatively concluded that, subject to the approval of the President, the foreign air carrier permit held by RANSA should be canceled.

Accordingly, it is ordered:

1. That all interested persons are directed to show cause why the Board should not issue an order which would make final the tentative findings and conclusions herein and which would, subject to the approval of the President, cancel the foreign air carrier permits held by Rutas Aereas Nacionales, S.A. (RANSA).

2. That any interested persons having objection to the issuance of such an order shall file with the Board a statement of objections supported by evidence within 20 days of service of this order; [2]

3. That if timely and properly supported objections are filed, further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. That in the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. That copies of this order shall be served upon the following: Rutas Aereas Nacionales, S.A.; and the Ambassador of the Government of Venezuela.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69–3902; Filed, Apr. 2, 1969; 8:48 a.m.]

[1] Order E–8001, approved by the President on Dec. 24, 1953.

[2] Since provision is made for response to this order, petitions for reconsideration of this order will not be entertained.

FEDERAL COMMUNICATIONS COMMISSION

[Report 433]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

MARCH 31, 1969.

Pursuant to §§ 1.227(b)(3) and 21.26 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cutoff rules 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).

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign, and nature of application

5544–C2–P–69—The Mountain States Telephone & Telegraph Co.; (KOE511); C.P. to install an additional channel to operate on base frequency 152.69 MHz and change antenna system at station located 14.2 miles northeast of Tensleep, Wyo.

5545–C2–P–69—Radiopaging, Inc.; (KIE367); C.P. to replace transmitter operating on base frequency 43.58 MHz and to add a standby transmitter to operate on base frequency 43.58 MHz at its station located 111 Northeast Second Avenue, Miami, Fla.

5547–C2–P–(3)–69—Washington Mobile Telephone Co.; (New); C.P. for a new 2-way station to be located at 5217 19th Road, North Arlington, Va., to operate on base frequencies: 454.125, 454.175, and 454.325 MHz.

5548–C2–P–69—General Telephone Co. of California; (New); C.P. for a new 2-way station, Frequency: 454.375 MHz. Location: 415 South Brand Boulevard, San Fernando, Calif.

5549–C2–P–69—Home Telephone Co., Inc.; (New); C.P. for a new 2-way station to be located ¼ mile west of intersections at South Carolina Highway 52 and U.S. Highway Alternate 17 on Road No. S–8–365, Moncks Corner, S.C., to operate on base frequency 152.60 MHz.

5550–C2–P–69—The Mountain States Telephone & Telegraph Co.; (KOA791); C.P. to change base frequency from 152.63 MHz to 152.54 MHz at its station located 3 miles northwest of Wolf Point, Mont.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—continued

5620–C2–P–69—Vincent W. Elliott, Phil B. Ford, and James F. Sproule, doing business as Salem Radio Paging; (New); C.P. for a new 1-way-signaling station, to be located 7.5 miles southwest of Salem, Oreg., to operate on frequency 43.22 MHz.

5621–C2–P–69—General Telephone Co. of the Southwest; (KLB791); C.P. to install a third channel to operate on base frequency 152.60 MHz at its station located 3.3 miles west of Texarkana, Tex.

5622–C2–P–69—Virginia Telephone & Telegraph Co.; (New); C.P. for a new 1-way-signaling station. Frequency: 152.84 MHz. Location: On State Route No. 631, 0.3 mile east of U.S. Highway No. 29, 1 mile north of Charlottesville, Va.

4887–C2–R–69—The C. & P. Telephone Co. of Virginia; (KWA641); Renewal of developmental station license expiring May 14, 1969. Term: May 14, 1969, to May 14, 1970.

5666–C2–P–69—Southern Bell Telephone & Telegraph Co.; (KIQ998); C.P. to change base station location from 4 miles west of Ormond, Fla., to 268 North Ridgewood Avenue, Daytona Beach, Fla., and change antenna system operating on base frequency 152.57 MHz.

5711–C2–P–69—Gerard T. Uht; (KGH857); C.P. to install an additional base channel to operate on frequency 152.06 MHz at its station located on U.S. Route No. 19, 5 miles south of Erie, Pa.

Major Amendment

2710–C2–P–69—Southwestern Bell Telephone & Telegraph Co.; (KAA818); Application amended to add a test station at 1010 Pine Street, St. Louis, Mo., to operate on frequencies 459.375, 459.425, 459.450, and 459.550 MHz, all other particulars to remain same as listed on public notice dated Nov. 12, 1968.

Correction

4605–C2–P–69—Peacock Radio Service; (New); Correct entry to read: C.P. for a new 1-way signaling station. Frequency 152.24 MHz. Location No. 1: Pierce and Lincoln Streets, Clearwater, Fla., and location No. 2: 1660 Central Avenue, St. Petersburg, Fla. All other particulars to remain as listed on public notice dated Feb. 10, 1969. Report No. 426.

Renewals of licenses expiring Apr. 1, 1969. Term: Apr. 1, 1969, to Apr. 1, 1974.

Licensee	*Call sign*
ALASKA	
Communications Engineering, Inc.	KWA633
CALIFORNIA	
Stockton Mobilphone, Inc	KMA616
Do	KMD347
COLORADO	
Mobile Radio-Telephone Service, Inc.	KAA276
IOWA	
Electronic Engineering Co	KLF554
KANSAS	
The Allied Companies, Inc	KAL873
KENTUCKY	
Bluegrass Radiotelephone	KIY761
LOUISIANA	
Southern Message Service, Inc	KLF528
MISSISSIPPI	
Doctors' Exchange and Telephone Answering Service, Inc.	KLB510
MISSOURI	
Atlas Security Service, Inc	KFL946
MONTANA	
General Electronics Co	KLF492
WASHINGTON	
Tele-Comm, Inc	KON925
Do	KOP246
Do	KOP253
WEST VIRGINIA	
Capitol Radio Telephone Co	KQD614

RURAL RADIO SERVICE

5546–C1–P/L–69—The Mountain States Telephone & Telegraph Co.; (New); C.P. and license for a new rural subscriber fixed station. Frequency: 157.95 MHz. Subscriber and location: Marathon Oil Co., 20.5 miles south of Kemmerer, Wyo.

5551–C1–P/L–69—The Pacific Telephone & Telegraph Co.; (New); C.P. and license for a new rural subscriber fixed station. Frequencies: 157.77 and 157.89 MHz. Subscriber and location: Parachute Test Range, El Centro NAF, 10 miles northwest of Imperial, Calif.

RURAL RADIO SERVICE—continued

4612–C1–R–68—General Telephone Co. of the Southwest; (KKA93); Renewal of license expiring Nov. 1, 1968. Term Nov. 1, 1968, to Nov. 1, 1973.

5623–C1–P–69—General Telephone Co. of the Southwest; (KYS98); C.P. to change frequency 158.01 MHz to 157.92 MHz at its station located 17 miles southwest of Whites City, N. Mex.

5667–C1–P/L–69—Radio Telephone Communications, Inc.; (KJC93); C.P. and license to reinstate expired station. Frequency: 158.55 MHz. Location: (15 units) operating at any temporary fixed location within the territory of the grantee.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)

5552–C1–P–69—The Mountain States Telephone & Telegraph Co.; (New); C.P. for a new fixed station, frequencies: 10,955 and 5937.8 MHz. Location: In Idaho directly across Snake River from Copperfield, Oreg.

5553–C1–P–69—The Mountain States Telephone & Telegraph Co.; (KPY64); C.P. to add frequencies 11,405 and 6189.8 MHz via passive reflector toward Snake River, change azimuth length of path toward Hells Canyon and change antenna system at its station located 2 miles west of Cuprum, Idaho.

5554–C1–P–69—The Mountain States Telephone & Telegraph Co.; (KPY65); C.P. to change antenna location from Hell's Canyon, 9.5 miles north of Cuprum, Idaho, to: 11 miles north-northwest of Cuprum, Idaho. Frequencies: 6056.4 and 10,795 MHz.

American Telephone & Telegraph Co.—C.P.'s (16) sixteen to construct one pair of telephone channels and one pair of protection channels on a new radio relay route between Albuquerque Junction, N. Mex., and Phoenix, Ariz., utilizing Western Electric type TH–3 equipment, also one pair of Farinon Electric Co. Type SS2000T2 plant maintenance channels will be provided in the Los Lunas-Las Nutrias, N. Mex., section and one pair of Farinon Type SS4000A in the Las Nutrias-Casa Grande, Ariz., section of the proposed new route, these channels will be operated on hot standby basis as follows:

5641–C1–P–69—American Telephone & Telegraph Co.; (KKP86); Add 6286.2 and 6404.8 MHz toward Los Lunas, N. Mex., at station located 11 miles west-southwest of Albuquerque, N. Mex.

5642–C1–P–69—American Telephone & Telegraph Co.; (KKW32); Add 6034.2 and 6152.8 MHz toward Albuquerque Junction, 6286.2, 6404.8 and 2129.0 MHz toward Las Nutrias, N. Mex., and change antenna system at station located 4.8 miles west of Los Lunas, N. Mex.

5643–C1–P–69—American Telephone & Telegraph Co.; (New); C.P. for a new fixed station. Frequencies: 6034.2, 6152.8, 2179.0, and 4198 MHz. Location: 4.2 miles southeast of Las Nutrias, N. Mex.

5644–C1–P–69—American Telephone & Telegraph Co.; (New); C.P. for a new fixed station. Frequencies: 6286.2, 6404.8, and 4190 MHz. Location: 10.5 miles west-northwest of La Joya, N. Mex.

5645–C1–P–69—American Telephone & Telegraph Co.; (New); C.P. for a new fixed station. Frequencies: 6034.2, 6152.8, 4190, and 4198 MHz. Location: 12.5 miles southwest of Magdalena, N. Mex.

5646–C1–P–69—American Telephone & Telegraph Co.; (New); C.P. for a new fixed station. Frequencies: 6286.2, 6404.8, and 4190 MHz. Location: 9.7 miles northwest of Datil, N. Mex.

5647–C1–P–69—American Telephone & Telegraph Co.; (New); C.P. for a new fixed station. Frequencies: 6034.2, 6152.8, and 4198 MHz. Location: 6.7 miles northwest of Quemado, N. Mex.

5648–C1–P–69—American Telephone & Telegraph Co.; (New); C.P. for a new fixed station. Frequencies: 6034.2, 6152.8, and 4198 MHz. Location: 6.2 miles northwest of Greer, Ariz.

5649–C1–P–69—American Telephone & Telegraph Co.; (New); C.P. for a new fixed station. Frequencies: 6286.2, 6404.8, and 4190 MHz. Location: 3 miles west-southwest of McNary, Ariz.

5650–C1–P–69—American Telephone & Telegraph Co.; (New); C.P. for a new fixed station. Frequencies: 6034.2, 6152.8, and 4198 MHz. Location: 7 miles southwest of Seneca, Ariz.

5651–C1–P–69—American Telephone & Telegraph Co.; (New); C.P. for a new fixed station. Frequencies: 6286.2, 6404.8, and 4190 MHz. Location: 11.2 miles south of Globe, Ariz.

5652–C1–P–69—American Telephone & Telegraph Co.; (New); C.P. for a new fixed station. Frequencies: 6034.2, 6152.8, and 4198 MHz. Location: 16.5 miles southwest of Kearny, Ariz.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

5653–C1–P–69—American Telephone & Telegraph Co.; (New); C.P. for a new fixed station. Frequencies: 6286.2, 6404.8, and 4190 MHz. Location: 4 miles west of Casa Grande, Ariz.

