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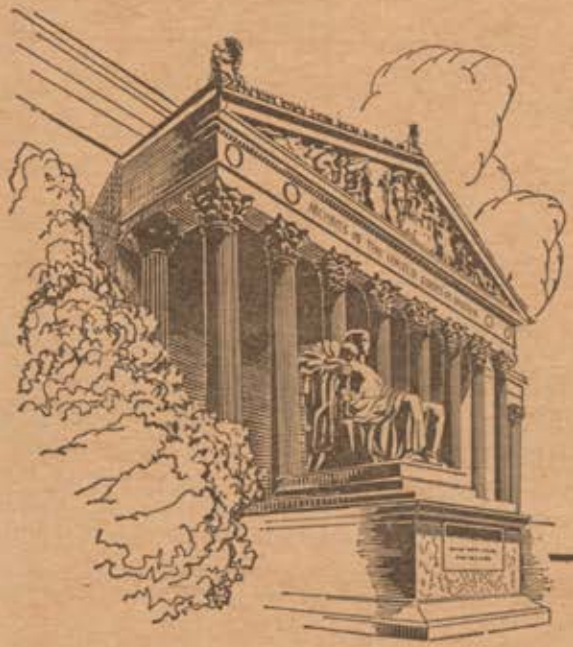
Agencies in this issue—

Detailed list of Contents appears inside.



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Contents

(Continued on next page)

List of CFR Parts Affected

(Codification Guide)

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, 1967, and specifies how they are affected.

3 CFR

EXECUTIVE ORDER:
- 11344 ... 6173

7 CFR

- 814 ... 6188

PROPOSED RULES:
- 730 ... 6196
- 911 ... 6205
- 915 ... 6206
- 1012 ... 6206
- 1128 ... 6206
- 1134 ... 6206

12 CFR

- 211 ... 6195
- 224 ... 6195

PROPOSED RULES:
- 207 ... 6210
- 210 ... 6210
- 545 ... 6209

13 CFR

- 121 ... 6175

14 CFR

- 39 (2 documents) ... 6184, 6185
- 71 ... 6185
- 73 ... 6186

PROPOSED RULES:
- 71 (3 documents) ... 6207, 6208
- 73 ... 6207

21 CFR

- 8 ... 6186
- 121 (3 documents) ... 6186, 6187
- 138 ... 6187

32 CFR

- 49 ... 6192
- 536 ... 6193

43 CFR

- 2230 ... 6194

PUBLIC LAND ORDER:
- 4193 ... 6194

50 CFR

PROPOSED RULES:
- 10 ... 6196

Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11344

CREATING A BOARD OF INQUIRY TO REPORT ON A LABOR DISPUTE AFFECTING THE MILITARY AIRCRAFT INDUSTRY AND THE MILITARY AIRCRAFT ENGINE INDUSTRY OF THE UNITED STATES

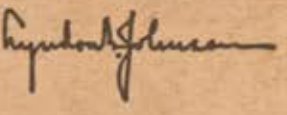
WHEREAS, there exists a labor dispute between Avco Corporation, a Delaware corporation, and certain of its employees at the Lycoming Division Plant, Stratford, Connecticut, represented by International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, AFL—CIO, and Locals 376 and 1010 thereof; and

WHEREAS, such dispute threatens to result in a strike affecting a substantial part of an industry or industries of the United States engaged in trade, commerce, transportation, transmission, or communication among the several states or with foreign nations, or engaged in the production of goods for commerce, which strike, if permitted to occur or continue, would, in my opinion, imperil the national safety;

NOW, THEREFORE, by virtue of the authority vested in me by Section 206 of the Labor Management Relations Act of 1947 (61 Stat. 155; 29 U.S.C. 176), I hereby create a board of inquiry, consisting of Mr. Leo C. Brown, Chairman, Mr. James C. Hill and Mr. Clyde W. Summers, whom I appoint to inquire into the issues involved in this dispute.

The board shall have powers and duties as set forth in Title II of such act. The board shall report to the President in accordance with the provisions of Section 206 of such act on or before April 17, 1967.

Upon the submission of its report, the board shall continue in existence to perform such other functions as may be required under such act.



THE WHITE HOUSE,
April 15, 1967.

[F.R. Doc. 67-4464; Filed, Apr. 19, 1967; 1:20 p.m.]

Rules and Regulations

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 7]

PART 121—SMALL BUSINESS SIZE STANDARDS

Revision 7 of Part 121 rescinds Revision 6, including Amendments 1 through 16 thereof.

Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby revised to read as follows:

Sec.

AUTHORITY: The provisions of this Part 121 issued under Public Law 85–536, sec. 5(b)6, 72 Stat. 385; sec. 121.3–13 issued under Public Law 87–846, sec. 213(a), 72 Stat. 384.

§ 121.3 Statutory provisions.

(a) *Small Business Act, as amended.*

SEC. 3. For the purpose of this Act, a small business concern shall be deemed to be one which is independently owned and operated and which is not dominant in its field of operation. In addition to the foregoing criteria the Administrator, in making a detailed definition, may use these criteria, among others: Number of employees and dollar volume of business. Where the number of employees is used as one of the criteria in making such definition for any of the purposes of this Act, the maximum number of employees which a small business concern may have under the definition shall vary from industry to industry to the extent necessary to reflect differing characteristics of such industries and to take proper account of other relevant factors.

* * * * *

SEC. 8(b). It shall also be the duty of the Administration and it is hereby empowered, whenever it determines such action is necessary—

(6) To determine within any industry the concerns, firms, persons, corporations, partnerships, cooperatives, or other business enterprises which are to be designated "small business concerns" for the purpose of effectuating the provisions of this Act. To carry out this purpose the Administrator, when requested to do so, shall issue in response to each such request an appropriate certificate certifying an individual concern as a "small business concern" in accordance with the criteria expressed in this Act. Any such certificate shall be subject to revocation when the concern covered thereby ceases to be a "small business concern." Offices of the Government having procurement or lending powers, or engaging in the disposal of Federal property or allocating materials or supplies, or promulgating regulations affecting the distribution of materials or supplies, shall accept as conclusive the Administration's determination as to which enterprises are to be designed "small business concerns," as authorized and directed under this paragraph.

(b) *Small Business Investment Act of 1958, as amended.*

SEC. 103. As used in this Act—

* * * * *

(5) The term "small business concern" shall have the same meaning as in the "Small Business Act." * * *

(c) *War Claims Act of 1948, as amended.*

SEC. 213(a). The Secretary of the Treasury shall pay out of the War Claims Fund on account of awards certified by the Commission pursuant to this title as follows and in the following order of priority:

(1) Payment in full of awards made pursuant to section 202(d) (1) and (2) and thereafter of any award made pursuant to section 202(a) to any claimant certified to the Commission by the Small Business Administration as having been, on the date of loss, damage, or destruction, a small business concern within the meaning now set forth in the Small Business Act, as amended. * * *

§ 121.3–1 Purpose and method of establishing size standards.

(a) *Purpose.* This part defines "small business concerns" and establishes standards, criteria, and procedures to determine which concerns are "small business concerns" within the meaning of the Small Business Act, as amended (hereinafter referred to as the "Act"); the Small Business Investment Act of 1958, as amended (hereinafter referred to as the "Investment Act"); and the War Claims Act of 1948, as amended (hereinafter referred to as the "War Claims Act").

(b) *Method of establishing size standards*—(1) *Use of Standard Industrial Classification Manual.* The Standard Industrial Classification Manual, as amended, prepared and published by the Bureau of the Budget, Executive Office of the President, shall be used by SBA in defining industries.

(i) *Exception.* Whenever SBA determines that within an industry, as defined in the SIC Manual, there is a group of establishments manufacturing a class of products which has been given a five-digit code by the Bureau of the Census and such groups of establishments would be recognized as a separate industry except for the fact that it fails to meet the Bureau of the Budget's size of industry criterion for SIC Manual recognition and SBA further determines that the financial assistance size standard for such class of products should be 500 employees rather than 250 employees, SBA shall thereupon adopt a separate size standard for such class of products and shall list it in Schedule A of this Part 121.

(2) *Factors in formulating size standards.* The following factors shall be considered in formulating industry size standards:

(i) Concentration of output;

(ii) Coverage ratio;

(iii) Primary product specialization ratio;

(iv) Absolute number of concerns;

(v) Size of industry (dollar volume);

(vi) Employment size of industry leaders; and

(vii) The SBA program for which the size standard is established.

In formulating industry size standards for the purpose of Government procurement, the additional factor of Government procurement history shall be used. The use of this additional factor may cause the size standards for the purpose of Government procurement and the size standards for the purpose of financial assistance to differ for the same industry.

(3) *Product classification.* For size standards purposes, a product shall be classified into only one industry, even though, for other purposes, it could be classified into more than one industry. In determining the SIC industry into which particular products shall be classified for size standard purposes, consideration shall be given to all appropriate factors, including:

(i) Alphabetic indices published by the Bureau of the Budget, Bureau of the Census, and the Business and Defense Services Administration.

(ii) Description of the product under consideration.

(iii) Previous Government procurements for the same or similar products, and

(iv) Published information concerning the nature of companies which manufacture such product.

(4) *Product classification decision.* The SBA Regional Director or his delegatee of the SBA Region in which the applicant's principal office is located shall determine the appropriate SIC classification except that for procurement purposes the determination shall be made by the official specified in § 121.3–8. Such determination shall be subject to

appeal in the manner provided in § 121.3–6.

§ 121.3–2 Definition of terms used in this part.

(a) "Affiliates": Concerns are affiliates of each other when either directly or indirectly (1) one concern (other than an investment company licensed under the Small Business Investment Act of 1958 or registered under the Investment Company Act of 1940, as amended), controls or has the power to control the other, or (2) a third party or parties (other than an investment company licensed under the Small Business Investment Act of 1958 or registered under the Investment Company Act of 1948, as amended), controls or has the power to control both. In determining whether concerns are independently owned and operated and whether or not affiliation exists, consideration shall be given to all appropriate factors, including common ownership, common management, and contractual relationships: *Provided, however,* That restraints imposed on a franchisee by its franchise agreement shall not be considered in determining whether the franchisor controls or has the power to control and, therefore is affiliated with the franchisee, if the franchisee has the right to profit from his effort, commensurate with ownership, and bears the risk of loss or failure.

(b) "Annual sales or annual receipts" means the annual sales or annual receipts, less returns and allowances, of a concern and its affiliates during its most recently completed fiscal year.

(c) "Appeal" means a written communication addressed to the Size Appeals Board requesting it to review a determination relating to a size matter made by an Area Administrator or his delegatee, or by a Contracting Officer.

(d–1) "Area of Substantial Unemployment" for the purpose of small business size determination means a geographical area within the United States which:

(1) Is classified by the Department of Labor either as an "Area of Substantial Unemployment," or an "Area of Substantial and Persistent Unemployment," and such classification has been listed in that Department's publication "Area Labor Market Trends" continuously from September 15, 1961, until a size determination is made; or

(2) Is individually certified by the Department of Labor as an "Area of Substantial Unemployment" and has been eligible for such certification continuously since September 15, 1961. If an area has been removed from the publication, "Area Labor Market Trends," or if an area becomes ineligible for certification at any time, such area is excluded from the above definition and cannot be reinstated for the purpose of size determinations unless it is designated as a Redevelopment Area by the Department of Commerce. (See paragraph (s) of this section.)

(d–2) "Base maintenance" means furnishing at an installation within the several States, Commonwealth of Puerto Rico, Virgin Islands, or the District of Columbia, three or more services which may include but are not limited to such field of maintenance activities as janitorial and custodial services, protective guard services, commissary services, base housing maintenance, fire prevention services, refuse collection services, safety engineering services, messenger services, grounds maintenance and landscaping services, and air-conditioning and refrigeration maintenance: *Provided, however,* That whenever the contracting officer determines prior to the issuance of bids that the estimated value of one of the foregoing services constitutes more than 50 percent of the estimated value of the entire contract, the contract shall not be classified as base maintenance but in the industry in which such service is classified.

(d–3) "Bona fide feed stocks" means crude and any other hydrocarbon material actually charged to refinery processing units, as distinguished from materials used as components in products to be delivered after merely filtering, settling, or blending.

(e) "Crude-oil capacity" means the maximum daily average crude throughput of a refinery in complete operation, with allowance for necessary shutdown time for routine maintenance, repairs, etc. It approximates the maximum daily average crude runs to stills that can be maintained for an extended period.

(f) "Certificate of Competency" means a certificate issued by SBA pursuant to the authority contained in section 8(b)(7) of the Act stating that the holder of the certificate is competent as to the capacity and credit, to perform a specific Government procurement or sales contract.

(g) "Concern" except for § 121.3–13, means any business entity organized for profit with a place of business located in the United States, including, but not limited to, an individual, partnership, corporation, joint venture, association, or cooperative. For the purpose of making affiliation findings (see paragraph (a) of this section) any business entity, whether organized for profit or not, and any foreign business entity shall be included. For the purpose of § 121.3–13 a concern need not have a place of business located in the United States.

(h) "Contracting Officer" means the person executing a particular contract on behalf of the Government, and any other employee who is properly designated contracting officer; the term includes the authorized representative of a contracting officer acting within the limits of his authority.

(i) "Convalescent or nursing home" means those facilities for the accommodation of convalescents or other persons who are not acutely ill or not in need of hospital care but who may require nursing care and related medical services, which facility is privately owned and operated for the purpose of obtaining profits which shall inure to the benefit of its owners, stockholders, or members.

(j) "Department store" means a concern employing twenty-five (25) or more persons engaged in the retail sale of some items in each of the following merchandise lines: (1) Furniture, home furnishings, appliances, radio and television sets; (2) a general line of apparel for the family; and (3) household linens and dry goods: *Provided, however,* That sales within any one of the preceding merchandise lines do not exceed eighty percent (80%) of the concern's total sales and the aggregate of such merchandise lines accounts for at least fifty percent (50%) of the concern's total sales.

(k) "Gross leasable area" means the total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet measured from the centerline of a joint partition and from outside wall faces.

(l) "Hospital" means a health facility duly licensed as a hospital providing inpatient medical or surgical care of the sick or injured, including obstetrics, which facility is privately owned and operated for the purpose of obtaining profits which shall inure to the benefits of its owners, stockholders, or members.

(m) "Industry" means a grouping of establishments primarily engaged in similar lines of activity as listed and described in the Standard Industrial Classification Manual, as amended (SIC Manual), prepared and published by the Bureau of the Budget, Executive Office of the President.

(n) "Medical and dental laboratory" means those facilities which provide services to doctors, dentists, hospitals, and similar health facilities, which facilities are privately owned and operated for the purpose of obtaining profits which shall inure to the benefit of its owners, stockholders, or members.

(o) "Nonmanufacturer" means any concern which in connection with a specific Government procurement contract, other than a construction or service contract, does not manufacture or produce the products required to be furnished by such procurement. Nonmanufacturer includes a concern which can manufacture or produce the products referred to in the specific procurement but does not do so in connection with that procurement.

(p) A concern is "not dominant in its field of operation" when it does not exercise a controlling or major influence on a national basis in a kind of business activity in which a number of business concerns are primarily engaged. In determining whether dominance exists, consideration shall be given to all appropriate factors, including volume of business, number of employees, financial resources, competitive status or position, ownership or control of materials, processes, patents, license agreements, facilities, sales territory, and nature of business activity.

(q) "Number of employees" means the average employment of any concern, including the employees of its domestic and foreign affiliates, based on the number of persons employed on a full-time, part-time, temporary, or other basis during the pay period ending nearest the last day of the third month in each calendar

quarter for the preceding four quarters. If a concern has not been in existence for four full calendar quarters, "number of employees" means the average employment of such concern and its affiliates during the period such concern has been in existence based on the number of persons employed during the pay period ending nearest the last day of each month.

(r) "Protest" means a statement in writing from any bidder or offerer having a valid interest in whether or not another bidder or offerer on the same Government procurement or Government disposal contract is a small business within the meaning of this Part 121. Such statement shall contain the basis for the protest, together with specific detailed evidence supporting the protestant's claim that such bidder or offerer is not a small business. A protest received after the time limits set forth in § 121.3–5(a) shall not be considered nor acted upon.

(s) "Redevelopment Area" for the purpose of small business size determinations means a geographical area within the United States which has been designated as a "Redevelopment Area" in accordance with the Public Works and Economic Development Act of 1965 (Public Law 89–136, sec. 401, 75 Stat. 48).

(t) "Shopping center" means a group of commercial establishments planned, developed, owned, and managed as a unit with off-street parking provided on the property.

(u) "Size determination" means a ruling by SBA that a concern is or is not, or was or was not a small business within the meaning of this part.

(v) "United States" as used in this regulation includes the several States, the territories and possessions of the United States, the Commonwealth of Puerto Rico, and the District of Columbia.

§ 121.3–3 Organization; size functions.

The Associate Administrator for Procurement and Management Assistance shall:

(a) Develop and recommend small business size standards to the Administrator of SBA for promulgation;

(b) Conduct industry hearings pertaining to size matters;

(c) In concert with the Office of General Counsel, issue interpretations of the Size Standards Regulation;

(d) Consider and take appropriate action on written petitions objecting to or requesting amendments or recission of a published size standard;

(e) Establish procedures for the implementation of all size programs; and

(f) Perform such other related functions as may be appropriate to administer the SBA size program.

§ 121.3–4 Application for size determination.

Size determinations shall be made by the Area Administrator, or his delegatee, of the region in which the applicant's principal office is located. The Area Administrator, or his delegatee, promptly shall notify, in writing, the applicant and other interested persons of his decision. Such determination shall be final unless appealed in the manner provided in § 121.3–6. Applications for size determinations shall be submitted on SBA Form 355, Application for Small Business Size Determination, in duplicate, to any SBA Field Office. The SBA Field Office receiving the application shall forward the application to the Regional Office serving the area in which the applicant's principal office is located. SBA Form 355 shall be completed and supporting materials shall be attached thereto. Applications for size determinations made by either a small business investment company or an applicant for assistance from such an investment company shall be submitted on SBA Form 480, together with SBA Form 355. Detailed instructions for completing SBA Form 355 and SBA Form 480 are attached thereto. Copies of such forms may be obtained from any SBA Field Office or from the Small Business Administration, Washington, D.C. 20416.

§ 121.3–5 Protest of small business status.

(a) *How to protest.* Any bidder or offerer on a Government procurement or disposal may challenge the small business status of any other bidder or offerer on the same procurement or disposal. Such challenge shall be made by delivering a protest to the Contracting Officer responsible for the particular procurement or disposal prior to the close of business on the fifth day, exclusive of Saturdays, Sundays, and legal holidays, after bid or proposal opening: *Provided, however,* That a protest received after such time shall be deemed to be timely and shall be considered if, in the case of mailed protests, such protest is sent by registered or certified mail and the postmark thereon indicates that the protest would have been delivered within this time limit but for delays beyond the control of the protestant or, in the case of telegraphed protests, the telegram date and time line indicates that the protest would have been delivered within this time limit but for delays beyond the control of the protestant. Any Contracting Officer who receives such timely protest shall promptly forward such protest to the SBA Regional Office serving the area in which the principal office of the protested concern is located. A Contracting Officer may question the small business status of any bidder or offerer by filing a protest with the SBA Regional Office serving the area in which the principal office of the protested concern is located. Failure to make a timely protest shall not prejudice the right to challenge the small business status of the same or any other concern in the future.

(b) *Notification of protest.* Upon receipt of such protest, the SBA Regional Director or his delegatee shall immediately notify the Contracting Officer and the protestant of the date such protest has been received and that the size of the concern being protested is being considered by SBA. The Regional Director or his delegatee shall also advise the protested bidder or offerer of the receipt of the protest and shall forward to the protested bidder or offerer a copy of the protest and a blank SBA Form 355, Application for Small Business Size Determination, by Certified Mail, Return Receipt Requested. The bidder shall be advised, in writing, that: (1) It must, within three (3) days after receipt of the copy of the protest and SBA Form 355, file the completed form as directed by SBA, (2) it must attach thereto a statement in answer to the allegations of the letter of protest, together with evidence to support such position, and (3) if it does not submit the completed SBA Form 355, SBA will rule that the protested concern is other than a small business.

(c) *Notification of determination.* After receipt of a protest and responses thereto, SBA shall determine the small business status of the protested bidder or offerer and notify the Contracting Officer, the protestant, and the protested bidder or offerer of its decision within 10 working days, if possible.

§ 121.3–6 Appeals.

(a) *Organization.* The Size Appeals Board shall review appeals from size determinations made pursuant to §§ 121.3–4 and 121.3–5 and from product classifications made pursuant to § 121.3–8 and shall make recommendations to the Administrator whether such determinations or classifications should be affirmed, reversed or modified. The Size Appeals Board shall conduct such proceedings as it determines appropriate to enable it to discharge its duties.

(1) The Size Appeals Board shall consist of four members, to wit; The Deputy Administrator, Chairman, the Associate Administrator for Procurement and Management Assistance, the Associate Administrator for Financial Assistance and the Assistant Administrator for Planning, Research and Analysis.

(2) Each member of the Size Appeals Board may designate an alternate to serve in his stead in the event of absence or disability.

(b) *Method of appeal*—(1) *Who may appeal.* An appeal may be taken by any concern or other interested party which has:

(i) Protested the small business status of another concern pursuant to § 121.3–5 and whose protest has been denied by a Regional Director.

(ii) Been adversely affected by a decision of an Area Administrator, or his delegatee, pursuant to §§ 121.3–4 and 121.3–5; or

(iii) Been adversely affected by a decision of a Contracting Officer regarding product classification pursuant to § 121.3–8.

(2) *Where to appeal.* Written notices of appeal shall be addressed to the Chairman, Size Appeals Board, Small Business Administration, Washington, D.C. 20416.

(3) *Time for appeal.* (i) An appeal from a size determination or product classification by an Area Administrator, or his delegatee, may be taken at any time, except that, because of the urgency of pending procurements, appeals con-

cerning the small business status of a bidder or offerer in a pending procurement may be taken within 5 days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a decision by an Area Administrator, or his delegatee. Unless written notice of such appeal is received by the Size Appeals Board before the close of business on this fifth day, the appellant will be deemed to have waived its rights of appeal insofar as the pending procurement is concerned.

(ii) An appeal from a product classification determination by a Contracting Officer may be taken (a) not less than 10 days, exclusive of Saturdays, Sundays, and legal holidays, before bid opening day or deadline for submitting proposals or quotations, in cases wherein the bid opening date or last date to submit proposals or quotations is more than 30 days after the issuance of the invitation for bids or request for proposals or quotations, or (b) not less than 5 days, exclusive of Saturdays, Sundays, and legal holidays, before the bid opening day or deadline for submitting proposals or quotations, in cases wherein the bid opening date or last date to submit proposals or quotations is 30 or less days after the issuance of the invitation for bids or request for proposals or quotations, and

(iii) The timeliness of an appeal under subdivisions (i) and (ii) of this subparagraph shall be determined by the time of receipt of the appeal by the Size Appeals Board: *Provided, however,* That an appeal received after such time limits have expired shall be deemed to be timely and shall be considered if, in the case of mailed appeals, such appeal is sent by registered or certified mail and the postmark thereon indicates that the appeal would have been received within the requisite time limit but for delays beyond the control of the appellant, or in the case of telegraphed appeals, the telegram date and time line indicates that the appeal would have been received within the requisite time limit but for delays beyond the control of the appellant.

(4) *Notice of appeal.* No particular form is prescribed for the notice of appeal. However, the appellant shall submit to the Board an original and four legible copies of such notice, and, to avoid time consuming correspondence, the notice should include the following information:

(i) Name and address of concern on which the size determination was made;

(ii) The character of the determination from which appeal is taken and its date;

(iii) If applicable, the IFB or contract number and date, and the name and address of the contracting officer;

(iv) A concise and direct statement of the reasons why the decision of an Area Administrator, or his delegatee, or Contracting Officer is alleged to be erroneous;

(v) Documentary evidence in support of such allegations; and

(vi) Action sought by the appellant.

(c) *Notice to interested parties.* The Size Appeals Board shall promptly acknowledge receipt of the notice of appeal and shall send a copy of such notice of appeal to the appropriate Area Administrator, or his delegatee, the Contracting Officer, if a pending procurement is involved, and other interested parties.

(d) *Statement of interested parties.* After receipt of a copy of appellant's notice of appeal, interested parties may file with the Board a signed statement, together with four eligible copies thereof, as to why the appeal should or should not be denied. Such statement shall be accompanied by appropriate evidence. Copies of such statements and appropriate evidence will be furnished to the appellant. Such statements and supporting evidence shall be mailed or delivered to the Chairman, Size Appeals Board, Small Business Administration, Washington, D.C. 20416, within five (5) days of the receipt of the copy of notice of appeal unless an extension is for cause granted by the Chairman of the Size Appeals Board.

(e) *Consideration by the Size Appeals Board.* The Size Appeals Board shall consider the appeal on the written submission of the appellant, or may, in its discretion, permit oral presentations by interested parties. The Board shall promptly recommend in writing to the Administrator a proposed decision which shall state the reasons for the recommendation.

(f) *Decision of the Administrator.* The Administrator's decision shall be predicated upon the entire record after giving such weight to the recommendation of the Size Appeals Board as he shall deem appropriate: *Provided, however,* That should he not concur with the recommendation of the Size Appeal Board, he shall state in writing the basis for his findings and conclusions.

(g) *Notification of final decision.* The Chairman shall promptly notify, in writing, the appellant and the other interested parties of the Administrator's decision, together with the reasons therefor.

§ 121.3–7 Differentials.

(a) *Alaska.* If an applicant for a size determination is a concern which has fifty percent (50%) or more of its annual sales or receipts attributable to business activity within Alaska then, whenever "annual sales or annual receipts" are used in any size definition contained in this part, said dollar limitation is increased by twenty-five percent (25%) of the amount set forth therein.

(b) *Substantial unemployment and redevelopment areas—(1) Business loans under the Small Business Act.* Notwithstanding any other provision of this part, the applicable size standards for the purpose of financial assistance under section 7(a) of the Act are increased by twenty-five percent (25%) whenever the concern maintains or operates a plant, facility, or other business establishment within an Area of Substantial Unemployment or Redevelopment Area and agrees to use the financial assistance within such area or, if it does not maintain or operate a plant, facility, or other business establishment within an Area of Substantial Unemployment or Redevelopment Area, agrees to utilize the financial assistance for the establishment and/or operation of a plant, facility, or other business establishment within such area.

(2) *Small business investment companies and development companies.* Notwithstanding any other provision of this part, the size standard for a small business concern receiving assistance from a small business investment company or receiving assistance from a development company in connection with section 501 or section 502 loan are increased by twenty-five percent (25%) whenever such concern maintains or operates a plant, facility, or other business establishment within an Area of Substantial Unemployment or Redevelopment Area and agrees to use such assistance within such area or, if it does not maintain or operate a plant, facility, or other business establishment within an Area of Substantial Unemployment or Redevelopment Area, agrees to utilize such assistance in connection with the establishment and/or operation of a plant, facility, or other business establishment in such area.

(3) *Government procurement assistance, sales of Government property and Government subcontracting.* This paragraph is not applicable to size determinations for the purpose of Government procurement assistance, sales of Government property, or Government subcontracting.

§ 121.3–8 Definition of small business for Government procurement.

A small business concern for the purpose of Government procurement is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts and can further qualify under the criteria set forth in this section. When computing the size status of a bidder or offerer, the number of employees, annual sales or receipts, or other applicable standards of the bidder or offerer and all of its affiliates shall be included. In the submission of a bid or proposal on a Government procurement, a concern which meets the criteria provided in this section may represent that it is a small business. In the absence of a written protest or other information which would cause him to question the veracity of the self-certification, the Contracting Officer shall accept the self-certification at face value for the particular procurement involved. If a procurement calls for more than one item the bidder must meet the size standard for each item for which it submits a bid. The determination of the appropriate classification of a product shall be made by the Contracting Officer and his determination shall be final unless appealed in the manner provided in § 121.3–6. If no standard for an industry, field of operation or activity (e.g., animal specialty; fin fish; anthracite mining; management-logistics support to be performed outside of the several States, Commonwealth of Puerto Rico, Virgin Islands, or the Ditsrict of Columbia) has been set forth in this section, a concern bidding on a Government contract is a small

business if, including its affiliates, it is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and has 500 employees or less.

(a) *Construction.* Any concern bidding on a contract for work which is classified in Division C, Contract Construction of the Standard Industrial Classification Manual, as amended, prepared and published by the Bureau of the Budget, Executive Office of the President, is:

(1) Small if its average annual receipts for its preceding 3 fiscal years do not exceed $7½ million.

(2) Small if it is bidding on a contract for dredging and its average annual receipts for its preceding 3 fiscal years do not exceed $5 million.

(b) *Manufacturing.* Any concern bidding on a contract for a product it manufactured is classified:

(1) As small if it is bidding on a contract for food canning and preserving and its number of employees does not exceed 500 persons, exclusive of agricultural labor as defined in section (k) of the Federal Unemployment Tax Act, 68A Stat. 454, 26 U.S.C. (I.R.C. 1954) 3306.

(2) As small if it is bidding on a contract for a product classified within an industry set forth in Schedule B of this part and its number of employees does not exceed the size standard established for that industry.

(3) As small if it is bidding on a contract for a product classified within an industry not set forth in Schedule B of this part and its number of employees does not exceed 500 persons.

(4) As small if it is bidding on a contract for pneumatic tires within Census Classification Codes 30111 and 30112: *Provided*, That (i) the value of the pneumatic tires within Census Classification Codes 30111 and 30112 which is manufactured in the United States during the preceding calendar year is more than 50 percent of the value of its total worldwide manufacture, (ii) the value of the pneumatic tires within Census Classification Codes 30111 and 30112 which it manufactured worldwide during the preceding calendar year was less than five percent (5%) of the value of all such tires manufactured in the United States during said period, and (iii) the value of the principal products which it manufactured or otherwise produced or sold worldwide during the preceding calendar year is less than ten percent (10%) of the total value of such products manufactured or otherwise produced or sold in the United States during said period.

(5) As small if it is bidding on a contract for passenger cars within Census Classification Code 37171: *Provided*, That (i) the value of the passenger cars within Census Classification Code 37171 which it manufactured or otherwise produced in the United States during the preceding calendar year is more than fifty percent (50%) of the value of its total worldwide manufacture or production of such passenger cars, (ii) the value of the passenger cars within Census Classification Code 37171, which it manufactured or otherwise produced during the preceding calendar year was less than five percent (5%) of the total value of all such cars manufactured or produced in the United States during the said period, and (iii) the value of the principal products which it manufactured or otherwise produced or sold during the preceding calendar year is less than ten percent (10%) of the total value of such product manufactured or otherwise produced or sold in the United States during said period.

(c) *Nonmanufacturing.* [Reserved]

NOTE: On April 5, 1963, there was published in the FEDERAL REGISTER (28 F.R. 3358) a proposed new definition of a small business nonmanufacturer. Interested persons were requested to file written comments. The comments filed suggested the need for further study of the proposal. Until such time as a new definition of a small business nonmanufacturer is adopted, the following definition shall be applicable:

Any concern which submits a bid or offer in its own name, other than on a construction or service contract, but which proposes to furnish a product not manufactured by said bidder or offerer, is deemed to be a small business concern when:

(1) It is a small business concern within the meaning of paragraph (a) of this section (its number of employees does not exceed 500 persons), and

(2) In the case of Government procurement reserved for or involving the preferential treatment of small businesses, such nonmanufacturer shall furnish in the performance of the contract the products of a small business manufacturer or producer which products are manufactured or produced in the United States; provided, however, if the goods to be furnished are woolen, worsted, knitwear, duck, and webbing, dealers and converters shall furnish such products which have been manufactured or produced by a small weaver (small knitter for knitwear), and, if finishing is required, by a small finisher. If the procurement is for thread dealers and converters shall furnish such products which have been finished by a small finisher. (Finishing of thread is defined as all "dyeing, bleaching, glazing, mildew proofing, coating, waxing, and other applications required by the pertinent specifications, but excluding mercerizing, spinning, throwing, or twisting operations.")

If the procurement is for a refined petroleum product, other than a product classified in Standard Industrial Classification Industries No. 2951, Paving mixtures and blocks; No. 2952, Asphalt felts and coatings; No. 2992, Lubricating oils and greases; or No. 2999, Products of petroleum and coal, not elsewhere classified; paragraph (g) of this section is for application.

(d) *Research, development, and testing.* Any concern bidding on a contract for research, development, and/or testing is classified:

(1) As small if it is bidding on a contract for research and/or development which requires delivery of a manufactured product and (i) it qualifies as a small business manufacturer within the meaning of paragraph (b) of this section for the industry into which the product is classified, or (ii) it qualifies as a small business nonmanufacturer within the meaning of paragraph (c) of this section.

(2) As small if it is bidding on a contract for research and/or development which does not require delivery of a manufactured product or on a contract for testing and its number of employees does not exceed 500 persons.

(e) *Services.* Any concern bidding on a contract for services, not elsewhere defined in this section, is classified as small if its average annual sales or receipts for its proceeding three (3) fiscal years do not exceed $1 million.

(1) Any concern bidding on a contract for engineering services other than marine engineering services is classified as small if its average annual sales or receipts for its preceding three (3) fiscal years do not exceed $5 million.

(2) Any concern bidding on a contract for motion picture production or motion picture services is classified as small if its average annual sales or receipts for its preceding three (3) fiscal years do not exceed $5 million.

(3) Any concern bidding on a contract for janitorial and custodial services is classified as small if its average annual sales or receipts for its preceding three (3) fiscal years do not exceed $3 million.

(4) Any concern bidding on a contract for base maintenance is classified as small if its average annual sales or receipts for its preceding three (3) fiscal years do not exceed $5 million.

(5) Any concern bidding on contracts for marine cargo handling services is classified as small if its annual sales or receipts do not exceed $5 million for the preceding three (3) fiscal years.

(6) Any concern bidding on a contract for naval architectural and marine engineering services is classified as small if its average annual sales or receipts for its preceding three (3) fiscal years do not exceed $6 million.

(f) *Transportation.* Any concern bidding on a contract for passenger or freight transportation, not elsewhere defined in this section, is classified:

(1) As small if its number of employees does not exceed 500 persons.

(2) As small if it is bidding on a contract for air transportation and its number of employees does not exceed 1,000 persons.

(3) As small if it is bidding on a contract for either trucking (local and long-distance), warehousing, packing, and crating, and/or freight forwarding, and its annual receipts do not exceed $3 million.

(g) *Refined petroleum products.* Any concern bidding on a contract for a refined petroleum product other than a product classified in Standard Industrial Classification Industries No. 2951, Paving mixture and blocks; No. 2952, Asphalt felts and coatings; No. 2992, Lubricating oils and greases; or No. 2999, Products of petroleum and coal, not elsewhere classified; is classified as small if (1) (i) its number of employees does not exceed 1,000 persons; (ii) it does not have more than 30,000 barrels-per-day crude oil or bona fide feed stock capacity from owned or leased facilities; and (iii) the product to be delivered in the performance of the contract will contain at least 90 percent components refined by the bidder from either crude oil or bona fide feed stocks: *Provided, however*, That a petroleum refining concern which meets the requirements in subdivisions (i) and (ii) of this subparagraph may furnish

the product of a refinery not qualified as small business if such product is obtained pursuant to a bona fide exchange agreement, in effect on the date of the bid or offer, between the bidder or offeror and the refiner of the product to be delivered to the Government which requires exchanges in a stated ratio on a refined petroleum product for a refined petroleum product basis, and precludes a monetary settlement, and that the products exchanged for the products offered and to be delivered to the Government meet the requirement in subdivision (iii) of this subparagraph: *And, provided further,* That the exchange of products for products to be delivered to the Government, will be completed within 90 days after expiration of the delivery period under the Government contract; or (2) its number of employees does not exceed 500 persons and the product to be delivered to the Government has been refined by a concern which qualifies under subparagraph (1) of this paragraph.

§ 121.3–9 Definition of small business for sales of Government property.

In the submission of a bid or proposal for the purchase of Government-owned property, a concern which meets the criteria provided in this section may represent that it is a small business. In the absence of a written protest or other information which would cause him to question the veracity of the self-certification, the contracting officer shall accept the self-certification at face value for the particular sale involved.

(a) *Sales of Government-owned property other than timber.* A small business concern for the purpose of the sale of Government-owned property, other than timber, is a concern, including its affiliates, which is independently owned and operated, is not dominant in its field of operation, and can further qualify under the following criteria:

(1) *Manufacturers.* Any concern which is primarily engaged in manufacturing is small if its number of employees does not exceed 500 persons: *Provided, however,* That a concern primarily engaged in SIC Industry 2911, Petroleum refining, is small if its number of employees does not exceed 1,000 persons and it does not have more than 30,000 barrels-per-day crude-oil capacity from owned or leased facilities.

(2) *Other than manufacturers.* Any concern which is primarily not a manufacturer (except as specified in subparagraph (3) of this paragraph) is small if its annual sales or annual receipts for its preceding 3 fiscal years do not exceed $5 million.

(3) *Stockpile purchasers.* Any concern primarily engaged in the purchase of materials which are not domestic products is small if its average annual sales or annual receipts for its preceding 3 fiscal years do not exceed $25 million.

(b) *Sales of Government-owned timber.* (1) In connection with the sale of Government-owned timber a small business is a concern that:

(i) Is primarily engaged in the logging or forest products industry;

(ii) Is independently owned and operated;

(iii) Is not dominant in its field of operation; and

(iv) Together with its affiliates, its number of employees does not exceed 500 persons.

(2) In the case of Government sales of timber reserved for or involving preferential treatment of small businesses, when the Government timber being purchased is to be resold, a concern is a small business when:

(i) It is a small business within the meaning of subparagraph (1) of this paragraph, and

(ii) It agrees that it will not sell more than thirty percent (30%) of such timber to a concern which does not qualify under subparagraph (1) of this paragraph as a small business, unless an exemption is granted on sales of mixed stumpage of hardwood and softwood species.

(3) In the case of Government sales reserved for or involving preferential treatment of small businesses, when the Government timber purchased is not to be resold in the form of saw logs to be manufactured into lumber and timbers, a concern is a small business when:

(i) It meets the criteria contained in subparagraph (1) of this paragraph, and

(ii) It agrees that in manufacturing lumber or timbers from such saw logs cut from the Government timber, it will do so only with its own facilities or those of concerns that qualify under subparagraph (1) of this paragraph as a small business.

§ 121.3–10 Definition of small business for SBA loans.

A small business concern for the purpose of receiving a SBA loan is a concern, including its affiliates, which is independently owned and operated, is not dominant in its field of operation, and can further qualify under the criteria set forth below. A concern which is a small business under § 121.3–8 which has applied for or received a Certificate of Competency is a small business eligible for a SBA loan to finance the contract covered by the Certificate of Competency. If no standard for an industry, field of operation, or activity has been set forth in this section, a concern seeking a size determination shall submit SBA Form 355 to the Associate Administrator for Procurement and Management Assistance, Washington, D.C. 20416. If an applicant for a SBA loan is engaged in the production of a number of products or the providing of a variety of services or other activities which are classified into different industries, the appropriate standard to be used is that which has been established for the industry in which it is primarily engaged. An applicant's primary industry is that which produced the greatest percentage of gross sales or receipts for the past fiscal year. When computing the size status of an applicant, its affiliates' number of employees, annual sales or receipts, or other applicable standards shall be included.

(a) *Construction.* Any construction concern is small if its average annual receipts do not exceed $5 million for the preceding 3 fiscal years.

(b) *Manufacturing.* Any manufacturing concern is classified:

(1) As small if its number of employees does not exceed 250 persons;

(2) As large if its number of employees exceeds 1,500 persons;

(3) Either as small or large depending on its industry and in accordance with the employment size standards set forth in Schedule "A" of this part, if its number of employees exceeds 250 persons, but not more than 1,500 persons;

(4) As small if it is primarily engaged in the food canning and preserving industry and its number of employees does not exceed 500 persons exclusive of agricultural labor as defined in subsection (k) of the Federal Employment Tax Act, 68A Stat. 454, 26 U.S.C. (I.R.C. 1954) 3306.

(c) *Retail.* Any retailing concern is classified:

(1) As small if its annual sales do not exceed $1 million;

(2) As small if it is primarily engaged in making retail sales of groceries and fresh meats and its annual sales do not exceed $5 million.

(3) As small if it is primarily engaged in making retail sales of new or used motor vehicles and its annual sales do not exceed $3 million;

(4) As small if it is primarily engaged in the operation of a department store and its annual sales do not exceed $2 million;

(5) As small if it is primarily engaged in making retail sales of aircraft and its annual sales do not exceed $3 million.

(d) *Services.* Any service concern is classified:

(1) As small if its annual receipts do not exceed $1 million;

(2) As small if it is primarily engaged in the hotel and motel industry and its annual receipts do not exceed $2 million;

(3) As small if it is primarily engaged in the power laundry industry and its annual receipts do not exceed $2 million;

(4) As small if it is primarily engaged in the trailer court and parks industry and its annual receipts do not exceed $100,000; *Provided,* That a minimum of fifty percent (50%) of the annual receipts is derived from the rental of space to tourist trailers for periods not in excess of thirty (30) days;

(5) As small if it is primarily engaged in owning and operating a hospital and its capacity does not exceed 150 beds (excluding cribs and bassinets);

(6) As small if it is primarily engaged in owning and operating a convalescent or nursing home and its annual receipts do not exceed $1 million;

(7) As small if it is primarily engaged in owning and operating a medical or dental laboratory and (i) it is operated in connection with an eligible proprietary hospital or (ii) it is not operated in connection with an eligible proprietary hospital and its annual receipts do not exceed $1 million;

(8) As small if it is primarily engaged in the motion picture production industry and its annual receipts do not exceed $5 million;

(9) As small if it is primarily engaged in the motion picture services industry and its annual receipts do not exceed $5 million.

(e) *Shopping centers.* (1) Any concern primarily engaged in operating shopping centers is small if (i) it does not have assets exceeding $5 million, (ii) it does not have net worth in excess of $2½ million, (iii) it does not have an average net income, after Federal income taxes, for the preceding 2 fiscal years in excess of $250,000 (average net income to be computed without benefit of any carryover loss), and (iv) it does not lease more than twenty-five percent (25%) of the gross leasable area to concerns which do not meet the small business definitions contained in this section.

(2) For the purpose of size determinations, shopping center operators will not be considered affiliated with their tenants merely because of lease agreements.

(f) *Transportation and warehousing.* Any concern primarily engaged in passenger and freight transportation or warehousing is classified:

(1) As small if its annual receipts do not exceed $1 million;

(2) As small if it is primarily engaged in the air transportation industry and its number of employees does not exceed 1,000 persons;

(3) As small if it is primarily engaged in the storage of grain, it does not have more than 1 million bushels capacity in owned and leased facilities, and its annual receipts do not exceed $1 million;

(4) As small if it is primarily engaged in trucking, warehousing, packing and crating and/or freight forwarding and its annual receipts do not exceed $3 million.

(g) *Wholesale.* Any wholesaling concern is small if its annual sales do not exceed $5 million. Any wholesaling concern also engaged in manufacturing is not a "small business concern" unless it so qualifies under both the manufacturing and wholesaling standards.

§ 121.3–11 Definition of small business for assistance by small business investment companies or by development companies.

A small business concern for the purpose of receiving financial or other assistance from small business investment companies or development companies is a concern which:

(a) Together with its affiliates, is independently owned and operated, is not dominant in its field of operation, does not have assets exceeding $5 million, does not have net worth in excess of $2½ million, and does not have an average net income, after Federal income taxes, for the preceding 2 years in excess of $250,000 (average net income to be computed without benefit of any carryover loss); or

(b) Qualifies as a small business concern under § 121.3–10.

§ 121.3–12 Definition of small business Government subcontractors.

(a) Any concern in connection with subcontracts of $2,500 or less which relate to Government procurements will be considered a small business concern if, including its affiliates, its number of employees does not exceed 500 persons.

(b) Any concern in connection with subcontracts exceeding $2,500 which relate to Government procurements will be considered a small business concern if it qualifies as such under § 121.3–8: *Provided, however,* Until a definition of a small business nonmanufacturer is adopted under § 121.3–8(c), a nonmanufacturer will be considered as small business for the purpose of Government subcontracting if, including its affiliates, its number of employees does not exceed 500 persons.

§ 121.3–13 Definition of small business for receiving priority payment under section 213(a) of the War Claims Act of 1948, as amended.

(a) *Small business claimant.* A small business claimant for the purpose of receiving priority payment from the Secretary of the Treasury under section 213 (a) of the War Claims Act of 1948, as amended, is a concern which on the date of loss, damage, or destruction was a small business concern within the meaning of § 121.3–10 in effect on October 22, 1962 (27 F.R. 9757).

(b) *Request for size determination.* (1) Requests for size determinations shall be accepted only from the Foreign Claims Settlement Commission of the United States.

(2) Determinations of the size status of a claimant shall be made either by the Associate Administrator for Procurement and Management Assistance or, in the case of claimants residing within the United States, by the SBA Regional Director for the region in which the claimant resides and, in the case of claimants residing in foreign countries, by the SBA Regional Director in Washington, D.C.

§ 121.3–14 Interpretations.

(a) *Section 121.3–2(b) of Part 121, "Annual Sales or Annual Receipts."* When computing annual sales or annual receipts, intercompany transactions between affiliated concerns are excluded. To include such inter-company transactions in effect would mean that the receipts of a concern, including its affiliates, would be counted more than once.

(b) *Section 121.3–9(b) of Part 121, "Sales of Government-Owned Timber."* Any concern which self-certifies as a small business concern for the purpose of the sale of Government-owned timber is expected to maintain sufficient documentary evidence to show that it did so in good faith. This means that a concern which sells more than 30 percent (30%) of the purchased timber will have to maintain the names and addresses of the concerns to whom the timber is sold and the size status of such concerns, unless an exemption has been granted on sales of mixed stumpage of hardwood and softwood species. Further, if the timber purchased is not to be resold in the form of saw logs, but is to be manufactured into lumber and timber by a concern other than the bidder, the bidder must maintain records to show the name, address and size status of the concern manufacturing the timber into lumber or timbers.

Effective date. This revision shall become effective upon publication in the FEDERAL REGISTER.

Dated: April 10, 1967.

BERNARD L. BOUTIN,
Administrator.

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING

(The following size standards are to be used when determining the size status of applicants for SBA business loans, displaced business loans, economic opportunity loans, and as alternate standards for sections 501 and 502 loans, and SBIC assistance)

Census classification code	Industry or class of products	Employment size standard (number of employees)[1]
	Major Group 23—Apparel and Related Products (except Men's dress shirts and nightwear)	250
2321	Men's dress shirts and nightwear	500
	Major Group 28—Chemicals and Allied Products:	
2879	Agricultural chemicals, n.e.c.	500
2873	Agricultural pesticides	500
2812	Alkalies and chlorine	1,000
2831	Biological products	250
2895	Carbon, black	500
2823	Cellulose man-made fibers	1,000
2899	Chemicals and chemical preparations, n.e.c.	250
2814	Cyclic (coal tar) crudes	500
2815	Dyes, dye (cyclic) intermediates, and organic pigments (lakes and toners)	750
2892	Explosives	750
2894	Fatty acids	500
2871	Fertilizers	500
2872	Fertilizers, mixing only	500
2891	Glue and gelatin	250
2861	Gum and wood chemicals	500
2813	Industrial gases	1,000
2819	Industrial inorganic chemicals, n.e.c.	750
2818	Industrial organic chemicals, n.e.c.	1,000
2816	Inorganic pigments	1,000
2833	Medicinal chemicals and botanical products	750
2851	Paints, varnishes, lacquers, and enamels	250
2844	Perfumes, cosmetics, and other toilet preparations	500
2834	Pharmaceutical preparations	750
2821	Plastics materials, synthetic resins, and nonvulcanizable elastomers	750
2893	Printing ink	250
2852	Putty, caulking compounds, and allied products	250
2841	Soap and other detergents, except specialty cleaners	750
2842	Specialty cleaning, polishing, and sanitation preparations, except soap and detergents	500
2843	Surface active agents, finishing agents, sulfonated oils and assistants	250
2824	Synthetic organic fibers, except cellulosic	1,000
2822	Synthetic rubber (vulcanizable elastomers)	1,000
	Major Group 36—Electrical Machinery, Equipment, and Supplies:	
3624	Carbon and graphite products	750
3672	Cathode ray picture tubes	750
3643	Current carrying wiring devices	500
3634	Electric housewares and fans	750
3641	Electric lamps	1,000
3611	Electric measuring instruments and test equipment	500
3613	Electric transmission and distribution equipment, n.e.c.	500
3694	Electrical equipment for internal combustion engines	750
3629	Electrical industrial apparatus, n.e.c.	500
3699	Electrical machinery, equipment and supplies, n.e.c.	500
3679	Electronic components and accessories, n.e.c.	500
3639	Household appliances, n.e.c.	500

See footnotes at end of table.

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING—Con.

Census classification code	Industry or class of products	Employment size standard (number of employees)[1]
	Major Group 36—Continued	
3631	Household cooking equipment	750
3633	Household laundry equipment	1,000
3632	Household refrigerators and home and farm freezers	1,000
3635	Household vacuum cleaners	750
3622	Industrial controls	750
3642	Lighting fixtures	250
3621	Motors and generators	1,000
3644	Noncurrent carrying wiring devices	500
3632	Phonograph records	750
3612	Power, distribution and specialty transformers	750
3692	Primary batteries, dry and wet	1,000
3651	Radio and television receiving sets, except communication types	750
3671	Radio and television receiving type electron tubes, except cathode ray	1,000
3662	Radio and television transmitting—signaling, and detection equipment, and apparatus[2]	750
3693	Radiographic X-ray, Fluoroscopic X-ray, therapeutic X-ray, and other X-ray apparatus and tubes	500
3636	Sewing machines	750
3691	Storage batteries	500
3613	Switchgear and switchboard apparatus	750
3661	Telephone and telegraph apparatus	1,000
3673	Transmitting, industrial, and special purpose electron tubes	750
3623	Welding apparatus	250
	Major Group 34—Fabricated Metal Products, Except Ordnance, Machinery, and Transportation Equipment:	
3449	Architectural and miscellaneous metal work	250
3452	Bolts, nuts, screws, rivets and washers	500
3479	Coating, engraving, and allied services, n.e.c.	250
3496	Collapsible tubes	250
3421	Cutlery	500
3471	Electroplating, plating, polishing, anodizing, and coloring	250
3431	Enameled iron and metal sanitary ware	750
3499	Fabricated metal products, n.e.c.	250
3498	Fabricated pipe and fabricated pipe fittings	250
3443	Fabricated platework (boiler shops)	250
3441	Fabricated structural steel	250
3423	Hand and edge tools, except machine tools and hand saws	250
3425	Hand saws and saw blades	250
3429	Hardware, n.e.c.	250
3433	Heating equipment, except electric	500
3411	Metal cans	1,000
3442	Metal doors, sash, frames, molding, and trim	250
3497	Metal foil and leaf	500
3491	Metal shipping barrels, drums, kegs, and pails	500
3461	Metal stampings	250
3481	Miscellaneous fabricated wire products	250
3432	Plumbing fixture fittings and trim (brass goods)	500
3492	Safes and vaults	500
3451	Screw machine products	250
3444	Sheet metal work	250
3493	Steel springs	500
3494	Valves and pipe fittings, except plumbers' brass goods	500
	Major Group 20—Food and Kindred Products:	
2095	Animal and marine fats and oils, except grease and tallow	250
2063	Beet sugar	750
2052	Biscuit, crackers, and pretzels	750
2045	Blended and prepared flour	500
2086	Bottled and canned soft drinks and carbonated waters	250
2051	Bread and other bakery products, except biscuit, crackers, and pretzels	250
2071	Candy and other confectionery products	250
2061	Cane sugar, except refining only	250
2062	Cane sugar refining	750
2091	Canned and cured seafoods	250
2033	Canned fruits, vegetables, preserves, jams, and jellies	500
2032	Canned specialities	1,000
2043	Cereal preparations	1,000
2073	Chewing gum	500
2072	Chocolate and cocoa products	500
2023	Condensed and evaporated milk	500
2091	Cottonseed oil mills	250
2021	Creamery butter	250
2085	Distilled, rectified, and blended liquors	750
2034	Dried and dehydrated fruits and vegetables	500
2087	Flavoring extracts and flavoring sirups, n.e.c.	500
2041	Flour and other grain mill products	500
2026	Fluid milk	500
2099	Food preparations, n.e.c.	250
20991	Desserts (ready-to-mix)	500
20994	Baking powder and yeast	500
2036	Fresh or frozen packaged fish	250
2037	Frozen fruits, fruit juices, vegetables, and specialities	500
2094	Grease and tallow	250
2024	Ice cream and frozen desserts	500
2098	Macaroni, spaghetti, vermicelli, and noodles	250
2083	Malt	250
2082	Malt liquors	500
2097	Manufactured ice	250
2011	Meatpacking plants	500
2022	Natural cheese	250
2035	Pickled fruits and vegetables; vegetable sauces and seasonings; salad dressings	250
2015	Poultry and small game dressing and packing, wholesale	250
2042	Prepared feeds for animals and fowls	250
2044	Rice milling	250
2013	Sausage and other prepared meat products	500
2096	Shortening, table oils, margarine, and other edible fats and oils, n.e.c.	750
2092	Soybean oil mills	500
2025	Special dairy products	250
2093	Vegetable oil mills, except cottonseed and soybean	1,000
2046	Wet corn milling	750
2084	Wines, brandy, and brandy spirits	250
	Major Group 25—Furniture and Fixtures:	
2599	Furniture and fixtures, n.e.c.	250
2519	Household furniture, n.e.c.	250
2515	Mattresses and bedsprings	250
2514	Metal household furniture	250
2522	Metal office furniture	500
2542	Metal partitions, shelving, lockers, and office and store fixtures	250
2531	Public building and related furniture	250
2591	Venetian blinds and shades	250
2511	Wood household furniture, except upholstered	250
2512	Wood household furniture, upholstered	250
2521	Wood office furniture	250
2541	Wood partitions, shelving, lockers, and office and store fixtures	250
	Major Group 31—Leather and Products:	
3131	Boot and shoe cut stock and findings	250
3141	Footwear, except house slippers and rubber footwear	500
3142	House slippers	250
3121	Industrial leather belting and packing	250
3151	Leather dress, semidress, and work gloves	250
3199	Leather goods, n.e.c.	250
3111	Leather tanning and finishing	250
3161	Luggage	250
3172	Personal leather goods, except handbags and purses	250
3171	Women's handbags and purses	250
	Major Group 24—Lumber and Products, Except Furniture	250
	Major Group 35—Machinery, Except Electrical:	
3581	Automatic merchandising machines	250
3562	Ball and roller bearings	750
3564	Blowers, exhaust and ventilating fans	250
3582	Commercial laundry, drycleaning, and pressing machines	250
3571	Computing and accounting machines, including cash registers	1,000
3531	Construction machinery and equipment	750
3535	Conveyors and conveying equipment	250
3534	Elevators and moving stairways	500
3522	Farm machinery and equipment	500
3551	Food products machinery	250
3569	General industrial machinery and equipment, n.e.c.	250
3536	Hoists, industrial cranes, and monorail systems	500
3563	Industrial patterns	250
3567	Industrial process furnaces and ovens	250
3537	Industrial trucks, tractors, trailers, and stackers	250
3519	Internal combustion engines, n.e.c.	1,000
3591	Machine shops, jobbing and repair	250
3545	Machine tool accessories and measuring devices	250
35452	Precision-measuring tools	500
3541	Machine tools, metal cutting types	500
3542	Machine tools, metal forming types	500
3599	Machinery and parts, except electrical, n.e.c.	250
3586	Measuring and dispensing pumps	500
3566	Mechanical power transmission equipment, except ball and roller bearings	500
3548	Metalworking machinery, except machine tools	500
3532	Mining machinery and equipment, except oilfield machinery and equipment	500
3579	Office machines, n.e.c.	500
3533	Oilfield machinery and equipment	500
3554	Paper industries machinery	250
3555	Printing trades machinery and equipment	500
3561	Pumps, air and gas compressors, and pumping equipment	500
3585	Refrigerators; refrigeration machinery, except household; and complete air-conditioning units	750
3576	Scales and balances, except laboratory	250
3589	Service industry machines, n.e.c.	250
3544	Special dies and tools, die sets, jigs, and fixtures	250
3559	Special industry machinery, n.e.c.	250
3511	Steam engines; steam, gas, and hydraulic turbines; and steam, gas, and hydraulic turbine generator set units	1,000
3552	Textile machinery	250
3572	Typewriters	1,000
3584	Vacuum cleaners, industrial	250
3553	Woodworking machinery	250
	Major Group 39—Miscellaneous Manufacturing Industries:	
3991	Brooms and brushes	250
3963	Buttons	250
3984	Candles	250
3955	Carbon paper and inked ribbons	250
3943	Children's vehicles, except bicycles	250
3961	Costume jewelry and costume novelties, except precious metal	250
3942	Dolls	250
3962	Feathers, plumes, and artificial flowers	250
3992	Furs, dressed and dyed	250
3941	Games and toys, except dolls and children's vehicles	250
3912	Jewelers' findings and materials	250

See footnotes at end of table.

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING—Con.

Census classification code	Industry or class of products	Employment size standard (number of employees)[1]
	Major Group 30—Continued	
3911	Jewelry, precious metal	250
3987	Lamp shades	250
3913	Lapidary work and cutting and polishing diamonds	250
3952	Lead pencils, crayons, and artists' materials	250
3982	Linoleum, asphalted-felt base, and other hard surface floor coverings, n.e.c.	750
3999	Manufacturing industries, n.e.c.	250
3953	Marking devices	250
3983	Matches	500
3988	Morticians' goods	250
3931	Musical instruments and parts	500
3964	Needles, pins, hooks and eyes, and similar notions	250
3951	Pens, pen points, fountain pens, ball point pens, mechanical pencils and parts	500
3993	Signs and advertising displays	250
3914	Silverware and plated ware	500
3949	Sporting and athletic goods, n.e.c.	250
3996	Umbrellas, parasols, and canes	250
	Major Group 19—Ordnance and Accessories:	
1922	Ammunition loading and assembling	250
1929	Ammunition, n.e.c.	250
1921	Artillery ammunition	250
1911	Guns, howitzers, mortars, and related equipment	250
1999	Ordnance and accessories, n.e.c.	250
1941	Sighting and fire-control equipment	250
1951	Small arms	1,000
1961	Small arms ammunition	1,000
1931	Tanks and tank components	1,000
	Major Group 26—Paper and Allied Products:	
2643	Bags, except textile bags	500
2661	Building paper and building board mills	750
2649	Converted paper and paperboard products, n.e.c.	500
2653	Corrugated and solid-fiber boxes	250
2645	Die cut paper and paperboard; and cardboard	250
2642	Envelopes	250
2655	Fiber cans, tubes, drums, and similar products	250
2651	Folding paperboard boxes	250
2641	Paper coating and glazing	500
2621	Paper mills, except building-paper mills	750
2631	Paperboard mills	750
2646	Pressed and molded pulp goods	750
2611	Pulp mills	750
2654	Sanitary food containers	750
2652	Set-up paperboard boxes	250
2644	Wallpaper	250
	Major Group 29—Petroleum Refining and Related Industries:	
2952	Asphalt felts and coatings	750
2992	Lubricating oils and greases	500
2951	Paving mixtures and blocks	250
2911	Petroleum refining [2]	1,000
2999	Products of petroleum and coal, n.e.c.	250
	Major Group 33—Primary metal Industries:	
3361	Aluminum castings	250
3312	Blast furnaces (including coke ovens), steel works, and rolling mills	1,000
3362	Brass, bronze, copper, copper base alloy castings	250
3316	Cold rolled sheet, strip and bars	1,000
3357	Drawing and insulating of nonferrous wire	1,000
3313	Electrometallurgical products	750
3321	Gray iron foundries	500
3391	Iron and steel forgings	500
3322	Malleable iron foundries	500
3369	Nonferrous castings, n.e.c.	250
3392	Nonferrous forgings	250
3399	Primary metal industries, n.e.c.	750
3334	Primary production of aluminum	1,000
3331	Primary smelting and refining of copper	1,000
3332	Primary smelting and refining of lead	1,000
3339	Primary smelting and refining of nonferrous metals, n.e.c.	750
3333	Primary smelting and refining of zinc	750
3352	Rolling, drawing, and extruding of aluminum	750
3351	Rolling, drawing, and extruding of copper	750
3356	Rolling, drawing, and extruding of nonferrous metals, except copper and aluminum	750
3341	Secondary smelting, refining, and alloying of nonferrous metals and alloys	250
3323	Steel foundries	500
3317	Steel pipe and tubes	1,000
3315	Steel wire drawing and steel nails and spikes	1,000
	Major Group 27—Printing and Publishing Industries	250
	Major Group 38—Professional, Scientific and Controlling Instruments: Photographic and Optical Goods: Watches and Clocks:	
3822	Automatic temperature controls	500
3843	Dental equipment and supplies	250
3811	Engineering, laboratory, and scientific and research instruments and associated equipment	500
3821	Mechanical measuring and controlling instruments, except automatic temperature controls	500
3851	Opthalmic goods	250
3831	Optical instruments and lenses	250
3842	Orthopedic, prosthetic, and surgical appliances and supplies	250
3861	Photographic equipment and supplies	500
3841	Surgical and medical instruments and apparatus	250
3872	Watchcases	250
3871	Watches, clocks, and parts except watchcases	500
	Major Group 30—Rubber and Miscellaneous Plastics Products:	
3069	Fabricated rubber products, n.e.c.	500
3079	Miscellaneous plastics products	250
3031	Reclaimed rubber	750
3021	Rubber footwear	1,000
3011	Tires and inner tubes	1,000
	Major Group 32—Stone, Clay, and Glass Products:	
3291	Abrasive products	250
3292	Asbestos products	750
3251	Brick and structural clay tile	250
3241	Cement, hydraulic	750
3253	Ceramic wall and floor tile	500
3255	Clay refractories	250
3271	Concrete brick and block	250
3272	Concrete products, except block and brick	250
3281	Cut stone and stone products	250
3263	Fine earthenware (whiteware), table and kitchen articles	500
3211	Flat glass	1,000
3221	Glass containers	750
3231	Glass products, made of purchased glass	250
3275	Gypsum products	1,000
3274	Lime	500
3296	Mineral wool	750
3295	Minerals and earths, ground or otherwise treated	250
3297	Nonclay refractories	750
3299	Nonmetallic mineral products, n.e.c.	250
3264	Porcelain electrical supplies	500
3269	Pottery products, n.e.c.	250
3229	Pressed and blown glass and glassware, n.e.c.	750
3273	Ready-mixed concrete	250
3293	Steam and other packing, and pipe and boiler covering	500
3259	Structural clay products, n.e.c.	250
3261	Vitreous china plumbing fixtures and china and earthenware fittings and bathroom accessories	750
3262	Vitreous china table and kitchen articles	500
2295	Major Group 22—Textile Mill Products: Artificial leather, oilcloth, and other impregnated and coated fabrics except rubberized	250
2211	Broad-woven fabric mills, cotton	1,000
2221	Broad-woven fabric mills, man-made fiber and silk	500
2231	Broad-woven fabric mills, wool: including dyeing and finishing	250
2279	Carpets, rugs, and mats, n.e.c.	500
2298	Cordage and twine	250
2269	Dyeing and finishing textiles, n.e.c.	250
2291	Felt goods, except woven felts and hats	250
2261	Finishers of broad-woven fabrics of cotton	500
2262	Finishers of broad-woven fabrics of man-made fiber and silk	500
2251	Full-fashioned hosiery mills	250
2256	Knit fabric mills	250
2253	Knit outerwear mills	250
2254	Knit underwear mills	250
2259	Knitting mills, n.e.c.	250
2292	Lace goods	250
2241	Narrow fabrics and other small-wares mills: cotton, wool, silk, and man-made fiber	250
2293	Paddings and upholstery filling	250
2294	Processed waste and recovered fibers and flock	250
2252	Seamless hosiery mills	250
2299	Textile goods, n.e.c.	250
2284	Thread mills	500
2296	Tire cord and fabric	1,000
2272	Tufted carpets and rugs	500
2297	Wool scouring, worsted combing, and tow to top mills	250
2271	Woven carpets and rugs	750
2283	Yarn mills, wool, including carpet and rug yarn	250
2281	Yarn spinning mills, cotton, man-made fibers and silk	500
2282	Yarn throwing, twisting, and winding mills, cotton, man-made fibers and silk	250
	Major Group 21—Tobacco Manufactures:	
2111	Cigarettes	1,000
2121	Cigars	500
2131	Tobacco (chewing and smoking) and snuff	500
2141	Tobacco stemming and redrying	500
	Major Group 37—Transportation Equipment:	
3721	Aircraft [4]	1,500
3722	Aircraft engines and engine parts [3]	1,000
3729	Aircraft parts and auxiliary equipment, n.e.c.[3]	1,000
3723	Aircraft propellers and propeller parts	1,000
3732	Boat building and repairing	250
3741	Locomotives and parts	1,000
3717	Motor vehicles and parts [3]	1,000
3751	Motorcycles, bicycles, and parts	500
3742	Railroad and street cars	750
3731	Shipbuilding and repairing	1,000
3791	Trailer coaches	250
3799	Transportation equipment, n.e.c.	250
3713	Truck and bus bodies	250
3715	Truck trailers	500

See footnotes at end of table.

[1] The "number of employees" means the average employment of any concern and its affiliates based on the number of persons employed during the pay period ending nearest the last day of the third month in each calendar quarter for the preceding 4 quarters.

[2] Guided missile engines and engine parts are classified in SIC 3722. Missile control systems are classified in SIC 3662.

[3] Together with its affiliates does not employ more than 1,000 persons and does not have more than 30,000 barrels-per-day capacity from owned and leased facilities.

[4] Includes maintenance as defined in the Federal Aviation Regulations (14 CFR 1.1) but excludes contracts solely for preventive maintenance as defined in 14 CFR 1.1. As defined in the Federal Aviation Regulations:

"'Maintenance' means inspection, overhaul, repair, preservation, and the replacement of parts, but excludes preventive maintenance.

"'Preventive maintenance' means simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations."

[4] The three Standard Industrial Classification industries (3711, 3712, and 3714) have been combined because of a major problem of defining the reporting unit in terms of these industries. This difficulty arises from the fact that many large establishments have integrated operations which include the production of parts or bodies and the assembly of complete vehicles at the same location.

SCHEDULE B—INDUSTRY EMPLOYMENT SIZE STANDARDS FOR THE PURPOSE OF GOVERNMENT PROCUREMENT

MANUFACTURING

Census classification code	Industry	Employment size standard (number of employees) [1]
	Major Group 19—Ordnance and Accessories:	
1925	Guided missiles and space vehicles, completely assembled	1,000
1931	Tanks and tank components	1,000
1951	Small arms	1,000
1961	Small arms ammunition	1,000
	Major Group 20—Food and Kindred Products:	
2026	Fluid milk	750
2032	Canned specialties	1,000
2043	Cereal preparations	1,000
2046	Wet corn milling	750
2052	Biscuits, crackers, and pretzels	750
2062	Cane sugar refining	750
2063	Beet sugar	750
2085	Distilled, rectified, and blended liquors	750
2093	Vegetable oil mills, except cottonseed and soybean	1,000
2096	Shortening, table oils, margarine and other edible fats and oils, n.e.c.	750
	Major Group 21—Tobacco Manufactures:	
2111	Cigarettes	1,000
	Major Group 22—Textile Mill Products:	
2211	Broad-woven fabric mills, cotton	1,000
2261	Finishers of broad-woven fabrics of cotton	1,000
2271	Woven carpets and rugs	750
2295	Artificial leather, oilcloth, and other impregnated and coated fabrics, except rubberized	1,000
2296	Tire cord and fabric	1,000
	Major Group 26—Paper and Allied Products:	
2661	Building paper and building board mills	750
2621	Paper mills, except building paper mills	750
2631	Paperboard mills	750
2646	Pressed and molded pulp goods	750
2611	Pulp mills	750
2654	Sanitary food containers	750
	Major Group 28—Chemicals and Allied Products:	
2812	Alkalies and chlorine	1,000
2823	Cellulose man-made fibers	1,000
2815	Dyes, dye (cyclic) intermediates and organic pigments (lakes and toners)	750
2892	Explosives	750
2813	Industrial gases	1,000
2819	Industrial inorganic chemicals, n.e.c.	750
2818	Industrial organic chemicals, n.e.c.	1,000
2816	Inorganic pigments	1,000
2833	Medicinal chemicals and botanical products	750
2834	Pharmaceutical preparations	750
2821	Plastics materials, synthetic resins, and nonvulcanizable elastomers	750
2841	Soap and other detergents, except specialty cleaners	750
2824	Synthetic organic fibers, except cellulosic	1,000
2822	Synthetic rubber (vulcanizable elastomers)	1,000
	Major Group 29—Petroleum Refining and Related Industries: [3]	
2952	Asphalt felts and coatings	750
	Major Group 30—Rubber and Miscellaneous Plastics Products:	
3011	Tires and innertubes	1,000

See footnotes at end of table.

SCHEDULE B—INDUSTRY EMPLOYMENT SIZE STANDARDS FOR THE PURPOSE OF GOVERNMENT PROCUREMENT—Continued

Census classification code	Industry	Employment size standard (number of employees) [1]
	Major Group 30—Continued	
30111	Passenger car and motorcycle pneumatic tires (casings)	[2]
30112	Truck and bus (and off-the-road) pneumatic tires	[2]
3031	Reclaimed rubber	750
3021	Rubber footwear	1,000
	Major Group 32—Stone, Clay, and Glass Products:	
3211	Flat glass	1,000
3221	Glass containers	750
3229	Pressed and blown glass and glassware, n.e.c.	750
3241	Cement, hydraulic	750
3261	Vitreous china plumbing fixtures and china and earthenware fittings and bathroom accessories	750
3275	Gypsum products	1,000
3292	Asbestos products	750
3296	Mineral wool	75
3297	Nonclay refractories	750
	Major Group 33—Primary Metal Industries:	
3312	Blast furnaces (including coke ovens), steel works, and rolling mills	1,000
3313	Electrometallurgical products	750
3315	Steel wire drawing and steel nails and spikes	1,000
3316	Cold rolled sheet, strip and bars	1,000
3317	Steel pipe and tubes	1,000
3331	Primary smelting and refining of copper	1,000
3332	Primary smelting and refining of lead	1,000
3333	Primary smelting and refining of zinc	750
3334	Primary production of aluminum	1,000
3339	Primary smelting and refining of nonferrous metals, n.e.c.	750
3351	Rolling, drawing, and extruding of copper	750
3352	Rolling, drawing, and extruding of aluminum	750
3356	Rolling, drawing, and extruding of nonferrous metals, except copper and aluminum	750
3357	Drawing and insulating of nonferrous wire	1,000
3399	Primary metal industries, n.e.c.	750
	Major Group 34—Fabricated Metal Products, Except Ordnance, Machinery, and Transportation Equipment:	
3411	Metal cans	1,000
3431	Enameled iron and metal sanitary ware	750
	Major Group 35—Machinery, Except Electrical:	
3511	Steam engines; steam, gas, and hydraulic turbines; and steam, gas, and hydraulic turbine-generated set units	1,000
3519	Internal combustion engines, n.e.c.	1,000
3531	Construction machinery and equipment	750
3562	Ball and roller bearings	750
3571	Computing and accounting machines, including cash registers	1,000
3572	Typewriters	1,000
3585	Refrigerators; refrigeration machinery, except household; and complete air-conditioning units	750
	Major Group 36—Electrical Machinery, Equipment and Supplies:	
3612	Power, distribution, and specialty transformers	750
3613	Switchgear and switchboard apparatus	750
3621	Motors and generators	1,000
3622	Industrial controls	750
3624	Carbon and graphite products	750
3631	Household cooking equipment	750
3632	Household refrigerators and home and farm freezers	1,000
3633	Household laundry equipment	1,000
3634	Electric housewares and fans	750
3635	Household vacuum cleaners	750
3636	Sewing machines	750
3641	Electric lamps	1,000

SCHEDULE B—INDUSTRY EMPLOYMENT SIZE STANDARDS FOR THE PURPOSE OF GOVERNMENT PROCUREMENT—Continued

Census classification code	Industry	Employment size standard (number of employees) [1]
	Major Group 36—Continued	
3651	Radio and television receiving sets, except communication types	750
3652	Phonograph records	750
3661	Telephone and telegraph apparatus	1,000
3662	Radio and television transmitting, signaling, and detection equipment and apparatus [4]	750
3672	Cathode ray picture tubes	750
3694	Electrical equipment for internal combustion engines	750
3692	Primary batteries, dry and wet	1,000
3671	Radio and television receiving-type electron tubes, except cathode ray	1,000
3673	Transmitting, industrial, and special purpose electron tubes	750
	Major Group 37—Transportation Equipment:	
3721	Aircraft [5]	1,500
3722	Aircraft engines and engine parts [6] [4]	1,000
3723	Aircraft propellers and propeller parts	1,000
3729	Aircraft parts and auxiliary equipment, n.e.c. [4]	1,000
3741	Locomotives and parts	1,000
3717	Motor vehicles and parts [6]	1,000
37171	Passenger cars (knocked down or assembled)	[3]
3742	Railroad and street cars	750
3731	Ship building and repairing	1,000
	Major Group 39—Miscellaneous Manufacturing Industries:	
3982	Linoleum, asphalted-felt-base, and other hard surface floor coverings, n.e.c.	750

[1] The "number of employees" means the average employment of any concern and its affiliates based on the number of persons employed during the pay period ending nearest the last day of the third month in each calendar quarter for the preceding 4 quarters.

[2] The size standard for SIC 2911 is set forth in sec. 121.3-8(g).

[3] The size standards for SIC 30111, 30112, and 37171 are set forth in §§ 121.3-8(b)(4) and 121.3-8(b)(5), respectively, of this part.

[4] Guided missile engines and engine parts are classified in SIC 3722. Missile control systems are classified in SIC 3662.

[5] Includes maintenance as defined in the Federal Aviation Regulations (14 CFR 1.1) but excludes contracts solely for preventive maintenance as defined in 14 CFR 1.1. As defined in the Federal Aviation Regulations:

"'Maintenance' means inspection, overhaul, repair, preservation, and the replacement of parts, but excludes preventive maintenance.

"'Preventive maintenance' means simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations."

[6] The three Standard Industrial Classification industries (3711, 3712, and 3714) have been combined because of a major problem of defining the reporting unit in terms of these industries. This difficulty arises from the fact that many large establishments have integrated operations which include the production of parts or bodies and the assembly of complete vehicles at the same location.

[F.R. Doc. 67-4197; Filed, Apr. 19, 1967; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 67-SO-2; Amdt. 39-375]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Model PA-25-235 Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring the

exhaust muffler assembly be removed and a thorough visual inspection of all exhaust system parts be conducted on PA-25-235 airplanes was published in the FEDERAL REGISTER January 26, 1967.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One comment was received on the proposal which requested a clarification of the intent of the AD with regard to discontinuing the required inspections when a new improved muffler was installed. We agree that the paragraph could be misleading and have revised the wording of paragraph (d) which will further clarify when the inspections can be discontinued.

In consideration of the foregoing, and under the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of the Federal Aviation Regulations is amended by adding the following airworthiness directive.

PIPER. Applies to Model PA-25-235 Aircraft, Serial Numbers 25-2000 to 25-4171 inclusive.

Compliance required as indicated.

To prevent further failures of engine exhaust system components, accomplish the following:

(a) Initial Inspection.

Unless already accomplished, conduct the following inspections within the next 50 hours time in service after the effective date of this AD on aircraft with 150 or more hours total time. On aircraft with less than 150 hours total time, conduct the following inspection before an accumulation of 200 hours total time unless already accomplished.

(1) Inspect the entire exhaust system for signs of cracks, burnthroughs, weld separations, failed internal baffles, etc. Remove the muffler assembly by disconnecting air ducts, stacks, shrouds, etc., as necessary to permit a thorough visual inspection of exterior and interior surfaces with a probe light and mirror. The cabin air heat shroud must also be removed from the muffler.

(2) In addition to the exhaust system inspection, accomplish the following:

(i) Inspect the lower ignition harness for deteriorated insulation.

(ii) Inspect the lower engine mount in the area near the exhaust stack for blistered or burned paint and rust.

(iii) Inspect the rubber engine mount bushings for deterioration and loss of resilience.

(iv) Inspect all flexible air and heat ducting for deterioration and burning.

Parts found damaged or deteriorated as described above must be replaced or repaired prior to further flight.

Extreme care must be exercised when reinstalling the exhaust system components to prevent distortion or preloading any parts.

(b) Recurrent inspections.

Within 50 hours time in service from the initial inspection and every 50 hours time in service thereafter, repeat the initial exhaust system inspection described in paragraph (a)(1) above except that the muffler need not be removed from the aircraft provided visual inspection with probe light and mirror are made through the muffler tail pipe outlet and one end of the muffler at the stack connection.

(c) Compliance time adjustments.

(1) The inspection time intervals may be adjusted up to a maximum of 15 hours to coincide with aircraft annual or 100-hour scheduled inspections.

(2) Inspections, repairs or alterations must be accomplished by authorized individuals or repair facilities. Aircraft log record entry must be made to reflect AD compliance in accordance with FAR 91.173.

(d) The recurrent inspections of the exhaust system as required in paragraph (b) above may be discontinued upon installation of the new improved muffler and exhaust stack clamps included in muffler installation kit, Piper Part No. 753-753.

(Piper Service Bulletin No. 241 covers this same subject.)

This amendment becomes effective May 20, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in East Point, Ga., on March 16, 1967.

JAMES G. ROGERS,
Director, Southern Region

[F.R. Doc. 67-4337; Filed, Apr. 19, 1967; 8:47 a.m.]

[Airspace Docket No. 67-CE-43]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Grand Forks, N. Dak., control zone.

The Grand Forks, N. Dak. (International Airport), control zone is presently designated as follows:

Within a 5-mile radius of Grand Forks International Airport (latitude 47°57'06" N., longitude 97°11'08" W.), and within 2 miles each side of the Grand Forks VOR 006° and 173° radials extending from the 5-mile radius zone to 8 miles north and south of the VOR.

Since designation of the Grand Forks, N. Dak., control zone, there has been a slight change in the airport coordinates for the Grand Forks International Airport as recited in said designation. Action is taken herein to effect this change.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth:

In § 71.171 (32 F.R. 2071), the Grand Forks, N. Dak., control zone is amended to read:

GRAND FORKS, N. DAK. (INTERNATIONAL AIRPORT)

Within a 5-mile radius of Grand Forks International Airport (latitude 47°57'05" N., longitude 97°10'35" W.), and within 2 miles each side of the Grand Forks VOR 006° and 173° radials extending from the 5-mile radius zone to 8 miles north and south of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on March 24, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67-4338; Filed, Apr. 19, 1967; 8:47 a.m.]

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 8104; Amdt. 39-403]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Models 720 and 720B Airplanes

Pursuant to the authority delegated to me by the Administrator, an airworthiness directive was adopted on April 13, 1967, and made effective immediately, by telegram, to all known operators of Boeing 720 and 720B airplanes with more than 8,000 hours' time in service. Because of reports of structural cracks in the wing center section upper forward skin panels, the directive requires inspection of the panels within the next 25 hours' time in service, on aircraft with wing center section bladder fuel cells, and within the next 150 hours' on aircraft without those cells. The directive stated that a revision would follow covering repetitive inspections and additional repair instructions.

Since it was found that corrective action was required within a very short time, notice and public procedure thereon was impractical and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known operators of the airplanes. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

In view of the foregoing, § 39.13 is amended by adding the following airworthiness directive:

BOEING 720 AND 720B AIRPLANES. Applies to all airplanes with more than 8,000 hours' time in service, unless already accomplished in accordance with Boeing Alert Service Bulletin 2590, Revision 1, dated April 6, 1967.

(a) On aircraft without wing center section bladder fuel cells installed in the area described in paragraph (c), accomplish the inspection in paragraph (c) within the next 150 hours' time in service.

(b) On aircraft with wing center section bladder fuel cells installed in the area described in paragraph (c), accomplish the inspection in paragraph (c) within the next 25 hours' time in service.

(c) Inspect the wing center section upper skin panels of Boeing 720/720B aircraft for evidence of cracks between BL 64.38 LH and BL 64.38 RH and between stringer 23 and the front spar in accordance with Boeing Alert Service Bulletin 2590, Revision 1. Before further flight, repair skin panels found cracked in accordance with Boeing Drawing LO 707-W-870 or repair in a manner approved by the Chief, Aircraft Engineering Division, FAA Western Region.

A revision to this airworthiness directive will follow covering repetitive inspection intervals and additional repair instructions.

This amendment becomes effective upon publication in the FEDERAL REGISTER for all persons except those to whom it

was made effective by telegram dated April 13, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423)

Issued in Washington, D.C., on April 18, 1967.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-4409; Filed, Apr. 19, 1967; 8:51 a.m.]

[Airspace Docket No. 67-CE-46]

PART 73—SPECIAL USE AIRSPACE

Revocation of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to revoke the Sioux Ordnance Depot, Nebr., Restricted Area R-4701.

The Department of the Army has advised the Federal Aviation Administration that Restricted Area R-4701 is no longer required. Accordingly, action is taken herein to revoke this restricted area.

Since this amendment reduces the burden on the public, notice and public procedure hereon are unnecessary and the amendment may be made effective on less than 30 days notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 73.47 (32 F.R. 2317) Restricted Area R-4701 Sioux Ordnance Depot, Nebr., is revoked.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 13, 1967.

WILLIAM E. MORGAN,
Acting Director, Air Traffic Service.

[F.R. Doc. 67-4339; Filed, Apr. 19, 1967; 8:47 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart D—Listing of Color Additives for Food Use Exempt From Certification

DEHYDRATED BEETS (BEET POWDER)

In the matter of establishing a regulation listing and exempting from certification the color additive dehydrated beets (beet powder) for general use in foods:

No comments were received in response to the notice of proposed rulemaking in the above-identified matter published in the FEDERAL REGISTER of February 15, 1967 (32 F.R. 2897). The Commissioner of Food and Drugs finds that the color additive is safe for use as proposed and that the proposed regulation should be adopted without change.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c)(2), (d), 74 Stat. 399, 402; 21 U.S.C. 376 (b), (c)(2), (d)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120): *It is ordered*, That Part 8 be amended by adding to Subpart D the following new section:

§ 8.321 Dehydrated beets (beet powder).

(a) *Identity.* (1) The color additive dehydrated beets is a dark red powder prepared by dehydrating sound, mature, good quality, edible beets.

(2) Color additive mixtures made with dehydrated beets may contain as diluents only those substances listed in this Subpart D as safe and suitable for use in color additive mixtures for coloring foods.

(b) *Specifications.* The color additive shall conform to the following specifications:

Volatile matter, not more than 4 percent.
Acid insoluble ash, not more than 0.5 percent.
Lead (as Pb), not more than 10 parts per million.
Arsenic (as As), not more than 1 part per million.
Mercury (as Hg), not more than 1 part per million.

(c) *Uses and restrictions.* Dehydrated beets may be safely used for the coloring of foods generally in amounts consistent with good manufacturing practice, except that it may not be used to color foods for which standards of identity have been promulgated under section 401 of the act, unless the use of added color is authorized by such standards.

(d) *Labeling.* The label of the color additive and any mixtures prepared therefrom intended solely or in part for coloring purposes shall conform to the requirements of § 8.32.

(e) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from the certification requirements of section 706(c) of the act.

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. 20204, written objections thereto. 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, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be submitted in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 706(b), (c)(2), (d), 74 Stat. 399, 402; 21 U.S.C. 376(b), (c)(2), (d))

Dated: April 12, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4370; Filed, Apr. 19, 1967; 8:50 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

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

PLASTICIZERS IN POLYMERIC SUBSTANCES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 6B2028) filed by the Celanese Plastics Co., division of the Celanese Corp., 744 Broad Street, Newark, N.J. 07102, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of 2,2,4-trimethyl-1,3-pentanediol diisobutyrate as a plasticizer in cellulosic plastics intended for food-contact use. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.2511(b) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2511 Plasticizers in polymeric substances.

* * * * *

(b) List of substances:

	Limitations
* * *	* * *
2,2,4-Trimethyl-1,3-pentanediol diisobutyrate.	For use only in cellulosic plastics in an amount not to exceed 15 percent by weight of the finished food-contact article, provided that the finished plastic article contacts food only of the types identified in § 121.3526 (c), table 1, under categories I, II, VI-B, VII-B, and VIII.

* * * * *

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 objec-

tions thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

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

Dated: April 12, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4372; Filed, Apr. 19, 1967; 8:50 a.m.]

PART 121—FOOD ADDITIVES

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

ADHESIVES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 7B2102) filed by Rohm and Haas Co., Independence Mall West, Philadelphia, Pa. 19105, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of additional optional substances in the formulation of food-packaging adhesives. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.2520(c)(5) is amended by alphabetically inserting in the list of components a new subitem under the item "Polymers: Homopolymers * * *" and a new item, as follows:

§ 121.2520 Adhesives.

* * * * *

(c) * * *

(5) * * *

COMPONENTS OF ADHESIVES

Substances	*Limitations*
* * *	* * *
Polymers: Homopolymers * * *	----------
* * *	* * *
1,3-Butylene glycol dimethacrylate.	----------
* * *	* * *
Sulfonated octadecylene (sodium form).	----------
* * *	* * *

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

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

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

Dated: April 12, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4371; Filed, Apr. 19, 1967; 8:50 a.m.]

PART 121—FOOD ADDITIVES

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

POLYURETHANE RESINS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 6B2042) filed by Cargill, Inc., Cargill Building, Minneapolis, Minn. 55402, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of 2,2-dimethyl-1,3-propanediol and of polyoxypropylene ethers of 4,4'-isopropylidenediphenol (containing an average of 2–4 moles of propylene oxide), as reactants in the preparation of polyurethane resins that contact dry bulk food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.2522(a)(2) is amended by inserting alphabetically in the list of substances two new items, as follows:

§ 121.2522 Polyurethane resins.

* * * * *

(a) * * *

(2) List of substances:

* * * * *

2,2-Dimethyl-1,3-propanediol.

* * * * *

Polyoxypropylene ethers of 4,4'-isopropylidenediphenol (containing an average of 2–4 moles of propylene oxide).

* * * * *

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

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

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

Dated: April 12, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-4373; Filed, Apr. 19, 1967; 8:50 a.m.]

SUBCHAPTER C—DRUGS

PART 138—DRUGS; OFFICIAL NAMES

The comments and suggestions received in response to the notice published in the FEDERAL REGISTER of August 16, 1966 (31 F.R. 10890), proposing establishment of a new part in which are listed designated official names for certain drugs, have been considered and the Commissioner of Food and Drugs has concluded that the proposed part should be issued as set forth below.

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 Act (sec. 4, 80 Stat. 383; 5 U.S.C. 553) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Title 21, Chapter I, is amended by adding thereto the following new part:

Sec.
138.1 Definitions and interpretations.
138.2 Drugs; official names.

AUTHORITY: The provisions of this Part 138 issued under secs. 508, 701(a), 52 Stat. 1055, 76 Stat. 1789; 21 U.S.C. 358, 371(a).

§ 138.1 Definitions and interpretations.

(a) As used in this Part 138, "act" means the Federal Food, Drug, and Cosmetic Act, sections 201–902, 52 Stat. 1040 (21 U.S.C. 321–392), with all amendments thereto.

(b) The definitions and interpretations contained in section 201 of the act shall be applicable to such terms when used in this Part 138.

(c) The term "official name" means, with respect to a drug or ingredient thereof, the name designated in this Part 138 under section 508 of the act as the official name.

§ 138.2 Drugs; official names.

The following are designated official names under section 508 of the act and are "established" names within the meaning of section 502(e) of the act:

Chemical name or description	*Official name*
Alkaloid ($C_{46}H_{58}N_4O_{10}$) from *Vinca rosea*, Linn.	Vincristine.
9-Aminoacridine, salt with 4-hexylresorcinol.	Acrisorcin.
6-(D-2-Amino-2-phenylacetamido)-3,3-dimethyl-7-oxo-4-thia-1-azabicyclo-[3.2.0]heptane-2-carboxylic acid.	Ampicillin.
2-Aminopurine-6-thiol, hemihydrate.	Thioguanine.
Bis (dimethylthiocarbamoyl) disulfide.	Thiram.
2-*sec*-Butyl-2-methyl-1,3-propanediol dicarbamate; or 2-methyl-2-*sec*-butyl-1,3-propanediol dicarbamate.	Mebutamate.
1-(*p*-Chlorobenzoyl)-5-methoxy-2-methylindole-3-acetic acid.	Indomethacin.
7-Chloro-1,3-dihydro-3-hydroxy-5-phenyl-2*H*-1,4-benzodiazepin-2-one.	Oxazepam.
7-Chloro-1,3-dihydro-1-methyl-5-phenyl-2*H*-1,4-benzodiazepin-2-one.	Diazepam.
6-Chloro-3,4-dihydro-2-methyl-3-([(2,2,2-trifluoroethyl)thio]-methyl)-2*H*-1,2,4-benzothiadiazine-7-sulfonamide 1,1-dioxide.	Polythiazide.
6-Chloro-3,4-dihydro-3-(5-norbornen-2-yl)-2*H*-1,2,4-benzothiadiazine-7-sulfonamide 1,1-dioxide.	Cyclothiazide.
l-2-(*p*-Chloro-α-[2-(dimethylamino)-ethoxy]-benzyl)pyridine.	Rotoxamine.
Dihydrohydroxycodeinone	Oxycodone.
l-3-(3,4-Dihydroxyphenyl)-2-methylalanine.	Methyldopa.
1-(2,3-Dihydroxypropyl-3,5-diiodo-4(1*H*)-pyridone.	Iopydol.
3,5-Diiodo-4(1*H*)-pyridone	Iopydone.
1-(*p*,α-Dimethylbenzyl) camphorate 1:1 salt with 2,2'-iminodiethanol.	Tocamphyl.
α,α-Dimethylphenethyl-amine.	Phentermine.
5-Ethyl-3-methyl-5-phenylhydantoin.	Mephenytoin.
N-Ethyl-2-phenyl-*N*-(4-pyridylmethyl)-hydracrylamide.	Tropicamide.
2-Ethylthioisonicotin-amide.	Ethionamide.
17β-Hydroxy-2-(hydroxymethylene)-17α-methyl-5α-androstan-3-one.	Oxymetholone.
6-Hydroxy-β,2,7,-trimethyl-5-benzofuranacrylic acid, δ-lactone.	Trioxsalen.
D-3-Mercaptovaline	Penicillamine.
3-Methoxy-19-nor-17α-pregna-1,3,5(10)-trien-20-yn-17-ol.	Mestranol.
2-Methyl-2-propyltrimethylene butylcarbamate carbamate; or 2-(hydroxymethyl)-2-methylpentyl butylcarbamate carbamate.	Tybamate.
2,4,7-Triamino-6-phenylpteridine.	Triamterene.
5-[(3,5-Xylyloxy)methyl]-2-oxazolidinone.	Metaxalone.

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

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

Dated: April 12, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-4374; Filed, Apr. 19, 1967; 8:50 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 814.5, Amdt. 2]

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

1967

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 1967 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 7, 1967 (32 F.R. 2572), of a public hearing to be held in New Orleans, La., at the Monteleone Hotel on February 28, 1967, 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 1967 quota for the Mainland Cane Sugar Area, (3) to revise or amend the allotment of the quota for the purposes of (a) alloting 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. To the extent that findings and conclusions proposed by the interested persons are inconsistent with the findings and conclusions herein, the specific or implied request to make such findings and reach such conclusions are denied on the basis of the facts found and stated and the conclusions reached as set forth herein.

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 1,100,000 tons and that 1967 marketings of mainland cane sugar, unless restricted, would substantially exceed the 1967 quota for the Mainland Cane Sugar Area. The proceeding to which this order relates was instituted for the purpose of alloting 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 1967 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. 553 (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 1967 exceeds the quota for that area to an extent that allotment of the quota is necessary (R. 7, 8).

The Government witness introduced for the record annual data on processings, marketings, and inventories for the most recent 5-year period (R. 8, 9; Ex. 5).

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 except for minor modifications. The substantive features of the method adopted was also supported by the witness representing the eight Florida processors.

The allotment proposal by an industry representative on behalf of the Louisiana processors (R. 33–42) differed in substantive features from the Government proposal in the following respects: (1) The alternative measure of processings would be measured by using the average processings from the 1964 and 1965 crops instead of 85 percent of such average as proposed by the Government witness; (2) the measure of past marketings would be measured by each processor's average annual quota marketings for the years 1964 through 1966 instead of average annual quota marketings for the years each processor had marketings during the period 1964 through 1966 as proposed by the Government witness; and (3) in order to give consideration to the provision in section 205(a) for avoiding unreasonable carryover of sugar by individual processors, the Louisiana proposal would give consideration only to physical inventory carryover, while the Government's proposal gives consideration to effective inventory carryover as well as physical inventory carryover.

The representatives of both the Louisiana and Florida processors proposed as herein adopted that any change in the quota be reflected in processor allotments by reworking the formula and not be prorated on the basis of allotments in effect at that time as proposed by the Government (R. 43, 54, 55).

The representative on behalf of the Florida processors opposed the method used in computing the alternative measure of processings for the Sunshine Processing Co., Inc., since such company did not process sugarcane in 1966 and other processors who processed the cane which Sunshine Processing Co., Inc., would have processed had it operated, have in effect acquired the benefit of the processing history of Sunshine Processing Co., Inc., for allotment purposes (R. 50).

The Government points out however, that if Sunshine Processing Co., Inc., processes cane in 1967 any allotment for such company derived by the formula without some hardship consideration such as the use of the alternative measure of processings would not be fair and equitable. The representatives of the Florida processors also proposed that in the event Sunshine Processing Co., Inc., did not process sugarcane from the 1967 crop, that the allotment established for such company not be treated as a deficit but the entire allotment formula be reworked leaving Sunshine Processing Co., Inc., completely out of all factors. This proposal was not adopted because the Government believes that the handling of such allotment as a deficit is more efficient particularly in view of the small allotment difference derived by the two methods.

An allotment of 100 short tons, raw value, is established for Louisiana State University as in past years as proposed by the witness for the Louisiana processors.

In line with a proposal made by the witness representing the Louisiana processors and concurred in by the witness for all Florida processors, the allotment method adopted herein also includes a provision for increasing the 1967 allotment of an allottee, who late in 1966, underestimated his production of sugar for the balance of 1966, which resulted in the release of 500 short tons of his 1966 allotment in excess of his actual deficiency (R. 30, 52). The 1967 allotment of such allottee is increased to the extent that the declared release of the 1966 allotment by such allottee was in excess of his actual deficiency. This provision is based on the evidence in the record of this proceeding that the allottee, Wm. T. Burton Industries, Inc., released 500 tons of its allotment of the 1966 quota in excess of its actual deficiency, that the excess amount released appears to be a reasonable, bona fide miscalculation, and that the increase in the allotment of Wm. T. Burton Industries, Inc., of 500 tons, raw value, of sugar is congruous with a fair, efficient, and equitable distribution of the 1967 quota in the light of the record of this proceeding. For purposes of this provision, the 1967 basic allotments of individual processors who were recipients of deficit reallocations in 1966 are reduced in total by the amount of 500 short tons, raw value, by reducing each such processor's basic allotment in an amount equal to the same proportion of 500 tons, raw value, as the proportion that the 1966 deficit allocated to the processor was of the total deficit reallocated in 1966.

The primary purpose for using an alternate measure of "processings" is to give some protection against a crop failure or some other unavoidable occurrence which reduced processings of the crop used for the measure of processings. Giving a processor an alternative processing factor of 85 percent of his 1964–65 average crop processings as proposed by the Government recognizes the fact that the 1966 crop of some processors was more seriously affected by adverse crop conditions than others. By using an alternative measure of processings of the average 1964–65 crop processings as proposed by the witness for Louisiana processors would increase allotments unduly for those processors whose supply of sugar available for marketing has been curtailed by reduced processings and would decrease allotments of those processors who have the greatest potential to market sugar during the calendar year 1967.

Using the average marketings for each processor for the years he had marketings during the 3-year period 1964 through 1966 as the measure of "past marketings" as proposed by the Government witness does not penalize any processor for having less than 3 years' marketing history as would the use of a simple 3-year average as proposed by the representative of the Louisiana processors.

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. The adopted method gives consideration to both physical and effective inventory carryovers. The witness for the Louisiana processors proposed that only consideration be given under this provision to processors with excessive physical inventories. The method adopted also reduces the quantity of sugar to be carried in inventory from April 1967 to January 1, 1968, and results in fair and equitable allotments.

The witness for the Louisiana processors stated that the Governments' proposed formula with respect to sugar inventories gave too much consideration to the length of carryover and not enough consideration to the quantity of sugar carried over for a short period of time. Under the terms of the new provision of the 1965 Act, no inventory relief

may be given a processor whose allotment exceeded his effective inventory. The formula adopted provides for increasing the basic allotments of processors with January 1, 1967, effective inventories larger than their 1967 basic allotments.

Under circumstances relating to the allotment of the 1967 quota the measures and weightings of factors and special consideration given to carryover in excess of allotments give consideration to any carryover of sugar whether such carryover was for a short or long duration and whether it was due to an unusually favorable 1966 crop, past marketing patterns, or a combination of these and other factors and results in fair and equitable allotments.

Pursuant to an agreement of the stockholders of Milliken and Farwell, Inc., effective January 1, 1967, a division of the assets of such company has been effected so that Milliken and Farwell, Inc., continues to own and operate its Smithfield factory in West Baton Rouge Parish, La., and a new corporation, Little Texas, Inc., now owns and will operate the Little Texas Factory which was formerly operated by Milliken and Farwell, Inc. At the hearing Milliken and Farwell, Inc., and Little Texas, Inc., requested the Department to divide the allotment which would normally accrue to Milliken and Farwell, Inc., between Milliken and Farkell, Inc., and Little Texas, Inc., on the basis of historical information submitted at the hearing on processings, marketings, and inventories of the two factories. This allotment order establishes allotments for both Milliken and Farwell, Inc., and Little Texas, Inc., based on such division of historical data.

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 1967, consisting of January 1, 1967, effective inventories of mainland cane sugar of approximately 750,000 tons plus 1967 crop sugar produced before January 1, 1968, of between 700,000 and 850,000 tons would substantially exceed the current 1,100,000-ton quota established for the area.

(2) The supply situation makes necessary the allotment of the 1967 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 1967 calendar year sugar quota for the Mainland Cane Sugar Area until final processings from 1966-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 1967 quota is allotted on the basis of final 1966 crop data, allotments herein shall be limited to 95 percent of the allotments determined under finding (5) for all allottees except that the allotment for Cajun Sugar Co-op, Inc., shall be the allotment determined as provided in finding (5) which equals the preliminary allotment of the 1967 quota previously established for such company, the full amount of which may have been marketed.

(4) One hundred short tons, raw value, shall be set aside from the quota and an allotment of 100 short tons, raw value, shall be established for the Louisiana State University.

(5) The remainder of the 1967 Mainland Cane Sugar Area quota for consumption within the continental United States, after setting aside 100 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 1966-crop sugarcane in short tons, raw value, or 85 percent of his average crop-year production from the 1964 and 1965 crops of sugarcane in short tons, raw value, whichever in 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 by each processor's annual marketings within the quotas for the years he had marketings during the period 1964 through 1966 determined 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, 1967, effective inventory, and (ii) his share of the difference between the 1967 quota in short tons, raw value, for the Mainland Cane Sugar Area after deducting 100 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 1964 through 1966 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 100 tons set aside under finding (4).

(e) Five hundred short tons, raw value, of sugar shall be added to the basic allotment established for Wm. T. Burton Industries, Inc., in subparagraph (d) of this finding (5) and such 500 short tons, raw value, represents a reasonable bona fide miscalculation of such processor's 1966-crop sugar production. From the basic allotments of individual processors established in subparagraph (d) of this finding (5), who were recipients of deficit reallocations in 1966 as set forth in Sugar Regulation 814.4, Amendment 3 (31 F.R. 16669), shall be deducted a total of 500 short tons, raw value, by reducing each such processor's basic allotment in an amount equal to the same proportion of 500 tons, raw value, as the proportion that the 1966 deficit allocated to the processor was of the total deficit reallocated in 1966.

(f) Basic allotments established pursuant to paragraph (e) of this finding which are less than the respective processors' January 1, 1967, effective inventories shall be increased by a total of not to exceed 16,000 short tons, raw value, and the basic allotments of other processors (those having January 1, 1967, effective inventories not in excess of their basic allotments) shall be reduced proportionately as necessary to make total adjusted allotments equal to the quota in short tons, raw value, less 100 tons set aside under finding (4). Upward adjustments in allotments (not to exceed a total of 16,000 tons) shall be made, first by increasing the allotment of any processor having a January 1, 1967, physical inventory in excess of his basic allotment to the extent of such excess; and second, the remainder of the 16,000 tons shall be prorated to increase the allotment of other processors having January 1, 1967, effective inventories in excess of their basic allotment in a manner that will permit each affected processor to market the same percentage, but not more than 100 percent, of his January 1, 1967, effective inventory.

(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 proportionately on the basis of adjusted allotments computed pursuant to paragraph (f) of this finding. All or part of the allotment established for Sunshine Processing Co., Inc., and not used shall be prorated to other allottees pursuant to this paragraph.

(h) 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 (f) of this finding (5).

(6) Final adjustments in the data for the 1966 crop including January 1, 1967, effective inventories, will be made on the basis of sugar production and marketing reports covering the period ending April 30, 1967.

(7) The quantity of sugar and the percentages referred to in paragraph (5) above, based on data involving some estimates for 1966-crop processings and January 1, 1967, 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 [2]		Ability to market					Processor's basic allotment [4]		Processor's adjusted allotment,[5] short tons, raw value
					Effective inventory Jan. 1, 1967	New-crop quota marketings		Measures used				
						Average 1964-66	Shares of difference [3]	Col. (5) plus col. (7)	Percent of total	Percent of total	Short tons, raw value	
	Short tons, raw value	Percent of total	Short tons, raw value	Percent of total	Short tons, raw value							
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Albania Sugar Co.	10,454	0.861	10,703	1.017	1,137	9,396	6,640	7,777	0.707	0.861	9,465	9,260
Alma Plantation, Ltd.	10,408	.857	10,192	.968	760	10,014	7,077	7,837	.712	.850	9,344	9,141
J. Aron & Co., Inc.	13,653	1.124	15,113	1.436	1	14,935	10,554	10,555	.960	1.154	12,693	12,417
Billeaud Sugar Factory	9,944	.819	10,212	.970	2,680	7,852	5,549	8,229	.748	.835	9,179	8,980
Breaux Bridge Sugar Co-op.	9,427	.776	8,754	.832	2,723	7,137	5,044	7,767	.706	.773	8,498	8,314
Wm. T. Burton Industries, Inc.	6,515	.536	8,923	.848	651	4,983	3,521	4,172	.379	.567	6,736	6,590
Caire & Graugnard	5,648	.465	5,677	.539	479	4,973	3,514	3,993	.363	.460	5,057	4,947
Cajun Sugar Co-op, Inc.	18,639	1.535	19,462	1.849	18,639	38	27	18,666	1.697	1.639	17,918	18,639
Caldwell Sugars Co-op, Inc.	13,792	1.136	12,816	1.217	909	12,505	8,837	9,746	.886	1.102	12,115	11,852
Columbia Sugar Co.	9,010	.742	8,152	.774	2,060	7,302	5,160	7,220	.656	.731	8,036	7,862
Cora-Texas Manufacturing Co., Inc.	9,700	.799	7,176	.682	6,680	3,213	2,271	8,951	.814	.779	8,565	8,379
Dugas & LeBlanc, Ltd.	15,249	1.255	14,545	1.382	1,937	13,924	9,840	11,777	1.071	1.244	13,676	13,379
Dube & Bourgeois Sugar Co.	10,971	.903	10,133	.963	1,086	9,821	6,940	8,026	.730	.880	9,675	9,465
Erath Sugar Co., Ltd.	6,495	.535	7,416	.704	647	5,927	4,188	4,835	.440	.550	6,045	5,914
Evan Hall Sugar Co-op, Inc.	23,894	1.967	22,130	2.102	2,369	21,756	15,374	17,743	1.613	1.925	21,140	20,681
Frisco Cane Co., Inc.	3,066	.252	2,846	.270	533	2,452	1,733	2,266	.206	.247	2,716	2,657
Glenwood Co-op, Inc.	16,864	1.388	15,663	1.488	1,673	15,438	10,910	12,583	1.144	1.359	14,941	14,617
Helvetia Sugar Co-op, Inc.	13,331	1.098	11,855	1.126	2,431	11,253	7,952	10,383	.944	1.073	11,797	11,541
Iberia Sugar Co-op, Inc.	19,486	1.604	19,021	1.804	6,766	13,437	9,496	16,262	1.478	1.631	17,930	17,541
LaFourche Sugar Co.	19,015	1.566	17,855	1.696	2,679	17,017	12,026	14,705	1.337	1.546	16,995	16,626
Harry L. Laws & Co., Inc.	13,537	1.115	16,523	1.569	2,163	12,392	8,757	10,920	.993	1.181	12,982	12,700
Levert-St. John, Inc.	12,810	1.055	14,736	1.400	0	13,537	9,566	9,566	.870	1.087	11,956	11,696
Little Texas, Inc.	5,609	.462	4,448	.422	2,770	3,998	2,825	5,595	.509	.463	5,091	4,980
Louisa Co-op.	12,180	1.003	11,553	1.097	2,901	9,705	6,858	9,759	.887	.999	10,983	10,745
Louisiana State Penitentiary	4,072	.335	3,057	.290	2,563	1,987	1,404	3,967	.361	.331	3,639	3,560
Meeker Sugar Co-op, Inc.	10,992	.905	10,400	.988	8,936	3,103	2,193	11,129	1.012	.943	10,366	10,141
Milliken & Farwell, Inc.	10,727	.883	9,727	.924	1,770	9,288	6,564	8,334	.758	.866	9,520	9,313
M. A. Patout & Son, Ltd.	17,199	1.416	15,733	1.494	2,983	14,819	10,472	13,455	1.223	1.393	15,315	14,983
Poplar Grove Planting & Refining Co.	9,200	.757	9,161	.870	2,395	6,915	4,887	7,282	.662	.761	8,366	8,184
Savoie Industries	15,470	1.274	14,297	1.358	2,104	13,709	9,688	11,792	1.072	1.250	13,742	13,444
St. James Sugar Co-op, Inc.	21,699	1.786	17,333	1.646	13,253	9,361	6,615	19,868	1.806	1.762	19,372	18,952
St. Mary Sugar Co-op, Inc.	15,320	1.261	14,378	1.366	1,921	13,782	9,739	11,660	1.060	1.242	13,654	13,358
South Coast Corp.	63,907	5.261	71,445	6.787	46,183	12,183	8,609	54,792	4.981	5.510	60,575	59,260
Southdown, Inc.	38,235	3.148	42,560	4.043	11,506	24,523	17,330	28,836	2.622	3.222	35,422	34,653
Sterling Sugars, Inc.	28,226	2.324	25,938	2.464	4,739	24,047	16,993	21,732	1.975	2.282	25,087	24,542
Sunshine Processing Co., Inc.	2,859	.235	3,363	.319	0	9	6	6	.001	.205	2,254	2,205
J. Supple's Sons Planting Co., Inc.	5,626	.463	5,747	.546	1,468	4,145	2,929	4,397	.400	.467	5,134	5,023
Valantine Sugars, Inc.	10,207	.840	12,884	1.224	462	8,761	6,191	6,653	.605	.870	9,564	9,356
Vida Sugars, Inc.	6,157	.507	5,543	.527	821	5,263	3,719	4,540	.413	.492	5,409	5,292
A. Wilbert's Sons Lumber & Shingle Co.	10,812	.890	10,133	.963	1,906	9,330	6,593	8,499	.773	.881	9,685	9,475
Young's Industries, Inc.	6,895	.568	7,429	.706	2,088	5,129	3,625	5,713	.519	.586	6,441	6,301
Louisiana, subtotal	567,300	46.706	565,632	53.730	169,762	399,359	282,216	451,978	41.093	46.988	517,078	506,965
Atlantic Sugar Company	34,860	2.870	31,031	2.947	35,713	58	41	35,754	3.251	2.962	32,563	33,130
Florida Sugar Corp.	20,674	1.702	12,054	1.145	17,049	4,085	2,887	19,936	1.812	1.613	17,734	17,349
Glades County Sugar Growers Co-op. Association	46,210	3.804	33,874	3.218	47,236	0	0	47,236	4.294	3.785	41,610	43,820
Osceola Farms Co.	52,676	4.337	36,056	3.425	53,666	1,360	961	54,627	4.967	4.281	47,066	49,785
South Puerto Rico Sugar Co., Inc.	81,777	6.733	66,975	6.362	75,744	9,708	6,861	82,605	7.510	6.814	74,914	74,914
Sugarcane Growers Co-op. of Florida	115,766	9.531	84,763	8.052	118,027	3	2	118,029	10.731	9.475	104,169	109,490
Talisman Sugar Corp.	51,857	4.269	27,444	2.607	52,727	129	91	52,818	4.802	4.043	44,451	48,913
United States Sugar Corp.	243,501	20.048	194,907	18.514	209,255	39,144	27,662	236,917	21.540	20.039	220,315	215,534
Florida, subtotal	647,321	53.294	487,104	46.270	609,417	54,487	38,505	647,922	58.907	53.012	582,822	592,935
Total, all mainland cane	1,214,621	100.000	1,052,736	100.000	779,179	453,846	320,721	1,099,900	100.000	100.000	1,099,900	1,099,900

[1] The higher of either the production of sugar from the 1966 crop sugarcane or 85 percent of the average production for the 1964 and 1965 crops of sugarcane.