5654–C1–P–69—American Telephone & Telegraph Co.; (New); C.P. for a new fixed station: Frequencies: 6286.2, 6404.8, and 4190 MHz. Location: 6.4 miles southwest of Red Hill, N. Mex.

5655–C1–P–69—American Telephone & Telegraph Co.; (New); C.P. for a new fixed station. Frequencies: 6034.2, 6152.8, 6286.2, 6404.8 MHz. Location: 5.2 miles southwest of Guadalupe, Ariz.

5656–C1–P–69—American Telephone & Telegraph Co.; (KPV22); C.P. add 6034.2, 6152.8 MHz toward Phoenix, Ariz., and 6286.2, 6404.8, MHz toward South Phoenix and change antenna system at station located 228 West Adams Street, Phoenix, Ariz.

5626–C1–P/L–69—American Telephone & Telegraph Co.; (New); C.P. and license for a new fixed station. Frequencies: 3730, 4110, 4130 MHz. Location: 7.6 miles north-northeast of Vale, Oreg.

5627–C1–P/L–69—American Telephone & Telegraph Co.; (New); C.P. and license for a new fixed station. Frequencies: 3770, 4150, and 4170 MHz. Location: 6.7 miles west of Brogan, Oreg.

5628–C1–P/L–69—American Telephone & Telegraph Co.; (New); C.P. and license for a new fixed station. Frequencies: 3730, 4110, and 4130 MHz. Location: 11.1 miles south-southeast of Bates, Oreg.

5629–C1–P/L–69—American Telephone & Telegraph Co.; (New); C.P. and license for a new fixed station. Frequencies: 3730, 4110, and 4130 MHz. Location: 4.3 miles southwest of John Day, Oreg.

5630–C1–P/L–69—American Telephone & Telegraph Co.; (New); C.P. for a new fixed station. Frequencies: 3730, 4110, and 4130 MHz. Location: 3.7 miles east of Dayville, Oreg.

5631–C1–P/L–69—American Telephone & Telegraph Co.; (New); C.P. and license for a new fixed station. Frequencies: 3770, 4150, and 4170 MHz. Location: 6.8 miles east-northeast of Mitchell, Oreg.

5632–C1–P/L–69—American Telephone & Telegraph Co.; (New); C.P. and license for a new fixed station. Frequencies: 3730, 4110, and 4130 MHz. Location: 7.4 miles south-southeast of Antelope, Oreg.

5633–C1–P/L–69—American Telephone & Telegraph Co.; (New); C.P. and license for a new fixed station. Frequencies: 3770, 3910, 3990, 4070, 4150, 4170 MHz. Location: 9.7 miles south-southeast of Maupin, Oreg.

5634–C1–P/L–69—American Telephone & Telegraph Co.; (New); C.P. and license for a new fixed station. Frequencies: 4030 and 4110 MHz. Location: 4.2 miles north-northwest of Grass Valley, Oreg.

5635–C1–P/L–69—American Telephone & Telegraph Co.; (New); C.P. and license for a new fixed station. Frequencies: 3870 and 3950 MHz. Location: 7 miles west-southwest of Wapinitia, Oreg.

5636–C1–P/L–69—American Telephone & Telegraph Co.; (New); C.P. and license for a new fixed station. Frequencies: 3910 and 3990 MHz. Location: 3 miles northeast of Government Camp, Oreg.

5637–C1–P/L–69—American Telephone & Telegraph Co.; (New); C.P. and license for a new fixed station. Frequencies: 3870 and 3950 MHz. Location: 1.6 miles north-northwest of Boring, Oreg.

5638–C1–P/L–69—American Telephone & Telegraph Co.; (New); C.P. and license for a new fixed station. Frequencies: 3910 and 3990 MHz. Location: 819 Southwest Oak Street, Portland, Oreg. (Informative: Applicant proposes to acquire these facilities from Pacific Northwest Bell Telephone Co. and to take over the services presently provided thereby by that company. This transaction involves assignment of some, but not all, transmitters authorized for stations now licensed to Pacific Northwest Bell at the above locations.)

5639–C1–P–69—Indiana Bell Telephone Co.; (KSP57); C.P. to change point of communication for frequency 11,075 MHz and change antenna system at station located 133 Northwest Fifth Street, Evansville, Ind.

5640–C1–P–69—Indiana Bell Telephone Co.; (KSP58); C.P. to add frequency 11,605 MHz toward new point of communication at Indiana State University Campus at its station located Bayou Road, 6 miles west-southwest of Evansville, Ind.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

5657–C1–P–69—Indiana Bell Telephone Co.; (KSJ45); C.P. to add frequencies 6360.3 and 10,795 MHz toward Noblesville, Ind., at its station located 240 North Meridian Street, Indianapolis, Ind.

5658–C1–P–69—Indiana Bell Telephone Co.; (KSV85); C.P. to add frequencies 6108.3, 11,245 MHz toward Indianapolis, Ind., and 6019.3, 11,565 MHz toward Anderson, Ind., at station located 2.8 miles southeast of Noblesville, Ind.

5659–C1–P–69—Indiana Bell Telephone Co.; (KSV86); C.P. to add 6390.0 and 11,075 MHz toward Noblesville, Ind., and 10,755 and 11,155 MHz toward Muncie, Ind., at station located 1100 feet west of South 23d Street, Anderson, Ind.

5660–C1–P–69—Indiana Bell Telephone Co.; (KSV87); C.P. to add frequencies 11,605 and 11,685 MHz toward Anderson, Ind., at station located 329 East Jackson Street, Muncie, Ind.

5661–C1–P–69—United Telephone Co. of Florida; (KIP60); C.P. to delete frequencies 5974.8, 6093.5 and point of communication Baco Grande, Fla., delete 5945.2 and Fort Myers Beach, Fla., as point of communication, add 5989.6 and 6108.3 MHz toward Cape Coral, Fla., and change antenna system at its station located 1517 Jackson Street, Fort Myers, Fla.

5662–C1–MP–69—United Telephone Co. of Florida; (KYO80); Modification of C.P. to add frequencies 6241.7, 6360.3, toward Fort Myers, Fla., 6271.3, 6390.0 toward Fort Myers Beach, Fla., 6212.0, 6330.7 MHz toward Pine Island, Fla., and change antenna system at its station located 5 miles southwest of Fort Myers, Fla.

5663–C1–MP–69—United Telephone Co. of Florida; (KJC40); Modification of C.P. to delete frequency 6197.2 and point of communication Fort Myers, Fla., and add frequencies 6049.0 and 6193.2 MHz toward new point of communication Cape Coral, Fla., and change antenna system at station located Estero Boulevard, Fort Myers Beach, Fla.

5664–C1–P–69—United Telephone Co. of Florida; (KJK49); C.P. to add frequencies 5960.0 and 6078.6 MHz toward Cape Coral, Fla., at its station located Tipton Drive, Pine Island, Fla.

5665–C1–ML–69—United Telephone Co. of Florida; (KIW80); Modification of license to delete frequencies 6226.9 and 6345.5 and Fort Myers, Fla., as point of communication at its station located corner of East Avenue and Fourth Street, Boca Grande, Fla.

5694–C1–P/L–69—New York Telephone Co.; (New); C.P. and license for a new fixed station. Frequency: 10,795 MHz. Location: 350 Fifth Avenue, New York, N.Y.

Major Amendment

4334–C1–P–69—The Mountain States Telephone & Telegraph Co.; (KPV88); Change the point of reception for frequencies 6256.5 and 6375.2 MHz from Glendive, Mont., to Sidney, Mont., and change point of reception for frequencies 6271.4 and 6390.0 MHz from Sidney, Mont., to Glendive, Mont., at station located 8 miles north-northwest of Intake, Mont.

4335–C1–P–69—The Mountain States Telephone & Telegraph Co.; (KPV89); Change the point of reception for frequencies 6004.5 and 6123.1 MHz from Intake, Mont., to Fairview, Mont., and change point of reception for frequencies 6034.2 and 6152.8 MHz from Fairview, Mont., to Intake, Mont., at station located 3.6 miles south-southeast of Sidney, Mont. All other particulars same as reported in public notice dated Feb. 3, 1969, Report No. 425.

Correction

4686–C1–P–69—West Texas Microwave Co.; (New); Correct Applicant to read: West Texas Telephone Co. All other particulars to remain as stated on public notice dated Mar. 24, 1969, Report No. 432.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

4184–C1–P–69—Penn Service Microwave Co.; (New); C.P. for a new station on Bald Eagle Mountain, approximately 3 miles south of Williamsport, Pa., at lat. 41°12'31" N., long. 76°57'30" W. Frequencies 11,300, 11,350, and 11,400 MHz on azimuth 325°30'. (Informative: Applicant proposes to provide the television signals of WNEW–TV, WOR–TV, and WPIX of New York City to ReTel Co. in Cogan Station, Pa.)

5624–C1–MP–69—Garden State Micro Relay, Inc.; (KEM56); Modification of C.P. to change frequencies 6389.9, 6330.7, and 6271.4 MHz to 6019.3, 6078.6, and 6137.9 MHz toward Millville, N.J., on azimuth of 259°05'. Location: 0.55 mile west of Milmay, N.J.

Major Amendment

553–C1–P–68—Wyoming Microwave Corp.; (KYO89); Application amended to change frequency 6123.1 MHz to 11,115 MHz toward Billings (KULR–TV), Mont., and Billings (CATV), Mont., on azimuth of 30°14' and 13°31', respectively. Location: Greeno, 11.5 miles southeast of Laurel, Mont. Other particulars same as reported in public notice dated Aug. 14, 1967 and Feb. 10, 1969.

Correction

5526 and 5527–C1–P–69—Potomac Valley Telecasting Corp.; (KGO30 and KQX32); Correct informative note appearing on page 13 of Commission's public notice dated Mar. 24, 1969 to show that the off-the-air pickup point for WTTG(TV) is being moved to Station KGO30 to improve signal presently delivered to Piedmont, Cumberland, Keyser, and Frostburg, Md. Signal is not replacing signal of WDCA–TV as previously noted.

[F.R. Doc. 69–3883; Filed, Apr. 2, 1969; 8:46 a.m.]

[Docket No. 18499]

MIDWEST RADIO-TELEVISION, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues; Correction

In re applications of Midwest Radio-Television, Inc., Docket No. 18499, File No. BR–659, File No. BRCT–49; for renewal of licenses of stations WCCO and WCCO–TV, Minneapolis, Minn.; erratum regarding designation order (34 F.R. 5757).

The order (FCC 69–261) in the above matter adopted March 19, 1969, is corrected to change paragraph 7 on page 2 to read as set forth below:

7. *It is further ordered,* That a further specification of facts on which the designated issues are based will be issued within twenty (20) days of the release of this order.

Released: March 25, 1969.

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

[F.R. Doc. 69–3884; Filed, Apr. 2, 1969; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

NONVESSEL OPERATING COMMON CARRIERS BY WATER (NVOCCs) IN FOREIGN AND DOMESTIC OFFSHORE COMMERCE OF UNITED STATES

Staff Investigation and Informal Conferences

The notice issued by the Commission on February 4, 1969, inviting written or oral statements containing evidence, opinions or recommendations relating to the above entitled staff investigation is amended to permit any such statements to be submitted not later than May 15, 1969.

Notice is also given that the Commission staff will conduct a series of informal discussions with interested parties at New York, N.Y., and San Fransico, Calif. The staff hopes to interview the following groups of persons (1) nonvessel operating common carriers by water, (2) steamship lines which have or expect to have business with nonvessel operating common carriers by water and (3) steamship conferences. Each group will be interviewed separately.