[2] Average annual quota marketing for each processor for years he had such marketing during the period 1964 through 1966.

[3] The difference between 1,099,900 tons (quota for 1967 established by S.R. 811, less 100 tons reserve for Louisiana State University) and the total Jan. 1, 1967, effective inventories for all processors amounting to 779,179 tons. This difference of 320,721 tons prorated on the basis of each processor's average 1964-66 new-crop marketing.

[4] Col. (10) was determined by weighting "processings" col. (2) by 60 percent, "marketings" col. (4) by 20 percent, and "ability" col. (9) by 20 percent. Col. (11) was determined by multiplying the quota, less 100 tons reserved for Louisiana State University, by Col. (10) and revising such resulting allotments by adding 500 tons to the allotment of Wm. T. Burton Industries, Inc., and reducing proportionately by a total of 500 tons the allotments of processors who were recipients of deficit reallocations in 1966 as provided in finding (5)(c). Such reduction can be determined for each individual processor by multiplying the percentage in col. (10) times the quota, less 100 tons reserved for Louisiana State University, and subtracting therefrom the amount shown in col. (11).

[5] Basic allotments col. (11) which were less than the respective processors' Jan. 1, 1967, effective inventories were increased by a total of 16,000 short tons, raw value, and such basic allotments of other processors (those having Jan. 1, 1967, effective inventories not in excess of their basic allotments) were reduced proportionately as necessary to make total adjusted allotments equal to the quota in short tons, raw value, less 100 tons set aside for Louisiana State University. Upward adjustments in allotments (not to exceed a total of 16,000 tons) were made, first by increasing the allotment of any processor having a Jan. 1, 1967, physical inventory in excess of his basic allotment to the extent of such excess; and second, the remainder of the 16,000 tons was prorated to increase the allotments of other processors having Jan. 1, 1967, effective inventories in excess of their basic allotments in a manner that permitted each affected processor to market the same percentage, but not more than 100 percent, of his Jan. 1, 1967, 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) above 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) of this finding (8) allotments shall be computed in the same manner as provided for in this order. Any revision of allotments, made to give effect to changes in the quota under (c) of this finding (8), should be made as provided

in finding (5)(h) subject to limitations in accordance with any written statement of release by any allottee.

(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 1967 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) On the basis of an agreement of the stockholders of Milliken and Farwell, Inc., a division of the assets of that company has been effected in that Milliken and Farwell, Inc., continues to own and operate Smithfield factory and Little Texas, Inc., a new corporation now owns and will operate the Little Texas factory formerly owned and operated by Milliken and Farwell, Inc. Separate allotments shall be established in this order for Milliken and Farwell, Inc., and Little Texas, Inc., on the bases of historical production, marketing, and inventory data of their two respective factories.

(13) Allotments established in the foregoing manner and in the amounts set forth in the order provide a fair, efficient, and equitable distribution of any 1967 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 § 814.5 be amended to read as follows:

§ 814.5 Allotment of the 1967 sugar quota for the Mainland Cane Sugar Area.

(a) *Allotments.* For the period January 1, 1967, until the date allotments of the entire 1967 calendar year sugar quota for the Mainland Cane Sugar Area are prescribed, 1,045,932 short tons, raw value, of the 1967 quota for the Mainland Cane Sugar Area is hereby allotted to the following processors in the quantites which appear opposite their respective names:

Processors	Allotments (Short tons, raw value)
Albania Sugar Co.	8,797
Alma Plantation, Ltd.	8,684
J. Aron & Co., Inc.	11,796
Billeaud Sugar Factory	8,531
Breaux Bridge Sugar Co-op	7,898
Wm. T. Burton Industries, Inc.	6,261
Caire & Graugnard	4,700
Cajun Sugar Co-op, Inc.	18,639
Caldwell Sugars Co-op, Inc.	11,250
Columbia Sugar Co.	7,469
Cora-Texas Manufacturing Co., Inc.	7,960
Dugas & LeBlanc, Ltd.	12,710
Duhe & Bourgeois Sugar Co.	8,992
Erath Sugar Co., Ltd.	5,618
Evan Hall Sugar Co-op, Inc.	19,647
Frisco Cane Co., Inc.	2,524
Glenwood Co-op, Inc.	13,886
Helvetia Sugar Co-op, Inc.	10,964
Iberia Sugar Co-op, Inc.	16,664
LaFourche Sugar Co.	15,795
Harry L. Laws & Co., Inc.	12,065
Levert-St. John, Inc.	11,111
Little Texas, Inc.	4,731
Louisa Sugar Co-op, Inc.	10,208
Louisiana State Penitentiary	3,382
Louisiana State University	95
Mecker Sugar Co-op, Inc.	9,634
Milliken & Farwell, Inc.	8,847
M. A. Patout & Son, Ltd.	14,234
Poplar Grove Planting & Refining Co	7,775
Savoie Industries	12,772
St. James Sugar Co-op, Inc.	18,004
St. Mary Sugar Co-op, Inc.	12,690
South Coast Corp.	56,297
Southdown, Inc.	32,920
Sterling Sugars, Inc.	23,315
Sunshine Processing Co., Inc.	2,095
J. Supple's Sons Planting Co., Inc.	4,772
Valentine Sugars, Inc.	8,888
Vida Sugars, Inc.	5,028
A. Wilbert's Sons Lumber & Shingle Co	9,001
Young's Industries, Inc.	5,986
Louisiana subtotal	482,644
Atlantic Sugar Association	31,474
Florida Sugar Corp.	16,482
Glades County Sugar Growers Co-op Association	41,629
Osceola Farms Co.	47,296
South Puerto Rico Sugar Co., Inc.	71,168
Sugarcane Growers Co-op of Florida	104,015
Talisman Sugar Corp.	46,467
United States Sugar Corp.	204,757
Florida subtotal	563,288
Unallotted	54,068
Total, all mainland cane	1,100,000

(b) *Marketing limitations.* Marketings shall be limited to allotments as established herein subject to the prohibitions and provisions of § 816.3 of this chapter (23 F.R. 1943).

(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 person, 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 1967-crop sugarcane which the allottee relinquishing allotment has become unable to process.

(d) *Exchange 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 has 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.

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

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

Signed at Washington, D.C., this 14th day of April 1967.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 67-4289; Filed, Apr. 19, 1967; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 49—POLICIES GOVERNING ASSIGNMENTS OF MILITARY PERSONNEL TO DUTY IN VIETNAM

The Deputy Secretary of Defense approved the following on March 31, 1967:

Sec.
49.1 Purpose and scope.
49.2 Applicability.
49.3 Definitions.
49.4 Policy.
49.5 Procedures.

AUTHORITY: The provisions of this Part 49 issued under 5 U.S.C. 301.

§ 49.1 Purpose and scope.

This part establishes uniform policies and procedures concerning the assign-

ment of military personnel to Vietnam except during periods of war or national emergency hereafter declared by the Congress when the provisions of this part will be superseded.

§ 49.2 Applicability.

The provisions of this part apply to the military departments.

§ 49.3 Definitions.

As used in this part, the following definitions will apply:

(a) "Family members" are considered to include a husband and wife, or the father, mother, sons, and daughters, and all sisters and brothers as defined in section 501, title 37, U.S.C.

(b) "Serving in Vietnam" includes:

(1) Any member assigned to a military unit which is located within the geographic boundaries of South Vietnam.

(2) Any member aboard a nonrotating naval unit operating inshore and based in South Vietnam.

(3) All aircrew members while stationed ashore or afloat in Southeast Asia and normally engaged in flying combat missions.

§ 49.4 Policy.

Assignments to duty in Vietnam will be shared as equitably as practicable by all members of the Armed Forces, except as follows:

(a) *Family service.* (1) Where one member of the Armed Forces is serving with a military unit in Vietnam, another member of the same family, upon his request, will be deferred from assignment to that country until completion of the first member's tour.

(2) Family members will be similarly deferred, upon request, during a period in which another family member is in a captured or missing status incident to Vietnam service.

(3) Deferments are not authorized in those instances where a member is serving in Vietnam on temporary duty orders for a period of less than thirty (30) days.

(b) *Family deaths.* Where a member of a family is killed or dies as a result of Vietnam service, other members of the same family will, upon request, either be deferred from assignment to Vietnam for a period of at least six (6) months following date of death or, if serving in Vietnam, be reassigned therefrom for the same minimum period.

(c) *Age limitations.* Military personnel who are under 18 years of age are not eligible for assignment to service in Vietnam, but may be assigned to sea duty or to duty in other overseas areas.

(d) *Sole surviving sons.* Military personnel who are qualified sole surviving sons as provided in DoD Directive 1315.2, "Sole Surviving Sons," dated July 29, 1966, and who either have requested noncombat duty, or have not waived a request submitted by a parent, may not be assigned to duty in Vietnam.

(e) *Conscientious objectors.* The assignment of valid conscientious objectors to Vietnam shall be subject to the restrictions set forth in DoD Directive 1300.6, "Utilization of Conscientious Objectors and Procedures Based on Conscientious Objection," dated August 21, 1962.

§ 49.5 Procedures.

(a) *Deferment requests.* Only the service member concerned may request an assignment deferment under § 49.4 (a) and (b).

(1) Such requests for deferment should normally be submitted within fifteen (15) days after receipt of orders, assignment instructions, unit alert, or scheduled movement.

(2) A military member who has submitted an application for deferment of his assignment should be retained in place until action on his application is finalized.

(b) *Reassignment from Vietnam.* (1) Where two or more members of the same family are serving in Vietnam and more than one application for reassignment based on family service is received, the member with the longest Vietnam service period should be given priority reassignment consideration.

(2) Where multiple requests for reassignment based on a family death as a result of service in Vietnam are received, all requesting members will be reassigned from Vietnam at the earliest practicable date for a period of at least six (6) months following the date of death.

(3) Reassignments made under this policy may be to other overseas areas in Southeast Asia.

(c) *General.* (1) All requests must be in writing and submitted in accordance with instructions to be prescribed by the military departments in implementation of this part.

(2) All military personnel being processed for assignment to Vietnam will be specifically advised of the assignment deferments for family members established by this part.

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

[F.R. Doc. 67-4311; Filed, Apr. 19, 1967; 8:45 a.m.]

Chapter V—Department of the Army

SUBCHAPTER B—CLAIMS AND ACCOUNTS

PART 536—CLAIMS AGAINST THE UNITED STATES

Relief for Members and Former Members Who Lost Interest on Soldiers Deposits

New §§ 536.191–536.198 are added, as follows:

Sec.
536.191 General.
536.192 Circumstances leading to relief legislation.
536.193 Method of computing amounts due.
536.194 Automatic settlement situations.
536.195 Situations requiring the filing of a claim.
536.196 Procedure for filing claims (where necessary).
536.197 Validation of payments previously made.
536.198 Entitlement.

AUTHORITY: §§ 536.191–536.198 issued under sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply Public Law 89–738, Nov. 2, 1966.

SOURCE: DA Circular 35–13, Dec. 23, 1966.

§ 536.191 General.

Public Law 89–738, approved November 2, 1966, gives the military departments authority to adjust the deposit accounts of enlisted members and former enlisted members who lost interest on savings under the Soldier's Deposits Program because they did not withdraw their deposits upon discharge and immediate reenlistment or upon retirement and immediate recall to active duty. This law has application in any case where, for the reasons stated above, a member failed to receive interest on his deposits which he would have earned during the period July 15, 1954, through August 13, 1966. The provisions of Public Law 89–738 expire 2 years following the date of its enactment. Claims coming under its purview may not be accepted after that date.

§ 536.192 Circumstances leading to relief legislation.

The words "upon final discharge" contained in the Act of July 15, 1954, were interpreted to mean separation without immediate reentry into the service. Therefore, regulations issued pursuant to that act provided that members who were discharged and immediately reenlisted or who were retired and immediately recalled to active duty were not required to withdraw and redeposit their savings in order to continue to draw interest. However, the Comptroller General of the United States held in his decision of April 15, 1958 (37 Comp. Gen. 681), that interest does not accrue after the date of discharge, and, if the member wishes to continue to draw interest, the money must be withdrawn and redeposited.

§ 536.193 Method of computing amounts due.

In arriving at the amount of adjustment due current depositors or settlements due former depositors (in- or out-of-service), the Finance Center, U.S. Army, will reconstruct the accounts involved, recomputing on the basis that the member actually withdrew and redeposited his deposits on the date of reenlistment or recall to active duty.

§ 536.194 Automatic settlement situations.

If the member is currently serving on active duty and has an active account which was continued after August 13, 1966, under the provisions of paragraph 21322 or 21323, AR 37–104, his account will be automatically credited with any amount computed to be due under Public Law 89–738. This adjustment will be accomplished by the Finance Center, U.S. Army. No action is required of the depositor-member in such case.

§ 536.195 Situations requiring the filing of a claim.

Claim action as prescribed in § 536.196 must be taken by individuals in the following categories in order for them to receive the benefits of Public Law 89–738, November 2, 1966.

(a) Members currently serving on active duty whose claims are based on previous, or closed, accounts. (The

fact that the member is again participating in the program, with a reopened account currently in effect, is immaterial. A claim must be filed, in such case, in order for the member to receive the benefits of Public Law 89–738, Nov. 2, 1966.)

(b) Former members, retired members, and reservists not presently on active duty who participated in the Soldier's Deposits Program during the period they were on active duty.

(c) Designated beneficiaries of deceased personnel who have entitlement under Public Law 89–738, November 2, 1966.

§ 536.196 Procedure for filing claims (where necessary).

Individuals categorized in § 536.195 may be paid amounts due them under Public Law 89–738 provided they file a claim in the form of a personal letter to the Chief, Inquiries and Determinations Divisions, Allotment Operations, Finance Center, U.S. Army, Indianapolis, Ind. 46249, before the expiration of 2 years from the date of enactment of the law. The member's service number and address to which settlement check is to be mailed should be included in the letter.

§ 536.197 Validation of payments previously made.

Under the provisions of Public Law 89–738, all payments heretofore made which would, but for the fact of such payment be payable under this relief legislation, are validated. If, however, the member has refunded the payment he received under such circumstances, he may now make claim for reimbursement of that amount, following the procedure prescribed in § 536.196.

§ 536.198 Entitlement.

The entitlement portion of §§ 536.191–536.198 has been approved by the Department of Defense Military Pay and Allowance Committee under procedures prescribed by the Secretary of Defense in accordance with 37 U.S.C. 1001.

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 67–4310; Filed, Apr. 19, 1967; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

SUBCHAPTER B—LAND TENURE MANAGEMENT (2000)

[Circular No. 2226]

PART 2230—SPECIAL USES

Subpart 2232—Recreation and Public Purposes Act

PRICING FOR HISTORIC MONUMENTS

The purpose of this amendment is to rephrase the pricing provisions of the regulations to reflect more accurately the pricing requirements of the Act of June 24, 1926 (44 Stat. 741), as amended (43 U.S.C. 869–869–4). Since these amendments are limited to a clarification of existing regulations and their conformance with the law, notice and public procedure thereon have been deemed unnecessary, and the amendments become effective on the date of publication in the FEDERAL REGISTER.

1. Sections 2232.2–3 (a), (b), and (c) are amended to read as follows:

§ 2232.2–3 Price.

(a) Conveyances under the act for historic monument purposes to a State, county, or other State or Federal instrumentality or political subdivision, will be made without any monetary consideration.

(b) Sales to nonprofit associations or nonprofit corporations will be made at prices fixed through appraisal of the fair market value of the land, taking into consideration the purposes for which the lands will be used.

(c) All other sales will be made at prices fixed through appraisal of the fair market value of the lands or otherwise, taking into consideration the purpose for which the land will be used.

* * * * *

CHARLES F. LUCE,
Under Secretary of the Interior.

APRIL 13, 1967.

[F.R. Doc. 67–4327; Filed, Apr. 19, 1967; 8:46 a.m.]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4193]

[Oregon 017510]

WASHINGTON

Withdrawal for National Forest Administrative Site and Recreation Areas

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

1. Subject to valid existing rights, and the provisions of existing withdrawals, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C. Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

WILLAMETTE MERIDIAN

WENATCHEE NATIONAL FOREST

Crystal Springs Campground

T. 21 N., R. 12 E.,
Sec. 14, W½NW¼SW¼, N½SW¼SW¼.

Owhi Campground

T. 22 N., R. 13 E.,
Sec. 2, SW¼NW¼NE¼, N½SW¼NE¼, NW¼SE¼NE¼, S½SE¼NE¼, NE¼NW¼NW¼, NE¼NW¼, N½NE¼SE¼.

Johnny Creek Campground

T. 24 N., R. 16 E.,
Sec. 2, NE¼ lot 13, S½ lot 13, and NW¼SW¼.

Eight Mile Campground

T. 24 N., R. 17 E.,
Sec. 30, NE¼ lot 1, NW¼NE¼NW¼, and S½NE¼NW¼.

Wenatchee River Campground

T. 27 N., R. 17 E.,
Sec. 27, lots 4, 5, and NW¼NW¼.

Nason Creek Campground

T. 27 N., R. 17 E.,
Sec. 33, E½E½NE¼, SW¼NE¼NE¼, NW¼SE¼NE¼.

Company Creek Campground

T. 33 N., R. 17 E., unsurveyed,
Sec. 22, all national foest land lying between HES–205 and Stehekin River.

Tronsen Campground

T. 21 N., R. 18 E.,
Sec. 3, SW¼SW¼NE¼, NE¼NE¼SW¼, S½NE¼SW¼, N½SE¼SW¼, and W½NW¼SE¼.

Bonanza Campground

T. 22 N., R. 18 E.,
Sec. 20, E½SE¼NE¼;
Sec. 21, SW¼SW¼NW¼.

Lake Creek Campground

T. 28 N., R. 18 E., unsurveyed,
Sec. 12, SW¼SW¼SE¼;
Sec 13, NW¼NE¼.

Halfway Spring Campground

T. 29 N., R. 19 E., unsurveyed,
Sec. 31, S½SW¼NE¼, SE¼SE¼NW¼, NE¼NE¼SW¼, and N½NW¼SE¼.

South Navarre Campground

T. 30 N., R. 20 E., unsurveyed,
Sec. 9, E½SE¼.

SNOQUALMIE NATIONAL FOREST

Naches Ranger Station Administrative Site Addition (formerly known as Currants Flat Station)

T. 16 N., R. 14 E.,
Sec. 1, those parts of lot 9 and SE¼SE¼ south and west of the Naches River.

The areas described aggregate 849.44 acres in Kittitas, Chelan, and Yakima Counties.

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

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 10, 1967.

[F.R. Doc. 67–4326; Filed, Apr. 19, 1967; 8:46 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. K]

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

Stock Acquisitions

§ 211.103 Acquisition of stock of combination export manager.

(a) The Board of Governors has been presented with the question whether a corporation organized under section 25(a) of the Federal Reserve Act (an "Edge corporation") may acquire and hold a noncontrolling stock interest in a company engaged in the United States in the business of combination export manager.

(b) The company and the clients for which it acts as export sales manager are located in the United States. Through designated agents and distributors abroad, the company obtains foreign orders for its clients in the United States or, against firm orders from abroad, itself purchases merchandise from them and reinvoices it for export. In no case does the company maintain inventories of unsold merchandise, nor does it make any sales in the United States.

(c) The eighth paragraph of section 25(a) of the Federal Reserve Act (12 U.S.C. 615) authorizes an Edge corporation, with the consent of the Board, "to purchase and hold stock or other certificates of ownership in any other corporation organized * * * under the laws of any foreign country or a colony or dependency thereof, or under the laws of any State, dependency, or insular possession of the United States but not engaged in the general business of buying or selling goods, wares, merchandise, or commodities in the United States, and not transacting any business in the United States except such as in the judgment of the Board * * * may be incidental to its international or foreign business".

(d) The Board recognized the closeness of the question whether the company is engaged in the general business of buying or selling goods in the United States. It concluded, however, that the activities of the company in acting as agent or broker for foreign clients where there is no market risk on the part of the company, or in acting as principal where there are offsetting firm orders for foreign clients, would not cause it to be "engaged in the general business of buying or selling goods, wares, merchandise, or commodities in the United States * * *".

(e) While the activities of the company are closely related to those of companies engaged in a commercial business in the United States, the sole business of the company is to act as an intermediary between domestic manufacturers and foreign consumers. Moreover, the company is exclusively concerned with the effecting of international transactions and its activities in the United States are entirely directed to that end. Accordingly, it was the judgment of the Board that the activities of the company in the United States are "incidental to its international or foreign business".

(f) Inasmuch as the activities of the company in the United States conform to the requirements contained in the eighth paragraph of section 25(a) of the Federal Reserve Act, and the acquisition of a stock interest therein by an Edge corporation would otherwise be likely to further the foreign commerce of the United States, the Board concluded that such an acquisition and holding would be permissible and appropriate.

(g) In view of the serious and difficult questions presented by the foregoing application, the Board emphasized that its decision was based on the particular facts of this case, and that applications by Edge corporations for permission to make similar acquisitions will necessarily be decided on their own merits. Because of the closeness of this case, the Board also stated that Edge corporations may wish to obtain the prior specific consent of the Board before making investments of the kind described herein, even though a proposed investment technically might fall within the general consent provisions of § 211.8(a).

(12 U.S.C. 615. Interprets or applies 12 U.S.C. 615)

Dated at Washington, D.C., this 13th day of April 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 67-4323; Filed, Apr. 19, 1967; 8:46 a.m.]

PART 224—DISCOUNT RATES

Changes in Rates

Pursuant to section 14(d) of the Federal Reserve Act (12 U.S.C. 357), and for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country, Part 224 is amended as set forth below:

1. Section 224.2 is amended to read as follows:

§ 224.2 Advances and discounts for member banks under sections 13 and 13a.

The rates for all advances and discounts under sections 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships, or corporations other than member banks) are:

Federal Reserve Bank of—	Rate	Effective
Boston	4	Apr. 7, 1967
New York	4	Do.
Philadelphia	4	Do.
Cleveland	4	Do.
Richmond	4	Do.
Atlanta	4	Apr. 10, 1967
Chicago	4	Apr. 7, 1967
St. Louis	4	Apr. 14, 1967
Minneapolis	4	Apr. 7, 1967
Kansas City	4	Do.
Dallas	4	Do.
San Francisco	4	Do.

2. Section 224.3 is amended to read as follows:

§ 224.3 Advances to member banks under section 10(b).

The rates for advances to member banks under section 10(b) of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston	4½	Apr. 7, 1967
New York	4½	Do.
Philadelphia	4½	Do.
Cleveland	4½	Do.
Richmond	4½	Do.
Atlanta	4½	Apr. 10, 1967
Chicago	4½	Apr. 7, 1967
St. Louis	4½	Apr. 14, 1967
Minneapolis	4½	Apr. 7, 1967
Kansas City	4½	Do.
Dallas	4½	Do.
San Francisco	4½	Do.

3. Section 224.4 is amended to read as follows:

§ 224.4 Advances to persons other than member banks.

The rates for advances to individuals, partnerships, or corporations other than member banks secured by direct obligations of the United States under the last paragraph of section 13 of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston	5	Apr. 7, 1967
New York	5½	Dec. 6, 1965
Philadelphia	5	Apr. 7, 1967
Cleveland	5½	Do.
Richmond	5	Do.
Atlanta	6	Apr. 10, 1967
Chicago	5	Apr. 7, 1967
St. Louis	5	Apr. 14, 1967
Minneapolis	5	Apr. 7, 1967
Kansas City	5	Do.
Dallas	5	Do.
San Francisco	5	Do.

For the reasons and good cause found as stated in § 224.7, there is no notice, public participation, or deferred effective date in connection with this action.

(12 U.S.C. 248(i). Interprets or applies 12 U.S.C. 357)

Dated at Washington, D.C., this 13th day of April 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 67-4324; Filed, Apr. 19, 1967; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 10]

MIGRATORY BIRDS

Hunting Methods and Transportation

Notice is hereby given that pursuant to the authority contained in section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 704), it is proposed to amend Part 10, Title 50, Code of Federal Regulations, commonly known as the "basic regulations."

1. Section 10.3 (a) (1) and (3) and (c) are amended to read:

§ 10.3 Hunting methods.

* * * * *

(a) *Permitted methods.* * * *

(1) By the aid of dogs, artificial decoys, with longbow and arrow, or with shotgun (not larger than No. 10 gauge and incapable of holding more than three shells) fired from the shoulder, and by means of falconry; and with the aid and use of bird calls, except recorded or electrically amplified bird calls or sounds, or recorded or electrically amplified imitations of bird calls or sounds.

* * * * *

(3) From floating craft (except a sinkbox) including those with motor attached and any sailboat when beached, resting at anchor, or fastened within or tied immediately alongside of any type of fixed hunting blind: *Provided*, That only on the Great Lakes, including their interconnecting waterways, waterfowl, coots, and gallinules may be taken from a boat with motor attached when (i) the motor has been completely shut off, and (ii) the forward progress of the boat has ceased: *Provided further*, That rails (but not including coots or gallinules) may be taken in all flyways from a boat with motor attached when (iii) the source of power has been completely shut off; (iv) the forward progress of the boat due to the automotive power has ceased; and (v) the boat is immobile or is being propelled by paddle, oars, or pole.

* * * * *

(c) *Exceptions.* The provisions of this section shall not be construed to apply to the taking of migratory birds as permitted by § 10.5; nor to alter the terms of any permit or other authorization issued pursuant to Part 16 of this subchapter.

2. Section 10.6(b) is amended to read:

§ 10.6 Transportation within a State, between States, or to foreign countries.

* * * * *

(b) One fully feathered wing must remain attached to all migratory game birds except doves at all times while being transported by any means whatsoever from the place where taken until they have arrived at the personal abode of the possessor or a commercial preservation facility, whichever occurs first. One fully feathered wing must remain attached to each migratory game bird, including doves, while being transported by any means whatsoever from the United States and/or any of its possessions to any foreign country.

* * * * *

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

ABRAM V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

APRIL 17, 1967.

[F.R. Doc. 67-4307; Filed, Apr. 19, 1967; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 730]

RICE

Marketing Quota Regulations for 1967 and Subsequent Crop Years

Notice is hereby given that pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301, 1351-1356, 1362-1368, 1372-1376), the Department proposes to issue the rice marketing quota regulations for 1967 and subsequent crop years.

It is proposed that the regulations shall be essentially the same as the regulations currently in effect for 1964 and subsequent crop years (29 F.R. 11901), as amended, except that beginning with the 1967 crop of rice the identification of the rice to buyers will be simplified as follows:

1. Buyers of rice will be given appropriate notice of the producers in their area who have excess rice which is subject to the marketing quota penalty and the lien for such penalty.

2. The issuance of marketing cards and marketing certificates will be discontinued.

3. The use of the report and penalty receipt for rice not identified and the intermediate buyer's record report will be discontinued.

GENERAL

Sec.
730.47 Designation of representatives of the Secretary to examine records.
730.48 Approval of reporting and recordkeeping requirements.

AUTHORITY: The provisions of this subpart issued under secs. 301, 351–356, 362–368, 372–376, 52 Stat. 38, as amended, 60, as amended, 61, as amended, 62, as amended, 63, as amended, 64, 65, as amended, 66, as amended; 7 U.S.C. 1301, 1351–1356, 1362–1368, 1372–1376.

GENERAL

§ 730.1 Basis and purpose.

The regulations contained in §§ 730.1 to 730.48 are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, and govern the following provisions for the 1967 and subsequent crops of rice: The establishment of farm normal yields; the amount, adjustment, and review of the farm marketing quota and farm marketing excess; the identification of marketings of rice as subject to or not subject to the penalty and lien for the penalty; the rate of the penalty and the manner in which penalties shall be paid by producers and buyers; the refunding of penalty overpayments; the postponement or avoidance of penalty on excess rice by storage, by underplanting the allotment or producing a less than normal crop in a subsequent year, or by delivery to the Secretary of Agriculture; the records and reports required to be made by rice producers and handlers; and special provisions and exemptions applicable to farms on which the acreage of nonirrigated rice is three acres or less, rice produced by publicly owned experiment stations, and rice planted for wildlife feed.

§ 730.2 Definitions.

(a) *General terms.* In determining the meaning of the provisions in this subpart, unless the context indicates otherwise, words imparting the singular include and apply to several persons or things, words imparting the plural include the singular, words imparting the masculine gender include the feminine as well, and words used in the present tense include the future as well as the present. The definitions of the following terms in Part 719 of this chapter, Reconstitution of Farms, Allotments, and Bases, as amended, shall apply to this subpart:

Community committee.
County.
County committee.
County office manager.
Department.
Deputy Administrator.
Farm.
Landlord.
OGC representative.
Operator.
Owner.
Person.
Representative of the State committee.
Secretary.
Sharecropper.
State committee.
State executive director.
Tenant.

The phrase, expiration of time limitations, is defined in Part 720 of this chapter, General Policy and Interpretations, and shall have the meaning assigned to it therein.

(b) *Rice program terms.* The following terms shall have the following meanings:

(1) "Act" means the Agricultural Adjustment Act of 1938, and any amendments or supplements thereto.

(2) "Actual production" of any number of acres of rice on a farm means the actual average yield per acre for the farm times such number of acres.

(3) "Actual yield" means the number of pounds of rice determined by dividing the number of pounds of rice produced on the farm by the rice acreage on the farm.

(4) "Administrator" means the Administrator, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(5) "Buyer" means a person who buys or otherwise acquires rice.

(6) "County office" means the office of the Agricultural Stabilization and Conservation County committee.

(7) "Crop year" means the calendar year in which the rice crop is produced.

(8) "Director" means the Director, Farmer Programs Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(9) "Excess rice acreage" means the rice acreage determined for the farm which is in excess of the farm rice acreage allotment.

(10) "Farm allotment" means the rice acreage allotment established for the farm in accordance with applicable regulations.

(11) "Farm marketing excess" means the amount of rice determined for any farm under § 730.7 or § 730.10, whichever is applicable.

(12) "Farm marketing quota" means the rice marketing quota established for the farm under § 730.6.

(13) "Market" means to dispose of rice in raw or processed form by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos.

(i) The terms "marketed," "marketing," and "for market" shall have meanings corresponding to the term "market" in the connection in which they are used.

(ii) The term "sale" means any transfer of title to rice by a producer to another person by any means other than barter, exchange or gift inter vivos. The penalty on excess rice is due regardless of what use is made of the excess rice. Rice shall be deemed to be sold when either title to or actual or constructive possession of the rice is delivered by or on behalf of the producer or any part of the purchase price is paid.

(iii) The terms "barter" and "exchange" mean transfer of title to rice by a producer to another person in return for rice or any commodity, service, or property, in cases where the value of the rice or such other commodity, service, or property is not considered in terms of money, or the transfer of title to rice by a producer to another person in payment of a fixed rental or other charge for land, or the payment of an amount of rice in lieu of a cash charge for harvesting or milling rice (commonly called toll rice). Rice shall be deemed to have been marketed by barter or exchange when it is delivered to another person by actual or constructive delivery.

(iv) The term "gift inter vivos" means any transfer of title to rice accompanied by delivery of the rice by a producer to another person during the lifetime of the producer which takes effect immediately and irrevocably and is made without any consideration or compensation therefor. Rice shall be deemed to have been marketed by gift inter vivos when there is actual or constructive delivery of the rice to another person during the lifetime of the producer.

(14) "Marketing year" means the period beginning August 1 and ending July 31 of the following year, both dates inclusive.

(15) "Normal production" of any number of acres of rice on a farm means the normal yield of rice for the farm times such number of acres.

(16) "Normal yield" means the number of pounds per acre of rice established as the normal yield per acre for the farm under § 730.4.

(17) "Penalty" means the penalty referred to in § 730.22.

(18) "Producer" means any person who shares in a rice crop at the time of harvest, or is entitled to share in a crop of rice available for marketing, or in the proceeds thereof.

(19) "Review committee" means the committee appointed by the Secretary of Agriculture to review farm marketing quotas as provided in section 363 of the Act.

(20) "Rice" as used in the regulations of this subpart means rough rice with a maximum moisture content of 14 percent. Rice with a moisture content in excess of 14 percent will be adjusted to the equivalent of 14 percent moisture content.

(21) "Rice acreage" means the acreage planted to rice and the acreage of volunteer rice which reaches maturity, excluding (i) any acreage of nonirrigated rice produced on any farm on which such acreage is 3 acres or less, (ii) any acreage of sweet, glutenous, or candy rice, commonly known as Mochi Gomi, (iii) any acreage of rice grown for experimental purposes only by or under contract to a publicly owned agricultural experiment station, (iv) any acreage of rice in excess of the allotment on a wildlife refuge farm consisting solely of Federal- or State-owned land, if such acreage is not harvested, but is left on the land for wildlife feed, (v) any acreage planted to rice in excess of the farm allotment, or, when applicable, the permitted acreage of rice under the conservation and cropland adjustment programs, which is destroyed or otherwise handled or treated (by the producer or from some cause beyond his control) not later than the final date for disposal of excess acreage as provided in Part 718 of this chapter, Determination of Acreage and Compliance, so that rice cannot be harvested therefrom, and (vi) any acreage seeded to rice outside of the field border levee where such levee is bounded by a fence or other barrier which would make it impossible to harvest or destroy the rice from such acreage by mechanical means, and any acreage seeded to rice inside of drainage ditch banks where the topography would make it impossible to harvest or destroy the rice from such acreage by mechani-

cal means, provided the seeding operations have been performed with an end gate seeder or by airplane. A second planting and maturing of rice on a farm on which one crop has been planted and matured in the same crop year shall be considered additional acreage when determining the farm rice acreage.

(22) "State office" means the office of the Agricultural Stabilization and Conservation State Committee.

§ 730.3 Instructions and forms.

The Deputy Administrator shall cause to be prepared and issued such instructions with respect to internal management and such forms as are necessary for carrying out the regulations in this part.

§ 730.4 Normal yields.

(a) *Farms for which normal yields will be determined.* The county committee shall determine a normal yield for each farm for which a farm marketing excess is required to be determined for any crop year, for each farm for which a request is made to the county committee by the operator, either prior to or after seeding, and for each farm as required for the purposes of the provisions of § 730.30 (h) and (i). Determination of farm normal yield shall be documented and such determination, subject to review and revision, shall be approved by the State committee, or by the State executive director, program specialist, or farmer fieldman. No notice of a farm normal yield shall be mailed to a producer until the yield has been approved as provided in this paragraph.

(b) *Yields based on reliable records.* Where reliable records of the actual average yield in pounds per harvested acre for all of the 5 calendar years immediately preceding the calendar year for which the yield is determined are available to the county committee, the normal yield per acre of rice for the farm shall be determined to be the average of such yields, adjusted for abnormal weather conditions, other uncontrollable natural causes, and for trends in yields, as provided in paragraphs (c) and (d) of this section.

(c) *Adjustments for abnormal weather conditions and other uncontrollable natural causes.* If on account of drought, flood, insect pests, plant disease, or other uncontrollable natural causes, the yield determined under paragraph (b) of this section for any year of such 5-year period is less than 75 per centum of the average, 75 per centum of such average shall be substituted therefor in calculating the normal yield per acre for the farm. If, on account of abnormally favorable weather conditions, the yield for any year of such period is in excess of 125 per centum of the average, 125 per centum of such average shall be substituted therefor in calculating the normal yield per acre for the farm.

(d) *Adjustments for trends in yields.* If the average of the yields, adjusted as provided in paragraph (c) of this section if applicable, determined for the 2 years immediately preceding the calendar year for which the farm normal yield is determined is more than the adjusted 5-year average, the farm normal yield shall be the average of the adjusted 5-year average and the average of the yields determined for the 2 years immediately preceding the calendar year for which the farm normal yield is determined.

(e) *Appraised yields.* If for any year for such 5-year period data are not available or there was no actual yield, then the normal yield (per harvested acre of rice) for the farm shall be appraised by the county committee taking into consideration abnormal weather conditions during such 5-year period, trends in yields, the normal yield for the county, the yields obtained on adjacent farms during such year and the yield in years for which data are available.

FARM MARKETING QUOTA AND FARM MARKETING EXCESS

§ 730.5 Marketing quotas in effect.

Marketing quotas when effective with respect to a particular crop of rice shall be applicable in the continental United States. Such quotas shall be applicable to any rice of that crop notwithstanding that it may be available for market prior to the beginning of the marketing year or subsequent to the end of the marketing year.

§ 730.6 Farm marketing quota.

The farm marketing quota for any farm for any crop of rice shall be that number of pounds of rice produced less the amount of the farm marketing excess for the farm.

§ 730.7 Farm marketing excess.

The farm marketing excess for any crop of rice for any farm shall be the normal production of the rice acreage on the farm in excess of the farm allotment therefor: *Provided*, That such excess for any crop shall not be larger than the amount by which the actual production of such crop of rice on the farm exceeds the normal production of the farm allotment if the producer establishes such actual production as provided in § 730.10. The farm allotment used for the purpose of determining the excess pursuant to this section shall be the farm allotment for the farm as determined under the rice acreage allotment regulations in this part. The farm rice acreage used for the purpose of determining the excess pursuant to this section shall be the rice acreage for the farm as determined under Part 718 of this chapter, Determination of Acreage and Compliance.

§ 730.8 Notice of farm marketing excess.

Written notice of the farm marketing quota and farm marketing excess for a farm shall be mailed to the operator of each farm for which an excess is determined. Notice so given shall constitute notice to each producer having an interest in the rice crop produced or to be produced on the farm. A copy of such notice shall also be mailed on the same day to each other rice producer on the farm as shown on county office records. Each notice shall contain a brief statement of the procedure whereby application for a review of the farm marketing quota, farm marketing excess, or any determination made in connection therewith may be had in accordance with section 363 of the Act. A record of each notice containing the date of mailing the notice to the operator of the farm shall be kept among the permanent records in the county office and upon request a copy thereof shall be furnished without charge to any person who is interested in the rice produced on the farm for which the notice is given. Each notice shall contain the information necessary in each case to inform the producer as to the basis for the determinations set forth in the notice and the effect thereof and shall be signed by a member of the county committee on behalf of the county committee.

§ 730.9 Farms for which proper notice of the farm marketing quota and farm marketing excess of rice was not issued.

Where, for any reason, proper notice of the farm marketing quota and farm marketing excess and of the producer's right to obtain a downward adjustment in the excess for his farm on account of actual production, and of his right to store or deliver to the Secretary the excess established for the farm, was not issued to the producer in sufficient time to allow him 30 days prior to the time in which he was required to make application for a downward adjustment, or to store or deliver to the Secretary the excess, as prescribed by §§ 730.8, 730.10, 730.30, and 730.31, the producer shall be so notified by the county committee and the producer may, within 30 days from the date such notice is mailed to him, apply to the county committee for a downward adjustment in the amount of the excess and may, within 30 days from the date such notice is mailed, store or deliver to the Secretary the excess as provided in §§ 730.10, 730.30, and 730.31. If application for downward adjustment in the farm marketing excess is made by the producer, a revised notice with a copy of the determination of the county committee as provided in § 730.10 (b) shall be mailed to the operator of the farm, to the applicant if he is not such operator, and to all other interested producers.

§ 730.10 Farm marketing excess adjustment.

(a) *Adjustment in the amount of the farm marketing excess.* (1) Any producer having an interest in the rice produced on any farm for which there is an excess may (i) within 60 days after the harvesting of rice is normally substantially completed in the county or area in the county in which the farm is situated or within 30 days after a late notice of farm marketing quota and farm marketing excess is mailed, as provided in § 730.9, apply in writing to the county office for a downward adjustment in the amount of the farm marketing excess on the basis of the amount of rice produced on the farm in the applicable crop year, or (ii) apply in writing to the county office at any time prior to the institution

of court proceedings to collect the penalty for a determination that there was no farm marketing excess for the farm because the actual production of rice on the farm was not in excess of the normal production of the acreage allotment.

(2) The date on which the harvesting of rice is normally substantially completed in the county or area in the county shall be as prescribed in subparagraph (3) of this paragraph. Unless application for an adjustment in the farm marketing excess is made prior to the expiration of 60 calendar days next succeeding that date or within 30 days after a late notice of farm marketing quota and farm marketing excess is mailed as provided in § 730.9 or unless prior to the institution or court proceedings to collect the penalty with respect to the farm it is determined that there was no farm marketing excess for any farm, the excess for any farm in the county as determined on the basis of the normal production of the excess rice acreage for the farm shall be final as to the producers on the farm. A record of each application so made and the date thereof shall be maintained in the county office. The county committee shall establish a time and a place at which each application will be considered and the applicant shall be notified of the time and place of the hearing. Insofar as practicable, applications shall be considered in the order in which made.

(3) The established date on which rice harvest is normally substantially completed has been determined as aforesaid in rice-producing counties to be as follows:

Arkansas	Nov. 15
California	Nov. 30
Florida	Do.
Illinois	Oct. 15
Louisiana	Nov. 1
Mississippi	Oct. 31
Missouri	Oct. 1
North Carolina	Nov. 1
Oklahoma	Nov. 15
South Carolina	Nov. 1
Tennessee	Do.
Texas	Oct. 20

(b) *Procedure in connection with an application for an adjustment in the farm marketing excess.* (1) The county committee shall consider each application on the basis of facts known by or made available to it and on the basis of such evidence as may be presented to it by the applicant.

(2) The actual production of any farm shall be determined in view of the relevant facts, including the past production on the farm; the actual yields during the same year of other farms in the community; the actual and normal yields of other farms in the community which are similar with regard to farming practices followed, type of soil, and productivity; the harvesting, processing, sales, and storage of the commodity produced on the farm; farming practices followed on the farm; and weather and other factors affecting the production of rice on the farm and in the locality in which the farm is situated. In determining actual production, the county committee shall include, in addition to the actual production of the harvested acreage, the estimated production of any unharvested acreage which has been classified as rice acreage, unless the county committee determines that no rice could be harvested in any manner from the unharvested excess acreage after approval of the downward adjustment.

(3) In the consideration of any application for an adjustment in the farm marketing excess, the producer shall have the burden of proof. The evidence presented by the applicant may be in the form of written statements or other documentary evidence, or of oral testimony in a hearing before the county committee during its consideration of the application. In order to expedite the consideration of applications, the county committee shall receive, in advance of the time fixed for consideration of the application, any written statement or documentary evidence offered by or on behalf of the applicant, and the application may be disposed of upon the basis of such statement or evidence, together with other information bearing on or establishing the facts which are available to the county committee, unless the applicant appears before the county committee at the time fixed for considering the application and requests a hearing for the purpose of offering documentary evidence or oral testimony in support of the application. Every such hearing shall be open to the public.

(4) The county committee shall make its determination in connection with each application not later than 5 calendar days next succeeding the day on which the consideration was concluded. The determination of the county committee shall be in writing and shall contain (i) a concise statement of the grounds upon which the applicant sought an adjustment in the amount of the farm marketing excess, (ii) a concise statement of the findings of the county committee upon the questions of fact, and (iii) the determination of the county committee as to the farm marketing quota and the farm marketing excess. A revised notice with a copy of the determination made as aforesaid shall be mailed to the operator of the farm, to the applicant if he is not such operator, and to all other interested producers.

(5) All county committee determinations made in connection with applications for adjustment in the farm marketing excess, subject to review and revision, shall be approved by the State committee or by the State executive director, program specialist, or farmer fieldman. No notice of the determination shall be mailed to the operator until the determination has been approved as provided in this subparagraph.

(c) *Adjustment where no rice is produced.* Notwithstanding the foregoing provisions of this section, whenever the county committee determines that no rice has been or will be produced in a particular crop year on a farm for which a farm marketing excess has been determined, the county committee may adjust the farm marketing excess and notify the operator of such adjustment as provided in paragraph (b) of this section, without the necessity of an application by the producer.

§ 730.11 Reports of farm marketing excess.

The county committee shall cause to be filed with the State office a written report setting forth for each farm for which a farm marketing excess is determined (a) the farm serial number, (b) the name of each producer who has an interest in the excess for the farm, (c) the farm acreage allotment, (d) the rice acreage, (e) the farm normal yield, and (f) the farm marketing excess in pounds.

§ 730.12 Publication of the farm allotments, marketing quotas, and marketing excesses.

A record of the farm allotments, farm marketing quotas, and farm marketing excesses established for farms in the county shall be made and kept freely available for public inspection in the county office.

§ 730.13 Marketing quotas not transferable.

A farm marketing quota established for a farm may not be assigned or otherwise transferred in whole or in part to any other farm.

§ 730.14 Successors in interest.

Any person who succeeds to the interest of a producer in a farm or in a rice crop produced on a farm for which a farm marketing quota and farm marketing excess were established shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the restrictions on the marketing of rice. However, a successor to a deceased producer shall not be personally liable for an unpaid marketing quota penalty incurred by the producer prior to his death, but a suit may be brought to enforce the lien for the penalty against the rice.

§ 730.15 Review of quotas.

Any producer who is dissatisfied with the farm allotment, normal yield, farm marketing quota, farm marketing excess, or other determination for his farm in connection with marketing quotas, may apply in writing for a review by a review committee of such determination in connection therewith. Application for review and the review committee proceedings shall be in accordance with Part 711 of this chapter, Marketing Quota Review Regulations.

IDENTIFICATION OF RICE

§ 730.16 Identification of rice by producer.

Each producer of rice shall, at the time he markets any rice, identify the rice to the person who buys or acquires such rice as being (a) not subject to the penalty provided under this subpart and not subject to the lien for such penalty, or (b) subject to the penalty provided under this subpart and subject to the lien for such penalty. The producer shall furnish to the person who buys or

acquires the rice, in connection with such identification of the rice, the following:

(1) Name and address of producer.

(2) State and county where farm on which the rice was produced is located.

(3) Serial number of farm on which the rice was produced.

(4) Crop year in which the rice was produced.

§ 730.17 Identification of rice by buyer.

Each person who buys or acquires rice from a producer shall obtain from such producer the identification of rice required under § 730.16. In addition, before acquiring any rice, each person who buys or acquires rice shall obtain from the county committee of each county where the rice being offered to him was produced, or from the State executive director, a list showing (a) the serial number of each farm in the county which is subject to a penalty; and (b) the names and addresses of all producers who were engaged in the production of rice on such farm in the year for which the penalty was determined. If there are no farms in the county subject to a penalty for the current year's crop or a previous crop, the list shall so state. The county committee or the State executive director shall furnish such list upon request to any person who buys or acquires rice. The person who buys or acquires any rice shall determine whether the name of the producer and the farm number furnished him by the producer who identifies rice under § 730.16 appear on the list obtained for the applicable county. If the name of the producer and farm number so furnished appear on the list, or if the producer identifies the rice as subject to penalty, the person who buys or acquires the rice shall take such rice as subject to penalty at the applicable rate and to the lien for the penalty.

§ 730.18 Rice sweepings or spillage.

Any person other than a producer offering rice sweepings or spillage for sale shall obtain a certification from the elevator operator, warehouseman, or processor, or other grain dealer who conducts his business in a manner substantially the same as an elevator operator or warehouseman, certifying that the rice had previously been marketed to the person executing the certificate, if such is the fact. Such certification shall be kept as part of the records of the buyer who buys the sweepings or spillage.

§ 730.19 Rice accumulated from samples.

Any person other than a producer offering for sale rice accumulated from samples taken for grading and testing purposes shall obtain a certification from the grader or tester certifying that the rice was an accumulation of samples. Such certification shall be kept as part of the records of the buyer who buys the samples.

§ 730.20 Marketing of penalty free rice.

Each person who buys or acquires rice which is identified in accordance with §§ 730.16 to 730.19 as not subject to the penalty provided under this subpart and not subject to the lien for such penalty, may purchase the rise so identified without the payment of penalty.

§ 730.21 Marketing of penalty rice.

Each person who buys or acquires rice which is identified in accordance with §§ 730.16 to 730.19 as being subject to penalty and the lien for such penalty shall take such rice as subject to penalty at the applicable rates and to the lien for the penalty and such person shall remit the amount thereof to the county committee. In addition, each person who buys or acquires rise shall remit the required penalty to the county committee in each case where such person has not obtained the applicable list as required under § 730.17.

PENALTY

§ 730.22 Rate of penalty.

The rate of penalty on rice shall be 65 per centum of the parity price per pound of rice as of June 15 of the calendar year in which the crop is produced. The rate of penalty applicable to the 1967 and subsequent crops of rice will be published as an amendment to the regulations in this subpart following the announcement of the June 15 parity price annually.

§ 730.23 Lien for penalty.

The entire amount of rice produced in any year on any farm for which a farm marketing excess is determined shall be subject to a lien in favor of the United States for the amount of the penalty until the penalty is paid in accordance with § 730.25 or § 730.26, or the farm marketing excess is stored in accordance with § 730.30, or delivered to the Secretary in accordance with § 730.31.

§ 730.24 Interest on unremitted penalty.

The person liable for the payment or collection of the penalty shall be liable also for interest on the amount of penalty which is not remitted in accordance with § 730.25(b) or § 730.26(b), as the case may be, at the rate of 6 percent per annum from the final date for remitting the penalty until the date such penalty is remitted. The computation of interest on any penalty due shall be made beginning with the day following the final date for remitting the penalty.

§ 730.25 Payment of penalties by producers.

(a) *Producers liable for payment of penalties.* Each producer having an interest in the rice produced on any farm for which a farm marketing excess is determined shall be liable to pay the amount of penalty on such excess as provided in this section. The amount of the penalty for which any producer is liable shall nevertheless be reduced by the amount of the penalty which is paid by another producer or a buyer of rice produced on the farm.

(b) *Time when penalties become due.* To the extent collection has not been made prior thereto, the amount of the penalty with respect to the farm marketing excess for any farm shall be remitted by the producer not later than 60 calendar days after the date on which the harvesting of rice is normally substantially completed in the county or area in the county in which the farm is situated, as determined in accordance with § 730.10(a)(3), or not later than 30 calendar days after notice of farm marketing quota and farm marketing excess is mailed as provided for in § 730.9: *Provided*, That the penalty on that amount of the farm marketing excess delivered to the Secretary pursuant to § 730.31 or § 730.9 shall not be remitted: *Provided further*, That the penalty on that amount of the farm marketing excess which is stored pursuant to § 730.30 or § 730.9 shall not be remitted until the time, and to the extent, of any depletion in the amount of rice so stored not authorized as provided in § 730.30(g).

§ 730.26 Payment of penalties by buyers.

(a) *Buyers liable for payment of penalty.* Each person within the United States who buys or acquires rice which is subject to the lien for the penalty shall be liable for and shall pay the amount of the penalty on each pound thereof in satisfaction of the lien thereon.

(b) *Time when penalties become due.* The penalty to be paid by any person who buys or acquires rice pursuant to paragraph (a) of this section shall be due at the time the rice is purchased or acquired and shall be remitted not later than 15 calendar days thereafter.

(c) *Manner of deducting penalties and issuance of receipts.* The person who buys or acquires rice may deduct from the price paid for any rice an amount equivalent to the amount of the penalty to be paid by the person who buys or acquires rice pursuant to paragraph (a) of this section. Any person who buys or acquires rice who deducts an amount equivalent to the penalty shall issue to the person from whom the rice was purchased or acquired a receipt for the amount so deducted.

(d) *Collection by buyer at a sale which depleted stored excess rice.* Any buyer within the United State who purchases rice at a sale which has the effect of depleting stored excess rice, including a sale for storage charges, shall be liable for the penalty due from the producer under § 730.30(g) and shall remit the amount of the penalty to the county office within 15 days after such purchase in the manner provided in § 730.27. Failure to collect from the producer shall not relieve the buyer of his duty to remit the amount of the penalty.

§ 730.27 Remittance of penalties to the county office.

The penalty shall be delivered or mailed to the county office only in legal tender, or by check, draft or money order drawn payable to the order of the Agricultural Stabilization and Conservation Service, USDA. All checks, drafts and money orders tendered in payment of the penalty shall be received in the county office subject to collection and payment at par.

§ 730.28 Deposit of funds.

All funds received in the county office in connection with penalties for rice shall be scheduled and transmitted on the day received or not later than the next suc-

ceeding business day, to the State office, where, in accordance with applicable instructions such funds shall be deposited to the credit of the Treasurer of the United States. In the event the funds so received are in the form of cash, such funds shall be deposited in the county committee bank account and a check shall be issued in the amount thereof, payable to the order of the Agricultural Stabilization and Conservation Service, USDA and transmitted to the State office. A record shall be maintained of each amount received in the county office, showing the name of the person who remitted the funds, the identification of the farm or farms in connection with which the funds were received, and the name of the person who marketed the rice in connection with which the funds were remitted.

§ 730.29 Refunds of money in excess of the penalty.

(a) *Determination of refunds.* The county committee, upon its own motion or upon the request of any interested person, shall review the amount of money received in connection with the penalty for any farm to determine for each producer the amount thereof, if any, which is in excess of the security required for stored excess rice or the penalty due. Any excess amount, if more than $3, shall be refunded. A refund in the amount of $3 or less need not be made unless requested by the person eligible to receive such refund. Any refund shall be made only to persons who bore the burden of the payment and who have not been reimbursed therefor. The excess amount shall first be applied, insofar as the sum will permit, so as to make refunds to eligible persons other than producers and the remainder, if any, shall be applied so as to make refunds to the eligible producers. The amount to be refunded to each producer shall be either (1) the amount determined by apportioning the excess amount among the producers on the farm in the proportion that each contributed toward the payment, avoidance or security of the penalty on the farm marketing excess or (2) the amount which is in excess of the security required for stored excess rice and the penalty due on that portion of the farm marketing excess for which the producer is separately liable. No refund shall be made to any buyer of any amount which he collected from the producer or another, deducted from the price or consideration paid for the rice, or for which he was liable.