DISCUSSION SCHEDULE

At New York, N.Y., 45 Broadway, Room 705, Time 10 a.m.
Monday, April 21, 1969, Nonvessel operating common carriers by water participants.
Tuesday, April 22, 1969, Steamship Lines participants.
Wednesday, April 23, 1969, Conference Group participants.
At San Francisco, Calif., 450 Golden Gate Avenue, Federal Building, Room 9207, Time 10 a.m.
Monday, April 28, 1969, Nonvessel operating common carriers by water participants.
Tuesday, April 29, 1969, Steamship Lines participants.
Wednesday, April 30, 1969, Conference Group participants.

The purpose of these meetings is to afford the opportunity to parties wishing to orally present their views. Written statements, however, will also be accepted at these meetings. Subsequent to these meetings, a third informal proceeding will be held at a time and place to be hereafter announced, which all interested parties will be invited to attend. This meeting will afford parties the opportunity to present their position in greater detail and to submit whatever additional statements they deem relevant to the investigation. The opportunity for rebuttal will also be afforded parties in the subsequent meeting. The issues of this subsequent meeting will be determined, in part, by the responses received at the New York and San Francisco conferences. Interested shippers are invited to all conferences.

It would be helpful, therefore, if attending parties at the New York, N.Y., and San Francisco, Calif., conferences are prepared to discuss the following questions:

1. *Should NVO's be permitted to be a member of a steamship conference?*

a. What would be the result of such permissiveness?

b. Assuming that conferences predicate rates on the operating cost and economics inherent to vessel operation, what do you believe the results would be if the conferences were open to persons whose costs are determined by the steamship rate rather than vice versa?

c. What competitive influences exist or may potentially exist with respect to NVO's versus steamship lines and conferences?

d. What impact does this competition have on steamship lines or conferences?

e. Assuming that the NVO's and steamship lines perform an entirely different type of service, should not a completely different type of rate structure evolve, unrelated to steamship lines or conferences?

f. What are the basic reasons for NVO participation in the steamship lines tariff or conference membership?

g. What public benefits would accrue in the event joint participation in tariffs was permitted between the NVO and the steamship line?

h. Should any regulatory limitations be drawn with respect to NVO participation in conference or steamship lines tariffs?

To Be Answered by NVO's Only

i. Does your company hold any operating authority from the ICC. If so (check one) ☐ Express ☐ Motor ☐ Broker ☐ Water ☐ Freight Forwarder ☐ Exempt Household Goods Freight Forwarder.

j. Does your company enter into joint rates or participate in any through joint services with any other carrier?

k. Does your company issue through bills of lading from inland points involving intermodal services? If so, do you take single responsibility for the movement?

l. Does your company only operate port-to-port?

m. Does your company participate in air traffic? If so, is participation by virtue of joint rates with air common carrier? As an air forwarder? Through other arrrangements?

n. Does your company own or operate ☐ over-the-road equipment? ☐ terminal facilities? ☐ warehouses?

o. What percentages of your overall traffic is a. export traffic _____; b. import traffic _____; c. domestic offshore traffic _____; d. contiguous states interstate traffic _____? [1]

p. Is your NVO operation seasonal or steady in nature? If the former what are the peak months? [1]

q. Describe the nature and extent of facilities owned or controlled by your firm which are involved in your NVO operations. For example, terminal facilities; number of owned containers; over-the-road equipment, etc.[1]

r. Are any of your NVO operations performed by agents of yours? ☐ Yes ☐ No [1]

s. Do you carry insurance designed to cover your common carrier liability? Describe coverage and amount.[1]

t. Do you carry insurance against a failure to perform a common carrier undertaking? Describe coverage and amount.[1]

u. What is the present amount of your working capital? [1]

v. What is your present working capital ratio of assets to liabilities? [1]

2. *Should NVO's be permitted to sign dual rate contracts?*

a. What revisions in present conference regulations would be necessary for NVO participation as a contract shipper?

b. Would the NVO be restricted to member lines in conducting its operation if such dual rate contracts were signed?

c. What public benefits would accrue from such permissiveness?

d. Would NVO operations be less flexible?

e. Should all NVO's be permitted to sign dual rate contracts without discrimination?

f. Would it be possible to devise a dual rate contract focused on the NVO operations as opposed to the normal shipper?

g. Would divisions of a through rate between the NVO and the water carrier accomplish the same ends? If so, would not this be a better practical method of operation?

h. What would be the effect on the conference system if NVO's solicited traffic from conference lines' contract shippers?

3. *Should NVO's be permitted to enter into agreements with underlying water carriers pursuant to the provisions of section 15 and if so, what specific types of agreements should the Commission consider approvable?*

a. Should rate (divisional) agreements between NVO's and steamship lines be permitted on through traffic, i.e., inland origin points to destination port?

b. Should they be permitted with respect to local port-to-port traffic, i.e., that traffic originating at a port destined to a foreign port without prior or subsequent movements? If not, why not?

c. Assuming that some NVO's are also certificated equipment owning carriers insofar as land movements are concerned, then should section 15 arrangements be permitted on through traffic?

d. Should section 15 rate divisional arrangements be permitted between NVO's who are also express companies with respect to inland traffic?

e. Should section 15 agreements be permitted between NVO's and underlying water carriers which provide that each will perform certain services for each other such as space allocations, number of trailers tendered, etc.? If so, please comment on the discriminatory aspects of such an arrangement.

4. *Should the Commission require the NVO to be licensed, bonded, or otherwise made to show financial responsibility?*

a. Should statistical reports be required from NVO's which set forth information as to their financial status and operational practices?

b. Should minimal amounts of insurance for the protection of the public be required? If so, in what amounts?

c. Should minimum periods be fixed by the FMC with respect to the time within which freight bills must be paid to the underlying carrier?

d. Should regulations be imposed with respect to the acquisition by a freight forwarder of a water carrier or vice versa?

e. Should affiliations between NVO's and water carriers be permitted or prohibited?

5. * * *

6. *Should the NVO be permitted or required to file its through single factor rate with the Commission?*

a. Would it be feasible to require an NVO to identify the underlying carrier's rates on which it predicates its own rates?

b. Is there any regulatory effectiveness in requiring the filing of tariffs from NVO's on port-to-port movements which only involve a segment of a through movement, and which a prior or subsequent inland movement is exempt from the tariff filing requirements of other regulatory agencies?

[1] Answers to these questions will be treated in confidence if requested.

HERBERT K. GREER,
Chairman,
Investigating Committee.

[F.R. Doc. 69-3903; Filed, Apr. 2, 1969; 8:48 a.m.]

[Independent Ocean Freight Forwarder License No. 179]

E. J. EDWARDS INTERNATIONAL

Order of Revocation; Correction

On March 22, 1969, there was published in the FEDERAL REGISTER an order of revocation revoking, without prejudice to reapplication at a later date, Independent Ocean Freight Forwarder License No. 179 previously issued to Edward J. Edwards, doing business as E. J. Edwards International, 327 South La Salle Street, Chicago, Ill. 60604.

The aforesaid order of revocation, in the first paragraph, stated that E. J. Edwards International advised that the firm would "terminate business effective

March 16, 1969." However, by letter dated March 20, 1969, E. J. Edwards called our attention to the fact that his previous advice as to termination of business referred only to the ocean freight forwarder operations rather than to his entire business. Accordingly, the first paragraph of the aforesaid order is hereby amended to read:

By letter dated March 5, 1969, Edward J. Edwards, doing business as E. J. Edwards International returned its Independent Ocean Freight Forwarder License No. 179 to the Commission for cancellation and advised that in order to devote a greater measure of time to his customs house broker operations, its firm will terminate Independent Ocean Freight Forwarder operations effective March 16, 1969.

LEROY F. FULLER,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 69-3904; Filed, Apr. 2, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI69-657]

SUPERIOR OIL CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

MARCH 27, 1969.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent 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 Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.[1]

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before May 14, 1969.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[1] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-657	The Superior Oil Co., Post Office Box 1521, Houston, Tex. 77001.	[2] 111	7	Kansas-Nebraska Natural Gas Co. (Bradshaw Field, Hamilton County, Kans.).	$1,603	2-7-69	[3] 4-7-69	[4] 4-8-69	[7] 12.5	[5] [7] 13.5	

[2] 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 initial service ceiling rate of 16 cents per Mcf.
[3] The stated effective date is the first day after expiration of the statutory notice.
[4] The suspension period is limited to 1 day.
[5] Periodic rate increase.
[6] Pressure base is 14.65 p.s.i.a.
[7] Subject to a downward B.t.u. adjustment.

The Superior Oil Co. (Superior) requests that its proposed rate increase be permitted to become effective as of March 15, 1969. 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 an earlier effective date for Superior's rate filing and such request is denied.

The contract related to the rate filing of Superior 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 service ceiling established for the area involved. We believe, in this situation, Superior's proposed rate filing should be suspended for 1 day from April 7, 1969, the expiration date of the statutory notice.

[F.R. Doc. 69-3859; Filed, Apr. 2, 1969; 8:45 a.m.]

[Docket No. CP69-191]

CUMBERLAND AND ALLEGHENY GAS CO. AND MANUFACTURERS LIGHT AND HEAT CO.

Order Granting Intervention, Prescribing Procedures, and Setting Date for Prehearing Conference

MARCH 27, 1969.

The Manufacturers Light and Heat Co. (Manufacturers) and Cumberland and Allegheny Gas Co. (C&A) filed a joint application on January 10, 1969, pursuant to section 7(b) and 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition, construction, and operation of certain natural gas facilities, the establishment of additional points of delivery, the sale of additional volumes of gas, and for permission and approval to abandon certain facilities and service, all as more fully set forth in the application and in the notice of application issued January 16, 1969, which also set February 13, 1969, as the date by which all petitions and notices to intervene were to be filed with this Commission.

A petition to intervene was timely filed February 12, 1969, by Pennsylvania Gas and Water Co. (Penn Gas) requesting permission to intervene in the event a hearing is ordered and alleging that it purchases 29,387 Mcfd of natural gas from Manufacturers for resale in several Pennsylvania counties and that since it is not adequately represented by any other party it could be adversely affected by the Commission's final order in these proceedings.

It appears that petitioner has alleged sufficient interest in the above-captioned application to warrant intervention in this proceeding.

Notices of Intervention were timely filed by the Public Service Commission of West Virginia on February 12, 1969, and the Maryland Public Service Commission on February 13, 1969.

Based upon our experience in other similar proceedings, we shall herein set forth procedures for a prehearing conference for the purpose of determining factual and legal issues arising from the application, to provide for the filing of evidence, and to set dates for the filing of briefs on legal issues should no issues of fact appear in order to insure an early and expeditious termination of these matters.

The Commission finds:

(1) It is desirable and in the public interest to allow the above named petitioner to intervene in this proceeding in order that it may establish the facts and the law from which the nature and validity of its alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

(2) The expeditious disposition of these proceedings will be effected by holding a prehearing conference on March 20, 1969.

The Commission orders:

(A) The above-named petitioner is hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene: *And provided, further,* That the admission of such intervener shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) Pursuant to § 2.62(c) of the Commission's rules of practice and procedure, the applicant shall serve copies of its filings upon all interveners promptly, unless such service has already been effected pursuant to Part 157 of the regulations of the Natural Gas Act.

(C) Pursuant to the provisions of § 1.18 of the Commission's rules of practice and procedure, a prehearing conference before a duly designated presiding examiner shall commence at 10 a.m., e.s.t., on April 10, 1969, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, for the purpose of effectuating the expeditious disposition of this proceeding. The purpose of such conference shall be to consider all matters at issue in the above docket, the manner in which evidence shall be presented, to fix dates for the commencement of hearings or for the filing of briefs should no issues of fact be raised, and to consider any and all matters which might contribute to an expeditious disposition of this proceeding. The applicant, the Commission Staff, and all persons who have been permitted to intervene by the Commission shall be entitled to participate in that conference.