(b) *Certification of refunds.* The county office manager shall notify the State executive director of the amount which the county committee determines may be refunded to each person with respect to the farm, and the State executive director shall cause to be certified to the appropriate Disbursing Officer of the Treasury Department for payment such amounts as are approved by him. No refund of money shall be certified under this section unless the money has been received in the county office and transmitted to the State office but has not been covered into the general fund of the Treasury of the United States.

§ 730.30 Stored farm marketing excess.

(a) *Amount, type and grade of rice to be stored.* The number of pounds of rice in connection with any farm which may be stored in order to postpone the payment of the penalty or with a view to avoiding such penalty shall be that portion of the farm marketing excess which has not been delivered to the Secretary, or on which the penalty has not been paid. The amount of the excess for the purpose of storage shall be the amount of the excess as determined at the time of storage under § 730.7 or § 730.10, whichever is applicable. The amount of rice so stored shall be of those classes and grades which are representative of the entire quantity of rice produced on the farm, as determined by the county committee, except that if the rice produced on the farm consists of two or more classes or varieties of rice which mature and are harvested at different and distinct times and the producer stores the excess rice from the class or variety first harvested prior to the harvest of the remaining types or varieties, the stored amount shall be representative of the class or variety first harvested, as determined by the county committee.

(b) *Kinds of storage; commingling and substitution.* Excess rice shall be stored either in an elevator or warehouse duly licensed and authorized to issue warehouse receipts under Federal or State laws, hereinafter referred to as "licensed storage," or in any other place adapted to the storage of rice, hereinafter referred to as "nonlicensed storage." Commingling and substitution of rice shall be permissible in case of licensed storage, but this shall not be construed to permit the substitution of warehouse or elevator receipts deposited in escrow to postpone or avoid payment of penalty under paragraph (c) of this section. In the case of nonlicensed storage, excess rice may, with the prior written approval of the county committee, be commingled with stored excess rice from any other year, and any or all stored excess rice may be replaced by rice from any other year produced by the same producer on the same or any other farm if, (1) the county committee gives prior written approval of such replacement; (2) the rice to be used for substitution is in storage; (3) the county committee determines that the rice to be used for substitution is of a quality equal to or better than the excess rice in storage and for which substitution is to be made; and (4) the requirements of this section with respect to furnishing a bond or depositing funds in escrow are complied with. The removal of stored excess rice from storage without compliance with all conditions precedent or subsequent to such removal shall constitute unauthorized depletion of the storage amount and shall be subject to penalty as provided in paragraph (g) of this section. Rice in which the producer has an interest produced on any farm may be stored in any location to postpone the penalty on any excess rice in which the same producer has an interest provided the rice so stored is determined by the county committee to be of a quality equal to or better than the rice produced on the farm with the excess. The storage of rice in nonlicensed storage shall be effective only if the producer submits a written statement showing the exact location of the stored rice by quarter section or other comparable descriptive location in areas where description is not by quarter section. Excess rice for any year which was properly stored in nonlicensed storage in order to postpone the payment of a penalty or with a view to avoiding such penalty may be moved to licensed storage if, prior to the movement of the rice, a written request to do so is filed in the county office and approval of the county committee is granted in writing, and if the rice is moved and stored in licensed storage in accordance with paragraph (c) of this section within 15 days after approval is granted. When all requirements for licensed storage have been met in accordance with the foregoing provisions, the bond or escrow funds held in connection with the nonlicensed storage may be released. The penalty on any stored excess rice removed from nonlicensed storage without the prior written authorization from the county committee shall be due on such removal. Rice produced on a farm by any producer may be placed in nonlicensed storage and substituted for excess rice for any year which was properly stored in licensed storage in order to postpone the payment of a penalty or with a view to avoiding such penalty if a written request to do so is filed in the county office and approval of the county committee is granted in writing upon the determination of such committee that the rice to be stored in nonlicensed storage is of a quality equal to or better than the rice in licensed storage, and the rice in an amount equal to the amount in licensed storage for which substitution is desired is stored in nonlicensed storage in accordance with this paragraph (b) and paragraph (d) of this section and is secured by a good and sufficient bond of indemnity or the deposit of funds in escrow, as provided in paragraph (d) of this section. When all requirements for nonlicensed storage have been met in accordance with this section, the warehouse receipt covering the rice in licensed storage shall be returned to the person who deposited it. Rice stored in nonlicensed storage shall be subject to inspection at all times by officers or employees of the Department, or members, officers or employees of the appropriate State or county committee.

(c) *Licensed storage; deposit of warehouse receipts in escrow.* The storage of excess rice in licensed storage in order to postpone the payment of the penalty or with a view to avoiding such penalty shall be effective for such purposes only when a warehouse receipt covering the amount of rice so stored is deposited with the county office manager to be held in escrow. The warehouse receipt shall be an endorsed negotiable receipt or a nonnegotiable receipt. In the case of

a nonnegotiable receipt, the warehouseman or elevator operator shall be notified in writing by the owner of the receipt and the county office manager that it has been deposited in escrow and that delivery of the rice covered thereby is to be made under the terms of the deposit in escrow while such receipt remains so deposited. Any warehouse receipt so deposited shall be accepted only upon the condition that the producers by or for whom the rice is stored shall be and shall remain liable for all charges incident to the storage of the rice and that the county committee and the United States in no way shall be liable for such charges. Whenever the penalty with respect to rice covered by the warehouse receipt(s) is paid or otherwise satisfied in accordance with law, the warehouse receipt(s) shall be returned to the person who deposited it. A warehouse receipt covering a farm marketing excess may be accepted in escrow in accordance with this paragraph even though a lien is held by another party against the producer's entire crop. Upon notice of foreclosure proceedings to enforce the lien, the county office manager shall advise the lien holder and the purchaser of the rice at the foreclosure sale that penalty shall become due and payable upon the sale of the rice and of the purchaser's liability to collect and remit the penalty.

(d) *Non-licensed storage bonds.* The storage of excess rice in nonlicensed storage in order to postpone the payment of the penalty or with a view to avoiding such penalty shall be effective only when a good and sufficient bond of indemnity, on a form prescribed for the purpose, is executed and filed with the county office manager in an amount not less than the amount of the penalty on that portion of the farm marketing excess so stored, or funds are deposited in escrow as hereinafter provided. Each bond given pursuant to this paragraph shall be executed as principal by the producer storing the rice and either by two persons as sureties who are not producers on the farm and who own real property with an unencumbered value of double the principal sum of the bond, exclusive of homestead exemptions, or by a corporate surety authorized to do business in the State in which the farm is situated and listed by the Secretary of the Treasury of the United States as an acceptable surety on bonds to the United States. Each bond of indemnity shall be subject to the conditions that the penalty on the amount of rice stored shall be paid at the time, and to the extent, of the depletion of any amount stored which is not authorized under this subpart, and that if at any time any producer on the farm prevents the inspection of rice so stored, the penalty on the entire amount stored shall be paid forthwith. Whenever the penalties secured by the bond of indemnity are paid or reduced from any cause, the county office manager shall furnish the principal and the sureties with a written statement to that effect. Unless the bond in effect permits the commingling or substitution of rice in storage, a new bond covering all excess rice of the producer stored in nonlicensed storage and not covered by funds in escrow shall be required as a condition for commingling rice or permitting substitution of any other year stored excess rice. In such case, upon approval and acceptance of the new bond, the old bond may be released. The bond of indemnity provided for in this paragraph may be waived by the county committee with the approval of the State committee if the excess was produced by a State or State institution or other agency of a State or by a Federal institution or Federal agency: *Provided*, That as a condition of the waiver the head of the State or Federal institution or State or Federal agency shall agree in writing to comply with all the other provisions of this subpart with respect to the stored excess.

(e) *Nonlicensed storage; deposit of funds in escrow.* The storage of excess rice in nonlicensed storage in order to postpone the payment of the penalty or with a view to avoiding such penalty, if a bond is not furnished in compliance with the regulations contained in this subpart shall be effective for such purpose only when an amount of money equal to the penalty on that portion of the farm marketing excess so stored is deposited with the Treasurer of the United States to be held in escrow to secure the payment of such penalty and the right of inspection during the period of storage. All checks, drafts and money orders shall be received in the county office subject to collection and payment at par. Funds in escrow shall be subject to the condition that the penalty on the amount of rice stored shall be paid at the time, and to the extent, of any depletion of the amount stored which is not authorized and that, if at any time any producer on the farm prevents inspection of any rice so stored, the penalty on the entire amount stored shall be paid forthwith. In case approval in granted to commingle rice or to substitute rice of any crop for excess rice in storage, there shall be on deposit in escrow, pursuant to the provisions of this paragraph, funds which cover all excess rice for any year stored by the producer in nonlicensed storage pursuant to this section which is not covered by a bond given pursuant to paragraph (d) of this section. Whenever the penalty with respect to rice covered by funds in escrow is paid or otherwise satisfied in accordance with law, the amount of funds covering such rice shall be released to the person who made the escrow deposit.

(f) *Time of storage.* Storage of rice in connection with any farm in order to postpone the payment of the penalty or with a view to avoiding such penalty shall not be effective unless the provisions of paragraphs (a) and (b), and (c), (d), or (e), of this section are complied with prior to the expiration of the period allowed in accordance with § 730.25(b) for the remittance of the penalty with respect to the farm marketing excess for the farm.

(g) *Depletion of stored excess rice.* The penalty on the amount of excess rice stored shall be paid by the producers on the farm at the time and to the extent of any depletion in the amount of rice stored except as provided in paragraphs (h) and (i) of this section and except to the extent of the following: (1) The amount by which the stored excess rice exceeds the farm marketing excess for the farm as determined in accordance with § 730.7 or § 730.10, (2) the amount by which the stored excess rice exceeds the amount of the farm marketing excess as determined by a review committee or as a result of a court review of the review committee determination, (3) the amount of any rice destroyed by fire, weather conditions, theft, or any other cause beyond the control of the producer, provided the producer shows beyond a reasonable doubt that the depletion resulted from such cause and not from his negligence nor from any affirmative act done or caused to be done by him, and (4) the amount of any rice delivered to the Secretary under the provisions of § 730.31. The penalty on the amount of any unauthorized depletion in the storage amount shall be at the rate applicable to the marketing year in which the stored excess rice was produced, except that if the storage amounts of two or more crops are commingled or if the storage amount of one crop is replaced by rice of another crop, as provided in paragraph (b) of this section, the penalty shall be computed first at the rate applicable to the marketing year for the oldest crop involved in the storage amount until the entire penalty for the storage amount of such crop is satisfied and thereafter in turn at the rate applicable to the marketing year for each of the next oldest crops involved in the storage amount until the entire penalty for the storage amount of each crop is satisfied.

(h) *Underplanting the farm allotment for a subsequent crop.* Whenever the rice acreage on any farm for any subsequent crop of rice is less than the farm allotment, the producers on the farm who stored excess rice in accordance with the foregoing provisions of this section shall, upon application made by them to the county committee, be entitled to remove from storage without penalty any rice so stored by them, whether produced in a prior year on the farm or another farm, to the extent of the normal production of the number of acres by which the acreage planted to rice is less than the farm allotment. Such application shall be made in writing not later than December 31 of the crop year in which the underplanted crop is harvested. The amount of rice which would otherwise be authorized to be removed from storage in connection with the farm under this paragraph shall be reduced to the extent that stored excess rice from any other crop is authorized to be removed from storage in connection with the farm. The amount of rice authorized to be removed from storage shall be apportioned among the several producers on the farm who have stored excess rice to the extent of their need therefor in accordance with their shares in the acreage which was or could have been planted to rice or in accordance with their agreement as to the ap-

portionment to be made. A producer shall not be entitled to remove rice from storage under this paragraph in connection with any farm unless, at the time the determination is made under this paragraph, the rice is stored and owned by the producer and, at the end of the rice seeding season for the crop for the area in which the farm is situated, the producer is entitled to share in the rice crop which was or could have been planted on the farm. For the purpose of this paragraph, the farm rice acreage plus any acreage regarded as planted to rice under the conservation and cropland adjustment programs shall be used in determining the underplanting of the farm allotment.

(i) *Producing a subsequent crop which is less than the normal production of the farm allotment.* Whenever in any subsequent year the rice acreage does not exceed the farm allotment and the actual production of rice on the farm is less than the normal production of the farm allotment, the producers on the farm who stored excess rice in accordance with the foregoing provisions of this section shall, upon application made by them to the county committee, be entitled to remove from storage, without penalty, any rice so stored by them, whether produced in the prior year on the farm or another farm, to the extent of the amount by which the normal production of the farm allotment, less the normal production of the underplanted acreage for the farm which was or could have been determined under paragraph (h) of this section, exceeds the amount of rice produced on the farm in that year. Such application shall be made in writing not later than 60 calendar days after the date on which the harvesting of rice is normally substantially completed in the county or area in the county in which the farm is situated as determined in accordance with § 730.10. The amount of rice which would otherwise be authorized to be removed from storage in connection with the farm under this paragraph shall be reduced to the extent that stored excess rice from any other crop is authorized to be removed from storage in connection with the farm. The amount of rice which is authorized to be removed from storage shall be apportioned among the several producers on the farm who have stored excess rice, to the extent of their need therefor in accordance with their proportionate shares in the rice crop planted on the farm, or in accordance with their agreement as to the apportionment to be made. The determination of the amount of rice produced on the farm shall be in accordance with the marketing quota regulations applicable to the crop. A producer shall not be entitled to remove rice from storage under this paragraph for any farm unless, at the time the determination is made under this paragraph, the rice is stored and owned by the producer and, at the time of harvest, the producer is entitled to a share in the rice crop planted on the farm. For the purpose of this paragraph, any acreage which is considered to be rice acreage under the conservation and cropland adjustment programs shall be deemed to have produced the normal production of rice when determining the actual production for the farm.

§ 730.31 Delivery of the farm marketing excess to the Secretary.

(a) *Amount of the rice to be delivered.* The amount of rice delivered to the Secretary in order to avoid the payment of the penalty in connection with any farm shall not exceed the amount of the farm marketing excess as determined at the time of delivery, in accordance with § 730.7 or § 730.10, whichever is applicable.

(b) *Conditions and methods of delivery.* For and on behalf of the Secretary, the county office manager for the county in which the farm for which the marketing excess is determined is situated shall accept the delivery of any rice tendered to avoid the payment of the penalty. The delivery of the rice for this purpose shall be effective only when the producers having an interest in the rice to be so delivered convey to the Secretary all right, title, and interest in and to the rice by executing a form provided for this purpose and (1) deliver the rice to an elevator or warehouse and tender to the county office manager the elevator or warehouse receipt for the amount of the rice, or (2) show to the satisfaction of the county committee that it is impracticable to deliver the rice to an elevator or warehouse and receive an elevator or warehouse receipt therefor, deliver the rice at a point within the county or nearby and within such time or times as may be designated by the county office manager. None of the rice so delivered shall be returned to the producer. Insofar as practicable, the rice so delivered shall be delivered to the Commodity Credit Corporation of the Department, and any rice which it is impracticable to deliver to such Corporation shall be distributed to such one or more of the following classes of agencies or organizations as the State committee selects, which delivery the Secretary hereby determines will divert it from the normal channels of trade and commerce: Any Federal relief organization, the American Red Cross, State or county or municipal relief organization, Federal or State wildlife refuge project, or any voluntary relief organization registered with the Advisory Committee on Voluntary Foreign Aid of the International Cooperation Administration for shipment for relief overseas.

(c) *Time of delivery.* Excess rice may be delivered to the Secretary at any time within 60 calendar days after the date on which the harvesting of rice is normally substantially completed in the county as determined in accordance with § 730.10(a) or pursuant to § 730.9. Excess rice may be delivered to the Secretary after such period only if the excess rice was stored in accordance with the provisions of § 730.30 (a) to (f), and the rice has not gone out of condition through any fault of the producer.

(d) *Rice to be unencumbered.* Any rice delivered to the Secretary for the purpose of avoiding the penalty with respect to the farm marketing excess for any farm shall be free and clear of all encumbrances and particularly no rice shall be accepted for such purposes if it is subject to storage charges or liens of any kind.

§ 730.32 Refund of penalty erroneously, illegally, or wrongfully collected.

Whenever, pursuant to a claim filed with the Secretary within 2 calendar years after payment to him of the penalty collected from any person, pursuant to the act, the Secretary finds that the penalty was erroneously, illegally, or wrongfully collected and the claimant bore the burden of such penalty, he shall certify to the Secretary of the Treasury of the United States for payment to the claimant, in accordance with regulations prescribed by the Secretary of the Treasury of the United States, such amount as the claimant is entitled to receive as a refund of all or a portion of the penalty. Any claim filed pursuant to this section shall be made in accordance with regulations prescribed by the Secretary.

§ 730.33 Report of violations and court proceedings to collect penalty.

The county office manager shall report in writing to the State executive director each case of failure or refusal to pay the penalty or to remit the same as provided in §§ 730.25 to 730.27. The State executive director shall report each such case in writing to the Office of the General Counsel of the Department which shall have authority to refer such cases for the institution of proceedings by the U.S. attorney for the appropriate district under the direction of the Attorney General of the United States to collect the penalties, as provided in section 376 of the Act.

RECORDS AND REPORTS

§ 730.34 Records to be kept and reports to be made by warehousemen, mill or elevator operators, other processors, and buyers.

(a) *Necessity for records and reports.* Each warehouseman, mill or elevator operator, processor, and buyer, who buys, acquires, or receives rice from the producer thereof shall, in conformity with section 373(a) of the Act, keep the records and make the reports prescribed by this section, which the Secretary hereby finds to be necessary to enable him to carry out with respect to rice, the provisions of the Act.

(b) *Nature of records.* Each person required to keep records as provided in paragraph (a) of this section, shall keep as part of or in addition to the records maintained by him in the conduct of his business a record which shall show with respect to the rice purchased, acquired, or received by him from the producers thereof the following information: (1) The name and address of the producer of the rice, (2) the date of the transaction, (3) the amount of the rice, and (4) the amount of any lien for the penalty or of any penalty incurred in connection with the rice purchased, acquired, or received by him.

(c) *Time and manner of submitting reports.* The county office manager for the county in which the rice covered by the report was produced is hereby authorized and empowered to receive, for and on behalf of the Secretary, each report required pursuant to this section. Each report shall be submitted not later than 15 calendar days next succeeding the day on which the rice was marketed to a warehouseman, mill or elevator operator, processor, or buyer and shall be mailed or delivered directly to the said county office manager.

§ 730.35 Availability of records.

Each person required to keep records as provided in § 730.34, shall make available for examination and inspection by the Secretary or by any authorized representative of the Secretary, the records required by § 730.34 and the records kept in his business concerning such rice, for the purpose of ascertaining the correctness of any reports made or any records kept pursuant to the regulations in this subpart, or of obtaining the information required to be furnished in any report pursuant to the regulations in this subpart, but not so furnished. All such records shall be kept available for examination and inspection by the Secretary or, by any authorized representative of the Secretary for 2 calendar years beyond the calendar year in which the marketing year ends, or longer if requested by the State executive director or by the Director. Such records shall include relevant books, papers, records, accounts, correspondence, contracts, documents, and memoranda.

§ 730.36 Buyer's special report.

If the county committee, the State committee, or State executive director has reason to believe that any buyer failed or refused to comply with the regulations in this subpart, the buyer shall, within 15 days after a written request therefor made by either the county committee, State committee, or State executive director and deposited in the U.S. mails, addressed to him at his last known address, make a report, certified as true and correct to such person with respect to all rice purchased or acquired by him during the period of time specified in the request. The report shall include the information required to be kept under § 730.34 for each lot of rice purchased or acquired from the persons specified or during the period specified.

§ 730.37 Penalty for failure or refusal to keep records and make reports.

Any person required to keep the records or make the reports specified in § 730.34 or § 730.36 who fails to keep any such record or make any such report, or who makes any false report or keeps any false record, shall, as provided in section 373(a) of the Act, be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than $500 for each such offense.

§ 730.38 Records to be kept and reports to be made by producers.

Each producer with respect to any rice crop shall keep the records and make the reports prescribed by this section, which the Secretary hereby finds to be necessary to enable him to carry out, with respect to rice, the provisions of the Act. Upon written request of the county committee or county office manager, any producer shall, within 15 days from the date the request was mailed to him, file with the county office manager for the county in which the farm is situated, a report of production and disposition showing for the farm the following information: (a) The total number of pounds of rice produced thereon in the applicable crop year, (b) the name and address of each buyer of any rice, (c) the amount of rice sold to each buyer, (d) the amount equivalent to the penalty which was deducted from the price or consideration for the rice, (e) the amount of unmarketed rice of the applicable crop stored on the farm, (f) the disposition of any rice not otherwise accounted for, and (g) the rice acreage for the applicable crop year.

§ 730.39 Data to be kept confidential.

Except as otherwise provided herein, all data reported to or acquired by the Secretary pursuant to and in the manner provided in this subpart shall be kept confidential by all officers and employees of the Department, members of county committees, other local committees, and State committees, county agents, and officers and employees of such committees or county agents' offices, and shall not be disclosed to anyone not having an interest in or responsibility for any rice, farm, or transaction covered by the particular data, such as records, reports, forms, or other information, and only such data so reported or acquired as the Secretary deems relevant shall be disclosed by them to anyone not having such an interest or not being employed in the administration of the Act and then only in a suit or administrative hearing under Title III of the Act.

§ 730.40 Enforcement.

The county office manager shall report in writing to the State executive director each case of failure or refusal to make any report or keep any record as required by §§ 730.34 to 730.38, and to so report each case of making any false report or record. The State executive director shall report each such case in writing to the Office of the General Counsel of the Department which shall have authority to refer such cases for the institution of proceedings by the U.S. attorney for the appropriate district under the direction of the Attorney General of the United States, to enforce the provisions of the Act.

SPECIAL PROVISIONS AND EXEMPTIONS

§ 730.41 Farms on which the only acreage of rice is nonirrigated rice not in excess of 3 acres.

The farm marketing quota of rice for any crop shall not be applicable to any nonirrigated (dry land) farm on which the rice acreage for such crop is not in excess of 3 acres.

§ 730.42 Experimental rice farms.

The penalty shall not apply to the marketing of any rice of any crop grown for experimental purposes only on land owned or leased by any publicly owned agricultural experiment station, and which is produced at public expense by employees of the experiment station, or to rice produced for experimental purposes only by farmers pursuant to an agreement with a publicly owned experiment station whereby the experiment station bears the costs and risks incident to the production of the rice and the proceeds from the crop inure to the benefit of the experiment station: *Provided*, That such agreement is approved by the State committee prior to the planting of the rice crop on the farm. The production of foundation, registered, or certified seed rice will not be considered produced for experimental purposes only.

§ 730.43 Rice produced on a wildlife refuge farm.

The penalty shall not apply to any rice produced in excess of the allotment on a wildlife refuge farm consisting solely of Federal or State-owned land: *Provided*, That such acreage is not harvested, but is left on the land for wildlife feed. The exemption from penalty shall be granted by the county office manager upon the written application of the farm operator or responsible executive officer on any such farm, stating that none of the excess rice produced on the farm will be harvested and that such excess will be left on the farm for wildlife feed.

§ 730.44 Erroneous notices.

(a) *Erroneous notice of allotment.* In any case where through error in a county or State office the producer was officially notified in writing of a rice allotment for a crop year which was larger than the finally approved allotment and the county committee and the State executive director find that the producer, acting solely on the information contained in the erroneous notice, planted an acreage to rice in excess of the finally approved allotment, the producer will not be considered to have exceeded the allotment unless he overplanted the allotment shown on the erroneous notice. The farm marketing quota and the farm marketing excess for the farm under the foregoing circumstances will be based on the allotment contained in the erroneous notice, and if the acreage planted to rice on the farm is adjusted to the allotment contained in the erroneous notice within the time limits for disposal of excess acreage, the farm will not be considered to be overplanted. Before a producer can be said to have relied upon the erroneous notice, the circumstances must have been such that the producer had no cause to believe that the allotment notice was in error. To determine this fact, the date of any corrected notice in relation to the time of planting; the size of the farm; the amount of rice customarily planted; and all other pertinent facts should be taken into consideration. If the county committee determines that the producer was justified in relying on the erroneous notice of rice allotment for the farm, such determination shall be subject to review and approval by the State executive director before the er-

roneous allotment is used by the county committee to determine the marketing quota and marketing excess for the farm. If any farm allotment is reduced pursuant to the provisions of the rice acreage allotment regulations in this part for reduction of farm allotments where a producer does not engage in the production of rice on the farm, the provisions of this paragraph may be applied only to the farm allotment as so reduced, whether reduced prior or subsequent to the planting of rice on the farm, and not to the farm allotment prior to such reduction.

(b) *Erroneous notice of measured acreage.* The provisions of Part 718 of this chapter, Determination of Acreage and Compliance, relating to notices to farm operators shall be applied when determining whether an erroneous notice of measured acreage is applicable to a particular case.

§ 730.45 Supervisory authority of State committee.

The State committee may take any action required to be taken by the county committee which the county committee fails to take and the State committee may correct or require the county committee to correct any action taken by such county committee which is not in accordance with the regulations in this subpart. The State committee may also require the county committee to withhold taking any action which is not in accordance with the regulations in this subpart.

§ 730.46 Additional authority for determinations.

The Deputy Administrator, a member of the State committee, State executive director, or program specialist in the State office, may make any determination under this subpart which the county committee is authorized to make under this subpart, including, but not limited to, the authority to make required determinations for the issuance of and to issue notices of farm marketing excesses. In any case where the Deputy Administrator, member of the State committee, State executive director, or program specialist elects to exercise the authority vested in him hereunder, the county committee shall not exercise its authority. A copy of each notice issued under this section shall be kept among the permanent records of the appropriate county committee.

§ 730.47 Designation of representatives of the Secretary to examine records.

(a) *Designation of representatives.* In order to carry out the provisions of §§ 730.34 to 730.36, relating to the examination of records, the Deputy Administrator is hereby authorized and directed to designate in writing with the counter signature of the State executive director, an appropriate number of persons from the officers or employees of the Department to act as the authorized representatives of the Secretary for the purpose of said provisions. In addition, investigators, and accountants (special agents), Office of the Inspector General of the Department are hereby designated as authorized representatives of the Secretary for the purposes of said provisions.

(b) *Authorization to administer oaths.* Each person designated pursuant to this section to act as the authorized representative of the Secretary is hereby authorized and empowered under 5 U.S.C. 521 to administer to or take from any person an oath, affirmation, or affidavit whenever such oath, affirmation, or affidavit is for use in any prosecution or proceeding under or in the enforcement of the rice marketing quota provisions of the Act or the regulations in this subpart.

§ 730.48 Approval of reporting and recordkeeping requirements.

The reporting and recordkeeping requirements contained herein have been approved by, and subsequent reporting and recordkeeping requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Prior to the issuance of the regulations referred to herein, any data, views, or recommendations pertaining thereto which are submitted in writing to the Director, Farmer Programs Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, will be given consideration provided such submissions are postmarked not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

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

Signed at Washington, D.C., on April 14, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-4345; Filed, Apr. 19, 1967; 8:48 a.m.]

Consumer and Marketing Service

[7 CFR Part 911]

LIMES GROWN IN FLORIDA

Containers

Consideration is being given to the following proposal submitted by the Florida Lime Administrative Committee, established pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida, effective under the Agriculture Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The proposal is that the current container regulation, Lime Regulation 8 (7 CFR 911.311; 31 F.R. 8539) be terminated and replaced with a container regulation reading as follows:

(a) *Order.* (1) On and after the effective date hereof, no handler shall handle any variety of limes, grown in the production area, in containers having a capacity of more than 4 pounds of limes unless such limes are handled in containers meeting the following specifications and conform to all other applicable requirements of this section:

(i) Containers with inside dimensions of 11 x 16¾ x 10 inches: *Provided*, That any such container shall contain not less than 40 pounds net weight of limes.

(ii) Containers with inside dimensions of 11⅜ x 16 x 11 inches: *Provided*, That any such container shall contain not less than 40 pounds nor more than 42 pounds net weight of limes.

(iii) Containers with inside dimensions of 11⅜ x 16 x 6 inches: *Provided*, That any such container shall contain not less than 20 pounds nor more than 22 pounds net weight of limes.

(iv) Containers with inside dimensions of 11 x 16¾ x 6 inches: *Provided*, That any such container shall contain not less than 20 pounds nor more than 22 pounds net weight of limes.

(v) Containers with inside dimensions of 12 x 9⅝ x 3¾ inches: *Provided*, That any such container shall contain not less than 10 pounds net weight of limes.

(vi) Containers with inside dimensions of 12 x 9⅝ x 5 inches: *Provided*, That any such container shall contain not less than 10 pounds nor more than 12 pounds net weight of limes.

(vii) Such other types and sizes of containers as may be approved by the Florida Lime Administrative Committee, with the approval of the Secretary, for testing in connection with a research project conducted by or in cooperation with said committee: *Provided*, That the handling of each lot of limes in such test containers shall be subject to the prior approval, and under the supervision of, the Florida Lime Administrative Committee.

(2) The limitations set forth in subparagraph (1) of this paragraph shall not apply to master containers for individual packages of limes: *Provided*, That the individual packages within such master container are of a capacity not exceeding 4 pounds and the markings or labels, if any, on such packages do not conflict with the markings or labels on the master container.

(3) The terms "handler," "handle," "limes," and "production area" when used in this section shall have the same meaning as when used in the amended marketing agreement and order (§§ 911.1 to 911.71).

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the

office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: April 14, 1967.

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

[F.R. Doc. 67-4346; Filed, Apr. 19, 1967; 8:48 a.m.]

[7 CFR Part 915]

AVOCADOS GROWN IN SOUTH FLORIDA

Containers

Consideration is being given to the proposal, hereinafter set forth, by the Avocado Administrative Committee, established pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915) regulating the handling of avocados grown in South Florida, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposal is that § 915.305(a)(1)(i) of the avocado container regulation (Avocado Order 5; 7 CFR 915.305) be revised to permit the use of an additional container with inside dimensions of 11⅜ x 16 x 11 inches and to prescribe that such containers and containers with inside dimensions 11 x 16¾ x 10 inches as currently specified therein, shall each contain not less than 34 pounds net weight of avocados, except that for certain varieties, including unnamed varieties of avocados, these containers shall contain not less than 32 pounds net weight, of avocados.

The proposed revision of said paragraph (a)(1)(i) reads as follows:

§ 915.305 Avocado Order 5.

(a) *Order.* (1) * * *

(i) Containers with inside dimensions of 11⅜ x 16 x 11 or 11 x 16¾ x 10 inches: *Provided*, That (*a*) the net weight of the avocados in such a container shall be not less than 34 pounds, except that for avocados of the Booth 1, Fuchs, and unnamed varieties such weight shall be not less than 32 pounds; (*b*) with respect to each lot of such containers, not to exceed 10 percent, by count, of the individual containers in the lot may fail to meet the applicable specified weight but no container in such lot may contain a net weight of avocados exceeding 2 pounds less than the specified net weight; and (c) each avocado in such container in a lot shall weigh at least 16 ounces, except that not to exceed 10 percent, by count, of the fruit in the lot may fail to meet such weight requirement but not more than double such tolerance shall be permitted for an individual container in the lot.

* * * * *

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: April 14, 1967.

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

[F.R. Doc. 67-4347; Filed, Apr. 19, 1967; 8:48 a.m.]

[7 CFR Part 1012]

MILK IN TAMPA BAY MARKETING AREA

Notice of Proposed Termination of Certain Provisions of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the termination of certain provisions of the order regulating the handling of milk in the Tampa Bay marketing area is being considered.

The provisions proposed to be terminated are subparagraphs (2), (3), and (4) in § 1012.16(b), relating to the limitation on the diversion of producer milk from pool plants to nonpool plants.

The proposed termination would remove from the order the provisions that limit the quantity of producer milk that may be diverted to a nonpool plant by cooperatives and proprietary handlers. Presently, the order limits the quantity of producer milk that may be diverted by a cooperative association to 25 percent of all milk of its member producers physically received at pool plants during the month. The same percentage limitation to the producer receipts at his plant applies to the operator of a pool plant.

The Independent Dairy Farmers' Association, Tampa Bay Division, which markets about 60 percent of the producer milk in the Tampa Bay area, requested the termination. The association states that the diversion limitation is causing an extreme hardship on the association and disorderly conditions in the market.

The association contends that it performs the role of balancing the milk supplies for the entire market. In doing so, substantial quantities of member milk which have had to be disposed of to surplus outlets have been kept out of the pool because of the diversion limitation. This has resulted in lower returns to the association's members relative to other producers on the market.

All persons who desire to submit written data, views, or arguments in connection with the proposed termination should file the same with the hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on April 17, 1967.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 67-4348; Filed, Apr. 19, 1967; 8:48 a.m.]

[7 CFR Part 1128]

[Docket No. AO 238-A20]

MILK IN CENTRAL WEST TEXAS MARKETING AREA

Notice of Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central West Texas marketing area, which was issued March 27, 1967 (32 F.R. 5371), is hereby further extended from April 14, 1967, to April 21, 1967.

Signed at Washington, D.C., on April 14, 1967.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 67-4349; Filed, Apr. 19, 1967; 8:48 a.m.]

[7 CFR Part 1134]

MILK IN WESTERN COLORADO MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Western Colorado marketing area is being considered pending a hearing on the matter.

The provisions proposed to be suspended in § 1134.12(b)(1) are the following: "for at least 5 days," and "without limit during the other days of such month," relating to the diversion of milk for the account of a cooperative association.

Petitioner has requested a continuation of a previous action which suspended these provisions for the months of February, March, and April 1967 (32 F.R. 4016). This they state will enable the cooperative to maintain producer status under the order for its membership, pending a hearing it has requested to consider amendment of the diversion provisions to conform to current marketing conditions in the Western Colorado marketing area.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on April 17, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-4350; Filed, Apr. 19, 1967; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 67-SO-46]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Fort Lauderdale, Fla., control zone.

The volume of air traffic activity at the North Perry Airport, Fla., has increased substantially during recent years. Based on current aircraft operations, this airport qualifies for an FAA control tower. An FAA North Perry control tower is scheduled to become operational following July 1, 1967. The control tower will operate 16 hours daily to provide airport traffic control service during the heavy air traffic periods. The FAA does not plan any instrument approach procedure for the North Perry Airport at this time. There will not be any weather services at this airport concurrently with the establishing of the FAA control tower. Therefore, the Fort Lauderdale, Fla., control zone would be altered to include the North Perry Airport. Hourly and special weather observations are a function of the Fort Lauderdale, Fla., control tower personnel.

The Bradley Field Airport, Fort Lauderdale, Fla. (latitude 26°09'15" N., longitude 80°09'50" W.) has been abandoned; therefore, the airspace within 1.5-mile radius of this airport which is excluded in the Fort Lauderdale control zone is no longer necessary.

In consideration of the foregoing, the Fort Lauderdale, Fla., control zone would be amended to read:

Within a 5-mile radius of Fort Lauderdale-Hollywood International Airport (latitude 26°04'25" N., longitude 80°09'10" W.); within a 3-mile radius of North Perry Airport (latitude 26°00'06" N., longitude 80°14'24" W.); within 2 miles each side of the Fort Lauderdale VOR 079° radial, extending from the 5-mile radius zone to 10 miles east of the VOR; within 2 miles each side of the Fort Lauderdale VOR 278° radial, extending from the 5-mile radius zone to 8 miles west of the VOR; within 2 miles each side of the Fort Lauderdale VOR 306° radial, extending from the 5-mile radius zone to the INT of the Fort Lauderdale VOR 306° radial and the Miami, Fla. VORTAC 043° radial; within 2 miles each side of the 135° bearing from the Fort Lauderdale RBN, extending from the 5-mile radius zone to the RBN.

The proposed alteration to the Fort Lauderdale, Fla., control zone would provide controlled airspace protection for IFR aircraft departing the North Perry Airport during climb from the surface to 700 feet above the surface, and controlled airspace for the control of VFR air traffic operating in the vicinity of the airport. Additionally, it is FAA policy to include airports served by an FAA control tower within control zones.

A transition area with a floor of 700 feet above the surface to serve the North Perry Airport has been proposed in Airspace Docket No. 67-SO-38 by altering the Miami, Fla., 700-foot transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Miami Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 2014, AMF Branch, Miami, Fla. 33159. All communications received within 20 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on April 10, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67-4341; Filed, Apr. 19, 1967; 8:47 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 67-CE-38]

RESTRICTED AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 73 of the Federal Aviation Regulations which would designate a restricted area near Rapid City, S. Dak.

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, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. 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 Department of the Army has requested the establishment of a restricted area in the Badlands Bombing Range southeast of Rapid City, S. Dak. The proposed restricted area would be used annually from June 1 through August 31 by the 147th Artillery, South Dakota Army National Guard for the firing of 105 mm, 155 mm, and 8-inch howitzers during their annual field training. The altitudes required would be surface to 30,000 feet MSL.

If this action is taken, a restricted area will be designated as follows:

R-6102 BADLANDS, S. DAK.

Boundaries: Beginning at latitude 43°-35'00" N., longitude 102°05'00" W.; to latitude 43°35'00" N., longitude 102°25'00" W.; to latitude 43°42'00" N., longitude 102°25'00" W.; to latitude 43°42'00" N., longitude 102°-05'00" W.

Designated altitudes: Surface to 30,000 feet MSL.

Time of designation: June 1 through August 31.

Using agency: The Adjutant General, State of South Dakota (147th Artillery Group, South Dakota Army National Guard).

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on April 13, 1967.

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

[F.R. Doc. 67-4344; Filed, Apr. 19, 1967; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 67-CE-42]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the controlled airspace in the Columbia, Mo., and Jefferson City, Mo., terminal areas.

The Columbia, Mo., transition area is presently designated as follows:

That airspace extending upward from 700 feet above the surface bounded on the north by latitude 39°09'00" N., on the west by longitude 92°31'00" W., on the south by latitude 38°53'30" N., on the east by longitude 92°14'00" W., and within 2 miles each side of the Columbia VOR 176° radial extending from the VOR to 13 miles south of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 38°38'40" N., longitude 92°31'00" W., thence north along longitude 92°31'00" W., to latitude 38°53'30" N., thence east along latitude 38°53'30" N. to longitude 92°14'00" W., thence south along longitude 92°14'00" W., to latitude 38°43'30" N., thence southeast to latitude 38°39'10" N., longitude 92°06'15" W., thence southwest to latitude 38°29'40" N., longitude 92°14'45" W., thence northwest to the point of beginning.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Columbia, Mo., and Jefferson City, Mo., terminal areas, which revealed a need for revising the designated transition area at Columbia, Mo., proposes the following airspace action:

Redesignate the Columbia, Mo., transition area as that airspace extending upward from 700 feet above the surface bounded on the north by latitude 39°-09'00" N., on the west by longitude 92°-31'00" W., on the south by latitude 38°-53'30" N., on the east by longitude 92°14'00" W., and within 2 miles each side of the Columbia VOR 176° radial extending from the VOR to 13 miles south of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 38°38'40" N., longitude 92°-31'00" W., thence north along longitude 92°31'00" W., to the south edge of V-12 thence east along the south edge of V-12 to a line 5 miles southeast of and parallel to the Jefferson City, Mo., VOR 041° radial, thence southeast along a line 5 miles southeast of and parallel to the Jefferson City VOR 041° and 221° radials to latitude 38°27'30" N., longitude 92°-11'00" W., thence northwest to the point of beginning, excluding the airspace that coincides with the Readsville, Mo., transition area.

The proposed 700-foot floor transition area at Columbia, Mo., will remain the same as it is presently designated.

The proposed 1,200-foot floor transition area will provide controlled airspace protection for those portions of arrival and departure procedures at Columbia and Jefferson City, Mo., that are executed by aircraft at or above 1,500 feet above the surface. It will also provide air traffic routing and radar services for aircraft operating between Columbia and Jefferson City, Mo., and transitioning between Victor Airways V-4/V-12 and Jefferson City, Mo.

The floors of the airways that traverse the transition area proposed herein will automatically coincide with the floors of the transition area.

No procedural changes will be effected in conjunction with the actions proposed herein.

Specific details of this proposal may be examined by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106.

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

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

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on March 27, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67-4342; Filed, Apr. 19, 1967; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-40]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would designate controlled airspace in the Allegan, Mich., terminal area.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Allegan, Mich., terminal area, as a result of the development of a public-use instrument approach procedure at Allegan, Mich., Padgham Field, utilizing the Pullman, Mich., VORTAC as a navigational aid, proposed the following airspace action:

Designate the Allegan, Mich., transition area as that airspace extending upward from 700 feet above the surface within a 6-mile radius of Allegan, Mich., Padgham Field (latitude 42°31'45" N., longitude 85°49'00" W.), excluding the portion which coincides with the Battle Creek, Mich., transition area.

The proposed transition area will provide controlled airspace protection for aircraft executing the prescribed instrument approach procedure during descent from 1,500 to 700 feet above the surface. It will also provide controlled airspace protection for departing aircraft during climb from 700 to 1,200 feet above the surface. The controlled airspace proposed herein will underlie existing 1,200-foot floor transition area.

The proposed instrument approach procedure will be made effective concurrently with the designation of the proposed transition area.

The floors of the airways that traverse the proposed transition area will automatically coincide with the floor of the transition area.

Since a new approach procedure is to be established, no procedural changes will be effected in conjunction with the action proposed herein.

Specific details of this proposal may be examined by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106.

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

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

This amendment is proposed under the authority of section 307(a) of the

Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on March 24, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67-4343; Filed, Apr. 19, 1967; 8:48 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[No. 20,550]

FEDERAL SAVINGS AND LOAN SYSTEM

Mobile Facilities

APRIL 14, 1967.

Resolved, that, pursuant to Part 508 of the general regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 542.1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 542.1), it is hereby proposed that § 545.14–4 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.14–4) be revised to read as follows:

§ 545.14–4 **Mobile facility.**

(a) *General provisions*—(1) *Requests for advice.* All requests by interested persons for advice or instruction with respect to any matter arising under this section shall be addressed to the Board's Supervisory Agent.

(2) *Definition of "Supervisory Agent."* As used in this section, the term "Supervisory Agent" means the President of the Federal home loan bank of the district in which the applicant association is located or any other officer or employee of such bank appointed by the Board as agent of the Board as provided by § 501.11 of the general regulations of the Federal Home Loan Bank Board (§ 501.11 of this chapter).

(b) *Conditions for establishing and operating a mobile facility.* In order to provide savings and loan services in areas which are not otherwise provided with such services locally, a Federal association may establish and operate a mobile facility, subject to the following requirements and limitations:

(1) Prior to the establishment and operation of any such facility, the association shall obtain approval by the Board of an application by the association for permission to do so;

(2) Such facility shall be operated only at locations approved by the Board, each of which shall at all times be appropriately identified at the site, and shall be within the State in which the association's home office is located and within the association's regular lending area;

(3) The mobile facility shall be established and operated at two or more locations, each of which, at the time of filing of the application for permission to establish and operate the mobile facility, shall be more than 10 miles from the locations of any home or branch office or agency of any other institution the accounts of which are insured by the Federal Savings and Loan Insurance Corporation;

(4) Any such facility shall be open for business at the same location on the same day or days (not to exceed 2 days) of each week, during such hours, aggregating a total of not less than 4 hours a day, as the association's board of directors may from time to time determine;

(5) Any business of the association, as authorized by its board of directors, may be transacted at such facility, except that loans, other than loans to borrowers on the security of their savings accounts in the association, shall not be approved at such facility, and a detailed record of the transactions of each such facility shall be maintained as provided by § 545.20;

(6) The mobile equipment used in the establishment and operation of such facility shall not remain at any location while such facility is not open for business, except that at any location at which such facility is open for business on 2 successive days, such equipment may remain overnight during the night between the 2 successive days; and

(7) Without prior approval by the Board, operation of such facility shall not be continued at any location after the expiration of such period of time as the Board may prescribe with respect to operation of the facility at such location.

(c) *Application form; supporting information.* An application for permission to establish and operate a mobile facility shall be submitted in form prescribed by the Board and shall be supported in accordance with the prescribed "Outline of Information To Be Submitted in Support of Application for Permission To Establish and Operate a Mobile Facility." Such application shall show that there is a need for such facility at each proposed location and that it is not feasible to establish a full-time office at any such location.

(d) *Filing and amendment of application.* An application for permission to establish and operate a mobile facility shall be filed with the Board by delivering two copies thereof, together with two copies of all supporting information, to the Supervisory Agent. After such application has been filed with the Board, and prior to the date of advice from the Supervisory Agent to the applicant to publish notice of the filing of the application pursuant to paragraph (f) of this section, the applicant may file additional information in support of the application and may amend it; after the date of such advice, the applicant may not amend the application or, unless and until a hearing on the application is ordered, file any additional supporting information, unless requested by or on behalf of the Board.

(e) *Disapproval or deferral for supervisory reasons.* No application for permission to establish and operate a mobile facility shall be approved if, in the opinion of the Board, the policies, condition, or operation of the applicant association afford a basis for supervisory objection to the application.

(f) *Processing of application by Supervisory Agent; public notice; inspection*—(1) *Public notice.* Upon determination by the Supervisory Agent that an application for permission to establish and operate a mobile facility is complete, and if it has been preliminarily determined that there is no basis for supervisory objection to approval of the application, the Supervisory Agent shall advise the applicant, in writing, to publish, within 15 days from the date of such advice, in a newspaper printed in the English language and having general circulation in each community proposed to be served by the proposed mobile facility, a notice of the filing of the application in the following form:

NOTICE OF FILING OF APPLICATION FOR PERMISSION TO ESTABLISH AND OPERATE A MOBILE FACILITY

Notice is hereby given that, pursuant to the provisions of § 545.14–4 of the rules and regulations for the Federal Savings and Loan System, the _____ Federal Savings and Loan Association _____, _____, has filed with the Federal Home Loan Bank Board an application for permission to establish and operate a mobile facility at the following locations: _____

_____

_____, _____. The application has been delivered to the office of the Supervisory Agent of the said Board located at the Federal Home Loan Bank of _____,
(City) (State) (City)

_____, _____, _____
(Street Address) (City) (State)

Any person may file communications in favor or in protest of said application at the aforesaid office of the Supervisory Agent within 20 days after the date of this publication. Under the said rules and regulations for the Federal Savings and Loan System, a hearing in Washington, D.C., may be held if, pursuant to this notice, any interested person expresses a written protest, which shall be filed in duplicate and supported by specific written objections, to said application and requests a hearing at which he expresses intention to appear, provided such protest and request are received at the aforesaid office of the Supervisory Agent within 20 days after the date of this publication. Any such written protest which is not coupled with a request for hearing will also be considered if received at the aforesaid office of the Supervisory Agent within 20 days of the date of this publication. The application, together with communications in favor or in protest thereof, are available for inspection by interested persons at the aforesaid office of the Supervisory Agent.

_____
FEDERAL SAVINGS AND LOAN ASSOCIATION,
_____

(2) *Filing of communications by others.* Within 20 days after the date of publication of said notice, any person may file, at the office of the Supervisory Agent designated in the notice, communications in favor or in protest of the application.

(3) *Proof of publication.* Promptly after publication of the notice, the applicant shall transmit two copies thereof to the Supervisory Agent accompanied by two copies of a publisher's affidavit of publication.

(4) *Inspection.* The application together with communications in favor or in protest thereof shall be available at the office of the Supervisory Agent during regular working hours for inspection by interested persons following the date of publication of the notice as hereinabove provided. Prior to the issuance to the applicant of advice to publish a notice, the application and the fact that it has been filed shall be held as confidential.

(g) *Hearings*—(1) *General provisions.* A hearing shall be held upon an application for permission to establish and operate a mobile facility in any case in which a hearing is ordered unless it is dispensed with as provided in the order for a hearing. A copy of an order for a hearing shall be mailed to the applicant and to all persons who have filed written statements protesting approval of the application. In any case in which the Board has rejected an application without a hearing, a hearing may be held, at the discretion of the Board, if such hearing is requested by the applicant within 30 days after receipt of advice that the Board has rejected the application. Notwithstanding any other provision of this section, the Board may at any time, in its discretion and on its own motion, order a hearing on an application for permission to establish and operate a mobile facility. Any interested person may appear, in person or by attorney, at any hearing held pursuant to this section and submit any evidence pertinent to the questions at issue.

(2) *Procedure.* After a hearing has been ordered, the order for such hearing, the application and supporting information, and any protest and information in support of any protest, shall be available at the Office of the Secretary to the Board for inspection during regular working hours. The hearing shall be held before a hearing officer who shall be a member of the staff of the General Counsel of the Federal Home Loan Bank Board and who shall be designated by the General Counsel or a Deputy or Associate General Counsel. The hearing officer shall have complete charge of the hearing; may receive, admit, allow, exclude, and deny petitions, briefs, and evidence, including the hearing of testimony according to the rules of evidence governing civil proceedings in matters not involving trial by jury in the courts of the United States: *Provided, however,* That such rules may be relaxed by the hearing officer in order to expedite the proceedings or promote the just determination of the ultimate issue; may make rulings and note exceptions, but shall not have power to grant any motion to dismiss the proceedings or other motion that involves final determination of the ultimate issue; may hear arguments; may adjourn the said hearing from time to time, if, in his judgment, it is desirable to the orderly conduct of the said hearing or to promote the just determination of the ultimate issue; shall order the preparation of a record, including a transcript of the testimony and evidence presented; and may do all such things and have all such powers as are necessary or proper for the orderly conduct of the hearing or to promote the just determination of the ultimate issue, but shall not have power to finally determine the ultimate issue. The hearing officer shall determine whether the filing of briefs after a hearing will be permitted, and if such filing is permitted, the hearing officer shall restrict the time for filing to a postmark date not later than 30 days after the conclusion of the hearing, unless for good cause a longer period is allowed. The hearing officer shall not permit the filing of reply briefs.

(h) *Mobile facility incidental to conversion or merger.* A Federal association into which an existing institution is converted shall not thereafter maintain any mobile facility of the predecessor institution as a mobile facility of such Federal association, and a Federal association shall not maintain any mobile facility of another institution which is absorbed by merger, without prior written approval by the Board of an application by the association for permission to maintain such mobile facility. Such application shall be in form prescribed by the Board and shall be filed at the same time as a preliminary application for conversion is submitted to the Board pursuant to § 543.9 of this chapter or at the same time as an application for approval by the Board of a merger is submitted pursuant to § 546.2 of this chapter, and shall be processed in accordance with the provisions of this section with respect to applications for permission to establish and operate a mobile facility except that the provisions of this section with respect to hearing and public notice shall be applicable only in cases in which it is so determined by or on behalf of the Board, and the Supervisory Agent shall not advise an applicant association to publish notice pursuant to paragraph (f) of this section unless so instructed by or on behalf of the Board.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C. 20552, not later than May 22, 1967, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 67-4379; Filed, Apr. 19, 1967; 8:50 a.m.]

FEDERAL RESERVE SYSTEM

[12 CFR Parts 207, 210]

[Regs. G and J]

COLLECTION OF CHECKS AND OTHER ITEMS BY FEDERAL RESERVE BANKS

Notice of Proposed Rule Making

The Board of Governors is considering the revocation of Part 207 (Reg. G), relating to the collection of noncash items by Federal Reserve banks, and a revision of Part 210 (Reg. J), relating to check clearing and collection by the Federal Reserve banks.

The purpose of these amendments would be to combine in a single new Part 210, set forth below, all provisions relating to the collection of both cash items (including checks) and noncash items and at the same time to bring such provisions into closer conformity with the Uniform Commercial Code and current banking practices and to spell out in more precise language the terms and conditions under which the Reserve banks receive and handle for collection cash and noncash items.

This notice is published pursuant to section 553(b) of Title 5, United States Code, and section 1(b) of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.1(b)).

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 15, 1967.

Dated at Washington, D.C., the 12th day of April 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

PART 210—COLLECTION OF CHECKS AND OTHER ITEMS BY FEDERAL RESERVE BANKS

§ 210.1 Authority and scope.

(a) Pursuant to the provisions of section 13 of the Federal Reserve Act, as amended (12 U.S.C. sec. 342), section 16 of the Federal Reserve Act (12 U.S.C. sec. 248(o); 12 U.S.C. sec. 360), section 11(i) of the Federal Reserve Act (12 U.S.C. sec. 248(i), and other provisions of law, the Board of Governors of the Federal Reserve System has promulgated this part governing the collection of checks and other cash items and the collection of noncash items by the Federal Reserve banks.

(b) The Federal Reserve banks, as depositaries and fiscal agents of the United States, handle certain items as cash items or noncash items. To the extent contemplated by regulations issued by, and arrangements made with, the U.S. Treasury Department and other Government Departments, the handling of such items by the Federal Reserve banks is governed by the provisions of this part. The operating letters of the Federal Reserve banks shall include such information regarding the currently effective provisions of those regulations and arrangements (as well as any similar regulations and arrangements hereafter issued or made) as they shall deem necessary and appropriate for the guidance of banks concerned with the collection or payment of such items.

§ 210.2 Definitions.

As used in this part, unless the context otherwise requires:

(a) The term "item" means any instrument for the payment of money, whether negotiable or not, which is payable in a Federal Reserve district,[1] is sent by a sender or a nonbank depositor to a Federal Reserve bank for handling under this part, and is collectible in funds acceptable to the Federal Reserve bank of the district in which the instrument is payable; except that the term does not include any check which cannot be collected at par.[2]

(b) The term "check" means any draft drawn on a bank and payable on demand.

(c) The term "draft" means any item which is either a "draft" as defined in the Uniform Commercial Code or a "bill of exchange" as defined in the Uniform Negotiable Instruments Law.

(d) The term "bank draft" means any check drawn by one bank on another bank.

(e) The term "sender" in respect of an item, means a member bank, a nonmember clearing bank, a Federal Reserve bank, an international organization, or a foreign correspondent.

(f) The term "nonmember clearing bank" means a bank, not a member of the Federal Reserve System, which maintains with a Federal Reserve bank the balance referred to in the first paragraph of section 13 of the Federal Reserve Act, and any corporation which maintains an account with a Federal Reserve bank in conformity with the requirements of § 211.7 of Part 211 of this chapter (Reg. K).

(g) The term "international organization" means any international organization for which the Federal Reserve banks are empowered to act as depositaries or fiscal agents subject to regulation by the Board of Governors of the Federal Reserve System and for which a Federal Reserve bank has opened and is maintaining an account.

(h) The term "foreign correspondent" means any of the following for which a Federal Reserve bank has opened and is maintaining an account: A foreign bank or banker, or foreign state as defined in section 25(b) of the Federal Reserve Act (12 U.S.C. sec. 632), or a foreign correspondent or agency referred to in section 14(e) of that Act (12 U.S.C. sec. 358).

(i) The term "cash item" means:

(1) Any check other than a check classified as a noncash item in accordance with paragraph (j) of this section; or

(2) Any other item payable on demand and collectible at par which the Federal Reserve bank of the district in which the item is payable may be willing to accept as a cash item.

(j) The term "noncash item" means any item which the receiving Federal Reserve bank, in its operating letters, shall have classified as an item requiring special handling and any item normally received by the Federal Reserve bank as a cash item if such bank decides that special conditions require that it be handled as a noncash item.

(k) The term "paying bank" means:

(1) The bank by which an item is payable and to which it is presented, unless the item is payable or collectible through another bank and is sent to such other bank for payment or collection; or

(2) The bank through which an item is payable or collectible and to which it is sent for payment or collection.

(l) The term "nonbank payor" means any payor of an item, other than a bank.

(m) The term "nonbank depositor" means any department, agency, instrumentality, independent establishment, or officer of the United States, or any corporation other than a sender, which maintains or uses an account with a Federal Reserve bank. Except as may otherwise be provided by any applicable statutes of the United States or regulations issued or arrangements made thereunder, the provisions of this part and of the operating letters of the Federal Reserve banks applicable to a sender are applicable to a nonbank depositor.

(n) The term "State" means any State of the United States, the District of Columbia, or Puerto Rico, or any territory, possession, or dependency of the United States.

(o) The term "banking day" means any day during which a bank is open to the public for carrying on substantially all its banking functions.

§ 210.3 General provisions.

In order to afford both to the public and to the banks of the country a direct, expeditious, and economical system for the collection of items and the settlement of balances, each Federal Reserve bank shall receive and handle cash items and noncash items in accordance with the terms and conditions set forth in this part; and the provisions of this part and the operating letters of the Federal Reserve banks shall be binding upon the sender of a cash item or a noncash item and shall be binding upon each collecting bank, paying bank, and nonbank payor to which the Federal Reserve bank, or any subsequent collecting bank, presents, sends, or forwards a cash item or a noncash item received by the Federal Reserve bank.

§ 210.4 Sending of items to Federal Reserve banks.

(a) Subject to the provisions of this part and of the operating letters of the Federal Reserve banks, any sender (other than a Federal Reserve bank) may send to the Federal Reserve bank with which it maintains or uses an account any cash item or noncash item payable in any Federal Reserve district; but, as permitted or required by such Federal Reserve bank, such sender may send direct to any other Federal Reserve bank any cash item or noncash item payable within the district of such other Federal Reserve bank.

(b) With respect to any cash item or noncash item, sent direct by a sender (other than a Federal Reserve bank) in one district to a Federal Reserve bank in another district, in accordance with paragraph (a) of this section, the relationships and the rights and liabilities existing between the sender, the Federal Reserve bank of its district and the Federal Reserve bank to which the item is sent will be the same, and the provisions of this part will apply, as though the sender had sent such item to the Federal Reserve bank of its district and such Federal Reserve bank had forwarded the item to the other Federal Reserve bank.

(c) The Federal Reserve banks shall receive cash items at par.

§ 210.5 Sender's agreement.

(a) By its action in sending any cash item or noncash item to a Federal Reserve bank, the sender shall be deemed to authorize the receiving Federal Reserve bank and any other Federal Reserve bank or other collecting bank to which such item may be forwarded, to handle such item subject to the provisions of this part and of the operating letters of the Federal Reserve banks; to warrant its own authority to give such authority; and to agree that such provisions shall, insofar as they are made applicable thereto, govern the relationships between such sender and the Federal Reserve banks with respect to the handling of such item and its proceeds.

(b) The sender shall be deemed to warrant to each Federal Reserve bank handling such item (1) that it has good title to the item or is authorized to obtain

[1] For the purposes of this part, the Virgin Islands and Puerto Rico shall be deemed to be in or of the 2d Federal Reserve District; and Guam shall be deemed to be in or of the 12th Federal Reserve District.

[2] The Board of Governors publishes from time to time a "Federal Reserve Par List", which indicates the banks upon which checks are collectible at par through the Federal Reserve banks, and publishes a supplement thereto each month to show changes subsequent to the last complete list.

payment on behalf of one who has good title, whether or not such warranty is evidenced by its express guaranty of prior endorsements on such item, and (2) such other matters and things as the Federal Reserve bank shall warrant in respect of such item consistently with paragraph (b) of § 210.6; but the provisions of this paragraph shall not be deemed to constitute a limitation upon the scope or effect of any warranty by a sender arising under the law of any State applicable to it; and such sender shall be deemed to agree to indemnify each Federal Reserve bank for any loss or expense sustained (including but not limited to attorneys' fees and expenses of litigation) resulting from the failure of such sender to have the authority to make the warranty and the agreement referred to in paragraph (a) of this section, resulting from any action taken by the Federal Reserve bank within the scope of its authority in handling such item, or resulting from any warranty or agreement with respect thereto made by the Federal Reserve bank consistently with paragraph (b) of § 210.6.

§ 210.6 Status and warranties of Federal Reserve bank.

(a) A Federal Reserve bank will act only as the agent of the sender in respect of each cash item or noncash item received by it from the sender, but such agency shall terminate not later than the time when the Federal Reserve bank shall have received payment for the item in actually and finally collected funds and shall have made the proceeds available for withdrawal or other use by the sender. A Federal Reserve bank will not act as the agent or the subagent of any owner or holder of any such item other than the sender. A Federal Reserve bank shall not have, nor will it assume, any liability to the sender in respect of any such item and its proceeds except for its own lack of good faith or failure to exercise ordinary care.[3]

(b) By its action in presenting, or sending for presentment and payment, or forwarding any cash item or any noncash item, a Federal Reserve bank shall be deemed to warrant to a subsequent collecting bank and to the paying bank and any other payor (1) that it has a good title to the item or is authorized to obtain payment on behalf of one who either has a good title or is authorized to obtain payment on behalf of one who has such title, whether or not such warranty is evidenced by its express guaranty of prior endorsements on such item, and (2) to the extent prescribed by the law of any State applicable either to the Federal Reserve bank as a collecting bank or to the subsequent collecting bank, that the item has not been materially altered; but otherwise the Federal Reserve bank shall not have, and shall not be deemed to assume, any liability (except for its own lack of good faith or failure to exercise ordinary care) to such paying bank or other payor.

§ 210.7 Presentment for payment.

(a) Any cash item or any noncash item may be presented for payment by a Federal Reserve bank or a subsequent collecting bank, or may be sent by a Federal Reserve bank or a subsequent collecting bank for presentment and payment, or may be forwarded by a Federal Reserve bank to a subsequent collecting bank with authority to present it for payment or to send it for presentment and payment, as provided under applicable rules of State law or otherwise as permitted by this section.

(b) Presentment may be made at a place where the bank by which the item is payable has requested that presentment be made. Presentment of an item payable by a nonbank payor, other than through a paying bank, may be made at a place where the nonbank payor has requested that presentment be made. Presentment may also be made pursuant to any special collection agreement not inconsistent with the terms of this part, or may be made through a clearinghouse subject to the rules and practices thereof.

(c) Any cash item or noncash item, payable in the district of the receiving Federal Reserve bank may be presented or sent direct to the paying bank, if any; may be sent direct to any place where the bank through which the item is payable has requested that the item be sent; and, when payable by a nonbank payor other than through a paying bank, may be presented direct to the nonbank payor, but documents, securities or other papers accompanying a noncash item may not be delivered to the nonbank payor thereof before payment of the item, unless the sender has specifically authorized such delivery.

(d) Any cash item or noncash item, payable in a Federal Reserve district other than the district of the receiving Federal Reserve bank, will ordinarily be forwarded to the Federal Reserve bank of the district in which the item is payable: *Provided, however,* That with the concurrence of the Federal Reserve bank of the district in which the item is payable, the receiving Federal Reserve bank may present, send, or forward the item as if it were payable in its own district.

§ 210.8 Presentment of noncash items for acceptance.

Whenever a noncash item provides that it must be presented for acceptance or is payable elsewhere than at the residence or place of business of the drawee, or whenever the date of payment of a noncash item depends upon presentment for acceptance, a Federal Reserve bank or a subsequent collecting bank to which it has been sent by a Federal Reserve bank may, if so instructed by the sender, present the item for acceptance in any manner authorized by law; but no Federal Reserve bank or subsequent collecting bank shall, upon the acceptance of any such item, deliver to the drawee thereof any accompanying documents unless specifically instructed by the sender to do so. Each Federal Reserve bank shall include in its operating letters a statement of the circumstances under which a sender may send such noncash items to the Federal Reserve bank for presentment for acceptance, and of the terms and conditions (which shall not be inconsistent with the provisions of this part) upon which such presentment may be made. Except as herein provided, no Federal Reserve bank shall have or assume any obligation to present any noncash item for acceptance or to send it for presentment for acceptance.

§ 210.9 Remittance and payment.

(a) A Federal Reserve bank may require the paying bank or collecting bank to which it has presented, sent, or forwarded any cash item or noncash item pursuant to § 210.7 to pay or remit for such item in cash, but is authorized, in its discretion, to permit such paying bank or collecting bank to authorize or cause payment or remittance therefor to be made by a debit to an account on the books of such Federal Reserve bank or to pay or remit therefor in any of the following which is in a form acceptable to such Federal Reserve bank: Bank draft, transfer of funds or bank credit, or any other form of payment or remittance authorized by applicable State law. A Federal Reserve bank may require the nonbank payor to which it has presented any cash item or noncash item pursuant to § 210.7 to pay therefor in cash, but is authorized, in its discretion, to permit such nonbank payor to pay therefor in any of the following which is in a form acceptable to such Federal Reserve bank: Cashier's check, certified check, or other bank draft or obligation.

(b) A Federal Reserve bank shall not be liable for the failure of a collecting bank or paying bank or nonbank payor to pay or remit for any such cash item or noncash item, nor for any loss resulting from the acceptance of any form of payment or remittance other than cash authorized in paragraph (a) of this section; nor shall any Federal Reserve bank which acts in good faith and exercises ordinary care be liable for the nonpayment of, or failure to realize upon, any bank draft or other form of payment or remittance which it may accept in accordance with paragraph (a) of this section.

(c) Any bank draft or other form of payment or remittance received by a Federal Reserve bank in payment of, or in remittance for, any cash item may likewise be handled as a cash item subject to all the applicable terms and conditions of this part; and any bank draft or other form of remittance or payment received by a Federal Reserve bank in

[3] No Federal Reserve bank shall be responsible to the sender of any cash item, or any other owner or holder thereof, for any delay resulting from the action taken by the Federal Reserve bank in presenting, sending, or forwarding the item on the basis of (a) any A.B.A. transit number or routing symbol appearing thereon at the time of its receipt by the Federal Reserve bank, whether inscribed by magnetic ink or by any other means, and whether or not such transit number or routing symbol is consistent with each other form of designation of a paying bank (or nonbank payor) then appearing thereon, or (b) any other form of designation of a paying bank (or nonbank payor) then appearing thereon, whether or not consistent with any A.B.A. transit number or routing symbol then appearing thereon.

payment of, or in remittance for, any noncash item may, at the option of the Federal Reserve bank, be handled either as a cash item or as a noncash item, subject to all the applicable terms and conditions of this part.

§ 210.10 Time schedule and availability of credits with respect to cash items.

(a) Each Federal Reserve bank shall include in its operating letters a time schedule for each of its offices indicating when the amount of any cash item received by it from any sender or sent by any sender to another Federal Reserve office for the account of such Federal Reserve bank will be counted as reserve for the purposes of Part 204 of this chapter (Reg. D) and becomes available for withdrawal or other use by the sender. The sender (other than a foreign correspondent) will be given either immediate credit or deferred credit for such amount in accordance with such time schedule. A foreign correspondent will ordinarily be given credit for such amount only when the Federal Reserve bank has received payment for the item in actually and finally collected funds: *Provided, however,* That the Federal Reserve bank may in its discretion give immediate or deferred credit for such amount in accordance with such time schedule.

(b) Notwithstanding the provisions of its time schedule, a Federal Reserve bank may in its discretion refuse at any time to permit the withdrawal or other use of credit given for any cash item for which the Federal Reserve bank has not yet received payment in actually and finally collected funds.

§ 210.11 Availability of proceeds of noncash items.

(a) Credit will be given for the proceeds of a noncash item when the receiving Federal Reserve bank has received payment for such item in actually and finally collected funds or advice from another Federal Reserve bank of such payment to it, and the amount of such item shall not be counted as reserve for the purposes of Part 204 of this chapter (Reg. D) or become available for withdrawal or other use by the sender prior to the receipt of such payment or advice, except to the extent provided in paragraph (c) of this section.

(b) A Federal Reserve bank shall be deemed to have received payment for a noncash item in actually and finally collected funds as soon as it has received payment therefor in cash or has received any other form of payment or remittance therefor which is, or has become, final and irrevocable.

(c) A Federal Reserve bank may, prior to the time provided in paragraph (a) of this section, give credit for the proceeds of a noncash item received by it from a sender, subject to payment in actually and finally collected funds, in accordance with a time schedule included in its operating letters, indicating when the proceeds of such noncash items will be counted as reserve for the purposes of Part 204 of this chapter (Reg. D) and become available for withdrawal or other use by the sender.

(d) Notwithstanding paragraph (c) of this section, a Federal Reserve bank may, in its discretion, refuse at any time to permit the withdrawal or other use of credit given for any noncash item for which the Federal Reserve bank has not yet received payment in actually and finally collected funds.

(e) Where a Federal Reserve bank receives, in payment or remittance for a noncash item, a bank draft or other form of remittance or payment which, in accordance with paragraph (c) of § 210.9, it elects to handle as a noncash item, the proceeds of the noncash item for which the payment or remittance was made shall neither be counted as reserve for the purpose of Part 204 of this chapter (Reg. D) nor become available for withdrawal or other use until such time as the Federal Reserve bank receives payment in actually and finally collected funds for such bank draft or other form of remittance or payment, in accordance with the provisions of this section.

§ 210.12 Return of cash items.

(a) A paying bank which receives a cash item from or through a Federal Reserve bank, otherwise than for immediate payment over the counter, shall, unless it returns such item unpaid before midnight of the banking day of receipt,[4] either pay or remit therefor on the banking day of receipt, or, if acceptable to the Federal Reserve bank concerned, authorize or cause payment or remittance therefor to be made by debit to an account on the books of the Federal Reserve bank not later than the banking day for such Federal Reserve bank on which any other acceptable form of timely payment or remittance would have been received by the Federal Reserve bank in the ordinary course: *Provided,* That such paying bank shall have the right to recover any payment or remittance so made if, before it has finally paid the item, it returns the item before midnight of its banking day next following the banking day of receipt or takes such other action to recover such payment or remittance within such time and by such means as may be provided by applicable State law: *And further provided,* That the foregoing provisions shall not extend, nor shall the time herein provided for return be extended by, the time for return of unpaid items fixed by the rules and practices of any clearing house through which the item was presented or fixed by the provisions of any special collection agreement pursuant to which it was presented.

(b) Any paying bank which takes or receives a credit or obtains a refund for the amount of any payment or remittance made by it in respect of a cash item received by it from or through a Federal Reserve bank shall be deemed (1) to warrant to such Federal Reserve bank, to a subsequent collecting bank, and to the sender and all prior parties that it took all action necessary to entitle it to recover such payment or remittance within the time or times limited therefor by the provisions of this part, by the applicable rules and practices of any clearinghouse through which the item was presented, by the applicable provisions of any special collection agreement pursuant to which it was presented, and, except as a longer time may be afforded by the provisions of this part, by applicable State law; and (2) to agree to indemnify such Federal Reserve bank for any loss or expense sustained (including but not limited to attorneys' fees and expenses of litigation) resulting from its action in giving such credit or making such refund, or in making any charge to, or obtaining any refund from, the sender. No Federal Reserve bank shall have any responsibility to such paying bank or any subsequent collecting bank or to the sender of the item or any other prior party thereon for determining whether the action hereinabove referred to was timely.

§ 210.13 Chargeback of unpaid cash items and noncash items.

If a Federal Reserve bank does not receive payment in actually and finally collected funds for any cash item or noncash item for which it gave credit subject to payment in actually and finally collected funds, the amount of such item shall be charged back to the sender, regardless of whether or not the item itself can be returned. In such event, neither the owner or holder of any such item nor the sender shall have the right of recourse upon, interest in, or right of payment from, any reserve balance, clearing account, deposit account, or other funds of the paying bank or of any collecting bank, in the possession of the Federal Reserve bank. No draft, authorization to charge, or other order, upon any reserve balance, clearing account, deposit account, or other funds in the possession of a Federal Reserve bank, issued for the purpose of paying or remitting for any cash items or noncash items handled under the terms of this part, will be paid, acted upon, or honored after receipt by such Federal Reserve bank of notice of suspension or closing of the bank making the payment or remittance for its own or another's account.

§ 210.14 Timeliness of action.

If, because of interruption of communication facilities, suspension of payments by another bank, war, emergency conditions or other circumstances beyond its control, any bank (including a Federal Reserve bank) shall be delayed beyond the time limits provided in this part or the operating letters of the Federal Reserve banks, or prescribed by the applicable law of any State in taking any action with respect to a cash item or a noncash item, including forwarding such item, presenting it or sending it for presentment and payment, paying or remitting for it, returning it or sending notice

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[4] A cash item received by a paying bank either:
(1) On a day other than a banking day for it or
(2) On a banking day for it, but—
(a) After its regular banking hours, or
(b) After a "cut-off hour" established by it in accordance with applicable State law, or
(c) During afternoon or evening periods when it is open for limited functions only,
shall be deemed to have been received by the bank on its next banking day.

of dishonor or nonpayment, or making or providing for any necessary protest, the time of such bank, as limited by this part or the operating letters of the Federal Reserve banks, or by the applicable law of any State, for taking or completing the action thereby delayed shall be extended for such time after the cause of the delay ceases to operate as shall be necessary to take or complete the action, provided the bank exercises such diligence as the circumstances require.

§ 210.15 Effect of direct presentment of certain warrants.

Whenever a Federal Reserve bank exercises its option to present direct to the payor any bill, note or warrant issued and payable by any State or any county, district, political subdivision or municipality of any State, such bill, note or warrant being a cash item not payable or collectible through a bank, the provisions of §§ 210.9, 210.12, and 210.13 and the operating letters of the Federal Reserve banks shall be applicable to the payor as if it were a paying bank, the provisions of § 210.14 shall be applicable to it as if it were a bank, and each day on which the payor shall be open for the regular conduct of its affairs or the accommodation of the public shall be treated as if it were a banking day for it, within the meaning and for the purposes of § 210.12.

§ 210.16 Operating letters.

Each Federal Reserve bank shall issue operating letters (sometimes referred to as operating circulars or bulletins), not inconsistent with this part, governing the details of its operations in the handling of cash items and noncash items, and containing such other matters as are required by the provisions of this part. Such letters may, among other things, classify cash items and noncash items, require separate sorts and letters, and provide different closing times for the receipt of different classes or types of cash items and noncash items.

[F.R. Doc. 67-4322; Filed, Apr. 19, 1967; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[Delegation Order No. 9]

FIRST DEPUTY COMPTROLLER OF THE CURRENCY ET AL.

Order of Succession To Act as Comptroller

By virtue of the authority vested in me by Treasury Department Order No. 129 (Rev. No. 2), dated April 22, 1955, it is hereby ordered as follows:

1. The following officers in the Bureau of the Comptroller of the Currency, in the order of succession enumerated, shall act as Comptroller of the Currency during the absence or disability of the Comptroller of the Currency or when there is a vacancy in such office:

(1) Justin T. Watson, First Deputy Comptroller of the Currency.
(2) Wayne G. Weachman, Administrative Assistant to the Comptroller of the Currency.
(3) Thomas G. DeShazo, Deputy Comptroller of the Currency.
(4) David C. Motter, Deputy Comptroller of the Currency.
(5) John D. Gwin, Deputy Comptroller of the Currency.
(6) Frank H. Ellis, Chief National Bank Examiner.
(7) Dean E. Miller, Deputy Comptroller of the Currency.
(8) Richard J. Blanchard, Deputy Comptroller of the Currency.
(9) E. Radcliffe Park, Deputy Comptroller of the Currency.
(10) Albert J. Faulstich, Deputy Comptroller of the Currency.
(11) Regional Administrator of National Banks at Richmond, Va.
(12) Regional Administrator of National Banks at Philadelphia, Pa.
(13) Regional Administrator of National Banks at New York City, N.Y.
(14) Regional Administrator of National Banks at Cleveland, Ohio.
(15) Regional Administrator of National Banks at Atlanta, Ga.
(16) Regional Administrator of National Banks at Boston, Mass.
(17) Regional Administrator of National Banks at Chicago, Ill.
(18) Regional Administrator of National Banks at Memphis, Tenn.
(19) Regional Administrator of National Banks at Kansas City, Mo.
(20) Regional Administrator of National Banks at Minneapolis, Minn.
(21) Regional Administrator of National Banks at Dallas, Tex.
(22) Regional Administrator of National Banks at Denver, Colo.
(23) Regional Administrator of National Banks at San Francisco, Calif.
(24) Regional Administrator of National Banks at Portland, Oreg.

2. In the event of an enemy attack on the continental United States, all Regional Administrators of National Banks, including any Acting Regional Administrators, are authorized in their respective regions to perform any function of the Comptroller of the Currency, or the Secretary of the Treasury, whether or not otherwise delegated, which is essential to the carrying out of responsibilities otherwise assigned to them. The respective officers will be notified when they are to cease exercising the authority delegated in this paragraph.

3. Delegation Order No. 8 is hereby repealed.

Dated: March 6, 1967.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[F.R. Doc. 67-4352; Filed, Apr. 19, 1967; 8:48 a.m.]

Office of the Secretary

[Treasury Dept. Order No. 107; Rev. 11]

DIRECTOR OF ADMINISTRATIVE SERVICES ET AL.

Authority To Affix Seal of the Department

By virtue of the authority vested in the Secretary of the Treasury, including the authority conferred by 5 U.S.C. 301, and by virtue of the authority delegated to me by Treasury Department Order No. 190, Revision 4, it is hereby ordered that:

1. Except as provided in paragraph 2, the following officers are authorized to affix the Seal of the Treasury Department in the authentication of originals and copies of books, records, papers, writings, and documents of the Department, for all purposes, including the purposes authorized by 28 U.S.C. 1733(b):

(a) In the Office of Administrative Services:

(1) Director of Administrative Services.
(2) Chief, General Services Division.
(3) Chief, Printing and Procurement Division.
(4) Chief, Directives Control and Distribution Branch.

(b) In the Internal Revenue Service:

(1) Commissioner of Internal Revenue.
(2) Director, and Assistant Director, Collection Division.
(3) Chief, and Assistant Chief, Disclosure and Liaison Branch, Collection Division.

(c) In the Bureau of Customs:

(1) Commissioner of Customs.
(2) Deputy Commissioner of Customs.
(3) Assistant Commissioner of Customs (Administration).
(4) Assistant Commissioner of Customs (Investigations).
(5) Assistant Commissioner of Customs (Operations).
(6) Assistant Commissioner of Customs (Regulations and Rulings).

(d) In the Bureau of the Public Debt:

(1) Commissioner of the Public Debt.
(2) Deputy Commissioner in Charge of the Chicago Office.
(3) Assistant Deputy Commissioner in Charge of the Chicago Office.

2. Copies of documents which are to be published in the FEDERAL REGISTER may be certified only by the officers named in paragraph 1(a) of this order.

3. The Director of Administrative Services, the Commissioner of Internal Revenue Service, and the Commissioner of the Public Debt are authorized to procure and maintain custody of the dies of the Treasury Seal.

The officers authorized in paragraph 1(c) may make use of such dies.

Dated: April 13, 1967.

[SEAL] A. E. WEATHERBEE,
Assistant Secretary for Administration.

[F.R. Doc. 67-4353; Filed, Apr. 19, 1967; 8:48 a.m.]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

PORTS OF ENTRY FOR ALIENS

San Diego Border Station and San Ysidro, Calif.

Effective upon publication in the FEDERAL REGISTER, the following amendment to the Statement of Organization of the Immigration and Naturalization Service (19 F.R. 8071, Dec. 8, 1954), as amended, is prescribed:

District No. 16—Los Angeles, Calif., of subparagraph (2) *Ports of entry for aliens arriving by vessel or by land transportation* of paragraph (c) *suboffices* of section 1.51 *Field service* is amended in the following respects:

1. "*San Diego Border station, Calif.," is added in alphabetical sequence.
2. "*San Ysidro, Calif.," is deleted.

Dated: April 13, 1967.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 67-4331; Filed, Apr. 19, 1967; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. Colorado 1018]

COLORADO

Notice of Classification of Public Lands for Multiple Use Management

APRIL 10, 1967.

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple-use management all of the public lands in the area described below.

together with any lands therein that may become public lands in the future. Publication of this notice has the effect (a) of segregating all the public land in the described area below from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and (b) of further segregating the lands described in paragraph 3 of this notice from the operation of the general mining laws (30 U.S.C. 21). Except as provided in (a) and (b) above, the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose. No adverse comments were received following publication of a notice of proposed classification (31 F.R. 16718) or at a public hearing at Craig, Colo., on February 4, 1967. The record showing the comments received and other information is on file and can be examined in the Craig District Office, Craig, Colo.

2. The public lands affected by this classification are located within the following described areas and are shown on maps on file in the Craig District Office, Bureau of Land Management, Craig, Colo.; and in the Colorado Land Office, Bureau of Land Management, Federal Building, Room 15019, 1961 Stout Street, Denver, Colo.

SIXTH PRINCIPAL MERIDIAN, COLORADO

MOFFAT COUNTY

T. 11 N., R. 91 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 12 N., R. 91 W.,
Secs. 13 to 17, inclusive;
Sec. 19, S½;
Secs. 20 to 35, inclusive.
T. 11 N., R. 92 W.,
Secs. 1 to 26, inclusive;
Secs. 35 and 36.
T. 11 N., R. 93 W.,
Secs. 1 to 18, inclusive;
Secs. 20 to 24, inclusive.
T. 12 N., R. 93 W.,
Secs. 15 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 11 N., R. 94 W.
Secs. 1 to 20, inclusive.
T. 12 N., R. 94 W.
T. 11 N., R. 95 W.,
Secs. 1 to 16, inclusive;
Sec. 17, lots 18 and 19;
Sec. 18;
Sec. 21, lots 1, 14, 15, 16 and 25;
Secs. 22 to 24, inclusive;
Sec. 26, W½;
Sec. 27;
Sec. 32;
Sec. 34;
Sec. 35, W½.
T. 12 N., R. 95 W.
T. 3 N., R. 96 W.,
Secs. 2 to 11, inclusive;
Secs. 14 to 18, inclusive.
T. 4 N., R. 96 W.,
Secs. 26 to 35, inclusive.
T. 6 N., R. 96 W.,
Secs. 5 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 32, inclusive.
T. 7 N., R. 96 W.,
Secs. 1 to 12, inclusive;
Secs. 15 to 22, inclusive;
Secs. 27 to 34, inclusive.
Tps. 8 and 9 N., R. 96 W.
T. 10 N., R. 96 W.,
Sec. 7, SW¼, and W½SE¼;
Sec. 18, W½, and W½E½;
Secs. 19 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 11 N., R. 96 W.,
Secs. 1 to 12, inclusive;
Sec. 17, W½;
Secs. 18 and 19;
Sec. 20, W½.
T. 12 N., R. 96 W.
T. 3 N., R. 97 W.,
Secs. 1 to 18, inclusive.
T. 4 N., R. 97 W.,
Secs. 25 to 36, inclusive.
Tps. 6 to 12 N., R. 97 W.
T. 3 N., R. 98 W.,
Secs. 1 to 18, inclusive.
T. 4 N., R. 98 W.
T. 5 N., R. 98 W.,
Secs. 2 to 11, inclusive;
Secs. 14 to 23, inclusive;
Secs. 26 to 35, inclusive.
Tps. 6 to 12 N., R. 98 W.
T. 3 N., R. 99 W.,
Secs. 1 to 18, inclusive.
Tps. 4 and 5 N., R. 99 W.
T. 6 N., R. 99 W.,
Secs. 1 to 6, inclusive;
Sec. 8, E½;
Secs. 9 to 16, inclusive;
Sec. 17, NE¼;
Sec. 22, N½ and SE¼;
Secs. 23 to 26, inclusive;
Sec. 27, NE¼, and S½;
Sec. 28, S½;
Sec. 29, SE¼;
Sec. 31, S½;
Sec. 32, NE¼, and S½;
Secs. 33 to 36, inclusive.
Tps. 7 to 12 N., R. 99 W.
T. 3 N., R. 100 W.,
Secs. 1 to 18, inclusive.
Tps. 4 and 5 N., R. 100 W.
T. 6 N., R. 100 W.,
Secs. 1 to 5, inclusive;
Sec. 6, N½;
Sec. 31, S½;
Sec. 32, S½;
Sec. 33, S½;
Sec. 34, S½;
Sec. 35, S½;
Sec. 36, S½.
Tps. 7 to 12 N., R. 100 W.
T. 3 N., R. 101 W.,
Secs. 1 to 18, inclusive.
Tps. 4 and 5 N., R. 101 W.
T. 6 N., R. 101 W.,
Sec. 1, N½;
Sec. 2, N½;
Sec. 31, S½;
Sec. 32, S½;
Sec. 33, S½;
Sec. 34, S½;
Sec. 35, S½;
Sec. 36, S½.
T. 7 N., R. 101 W.,
Secs. 1 to 27, inclusive;
Sec. 28, N½;
Sec. 29, N½;
Sec. 30, N½;
Sec. 34, N½;
Secs. 35 and 36.
Tps. 8 to 12 N., R. 101 W.
T. 3 N., R. 102 W.,
Secs. 1 to 18, inclusive.
Tps. 4 and 5 N., R. 102 W.
T. 6 N., R. 102 W.,
Sec. 31, S½;
Sec. 32, S½;
Sec. 33, S½;
Sec. 34, S½;
Sec. 35, S½;
Sec. 36, S½.
T. 7 N., R. 102 W.,
Secs. 1 to 5, inclusive;
Sec. 6, E½;
Sec. 7, E½;
Secs. 8 to 17, inclusive;
Sec. 18, E½;
Sec. 19, E½;
Secs. 20 to 24, inclusive;
Sec. 25, N½;
Sec. 26, N½;
Sec. 27, N½;
Sec. 28, N½.
T. 8 N., R. 102 W.,
Secs. 1 to 4, inclusive;
Secs. 9 to 15, inclusive;
Sec. 16, N½;
Secs. 22 to 27, inclusive;
Sec. 32, SE¼;
Sec. 33, S½;
Secs. 34, 35, and 36.
T. 9 N., R. 102 W.,
Secs. 1 to 15, inclusive;
Sec. 16, E½;
Sec. 18, W½;
Sec. 19, W½;
Sec. 21, E½;
Secs. 22 to 27, inclusive;
Sec. 28, E½;
Sec. 33, E½;
Secs. 34, 35, and 36.
Tps. 10, 11, and 12 N., R. 102 W.
T. 3 N., R. 103 W.,
Secs. 1 to 18, inclusive.
Tps. 4 and 5 N., R. 103 W.
T. 6 N., R. 103 W.,
Sec. 27, S½S½;
Sec. 28, S½NW¼, SW¼, and S½SE¼;
Sec. 29, S½N½, and S½;
Secs. 30 to 34, inclusive;
Sec. 35, S½;
Sec. 36, S½.
T. 7 N., R. 103 W.,
Sec. 6.
T. 8 N., R. 103 W.,
Sec. 2, W½;
Secs. 3 to 10, inclusive;
Sec. 11, W½;
Secs. 16 to 21, inclusive;
Secs. 28 to 31, inclusive.
T. 9 N., R. 103 W.,
Secs. 1 to 35, inclusive.
Tps. 10, 11, and 12 N., R. 103 W.
T. 3 N., R. 104 W.,
Secs. 1, 2, 3, and 10 to 15, inclusive.
Tps. 4 and 5 N., R. 104 W.
T. 6 N., R. 104 W.,
Sec. 23, S½S½;
Sec. 24, S½SW¼;
Secs. 25, 26, 35, and 36.
T. 7 N., R. 104 W.,
Secs. 1 and 2.
Tps. 8 to 12 N., R. 104 W.

The area described aggregates approximately 1,127,678 acres of public land in Moffat County, Colo.

RIO BLANCO COUNTY

T. 2 S., R. 94 W.,
Secs. 5 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 32, inclusive.
T. 3 S., R. 94 W.,
Secs. 5 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 32, inclusive.
T. 4 S., R. 94 W.,
Sec. 4, W½;
Secs. 5 to 8, inclusive;
Sec. 9, W½;
Sec. 16, W½;
Secs. 17 and 18.
T. 1 N., R. 95 W.,
Secs. 5 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 34, inclusive.

T. 2 N., R. 95 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 20, inclusive;
Secs. 29 to 32, inclusive.
T. 3 N., R. 95 W.,
Secs. 28 to 33, inclusive.
Tps. 1 to 3 S., R. 95 W.
T. 4 S., R. 95 W.,
Secs. 1 to 18, inclusive.
Tps. 1 and 2 N., R. 96 W.
T. 3 N., R. 96 W.,
Secs. 19 to 36, inclusive.
Tps. 1 to 3 S., R. 96 W.
T. 4 S., R. 96 W.,
Secs. 1 to 18, inclusive.
Tps. 1 and 2 N., R. 97 W.
T. 3 N., R. 97 W.,
Secs. 19 to 36, inclusive.
Tps. 1 to 3 S., R. 97 W.
T. 4 S., R. 97 W.,
Secs. 1 to 18, inclusive.
Tps. 1 and 2 N., R. 98 W.
T. 3 N., R. 98 W.,
Secs. 19 to 36, inclusive.
Tps. 1 to 3 S., R. 98 W.
T. 4 S., R. 98 W.,
Secs. 1 to 18, inclusive.
Tps. 1 and 2 N., R. 99 W.
T. 3 N., R. 99 W.,
Secs. 19 to 36, inclusive.
Tps. 1 to 3 S., R. 99 W.
T. 4 S., R. 99 W.,
Secs. 1 to 18, inclusive.
Tps. 1 and 2 N., R. 100 W.
T. 3 N., R. 100 W.,
Secs. 19 to 36, inclusive.
Tps. 1 to 4 S., R. 100 W.
Tps. 1 and 2 N., R. 101 W.
T. 3 N., R. 101 W.,
Secs. 19 to 36, inclusive.
Tps. 1 to 4 S., R. 101 W.
Tps. 1 and 2 N., R. 102 W.
T. 3 N., R. 102 W.,
Secs. 19 to 36, inclusive.
Tps. 1 to 4 S., R. 102 W.
Tps. 1 and 2 N., R. 103 W.
T. 3 N., R. 103 W.,
Secs. 19 to 36, inclusive.
Tps. 1 to 4 S., R. 103 W.
Tps. 1 and 2 N., R. 104 W.
T. 3 N., R. 104 W.,
Secs. 22 to 27, inclusive;
Secs. 34, 35, and 36.
Tps. 1 to 4 S., R. 104 W.

The area described aggregates approximately 1,104,320 acres of public land in Rio Blanco County, Colo.

3. As provided in paragraph 1 above, the following lands are segregated from appropriation under the mining laws:

SIXTH PRINCIPAL MERIDIAN, COLORADO

MOFFAT COUNTY

Cedar Springs Draw Site

T. 6 N., R. 97 W.,
Sec. 23, E½E½SW¼, W½SE¼;
Sec. 26, W½NW¼NE¼, E½NE¼NW¼.

Cross Mountain Site

T. 6 N., R. 98 W.,
Sec. 13, SE¼NE¼, S½;
Sec. 14, SE¼.

Elk Springs Site

T. 5 N., R. 99 W.,
Sec. 25, NW¼SW¼, SE¼SW¼, S½SE¼.

Divide Creek Site

T. 3 N., R. 100 W.,
Sec. 13, SW¼.

Peterson Draw Site

T. 4 N., R. 100 W.,
Sec. 24, S½NE¼.

Disappointment Gulch Site

T. 5 N., R. 100 W.,
Sec. 12, SE¼;
Sec. 13, E½;
Sec. 24, E½.

Irish Canyon Site

T. 10 N., R. 101 W.,
Sec. 34, NE¼NW¼.

Blue Mountain Site

T. 3 N., R. 102 W.,
Sec. 5, N½SE¼, NE¼.

Goodman Gulch Site

T. 10 N., R. 102 W.,
Sec. 7, W½SW¼NE¼, E½SE¼NW¼, W½NW¼SE¼, NE¼SW¼.

RIO BLANCO COUNTY

Meeker-White River Site

T. 1 N., R. 96 W.,
Sec. 25, lots 16, 17, 20, and 22.

Red Wash Site

T. 2 N., R. 101 W.,
Sec. 11, lots 3, 4, 5, 8, 9, and 10.

Rangely Site

T. 1 N., R. 102 W.,
Sec. 11, SE¼SE¼;
Sec. 12, S½SW¼;
Sec. 13, N½NW¼.

Raven Ridge Site

T. 1 N., R. 103 W.,
Sec. 12, lots 5, 6, and 9.
T. 1 N., R. 102 W.,
Sec. 7, lot 9.

Mellen Hill Site

T. 2 N., R. 103 W.,
Sec. 4, S½.

The areas described aggregate approximately 1,837 acres of public lands.

4. For a period of 30 days after publication of this notice in the FEDERAL REGISTER, the classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior. All comments should be addressed to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240.

E. I. ROWLAND,
State Director.

[F.R. Doc. 67-4325; Filed, Apr. 19, 1967; 8:46 a.m.]

[Serial No. N-815]

NEVADA

Notice of Proposed Classification of Public Lands for Multiple Use Management

APRIL 13, 1967.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18), and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple use management the public lands described in paragraph 3 below, together with any lands therein that may become public lands in the future.

2. Publication of this notice has the effect (a) of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C. Chs. 7 and 9; 25 U.S.C. sec. 334); from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171); the Public Land Sale Act of September 19, 1964 (78 Stat. 988; 43 U.S.C. 1421-27); exchanges under section 8(b) of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g); from lease or sale under the Recreation and Public Purposes Act of June 14, 1926, as amended (44 Stat. 741; 43 U.S.C. 869) and (b) of further segregating the lands described in paragraph 4 of this notice from the operation of the general mining laws (30 U.S.C. 20). Except as provided in (a) and (b) above, the land shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing or material sale laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

3. The public lands proposed for classification are located within the following described area and are shown on a map and designated by Serial No. 815, in the Carson City District Office, Bureau of Land Management, 801 North Plaza Street, Carson City, Nev., and the Land Office, Bureau of Land Management, Room 3008 Federal Building, 300 Booth Street, Reno, Nev.

MOUNT DIABLO MERIDIAN, NEVADA

LYON COUNTY

T. 7 N., R. 26 E.,
Sec. 25, NE¼, S½;
Sec. 36, NE¼, SE¼NW¼, S½.
T. 9 N., R. 26 E.,
Secs. 1, 12, 13, 24, 25, and 36, unsurveyed.
T. 10 N., R. 26 E.,
Secs. 35 and 36.
T. 7 N., R. 27 E.,
Sec. 1, S½;
Secs. 2 to 18, inclusive;
Sec. 19, NE¼NE¼, NW¼NW¼, S½NW¼, SW¼;
Secs. 20 to 29, inclusive;
Sec. 30, NE¼, W½NW¼, W½SW¼, SE¼;
Secs. 31 to 36, inclusive.
T. 8 N., R. 27 E.,
Secs. 1 to 4, inclusive;
Sec. 5, N½, NE¼SW¼, N½SE¼, SE¼SE¼;
Secs. 6 and 7;
Sec. 8, NE¼NE¼, NW¼NW¼, S½NW¼, S½;
Sec. 9, N½, NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 10, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 11 to 14, inclusive;
Sec. 15, NE¼, NE¼NW¼, NW¼SW¼, S½SW¼, NE¼SE¼, S½SE¼;
Sec. 16, W½NE¼, W½, SE¼;
Sec. 21;
Sec. 22, N½NE¼, SE¼NE¼, W½, SW¼SE¼;
Sec. 23, NE¼, N½NW¼, SE¼NW¼, S½;
Secs. 24 to 28, inclusive;
Secs. 33 and 34;
Sec. 35, W½;
Sec. 36, NE¼, NW¼NW¼, SE¼.
T. 9 N., R. 27 E.,
Secs. 6, 7, 8, 17 and 18;
Sec. 19, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 20, N½, SE¼;
Sec. 21, W½;
Secs. 25 to 28, inclusive;
Sec. 29, NE¼SE¼, S½SE¼;
Sec. 30, W½;
Sec. 31, W½, E½SE¼;
Secs. 32 to 36, inclusive.
T. 10 N., R. 27 E.,
Sec. 31, unsurveyed.

MINERAL COUNTY

T. 6 N., R. 26 E.,
Secs. 1 and 12.
T. 5 N., R. 27 E.,
Sec. 1, NE¼, W½NW¼, NE¼SW¼, SE¼;
Sec. 2, N½NE¼, SW¼NE¼, NW¼, N½SW¼, SW¼SW¼;
Sec. 11, NW¼NW¼, S½NW¼, SW¼, S½SE¼;
Sec. 12, NE¼, NE¼NW¼, S½NW¼, S½;
Sec. 13;
Sec. 14, W½NE¼, W½, NW¼SE¼, S¼SE¼;
Sec. 23, 24, and 25, inclusive;
Sec. 26, Lots 1 to 7, inclusive, NE¼, NE¼NW¼, NE¼SE¼;
Sec. 36, Lots 1 to 6, inclusive, N½NE¼, SE¼NE¼, NE¼NW¼.
T. 6 N., R. 27 E.,
Secs. 1 and 2;
Sec. 3, NE¼, N½NW¼, SE¼NW¼, N½SE¼, SE¼SE¼;
Sec. 4, W½, SW¼SE¼;
Sec. 5 to 9, inclusive.
T. 6 N., R. 27 E.,
Sec. 10, NE¼NE¼, S½NW¼, SW¼, S½SE¼;
Sec. 11, N½NE¼, SE¼NE¼, NW¼;
Secs. 12 and 13;
Sec. 14, W½NW¼, S½;
Secs. 15 to 18, inclusive;
Secs. 20 to 23, inclusive;
Sec. 24, NE¼NE¼, S½NE¼, NW¼NW¼, S½NW¼, SW¼, N½SE¼;
Sec. 25, W½;
Sec. 26, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 35, N½NE¼, SE¼NE¼, NE¼NW¼, S½NW¼, S½;
Sec. 36, S½NE¼, NW¼, S½.
T. 7 N., R. 27 E.,
Sec. 30, NW¼SW¼.
T. 8 N., R. 27 E.,
Sec. 5, Lot 4, SW¼NW¼;
Sec. 6, Lot 1;
Sec. 15, S½SE¼;
Sec. 22, SE¼NE¼, SE¼SW¼, SW¼SE¼.
T. 9 N., R. 27 E.,
Sec. 21, Lot 6, NE¼SW¼;
Sec. 28, Lot 1, NE¼NW¼;
Sec. 31, E½SE¼.
T. 4 N., R. 28 E.,
Secs. 1 to 3, inclusive;
Sec. 4, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 5, Lot 5, N½, E½SW¼, SE¼;
Sec. 6, Lots 1 to 9, inclusive, SE¼NE¼;
Sec. 8, Lots 1 and 2, N½NE¼, SE¼NE¼;
Sec. 9, Lots 1 and 2, N½, NE¼SW¼, SE¼;
Secs. 10 to 12, inclusive;
Sec. 13, NW¼;
Sec. 14, N½;
Sec. 15, N½;
Sec. 16, Lots 1 to 4, inclusive, NE¼NE¼.
T. 5 N., R. 28 E.,
Secs. 2 and 3;
Sec. 4, NE¼, S½NW¼, S½;
Sec. 5, W½NE¼, E½NW¼, NW¼NW¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 6, N½NE¼, W½, W½SE¼, SE¼SE¼;
Sec. 7, N½SW¼, W½SE¼, exclusive of patented mining claims;
Sec. 8, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 9;
Sec. 10, exclusive of patented mining claims;
T. 5 N., R. 28 E.,
Sec. 11, NE¼, N½NW¼, SW¼NW¼, S½;
Secs. 14 and 15;
Sec. 16, NE¼, E½NW¼, NW¼NW¼, E½SW¼, SW¼SW¼, SE¼;
Sec. 17, N½NE¼, W½, exclusive of patented mining claims, S½SE¼, exclusive of patented mining claims;
Sec. 18, exclusive of patented mining claims;
Sec. 19, exclusive of patented mining claims;
Sec. 20, exclusive of patented mining claims;
Secs. 21 to 23, inclusive;
Sec. 25;
Sec. 26, N½, SW¼, N½SE¼;
Sec. 27, N½, SW¼, N½SE¼, SE¼SE¼;
Sec. 28, NE¼, NE¼NW¼, S½NW¼, S½;
Sec. 29, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 30, NE¼, exclusive of patented mining claims, W½, exclusive of patented mining claims, W½SE¼, NE¼SE¼;
Sec. 31, Lots 1 to 4, inclusive, NW¼NE¼, S½NE¼, E½NW¼, E½SW¼, SE¼;
Sec. 32, NE¼NE¼, W½SW¼, SE¼SW¼;
Sec. 33, NE¼, E½NW¼, SW¼NW¼, E½SW¼, N½SE¼, SE¼SE¼;
Sec. 34, N½, SW¼, N½SE¼, SE¼SE¼;
Sec. 35, NW¼, S½.
T. 6 N., R. 28 E.,
Secs. 1 to 18, inclusive;
Sec. 19, N½, N½SW¼, SW¼SW¼, N½SE¼, SE¼SE¼;
Secs. 20 to 22, inclusive;
Sec. 23, N½, SW¼, NE¼SE¼, S½SE¼;
Secs. 24 to 33, inclusive;
Sec. 34, N½NE¼, SE¼NE¼, NW¼, NW¼SW¼, SE¼SW¼, NE¼SE¼, S½SE¼;
Sec. 35, N½, S½SW¼, NE¼SE¼, S½SE¼;
Sec. 36.
T. 7 N., R. 28 E.,
Sec. 2, N½, E½SW¼, SE¼;
Secs. 3 to 9, inclusive;
Sec. 10, N½NE¼, SW¼NE¼, W½, SE¼;
Sec. 11, E½, W½SW¼;
Secs. 12 to 36, inclusive.
T. 8 N., R. 28 E.,
Secs. 4 to 9, inclusive;
Sec. 10, W½;
Sec. 15, W½NE¼, SE¼NE¼, W½, SE¼;
Secs. 16 to 22, inclusive;
Sec. 26, N½, SW¼, W½SE¼, SE¼SE¼;
Secs. 27 to 35, inclusive.
T. 9 N., R. 28 E.,
Secs. 28 to 33, inclusive.

The public lands in the areas described aggregate approximately 174,195 acres.

4. As provided in paragraph 2, the following described public lands which are a part of the lands described in paragraph 3 are further segregated from appropriation under the general mining laws but not the mineral leasing or material sale laws.

MOUNT DIABLO MERIDIAN, NEVADA

T. 7 N., R. 26 E.,
Sec. 25, NE¼SE¼, S½SE¼;
Sec. 36, N½NE¼.
T. 7 N., R. 27 E.,
Sec. 3, Lot 4, SW¼NW¼, NW¼SW¼;
Sec. 4, Lots 1 and 2, S½NE¼, E½SW¼, SE¼;
Sec. 5, S½SW¼, SE¼;
Sec. 7, E½E½;
Sec. 8, N½NE¼, NW¼, W½SW¼;
Sec. 9, NW¼NE¼, N½NW¼;
Sec. 17, W½NW¼, NW¼SW¼;
Sec. 18, Lots 3 and 4, NE¼NE¼, S½NE¼, SE¼NW¼, E½SW¼, N½SE¼, SW¼SE¼;
Sec. 19, NE¼NE¼;
Sec. 30, Lot 4, N½NE¼, SW¼NE¼, NW¼SW¼.
T. 8 N., R. 27 E.,
Sec. 5, Lot 4, SW¼NW¼, NE¼SW¼;
Sec. 6, Lot 1;
Sec. 8, NE¼NE¼;
Sec. 9, SW¼NW¼, NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 15, NE¼NW¼, S½SE¼;
Sec. 22, N½NE¼, SE¼NE¼, SE¼SW¼, SW¼SE¼;
Sec. 27, NW¼, W½SW¼;
Sec. 28, E½E½;
Sec. 33, E½;
Sec. 34, W½W½.
T. 9 N., R. 27 E.,
Sec. 21, Lot 6, NE¼SW¼;
Sec. 28, Lot 1, NE¼NW¼;
Sec. 31, E½SE¼.

The public lands in the areas described aggregate approximately 3,586.80 acres.

5. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, 801 North Plaza Street, Carson City, Nev. 89701.

6. A public hearing on the proposed classification will be held on May 15, 1967, at 10 a.m., in the Lyon County Courthouse, Yerington, Nev.

MARTIN W. BUZAN,
Acting State Director, Nevada.

[F.R. Doc. 67-4328; Filed, Apr. 19, 1967; 8:46 a.m.]

[New Mexico 1999]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

APRIL 15, 1967.

The Atomic Energy Commission has filed an application, Serial Number New Mexico 1999 for the withdrawal of lands described below from all forms of appropriation, including the general mining and the mineral leasing laws. The applicant desires the land for the conduct of an experiment called Project Gasbuggy which is for the purpose of stimulating natural gas production by means of nuclear explosives.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Chief, Division of Lands and Minerals Program Management and Land Office, Post Office Box 1449, Santa Fe, N. Mex. 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Atomic Energy Commission.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

T. 29 N., R. 4 W.,
Sec. 36.

The area described aggregates 640 acres.

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

[F.R. Doc. 67-4329; Filed, Apr. 19, 1967; 8:46 a.m.]

[Wyoming 5697]

WYOMING

Proposed Classification of Public Lands for Multiple Use Management

APRIL 13, 1967.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple use management the public lands described below, together with any lands therein that may become public lands in the future. Publication of this notice has the effect of segregating (a) all the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171); (b) the lands described in paragraph 3 of this notice from appropriation under the general mining laws (30 U.S.C. 21); and the lands shall remain open to all other applicable forms of appropriation, including the mining laws (except as provided in paragraph 3) and the mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Public lands located within the following described areas are shown on the Uinta and Lincoln County Planning Unit Classification Maps, which are on file in the District Office, Bureau of Land Management, Rock Springs, Wyo., and the Land Office, Bureau of Land Management, Federal Building, Cheyenne, Wyo. The general descriptions of the areas are as follows:

SIXTH PRINCIPAL MERIDIAN

UINTA COUNTY, WYOMING

All public lands within the following described areas, except those lands within Planning Unit 0471, as said planning unit is delineated upon the maps previously referred to:

Beginning at the junction of the Uinta-Lincoln-Sweetwater County lines; thence west along the Uinta-Lincoln County line to the Wyoming-Utah border; thence south along the Wyoming-Utah border to U.S. Highway 89; thence southeasterly along U.S. 89 to its junction with Interstate 80 at Evanston; thence easterly along Interstate 80 to the range line between Rs. 117 and 118 W.; thence south along said range line to the southwest corner of sec. 19, T. 15 N., R. 117 W.; thence east to the northeast corner of sec. 29, T. 15 N., R. 117 W.; thence south to the southeast corner of sec. 8, T. 14 N., R. 117 W.; thence east to the range line between Rs. 116 and 117 W.; thence south along said range line to the Wasatch National Forest Boundary; thence east and south along the Wasatch National Forest Boundary to its intersection with the Wyoming-Utah border in T. 12 N., R. 114 W.; thence east along the Wyoming-Utah border to the Uinta-Sweetwater County line; thence north along the Uinta-Sweetwater County line to the point of beginning.

Also the following described area:
All public lands within T. 12 N., R. 117 W.

LINCOLN COUNTY, WYOMING

All public lands within the following described area, except those lands within Planning Unit 0474, as said planning unit is delineated upon the maps previously referred to:

Beginning at the junction of the Lincoln-Uinta-Sweetwater County lines; thence north along the Lincoln-Sweetwater County line to the Lincoln-Sublette County line; thence west along the Lincoln-Sublette County line to the Green River; thence southerly down the Green River to the township line between Tps. 24 and 25 N., thence west along said township line to the range line between Rs. 115 and 116 W., in T. 25 N.; thence north along said range line to the Bridger National Forest Boundary; thence west and north along the Bridger National Forest Boundary to its intersection with the Wyoming-Idaho border in T. 28 N., R. 120 W.; thence south along the Wyoming-Idaho and Wyoming-Utah borders to the Lincoln-Uinta County lines; thence east along the Lincoln-Uinta County line to the point of beginning.

The total area of the public lands included within the purview of this notice of proposed classification aggregates approximately 1,295,065 acres.

3. As provided in paragraph 1 above, the following lands are further segregated from appropriation under the mining laws (aggregating approximately 23,113 acres):

UINTA COUNTY, WYOMING

T. 12 N., R. 117 W.,
Secs. 10, 14, and 22.
T. 17 N., R. 119 W.,
Sec. 20, SW¼SW¼.

LINCOLN COUNTY, WYOMING

T. 23 N., R. 116 W.,
Sec. 10, SW¼SE¼;
Sec. 15, lot 2.
T. 21 N., R. 117 W.,
Sec. 4, lot 8, SW¼NW¼, and NW¼SW¼;
Secs. 5 and 6;
Sec. 17, W½;
Sec. 18, lots 6, 7, and 8, SE¼NW¼;
Sec. 19, lots 5, 6, 7, and 8, E½W½, W½E½, E½NE¼, and NE¼SE¼;
Sec. 20, N½NW¼, SW¼NW¼, and NW¼SW¼;
Sec. 30, lots 5, 6, 7, and 8, E½W½;
Sec. 31, lots 5, 6, 7, and 8, W½NE¼, and E½W½.
T. 22 N., R. 117 W.,
Sec. 19, lots 14, 15, and 16;
Sec. 29, SW¼SW¼;
Sec. 30, lots 5 to 16, inclusive, S½SE¼;
Sec. 31, lots 5 to 16, inclusive, NE¼, N½SE¼, and SW¼SE¼;
Sec. 32, W½NW¼.
T. 23 N., R. 117 W.,
Sec. 31, N½NE¼NE¼.
T. 25 N., R. 117 W.,
Sec. 7, S½;
Secs. 18 and 19;
Sec. 30, lots 5, 6, 7, and 8, NE¼, and E½W½;
Sec. 31, lots 5, 6, 7, and 8, E½W½.
T. 21 N., R. 118 W.,
Sec. 1, lots 5 and 6, S½NE¼ and SE¼;
Sec. 13, SE¼SW¼ and SE¼;
Sec. 23, SE¼SW¼ and SE¼;
Secs. 24 to 27, inclusive;
Sec. 28, NE¼, NW¼NW¼, S½NW¼, and S½;
Sec. 29, SE¼NE¼ and E½SE¼;
Sec. 34, NE¼, N½NW¼, SE¼NW¼, and N½SE¼;
Sec. 35, N½ and N½S½.
T. 22 N., R. 118 W.,
Sec. 11, SE¼;
Sec. 13, SW¼NW¼, NW¼SW¼, and S½S½;
Sec. 14, NE¼, S½NW¼, and S½;
Sec. 15, S½N½ and S½;
Sec. 23, N½ and E½SE¼;
Secs. 24 and 25;
Sec. 26, E½E½.
T. 23 N., R. 118 W.,
Sec. 26, SE¼SE¼.
T. 24 N., R. 118 W.,
Sec. 4, lot 8.
T. 25 N., R. 118 W.,
Sec. 13;
Sec. 19, lot 38;
Sec. 20, lot 33;
Secs. 23 and 24;
Sec. 25, lots 1, 2, 3, and 4, N½ and N½S½;
Sec. 26;
Sec. 31, lots 11, 12, 21, and 22;
Sec. 35, lots 2, 3, 6, and 7, W½ and W½E½;
Sec. 36, lots 1, 10, 11, 20, 21, 22, and 23.
T. 26 N., R. 119 W.,
Sec. 4, N½NW¼;
Sec. 5, NW¼.
T. 27 N., R. 119 W.,
Sec. 33, SW¼.
T. 28 N., R. 119 W.,
Sec. 19, SW¼NW¼;
Sec. 26, S½NW¼.
T. 28 N., R. 120 W.,
Sec. 24, SE¼NE¼.

4. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Rock Springs District Office, Bureau of Land Management, Post Office Box 1088, Rock Springs, Wyo. 82901.

5. Public hearings on the proposed classification will be held on June 1, 1967 at 10 a.m. in the Courtroom, Uinta County Courthouse, Evanston, Wyo., and on June 2, 1967 at 10 a.m. in the Courtroom, Lincoln County Courthouse, Kemmerer, Wyo.

ED PIERSON,
State Director.

[F.R. Doc. 67-4330; Filed, Apr. 19, 1967; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

[Notice 18]

SUGARBEETS IN MICHIGAN

Extension of Closing Date for Filing of Applications for 1967 Crop Year

Pursuant to the authority contained in § 401.3 of Title 7, as amended, and pur-

suant to paragraph 1 of the resolution adopted by the Board of Directors of the Federal Crop Insurance Corporation on March 19, 1954, the time for filing applications for sugarbeet crop insurance for the 1967 crop year in all counties in Michigan where such insurance is otherwise authorized to be offered is hereby extended until the close of business on April 28, 1967. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 67-4378; Filed, Apr. 19, 1967; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

MEIER'S WINE CELLARS, INC.

Notice of Withdrawal of Petition for Food Additive Metatartaric Acid

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Meier's Wine Cellars, Inc., 6955 Plainfield Park, Silverton, Cincinnati, Ohio 45236, has withdrawn its petition (FAP 6A2035), notice of which was published in the FEDERAL REGISTER of August 27, 1966 (31 F.R. 11402), proposing the issuance of a regulation to provide for the safe use of metatartaric acid as a stabilizer in wine.

Dated: April 12, 1967.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 67-4375; Filed, Apr. 19, 1967; 8:50 a.m.]

ROHM AND HAAS CO.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 7F0583) has been filed by Rohm and Haas Co., Independence Mall West, Philadelphia, Pa. 19105, proposing the establishment of a tolerance of 1 part per million for residues of the herbicide 2,4-dichlorophenyl-*p*-nitrophenyl ether in or on the raw agricultural commodities broccoli, brussels sprouts, cabbage, cauliflower, and kohlrabi.

The analytical methods proposed in the petition for determining residues of the herbicide are:

1. Extraction with methylene dichloride, reduction of the nitro group, diazotization, coupling with *N*-alpha-naphthyl-*N'*-diethylpropylenediamine, and measurement of the absorbance at 565 millimicrons.

2. Gas-liquid chromatography using an electron capture detector.

Dated: April 12, 1967.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 67-4376; Filed, Apr. 19, 1967; 8:50 a.m.]

UPJOHN CO.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 7F0585) has been filed by The Upjohn Co., Kalamazoo, Mich. 49001, proposing the establishment of a tolerance of 1 part per million for residues of the herbicide diphenamid (*N,N*-dimethyl-2,2-diphenylacetamide) in or on the raw agricultural commodity strawberries.

The analytical method proposed in the petition for determining residues of the herbicide is vapor-phase chromatography and flame ionization detection.

Dated: April 12, 1967.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 67-4377; Filed, Apr. 19, 1967; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Informal List No. 6/66]

DOMINICAN REPUBLIC BROADCASTING STATIONS

Additions and Changes in Assignments

OCTOBER 6, 1966.

Notification of new Dominican Republic broadcasting stations and of changes in or deletions of existing stations made in conformity with Part III section II of the North American Regional Broadcasting Agreement, Washington, D.C.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		1510 kc/s				
HIPS (new)	Nagua	1 kwD/0.25 kwN.	ND	U	III	11-15-66.
		1400 kc/s				
HIBN (changes in frequency and power, previously 1380 kc/s, 0.5 kwD/0.1 kwN).	Puerto Plata	1 kwD/0.25 kwN.	ND	U	IV	12- 1-66.
		1180 kc/s				
HIBE (increase in power, previously 1 kwD/0.25 kwN).	Santo Domingo	10 kwD/0.250 kwN.	ND	U	II	2-11-67.
		1450 kc/s				
HIDB (change in frequency, previously 1380 kc/s).	San Pedro de Macoris	1 kwDN	ND	U	IV	2-15-67.
		540 kc/s				
HIBW (change in power, previously 1 kwD/0.25 kwN).	Santo Domingo	5 kwD/1 kwN	ND	U	III	12- 1-66.
		1440 kc/s				
HIFS (new)	Nagua	250 Watts DN	ND	U	III	1- 1-67.
		1580 kc/s				
HIST (new)	Santiago	5 kwD/1 kwN	ND	U	III	3- 1-67.
		1450 kc/s				
HIVG (new)	La Vega	1 kwD/0.25 kwN.	ND	U	III	1- 1-67.
		1100 kc/s				
HIMH (new)	do	0.25 kw/ND	ND	U	III	1- 1-67.
		1440 kc/s				
HIAK (increase in power, previously 0.25 kwDN).	Santo Domingo	1 kwD/0.25 kwN.	ND	U	III	11-17-66.
		1450 kc/s				
HIBO (change in power, previously 0.5 kwD/0.25 kwN).	Constanza	1 kwD/0.250 kwN.	ND	U	IV	12- 3-66.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
HIBL (changes in frequency and power, previously 1520 kc/s, 1 kwDN).	Santo Domingo	700 kc/s 5 kwD/1 kwN	ND	U	II	11- 6-66.
HIZ (changes in frequency and power, previously 740 kc/s, 1 kwDN).	do	730 kc/s 5 kwD/1 kwN	ND	U	II	11-10-66.
HIFS (new)	San Francisco de Macoris.	600 kc/s 0.250 kwD/0.100 kwN.	ND	U	III	2- 1-67.
HIJR (new)	Santo Domingo	1580 kc/s 5 kwD/1 kwN	ND	U	III	1- 6-67.
HIFP (new)	do	1560 kc/s 1 kwD/0.250 kwN.	ND	U	II	12-25-66.
HIBC (increase in power, previously 1 kwD/0.1 kwN).	San Francisco de Macoris.	1550 kc/s 5 kwD/0.5 kwN.	ND	U	III	1-30-67.
HIBI (change in frequency, previously 1560 kc/s).	do	1070 kc/s 1 kwD/0.250 kwN.	ND	U	II	1-25-67.
HIAT (increase in power, previously 5 kwDN).	Santo Domingo	650 kc/s 10 kwD/2 kwN	ND	U	II	1-10-67.
HIPJ (increase in power, previously 1 kwD/0.25 kwN).	do	890 kc/s 5 kwDN	ND	U	II	2- 5-67.

FCC NOTE: Dominican Republic Change List No. 6/96 has not been received through official channels as of Apr. 11, 1967.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-4368; Filed, Apr. 19, 1967; 8:50 a.m.]

[Docket No. 15415; FCC 67-461]

COMMUNITY ANTENNA TELEVISION SYSTEMS

Order Terminating Proceeding

In the matter of acquisition of community antenna television systems by television broadcast licensees, Docket No. 15415.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 12th day of April 1967;

For the reasons stated in our Notice of Inquiry in Docket No. 17371 issued this day: *It is ordered*, That this proceeding is hereby terminated.

Released: April 17, 1967.

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

[F.R. Doc. 67-4365; Filed, Apr. 19, 1967; 8:49 a.m.]

[Docket No. 17371; FCC 67-460]

CATV INDUSTRY

Notice of Inquiry Regarding Developing Patterns of Ownership

1. The orderly accommodation of CATV into the structure of national communications policy has presented the Commission with a host of problems and will, no doubt, continue to do so. At the same time, the Commission recognizes in CATV an important potential for realizing its overall responsibilities to the public interest in broader dissemination and greater diversification of program sources. This potential of CATV imposes varied obligations on the Commission but the one with which we are here concerned is our duty to take an affirmative role in shaping the development of the CATV industry to maximize its potential for public service.

2. The emerging pattern of growth indicates that CATV is ceasing to be simply a passive reception device of utility solely in outlying areas away from regular television service; rather, it is developing into a significant force in communications on its own merits. Coupled with this development, we observe an increasing trend toward program origination on CATV systems. Taken together, the rapid spread and changing nature of CATV call for consideration by the Commission of the long-range function and role of CATV in the totality of communication services; we are giving this matter continuing consideration. At this time, however, we feel that the promised emergence of CATV systems with programing capability in large metropolitan markets requires that we begin to consider the application of more traditional policies and rules on concentration of control, duopoly, and diversification of mass media.

3. The information now available to us is by no means conclusive, but is sufficient to indicate need for re-examination (see First Report in Docket No. 15415, FCC 65-688 (1965)) of the whole question of CATV ownership and cross-ownership. Consequently, we believe it appropriate to inaugurate general inquiry into the present ownership of the CATV industry and the probable future ownership of the industry. On the basis of the limited information available, we do not believe it appropriate to do more at this time than seek views and suggested courses of action from interested parties; however, if the early responses to this inquiry appear to justify such action, this inquiry may be expanded to include proposed rule making.

4. Without intending to restrict comment, we think it helpful to point out that our main areas of concern at this time are focused on the public interest questions arising from ownership and control of CATV systems by Commission licensees in other communication services, excluding the new Community Antenna Relay Service; and the public interest problems that may be inherent in such cross-ownership. As indicated, we also desire comment on the question of whether our present rules and policies relating to such matters as multiple ownership, duopoly, concentration of control, and diversification of mass media should be adapted to ownership and control of CATV by licensees, or whether other more appropriate standards are indicated.

5. In September of 1966, the Commission sent out to all known CATV operators and also published in the FEDERAL REGISTER (31 F.R. 12811) a CATV information report (Form 325). This report called for information relating to the operations and ownership of CATV systems. These reports are public and available for inspection in the Commission's offices; the information in the reports has also been summarized and published in varying degrees by some trade publications. The Commission is also compiling, summarizing, and analyzing the data contained in the forms. While we recognize that the reports reflected the general state of the industry only as of December 1, 1966, we believe that they are sufficiently comprehensive and contemporaneous to form a helpful basis, at least initially for analysis, comment, and suggestion as to indicated courses of action by the Commission.

6. We recognize that, as this inquiry develops, certain gaps in our information returns may become evident. It may also appear necessary that the information returns be up-dated or required to be filed on a continuing basis to reflect changes and new entry. Comment and suggestion are invited as to these matters. If appropriate, this aspect of the notice of inquiry may be separated and expedited for early consideration and action. Some of the information called for by this notice of inquiry has already been filed in Docket No. 15415. Where relevant, it will be incorporated into this docket and, of course, need not be refiled. In view of

[1] Commissioner Wadsworth absent.

the broader nature of this inquiry, we think it appropriate to terminate Docket No. 15415 at this time and we are simultaneously with the issuance of this notice issuing an order accomplishing that end.

7. In view of the foregoing, we invite comments from interested parties on all aspects of the matters discussed above; in addition, we will be happy to receive comments which indicate other related matters which should be considered in this proceeding.

8. Authority for the adoption of this Notice is contained in section 403 of the Communications Act of 1934, as amended.

9. Pursuant to the procedures contained in § 1.415 of the Commission's rules, interested parties may file comments on or before June 6, 1967, and reply comments on or before June 21, 1967. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. The Commission may also consider other relevant information available to it, in addition to the specific comments invited by this Notice.

10. Pursuant to the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: April 12, 1967.

Released: April 17, 1967.

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

[F.R. Doc. 67-4366; Filed, Apr. 19, 1967; 8:49 a.m.]

[Docket Nos. 15835 etc.; FCC 67M-634]

LEBANON VALLEY RADIO ET AL.

Order Continuing Hearing

In re applications of Arthur K. Greiner, Glenn W. Winter, William W. Rakow, Robert M. Lesher, doing business as Lebanon Valley Radio, Lebanon, Pa., Docket No. 15835, File No. BP-16098; John E. Hewitt, Thomas A. Ehrgood, Clifford A. Minnich, and Fitzgerald C. Smith, doing business as Cedar Broadcasters, Lebanon, Pa., Docket No. 15836, File No. BP-16103; Catonsville Broadcasting Co., Catonsville, Md., Docket No. 15838, File No. BP-16105; Radio Catonsville, Inc., Catonsville, Md., Docket No. 15839, File No. BP-16106; for construction permits.

The Hearing Examiner having under consideration a "Petition For Continuance" filed on April 14, 1967, by Cedar Broadcasters;

It appearing, that the two Lebanon, Pa., applicants herein have agreed to merge;

It is ordered, This 17th day of April 1967, that the aforesaid petition for continuance is granted and the hearing scheduled for tody's date is continued to June 19, 1967, at 10 a.m.

Released: April 17, 1967.

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

[F.R. Doc. 67-4367; Filed, Apr. 19, 1967; 8:49 a.m.]

[Docket No. 16043; FCC 67M-627]

SPORTS NETWORK, INC., AND AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Rescheduling Hearing

Sports Network, Inc., New York, N.Y., complainant, versus American Telephone and Telegraph Co., New York, N.Y., defendant, Docket No. 16043.

On the unopposed oral request of counsel for AT&T, the hearing is rescheduled from April 25 to April 26, 1967.

Dated: April 14, 1967.

Released: April 17, 1967.

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

[F.R. Doc. 67-4369; Filed, Apr. 19, 1967; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[Case No. 368]

OESTERREICHISCHE PREMABERG G.M.B.H AND ERICH GORDON

Order Denying Export Privileges

In the matter of Oesterreichische Premaberg G.m.b.H. and Erich Gordon Porzellangasse 19, Vienna IX, Austria, respondents; Case No. 368.

The Director, Investigations Division, Office of Export Control, issued a charging letter against the above respondents on February 9, 1967. The charging letter in substance alleged that on or about December 8, 1965, a blowout preventer and accessory (used in rotary drilling) valued at $26,843, were exported to the respondents from the United States and that without authorization the respondents knowingly caused the reexportation of said commodities from the Federal Republic of Germany to East Germany, and that respondents failed to notify the Office of Export Control of their intention to reexport said commodities to East Germany, which was contrary to their prior representation.

Respondents filed an answer dated February 27, 1967 in which they acknowledged the reexportation of the commodities to East Germany. The answer contained certain allegations which the respondents requested be taken into consideration in mitigation of the violations. The respondents did not request an oral hearing. In accordance with the usual practice where there is no request for an oral hearing, an informal hearing was held before the Compliance Commissioner on March 20, 1967, at which evidence in support of the charges was presented on behalf of the Investigations Division and a record was made.

The Compliance Commissioner has considered the record in the case and he has recommended that remedial action as hereinafter set forth be taken against the respondents. On consideration of the record and of the Compliance Commissioner's Report, I hereby make the following findings of fact:

1. The respondent firm Oesterreichische Premaberg G.m.b.H. (Premaberg) is a limited liability company with a place of business in Vienna, Austria. The firm is an importer and distributor of oilfield equipment and a substantial part of its business is in U.S.-origin goods. The respondent Erich Gordon is part owner of the firm and also its manager and he handled the transaction in question on its behalf.

2. On September 28, 1965, Gordon, on behalf of Premaberg, ordered from a U.S. supplier a blowout preventer and rubber packing unit to be used therewith, having a total value of $26,843. These items are used in connection with drilling equipment for gas or oil. The respondents in writing requested a New York forwarding firm to handle the exportation and to obtain the necessary licenses. The respondents furnished said forwarding firm with a Single Transaction Statement (Form FC-842) signed by an authorized representative of Premaberg.

3. The aforesaid Form FC-842 represented that the equipment in question, for which an export license was sought, would be used in Austria and would not be sold outside of that country. The signed certification on this form stated that the firm would notify the supplier of any changed facts or intentions and, except as specifically authorized by the U.S. Export Regulations or by prior written approval of the U.S. Department of Commerce, would not reexport or resell the commodities to any country not approved for export or to any person if there was reason to believe that it would result in disposition of the commodities contrary to the representations in the statement. In reliance on the representations in the Form FC-842 a validated license was issued by the Office of Export Control authorizing exportation of the commodities to Premaberg for ultimate destination Austria.

4. The goods in question were exported by ocean vessel on or about December 8, 1965, by the aforesaid New York forwarding firm as agent for Premaberg and, as requested by Premaberg, the shipment was consigned to a forwarding firm in Hamburg, West Germany, with arrival notice to be given to Premaberg, Vienna.

5. On December 16, 1965, Gordon, on behalf of Premaberg, wrote to the Hamburg forwarding firm to which the goods were consigned and requested said firm "as agreed" to try and unload the goods at Bremerhaven and to transfer them by truck to a second forwarding firm in Hamburg. With this letter, Premaberg

[1] Commissioner Wadsworth absent.

transmitted the original bill of lading which bore the destination control statement showing that the goods were licensed for ultimate destination Austria.

6. The consignee forwarding firm did unload the goods in Bremerhaven and turned them over to the second forwarding firm designated by respondents.

7. Contrary to the representations made by respondents in the Form FC–842, contrary to the conditions of the export license, and contrary to the restriction in the destination control statement on the bill of lading, the respondents sold the equipment in question to the firm DIA-Maschinen-Export, East Berlin, and had the equipment exported to the designee of said firm in East Germany.

8. The respondents knew that the commodities in question were of U.S.-origin and that it was in violation of the U.S. Export Regulations to reexport said commodities to East Germany without first obtaining authorization from the U.S. Government.

Based on the foregoing findings of fact, it is concluded that the respondents violated the following provisions of the U.S. Export Regulations: § 381.6, in that without specific authorization from the Office of Export Control they knowingly caused U.S.-origin commodities to be reexported, transshipped and diverted from the Federal Republic of Germany to East Germany contrary to the provisions of the U.S. Export Regulations; § 381.5, in that prior to the reexportation of the goods in question to East Germany they failed to notify the Office of Export Control of their intention to so reexport, which failure was contrary to the certification made by them before the goods were exported from the United States.

With reference to the culpability of respondents and the sanctions that should be imposed the Compliance Commissioner stated as follows:

> There is no dispute that the goods in question were exported from the United States to West Germany for ultimate destination Austria and, under instructions from respondents, were diverted to East Germany. If the respondents, at the time they ordered the goods from the U.S. supplier, did not intend to divert them to East Germany (as they claim), they did have this intention before the goods were exported from the United States. They could have abandoned their illegal scheme and prevented the exportation. They chose, however, to proceed with the transaction which they knew was in violation of the U.S. Export Regulations. Their profit on this transaction was approximately $5,000.
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> Turning now to the matter of sanctions that should be imposed. This was a deliberate and knowing violation of the Export Regulations in which the respondents engaged for a substantial profit. At the outset of the investigation they were evasive and uncooperative and gave misleading information to inquiries. However, it is to be noted to their credit that in responding to the interrogatories they admitted the facts concerning their participation in the violative transaction. This is not to say that the violation could not have been proved without their admissions. They have in a sense admitted their guilt and placed themselves at the mercy of the administrative officials. They have not taken a hostile attitude and have given assurance of future compliance with the U.S. export laws. The respondents claim that this is their first offense against U.S. export laws and there is nothing in the files of the Investigations Division to dispute this.
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> Considering all of the circumstances in the case, I recommend that the respondents be denied export privileges for three years, with conditional restoration of such privileges after nine months while they remain on probation for the balance of the denial period.

After considering the record in the case and the report and recommendation of the Compliance Commissioner and being of the opinion that his recommendation as to the sanctions that should be imposed is fair and just and calculated to achieve effective enforcement of the law: *It is hereby ordered:*

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. Except as qualified in Part IV hereof, the respondents for a period of 3 years from the effective date of this order are hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the export regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data; (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their representatives, agents, partners, and employees, and also to any person, firm, corporation, or other business organization with which they now or hereafter may be related by affiliation, ownership, control position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. Nine months after the effective date hereof, without further order of the Bureau of International Commerce, the respondents shall have their export privileges restored conditionally and thereafter for the remainder of the three year denial period the respondents shall be on probation. The conditions of such restoration are that the respondents shall fully comply with all requirements of the Export Control Act of 1949, as amended, and all regulations, licenses, and orders issued thereunder.

V. Upon a finding by the Director, Office of Export Control, or such other official as may be exercising the duties now exercised by him, that the respondents have knowingly failed to comply with the requirements and conditions of this order or with the conditions of probation, said official at any time, with or without prior notice to said respondents, by supplemental order, may revoke the probation of said respondents, or any of them, revoke all outstanding validated export licenses to which any of said respondents may be a party, and deny to said respondents all export privileges for a period up to 27 months. Such order shall not preclude the Bureau of International Commerce from taking further action for any violation as shall be warranted. On the entry of a supplemental order revoking respondents' probation without notice, they may file objections and request that such order be set aside, and may request an oral hearing, as provided in § 382.16 of the Export Regulations, but pending such further proceedings, the order of revocation shall remain in effect.

VI. During the time when any respondent or other person within the scope of this order is prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with a respondent or other person denied export privileges within the scope of this order, or whereby any such respondent or such other person may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or other person denied export privileges within the scope of this order; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

This order shall become effective on April 20, 1967.

Dated: April 12, 1967.

RAUER H. MEYER,
Director,
Office of Export Control.

[F.R. Doc. 67-4306; Filed, Apr. 19, 1967; 8:45 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTANT REGIONAL ADMINISTRATOR FOR RENEWAL ASSISTANCE ET AL., REGION I (NEW YORK)

Redelegations of Authority With Respect to Specific Programs; Revocations

SECTION A. *Authority redelegated to Assistant Regional Administrator for Renewal Assistance and Deputy Assistant Regional Administrator for Renewal Assistance.* The Assistant Regional Administrator for Renewal Assistance and the Deputy Assistant Regional Administrator for Renewal Assistance, Region I (New York, N.Y.), each is hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development to the extent redelegated to the Regional Administrator and to the Deputy Regional Administrator in section A of the redelegations of authority of the Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8966–8967, June 29, 1966), with respect to the following programs, except the power and authority to authorize loans, grants, and advances and to amend or modify the terms thereof:

1. Slum Clearance and Urban Renewal Program under Title I of the Housing Act of 1949, as amended (42 U.S.C. 1450–1468), and section 312 of the Housing Act of 1954 (42 U.S.C. 1450 note).

2. Neighborhood Facilities Grant Program under sections 703 and 705 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3103 and 3105).

3. Compensation of condemnees under Title IV of the Housing and Urban Development Act of 1965 (42 U.S.C. 3071 et seq.) to the extent applicable to matters redelegated herein.

SEC. B. *Authority redelegated to Assistant Regional Administrator for Renewal Assistance, Deputy Assistant Regional Administrator for Renewal Assistance, and others.* The Assistant Regional Administrator for Renewal Assistance, the Deputy Assistant Regional Administrator for Renewal Assistance, the Chief, Rehabilitation Loan and Grant Branch, and the Area Rehabilitation Loan Specialists, Region I (New York, N.Y.), each is hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development to the extent redelegated to the Regional Administrator and to the Deputy Regional Administrator in section A of the redelegations of authority of the Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8966–8967, June 29, 1966), with respect to the Rehabilitation Loan Program under section 312 of the Housing Act of 1964, as amended (42 U.S.C. 1452b).

SEC. C. *Revocations.* The following redelegations of authority are hereby revoked as of the date of publication of this document in the FEDERAL REGISTER:

1. Redelegation of authority to the Regional Director of Urban Renewal, Region I (New York, N.Y.) (30 F.R. 14580, Nov. 23, 1965), insofar as related to the slum clearance and urban renewal program under Title I of the Housing Act of 1949, as amended (42 U.S.C. 1450–1468), and section 312 of the Housing Act of 1954 (42 U.S.C. 1450 note).

2. Redelegation of authority to the Regional Director of Urban Renewal, the Regional Rehabilitation Loan Officer, and the Area Rehabilitation Loan Specialists, Region I (New York, N.Y.) (30 F.R. 11405, Sept. 8, 1965), with respect to rehabilitation loans authorized under section 312 of the Housing Act of 1964 (42 U.S.C. 1452b).

(Redelegations of authority by Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8966–8967, June 29, 1966))

Effective date. The redelegations of authority in sections A and B above shall be effective as of November 9, 1966.

JUDAH GRIBETZ,
Regional Administrator, Region I.

[F.R. Doc. 67-4357; Filed, Apr. 19, 1967; 8:49 a.m.]

ASSISTANT REGIONAL ADMINISTRATOR FOR RENEWAL ASSISTANCE ET AL., REGION II (PHILADELPHIA)

Redelegations of Authority With Respect to Specific Programs; Revocations

SECTION A. *Authority redelegated to Assistant Regional Administrator for Renewal Assistance and Deputy Assistant Regional Administrator for Renewal Assistance.* The Assistant Regional Administrator for Renewal Assistance and the Deputy Assistant Regional Administrator for Renewal Assistance, Region II (Philadelphia, Pa.), each is hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development to the extent redelegated to the Regional Administrator and to the Deputy Regional Administrator in section A of the redelegations of authority of the Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8966–8967, June 29, 1966), with respect to the following programs, except the power and authority to authorize loans, grants, and advances and to amend or modify the terms thereof:

1. Slum Clearance and Urban Renewal Program under Title I of the Housing Act of 1949, as amended (42 U.S.C. 1450–1468), and section 312 of the Housing Act of 1954 (42 U.S.C. 1450 note).

2. Neighborhood Facilities Grant Program under sections 703 and 705 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3103 and 3105).

3. Compensation of condemnees under Title IV of the Housing and Urban Development Act of 1965 (42 U.S.C. 3071 et seq.) to the extent applicable to matters redelegated herein.

SEC. B. *Authority redelegated to Assistant Regional Administrator for Renewal Assistance, Deputy Assistant Regional Administrator for Renewal Assistance, and others.* The Assistant Regional Administrator for Renewal Assistance, the Deputy Assistant Regional Administrator for Renewal Assistance, the Chief, Rehabilitation Loan and Grant Branch, and the Area Rehabilitation Loan Specialists, Region II (Philadelphia, Pa.), each is hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development to the extent redelegated to the Regional Administrator and to the Deputy Regional Administrator in section A of the redelegations of authority of the Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8966–8967, June 29, 1966), with respect to the Rehabilitation Loan Program under section 312 of the Housing Act of 1964, as amended (42 U.S.C. 1452b).

SEC. C. *Revocation.* The following redelegations of authority are hereby revoked as of the date of publication of this document in the FEDERAL REGISTER.

1. Redelegation of authority to the Regional Director of Urban Renewal, Region II (Philadelphia, Pa.), (30 F.R. 14580, Nov. 23, 1965), insofar as related to the slum clearance and urban renewal program under Title I of the Housing Act of 1949, as amended (42 U.S.C. 1450–1468), and section 312 of the Housing Act of 1954 (42 U.S.C. 1450 note).

2. Redelegation of authority to the Regional Director of Urban Renewal, the Regional Rehabilitation Loan Officer, and the Area Rehabilitation Loan Specialists, Region II (Philadelphia, Pa.) (30 F.R. 11405, Sept. 8, 1965), with respect to rehabilitation loans authorized under section 312 of the Housing Act of 1964 (42 U.S.C. 1452b).

(Redelegations of authority by Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8966–8967, June 29, 1966))

Effective date. The redelegations of authority in sections A and B above shall be effective as of November 9, 1966.

WARREN P. PHELAN,
Regional Administrator, Region II.

[F.R. Doc. 67-4358; Filed, Apr. 19, 1967; 8:49 a.m.]

ASSISTANT REGIONAL ADMINISTRATOR FOR RENEWAL ASSISTANCE ET AL., REGION IV (CHICAGO)

Redelegations of Authority With Respect to Specific Programs; Revocations

SECTION A. *Authority redelegated to Assistant Regional Administrator for Renewal Assistance and Deputy Assistant Regional Administrator for Renewal Assistance.* The Assistant Regional Administrator for Renewal Assistance and the Deputy Assistant Regional Administrator for Renewal Assistance, Region IV (Chicago, Ill.), each is hereby authorized to exercise the power and authority of the Secretary of Housing

and Urban Development to the extent redelegated to the Regional Administrator and to the Deputy Regional Administrator in section A of the redelegations of authority of the Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8966–8967, June 29, 1966), with respect to the following programs, except the power and authority to authorize loans, grants, and advances and to amend or modify the terms thereof:

1. Slum Clearance and Urban Renewal Program under Title I of the Housing Act of 1949, as amended (42 U.S.C. 1450–1468), and section 312 of the Housing Act of 1954 (42 U.S.C. 1450 note).

2. Neighborhood Facilities Grant Program under sections 703 and 705 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3103 and 3105).

3. Compensation of condemnees under Title IV of the Housing and Urban Development Act of 1965 (42 U.S.C. 3071 et seq.) to the extent applicable to matters redelegated herein.

SEC. B. *Authority redelegated to Assistant Regional Administrator for Renewal Assistance, Deputy Assistant Regional Administrator for Renewal Assistance, and others.* The Assistant Regional Administrator for Renewal Assistance, the Deputy Assistant Regional Administrator for Renewal Assistance, the Chief, Rehabilitation Loan and Grant Branch, and the Area Rehabilitation Loan Specialists, Region IV (Chicago, Ill.), each is hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development to the extent redelegated to the Regional Administrator and to the Deputy Regional Administrator in section A of the redelegations of authority of the Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8966–8967, June 29, 1966), with respect to the Rehabilitation Loan Program under section 312 of the Housing Act of 1964, as amended (42 U.S.C. 1452b).

SEC. C. *Revocations.* The following redelegations of authority are hereby revoked as of the date of publication of this document in the FEDERAL REGISTER:

1. Redelegation of authority to the Regional Director of Urban Renewal, Region IV (Chicago, Ill.) (30 F.R. 14580, Nov. 23, 1965), insofar as related to the slum clearance and urban renewal program under Title I of the Housing Act of 1949, as amended (42 U.S.C. 1450–1468), and section 312 of the Housing Act of 1954 (42 U.S.C. 1450 note).

2. Redelegation of authority to the Regional Director of Urban Renewal, the Regional Rehabilitation Loan Officer, and the Area Rehabilitation Loan Specialists, Region IV (Chicago, Ill.) (30 F.R. 11405, Sept. 8, 1965), with respect to rehabilitation loans authorized under section 312 of the Housing Act of 1964 (42 U.S.C. 1452b).

(Redelegations of authority by Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8966–8967, June 29, 1966))

Effective date. The redelegations of authority in sections A and B above shall be effective as of November 9, 1966.

JOHN P. MCCOLLUM,
Regional Administrator, Region IV.

[F.R. Doc. 67-4356; Filed, Apr. 19, 1967; 8:49 a.m.]

ASSISTANT REGIONAL ADMINISTRATOR FOR RENEWAL ASSISTANCE ET AL., REGION V (FORT WORTH)

Redelegations of Authority With Respect to Specific Programs; Revocations

SECTION A. *Authority redelegated to Assistant Regional Administrator for Renewal Assistance and Deputy Assistant Regional Administrator for Renewal Assistance.* The Assistant Regional Administrator for Renewal Assistance and the Deputy Assistant Regional Administrator for Renewal Assistance, Region V (Fort Worth), each is hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development to the extent redelegated to the Regional Administrator and to the Deputy Regional Administrator in section A of the redelegations of authority of the Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8966–8967, June 29, 1966), with respect to the following programs, except the power and authority to authorize loans, grants, and advances and to amend or modify the terms thereof:

1. Slum Clearance and Urban Renewal Program under Title I of the Housing Act of 1949, as amended (42 U.S.C. 1450–1468), and section 312 of the Housing Act of 1954 (42 U.S.C. 1450 note).

2. Neighborhood Facilities Grant Program under sections 703 and 705 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3103 and 3105).

3. Compensation of condemnees under Title IV of the Housing and Urban Development Act of 1965 (42 U.S.C. 3071 et seq.) to the extent applicable to matters redelegated herein.

SEC. B. *Authority redelegated to Assistant Regional Administrator for Renewal Assistance, Deputy Assistant Regional Administrator for Renewal Assistance, and others.* The Assistant Regional Administrator for Renewal Assistance, the Deputy Assistant Regional Administrator for Renewal Assistance, the Chief, Rehabilitation Loan and Grant Branch, and the Area Rehabilitation Loan Specialists, Region V (Fort Worth), each is hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development to the extent redelegated to the Regional Administrator and to the Deputy Regional Administrator in section A of the redelegations of authority of the Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8966–8967, June 29, 1966), with respect to the Rehabilitation Loan Program under section 312 of the Housing Act of 1964, as amended (42 U.S.C. 1452b).

SEC. C. *Revocations.* The following redelegations of authority are hereby revoked as of the date of publication of this document in the FEDERAL REGISTER:

1. Redelegation of authority to the Regional Director of Urban Renewal, Region V (Fort Worth) (30 F.R. 14580, Nov. 23, 1965), insofar as related to the slum clearance and urban renewal program under Title I of the Housing Act of 1949, as amended (42 U.S.C. 1450–1468), and section 312 of the Housing Act of 1954 (42 U.S.C. 1450 note).

2. Redelegation of authority to the Regional Director of Urban Renewal, the Regional Rehabilitation Loan Officer, and the Area Rehabilitation Loan Specialists, Region V (Fort Worth) (30 F.R. 11405, Sept. 8, 1965), with respect to rehabilitation loans authorized under section 312 of the Housing Act of 1964 (42 U.S.C. 1452b).

(Redelegations of authority by Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8966–8967, June 29, 1966))

Effective date. The redelegations of authority in sections A and B above shall be effective as of November 9, 1966.

LEONARD E. CHURCH,
Acting Regional Administrator, Region V.

[F.R. Doc. 67-4355; Filed, Apr. 19, 1967; 8:48 a.m.]

ASSISTANT REGIONAL ADMINISTRATOR FOR RENEWAL ASSISTANCE ET AL., REGION VI (SAN FRANCISCO)

Redelegations of Authority With Respect to Specific Programs; Revocations

SECTION A. *Authority redelegated to Assistant Regional Administrator for Renewal Assistance and Deputy Assistant Regional Administrator for Renewal Assistance.* The Assistant Regional Administrator for Renewal Assistance and the Deputy Assistant Regional Administrator for Renewal Assistance, Region VI (San Francisco), each is hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development to the extent redelegated to the Regional Administrator and to the Deputy Regional Administrator in section A of the redelegations of authority of the Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8966–8967, June 29, 1966), with respect to the following programs, except the power and authority to authorize loans, grants, and advances and to amend or modify the terms thereof:

1. Slum Clearance and Urban Renewal Program under Title I of the Housing Act of 1949, as amended (42 U.S.C. 1450–1468), and section 312 of the Housing Act of 1954 (42 U.S.C. 1450 note).

2. Neighborhood Facilities Grant Program under sections 703 and 705 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3103 and 3105).

3. Compensation of condemnees under Title IV of the Housing and Urban Development Act of 1965 (42 U.S.C. 3071 et seq.) to the extent applicable to matters redelegated herein.

SEC. B. *Authority redelegated to Assistant Regional Administrator for Renewal Assistance, Deputy Assistant Regional Administrator for Renewal Assistance, and others.* The Assistant Regional Administrator for Renewal Assistance, the Deputy Assistant Regional Administrator for Renewal Assistance, the Chief, Rehabilitation Loan and Grant Branch, and the Area Rehabilitation Loan Specialists, Region VI (San Francisco), each is hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development to the extent redelegated to the Regional Administrator and to the Deputy Regional Administrator in section A of the redelegations of authority of the Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8966–8967, June 29, 1966), with respect to the Rehabilitation Loan Program under section 312 of the Housing Act of 1964, as amended (42 U.S.C. 1452b).

SEC. C. *Revocations.* The following redelegations of authority are hereby revoked as of the date of publication of this document in the FEDERAL REGISTER:

1. Redelegation of authority to the Regional Director of Urban Renewal, Region VI (San Francisco) (30 F.R. 14580, Nov. 23, 1965), insofar as related to the slum clearance and urban renewal program under Title I of the Housing Act of 1949, as amended (42 U.S.C. 1450–1468), and section 312 of the Housing Act of 1954 (42 U.S.C. 1450 note).

2. Redelegation of authority to the Regional Director of Urban Renewal, the Regional Rehabilitation Loan Officer, and the Area Rehabilitation Loan Specialists, Region VI (San Francisco) (30 F.R. 11405, Sept. 8, 1965), with respect to rehabilitation loans authorized under section 312 of the Housing Act of 1964 (42 U.S.C. 1452b).

(Redelegations of authority by Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8966–8967, June 29, 1966))

Effective date. The redelegations of authority in sections A and B above shall be effective as of November 9, 1966.

ROBERT B. PITTS,
Regional Administrator, Region VI.

[F.R. Doc. 67-4360; Filed, Apr. 19, 1967; 8:49 a.m.]

ASSISTANT REGIONAL ADMINISTRATOR FOR RENEWAL ASSISTANCE ET AL., REGION VII (SAN JUAN, P.R.)

Redelegations of Authority With Respect to Specific Programs; Revocations

SECTION A. *Authority redelegated to Assistant Regional Administrator for Renewal Assistance and Deputy Assistant Regional Administrator for Renewal Assistance.* The Assistant Regional Administrator for Renewal Assistance and the Deputy Assistant Regional Administrator for Renewal Assistance, Region VII (San Juan, P.R.), each is hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development to the extent redelegated to the Regional Administrator and to the Deputy Regional Administrator in section A of the redelegations of authority of the Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8966–8967, June 29, 1966), with respect to the following programs, except the power and authority to authorize loans, grants, and advances and to amend or modify the terms thereof:

1. Slum Clearance and Urban Renewal Program under Title I of the Housing Act of 1949, as amended (42 U.S.C. 1450–1468), and section 312 of the Housing Act of 1954 (42 U.S.C. 1450 note).

2. Neighborhood Facilities Grant Program under sections 703 and 705 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3103 and 3105).

3. Compensation of condemnees under Title IV of the Housing and Urban Development Act of 1965 (42 U.S.C. 3071 et seq.) to the extent applicable to matters redelegated herein.

SEC. B. *Authority redelegated to Assistant Regional Administrator for Renewal Assistance, Deputy Assistant Regional Administrator for Renewal Assistance, and others.* The Assistant Regional Administrator for Renewal Assistance, the Deputy Assistant Regional Administrator for Renewal Assistance, the Chief, Rehabilitation Loan and Grant Branch, and the Area Rehabilitation Loan Specialists, Region VII (San Juan, P.R.), each is hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development to the extent redelegated to the Regional Administrator and to the Deputy Regional Administrator in section A of the redelegations of authority of the Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8966–8967, June 29, 1966), with respect to the Rehabilitation Loan Program under section 312 of the Housing Act of 1964, as amended (42 U.S.C. 1452b).

SEC. C. *Revocations.* The following redelegations of authority are hereby revoked as of the date of publication of this document in the FEDERAL REGISTER.

1. Redelegation of authority to the Regional Director of Urban Renewal, Region VII (San Juan, P.R.) (30 F.R. 14581, Nov. 23, 1965), insofar as related to the slum clearance and urban renewal program under Title I of the Housing Act of 1949, as amended (42 U.S.C. 1450–1468), and section 312 of the Housing Act of 1954 (42 U.S.C. 1450 note).

2. Redelegation of authority to the Regional Director of Urban Renewal, the Regional Rehabilitation Loan Officer, and the Area Rehabilitation Loan Specialists, Region VII (San Juan, P.R.) (30 F.R. 13477, Oct. 22, 1965), with respect to rehabilitation loans authorized under section 312 of the Housing Act of 1964 (42 U.S.C. 1452b).

(Redelegations of authority by Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8966–8967, June 29, 1966))

Effective date. The redelegations of authority in sections A and B above shall be effective as of November 9, 1966.

JOSÉ E. FEBRES-SILVA,
Regional Administrator, Region VII.

[F.R. Doc. 67-4359; Filed, Apr. 19, 1967; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-261]

CAROLINA POWER & LIGHT CO.

Notice of Issuance of Provisional Construction Permit

Notice is hereby given that, pursuant to the initial decision of the Atomic Safety and Licensing Board, dated April 12, 1967, the Director of the Division of Reactor Licensing has issued Provisional Construction Permit No. CPPR-26 to Carolina Power & Light Co. for the construction of a pressurized water nuclear reactor, designated as the H. B. Robinson Unit No. 2, to be located at the company's H. B. Robinson site in Darlington County, about 4.5 miles from Hartsville, S.C.

A copy of the initial decision is on file in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 13th day of April 1967.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 67-4308; Filed, Apr. 19, 1967; 8:45 a.m.]

CIVIL SERVICE COMMISSION

PROGRAM ANALYST, TREASURY DEPARTMENT

Manpower Shortage

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission has found, effective March 30, 1967, that there is a manpower shortage for the single position of Program Analyst, GS-345-15, Office of the Secretary, Treasury Department, Washington, D.C. This finding will terminate when the position is filled.

An appointee to this position may be paid for the expense of travel and transportation to the first post of duty.

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

[F.R. Doc. 67-4309; Filed, Apr. 19, 1967; 8:45 a.m.]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on April 26, 1967. The hearing will take place in the top floor conference room of the Pennsylvania State Office Building, Broad and Spring Garden Streets in Philadelphia, beginning at 2 p.m. The subject of the hearing will be proposals to amend the Comprehensive Plan so as to include therein the following projects:

1. *Middle Neck Watershed.* A watershed improvement plan providing for land treatment measures, stream channel improvement, dikes and levees, and construction of a tidegate in the Middle Neck Watershed, Salem County, N.J. The project is proposed by the Salem-Cumberland Soil Conservation District pursuant to Public Law 566.

2. *Livingston Manor Sewer District.* A sewerage system and treatment plant to serve the hamlet of Livingston Manor in the town of Rockland, Sullivan County, N.Y. The plant will provide secondary treatment (86 percent BOD reduction) for a peak flow of 1,050,000 gallons per day. Discharge will be to the Willomemoc Creek, a tributary of the East Branch of the Delaware River.

3. *Philadelphia Suburban Water Co.* A waste treatment plant to provide treatment of filter back-wash waste water at the Crum Creek filtration plant in Springfield Township, Delaware County, Pa. Treated effluent will discharge into Crum Creek.

4. *Philadelphia Fire Department.* A project providing for the construction of a stone and earth dike and fill encroachment into the waterway of the Delaware River at a city-owned wharf at the foot of Allegheny Avenue.

5. *Yardley Water Co.* A well water supply project designed to augment public water supplies within the company's service area in the Borough of Yardley and parts of adjacent Middletown and Falls Townships in Bucks County, Pa. Designated as Well No. 10, the new facility is expected to yield 150 gallons per minute. In addition, it is proposed to include in the Comprehensive Plan seven operating wells previously developed by the company.

6. *Telford Borough Authority.* A well water supply project to augment the Authority's water supply sources in Bucks and Montgomery Counties, Pa. Designated as Wells No. 4 and No. 5, the new facilities are expected to yield 300 and 280 gallons per minute respectively. In addition, it is proposed to include in the Comprehensive Plan three operating wells previously developed by the Borough.

7. *North Wales Water Authority.* A well water supply project designed to augment public water supplies in the Authority's service area in the Borough of North Wales and the townships of Upper and Lower Gwynedd, Montgomery, Worcester, and Whitpain, Montgomery County, Pa. Designated as Well No. 20, the new facility is expected to yield 250 gallons per minute. In addition, it is proposed to include in the Comprehensive Plan 16 operating wells previously developed by the Authority.

8. *Warminster Township Municipal Authority.* A well water supply project to augment public water supplies in the Authority's service area in Warminster Township, Bucks County, Pa. Designated as Well No. 14, the new facility is expected to yield 265 gallons per minute. In addition, it is proposed to include in the Comprehensive Plan 11 wells previously developed by the Authority.

9. *Philadelphia Suburban Water Co.* A well water supply project to augment public water supplies in the Company's service area in Chester, Delaware, and Montgomery Counties, Pa. Designated as the Aideen Lair Well, the new facility is expected to yield 300 gallons per minute.

Documents relating to the above proposed additions to the Comprehensive Plan may be examined at the Commission's offices. All persons wishing to testify are requested to register in advance with the Secretary to the Commission; telephone 609-883-9500.

W. Brinton Whitall,
Secretary.

April 14, 1967.

[F.R. Doc. 67-4312; Filed, Apr. 19, 1967; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the Federal Register. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. D. P. Gillette, Chairman, Trans-Pacific Freight Conference of Japan, Kindai Bldg., 11, 3-Chome Kyobashi, Chuo-Ku, Tokyo, Japan.

Agreement 150-34 between the member lines of the Trans-Pacific Freight Conference of Japan modifies the basic agreement, as amended, by establishing separate trade groups within the Conference for the Pacific Coast trade and the Hawaii trade respectively. To accomplish the above, the modification makes certain additions, deletions and changes in the language of Articles 1-8, 19, and 20 relating to quorums and decisions.

Dated: April 17, 1967.

By order of the Federal Maritime Commission.

Thomas Lisi,
Secretary.

[F.R. Doc. 67-4354; Filed, Apr. 19, 1967; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP67-290]

COLORADO INTERSTATE GAS CO.

Notice of Application

April 13, 1967.

Take notice that on April 7, 1967, Colorado Interstate Gas Co. (Applicant), Post Office Box 1087, Colorado Springs, Colo. 80901, filed in Docket No. CP67-290 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(c) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction and operation of miscellaneous gas sales and transportation facilities during the period extending from June 1, 1967, through May 31, 1968, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate various gas meter stations and mainline or lateral taps, for sales to existing resale customers. Applicant also seeks authorization to construct and operate various miscellaneous rearrangements of its existing pipeline system.

Applicant states that the total estimated cost of the proposed construction will not exceed $300,000, with no single project to exceed a total cost of $50,000.

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) and the regulations under the Natural Gas Act (§ 157.10) on or before May 11, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its

own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4314; Filed, Apr. 19, 1967; 8:45 a.m.]

[Docket Nos. CS67-58, etc.]

E. A. CULBERTSON ET AL.

Notice of Applications for "Small Producer" Certificates [1]

APRIL 12, 1967.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from the Permian Basin area of Texas and New Mexico, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

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 May 1, 1967.

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

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

JOSEPH H. GUTRIDE,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No.	Date filed	Name of applicant
CS67-58	3-23-67	E. A. Culbertson and Wallace W. Irwin, Box 1071, Midland, Tex. 79701.
CS67-59	3-30-67	Duncan Drilling Co., Box 109, Big Spring, Tex. 79720.
CS67-60	3-30-67	Robert N. Enfield, Post Office Box 807, Roswell, N. Mex. 88201.
CS67-61	1- 5-67	Nassau Oil & Gas Corp., 44 Wall St., New York, N.Y. 10005.
CS67-62	3-31-67	R. C. Tucker, c/o R. I. Comstock, agent, Great Western Drilling Co., Post Office Box 1639, Midland, Tex. 79701.
CS67-63	3-31-67	K. W. Davis, c/o R. I. Comstock, agent, Great Western Drilling Co., Post Office Box 1639, Midland, Tex. 79701.
CS67-64	4- 3-67	Estate of Leland Fikes, deceased, 1416 Commerce Bldg., Dallas, Tex. 75201.
CS67-65	3-31-67	Flag Oil Corp. of Delaware, Post Office Box 23, Midland, Tex. 79701.
CS67-66	3-31-67	Redfern Oil Co., Post Office Box 1747, Midland, Tex. 79701.
CS67-67	3-31-67	Redfern Development Corp., Post Office Box 1747, Midland, Tex. 79701.
CS67-68	4- 3-67	Elizabeth M. Brown et al., 911 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.

[F.R. Doc. 67-4315; Filed, Apr. 19, 1967; 8:45 a.m.]

[Docket No. CP67-288]

EQUITABLE GAS CO.

Notice of Application

APRIL 12, 1967.

Take notice that on April 5, 1967, Equitable Gas Co. (Applicant), 420 Boulevard of the Allies, Pittsburgh, Pa. 15219, filed in Docket No. CP67-288 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to install and operate one 275 horsepower compressor unit, together with necessary appurtenances, at its existing Central Compressor Station, Doddridge County, W. Va. Applicant states that the present compressor facilities are dependent on an uncertain water supply and this proposed installation will provide the independent pumping capacity required to maintain the same level of gas supply without dependence on said water supply.

Applicant estimates the total cost of the proposed facilities at approximately $57,600, said cost to be financed from general funds available to Applicant.

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) and the regulations under the Natural Gas Act (§ 157.10) on or before May 8, 1967.

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

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

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4316; Filed, Apr. 19, 1967; 8:45 a.m.]

[Docket No. CP65-91]

NORTHERN NATURAL GAS CO.

Notice of Petition To Amend

APRIL 12, 1967.

Take notice that on April 5, 1967, Northern Natural Gas Co. (Petitioner), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP65-91 a petition to amend the order issued by the Commission March 30, 1967 by authorizing Petitioner to construct and operate a 30-inch pipeline and appurtenant facilities in place of the 26-inch pipeline and appurtenant facilities originally authorized, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

In the above-mentioned order, Petitioner was authorized to construct and operate approximately 365 miles of 26-inch pipeline together with appurtenant facilities from the Delaware Basin of Texas to its main transmission system at Beaver, Okla.

In the instant filing, Petitioner requests that the authorization in the abovementioned order be changed to allow Petitioner to construct and operate a 30-inch pipeline and appurtenant facilities in place of the originally proposed facilities. Petitioner states that this is necessary due to the proven reserves which it now has under contract and the decreased cost of service possible with the larger pipeline.

Applicant estimates the total cost of the larger facilities together with appurtenances at approximately $47,653,420, said cost to be financed from the sale of sinking fund debentures and, to the extent required, the use of cash-on-hand, reserve accruals and retained earnings.

Protests or petitions to intervene may be filed with the Federal Power Commis-

sion, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.10) on or before May 8, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4318; Filed, Apr. 19, 1967; 8:46 a.m.]

[Docket No. CP67-285]

NORTHEAST OKLAHOMA GAS AUTHORITY ET AL.

Notice of Application

APRIL 12, 1967.

Take notice that on March 31, 1967, The Northeast Oklahoma Gas Authority (Northeast), The Grove Municipal Service Authority (Grove), and The Jay Utilities Authority (Jay), c/o Wm. Warfield Ross, Wald, Harkrader and Rockefeller, 1225 19th Street NW., Washington, D.C. 20036 (Applicants), filed in Docket No. CP67-285 an application, as amended April 5, 1967, pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Cities Service Gas Co. (Respondent) to sell and deliver additional volumes of natural gas to Northeast and Grove for resale to Jay for resale and distribution and for resale by Northeast and Grove to consumers along the proposed transmission line between the existing systems of Northeast and Grove and the proposed system of Jay, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicants request that Respondent deliver additional volumes of natural gas as follows:

Year	Maximum daily requirements (Mcf) for Jay	Maximum annual requirements (Mcf)		
		Jay	Other	Total
1st	1,103	99,167	5,000	104,167
2d	1,119	99,936	5,000	104,936
3d	1,135	100,697	5,000	105,697

Jay proposes to construct a 5-inch connecting pipeline running from its town border to an interconnection with the system operated by Northeast and Grove, a distance of approximately 13 miles, at Grove, Okla.

Northeast and Grove propose to sell natural gas to rural consumers living along the transmission line between Grove and Jay. Northeast also proposes to install a compressor plant at a point near the connection with Respondent to provide adequate pressure to make deliveries to Jay.

Applicants estimate the total cost of the proposed construction at approximately $528,727, said cost to be financed by means of revenue bond issues.

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 May 11, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4319; Filed, Apr. 19, 1967; 8:46 a.m.]

[Docket No. CP67-287]

TRUNKLINE GAS CO.

Notice of Application

APRIL 12, 1967.

Take notice that on April 4, 1967, Trunkline Gas Co. (Applicant), Post Office Box 1642, Houston, Tex. 77001, filed in Docket No. CP67-287 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval of the Commission to abandon by sale certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to abandon by sale approximately 5,139 feet of 4-inch O.D. gathering pipeline and two small purchase measuring stations located in Hidalgo County, Tex., to Coastal States Producing Co. Said facilities were installed by Applicant to purchase natural gas from American Petrofina Company of Texas et al. (American) and, pursuant to an agreement between the parties, a change in delivery points was effected. Applicant, therefore, will no longer need or require the above-described facilities.

Applicant states that the agreed price for the facilities is $12,000, the approximate depreciated cost of said facilities to Applicant.

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) and the regulations under the Natural Gas Act (§ 157.10) on or before May 8, 1967.

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

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

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4320; Filed, Apr. 19, 1967; 8:46 a.m.]

[Docket No. CP67-286]

UNITED GAS PIPE LINE CO. AND TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

APRIL 12, 1967.

Take notice that on April 3, 1967, United Gas Pipe Line Co. (United), Post Office Box 1407, Shreveport, La. 71102, and Transcontinental Gas Pipe Line Corp. (Transco), Post Office Box 1396, Houston, Tex. 77001 (Applicants), jointly filed in Docket No. CP67-286 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the exchange of natural gas between Applicants, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicants propose to construct and operate facilities to interconnect their existing pipeline systems in Victoria County, Tex., and Cameron Parish, La., to enlarge the existing facilities in Pike County, Miss., and to use these three points, together with another existing point in Walthall County, Miss., for the exchange of natural gas between Applicants' systems. Applicants, pursuant to an Exchange Agreement dated February 22, 1967, agree that Transco will deliver natural gas to United at the point of interconnection in Victoria County, Tex., and United will redeliver an equivalent quantity to Transco at the point of interconnection in Cameron Parish, La., or, with Transco's approval, at either of the other two existing points of interconnection.