(D) 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 on a date to be fixed by the presiding examiner in accordance with paragraph (c) above, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3853; Filed, Apr. 2, 1969; 8:45 a.m.]

[Docket No. CP69-245]

NORTH CENTRAL PUBLIC SERVICE CO. AND NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

MARCH 27, 1969.

Take notice that on March 19, 1969, North Central Public Service Co. (Applicant), 1080 Montreal Avenue, St. Paul, Minn. 55102, filed in Docket No. CP69-245 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Natural Gas Pipeline Company of America (Natural Gas Pipeline) to establish physical connection of its natural gas transmission facilities with the facilities proposed to be constructed by Applicant, and to sell and deliver to Applicant the natural gas requirements of the town of Afton, Iowa, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks an order of the Commission directing Natural Gas Pipeline to construct and operate a sales measuring station to provide a delivery point for Applicant at Natural Gas Pipeline's present Creston, Iowa, delivery point. Applicant proposes to distribute natural gas in the town of Afton, Iowa.

Applicant estimates its 3d year peak day and annual gas requirements at 680 Mcf and 78,620 Mcf respectively. Applicant estimates its costs for these facilities at $201,630, which it proposes to finance through short term bank loans under an existing line of credit with the First National Bank of St. Paul.

Protests 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 or 1.10) on or before April 25, 1969.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3854; Filed, Apr. 2, 1969; 8:45 a.m.]

[Docket No. E-7348]

ORANGE AND ROCKLAND UTILITIES, INC.

Notice of Application

MARCH 27, 1969.

Take notice that on March 19, 1969, Orange and Rockland Utilities, Inc. (Applicant), filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of $75 million in short-term unsecured promissory notes including $13 million of commercial paper notes.

Applicant is incorporated under the laws of the State of New York with its principal business office at Nyack, N.Y., and is engaged in the electric utility business in three counties in the State of New York.

The notes are to be issued from time to time to commercial banks or similar institutions and will mature within 1 year from their dates of issuance and in any event not later than December 31, 1970.

The proceeds from the issuance of the notes will be used to finance the Applicant's 1969-1970 construction program. The principal items in this program are the construction of a 195 mw fifth unit at the Lovett Steam Plant and the Company's portion of the interconnection of Pennsylvania, New Jersey, Maryland Power Pool (PJM) with the New York Power Pool (NYPP).

Any person desiring to be heard or to make any protest with reference to said application should on or before April 18, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3855; Filed, Apr. 2, 1969; 8:45 a.m.]

[Docket No. RI69-331, etc.]

UNION PRODUCING CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund; Correction

MARCH 20, 1969.

Union Producing Co. (Operator), et al., Docket Nos. RI69-331, etc.; Union Producing Co. (Operator), et al., Docket No. RI69-331; Union Producing Co., Docket No. RI69-333.

In the order providing for hearing on and suspension of proposed changes in rates, and allowing rate changes to become effective subject to refund, issued February 11, 1969 and published in the FEDERAL REGISTER, February 20, 1969 (34 F.R. 2450), with respect to "Appendix 'A', page 4, Docket No. RI69-331, Union Producing Co. (Operator), et al." delete

everything after the colon and in lieu thereof insert: "Opposite Rate Schedule No. 207) under column headed 'Rate in Effect' (last portion of rate) change '12.0757' to read '12.0252'."

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-3856; Filed, Apr. 2, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

OTTO BREMER CO. AND OTTO BREMER FOUNDATION

Order Granting Determinations Under Bank Holding Company Act

In the matter of the applications, pursuant to section 4(c)(8) of the Bank Holding Company Act of 1956, by Otto Bremer Co., and Otto Bremer Foundation, both of St. Paul, Minn., for determinations re the proposed nonbank subsidiaries, State Agency of Redwood Falls, Inc., American State Agency of Watertown, Inc., Cassabanka Insurance Agency, Inc., Elk Valley Agency, Inc., and Citizens Insurance Agency, Inc. (Dockets Nos. BHC-83, BHC-84, BHC-85, BHC-86, BHC-87).

Otto Bremer Company and Otto Bremer Foundation, both of St. Paul, Minn., both of which are bank holding companies within the meaning of section 2(a) of the Bank Holding Company Act of 1956 (12 U.S.C. § 1841(a)), have filed requests for determinations by the Board of Governors of the Federal Reserve System that the activities planned to be undertaken by five proposed nonbank subsidiaries (State Agency of Redwood Falls, Inc., American State Agency of Watertown, Inc., Cassabanka Insurance Agency, Inc., Elk Valley Agency, Inc., and Citizens Insurance Agency, Inc.) are of the kind described in section 4(c)(8) of the Act (12 U.S.C. sec. 1843(c)(8) and § 222.4(a) of the Board's Regulation Y (12 CFR 222.4(a)) so as to make it unnecessary for the prohibitions of section 4(a) of the Act, respecting ownership of shares in nonbanking companies, to apply in order to carry out the purposes of the Act.

Pursuant to the requirements of section 4(c)(8) of the Act, and in accordance with the provisions of §§ 222.4(a) and 222.5(a) of the Board's Regulation Y (12 CFR 222.4(a) and 222.5(a)), a hearing was held on these matters on August 28, 1968. The hearing examiner filed his report and recommended decision [1] wherein he recommended that the Board decline to make the requested determinations; Applicants filed exceptions and a brief in support thereof. For the reasons set forth in a statement [1] of this date, and on the basis of the entire record,

It is hereby ordered, That the activities planned to be undertaken by each of the proposed subsidiaries named hereinabove are determined to be so closely related to the business of banking or of managing or controlling banks as to be a proper incident thereto and as to make it unnecessary for the prohibitions of section 4(a) of the Bank Holding Company Act of 1956 to apply in order to carry out the purposes of that Act; provided, however, that the determination with respect to each such subsidiary is subject to revocation if the facts upon which it is based change in any material respect.

Dated at Washington, D.C., this 25th day of March 1969.

By order of the General Counsel of the Board of Governors, acting on behalf of the Board pursuant to delegated authority (12 CFR 265.2(b)(2)).

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-3875; Filed, Apr. 2, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4707]

COLUMBIA GAS OF PENNSYLVANIA, INC., AND COLUMBIA GAS SYSTEM, INC.

Notice of Proposed Transactions Related to Acquisition of Assets of Nonassociate Public-Utility Company by Public-Utility Subsidiary Company of Holding Company

MARCH 26, 1969.

Notice is hereby given that The Columbia Gas System, Inc ("Columbia"), a registered holding company, and its gas utility subsidiary company, Columbia Gas of Pennsylvania, Inc. ("Pennsylvania"), 120 East 41st Street, New York, N.Y. 10017, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 9, 9(b)(1), 10, and 12(b) thereof as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Columbia and Pennsylvania have entered into a Reorganization Agreement and Plan ("Agreement"), dated September 12, 1968, with York County Gas Co. ("York"), a nonassociate gas utility company, providing for the acquisition by Pennsylvania of all of the assets of York, the sale of which was approved by the holders of 86 percent of the common stock of York. Pennsylvania will assume substantially all of the liabilities of York on the closing date, including first mortgage bonds and notes payable to banks which amounted to $8,668,000 and $1,870,000, respectively, as of September 30, 1968. Pennsylvania will deliver to York 620,890 shares of the common stock of Columbia in exchange for the equity of the common stockholders in the net assets of York. The closing price of the Columbia common stock on the New York Stock Exchange on March 10, 1969, was $30¼ per share. At this price, less an allowance for selling costs, the shares being given in exchange for the equity of the common stockholders of York have an aggregate value of approximately $18,162,000. This amount, plus the $8,668,000 principal amount of first mortgage bonds and $1,870,000 of notes payable to be assumed, aggregates $28,700,000 and may be considered to be an estimate of the total purchase price to be paid for the assets of York. The application-declaration states that the Agreement was executed after arm's-length bargaining between the parties.

To enable Pennsylvania to make the proposed acquisition, Columbia will deliver the requisite number of shares of its common stock to Pennsylvania. In exchange, Pennsylvania will issue its common stock (par value $25 per share) to Columbia in an aggregate par amount equal to the book value of the net assets of York to be acquired. Pennsylvania will pay cash to Columbia in lieu of issuing fractional shares. As of September 30, 1968, a total of 296,074 shares of Pennsylvania's common stock, having an aggregate par value of $7,401,850, would be delivered to Columbia.

As of September 30, 1968, gross property, plant, and equipment of York was recorded at original cost in the amount of $23,066,000, with a related reserve for depreciation and depletion of $4,795,000. The assets, when acquired, and the liabilities, when assumed, will be reflected on the books of Pennsylvania at their recorded amounts on the books of York. Columbia will record its additional investment in the common stock of Pennsylvania at underlying book value, which was $7,401,850 as of September 30, 1968. York's operating revenues for the 12 months ended September 30, 1968, amounted to $11,675,683; income before interest on long-term debt was $1,184,273, and net income was $681,628.

York, which purchases the bulk of its gas requirements from The Manufacturers Light and Heat Co., a wholly owned subsidiary company of Columbia, distributes gas, at retail, to approximately 52,000 customers in most of York County, including the cities of York, Red Lion, and Hanover, and in a small portion of Adams County, which county lies immediately to the west of York County. The remaining customers in Adams County who are not served by York are served by Pennsylvania, which also serves customers in a portion of York County. York's service area is, therefore, asserted to be a logical extension of Pennsylvania's own service area.

It is stated that the Pennsylvania Public Utility Commission has jurisdiction over certain of the proposed transactions. It is also stated that no other State commission and no Federal commission, other than this Commission, has

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

jurisdiction over the proposed transactions. The fees and expenses related to the proposed transactions are to be supplied by amendment.

Notice is further given that any interested person may, not later than April 25, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

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

[F.R. Doc. 69-3867; Filed, Apr. 2, 1969; 8:46 a.m.]

CRESTLINE URANIUM & MINING CO.

Order Suspending Trading

MARCH 27, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Crestline Uranium & Mining Co., Denver, Colo., 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 March 28, 1969, through April 6, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-3868; Filed, Apr. 2, 1969; 8:46 a.m.]

ELECTROGEN INDUSTRIES, INC.

Order Suspending Trading

MARCH 27, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Electrogen Industries, Inc. (formerly Jodmar Industries, Inc.) (may be known as American Lima 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 March 28, 1969, through April 6, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-3869; Filed, Apr. 2, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 28, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41597—*Iron or steel pipe and related articles from Burnham, Pa.* Filed by Southwestern Freight Bureau, agent (No. B-19), for interested rail carriers. Rates on iron or steel pipe, and related articles, as described in the application, in carloads, from Burnham, Pa., to points in Texas.

Grounds for relief—Market competition.

Tariff—Supplement 117 to Southwestern Freight Bureau, agent, tariff ICC 4620.

FSA No. 41598—*Iron or steel pipe and related articles from Cedar Springs, Ga.* Filed by Southwestern Freight Bureau, agent (No. B-22), for interested rail carriers. Rates on iron or steel pipe, and related articles, as described in the application, in carloads, from Cedar Springs, Ga., to points in southwestern territory.

Grounds for relief—Market competition.

Tariff—Supplement 117 to Southwestern Freight Bureau, agent, tariff ICC 4620.

By the Commission.

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

[F.R. Doc. 69-3894; Filed, Apr. 2, 1969; 8:47 a.m.]