Applicants estimate the total cost of the proposed facilities at approximately $178,866.

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) and the regulations under the Natural Gas Act (157.10) on or before May 8, 1967.

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

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4321; Filed, Apr. 19, 1967; 8:46 a.m.]

[Docket No. RI61-48 etc.]

BIG CHIEF DRILLING CO. ET AL.

Order Substituting Respondents, etc.; Correction

MARCH 23, 1967.

In the order substituting respondents, making successors co-respondents, redesignating proceedings, accepting agreements and undertakings for filing, and requiring filing of agreements and undertakings, issued March 1, 1967 and published in the FEDERAL REGISTER March 9, 1967 (F.R. Doc. 67-2592, 32 F.R. 3906) change the designation of the proceeding pending in Docket No. RI61-48 to read "Big Chief Drilling Co., W. C. Payne, Post Oak Oil Co., and Payne, Inc."

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4313; Filed, Apr. 19, 1967; 8:45 a.m.]

[Docket Nos. RI67-272 etc.]

MOBIL OIL CORP. ET AL.

Order Providing for Hearings, etc.; Correction

APRIL 6, 1967.

Mobil Oil Corp. et al., Docket Nos. RI67-272 et al.; Mobil Oil Corp., Docket No. RI67-272.

In the order providing for hearings on and suspension of proposed changes in rates, issued January 31, 1967 and published in the FEDERAL REGISTER February 9, 1967 (F.R. Doc. 67-1430, 32 F.R. 2719), in the chart after Docket No. RI67-272, Rate Schedule No. 328, change Supplement No. "3" to read Supplement No. "4".

In footnote 19 change Supplement No. "2" to read Supplement No. "12" and in footnote 37 change Supplement No. "4" to read Supplement No. "14".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4317; Filed, Apr. 19, 1967; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2094]

ATLANTIC RICHFIELD INTERNATIONAL FINANCE CORP.

Notice of Filing of Application for Order Exempting Company From All Provisions of Act

APRIL 13, 1967.

Notice is hereby given that Atlantic Richfield International Finance Corp. ("Applicant"), 260 South Broad Street, Philadelphia, Pa. 19101, a Delaware corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting it from all provisions of the Act and the Rules and Regulations thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant was organized by Atlantic Richfield Co. ("Atlantic Richfield") under the laws of the State of Delaware on March 10, 1967. All of the common stock of Applicant, consisting of 2,000 shares, par value $100 per share, will be purchased by Atlantic Richfield for $200,000. Prior to the sale of the notes of Applicant described below Atlantic Richfield will, in addition, make a capital contribution to Applicant of $2,800,000 in order that Applicant's equity capital will be not less than $3 million. Atlantic Richfield may make additional capital contributions to Applicant in the future. Any additional securities which Applicant may issue, other than debt securities, will be issued only to Atlantic Richfield. Atlantic Richfield intends to retain the stock of Applicant which it proposes to acquire and any additional securities of Applicant which it may acquire. Atlantic Richfield will not dispose of any of Applicant's securities except to Applicant or to a fully owned subsidiary of Atlantic Richfield, and Atlantic Richfield will cause each such subsidiary not to dispose of Applicant's securities except to Atlantic Richfield, the Applicant, or another fully owned subsidiary of Atlantic Richfield.

Atlantic Richfield, a Pennsylvania corporation, is engaged in the exploration for and the development, production, purchase, transportation, refining, and sale of crude oil and the transportation and marketing of products derived from crude oil, including petrochemicals.

Applicant has been organized in order to raise funds abroad for use in financing the requirements of Atlantic Richfield's foreign operations in a manner which will not adversely affect the United States balance-of-payments position, in compliance with the voluntary cooperation program instituted by the President in February 1965.

Applicant intends to issue and sell $15 million of its Guaranteed Notes due 1972 ("Notes"). Atlantic Richfield will guarantee the principal, interest payments, and premium, if any, on the Notes. Any additional debt securities of the Applicant which may be issued to or held by the public will be guaranteed by Atlantic Richfield in a manner substantially similar to the guarantee of the Notes.

Applicant intends to invest its assets in stock or debt obligations of foreign or domestic corporations all or substantially all of whose business is conducted abroad, at least 15 percent of whose outstanding equity securities is owned by Atlantic Richfield and which are controlled by Atlantic Richfield and are primarily engaged in a business other than investing, reinvesting, owning, holding, or trading in securities.

Applicant will proceed as expeditiously as practicable with the investment of its assets in such manner. Pending the completion of such investment, and from time to time thereafter, in connection with changes in long-term investments, Applicant may make interim investments in obligations of foreign governments or financial institutions, including interest-bearing deposits in foreign banks or foreign branches of U.S. banks. Applicant will not acquire the securities representing its loans or investments for the purpose of resale and will not trade in securities.

The Notes are to be sold to a group of Underwriters for offering outside the United States. The Notes are to be offered and sold under conditions which are intended to assure that the Notes will not be offered or sold in the United States, its territories, or possessions or to nationals or citizens or residents of the United States, its territories, or possessions. Any additional debt securities of Applicant which may be sold to the public in the future will be sold under substantially similar conditions.

Tax advisers for Atlantic Richfield and the Applicant have advised them that U.S. persons will be required to report and pay an interest equalization tax with respect to acquisition of the Notes, except where a specific statutory exemption is available. The Applicant has applied to the Internal Revenue Service for a ruling to this effect prior to the sale of the Notes. Thus, by financing its foreign operations through the Applicant rather than through the sale of its own debt obligations, Atlantic Richfield will utilize an instrumentality, the acquisition of whose debt obligations by U.S. persons would, generally, subject such persons to the interest equalization tax, thereby discouraging them from purchasing such debt obligations.

Applicant submits that it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act for the Commission to enter an order exempting Applicant from each and every provision of the Act for the following reasons: (1) The basic purpose of the Applicant is to assist in improving the balance-of-payments program of the United States by serving as a vehicle through which Atlantic Richfield may obtain funds in foreign countries for its foreign operations; (2) the public policy underlying the Act is not applicable to the Applicant and the security holders of the Applicant do not require the protection of the Act, because the payment of the Notes, which is guaranteed by Atlantic Richfield, does not depend on the operation or investment policy of the Applicant, for the Noteholders may ultimately look to the business enterprise of Atlantic Richfield rather than solely to that of the Applicant; (3) none of the securities other than debt securities of the Applicant will be held by any person other than Atlantic Richfield or a fully owned subsidiary of Atlantic Richfield; (4) Applicant will not permit any of its debt securities to be issued to or held by the public unless they are fully guaranteed

by Atlantic Richfield; (5) the Applicant will not deal or trade in securities; (6) the stock of Atlantic Richfield is listed on the New York Stock Exchange, the offering of the Notes of Applicant will be made pursuant to a prospectus describing Applicant and Atlantic Richfield and containing certified financial statements of Atlantic Richfield, it is expected that the Notes will be listed on the Luxembourg Stock Exchange; (7) the Notes will be offered and sold only to foreign nationals under conditions intended to assure that they will not be reoffered or resold in the United States, its territories, or possessions or to any national, citizen, or resident thereof; and (8) the burden of the interest equalization tax will tend to discourage purchase of the Notes by any U.S. person.

Notice is further given that any interested person may, not later than April 27, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commmission (pursuant to delegated authority).

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

[F.R. Doc. 67-4332; Filed, Apr. 19, 1967; 8:47 a.m.]

[812-2076]

BROAD STREET INVESTING CORP.

Notice of Filing of Application for Order Exempting Sale by Open-End Company of Its Securities at Other Than Public Offering Price

APRIL 13, 1967.

Notice is hereby given that Broad Street Investing Corp. ("applicant"), 65 Broadway, New York, N.Y. 10006, a Maryland corporation registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) of the Act a transaction in which applicant's redeemable securities will be issued at a price other than the current public offering price described in the prospectus in exchange for the assets of The Larson Corp. ("Larson"). All interested persons are referred to the application on file with the Commission for a statement of the applicant's representations which are summarized below.

Larson, a New York corporation, is an investment company all of whose outstanding stock is owned of record and beneficially by two individuals and is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Larson was incorporated in 1946 and prior to 1952 operated a retail automobile dealership. In that year it sold substantially all its business and assets and since such sale it has been engaged primarily in the business of investing and reinvesting its funds, including, until 1961, investing in real estate. Pursuant to an agreement between applicant and Larson substantially all of the cash and securities owned by Larson, with a value of approximately $4,630,375 as of February 6, 1967, will be transferred to applicant in exchange for shares of its capital stock.

The number of shares of applicant to be issued to Larson is to be determined by dividing the aggregate market value (with certain adjustments set forth in the application) of the assets of Larson to be transferred to applicant by the net asset value per share of applicant, both to be determined as of the valuation time, as defined in the agreement. If the valuation under the agreement had taken place on February 6, 1967, Larson would have received 309.899 shares of applicant's stock.

When received by Larson, the shares of applicant are to be distributed to the Larson stockholders on the liquidation of Larson. Applicant has been advised by the management of Larson that the stockholders of Larson do not have any present intention of redeeming or otherwise transferring the shares of applicant to be received on such liquidation following the sale of assets transaction.

No affiliation exists between Larson or its officers, directors or stockholders and applicant, its officers or directors, and the agreement was negotiated at arm's length by the two companies. The Board of Directors of applicant approved the agreement as being in the best interests of its shareholders, taking all relevant considerations into account including, among others, the fact that the resulting increase in assets will tend to reduce per share expenses.

Section 22(d) of the Act provides that registered open-end investment companies may sell their shares only at the current public offering price as described in the prospectus. Section 6(c) permits the Commission, upon application, to exempt such a transaction if it finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant contends that the proposed offering of its stock will comply with the provisions of the Act, other than section 22(d) and submits that the granting of the application would be in accordance with established practice of the Commission, is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than May 4, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 67-4333; Filed, Apr. 19, 1967; 8:47 a.m.]

[812-2106]

NATIONAL LEAD OVERSEAS CAPITAL CORP.

Notice of Filing of Application for Order Exempting Company From All Provisions of Act

APRIL 13, 1967.

Notice is hereby given that National Lead Overseas Capital Corp. ("Applicant"), 100 West 10th Street, Wilmington, Del., a Delaware corporation, has filed an application pursuant to section

6(c) of the Investment Company Act of 1940 ("Act") for an order exempting it from all provisions of the Act and the rules and regulations thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant was organized by National Lead Co. ("National") under the laws of the State of Delaware on March 23, 1967. All of the outstanding securities of Applicant are owned by National which purchased such stock for $1,000. Prior to the sale of the bonds of Applicant described below, National will acquire additional shares of common stock in exchange for 10 percent of National's stock interest in Titan GmbH ("Titan") a West German corporation principally engaged in the production of titanium dioxide pigments and related products. National's 100 percent stock interest in Titan is valued by its Board of Directors at substantially in excess of its book value of $32,500,000. Any additional securities which Applicant may issue, other than debt securities, will be issued only to National. National will continue to retain its present holdings of Applicant's stock and any additional securities of Applicant which National may acquire, and National will not dispose of any of Applicant's securities except to Applicant or to a fully owned subsidiary of National (which term as used herein means a corporation all of the outstanding securities of which, other than short term paper as defined in section 2(a)(36) of the Act, are owned, directly or indirectly, by National); and National will cause each fully owned subsidiary not to dispose of Applicant's securities except to National, the Applicant, or another fully owned subsidiary of National.

National, a New Jersey corporation with approximately 50,000 shareholders is engaged in the production and sale of pigments (principally titanium dioxide pigments), other products used in the manufacture of paint, die castings, railway journal bearings, components for batteries and oil drilling muds.

Applicant has been organized to raise funds abroad for financing the expansion and development of National's foreign operations while at the same time providing assistance in improving the balance of payments position of the United States in compliance with the voluntary cooperation program instituted by the President in February 1965.

Applicant intends to issue and sell $60 million Deutsche Marks (approximately $15 million) of its Guaranteed Bonds payable over a period 12 years from the date of issue ("bonds"). National will guarantee the principal, interest payments and premium, if any, on the bonds. Any additional debt securities of the Applicant which may be issued to or held by the public will be guaranteed by National in a manner substantially similar to the guarantee of the bonds.

Applicant intends to invest its assets in stock or debt obligations of Titan and other foreign subsidiaries and affiliates of National. Applicant will proceed as expeditiously as practicable with the investment of its assets in such manner and will not trade in securities. In addition and prior to making long-term investments, and from time to time thereafter, in connection with changes in long-term investments, Applicant will make interim investments in obligations of foreign governments or financial institutions, including interest bearing deposits in foreign banks. Applicant will not acquire the securities representing interim investments for purpose of distribution.

The bonds are to be sold through a group of underwriters for offering outside the United States. The bonds are to be offered and sold under conditions which are intended to assure that the bonds will not be offered or sold in the United States, its territories or possessions or to nationals, citizens or residents of the United States, its territories or possessions. The contracts relating to such offer and sale will contain various provisions intended to assure that the bonds will not be purchased by nationals, citizens or residents of the United States, its territories or possessions. Any additional debt securities of Applicant which may be sold to the public in the future will be sold under substantially similar conditions.

Counsel has advised the Applicant that U.S. persons will be required to report and pay an interest equalization tax with respect to acquisition of the bonds, except where a specific statutory exemption is available. Thus, by financing its foreign operations through the Applicant rather than through the sale of its own debt obligations, National will utilize an instrumentality, the acquisition of whose debt obligations by United States persons would, generally, subject such persons to the interest equalization tax, thereby discouraging them from purchasing such debt obligations.

Applicant submits that it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act for the Commission to enter an order exempting Applicant from each and every provision of the Act for the following reasons: (1) A significant purpose of the Applicant is to assist in improving the balance of payments program of the United States by serving as a vehicle through which National may obtain funds in foreign countries for its foreign operations; (2) the bonds will be offered and sold abroad to foreign nationals under circumstances designed to prevent any reoffering or resale in the United States, its territories or possessions or to any U.S. national, citizen or resident in connection with such offering; (3) the burden of the interest equalization tax will tend to discourage purchase of the bonds by any U.S. person; (4) the Applicant will not deal or trade in securities; (5) none of the securities of Applicant, other than debt securities, will be held by any person other than National or a fully owned subsidiary of National; and (6) the public policy underlying the Act is not applicable to the Applicant and the security holders of the Applicant do not require the protection of the Act, because the payment of the bonds, which is guaranteed by National, does not depend on the operations or investment policy of the Applicant, for the bondholders may ultimately look to the business enterprise of National rather than solely to that of the Applicant.

Notice if further given that any interested person may, not later than May 1, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 67-4334; Filed, Apr. 19, 1967; 8:47 a.m.]

[File No. 24D-2691]

SAMANTHA POLLARD INDUSTRIES, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

APRIL 13, 1967.

I. Samantha Pollard Industries, Inc. (issuer), a Colorado corporation with offices at 209 Colorado Building, 1615 California Street, Denver, Colo., filed with the Commission on April 19, 1965, a notification on Form 1–A and an offering circular relating to a public offering of 60,000 shares of its $2 par value common stock at $5 per share for an aggregate of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A

promulgated thereunder. According to information filed by the issuer, said offering commenced on or about July 3, 1965. On April 20, 1966, the issuer filed a report of sales reducing the amount of the offering which indicated that $26,700 of the common stock had been sold and that the offering had been discontinued on April 20, 1966.

II. The Commission has reason to believe from information reported to it by its staff that:

A. The notification and offering circular filed pursuant to Rules 255 and 256 of Regulation A of the general rules and regulations under the Securities Act of 1933, as amended, contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The failure to disclose that the president of the issuer failed to make a $9,000 payment to the issuer on December 31, 1965, pursuant to a note in the approximate amount of $25,858.82.

2. The failure to disclose that on January 1, 1966, the issuer entered into an agreement to pay its president $25,858.82 plus all interest accrued after July 2, 1965, for his (Waffle Cottage Franchise) ideas, including all designs and architectural drawings.

3. The failure to disclose that the issuer entered into an agreement on December 26, 1965, whereby the issuer would pay a partnership a commission of 1,000 shares of the issuer's common stock plus expenses incurred if the partnership obtained a minimum loan of $150,000 for the issuer.

4. The failure to disclose that certain of the funds received from the public offering were diverted by the president for his own use.

5. The failure to disclose adequately and accurately the purposes for which the proceeds from the sale of securities were to be used and the order of priority in which such would be used.

B. The issuer filed a report on Form 2-A containing false statements.

C. The offering was made in violation of section 17 of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended.

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing within 30 days after the entry of this order; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

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

[F.R. Doc. 67-4335; Filed, Apr. 19, 1967; 8:47 a.m.]

[812-2107]

SOUTHWESTERN RESEARCH AND GENERAL INVESTMENT CO.

Notice of Filing of Application for Order Exempting Proposed Transactions

APRIL 13, 1967.

Notice is hereby given that Southwestern Research and General Investment Co. ("Applicant"), 3620 North Third Avenue, Phoenix, Ariz. 85013, an Arizona corporation and a registered, closed-end, nondiversified management investment company, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Investment Company Act") for an order exempting from the provisions of section 17(a) of the Investment Company Act certain transactions incident to a settlement of a claim against one of the Applicant's directors arising out of transactions falling within the scope of the provisions of section 16(b) of the Securities Exchange Act of 1934 ("Exchange Act"). All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

The application states that during the period from December 16, 1963, to May 14, 1964, and from March 18, 1965, to August 5, 1965, Y. C. Soda, Chairman of Applicant's Board of Directors, sold and purchased and purchased and sold common stock of the Applicant within 6-month periods.

Section 16(b) of the Exchange Act, as here pertinent, provides that any profit realized by an officer or director of an issuer from any purchase and sale, or any sale and purchase, of any equity securities of such issuer within any period less than 6 months, shall inure to and be recoverable by the issuer.

Section 30(f) of the Investment Company Act, as here pertinent, provides that the duties and liabilities imposed by section 16 of the Exchange Act shall be applicable to officers and directors of a registered closed-end investment company.

As a result of his transactions in the Applicant's common stock, Mr. Soda realized a profit and became indebted to the Applicant in the amount of $45,039.34.

Mr. Soda has agreed to satisfy such indebtedness to the Applicant by depositing with the Valley National Bank of Arizona, a national banking association, the sum of $15,039.34 in escrow for the account of Applicant, and a negotiable promissory note ("note"), in the amount of $30,000, which note is payable in two equal installments, on January 5, 1968, and January 5, 1969, plus interest at 6 percent from the date of said note. The Wells Fargo Bank ("Bank"), a California corporation unaffiliated with Mr. Soda and the Applicant, has agreed to purchase the note from the Applicant for the principal amount of the note without recourse to the Applicant. Thereupon, the Applicant will receive $45,039.34 in cash. In return, the Applicant will release Mr. Soda from all claims pertaining to the above liability.

Section 17(a) of the Investment Company Act, as here pertinent, makes it unlawful for Mr. Soda, a director and an affiliated person of the Applicant, to (1) sell securities or other property to the Applicant; (2) purchase property from the Applicant, and (3) borrow money from the Applicant.

The application states that the above settlement falls within the provisions of section 17(a) of the Investment Company Act because (1) the issuance of Mr. Soda's promissory note to the Applicant may be deemed a sale of a security or property to the Applicant; (2) the release of Mr. Soda from his indebtedness to the Applicant may be deemed a purchase of property from the Applicant and (3) the issuance and delivery of the promissory note to the Applicant would constitute the borrowing of money from the Applicant.

Under section 17(b) of the Investment Company Act the Commission may, upon application, grant an exemption from the provisions of section 17(a) of the Investment Company Act and issue an order of exemption if the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned, and the proposed transaction is consistent with the policy of the Applicant and with the general purposes of the Investment Company Act.

Notice is further given that any interested person may, not later than May 1, 1967, at 12:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request 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 Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the

Investment Company Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponement thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 67-4336; Filed, Apr. 19, 1967; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1052]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

APRIL 14, 1967.

The following applications are governed by Special Rule 1.247 [1] of the Commission's general rules of practice (49 CFR Part 1, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the Rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 703 (Sub-No. 18), filed February 14, 1967. Applicant: HINCHCLIFF MOTOR SERVICE, INC., 3400 South Pulaski Road, Chicago, Ill. Applicant's representative: Charles W. Singer, 33 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, cellular, expanded and foamed urethane (polyurethane), foamed, pads, padding, mattress, upholstering, and solid blocks, sheets, planks, and logs and automobile parts* made from plastics and urethane cellular, expanded, and foamed, from Bremen, Ind., to points in St. Clair, Ingham, Kalamazoo, Kent, Lenawee, Livingston, Macomb, Monroe, Oakland, Ottawa, Shiawassee, Washtenaw, Allegan, and Wayne Counties, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 2392 (Sub-No. 58), filed April 3, 1967. Applicant: WHEELER TRANSPORT SERVICE, INC., Post Office Box 14248, West Omaha Station, 7722 F Street, Omaha, Nebr. 68114. Applicant's representative: Keith D. Wheeler, Post Office Box 14248, West Omaha Station, Omaha, Nebr. 68114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plant and storage site of Armour Agricultural Chemical Co., Jackson County, at or near Bellevue, Iowa, to points in Iowa, Kansas, Nebraska, South Dakota, Minnesota, North Dakota, Wisconsin, Illinois, Indiana, Michigan, and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 4405 (Sub-No. 449), filed March 29, 1967. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago, Ill. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Signs, sign poles, and parts and accessories therefor*, from points in Tennessee to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Knoxville or Nashville, Tenn., or Washington, D.C.

No. MC 21170 (Sub-No. 253), filed April 5, 1967. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa 50158. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Edgar, Wis., to points in the New York, N.Y., commercial zone, and Newark, N.J., and its commercial zone. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 30844 (Sub-No. 235) filed March 31, 1967. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, from the plantside and storage facilities of Mason Candies, Inc., at or near Mineola, Long Island, N.Y., and Jersey City, N.J., to Chicago, Ill., and Detroit, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 31024 (Sub-No. 36), filed April 6, 1967. Applicant: NEPTUNE WORLD-WIDE MOVING, INC., 55 Weyman Avenue, New Rochelle, N.Y. 10802. Applicant's representative: S. S. Eisen, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tabulating machines*, uncrated, between Palm Beach, Broward, and Dade Counties, Fla., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 33641 (Sub-No. 63), filed April 7, 1967. Applicant: IML FREIGHT, INC., Post Office Box 2277, 2175 South 3270 West Street, Salt Lake City, Utah 84110. Applicant's representative: Marshall G. Berol, 100 Bush Street, 21st Floor, San Francisco, Calif.

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment other than refrigeration, between Chicago, Ill., and Lima, Ohio; from Chicago, over Interstate Highway 94 to Junction U.S. Highway 30 (near Chicago Heights, Ill.), thence over U.S. Highway 30 to junction U.S. Highways 30N and 30S (near Delphos, Ohio), thence over U.S. Highway 30S to Lima, and return over the same route serving no intermediate points, as an alternate route for operating convenience only, serving Chicago, Ill., and Lima, Ohio, as points of joinder only. Restricted against transporting shipments which have an origin or destination in the Chicago, Ill., commercial zone. NOTE: If a hearing is deemed necessary, applicant does not specify location.

No. MC 37896 (Sub-No. 18), filed March 31, 1967. Applicant: YOUNGBLOOD TRUCK LINES, INC., Fletcher, N.C. Applicant's representative: H. Charles Ephraim, 1411 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 407, commodities in bulk, and those requiring special equipment), between Mount Vernon, Ky., and Indianapolis, Ind.: From Mount Vernon over U.S. Highway 150 to Danville, Ky., thence over U.S. Highway 127 to junction Kentucky Highway 151, thence over Kentucky Highway 151 to junction U.S. Highway 60, thence over U.S. Highway 60 to Louisville, Ky., thence over Interstate Highway 65 to Indianapolis, and return over the same route, serving no intermediate points, and serving Mount Vernon, Ky., for purposes of joinder only, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between Indianapolis, Ind., and Fletcher, N.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Asheville, N.C.

No. MC 45021 (Sub-No. 4), filed April 6, 1967. Applicant: SPEEDY TRUCKING CO., INC., Page and Schuyler Avenue, Lyndhurst, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail grocery houses (except in bulk), from Totowa Borough (Passaic County), N.J., to points in Orange, Rockland, Putnam, Dutchess, Ulster, and Sullivan Counties, N.Y., and *refused or damaged items*, on return, under a continuing contract or contracts with Filigree Foods, Inc., of Lyndhurst, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 50307 (Sub-No. 38), filed April 3, 1967. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, New York, N.Y. 10001. Applicant's representative: Herbert Burstein, 160 Broadway, New York, N.Y. 10038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies used in the manufacture thereof*, between points in the New York, N.Y., commercial zone, on the one hand, and, on the other, Parkersburg, W. Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 55236 (Sub-No. 150), filed March 30, 1967. Applicant: OLSON TRANSPORTATION COMPANY, a corportation, 1970 South Broadway, Green Bay, Wis. 54306. Applicant's representative: G. R. Richmond (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid acids*, in bulk, in tank vehicles, from the plantsite of Central Chemical, Division of Wilson & Co., at or near Elwood, Ill., to points in Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 59728 (Sub-No. 19), filed March 28, 1967. Applicant: MORRISON MOTOR FREIGHT, INC., 1100 East Jenkins Boulevard, Arkon, Ohio 44306. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *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, those injurious or contaminating to other lading), and *brick and brick products*, between West Lafayette and Marion, Ohio, with service restricted at Marion for purpose of joinder only. NOTE: Applicant states it is presently authorized to operate between West Lafayette and Marion, Ohio, through Newcomerstown, Ohio, with service restricted at Marion for purposes of joinder only. This authority is sought to eliminate the necessity of operating through Newcomerstown, Ohio. (2) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from Columbus, Ohio, to La Place, Ill., points in that part of Illinois bounded by a line beginning at the Mississippi River and extending along U.S. Highway 36 to La Place, Ill., thence along Illinois Highway 32 to Effingham, Ill., thence along U.S. Highway 45 to Brookport, Ill., thence along the Ohio River to the Mississippi River, thence along the Mississippi River to the point of beginning, including points on the indicated portions of the highway specified, and points in Kansas and Missouri, with no transportation for compensation on return except as otherwise authorized. NOTE: Applicant states it may presently provide the above service by operating through Marion, Ohio. Applicant also states that, in addition, in its sub 12 certificate, it presently holds authority on restricted commodities from Columbus, Ohio, to the same destination territory sought herein. The purpose of the requested authority is to eliminate the necessity of operating through Marion, Ohio.

(3) *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, those injurious or contaminating to other lading), and brick and brick products, between Cleveland, Ohio, on the one hand, and, on the other, Warsaw, Ohio, the plantsites of Cambridge Glass Co., the Andrews Lumber & Box Co., Radio Corp. of America, and the General Electric Distribution Center, all located near Cambridge, Ohio, and all points, including the terminal, on the following described routes in Ohio: (a) From New Philadelphia over Ohio Highway 16 through Tuscarawas to junction U.S. Highway 36; (b) from junction U.S. Highway 250 and Ohio Highway 259 over Ohio Highway 259 to junction Ohio Highway 16; (c) from Zanesville, over Ohio Highway 93 (formerly Ohio Highway 75) through Adamsville, Otsego, and Plainfield, to West Lafayette; (d) from Coshocton over Ohio Highway 76 through Marquand Mills, and Otsego to Bloomfield, thence over Ohio Highway 209 to Cambridge; (e) from Plainfield over Ohio Highway 541 (formerly Ohio Highway 271) through Birds Run and Kimbolton to North Salem; (f) from Zanesville, over Ohio Highway 60 (formerly Ohio Highway 77) to junction Ohio Highway 16, thence over Ohio Highway 16 to Coshocton, Ohio, and thence over Ohio Highway 76 through Millersburg, Ohio, to Wooster; (g) from Coshocton over U.S. Highway 36 to junction Ohio Highway 60 (formerly Ohio Highway 234) thence over Ohio Highway 60 to Killbuck, Ohio, thence over U.S. Highway 62 to Millersburg; (h) from Cambridge over U.S. Highway 22 to Smyrna, Ohio, thence over Ohio Highway 8 through Dennison, Ohio, thence over Ohio Highway 39 through Shanesville, Ohio, to Millersburg; (i) from Cambridge over U.S. Highway 21 to Dover, Ohio; (j) from Coshocton over U.S. Highway 36 through West Lafayette, Ohio, to Dennison, Ohio; and (k) from West Lafayette over Ohio Highway 93 to Shanesville, with service at Cleveland restricted for purpose of joinder only. NOTE: Applicant states it is presently authorized to provide the above service by operating through Columbus, Zanesville, or Newcomerstown, Ohio. The purpose of the requested authority is to eliminate the necessity of operating through Columbus, Zanesville, or Newcomers-

town, Ohio. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Chicago, Ill.

No. MC 61396 (Sub-No. 135) (Amendment), filed March 27, 1967, published FEDERAL REGISTER issue of April 13, 1967, amended and republished as amended this issue. Applicant: HERMAN BROS., INC., 2501 North 11th Street, Omaha, Nebr. 68102. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia* in bulk, in tank vehicles, from the plantsite (storage facility) of Armour Agricultural Chemical Co. near Bellevue (Jackson County), Iowa, to points in Iowa, Kansas, Nebraska, South Dakota, Minnesota, North Dakota, Wisconsin, Illinois, Indiana, Michigan, and Missouri. NOTE: The purpose of this republication is to show the commodity description as in tank vehicle in lieu of in tank trucks. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 64932 (Sub-No. 431), filed March 28, 1967. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60643. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Charleston, W. Va., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. NOTE: Applicant states that the purpose of this application is to eliminate the gateway of Ferndale, Mich. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 64932 (Sub-No. 432), filed April 5, 1967. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Carl Steiner, 39 South La Salle Street, Chicago, Ill. 60643. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydraulic system fluid*, in bulk, in tank vehicles, from Bedford and Kokomo, Ind., and Pontiac, Mich., to points in St. Charles County, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 64932 (Sub-No. 433), filed April 5, 1967. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60643. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica gel catalyst*, in bulk, from Paulsboro, N.J., to Alma and Bay City, Mich., and Pine Bend, Minn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 73688 (Sub-No. 19), filed April 6, 1967. Applicant: SOUTHERN TRUCKING CORPORATION, 1500 Orenda Road, Post Office Box 7182, Memphis, Tenn. 38107. Applicant's representative: Charles H. Hudson, Jr., 833 Stahlman Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators*, knocked down, and *accessories*, therefor, including *blow pipe*, from Memphis, Tenn., and points in its commercial zone, to points in Arkansas, Louisiana, Kentucky, Texas, Florida, South Carolina, Virginia, Mississippi, Missouri, Oklahoma, Georgia, North Carolina, and Alabama (except Birmingham and points within 65 miles thereof). NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 75406 (Sub-No. 29) filed March 30, 1967. Applicant: SUPERIOR FORWARDING COMPANY, INC., 26 South Fourth Street, St. Louis, Mo. 63118. Applicant's representative: G. M. Rebman, 1230 Boatmen's Bank Building, St. Louis, Mo. 63117. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A and B explosives and general commodities* (except those of unusual value, and except livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Jonesboro and Blytheville, Ark., from Jonesboro, over Arkansas Highway 18 to Blytheville, and (2) between Jonesboro and Osceola, Ark., from Jonesboro, over Arkansas Highway 18 to junction Arkansas Highway 135, thence over Arkansas Highway 135 to junction Arkansas Highway 136, thence over Arkansas Highway 136 to junction Arkansas Highway 140, thence over Arkansas Highway 140 to Osceola, and return over the same routes as alternate routes for operating convenience only in connection with applicant's presently held authority, serving no intermediate points in (1) and (2) above. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Little Rock, Ark.

No. MC 75981 (Sub-No. 8), filed April 3, 1967. Applicant: WATT TRANSPORT, INC., 115 Army Road, Providence, R.I. 02905. Applicant's representative: Russell B. Curnett, 36 Circuit Drive, Edgewood Station, Providence, R.I. 02905. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron*, in bulk, in dump-type vehicles, from Providence, R.I., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. NOTE: If a hearing is deemed necessary, applicant requests it be held at Providence, R.I., or New York, N.Y.

No. MC 78118 (Sub-No. 16), filed April 5, 1967. Applicant: W. H. JOHNS, INC., 35 Witmer Road, Lancaster, Pa. 17602. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), between points in Indiana County, Pa., on the one hand, and, on the other, points in Ohio and the Lower Peninsula of Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indiana or Harrisburg, Pa.

No. MC 79135 (Sub-No. 37), filed April 6, 1967. Applicant: COSSITT MOTOR EXPRESS, INC., 63 Kendrick Avenue, Hamilton, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise, equipment and supplies*, sold, used by, or useful in the sale and promotion of a door-to-door merchandising operation, between points in New Jersey, on the one hand, and, on the other, Rye, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 79496 (Sub-No. 4), filed April 6, 1967. Applicant: WHITE STAR VAN AND STORAGE, INC., 3324 Smith Street, Everett, Wash. Applicant's representative: George R. LaBissoniere, 920 Logan Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Washington. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 80428 (Sub-No. 62), filed April 6, 1967. Applicant: McBRIDE TRANSPORTATION, INC., Goshen, N.Y. Applicant's representative: Robert V. Glanniny, 900 Midtown Tower, Rochester, N.Y. 14604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: (1) *Yeast Fermo-30* in bulk in stainless steel tank vehicles, from Paterson, N.J., to Syracuse, N.Y., and (2) *brewery yeast slurrey* in bulk in stainless steel tank vehicles, from Albany, Utica, and Rochester, N.Y., Providence, R.I., and Pittsburgh, and Philadelphia, Pa., to Paterson, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 83539 (Sub-No. 204) (Republication), filed February 6, 1967, published FEDERAL REGISTER, issue of February 24, 1967, and republished this issue. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representative: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) The following iron or steel articles, in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bars,*

wire mesh, and pipe; from Baytown, Beaumont, Brownsville, Corpus Christi, Eagle Pass, Freeport, Galveston, Hidalgo, Houston, Laredo, Orange, Port Arthur, Port Isabel, Presidio and Victoria, Tex., to points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas, and (2) the following iron or steel articles, weighing 2,000 pounds or more, which require the use of special equipment: *Sheets, beams, plates, and coils,* from Baytown, Beaumont, Brownsville, Corpus Christi, Eagle Pass, Freeport, Galveston, Hidalgo, Houston, Laredo, Orange, Port Arthur, Port Isabel, Presidio, and Victoria, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex. Special footnote: The above republication reflects the scope of the application as filed by applicant, and may include descriptions, restrictions, or limitations, which are not in a form acceptable to the Commission. The special notice set forth above applies with respect to this republication in the same manner as initial publications. Authority which ultimately may be granted as a result of the application here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 87720 (Sub-No. 61), filed March 30, 1967. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, Flemington, N.J. 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Hard surface floor coverings,* and *incidental materials and supplies,* used in connection with the installation or laying thereof, when moving in the same vehicle therewith, *plastic garden hose* when moving in the same vehicle with the hard surface floor coverings, from the plant and warehouse sites of American Biltrite Rubber Co., Inc., located at La Mirada, Calif., to points in Texas, Idaho, North Dakota, South Dakota, Nebraska, Kansas, and Oklahoma, and *returned shipments,* on return, under contract with American Biltrite Rubber Co., Inc. Restriction: The service authorized herein is subject to the following conditions. The operations authorized herein are limited to a transportation service to be performed, under continuing contract, or contracts, with American Biltrite Rubber Co., Inc., and said operations are restricted against the transportation of any of the commodities described, in bulk. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 87720 (Sub-No. 62), filed April 10, 1967. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, Flemington, N.J. 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Synthetic resin,* dry, in bulk and in bags, from Flemington and Burlington, N.J., to points in Kentucky, Tennessee, Mississippi, Alabama, Louisiana, Georgia, Florida, South Carolina, and North Carolina, under contract with Tenneco Manufacturing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 89723 (Sub-No. 48), filed April 7, 1967. Applicant: MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, Mo. 63103. Applicant's representative: Robt. S. Davis (same address as applicant). Applicant is presently authorized in its regular route authority certificate MC 89723 Sub 14 to transport *general commodities,* moving in express, between points in Arkansas, Tennessee, Louisiana, and Missouri, and return over the same routes subject to certain key point restrictions as contained in No. MC 89723 Sub 14. NOTE: The purpose of this application is to remove Gurdon, Ark., and Texarkana, Ark.-Tex. as key points, but subject to the remaining key point restrictions and other restrictions in said certificate. Applicant is a wholly owned subsidiary of the Missouri Pacific Railroad Co. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Texarkana, Ark.-Tex.

No. MC 98088 (Sub-No. 17) filed April 5, 1967. Applicant: LINDLEY TRUCKING SERVICE, INC., 1701 Grand Avenue, Granite City, Ill. Applicant's representative: Dale Woodall, 900 Memphis Bank Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles,* between Alton, Ill., and the St. Louis, Mo., commercial zone on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Kentucky, Missouri, Tennessee, and Wisconsin. NOTE: Applicant indicates tacking at Granite City, Ill., to serve points in Iowa. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 100666 (Sub-No. 97) filed April 4, 1967. Applicant: MELTON TRUCK LINES, INC., Box 7295, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Plastic pipe, tubing, conduit, valves,* and *fittings, compound joint sealer, bonding cement,* and *accessories and hand tools* used in the installation of such products, from Mount Vernon, Tex., to points in Alabama, Arkansas, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, and Tennessee. NOTE: Applicant states it could tack at Little Rock, Ark., or Oklahoma City, Okla., with its pending authority in MC 100666 Subs 76, 78, and 84. If a hearing is deemed necessary, applicant requests it be held at Shreveport, La., Oklahoma City, Okla., or Dallas, Tex.

No. MC 101868 (Sub-No. 3) filed April 5, 1967. Applicant: EARLE M. GARDNER, Box 255, Pine Plains, N.Y. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Animal and poultry feed,* in bulk, from the village of Chatham, Columbia County, N.Y., to points in Connecticut, Massachusetts, and Vermont. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 102567 (Sub-No. 119) (Republication) filed February 27, 1967, published in the FEDERAL REGISTER issues of March 23, 1967, April 5, 1967, and republished this issue. Applicant: EARL GIBBON TRANSPORT, INC., 235 Benton Road, Post Office Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, 641 Bettes Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Acids and chemicals, including anhydrous ammonia, and petroleum and petroleum products,* in bulk, in tank vehicles, from the plantsite of Monsanto Co., at or near Luling, La., to points in the United States (excluding Alaska and Hawaii). Except: (1) petroleum and petroleum products (not including anhydrous ammonia), to points in Utah, Arizona, Wyoming, Colorado, New Mexico, Oklahoma, Texas, Iowa, Missouri, Arkansas, Wisconsin, Illinois, Michigan, Indiana, Kentucky, Tennessee, Ohio, Alabama, Georgia, West Virginia, North Carolina, South Carolina, Florida, and Virginia; and (2) *acids and chemicals,* to points in Texas. NOTE: Applicant states that the above proposed operations will be restricted to traffic originating at plantsite of Monsanto Co., at or near Luling, La., and destined to points in the United States (excluding Alaska and Hawaii). The purpose of this republication is to delete the hearing information which was April 17, 1967, and now has been canceled. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Shreveport, La.

No. MC 103378 (Sub-No. 325) filed March 30, 1967. Applicant: PETROLEUM CARRIER CORPORATION, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid alum,* from Cedar Springs, Ga., to points in Alabama and Florida. NOTE: Applicant states it intends to tack at Cedar Springs, Ga., to provide service from Fernandina Beach, Fla., to points in Alabama. If a hearing is deemed necessary, applicant requests it be held at Wilmington, N.C. or Atlanta, Ga.

No. MC 103880 (Sub-No. 384) filed April 3, 1967. Applicant: PRODUCERS TRANSPORT, INC., 215 East Waterloo Road, Akron, Ohio 44306. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Diammonium phosphate,* in bulk, in tank vehicles, (1) from Riverdale, Ill., to points in Indiana, Michigan, Ohio, and Wisconsin, and (2) from Des Moines and Dubuque, Iowa, to points in Illinois, Wisconsin, North Da-

kota, South Dakota, Kansas, Nebraska, Minnesota, and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 104896 (Sub-No. 23), filed March 31, 1967. Applicant: WOMELDORF, INC., Post Office Box 232, Lewistown, Pa. 17044. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, insecticides, and pesticides*, and *related advertising materials*, when moving at the same time, from Windsor, N.J., and points within 5 miles thereof to points in Erie, Orleans, Monroe, Genesee, and Alleghany Counties, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 107002 (Sub-No. 325) (Amendment), filed July 21, 1966, published in FEDERAL REGISTER issues of August 18, 1966, and March 22, 1967, amended March 30, 1967, and republished as amended this issue. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Post Office Box 1123, Jackson, Miss. Applicant's representative: E. Stephen Heisley, 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals including anhydrous ammonia, and petroleum and petroleum products*, in bulk, in tank vehicles, from the plantsite of Monsanto Co. at or near Luling, La., to points in the United States (except Alaska and Hawaii). Restriction: (1) The authority is restricted to traffic originating at Luling, La., and destined to the States named, and (2) the authority is restricted against the transportation of spent catalyst and barite ore (barytes) to points in Texas. NOTE: The purpose of this republication is to eliminate tacking and interlining, and delete the hearing information which was April 17, 1967, and has now been canceled. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 107012 (Sub-No. 67), filed April 3, 1967. Applicant: NORTH AMERICAN VAN LINES, INC., Post Office Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Martin A. Weissert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Store fixtures*, uncrated, from Salt Lake City, Utah, to points in Washington, Oregon, California, Idaho, Montana, Wyoming, Nevada, Colorado, Arizona, New Mexico, Kansas, and Nebraska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Washington, D.C.

No. MC 107403 (Sub-No. 712), filed March 28, 1967. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: C. W. Zook (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry silica gel catalyst*, in bulk, in tank or hopper vehicles, from the site of the Mobil Oil Corp. refinery at or near Paulsboro, N.J., to Alma and Bay City, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107496 (Sub-No. 550), filed March 24, 1967. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, (1) from Kansas City, Mo., to points in Kansas, Nebraska, Missouri, and Iowa, (2) from Cairo, Ill., to points in Illinois, Missouri, Kentucky, Tennessee, and Indiana, and (3) from Louisville, Ky., to points in Kentucky, Illinois, Indiana, and Ohio. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., Chicago, Ill., and Des Moines, Iowa.

No. MC 107496 (Sub-No. 551), filed March 24, 1967. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, from points in Scott County, Minn., to points in Illinois, Iowa, Michigan, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., Chicago, Ill., and Des Moines, Iowa.

No. MC 107496 (Sub-No. 555), filed March 30, 1967. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from Minneapolis and points in Minneapolis-St. Paul, Minn., commercial zone, to points in Minnesota and Wisconsin. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Kans., Kansas City, Mo., and Omaha, Nebr.

No. 107496 (Sub-No. 556), filed March 30, 1967. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizers*, in bulk, from Milton Junction (Milton), Wis., and 5 miles thereof, to points in Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., Chicago, Ill., or Des Moines, Iowa.

No. 108119 (Sub-No. 18), filed March 27, 1967. Applicant: E. L. MURPHY TRUCKING CO., a corporation, 2330 West County Road C, St. Paul, Minn. 55113. Applicant's representative: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers*, or equalizers for air, gas, or liquids, (2) *equipment and machinery* for heating and cooling, conditioning, humidifying, and dehumidifying, and (3) *parts, attachments*, and *accessories* for use in connection with the installation and use of the commodities described in (1) and (2) above, from the plantsites and warehouse facilities of Trane Co. located in Montgomery County, Tenn., Fayette County, Ky., and La Crosse County, Wis., to points in the United States except Alaska, and Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108207 (Sub-No. 217), filed April 6, 1967. Applicant: FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, Dallas, Tex. 75222. Applicant's representative: J. B. Ham, 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Memphis, Tenn., and points in its commercial zone, to points in Mississippi. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Dallas, Tex.

No. MC 108449 (Sub-No. 256), filed April 5, 1967. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid fertilizer, fertilizer ingredients, and fertilizer solutions*, in bulk, from Moorhead, Minn., to points in North Dakota, South Dakota, and Minnesota, and (2) *Liquid fertilizer*, in bulk, in tank vehicles, from Savage, Minn., to points in Iowa, Minnesota, North Dakota, South Dakota, Upper Peninsula of Michigan, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 108449 (Sub-No. 257), filed April 5, 1967. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, from the plantsite (storage facility) of Armour Agricultural Chemical Co., located at Jackson County, near Bellevue, Iowa, to points in Iowa, Kansas, Nebraska, South Dakota, Minnesota, North Dakota, Wisconsin, Illinois, Indiana, Michigan, and Missouri. NOTE: If a hearing is deemed

necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 109637 (Sub-No. 318), filed March 24, 1967. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville, Ky. 40211. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar and coal tar products*, in bulk, in tank vehicles, from the plant-site and storage facilities used by Western Tar Products Corp. at or near Terre Haute, Ind., to Cincinnati, Ohio. NOTE: Applicant states no possibility of tacking to other authority at this time, but much prefer to avoid the encumbrance of a no-tacking provision, if possible. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Louisville, Ky.

No. MC 109637 (Sub-No. 319), filed April 3, 1967. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville, Ky. 40211. Applicant's representative: H. N. Nunnally (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refined vegetable oil*, in bulk, in tank vehicles, from Louisville, Ky., to Tulsa, Okla., and Irving, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110420 (Sub-No. 539), filed April 3, 1967. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Allan B. Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, (1) from Riverdale, Ill., to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin; (2) Des Moines and Dubuque, Iowa, to points in Iowa, Illinois, Wisconsin, North Dakota, South Dakota, Nebraska, Kansas, Minnesota, and Missouri; and (3) Depue, Ill., to points in Illinois, Wisconsin, North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Missouri, Michigan, Ohio, Indiana, and Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111170 (Sub-No. 118) filed March 27, 1967. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, Ark. 71730. Applicant's representative: Fred Worsham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid acids and chemicals and petroleum products*, in bulk (except liquid oxygen, nitrogen, and hydrogen and except liquefied petroleum gases to points in Arkansas, Louisiana, and Texas within 150 miles of Henderson, Tex.), from Sterlington, La., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states that the above operations will be restricted to traffic originating at plantsites of Commercial Solvent Corp., at or near Sterlington, La., and destined to above-named States. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Shreveport, La.

No. MC 111401 (Sub-No. 219) filed April 3, 1967. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Enid, Okla. 73701, also Post Office Box 632, Enid, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Leavenworth, Kans., to points in Iowa, Kansas, Missouri, and Nebraska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 111729 (Sub-No. 221), filed March 24, 1967. Applicant: AMERICAN COURIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. 11361. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radio-pharmaceuticals, radioactive drugs, and medical isotopes*, limited to shipments not to exceed 50 pounds per shipment, (1) between North Chicago, Ill., on the one hand, and, on the other, points in Indiana, Iowa, Michigan, and Wisconsin; (2) between Birmingham, Ala., on the one hand, and, on the other, points in Alabama, restricted to traffic having an immediately prior or immediately subsequent movement by air; (3) between Memphis, Tenn., on the one hand, and, on the other, points in Mississippi, Tennessee, and Arkansas, restricted to traffic having an immediately prior or immediately subsequent movement by air; (4) between New York, N.Y., on the one hand, and, on the other, points in New York, Connecticut, and New Jersey, restricted to traffic having an immediately prior or immediately subsequent movement by air; (5) between Philadelphia, Pa., on the one hand, and, on the other, points in Delaware, New Jersey, Maryland, and Virgina, restricted to traffic having an immediately prior or immediately subsequent movement by air; (6) between Fort Lauderdale and Miami, Fla., on the one hand, and, on the other, points in Florida, restricted to traffic having an immediately prior or immediately subsequent movement by air; (7) between Atlanta, Ga., on the one hand, and, on the other, points in Georgia, restricted to traffic having an immediately prior or immediately subsequent movement by air; (8) between Louisville, Ky., on the one hand, and, on the other, points in Kentucky, restricted to traffic having an immediately prior or immediately subsequent movement by air; (9) between New Orleans, La., on the one hand, and, on the other, points in Louisiana, restricted to traffic having an immediately prior or immediately subsequent movement by air.

(10) Between Boston, Mass., on the one hand, and, on the other, points in Maine, New Hampshire, and Vermont, restricted to traffic having an immediately prior or immediately subsequent movement by air; (11) between St. Louis, Mo., on the one hand, and, on the other, points in Missouri (except points in Cape Girardeau, Miss., Scott, Stoddard, New Madrid, and Butler Counties), restricted to traffic having an immediately prior or immediately subsequent movement by air; (12) between Kansas City, Mo., on the one hand, and, on the other, points in Missouri and Illinois, restricted to traffic having an immediately prior or immediately subsequent movement by air; (13) between Charlotte, N.C., on the one hand, and, on the other, points in North Carolina and South Carolina, restricted to traffic having an immediately prior or immediately subsequent movement by air; (14) between Pittsburgh, Pa., on the one hand, and, on the other, points in Pennsylvania, Ohio, and West Virginia, restricted to traffic having an immediately prior or immediately subsequent movement by air; (15) between Cleveland, and Cincinnati, Ohio, on the one hand, and, on the other, points in Ohio, restricted to traffic having an immediately prior or immediately subsequent movement by air; (16) between Dallas, Tex., on the one hand, and, on the other, points in Oklahoma, restricted to traffic having an immediately prior or immediately subsequent movement by air; (17) between Nashville, Tenn., on the one hand, and, on the other, points in Tennessee, restricted to traffic having an immediately prior or immediately subsequent movement by air. (18) between Washington, D.C. and Richmond, Va., on the one hand, and, on the other, points in Virginia; (19) between Dallas Airport, Tex., on the one hand, and, on the other, Fort Worth, Tex., restricted to traffic having an immediately prior or immediately subsequent movement by air; and (20) between San Antonio and Houston Airports, Tex., on the one hand, and, on the other, points in Texas, restricted to traffic having an immediately prior or immediately subsequent movement by air. NOTE: Applicant indicates tacking possibilities with its presently held authority. Applicant also holds contract carrier authority under MC 112750 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 112520 (Sub-No. 160), filed April 5, 1967. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Post Office Box 1200, Tallahassee, Fla. 32202. Applicant's representative: Sol H. Proctor, 1730 American Heritage Life Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, from Occidental, Fla., to points in Alabama, Florida, and Georgia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville or Tallahassee, Fla.

No. MC 112801 (Sub-No. 68), filed April 5, 1967. Applicant: TRANSPORT

SERVICE CO., a corporation, 5100 West 41st Street, Chicago, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in pneumatic tank vehicles, from Chicago, Ill., to points in Michigan, Indiana, Wisconsin, and Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113106 (Sub-No. 23), filed March 31, 1967. Applicant: THE BLUE DIAMOND COMPANY, a corporation, 4401 East Fairmount Avenue, Baltimore, Md. 21224. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass containers in packages and empty cartons and partitions*, also articles used or useful in shipping of glass containers, *empty pallets, platforms, or skids*, from Gloucester City and Salem, N.J., to points in Delaware, Maryland, Virginia, and the District of Columbia, and *refused and returned shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113362 (Sub-No. 132), filed March 29, 1967. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's representative: Marshall D. Becker, 630 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, from the plantsite and/or storage facilities used by Mason Candies, Inc., at or near Mineola, Long Island, N.Y., and Jersey City, N.J., to Chicago, Ill., and Detroit, Mich., restricted to traffic originating at said plantsite and/or storage facilities and destined to Chicago, Ill., and Detroit, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y., or Washington, D.C.

No. MC 113362 (Sub-No. 134), filed April 3, 1967. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Millwork, hardwood furniture, and hardwood furniture parts*, (1) from the plantsite of Davidson-McNair Co. at or near Oil City, Pa., to points in Missouri and Michigan, and (2) from the plantsite of Davidson-McNair Co. at or near Peninsula, Ohio, to points in Missouri, Michigan, Arkansas, Illinois, Indiana, Wisconsin, Minnesota, Iowa, and Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 114019 (Sub-No. 170), filed April 3, 1967. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Carl Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine, salad dressing, coconut oil, vegetable oil, cooking oil, shortening, stearine, stearate, mayonnaise*, and *related advertising matter* when moving in shipments with the specified commodities (except in bulk in tank vehicles), from the Columbus, Ohio to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 114045 (Sub-No. 273), filed April 3, 1967. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Finley and Beet Line Road, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, from New York, N.Y., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 114273 (Sub-No. 23), filed April 3, 1967. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, 3930 16th Avenue SW., Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Commerce Exchange Building, 2720 First Avenue NE., Suite 315, Cedar Rapids, Iowa 52402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles, and equipment, materials, and supplies* used in the manufacture or processing of iron and steel articles, between points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, Alton and Granite City, Ill., on the one hand, and, on the other, points in Iowa, Minnesota, North Dakota, South Dakota, Nebraska, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 115556 (Sub-No. 4), filed March 31, 1967. Applicant: DOUGLAS DEWITT, 907 Main Street, Oconto, Wis. 54153. Applicant's representative: Roger Radue, 125 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, rough and/or finished, and *plywood*, from points in Idaho, Montana, Oregon, Washington, and Wyoming to points in Oconto County, Wis., (2) *lumber*, from Eagle River, Wis., and points in Wisconsin within 50 miles thereof, to Ironwood, Mich.; (3) *flooring*, (except wooden flooring) and *lumber*, rough and/or finished, from Ironwood, Mich., to points in Wisconsin, Illinois, Iowa, Indiana and Ohio; (4) *flooring and lumber*, rough and/or finished, between points in Minnesota, on the one hand, and, on the other, Ironwood, Mich.; and (5) *flooring and lumber*, rough and/or finished, from Ironwood, Mich., to points in the Lower Peninsula of Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 115557 (Sub-No. 7), filed April 3, 1967. Applicant: CHARLES A. McCAULEY, 308 Leasure Way, New Bethlehem, Pa. Applicant's representative: H. Ray Pope, Jr., 10 Grant Street, Clarion, Pa. 16214. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dynamic loud speakers*, not in cabinets, from points in Punxsutawney Borough, Jefferson County, Pa., to Milwaukee, Wis., and Nashua, N.H., with no transportation for compensation on return except as otherwise authorized; (2) *dynamic loud speakers* (not in cabinets) *transformers, coils, or yokes used in television sets*, from points in Punxsutawney Borough, Jefferson County, Pa., to points in Arkansas, Connecticut, Illinois, Indiana, Iowa, Massachusetts, Maryland, New Jersey, New York, North Carolina, Tennessee, and Ohio (except Akron, Cleveland, Youngstown, and Warren), and *refused shipments*, on return; (3) *new furniture*, crated and uncrated, from points in Redbank Township, Clarion County, Pa., to points in Delaware, Kentucky, and the Lower Peninsula or Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 115841 (Sub-No. 305), filed March 29, 1967. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West 35204, Post Office Box 2169 35201, Birmingham, Ala. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products* (except in bulk or tank vehicles), from Hope, Ark., to Jackson and Humboldt, Tenn.; Chambersburg and Allentown, Pa.; Frankfort, Mich.; and Chickasha, Okla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., Memphis, Tenn., or Detroit, Mich.