[Notice 1281]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 28, 1969.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, 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.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 107515 (Sub-No. 647), filed March 25, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative, Alan E. Serby, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs* in mixed loads with meats, meat products and meat byproducts as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61, M.C.C. 209 and 766 (as otherwise authorized), from Austin, Minn., and Fremont, Nebr., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina, restricted to traffic originating at the plantsite and/or warehouse facilities, Geo. A. Hormel & Co., Austin, Minn., and Fremont, Nebr., and destined to points in the named States. NOTE: Applicant states no duplicating authority is being sought.

HEARING: April 16, 1969, in Room B-29, Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., before Examiner Frank J. Mahoney.

No. MC 114552 (Sub-No. 35) (Republication), filed August 5, 1968, published FEDERAL REGISTER issue of August 22, 1968 and republished this issue. Applicant: SENN TRUCKING COMPANY, a corporation, Post Office Box 333, Newberry, S.C. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. 29201. By report and order entered in the above-entitled proceeding, the examiner recommended the

granting to applicant a certificate of public convenience and necessity, authorizing operation in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes of the commodities, to and from points substantially as indicated below. An order of the Commission, division 1, effective March 20, 1969, and served February 18, 1969, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, of *composition wood and composition wood products*, from the plant and warehouse sites of Weyerhaeuser Co., at Adel, Ga., to points in Alabama, Florida, Kentucky, Mississippi, South Carolina, and Tennessee, restricted to traffic originating at the plant and warehouse sites of Weyerhaeuser Co., at Adel, Ga.; that applicant is fit, willing, and able properly to perform such services and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 115841 (Sub-No. 139) (Notice of Filing of Petition To Modify Certificate), filed March 7, 1969. Petitioner: COLONIAL REFRIGERATED TRANSPORTATION, INC., Birmingham, Ala. Petitioner's representatives: C. E. Wesley, Post Office Box 2169, Birmingham, Ala., and Harry C. Ames, Jr., and E. Stephen Heisley, 529 Transportation Building, Washington, D.C. 20006. Petitioner states it holds a certificate issued February 19, 1964, authorizing operations as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting: Frozen foods (except frozen berries, frozen fruits, frozen vegetables, and meat, packinghouse products, and commodities used by packinghouse, as described in appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766), in vehicles equipped with mechanical refrigeration, from Nashville, Tenn., to points in Florida with no transportation for compensation on return except as otherwise authorized. Restriction: The authority granted herein shall not be tacked, joined, or combined with other authority held by carrier for the purpose of performing a through service to points in Florida. The purpose of this petition is to remove the exception in the commodity description as to meats, packinghouse products, and commodities used by packinghouses as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766. Thus, petitioner seeks to modify its certificate so that it will read as follows: Frozen Foods (except frozen berries, frozen fruits, and frozen vegetables), in vehicles equipped with mechanical refrigeration, from Nashville, Tenn., to points in Florida. Restriction: The authority granted herein shall not be tacked, joined, or combined with other authority held by carrier for the purpose of performing a through service to points in Florida. Any interested person desiring to participate, may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 115841 (Sub-No. 280) (Notice of Filing of Petition To Modify Existing Certificate), filed March 7, 1969. Petitioner: COLONIAL REFRIGERATED TRANSPORTATION, INC., Birmingham, Ala. Petitioner's representatives: C. E. Wesley, Post Office Box 2169, Birmingham, Ala. and Harry C. Ames, Jr., and E. Stephen Heisley, 529 Transportation Building, Washington, D.C. Petitioner states it holds a certificate, issued October 10, 1968, authorizing operations as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting: Foodstuffs (except in bulk), and advertising matter, display racks and premiums when moving at the same time and in the same vehicle with foodstuffs, from the facilities of American Home Foods Division of American Home Products Corp., at La Porte, Ind., to points in Kentucky, Missouri, and Oklahoma, with no transportation for compensation on return except as otherwise authorized. Nonfrozen foodstuffs (except in bulk), when moving at the same time and in the same vehicle with frozen foods, and advertising matter, display racks, and premiums, when moving at the same time and in the same vehicle with nonfrozen foodstuffs and frozen foods, from the facilities of American Home Foods Division of American Home Products Corp., at La Porte, Ind., to points in Alabama, Arkansas, Georgia, Louisiana, Mississippi, Tennessee, and Texas, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are restricted to the transportation of shipments originating at the facilities of American Home Foods Division of American Home Products Corp. at La Porte, Ind., and destined to the respective above-named destination points. The purpose of the instant petition for modification is directed solely to a portion of the certificate, specifically that portion of the certificate which restricts the transportation of nonfrozen foodstuffs to movements in mixed shipments with frozen foods. As specifically requested herein, petitioner seeks to modify its certificate by removing the restriction: "When moving at the same time and in the same vehicle with frozen foods." Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC–124090 (Notice of Filing of Petition for Revision of Certificate To Add Laredo, Tex., as a Port of Entry and Exit), filed March 21, 1969. Petitioner: TRANSPORTES AZTECA, Dover, N.J. Petitioner's representative: Paul Coyle, 5631 Utah Avenue NW., Washington, D.C. 20015. Petitioner holds a certificate in No. MC–124090 to engage in transportation in foreign commerce, as a common carrier, by motor vehicle, transporting, over irregular routes, general commodities, except commodities in bulk, commodities requiring special equipment, household goods as defined by the Commission, and classes A and B explosives, between Newark, N.J., and Brownsville, Tex. By the instant petition, petitioner prays that the Commission revise its certificate so as to permit it to use Laredo, Tex., as an alternate port of entry and exit in the transportation of general commodities, with certain exceptions, between Newark, N.J., and points in the Republic of Mexico. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–10377 (Amendment) (NELSON DISTRIBUTION CORP.—Control—A & B GARMENT DELIVERY, et al.) published in the February 5, 1969, issue of the FEDERAL REGISTER, on page 1753. Amendment filed March 24, 1969, shows the joining in of NELSON RESOURCE CORP., 441 Ninth Avenue, New York, N.Y. 10001, as an additional party in control of NELSON DISTRIBUTION CORP.

No. MC–F–10425. Authority sought for purchase by TODDMAN TRANSPORT CO., 8000 Trinity Boulevard (Post Office Box 13426), Fort Worth, Tex. 76118, of the operating rights of MAGNOLIA TRANSPORTATION CO., INC., 8222 Market Street Road, Houston, Tex. 77029, and for acquisition by NEWMAN BROS. TRUCKING COMPANY, Post Office Box 13302, Fort Worth, Tex. 76118, and DON C. TODD, 8000 Trinity Boulevard, Post Office Box 13426, Fort Worth, Tex. 76118, of control of such rights through the purchase. Applicants' attorney: Reagan Sayers, c/o Rawlings,

Sayers & Sourlock, Century Life Building, Post Office Box 17007, Fort Worth, Tex. 76102. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–120750 Sub-1, covering the transportation of property, as a common carrier, in intrastate commerce, within the State of Texas. TODDMAN TRANSPORT CO., hold no authority from this Commission. However, one of its controlling stockholders, NEWMAN BROS. TRUCKING COMPANY, is authorized to operate under a certificate of registration, in intrastate commerce within the State of Texas. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10426. Authority sought for purchase by NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223, of the operating rights of ARTHUR R. FAUGHN, doing business as FAUGHN'S TRANSPORTATION, Post Office Box 127, Empire, Calif. 95319, and for acquisition by UNITED TRANSPORTATION INVESTMENT COMPANY, and, in turn by DAVID H. RATNER, both of 310 South Michigan Avenue, Chicago, Ill. 60604, of control of such rights through the purchase. Applicants' attorneys: Frank Loughran, 100 Bush Street, 21st Floor, San Francisco, Calif. 94104, and William E. Kenworthy, 1205 South Platte River Drive, Denver, Colo. 80223. Operating rights sought to be transferred: Under a certificate of registration, in docket No. MC–120842 Sub-1, covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of California. Vendee is authorized to operate as a *common carrier* in New Mexico, California, Arizona, Texas, Colorado, Illinois, Missouri, Iowa, Nebraska, Oklahoma, Nebraska, Indiana, Kansas, Utah, Louisiana, Virginia, Maryland, Florida, New York, Tennessee, and Wyoming. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10427. Authority sought for control by RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32203, of W. T. BYRNS MOTOR EXPRESS, INC., 646 Coffeen Street, Watertown, N.Y., and for acquisition by INTERNATIONAL UTILITIES, INC., and, in turn INTERNATIONAL UTILITIES CORP., both of 1500 Walnut Street, Philadelphia, Pa. 19102, of control of W. T. BYRNS MOTOR EXPRESS, INC., through the acquisition by RYDER TRUCK LINES, INC. Applicants' attorneys: Roland Rice, 618 Perpetual Building, Washington, D.C. 20004, Larry D. Knox, 2050 Kings Road, Jacksonville, Fla. 32203, Spencer and Wise, 112 Clinton Building, Watertown, N.Y. 13601. Operating rights sought to be controlled: *General commodities*, excepting, among other, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Syracuse, N.Y., and Rouses Point, N.Y., between Moira, N.Y., and Lake Clear Junction, N.Y., serving all intermediate points and certain off-route points; between Sycracuse, N.Y., and Philadelphia, Pa., serving no intermediate points, between Sycracuse, N.Y., and Watertown, N.Y., with service to all intermediate points on northbound traffic and from all intermediate points on southbound traffic, between Watertown, N.Y., and Utica, N.Y., serving all intermediate points and the off-route points in Lewis and Jefferson Counties, N.Y.; between Albany, N.Y., and Elizabethtown, N.Y., serving no intermediate points; between junction U.S. Highway 9 and New York Highway 28 and Blue Mountain Lake, N.Y., serving no intermediate points, and serving junction U.S. Highway 9 and New York Highway 28 for the purpose of joinder only; between Syracuse, N.Y., and Rochester, N.Y., serving all intermediate points, and the off-route points of Shortsville and Penn Yan, N.Y., between Syracuse, N.Y., and Oswego, N.Y., serving certain intermediate points, between Boston, Mass., and Brockton, Mass., serving all intermediate points, and the off-route points of Rockland and Stoughton, Mass., and points within 5 miles of Boston, between Brockton, Mass., and Worcester, Mass., serving all intermediate points, between Providence, R.I., and Taunton, Mass., serving certain intermediate and off-route points; between Springfield, Mass., and New York, N.Y., serving certain intermediate and off-route points, between Potsdam, N.Y., and Massena, N.Y., serving all intermediate points, with restriction; between Amsterdam, N.Y., and New York, N.Y., between Albany, N.Y., and New York, N.Y., between Amsterdam, N.Y., and Catskill, N.Y., serving all intermediate points and certain off-route points, with restrictions; between New York, N.Y., and Philadelphia, Pa., serving no intermediate points in Pennsylvania except Philadelphia and the off-route points of Gloucester and Palmyra, N.Y., between Philadelphia, Pa., and points in New Jersey, serving no intermediate points and the off-route points in Pedricktown, N.J., with restriction; numerous alternate routes for operating convenience;

General commodities, except those of unusual value, classes A and B explosives, fertilizers, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Utica, N.Y., and Boston, Mass., serving certain intermediate points, between Utica, N.Y., and Schenectady, N.Y., serving certain intermediate points, purposes of joinder only between Utica, N.Y., and Albany, N.Y., serving no intermediate points, and serving Albany, N.Y., for purposes of joinder only, between junction U.S. Highway 20 and Massachusetts Highway 9 and Boston, Mass., serving no intermediate points, and serving junction U.S. Highway 20 and Massachusetts Highway 9 for purposes of joinder only, between junction U.S. Highway 20 and New York Highway 22 and junction Massachusetts Highway 102 and U.S. Highway 20, between Albany, N.Y., and junction Massachusetts Highway 41 and U.S. Highway 20, serving no intermediate points, and serving the termini for purposes of joinder only, with restriction: *Paper*, from Fort Edward, N.Y., to New York, N.Y., serving the intermediate point of Mechanicville, N.Y., restricted to pickup only, and serving certain intermediate and off-route points restricted to delivery only, from Mechanicville, N.Y., to Philadelphia, Pa., from Mechanicville, N.Y., to Boston, Mass., from Mechanicville, N.Y., to New Haven, Conn., serving certain intermediate and off-route points restricted to delivery; *Paper mill supplies* and *paper stock*, from New York, N.Y., to Fort Edward, N.Y., serving the intermediate point of Mechanicville, N.Y., restricted to delivery only, and serving certain intermediate and off-route points, restricted to pickup only; *cores* on which such paper is rolled, from New York, N.Y., to Mechanicville, N.Y., serving no intermediate points; *wallpaper*, from Glens Falls, N.Y., to New York, N.Y.; *materials* used in the manufacture of wallpaper, from New York, N.Y., to Glens Falls, N.Y.; serving certain intermediate and off-route points, with restriction;

Paperboard, from Thomson, N.Y., to New York, N.Y.; *Paper mill supplies and materials* used in the manufacture of paperboard, from New York, N.Y., serving certain intermediate points, to Thomson, N.Y., with restriction; *general commodities*, excepting, among other, household goods and commodities in bulk, over regular and irregular routes, between points in New York and Buffalo, N.Y., and contiguous communities; *general commodities*, excepting, among other, household goods and commodities in bulk, over irregular routes, between Massena, N.Y., on the one hand, and, on the other, port of entry on the United States-Canada boundary line at or near Rooseveltown, N.Y., with restriction; between Springfield, Mass., on the one hand, and, on the other, points in Massachusetts, between Albany, N.Y., on the one hand, and, on the other, certain points in New York; *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 nursery stock, seeds, bulbs, plants, and accessories and supplies used or useful in the planting or exhibition of such plants, between Philadelphia, Pa., on the one hand, and, on the other, points in Pennsylvania and New Jersey within 20 miles of City Hall in Philadelphia, between Philadelphia, Pa., and Kennett Square, Pa.; *paper, paper products, paperboard, and boxboard* from certain intermediate points in New York to points in Massachusetts, Rhode Island, Connecticut, New York and those in New Jersey on and north of Jersey Highway 33; and

Equipment, materials, and supplies used in the manufacture of paper, paper products, paperboard, and boxboard, from points in the next above-destination territory to certain specified points in New York, except points in Berkshire County, Mass., to Albany, N.Y.; *paperboard*, from Chatham and Mellenville, N.Y., to points in Rhode Island, and those in New Jersey within 25 miles of Newark, including Newark; *waste paper and empty paper skids*, from the next above specified destination points to

Chatham and Mellenville, N.Y., *paperboard and boxboard*, from Chatham and Mellenville, N.Y., to points in Massachusetts and Connecticut; *scrap or waste paper*, from points in Massachusetts and Connecticut to Chatham and Mellenville, N.Y.; *liner paper*, from Fitchburg, Mass., to Chatham and Mellenville, N.Y.; *paper mill machinery*, from Boston, Mass., and Woonsocket, R.I., to Chatham and Mellenville, N.Y.; *cores and spools*, made of wood, iron, or steel, loose or in packages, from Binghamton and Johnson City, N.Y., to points in Berkshire County, Mass.; *wood pulp*, from Albany, N.Y., and Boston, Mass., to points in Berkshire County, Mass.; *paper and paper products*, from points in Berkshire County, Mass., to Hartford and Waterbury, Conn., to certain points in New York, N.Y., Newark, N.J., from certain specified points in New York, to points in that part of New Jersey on and north of New Jersey Highway 33, from certain specified points in New York, to New York, N.Y., Pawtucket, and Providence, R.I., certain specified points in Pennsylvania, Baltimore, Md., Chicago, Ill., Detroit, Mich., certain specified points in Ohio, and Washington, D.C., and points in Connecticut, Massachusetts and Pennsylvania;

Equipment, materials, and supplies used in the manufacture of paper and paper products, between points in Berkshire County, Mass., on the one hand, and, on the other, Waterbury, Conn., and Troy and Rochester, N.Y., with restriction; *amusement park equipment, tools, sleds, toboggans, skis, and farm implements*, between Philadelphia, Pa., on the one hand, and on the other, New York, N.Y., Baltimore, Md., and points in Delaware and New Jersey; *cheese*, from certain points in New York, to New York, N.Y., from points in Jefferson County, N.Y., to points in Massachusetts, Pennsylvania, and New Jersey; *paper mill machinery and parts, paper mill supplies, and paper*, from certain points in Pennsylvania to points in Massachusetts to certain points in New Jersey, Pennsylvania, New Jersey and specified points in New York; *paint*, from Newark, N.J., to Watertown, N.Y.; *sugar*, from Boston, Mass., to Watertown, N.Y.; *petroleum products*, in drums and containers, from Bradford, Pa., to Theresa and Heuvelton, N.Y., from Oil City, Pa., to Felts Mills, N.Y.; *fresh cream and powdered milk*, from points in Jefferson County, N.Y., to Philadelphia, Pa., and points in Connecticut, Massachusetts, and Rhode Island; *asphalt, clay, and wax* (except in bulk, in tank vehicles), and *cotton, woolen, and rubberized cloth, paper products, benches, and tables*, between Stoughton, Mass., and points in Massachusetts within 15 miles of Stoughton, on the one hand, and, on the other certain points in Rhode Island, with restriction; *boilers and boiler parts*, from Westfield, Mass., to New York, N.Y., and points on Long Island, N.Y., and points in New York and New Jersey within 60 miles of New York, N.Y.;

Soap and soap products, from New York, *ski lifts and materials, supplies, equipment and parts* used in the installation of ski lifts, from Watertown, N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, and Vermont; *materials, supplies and equipment* used in the manufacture of ski lifts, from points in Massachusetts, New Jersey, Ohio, and points in Pennsylvania west of U.S. Highway 309, to Watertown, N.Y., *printing paper*, from Newton Falls, N.Y., to Bennington, Vt., with restriction; RYDER TRUCK LINES, INC., is authorized to operate as a *common carrier* in all points in the United States (except Alaska and Hawaii). Applicant has not filed for temporary authority under section 210a(b).

No. MC-F-10428. Authority sought for merger into MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629, of the operating rights and property of INTERSTATE TRUCK SERVICE, INC., 605 South First Street, Martins Ferry, Ohio 43935, and for acquisition by MILTON D. RATNER, also of Chicago, Ill., of control of such rights and property through the transaction. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Operating rights sought to be merged: *General commodities*, excepting among others, commodities in bulk, but not excepting household goods, as a *common carrier*, over regular routes, between Glencoe, Ohio, and Wheeling, W. Va., serving all intermediate points, and the off-route points of Willow Grove, and Warnock, Ohio; *general commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and liquid commodities in bulk, and (except when moving from or to Martins Ferry, Ohio), commodities requiring special equipment and dry commodities in bulk, between Cleveland, Ohio, and New York, N.Y., between Cleveland, Ohio, and junction U.S. Highway 21 and Interstate Highway 80 at or near Richfield, Ohio, between Harrisburg, Pa., and Philadelphia, Pa., between Martins Ferry, Ohio, and Ebensburg, Pa., serving certain intermediate and off-route points, and for purposes of joinder only Harrisburg, Pa., and Ebensburg, Pa., and junction U.S. Highway 21 and Interstate Highway 80, with restriction;

General commodities, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, and liquid commodities in bulk, over irregular routes, between points in above origin territory in Ohio and West Virginia, on the one hand, and, on the other, certain specified points in Pennsylvania, Sparrows Point, Md., and certain specified points in New York, between points in West Virginia in the above origin territory, on the one hand, and, on the other, points in Ohio, with restriction; *general commodities*, excepting, among others, household goods, and commodities in bulk, between points in Ohio and West Virginia within 2 miles of the Ohio River northerly from Sistersville, W. Va., and Fly, Ohio, extending to junction West Virginia-Ohio-Pennsylvania State lines, on the one hand, and, on the other, Baltimore, Md., and Philadelphia, Pa., from Lancaster, Pa., to points in the origin territory in Ohio and West Virginia as above, between certain specified points in Ohio, on the one hand, and, on the other, New York, N.Y., and Philadelphia, Pa., and points within 30 miles of each and Baltimore, Md., with restrictions; between points in Belmont County, Ohio (with exceptions), on the one hand, and, on the other points in West Virginia and Pennsylvania (with exceptions); *general commodities*, excepting among others, commodities in bulk, but not excepting household goods, between Glencoe, Ohio, and points within 5 miles of Glencoe, on the one hand, and, on the other, Pittsburgh, Pa., and Parkersburg, W. Va.; *iron and steel articles, wire, rolling mill rolls, rolling mill machinery, and matches*, from points in Ohio and West Virginia within 2 miles of the Ohio River northerly from Sistersville, W. Va., and Fly, Ohio, and extending to junction West Virginia-Ohio-Pennsylvania State lines to certain specified points in Pennsylvania, with restriction;

Iron and steel articles, from points in the above-specified origin territory to Hagerstown, Md., and Frederick, Md., with restriction; *rigid conduit, electric cable, iron and steel articles, and armored cable*, from points in the above-specified origin territory to Washington, D.C., with restriction; *petroleum products and soap*, from Marcus Hook, Pa., and Baltimore, Md., to Parkersburg and Orma, W. Va., and points in Ohio within 80 miles of Wheeling, W. Va., except those points in Ohio included in the above-specified origin territory, with restriction; *iron and steel articles, lanterns, lamp burners, metal tubes, and bottle caps*, from points in the above-specified origin territory in Ohio and West Virginia to certain specified points in Indiana, with restriction: *iron and steel articles, lanterns, lamp burners, metal tubes, bottle caps, rolling mill rolls, rolling mill machinery and boat davits*, from points in the above-specified origin territory to Louisville, Ky., and Ashland, Ky., with restriction; *iron and steel articles*, from points in Ohio in the above-specified origin territory to Dunbar, W. Va., with restriction; *evaporated milk*, from Barnesville, Ohio, to Baltimore, Md., Washington, D.C., and certain specified points in Pennsylvania, with restriction; *sugar*, from Baltimore, Md., to Parkersburg and Orma, W. Va., and points in Ohio within 80 miles of Wheeling, W. Va., except those points in Ohio included in the above-specified origin territory, with restriction; *milk*, containers, from Waterford, Ohio, to points in Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, West Virginia, and the District of Columbia, from Barnesville, Ohio, to points in Delaware, Massachusetts, New Jersey, New York, and the District of Columbia; and *milk*, fresh and processed, in containers, from Barnesville, Ohio, to points in Maryland,

from Waterford and Barnesville, Ohio, to points in Kentucky, Tennessee, and Virginia. MIDWEST EMERY FREIGHT SYSTEM, INC., is authorized to operate as a *common carrier* in all points in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b). NOTE: MIDWEST EMERY FREIGHT SYSTEM, INC., controls INTERSTATE TRUCK SERVICE, INC., through ownership of capital stock pursuant to authority granted December 28, 1965, by a Division 3 report and order, and consummated September 27, 1966.

No. MC–F–10429. Authority sought for purchase by RAYMOND LONG, INC., 100 West Tenth Street, Wilmington, Del. 19899, of the operating rights and property of RAYMOND B. LONG, INC., Ridge Road, Tylersport, Pa. 18971, and for acquisition by CARMEN A. DANELLA, NICHOLAS C. DANELLA, both of 250 Diamond Avenue, Norristown, Pa. 19401, and PAUL YERK, JR., Ridge Road, Tylersport, Pa. 18971, of control of such rights and property through the purchase. Applicants' attorney: Theodore Polydoroff, 1140 Connecticut Avenue NW., Washington, D.C. 20036. Operating rights sought to be transferred: *Coal*, as a *common carrier*, over irregular routes, from Mahanoy City and Tamaqua, Pa., and points within 10 miles of each, to Palisades Park, N.J., and points in Bronx, Kings, and New York Counties, N.Y., from points in Schuylkill County, Pa., to points in Middlesex, Union, and Essex Counties, N.J., from points in Schuylkill County, Pa. (except Mahanoy City and Tamaqua, Pa., and points within 10 miles of each), to points in Bronx, Kings, and New York Counties, N.Y., and the site of Sea View Hospital located on Staten Island (Richmond County), N.Y.; *coal*, in bulk, in dump vehicles, from Lansford, Pa., to the site of the Sea View Hospital on Staten Island (Richmond County), N.Y.; *such bulk commodities* as are transported in dump trucks, between points in Philadelphia, Delaware, Chester, and Montgomery Counties, Pa., on the one hand, and, on the other, points in New Jersey; *building and road construction materials*, in bulk, between points in Bucks County, Pa., on the one hand, and, on the other, points in New Jersey within 35 miles of Bristol, Pa., *vinyl plastic coated stone and sand and gravel*, from points in Northampton County, Pa., to points in Delaware, Maryland, New York, North Carolina, Virginia, West Virginia, and the District of Columbia; *vinyl plastic coated stone*, from points in Northampton County, Pa., to points in New Jersey; *sand and gravel*, from points in Northampton County, Pa., to points in New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties); and *ore*, in dump vehicles, from points in Essex County, N.J., to points in Bucks and Montgomery Counties, Pa. RAYMOND LONG, INC. holds no authority from this Commission. However, two of its controlling stockholders, CARMEN A. DANELLA and NICHOLAS C. DANELLA, control DANELLA BROS., INC., 250 Diamond Avenue, Norristown, Pa., which is authorized to operate as a *common carrier*, in Pennsylvania, New Jersey, and New York. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10430. Authority sought for control by NELSON RESOURCE CORP., 441 Ninth Avenue, New York, N.Y. 10001, of BRADLEY'S EXPRESS, INCORPORATED, Atcheson Drive, Middletown, Conn. 06457, and for acquisition by WILLIAM A. NELSON, JR., also of New York, N.Y., and BENJAMIN ALPERT, 810 Broad Street, Newark, N.J. 07102, of control of BRADLEY'S EXPRESS, INCORPORATED, through the acquisition by NELSON RESOURCE CORP. Applicants' attorneys: Bowes & Millner, 744 Broad Street, Newark, N.J. 07102, and Reubin Kaminsky, 410 Asylum Street, Hartford, Conn. 06103. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Middletown, Conn., and New York, N.Y., serving the intermediate point of New Haven, Conn., the off-route points of East Hampton, Portland, Moodus, and Higganum, Conn., and Newark, N.J., and the intermediate and off-route points in the New York, N.Y., commercial zone, as defined by the Commission in 1 M.C.C. 665, between Middletown, Conn., and Hartford, Conn., serving the intermediate points of Cromwell, Rocky Hill, and Weathersfield, Conn., between Bridgeport, Conn., and Middletown, Conn., serving the intermediate and off-route points of Stratford, Milford, West Haven, New Haven, North Haven, Wallingford, and Meriden, Conn.; *cotton cloth*, over irregular routes, from Fonda and Broadalbin, N.Y., Woonsocket, R.I., and Canton, Mass., to Middletown, Conn.; *rubber footwear and empty cartons*, from Middletown, Conn., to Utica, N.Y.; *paper and fiber cases*, from East Walpole, Mass., to Middletown, East Hampton, Rocky Hill, and Cromwell, Conn.; *Mica*, between Portland, Conn., and Boston, Mass.; and *general commodities*, excepting, among others, household goods and commodities in bulk, between Middletown, Conn., on the one hand, and, on the other, Ilion, N.Y., and Boston, Mass. NELSON RESOURCE CORP. holds no authority from this Commission. However, it is affiliated with CARGO DISTRIBUTION CORPORATION, 441 Ninth Avenue, New York, N.Y. 10001, which is authorized to operate as a *common carrier* in New York, New Jersey, and Connecticut. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10431. Authority sought for purchase by WHEATON VAN LINES, INC., 2525 East 56th Street (Post Office Box 55191), Indianapolis, Ind. 46205, of the operating rights of CENTURY VAN LINES, INC., 901 North Columbia Boulevard, Portland, Oreg. 97217, and for acquisition by E. S. WHEATON and MARJORIE A. WHEATON, both also of Indianapolis, Ind., of control of such rights through the purchase. Applicants' attorney: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Operating rights sought to be transferred: *Household goods* as defined by the Commission, as a *common carrier*, over irregular routes, between points in Jackson County, Oreg., on the one hand, and, on the other, points in California, between Medford, Oreg., on the one hand, and, on the other, points in Coos, Curry, Douglas, Josephine, and Klamath Counties, Oreg. Vendee is authorized to operate as a *common carrier* in all points in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under Section 210a(b). NOTE: If a hearing is deemed necessary, Applicants request that it be held in Denver, Colo.

No. MC–F–10432. Authority sought for control by BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union Street, Kokomo, Ind. 46901, of SAFEWAY FREIGHT LINES, INC., Post Office Box 6752, W. T. Station, Toledo, Ohio 43612, and for acquisition by MOHIO LEASING CORPORATION, 2425 South Wood Street, Chicago, Ill. 60608, and, in turn by JOSEPH B. FOLLADORI, JR., also of Kokomo, Ind., of control of SAFEWAY FREIGHT LINES, INC., through the acquisition by BRADA MILLER FREIGHT SYSTEM, INC. Applicants' attorneys and representative: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago, Ill. 60603, and Theodore Markwood, Suite 955 Spitzer Bldg., Toledo, Ohio 43604. Operating rights sought to be controlled: Under a certificate of registration, in Docket No. MC–120420 Sub-1, covering the transportation of property, as a common carrier, in intrastate commerce, within the State of Ohio. BRADA MILLER FREIGHT SYSTEM, INC., is authorized to operate as a *common carrier* in Michigan, Ohio, Indiana, Illinois, Kentucky, Missouri, Wisconsin, Iowa, Nebraska, South Dakota, North Dakota, Minnesota, Pennsylvania, Virginia, West Virginia, and Tennessee. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10433. Authority sought for purchase by PACIFIC NATIONAL LINES, INCORPORATED, Post Office Box 117, Building 2197, Fort Lewis, Wash., of a portion of the operating rights of NORTHERN PACIFIC TRANSPORT COMPANY, 176 East Fifth Avenue, St. Paul, Minn., and for acquisition by PAUL HARMON, 15011 47th Avenue, East, Tacoma, Wash., WILLIAM WEAVER, 7630 Emerald Drive SW., Tacoma, Wash., and JAMES I. DAVIDSON, 3200 Capitol Boulevard, Olympia, Wash., of control of such rights through the purchase. Applicants' attorney and representative, Jack R. Davis and George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Operating rights sought to be transferred: Passengers and their baggage and express and newspapers, in the same vehicle with passengers, as a *common carrier*, over regular routes, between Auburn, Wash., to Tacoma, Wash., serving the intermediate points of Sumner and Puyallup, between Auburn,

Wash., and Buckley, Wash., serving the intermediate point of Enumclaw, Wash., between Buckley, Wash., and Sumner, Wash., serving no intermediate points; over three alternate routes for operating convenience only. PACIFIC NATIONAL LINES, INCORPORATED hold no authority from this Commission. However, two of its controlling stockholders, WILLIAM P. WEAVER and JAMES I. DAVIDSON, hold one-third of the capital stock of TACOMA SUBURBAN LINES, INC., Post Office Box 117, Building 2197, Fort Lewis, Wash. 98401, which is authorized to operate under a certificate of registration within the State of Washington. Application has not been filed for temporary authority under section 210a(b). NOTE: MC-120075 Sub-4 is a matter directly related.

By the Commission.

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

[F.R. Doc. 69-3895; Filed, Apr. 2, 1969; 8:47 a.m.]

[Notice 544]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 28, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 3560 (Deviation No. 17), GENERAL EXPRESSWAYS, INC., 1205 South Platte River Drive, Denver, Colo. 80223, filed March 20, 1969. Carrier's representative: William E. Kenworthy, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between junction Wisconsin Highway 20 and U.S. Highway 45 and junction U.S. Highway 45 and Illinois Highway 21, over U.S. Highway 45, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) from Milwaukee, Wis., over unnumbered highway to junction Wisconsin Highway 100, thence over Wisconsin Highway 100 to junction Wisconsin Highway 32, thence over Wisconsin Highway 32 to the Wisconsin-Illinois State line, thence over Illinois Highway 42 to junction Illinois Highway 173, thence over Illinois Highway 173 to junction U.S. Highway 41, thence over U.S. Highway 41 to Chicago, Ill., and (2) from Chicago, Ill., over Illinois Highway 21 to junction Illinois Highway 83 (formerly portion Illinois Highway 21), thence over Illinois Highway 83 to the Illinois-Wisconsin State line, thence over Wisconsin Highway 83 to junction Wisconsin Highway 20 near Beaumont, Wis., thence over Wisconsin Highway 20 to junction U.S. Highway 45, thence over U.S. Highway 45 to Durham, Wis., thence over Wisconsin Highway 36 to Milwaukee, Wis., and return over the same route.

No. MC 76032 (Deviation No. 23), NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223, filed March 20, 1969. Carrier's representative: William E. Kenworthy, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 50 and Interstate Highway 5-580 near Tracy, Calif., over Interstate Highway 5-580 to junction California Highway 132, thence over California Highway 132 to Modesto, Calif., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Barstow, Calif., over California Highway 58 (formerly U.S. Highway 466) to Bakersfield, Calif., thence over California Highway 99 (formerly U.S. Highway 99) to junction California Highway 120 near Manteca, Calif., thence over California Highway 120 via Manteca, Calif., to junction U.S. Highway 50, thence over U.S. Highway 50 via Oakland, Calif., to San Francisco, Calif., and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 514) (Cancels Deviation Nos. 207 and 245), GREYHOUND LINES, INC. (Western Division), Market and Fremont Streets, San Francisco, Calif. 94106, filed March 20, 1969. Carrier's representative: W. D. McCracken, 371 Market Street, San Francisco, Calif. 94105. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) from junction unnumbered highway and U.S. Highway 50 (Union Hill Junction), over U.S. Highway 50 to junction unnumbered highway (East Camino Junction), (2) from junction unnumbered highway and U.S. Highway 50 (East Camino Junction), over U.S. Highway 50 to junction unnumbered highway (West Camino Junction), (3) from junction unnumbered highway and U.S. Highway 50 (West Placerville Junction), over U.S. Highway 50 to junction unnumbered highway (El Dorado Fairgrounds Overcrossing), (4) from junction unnumbered highway and U.S. Highway 50 (Missouri Flat Road Junction), over U.S. Highway 50 to junction unnumbered highway (Shingle Springs Junction), and (5) from junction unnumbered highway and U.S. Highway 50 (West Folsom Junction), over U.S. Highway 50 to junction unnumbered highway (Citrus Junction), and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From the point where U.S. Highway 50 intersects the Nevada-California State line, over U.S. Highway 50 to junction unnumbered highway (Union Hill Junction), thence over unnumbered highway to junction U.S. Highway 50 (West Camino Junction), thence over U.S. Highway 50 to junction unnumbered highway west of Placerville (West Placerville Junction), thence over unnumbered highway to junction U.S. Highway 50 (El Dorado Fairgrounds Overcrossing), thence over U.S. Highway 50 to junction unnumbered highway (Missouri Flat Road Junction), thence over unnumbered highway to junction U.S. Highway 50 (Shingle Springs Junction), thence over U.S. Highway 50 to junction unnumbered highway southeast of Folsom (East Folsom Junction), thence over unnumbered highway via Folsom and Nimbus to junction U.S. Highway 50 southwest of Citrus (Citrus Junction), thence over U.S. Highway 50 to Sacramento, Calif. (Connects with Nevada route 4).

By the Commission.

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

[F.R. Doc. 69-3897; Filed, Apr. 2, 1969; 8:47 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MARCH 28, 1969.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. T–263, Sub 5 filed March 14, 1969. Applicant: JAMES B. ALEXANDER, doing business as ALEXANDER TRUCKING COMPANY, South Main Street, Post Office Box 103, Davidson, N.C. Applicant's representative: Vaughn S. Winborne, 1108 Capital Club Building, Raleigh, N.C. 27601. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, between points and places in the following Counties in the State of North Carolina: Union, Mecklenburg, Cabarrus, Gaston, Cleveland, Lincoln, Rowan, Davie, Iredell, Wilkes, Surry, Guilford, Stanley, Davidson, Forsyth, Yadkin, Alexander, Catawba, Burke, Caldwell, Rutherford, Anson, Montgomery, Randolph, and Alamance. NOTE: The purpose of this application is to remove the truck load limitation now on this carrier, to add counties through which it now has to operate to reach all parts of its operating authority and to add certain counties which are in the trade areas of its present authority. Both intrastate and interstate authority sought.

HEARING: Thursday, May 15, 1969, 2 p.m., Ruffin Building, 1 West Morgan Street, Raleigh, N.C. Requests for procedural information including the time for filing protests concerning this application should be addressed to the North Carolina Utilities Commission, Post Office Box 991, Raleigh, N.C. 27602, and should *not* be directed to the Interstate Commerce Commission.

State Docket No. MT–405 filed March 10, 1969. Applicant: TORREY DELIVERY, INC., 219 Brigham Road, Dunkirk, N.Y. 14048. Applicant's representative: Collesano, Sommer & Daley, 11 East Main Street, Fredonia, N.Y. 14063. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General Commodities and refrigerated commodities*, as defined in 15 NYCRR 800.1, between all points in Chautauqua County, between Buffalo and Jamestown via U.S. Highway 62 and New York Highway 17, including service to and from and between all intermediate points and the following off-route points: Cattaraugus, Little Valley, Randolph, and South Dayton. Both intrastate and interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information including the time for filing protests concerning this application should be addressed to the New York State Public Service Commission, 44 Holland Avenue, Albany, N.Y. 12208, and should not be directed to the Interstate Commerce Commission.

State Docket No. 16169 filed March 17, 1969. Applicant: ALABAMA FREIGHT, INC., Post Office Box 611, Birmingham, Ala. 35201. Applicant's representative: R. S. Richard, Post Office Box 2069, 57 Adams Avenue, Montgomery, Ala. 36103. To amend APSC Certificate No. 720 so as to remove restrictions as to truckload lots and minimums to the end that said certificate, when amended, would read as follows: *Household goods*, such as personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals, or other establishments, when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments, and articles including objects of arts, displays, and exhibits, which, because of their unusual nature or value, require specialized handling and equipment usually employed in moving household goods: Between points and places in Alabama. *Coal and lumber:* Between points located in Alabama within a radius of 50 miles from Birmingham, Ala., and including Birmingham, *clay, concrete and shale products, iron and steel articles, cotton* (in bales), *cottonseed meal and hulls:* Between Birmingham and points within a 25 mile radius of Birmingham, on the one hand, and all points and places in Alabama, on the other hand. NOTE: The effect of the sought amendment would be to delete the words, "in truckload lots only with a minimum of 4,000 pounds", from the household goods authority, and to delete the words, "in truckload lots only with a minimum of 10,000 pounds", from the coal and lumber authority. In all other respects the certificate remains unchanged. Both intrastate and interstate authority sought.

HEARING: Contact the Alabama Public Service Commission for this information. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Alabama Public Service Commission, Post Office Box 991, Montgomery, Ala. 36102, and should *not* be directed to the Interstate Commerce Commission.

State Docket No. 23600–Extension (Clarification), filed February 3, 1969, published in FEDERAL REGISTER issue of March 12, 1969, and republished as clarified this issue. Applicant: RICHARD H. ESHE AND LOIS MAE ESHE, co-partners, doing business as SOUTH PARK MOTOR LINES, 48 East 56th Avenue, Denver, Colo. 80216. Applicant's representative: John P. Thompson, 450 Capitol Life Building, Denver, Colo. 80203. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, in scheduled service over regular routes, between Denver, Colo., and points within 5 miles thereof, on the one hand, and, on the other hand, the east portal of Straight Creek Tunnel (located in Clear Creek County, Colo.), and the west portal of Straight Creek Tunnel (located in Clear Creek County, Colo.), and the west portal of Straight Creek Tunnel (located in Summit County, Colo.) over U.S. Highway 6, Interstate Highway 70, and Colorado Highway 9, serving no intermediate points. Both intrastate and interstate authority sought.

HEARING: Thursday, April 3, 1969, at 10 a.m., in the hearing room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colo. 80203. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Colorado Public Utilities Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colo. 80203, and should *not* be directed to the Interstate Commerce Commission. NOTE: The purpose of this republication is to clarify authority sought and to show docket number as *23600* in lieu of *26300*, as erroneously published.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–3896; Filed, Apr. 2, 1969; 8:47 a.m.]

[Notice 321]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 28, 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–71131. By order of March 21, 1969, the Motor Carrier Board approved the transfer to R. Blinderman Motor Lines, Inc., Norwich, Conn., of Certificate No. MC–29737, issued January 18, 1960, to Sydney Blinderman, doing business as Blinderman Motor Lines, Norwich, Conn., authorizing the transportation of: Household goods, between Norwich, Conn., and points in Connecticut within 20 miles of Norwich, on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, New York, and New Jersey. Lawrence J. Greenberg, 302 State Street, New London, Conn. 06320, attorney for applicants.

No. MC–FC–71193. By order of March 21, 1969, the Motor Carrier Board approved the transfer to Betty J. Strauss, doing business as West Side Transfer & Storage Co., Marietta, Ohio, of the certificate in No. MC–472, issued January 14, 1953, to R. M. Weinstock, doing business as West Side Transfer & Storage Co., Marietta, Ohio, authorizing the transportation of household goods between points in Ohio, on the one hand, and on the other, points in West Virginia and Pennsylvania; and general commodities, with exceptions between Marietta, Ohio, on the one hand, and, on the other, points in Ohio and West Virginia within 35 miles of Marietta. James M. Burtch, Columbus Center, 100 Broad

Street, Columbus, Ohio 43215, attorney for applicants.

No. MC–FC–71194. By order of March 21, 1969, the Motor Carrier Board approved the transfer to Arthur Shelley, Dallas, Pa., of the operating rights in Permits Nos. MC–126381 (Sub-No. 2) and MC–126381 (Sub-No. 6) issued April 1, 1966, and November 9, 1967, respectively, to Frank Riviello, Old Forge, Pa., authorizing the transportation of rags, in bales, from Wilkes Barre, Pa., to Norfolk, Va., and East Point, Savannah, and Dosaga, Ga., and rags, in bales, from the plantsite of the Scranton Wiping Cloth Company, at or near Scranton, Pa., to Dosaga and Savannah, Ga., and Norfolk, Va. Dual operations were approved. Kenneth R. Davis, Registered Practitioner, 1106 Dartmouth Street, Scranton, Pa. 18504, representative for applicants.

No. MC–FC–71195. By order of March 21, 1969, the Motor Carrier Board approved the transfer to Esbit Transportation & Storage Co., Inc., Brooklyn, N.Y., of the operating rights in Certificate No. MC–29796 issued November 14, 1962, to Joseph Esbit, doing business as Esbit Transportation & Storage Co., Brooklyn, N.Y., authorizing the transportation of new furniture, from New York, N.Y., to points in New York and New Jersey within 50 miles of the New York, N.Y., Commercial Zone, as defined by the Commission, and refused, damaged, or rejected shipments of new furniture, on return. Martin Werner, Werner & Alfano, 2 West 45th Street, New York, N.Y., 10036, attorney for applicants.

No. MC–FC–71196. By order of March 21, 1969, the Motor Carrier Board approved the transfer to Herbert D. Smith, 2nd, doing business as T. E. Smith & Son, West Chester, Pa., of the certificate in No. MC–3106 issued February 6, 1937 to Herbert D. Smith, doing business as T. E. Smith & Son, West Chester, Pa., authorizing the transportation of household goods between points within a radius of 10 miles of West Chester, Pa., on the one hand, and points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Rhode Island, Virginia, and the District of Columbia, on the other. Joseph F. Harvey, 11 South High Street, West Chester, Pa., attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–3898; Filed, Apr. 2, 1969; 8:47 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—APRIL

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during April

3 CFR

	Page
EXECUTIVE ORDERS:	
11248 (amended by EO 11463)	6029
11462	5983
11463	6029

5 CFR

	Page
213	5985, 6035, 6036
550	5985

7 CFR

	Page
814	6031
907	6034
908	6035
PROPOSED RULES:	
1103	5998
1138	6001

8 CFR

	Page
214	6036
238	6036
316a	6036

9 CFR

	Page
PROPOSED RULES:	
76	6047

10 CFR

	Page
2	6037
50	6037
115	6037

10 CFR—Continued

	Page
PROPOSED RULES:	
1	6002
2	6002
50	6002
115	6002

14 CFR

	Page
71	5985, 5986, 6038
73	5986
PROPOSED RULES:	
71	6001
73	6050

16 CFR

	Page
13	6039, 6040

19 CFR

	Page
16	5986

21 CFR

	Page
120	6041
121	6043
138	6043
145	6044
148v	6044
281	5987

32 CFR

	Page
198	5987

33 CFR

	Page
110	5988
117	5989

39 CFR

	Page
822	5989
PROPOSED RULES:	
132	5998

41 CFR

	Page
5–53	5990

42 CFR

	Page
PROPOSED RULES:	
73	6047

45 CFR

	Page
40	5990

46 CFR

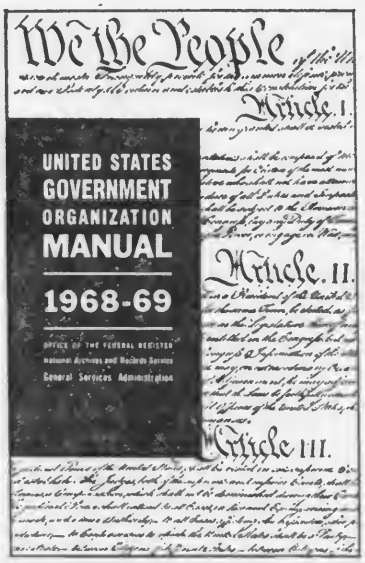
	Page
255	5991
309	5991

47 CFR

	Page
73	5996

49 CFR

	Page
1033	5997
PROPOSED RULES:	
393	6001
1048	6050



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