No. MC 115841 (Sub-No. 306), filed March 29, 1967. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Birmingham, Ala. 35201. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery bases and mixes* (except in bulk or tank vehicles), from Pittsburgh, Pa., to (1) Los Angeles and Sacramento, Calif.; Salt Lake City, Utah; Seattle and Tacoma, Wash.; and (2) Yuma, Ariz. NOTE: Applicant states it presently holds the authority in (1) above by tacking its Sub 140 (from Pittsburgh, Pa., to points in Alabama, Arkansas, Kentucky, Louisiana, Mississippi, and Tennessee) to its Sub 260 (From Birmingham, Ala., to points in California, Oregon, and Washington), by this instant application it seeks to eliminate this gateway authority, and also to serve the additional point of Yuma, Ariz., in (2) above. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 115841 (Sub-No. 307), filed April 7, 1967. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West 35204, Post Office Box 2169 35201, Birmingham, Ala. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles* distributed by meat packinghouses, as described in sections A and C of appendix I to report in Descriptions in *Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Oscar Mayer & Co., Inc., Beardstown, Ill. to points in Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the described plantsite and destined to points in the above named States. NOTE: If a hearing is deemed necessary, applicant did not specify location.

No. MC 116077 (Sub-No. 203) (Republication), filed July 21, 1966, published in the FEDERAL REGISTER issues of August 18, 1966, and March 22, 1967, and republished this issue. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 9527, Houston, Tex. 77011. Applicant's representative: Thomas E. James, 721 Brown Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals, including anhydrous ammonia, and petroleum and petroleum products*, in bulk, in tank vehicles, from the plantsite of Monsanto Co., at or near Luling, La., to points in the United States except Alaska and Hawaii. Restriction: The authority is restricted to traffic originating at Luling, La., and destined to the States named. NOTE: The purpose of this republication is to delete the hearing information which was April 17, 1967, and has now been canceled. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Houston, Tex.

No. MC 117119 (Sub-No. 398), filed April 3, 1967. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. 72728. Applicant's representative: John H. Joyce, 26 North College, Fayetteville, Ark. 72702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry drugs, tonics, medicines, insecticides, and disinfectants*, and *supplies* used in the preparation and packaging of the commodities specified herein, *feed supplements and poultry equipment*, from Millsboro, Del., to Menlo Park, Calif., Gainesville, Ga., Birmingham, Ala., and Dallas, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Washington, D.C.

No. MC 117370 (Sub-No. 16), filed March 31, 1967. Applicant: STAFFORD TRUCKING, INC., Post Office Box 403, Elm Grove, Wis. Applicant's representative: Claude J. Jasper, 111 South Fairchild Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bags, from points in La Salle County, Ill., Oregon, Ill., Michigan City, Ind., Bridgman, Mich., and Portage, Wis., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Madison, Wis.

No. MC 117427 (Sub-No. 61), filed March 31, 1967. Applicant: G. G. PARSONS TRUCKING CO., a corporation, Post Office Box 1085, North Wilkesboro, N.C. 28659. Applicant's representative: Francis J. Ortman, 770, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except plywood and veneer) from points in that part of New York north and east of a line beginning at the New York-Massachusetts State line at or near New Lebanon, N.Y., and extending along U.S. Highway 20 to junction New York Highway 26 at or near Madison, N.Y., and thence along New York Highway 26 to port of entry on the international boundary line between the United States and Canada located at or near Alexandria Bay, N.Y., and points in Nassau and Suffolk Counties, N.Y., and the Boroughs of Brooklyn and Queens, N.Y., to points in Illinois, Indiana, Kentucky, Michigan, North Carolina, Ohio, Pennsylvania, Virginia, and West Virginia. NOTE: Applicant holds contract carrier authority under MC 116145 and Sub 5 thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 118989 (Sub-No. 11) filed April 5, 1967. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, Wis. 53221. Applicant's representative: Richard A. Heilprin, Post Office Box 941, Madison, Wis. 53701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boxes, partitions, separators, fillers, dividers, pulpboard or fibreboard, corrugated or noncorrugated, set up or knocked down, and containers*, between Chicago, Ill., and Burlington, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis.

No. MC 118989 (Sub-No. 12) filed April 5, 1967. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, Wis. 53221. Applicant's representative: Richard A. Heilprin, Post Office Box 941, Madison, Wis. 53701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers and incidental parts*, between Ripon, Milwaukee and Racine, Wis., on the one hand, and, on the other, Niles, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis.

No. MC 119657 (Sub-No. 3) filed April 6, 1967. Applicant: GEORGE TRANSIT LINE, INC., 4610 Hubbell Avenue, Des Moines, Iowa. Applicant's representative: Richard A. Miller, 212 Equitable Building, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, from the plantsites and warehouses of the New Jersey Zinc Co., located at or near Depue and Riverdale, Ill., Des Moines and Dubuque, Iowa, to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 119670 (Sub-No. 12) filed April 3, 1967. Applicant: THE VICTOR TRANSIT CORPORATION, Post Office Box 115, Winston Place Station, Cincinnati, Ohio 45232. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Rockdale, Ill., to Bardstown, Frankfort, Lexington, and Louisville, Ky., and Lawrenceburg, Ind., and points within five (5) miles thereof of each. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 119767 (Sub-No. 192), filed March 30, 1967. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Allan B. Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned and preserved foodstuffs*, from points in Wisconsin, except Beaver Dam, Fox Lake, Ripon, and Rosendale, to points in Kentucky, except Louisville and Lexington and (2) *frozen foods*, from (a) Green Bay, Wis., to points in Iowa, Missouri, Kentucky, Ohio, Michigan, and Kansas City, Kans., and (b) from Traverse City, Mich., to points in Illinois, Indiana, Minnesota, Missouri, North Dakota, South Dakota, Wisconsin, Iowa, and Ohio on and west of U.S. Highway 23. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 193) filed March 30, 1967. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Allan B. Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from points in North Dakota, South Dakota, Iowa, Missouri, Illinois, Minnesota, Wisconsin and points in that part of Nebraska on and east of U.S. Highway 183, to Milwaukee, Wis. NOTE: Applicant states that only so far as frozen food transported under this application would be a "prepared food" then it could tack to serve points in Illinois and Indiana under its base certificate. If a

hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 120449 (Sub-No. 3) filed April 3, 1967. Applicant: PETER P. DECASPER, JR. AND HERMAN DECASPER, a partnership, doing business as DECASPER DELIVERY, 3 River Street, Bradford, Pa. 16701. Applicant's representative: James W. Lawson, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: Regular routes: (1) *General commodities* (except classes A and B explosives, commodities of unusual value, commodities in bulk, commodities requiring special equipment, and household goods as defined by the Commission) between Jamestown, N.Y. and Bradford, Pa.: (a) from Jamestown over New York Highway 60 to junction U.S. Highway 62, thence over U.S. Highway 62 to junction Pennsylvania Highway 59, thence over Pennsylvania Highway 59 to junction U.S. Highway 219, thence over U.S. Highway 219 to Bradford, and (b) from Jamestown over New York Highway 17 to junction U.S. Highway 219, thence over U.S. Highway 219 to Bradford, and return over the same routes, serving the intermediate and off-route points in McKean County, Pa., and points in that part of Warren County, Pa., located north and east of a line beginning at the New York-Pennsylvania State line and extending south along U.S. Highway 62 to Sheffield, Pa., and thence east along U.S. Highway 6 to Warren County-McKean County line, including points on the said highways, in (a) and (b) above, service at Jamestown, N.Y. is restricted to interchange of traffic only. Irregular routes: (2) *composite empty cans and matching tops or bottoms, aluminum, steel, or plastic composition*, from Bradford, Pa., to Dundee, N.Y., and *skids, packing materials, damaged, rejected, and returned shipments*, on return. NOTE: Applicant states the purpose of (1) above is to establish a new point of interchange. If a hearing is deemed necessary, applicant requests it be held at Erie, Pa.

No. MC 123310 (Sub-No. 7), filed April 5, 1967. Applicant: VERNON L. HUNT, doing business as HUNT TRUCKING, 1014 Madison Avenue, Cheyenne, Wyo. 82001. Applicant's representative: Ward A. White, Post Office Box 568, 1600 Van Lennen Avenue, Cheyenne, Wyo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed*, from Denver, Colo., to points in Sheridan, Roosevelt, Richland, Dawson, Wibaux, Prairie, Fallon, Carter, Powder River, Custer, McCone, Valley, Daniels, Phillips, Petroleum, Garfield, Fergus, Musselshell, Golden Valley, Wheatland, Sweet Grass, Stillwater, Carbon, Rosebud, Treasure, and Yellowstone Counties, Mont. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cheyenne, Wyo.

No. MC 124078 (Sub-No. 267), filed March 31, 1967. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plantsite of the Penn-Dixie Cement Corp. at Clinchfield, Ga., to points in North Carolina and that part of Alabama north and west of Cleburne, Clay, Coosa, Elmore, Montgomery, Crenshaw, and Covington Counties, Ala. NOTE: Common control may be involved. Applicant states it could tack the authority sought herein with its presently held authority in MC 124079 Subs 10 and 63, at Birmingham and Demopolis, Ala., to perform a through service to Mississippi and Louisiana. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124078 (Sub-No. 269), filed April 4, 1967. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Fairmont, W. Va., to points in Ohio, Pennsylvania, and West Virginia. NOTE: Applicant states it would tack the proposed authority with its Sub 225 tacking at Northampton, Pa., to serve points in Connecticut, Massachusetts, New York, and Rhode Island.

No. MC 124722 (Sub-No. 6), filed March 30, 1967. Applicant: E'PORT WAREHOUSE & TRANSFER CO., a corporation, 821 East Linden Avenue, Linden, N.J. 08221. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bakery products* (except in bulk), between Bridgeton, N.J., on the one hand, and, on the other, points in New Jersey (except Mercer, Burlington, Camden, Gloucester, Salem, Cumberland, Warren, Cape May, and Atlantic Counties, N.J.) and New York, N.Y., Nassau, Suffolk, Westchester, Orange, Rockland, Sullivan, Delaware, Broome, Putnam, Dutchess, Ulster, Columbia, Greene, Albany, Schnectady, and Rensselaer Counties, N.Y., points in Connecticut, and points in Lancaster, Berks, Philadelphia, Delaware, Montgomery, Bucks, Lehigh, Northampton, Carbon, Luzerne, and Lackawanna Counties, Pa.; (2) *potato chips, pretzels, salted nuts, bakery products* (except in bulk), and *prepared food stuffs*, between Pennsville, N.J., on the one hand, and, on the other, points in New York, Connecticut, New Jersey; and Lancaster, Berks, Philadelphia, Delaware, Montgomery, Bucks, Lehigh, Northampton, Carbon, Luzerne, and Lackawanna, Pa., and *returned shipments*, on return under a continuing contract with Food Fair Stores, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 124813 (Sub-No. 38), filed March 24 1967. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, (1) from Depue, Ill., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin, and (2) from Des Moines and Dubuque, Iowa, and Riverdale, Ill., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. NOTE: Applicant is also authorized to conduct operations as a contract carrier in permit No. MC 118468 and Subs thereunder, therefor, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 126291 (Sub-No. 8), filed April 4, 1967. Applicant: QUIRION TRANSPORT, INC., La Guadeloupe, County of Frontenac, Quebec, Canada. Applicant's representative: Frank J. Weiner, Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bricks*, from the ports of entry on the United States-Canada boundary line located at or near Jackman and Coburn Gore, Maine, Derby Line, Norton Mills, and Highgate Springs, Vt., and Rouses Point, N.Y., to points in Maine, New Hampshire, Vermont, New York, and Massachusetts. NOTE: If a hearing is deemed necessary, applicant requests it be held at Augusta or Portland, Maine.

No. MC 126514 (Sub-No. 8), filed April 4, 1967. Applicant: HELEN H. SCHAEFFER AND EDWARD D. SCHAEFFER, a partnership, Post Office Box 392, Phoenix, Ariz. 85001. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cosmetics, toilet preparations, perfumes, soap, and advertising materials, and displays*, in mechanically refrigerated equipment, from Port Jervis, N.Y., and Mountaintop, Pa., to Los Angeles and San Francisco, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 126881 (Sub-No. 7), filed April 5, 1967. Applicant: RICHARD B. RUDY, INC., 203 Linden Avenue, Frederick, Md. 21701. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and preparations* requiring refrigeration, other than in bulk, from Frederick, Md., to points in Connecticut, Delaware, Massachusetts, Maryland, New York (except New York, N.Y., commercial zone), North Carolina, Ohio, Rhode Island, Virginia (except Fredericksburg, Richmond, Petersburg, and Norfolk), West Virginia, and the District of Columbia, under contract with Capitol Milk Producers Cooperative, Inc. NOTE: If a

hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127100 (Sub-No. 4), filed April 3, 1967. Applicant: B & B MOTOR LINES, INC., 911 Summit Street, Toledo, Ohio 43604. Applicant's representative: Earl F. Boxell, 9th Floor, Toledo Trust Building, Toledo, Ohio 43604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, consisting of beer and ale*, in bottles and cans, in cases and in kegs and other containers, and *empty bottles in cases, and empty kegs and other empty containers* therefor, from Toledo, Defiance, Lima, and Sandusky, Ohio, to South Bend, Ind., and Peoria, Ill., under contract with Metropolitan Distributing Co.; The Thornburgh Sales Co.; The Defiance Beverage Co., and Shawnee Distributors, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, Lansing, Mich., or Indianapolis, Ind.

No. MC 127506 (Sub-No. 3), filed March 24, 1967. Applicant: P. JUDGE & SONS, INC., 117 Metropolitan Avenue, Brooklyn, N.Y. 11211. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Business machines and parts, accessories, and supplies therefor* (except articles which, because of size, shape, or weight, require the use of special equipment or special handling), (1) between piers in New York Harbor, N.Y., including Port Newark and Port Elizabeth, N.J., North Branch, Clark, and Somerville, N.J., on the one hand, and, on the other, points in New York, N.Y., points in Orange, Rockland, Westchester, Nassau, and Suffolk Counties, N.Y.; and, (2) between piers in New York Harbor, N.Y., including Port Newark and Port Elizabeth, N.J., and New York, N.Y., on the one hand, and, on the other, Somerville North Branch and Clark, N.J., under contract with Inter-Continental Trading Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 127799 (Sub-No. 1), filed April 6, 1967. Applicant: LUPPES TRANSPORT COMPANY, INC., Post Office Box 152, Webster City, Iowa 50595. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plantsite and facilities of Armour Agricultural Chemical Co. at or near Bellevue (Jackson County), Iowa, to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 127864 (Sub-No. 1), filed March 27, 1967. Applicant: PAUL W. WILLS, INC., 2535 Center Street, Cleveland, Ohio 44113. Applicant's representative: Rex Eames, 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, in dump vehicles, with *refused, damaged, and rejected shipments* on return, (1) between the port of entry on the international boundary line between the United States and Canada located at or near Port Huron, Mich., on the one hand, and, on the other, points in Michigan, and (2) between points in Michigan, on the one hand, and, on the other, points in Ohio, under a continuing contract with Luntz Iron & Steel Co. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 128254 (Sub-No. 2), filed April 5, 1967. Applicant: THEODORE SAVAGE, 16061 Warren Lane, Huntington Beach, Calif. 92647. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, limited to traffic having a prior or subsequent movement by air, between the Los Angeles (California) International Airport, on the one hand, and, on the other, points in Orange County, Calif., located south of a line running east and west through El Toro and Newport Beach (including service at El Toro, and restricted against service at Newport Beach), and points in San Diego County, Calif., under contract with W T C Air Freight. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 128480 (Sub-No. 1), filed April 3, 1967. Applicant: H. S. MILES, doing business as DUKE AUTO TRANSPORT, 3203 Colvin Street, Alexandria, Va. 22314. Applicant's representative: Theodore Polydoroff, 917 Munsey Building, 1329 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles*, (1) from points in the District of Columbia to Salem and Martinsville, Va., and Leaksville, N.C., (2) from Alexandria, Va., and points in Arlington and Fairfax Counties, Va., to Spray, N.C.; (3) from points in Arlington County, Va., to Bristol, Tenn.; and (4) from Alexandria, Va., and points in Arlington County, Va., to Leaksville, N.C., under contract with Riverside Motor, Spray, N.C., Circle Motors, Leaksville, N.C., Mize Motors, Martinsville, Va., Mize Motors, Leaksville, N.C., Central Motors, Salem, Va., and Valley Auto Sales, Bristol, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Greensboro, Winston-Salem, or High Point, N.C.

No. MC 128569 (Sub-No. 1) filed April 7, 1967. Applicant: GUARDIAN STORAGE INC., 4023 Navy Boulevard, Pensacola, Fla. 32507. Applicant's representative: C. W. Haul (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies* having a prior or subsequent movement in interstate commerce, between Pensacola, Fla., and points in Escambia, Santa Rosa, and Okaloosa Counties, Fla., under contract with the Western Electric Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pensacola, Fla., or Mobile, Ala.

No. MC 128690 (Sub-No. 1) filed April 5, 1967. Applicant: JANET RAE BARNES, doing business as JAN PAM'S WESTVIEW BOARDING FARM, Route 1, Frederick, Md. 21701. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Horses*, and, in connection therewith, *personal effects of attendants* and *supplies and equipment including mascots*, used in the care or exhibition of such animals, between points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and West Virginia, under contract with Glade Valley Farms, Inc., Pine Ridge Farm, Fairview Farm, O'Sullivan Farms, William Page, William S. Berry, Robert L. Gheen, and Glenn E. Price. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128767 (Sub-No. 1) filed March 30, 1967. Applicant: JAMES L. GROVER 8446 Lockleven, Kings Beach, Calif. Applicant's representative: Wm. J. Crowell, 402 North Carson Street (Post Office Box 1000), Carson City, Nev. 89701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Computer cards, meter readings, processing data, and newspapers*, (1) between Reno, Nev., and Tahoe Vista, Calif.; from Reno over U.S. Highway 395 to Carson City, Nev., thence over U.S. Highway 50 to junction Nevada Highway 28, thence over Nevada Highway 28 to the Nevada-California State line, thence over California Highway 28 to Tahoe Vista, and return over the same route, serving all intermediate points, and (2) between Reno, Nev., and Bijou, Lake Tahoe, Calif.; from Reno, Nev., over U.S. Highway 395 to Carson City, Nev., thence over U.S. Highway 50 to Bijou, Lake Tahoe, and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Reno, Nev.

No. MC 128847 (Sub-No. 1), filed April 7, 1967. Applicant: HAROLD J. McTAGGART, doing business as HAROLD J. McTAGGART TRUCKING, 4306 Third Street, Port Hope, Mich. Applicant's representative: William B. Elmer, 22644 Gratict Avenue, East Detroit, Mich. 48021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemical fertilizer*, in bags and in bulk, from Findlay and Toledo, Ohio, to points in Huron, Mountcalm, and Sanilac Counties, Mich., under contract with Bad Axe Grain Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No MC 128894, filed March 30, 1967. Applicant: LOUIS GORNEY REFRIGERATED TRANSPORT, INC., Route 11, Lafayette, N.Y. 13084. Applicant's representative: Charles Andrews, 600 Onondaga County Savings Bank Building, Syracuse, N.Y. 13202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, in *rough, treated, and finished form, and forest products, such as, poles, posts, and similar items*, between Lafayette, N.Y., and points in Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, under contract with Booher Lumber Co., Inc., Lafayette, N.Y. NOTE: If a hearing in deemed necessary, applicant requests it be held at Syracuse or Rochester, N.Y.

No. MC 128944 (Sub-No. 1), filed March 27, 1967. Applicant: HOOVER FREIGHTWAYS, INC., 710 Third National Bank Building, Nashville, Tenn. 37219. Applicant's representative: Clarence Evans (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (A) between Nashville, Tenn., on the one hand, and, on the other, Florence, Sheffield, and Tuscumbia, and points within ten (10) miles of any of these Alabama points; and also serving Russellville, Ala., as an off-route point; over all of the routes described in Paragraphs B, C, and D hereinafter: (B) From Nashville over U.S. Highway 31 to Columbia, Tenn., thence over U.S. Highway 43 to its junction with U.S. Highway 72, thence over U.S. Highway 72 to Tuscumbia, Ala., and return over the same route; (C) from Nashville over Interstate Highway 65 to Decatur, Ala., and thence over U.S. Highway 72–A to Tuscumbia and return over the same route, and (D) from junction Interstate Highway 65 and U.S. Highway 72 near Athens, Ala., over U.S. Highway 72 to Tuscumbia and return over the same route; with authority to use the aforedescribed route segments, or portions thereof, in conjunction with each other, but with a restriction against service at any point other than those points specified in Paragraph (A). NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Florence, Ala.

No. MC 128962, filed March 23, 1967. Applicant: FRED H. LORENZEN, doing business as A. V. PRICE TRANSFER COMPANY, 1631 Ronan Avenue, Wilmington, Calif. 90746. Applicant's representative: R. Y. Schureman, 1010 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baggage and personal effects of steamship passengers*, between points in the Los Angeles Harbor Commercial Zone, California, on the one hand, and, on the other hand, points in Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, and Ventura Counties, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 128963, filed March 22, 1967. Applicant: M & M TRANSFER, INC., King Street Extension, Post Office Box 552, Charleston, S.C. 29402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods and personal effects* in providing local pickup and delivery service for forwarders, (1) between points in Charleston County, S.C.; and (2) between points in Charleston County, S.C. and points in South Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charleston, S.C. or Columbia, S.C.

No. MC 128968 (Sub-No. 1), filed April 6, 1967. Applicant: CLARENCE L. WICKLIFF, LESLIE D. WICKLIFF, and KAREN S. WICKLIFF, a partnership, doing business, as WICKLIFF and SON, 516 East 12th Street, Newton, Iowa 50308. Applicant's representative: Richard A. Miller, 212 Equitable Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Farm implements and attachments, and electrical generators and attachments; parts, raw materials, electrical equipment for the manufacture of; and excess or damaged materials*, between Newton, Iowa, and points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is demed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 128970, filed March 24, 1967. Applicant: ROBERT O. YOUNKIN, doing business as ATHERTON TRANSFER AND STORAGE COMPANY, 815 East Second Street, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Used household goods* as defined by the Interstate Commerce Commission, moving on through bill of lading of exempt freight forwarder and having an immediate prior or subsequent line-haul by rail, motor, water, and air, to and between points in Kansas. NOTE: Authority sought is to be used solely in conjunction with the operations of exempt forwarders of used household goods. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans., or Kansas City, Mo.

No. MC 128978, filed March 29, 1967. Applicant: FRANCIS R. MATTHEWS, 7111 Chama Trail, Enon, Ohio 45323, also Rural Route 1, Fairborn, Ohio 45324. Applicant's representative: Kenneth G. Rush, 314 McAdams Building, Springfield, Ohio 45502. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unsual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in Clark County, Ohio, and Detroit, Mich., Indianapolis, Ind., and Cincinnati and Cleveland, Ohio, under contract with Udylite Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Columbus, or Cincinnati, Ohio.

No. MC 128985, filed March 30, 1967. Applicant: M. L. WILKERSON, doing business as WILKERSON TRUCKING COMPANY, Route No. 5, Lenoir City, Tenn. 37771. Applicant's representative: Walter Hardwood, 515 Nashville Bank & Trust Building, Nashville, Tenn. 37201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canvas duck, webbing, tents*, and *canvas items* from Knoxville, Tenn., to Memphis, Tenn., and Ogden, Utah; (2) *materials* used in the manufacture of said commodities from points in Michigan, Pennsylvania, and Richmond, Va., to the plantsite of Camel Manufacturing Co., at Knoxville, Tenn., under a continuing contract with Camel Manufacturing Co., Knoxville, Tenn.; (3) *camping trailers* from plantsite of American Duralite Corp. at Loudon, Tenn., to points in the United States (except Alaska and Hawaii); (4) *Aluminum windows and doors*, from the plantsite of American Duralite Corp., Loudon, Tenn., to points in the States which border on the Mississippi River and points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada; and (5) (a) *Glass*, from points in Kentucky, Georgia, and Florida; (b) *aluminum* from points in Indiana; and (c) *materials* used in the manufacture of camping trailers from points in Indiana, to the plantsite of American Duralite Corp., Loudon, Tenn., under a continuing contract with American Duralite Corp., Loudon, Tenn. Note: Applicant holds common carrier authority in MC–124632 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 128998, filed April 6, 1967. Applicant: VANWAYS, INC., 1230 West River Road, Oscoda, Mich. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in the Upper Peninsula, and the Counties of Emmet and Cheboygan, Mich., and (2) between

points in Arenac, Iosco, Ogemaw, Oscoda, Alcona, Alpena, Presque Isle, Cheboygan, and Emmet Counties, Mich., on the one hand, and, on the other, those counties in the lower Peninsula of Michigan in and north of Bay, Midland, Isabella, Mecosta, Newaygo, and Oceana Counties, Mich., restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such shipments. NOTE: If a hearing is deemed necessary, applicant requests it be held at Saginaw, Mich., or Washington, D.C.

No. MC 129002, filed April 7, 1967. Applicant: M. G. M. TRUCKING CORP., 517 Barretto Street, Bronx, N.Y. 10474. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel office furniture and equipment*, from points in the Borough of the Bronx, N.Y., to points in North Carolina, South Carolina, Georgia, and Florida, under a continuing contract or contracts with Art Steel Co., Inc., of the Borough of the Bronx, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 129003, filed April 4, 1967. Applicant: MISSOULA CARTAGE CO., a corporation, Box 94, Missoula, Mont. 59801. Applicant's representative: Karl R. Karlberg, % Bonne & Karlberg, First National Bank Building, Missoula, Mont. 59801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips and sawdust*, except in tank vehicles, between points in Lemhi County, Idaho, and Missoula County, Mont., under contract with Hoerner Waldorf Corp. of Montana and Intermountain Lumber Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Missoula or Helena, Mont.

MOTOR CARRIERS OF PASSENGERS

No. MC 745 (Sub-No. 11), filed April 5, 1967. Applicant: GERALD S. HAGEY, doing business as HAGEY'S BUS SERVICE, Franconia, Pa. 17011. Applicant's representative: John W. Frame, Box 626, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle, in round-trip special operations, beginning and ending at points in that portion of Bucks County, Pa., on and south of U.S. Highway 202, and points in Montgomery County, Pa., on, south, and east of U.S. Highway 309, and extending to points in the United States, including Alaska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 1934 (Sub-No. 24), filed April 5, 1967. Applicant: THE ARROW LINE, INC., 105 Cherry Street, East Hartford, Conn. 06108. Applicant's representative: Dominick T. Bisesti (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers in round trip special operations during the racing seasons of each year at each of the race tracks named below, beginning and ending at New Haven, Hartford, and Enfield, Conn., and extending to the sites of the Hinsdale Raceway, Hinsdale, N.H., and Green Mountain Racing Park, Pownal, Vt. NOTE: Applicant states that there is no present service operating, and no carrier authorized to serve the destination points from Connecticut. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 29601 (Sub-No. 9), filed March 21, 1967. Applicant: MIDWEST COACHES, INC., 216 North 2d Street, Mankato, Minn. Applicant's representative: D. C. Nolan, 405 Iowa State Bank Building, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle,, over irregular routes, transporting: *Passengers and their baggage* in special operations, beginning and ending at points on applicant's regular routes as follows: (1) Between Albert Lea, Minn., and Sioux Falls, S. Dak., serving all intermediate points, from Albert Lea over U.S. Highway 16 to junction Minnesota Highway 109, thence over Minnesota Highway 109 to Alden, Minn., thence return over Minnesota Highway 109 to junction U.S. Highway 16, thence over U.S. Highway 16 to Sioux Falls, and return over the same route, (2) from Albert Lea via Alden, Minn., to junction Minnesota Highway 109 and U.S. Highway 16, as shown above, thence over U.S. Highway 16 to junction Minnesota Highway 22, thence over Minnesota Highway 22 to Mankato, Minn., thence over Minnesota Highway 60 via Windom, Minn., to junction Minnesota Highway 86, thence over Minnesota Highway 86 to junction U.S. Highway 16, thence over U.S. Highway 16 to Sioux Falls, and return over the same route, (3) between junction Minnesota Highways 86 and 60, east of Wilder, Minn., and Worthington, Minn., serving all intermediate points, from junction Minnesota Highways 86 and 60 over Minnesota Highway 60 to Worthington, and return over the same route, (4) between Sioux City, Iowa, and Worthington, Minn., serving all intermediate points, from Sioux City over U.S. Highway 75 to junction Iowa Highway 33, thence over Iowa Highway 33 to the Iowa-Minnesota State line, thence over Minnesota Highway 60 to Worthington, and return over the same route.

(5) Between Wells, Minn., and Alden, Minn., serving all intermediate points, from Wells over Minnesota Highway 109 to Alden, and return over the same route, (6) between Le Mars, Iowa, and junction Iowa Highway 33 and Iowa Highway 10 at Alton, Iowa, serving all intermediate points, from Le Mars over U.S. Highway 75 to junction Iowa Highway 10, thence over Iowa Highway 10 to junction Iowa Highway 33, and return over the same route, and (7) between Sioux City, Iowa, and Sioux Falls, S. Dak., serving the intermediate points of Westfield, Akron, Hawarden, and Inwood, Iowa, and Canton and Hudson, S. Dak., from Sioux City over Iowa Highway 12 to Hawarden, Iowa, thence over Iowa Highway 10 to the Iowa-South Dakota State line, thence over South Dakota Highway 46 to junction unnumbered South Dakota highway via Hudson, S. Dak., to the South Dakota-Iowa State line, thence over unnumbered Iowa highway to junction U.S. Highway 18, thence over U.S. Highway 18 to junction U.S. Highway 77, and thence over U.S. Highway 77 to Sioux Falls, and return over the same route, and extending to points in the United States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Mankato, Minn., Sioux Falls, S. Dak., or Sioux City, Iowa.

No. MC 29854 (Sub-No. 30), filed March 28, 1967. Applicant: THE HUDSON BUS TRANSPORTATION CO., INC., 437 Tonnele Avenue, Jersey City, N.J. 07306. Applicant's representative: S. S. Eisen, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers (1) between junction Palisade Avenue with Paterson Plank Road, located on the Jersey City-Union City, N.J., boundary line, and the Lincoln Industrial Park area in Secaucus, N.J.: From junction Palisade Avenue with Paterson Plank Road, over Paterson Plank Road to junction Secaucus Road, thence over Secaucus Road to Secaucus, thence over Secaucus Road to Frozen Food Plaza, thence over Frozen Food Plaza to the northerly terminus thereof; and return over the same route, serving all intermediate points in Secaucus, and (2) between junction Pleasant Avenue ramp with Interstate Highway 495 (elevated highway to Lincoln Tunnel) in Weehawken, N.J., and junction County Avenue with Secaucus Road in Secaucus, N.J., a point on Route (1) above: From junction Pleasant Avenue ramp with Interstate Highway 495, over Interstate Highway 495 to New Jersey Highway 3, thence over New Jersey Highway 3 to Paterson Plank Road in Secaucus, thence over Paterson Plank Road to County Avenue, thence over County Avenue to junction Secaucus Road; and return over the same route, serving intermediate points in Secaucus south of junction County Avenue with Peterson Lane. NOTE: Applicant states it proposes to tack the authority here sought with its existing authority in Docket MC–29854 and sub numbers thereto and to tack routes (1) and (2). Applicant further states that no duplication of authority is here sought. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 115891 (Sub-No. 3), filed April 7, 1967. Applicant: INTER-COUNTY MOTOR COACH, INC., 243 Deer Park Avenue, Babylon, N.Y. 11702. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a

common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip charter operations, beginning and ending at points in Nassau, Suffolk, and Westchester Counties, N.Y., and New York, N.Y., and extending to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it now holds authority to perform the described service beginning and ending at points in Nassau and Suffolk Counties, N.Y., and extending to points in the United States. By this application it seeks to add Westchester County, N.Y., and New York, N.Y. at which points it will be able to begin and end round-trip charter operations in conjunction with the authority it already holds. Applicant further states that if the authority sought is granted, it will consent to the revocation of its present certificates Nos. MC 115891 and MC 115891 (Sub-No. 1). If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 123153 (Sub-No. 2) (Correction), filed March 8, 1967, published FEDERAL REGISTER, issue of March 23, 1967, under MC 123480 (Sub-No. 2), and republished as corrected this issue. Applicant: SKINNER SCHOOL BUS LINES LIMITED, Post Office Box 4422, Postal Station C, 1901 Oxford Street East, London, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in round-trip sightseeing and pleasure tours, restricted to foreign commerce only, from ports of entry on the international boundary line between the United States and Canada located at points in the United States, except Alaska and Hawaii, and return. NOTE: The purpose of this correction is to show that the application has been reassigned No. MC 123153 (Sub-No. 2), in lieu of No. MC 123480 (Sub-No. 2), which was in error. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 128969, filed March 24, 1967. Applicant: FERDINAND ARRIGONI, INC., 3470 Park Avenue, Bronx, N.Y. Applicant's representative: Samuel B. Zinder 160-16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, (1) between the George Washington Bridge Bus Terminal, New York, N.Y., and Shea Stadium, Queens, N.Y., over the streets, highways, bridges, and expressways within the city of New York, serving no intermediate points, (2) between the George Washington Bridge Bus Terminal, New York, N.Y., and Yankee Stadium, Bronx, N.Y., over the streets, highways, bridges, and expressways within the city of New York serving no intermediate points, (3) between the George Washington Bridge Bus Terminal, New York, N.Y., and Aqueduct Race Track, Queens, N.Y., over the streets, highways, bridges, and expressways within the city of New York, serving no intermediate points, (4) between the George Washington Bridge Bus Terminal, New York, N.Y., and Yonkers Raceway, Yonkers, N.Y.; from the George Washington Bridge Bus Terminal, New York, N.Y., over streets, highways, and bridges within the city of New York to the New York City-Westchester County boundary line, thence over the Thomas E. Dewey Thruway to Central Avenue, thence over Central Avenue to Yonkers Avenue, thence over Yonkers Avenue to entrance of the Yonkers Raceway, (5) between the George Washington Bridge Bus Terminal, New York, N.Y., and Roosevelt Raceway, Nassau County, N.Y.: From the George Washington Bridge Bus Terminal, New York, N.Y., over streets, highways, and bridges within the city of New York to the New York City-Nassau County boundary line, thence over the Long Island Expressway to Guinea Woods Road south, thence over Guinea Woods Road to Old Country Road, thence over Old Country Road to Roosevelt Raceway.

(6) Between the George Washington Bridge Bus Terminal, New York, N.Y., and Jones Beach, Nassau County, N.Y.: From the George Washington Bridge Bus Terminal, New York, N.Y., over streets, highways, and bridges within the city of New York to the New York City-Nassau County boundary line, thence over the Long Island Expressway to Guinea Woods Road south, thence over Guinea Woods Road south to Old Country Road, thence over Old Country Road to Merrick Avenue, thence over Merrick Avenue to Bellmore Avenue, thence over Bellmore Avenue to Merrick Road, thence over Merrick Road to Wantagh State Parkway, thence over Wantagh State Parkway to Jones Beach, and (7) between the George Washington Bridge Bus Terminal, New York, N.Y., and Belmont Racetrack, Nassau County, N.Y.: From the George Washington Bridge Bus Terminal, New York, N.Y., over streets, highways, and bridges within the city of New York to the New York City-Nassau County boundary line, thence over Hempstead Turnpike to Belmont Racetrack, and return over the same routes, serving no intermediate points in (4) through (7) above. NOTE: Common control may be involved. Applicant states it is the holder of a municipal consent from the city of New York authorizing it to operate between the George Washington Bridge Bus Terminal, on the one hand, and, on the other, Aqueduct Race Track and Shea Stadium, and, Yonkers Raceway, Belmont Race Track, Roosevelt Raceway, and Jones Beach, under temporary authority issued by the New York Public Service Commission pending receipt of a municipal consent. This consent has just been received and an application is being filed with the New York Public Service Commission for permanent authority to and from said points as well as Yankee Stadium. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

APPLICATION OF BROKERAGE LICENSE

No. MC 12669 (Sub-No. 1), filed March 31, 1967. Applicant: KNOXVILLE TOURS, INCORPORATED, 1708 Charles Drive, Knoxville, Tenn. Applicant's representative: Francis A. Cain, 201 Fidelity Building, Knoxville, Tenn. 37902. For a license (BMC 5) to engage in operations as a *broker* at Knoxville, Tenn., in arranging for the transportation in interstate or foreign commerce, of *passengers and their baggage* in groups, destined for the same destination, in round-trip charter tours, beginning and ending at points in Hamilton, Monroe, McMinn, Loudon, Bradley, Polk, Sequatchie, Bledsoe, Cumberland, Fentress, Morgan, Scott, Campbell, Claiborne, Rhea, Meigs, Roane, Union, Grainger, Hancock, Hamblen, Hawkings, Greene, Jefferson, Cocke, Washington, Carter, and Johnson Counties, Tenn., and extending to points in the United States.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 52932 (Sub-No. 15), filed March 30, 1967. Applicant: NORTH PENN TRANSFER, INC., Routes 202 and 63, Box 230, Lansdale, Pa. 19446. Applicant's representative: John W. Frame, Box 626, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Phillipsburg, N.J., as an off-route point in connection with applicant's regular-route authority between Lansdale, Pa. and New York, N.Y. NOTE: Applicant states that upon conversion of Phillipsburg, N.J., to an off-route point, it will request the Commission to eliminate Phillipsburg, N.J., from its irregular route authority.

No. MC 103993 (Sub-No. 272), filed March 29, 1967. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46515. Applicant's representative: John E. Lesow, 3737 North Meridian Street, Indianapolis, Ind. 46208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Faulkner County, Ark., to points in the United States, except Alaska and Hawaii.

No. MC 103993 (Sub-No. 273), filed March 29, 1967. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46515. Applicant's representative: John E. Lesow, 3737 North Meridian Street, Indianapolis, Ind. 46208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Wyandot County, Ohio, to points in the United States (except Alaska and Hawaii).

No. MC 124083 (Sub-No. 33), filed April 3, 1967. Applicant: SKINNER MOTOR EXPRESS, INC., 1035 South Keystone Avenue, Indianapolis, Ind. 46203. Applicant's representative: Lee M. LeMay, 45 North Pennsylvania Street, Suite 312, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from points in Jefferson County, Ky., to points in Indiana on and south of Indiana State Highway 28.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Sub-No. 115), filed March 29, 1967. Applicant: GREYHOUND LINES, INC., 140 South Dearborn Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express, and newspapers* in the same vehicle with passengers, (1) between Hillsville, Va., and junction U.S. Highway 460 and the West Virginia Turnpike near Princeton, W. Va.; from Hillsville, over Virginia Highway 100 to junction Interstate Highway 81 (4 miles south of Pulaski, Va.), thence over Interstate Highway 100 (2 miles south of Dublin, Va.), thence over Virginia Highway 100 to junction U.S. Highway 460, at Pearisburg, Va., thence over U.S. Highway 460 to junction West Virginia Turnpike near Princeton, W. Va., as an alternate route serving no intermediate points; (2) between Stephens City, Va., and junction U.S. Highway 50 and 340 near Boyce, Va.; from Stephens City, over Virginia Highway 277 to junction U.S. Highway 340, at Double Tollgate, thence over U.S. Highway 340 to junction U.S. Highway 50 near Boyce, Va., as an alternate route serving no intermediate points; (3) between Cocoa and Titusville, Fla.; from Cocoa over Florida Highway 520 to Merritt Island, thence over Florida Highway A1A to junction Florida Highway 401, near Cocoa Beach, thence over Florida Highway 401 to junction Florida Highway 528, thence over Florida Highway 528 to junction Florida Highway A1A, thence over Florida Highway A1A to junction Florida Highway 402, thence over Florida Highway 402, to Titusville, as an alternate route serving no intermediate points; (4) between Lake Wales, Fla. and junction U.S. Highway 27 and Florida Highway 17A, over Florida Highway 17A, with service to the Singing Tower and Mountain Lake Sanctuary over an unnumbered highway and to the Great Masterpiece over an unnumbered highway in special operations; (5) between junction unnumbered highway and Florida Highway 17 and the Passion Play Amphitheater over unnumbered highway in special operation; and (6) between Brooksville, Fla., and junction Florida Highway 50 and U.S. Highway 19 (Weeki Wachee Springs) over Florida Highway 50 in special operations.

By the Commission.

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

[F.R. Doc. 67-4264; Filed, Apr. 19, 1967; 8:45 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 17, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40983—*Joint motor-rail rates—Middlewest Motor Freight*. Filed by Middlewest Motor Freight Bureau, agent (No. 383), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middlewest territory; between points in middlewest territory, on the one hand, and points in Central States and southwestern territories, on the other.

Grounds for relief—Motor-truck competition.

Tariff—Supplement 14 to Middlewest Motor Freight Bureau, agent, tariff MF-ICC 498.

By the Commission.

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

[F.R. Doc. 67-4361; Filed, Apr. 19, 1967; 8:49 a.m.]

[Notice 368]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 17, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 52579 (Sub-No. 58 TA), filed April 13, 1967. Applicant: GILBERT CARRIER CORP., 441 Ninth Avenue, New York, N.Y. 10001. Applicant's representative: Aaron Hoffman (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, on hangers, and *wearing apparel*, in cartons, when transported in the same vehicle, between Los Angeles, Calif., on the one hand, and, on the other, Phoenix, Mesa, Alhambra, Chandler, Scottsdale, Tempe, Glendale, and Tucson, Ariz., for 150 days. Supporting shippers: There are approximately 100 statements from supporting shippers, which may be examined here at the Interstate Commerce Commission, in Washington, D.C., or at the Field Office listed below. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 346 Broadway, New York, N.Y. 10013.

No. MC 56409 (Sub-No. 4 TA), filed April 12, 1967. Applicant: MAJOR TRANSPORT, INC., Post Office Box 204, Palmyra, Wis. 53156. Applicant's representative: John T. Porter, 708 First National Bank Building, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials*, in bags and in bulk, from Whitewater, Wis., to points in Allamakee, Benton, Black Hawk, Bremer, Buchanan, Cedar, Chickasaw, Clayton, Clinton, Delaware, Des Moines, Dubuque, Fayette, Henry, Howard, Iowa, Jackson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Tama, Washington, and Winneshiek Counties, Iowa, for 150 days. Supporting shipper: Federal Chemical Co., State Road 59, Post Office Box 237, Whitewater, Wis. 53190. Send protests to: W. F. Sibbald, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 75981 (Sub-No. 9 TA), filed April 11, 1967. Applicant: WATT TRANSPORT, INC., 15 Army Road, Providence, R.I. 02905. Applicant's representative: Russell B. Curnett, 36 Circuit Drive, Edgewood Station, Providence, R.I. 02905. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron*, in bulk, in dump-type vehicles, from Providence, R.I., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, for 180 days. Supporting shipper: Associated Metals & Minerals Corp., 733 Third Avenue, New York, N.Y. Send protests to: Gerald H. Curry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 187 Westminster Street, Providence, R.I. 02903.

No. MC 77424 (Sub-No. 30 TA), filed April 12, 1967. Applicant: WENHAM TRANSPORTATION, INC., 3200 East

79th Street, Post Office Box 6931, Cleveland, Ohio 44104. Applicant's representative: J. G. Bamer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and farm machinery parts*, from Coldwater, Ohio, to points in Indiana located south of U.S. Highway 24, for 180 days. Supporting shipper: Avco New Idea Farm Equipment Division, Coldwater, Ohio. Send protests to: District Supervisor C. J. Baccei, Interstate Commerce Commission, Bureau of Operations, 435 Federal Building, Cleveland, Ohio 44114.

No. MC 126738 (Sub-No. 1 TA), filed April 11, 1967. Applicant: CENTER DISTRIBUTING COMPANY, 78th and Serum, Ralston, Nebr. 68051. Applicant's representative: Clayton H. Shrout, 1004 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bottled and canned beverages and syrup* (except alcoholic and malt beverages), from Oskaloosa, Iowa, to points in Adair, Des Moines, Carroll, Linn, Scott, Polk, Dubuque, Emmet, Cerro Gordo, Woodbury, Black Hawk, and Webster Counties, Iowa; Shawnee, Montgomery, Ford, Lyon, Rice, Marshall, Decatur, Franklin, Crawford, Saline, and Sedgwick Counties, Kans.; Douglas, Lancaster, Hall, Adams, Richardson, Lincoln, Box Butte, and Madison Counties, Nebr.; and Buchanan, St Louis, Scotland, Jackson, Gentry, Linn, Cape Girardeau, Boone, Dunklin, Greene, Pettis, Franklin, Jasper, St. Francois, and Clay Counties, Mo.; and the city of St. Louis, Mo., for 180 days. Supporting shipper: Pepsi-Cola Bottling Co., City Route 63 South, Oskaloosa, Iowa 52577. Send protests to: Keith P. Kohrs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 128976 (Sub-No. 1 TA), filed April 12, 1967. Applicant: DON THOMPSON, doing business as WOODLAND ELEVATOR, South Main Street, Woodland, Mich. 48897. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Processed meat and bone scraps*, in bulk, to be used as animal or poultry feed ingredients, from Fort Wayne, Ind., to Battle Creek and Millett, Mich., for 180 days. Supporting shipper: Ralston Purina Co., Grocery Products Division, Post Office Box 197, Battle Creek, Mich. 49106. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 221 Federal Building, Lansing, Mich. 48933.

No. MC 129012 TA, filed April 12, 1967. Applicant: FLEMING TRANSFER & STORAGE CO., INC., 301 Walker Street, Post Office Box 372, Clarksville, Tenn. 37040. Applicant's representative: Harold Seligman, 1204–1808 West End Building, Nashville, Tenn. 37203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between Clarksville, Tenn., and points in Obion, Dyer, Gibson, Crockett, Carroll, Madison, Henderson, Decatur, Weakley, Chester, Hardin, Wayne, Lawrence, Lewis, Perry, Hickman, Humphreys, Benton, Henry, Houston, Stewart, Montgomery, Dickson, Davidson, Williamson, Maury, Marshall, Lincoln, Giles, Bedford, Coffee, Warren, Cannon, Wilson, Cheatham, Sumner, Macon, Putnam, Smith, Jackson, Clay, White, De Kalb, Rutherford, Trousdale, Robertson, Moore, and Lake Counties, Tenn.; Warrick, Spencer, and Vanderburgh Counties, Ind., including Evansville, Ind.; and Fulton, Hickman, Carlisle, Graves, Calloway, McCracken, Ballard, Marshall, Lyon, Livingston, Caldwell, Trigg, Logan, Christian, Hopkins, Todd, Muhlenberg, McLean, Webster, Henderson, Daviess, Union, Hancock, Breckenridge, Meade, Hardin, Hart, Edmonson, Warren, Barren, Allen, Simpson, Grayson, Ohio, Butler, Monroe, Crittenden, Larue, Green, and Metcalf Counties, Ky.; for 180 days. Supporting shippers: Four Winds Forwarding, Inc., Alexandria, Va., and Purchasing and Contracting Branch, Fort Campbell, Ky. Send protests to: District Supervisor J. E. Gamble, Bureau of Operations, Interstate Commerce Commission, 706 U.S. Courthouse, Nashville, Tenn. 37203.

No. MC 129013 TA, filed April 12, 1967. Applicant: DOUGLAS SHIPLEY AND CARL SHIPLEY, a partnership, doing business as SHIPLEY BROTHERS, Tazewell, Tenn. 37879. Applicant's representative: C. Howard Bozeman, 714 Hamilton Bank Building, Knoxville, Tenn. 37901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Alfalfa pellets, chopped hay, and hay commodities*, from Blissfield and Erie, Mich., to Vero Beach and points in Hillsboro County, Fla., for 180 days. Supporting shipper: Consolidated Mills, Inc., Blissfield, Mich. Send protests to: J. E. Gamble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 706 U.S. Courthouse, Nashville, Tenn. 37203.

By the Commission.

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

[F.R. Doc. 67-4362; Filed, Apr. 19, 1967; 8:49 a.m.]

[Notice 1507]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 17, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), 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-69387. By order of April 14, 1967, the Transfer Board approved the transfer to Cowboy Van Lines, Inc., 2784 Xanadu Street, Aurora, Colo., 80101, of that portion of the operating rights of R. T. Hanson, Box 561, 121 East Sixth Street, Lexington, Nebr. 68850, in certificate No. MC-55895, issued October 18, 1949, in certificate No. MC-55895, authorizing the transportation of household goods, over irregular routes, between Cozad, Nebr., and points in Nebraska within 25 miles of Cozad, on the one hand, and, on the other, points in Iowa, Kansas, and Colorado.

No. MC-FC-69388. By order of April 14, 1967, the Transfer Board approved the transfer to Cowboy Van Lines, Inc., 2784 Xanadu Street, Aurora, Colo. 80101, of that portion of the operating rights of J. S. Byard, 330 East Willow Street, Enid, Okla. 73701, in certificate No. MC-40494, issued August 18, 1958, authorizing the transportation of household goods, over irregular routes, between points in Harper, Grant, Alfalfa, Garfield, and Major Counties, Okla., on the one hand, and, on the other, points in Missouri, Kansas, Texas, and Arkansas, and between points in Woods and Woodward Counties, Okla., on the one hand, and, on the other, points in Kansas.

No. MC-FC-69407. By order of April 14, 1967, the Transfer Board approved the transfer to Cowboy Van Lines, Inc., 2784 Xanadu Street, Aurora, Colo. 80101, of that portion of the operating rights of Ivan Shire, Jefferson, Okla. 73748, in certificate No. MC-74669, issued June 9, 1941, authorizing the transportation, over irregular routes, of household goods, between points in Grant County, Okla., and points within 30 miles of Grant County, on the one hand, and, on the other, points in Kansas.

No. MC-FC-69527. By order of April 14, 1967, the Transfer Board approved the transfer to Blue Bus Lines, a corporation, Trenton, N.J., of the operating rights in certificate No. MC-94858, issued December 6, 1962, to Service Bus Co., Inc., Yonkers, N.Y., authorizing the transportation of: Passengers and their baggage, restricted to traffic originating at the point indicated, in charter operations, from New York, N.Y., to Savin Rock and Roton Point, Conn., points in New Jersey, points in Pennsylvania east of the Susquehanna River, and points in Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, and Westchester Counties, N.Y., and return. Edward F. Bowes, 1060 Broad Street, Newark, N.J. 07102, attorney for transferee. Sidney J. Leshin, 501 Madison Avenue, New York, N.Y. 10022, attorney for transferor.

No. MC-FC-69534. By order of April 11, 1967, the Transfer Board approved the transfer to Oliver E. Cote, doing business as North Shore Vans and Little Neck Moving & Storage, Wantaugh, N.Y., of that portion of certificate No. MC-19625, issued November 12, 1965, to Thomas Connor, doing business as North Shore Vans and Little Neck Moving & Storage, Whitestone, N.Y., authorizing the transportation of: Household goods, as defined by the Commission, between New York, N.Y., on the one hand, and, on the other, points in Connecticut, New York, Massachusetts, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, Rhode Island, Ohio, and the District of Columbia. Harold Hyman, 163-18 Jamaica Avenue, Jamaica, N.Y. 11432, attorney for transferee. Alvin Altman, 1776 Broadway, New York, N.Y. 10019, attorney for transferor.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-4363; Filed, Apr. 19, 1967; 8:49 a.m.]

[4th Rev. S.O. 562, ICC Order No. 214-A]

ST. JOHNSBURY & LAMOILLE COUNTY RAILROAD

Rerouting and Diversion Traffic

Upon further consideration of ICC Order No. 214 (St. Johnsbury & Lamoille County Railroad) and good cause appearing therefore:

It is ordered, That:

(a) ICC Order No. 214 be, and it is hereby vacated and set aside.

(b) *Effective date.* This order shall become effective at 11:59 p.m., April 17, 1967.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 17, 1967.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 67-4364; Filed, Apr. 19, 1967; 8:49 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—APRIL

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during April.

3 CFR

	Page
PROCLAMATIONS:	
3279 (modified by Proc. 3779)	5919
3290 (see Proc. 3779)	5919
3328 (see Proc. 3779)	5919
3386 (see Proc. 3779)	5919
3389 (see Proc. 3779)	5919
3509 (see Proc. 3779)	5919
3531 (see Proc. 3779)	5919
3541 (see Proc. 3779)	5919
3693 (see Proc. 3779)	5919
3773	5491
3774	5539
3775	5761
3776	5763
3777	5915
3778	5917
3779	5919
3780	6125
EXECUTIVE ORDERS:	
Dec. 19, 1910 (revoked in part by PLO 4182)	5836
Dec. 20, 1916 (revoked in part by PLO 4191)	6096
5384 (revoked by PLO 4188)	5837
6583 (revoked in part by PLO 4190)	6095
6783 (superseded by EO 11342)	5827
7743 (amended by PLO 4194)	6138
7921 (superseded by EO 11342)	5827
9213 (superseded by EO 11342)	5827
9741 (superseded by EO 11342)	5827
9890 (superseded by EO 11342)	5827
10134 (superseded by EO 11342)	5827
10541 (superseded by EO 11342)	5827
10589 (superseded by EO 11342)	5827
10767 (superseded by EO 11342)	5827

3 CFR—Continued

	Page
EXECUTIVE ORDERS—Continued	
11031 (superseded by EO 11342)	5827
11340	5453
11341	5765
11342	5827
11343	6085
11344	6173

5 CFR

213	5455, 5671, 5768, 5979, 6087
511	5455
534	5455
550	5768

7 CFR

1	5458
17	5977
29	5979
52	5979
354	6019
701	5619
718	5493
722	5671, 6127
751	5767
775	6127
777	6127
814	6188
862	5458
907	5461, 5729, 6019
908	5461, 5619, 5729, 5829, 6019, 6128
910	5494, 5495, 5730, 5829, 6020, 6087
911	5730
912	5462, 5730, 6020
917	5543
944	5731
959	6087
989	5921
1201	6128
1421	5462, 5767, 5829, 6021
1427	5462, 5671
1430	5767
1481	5462

7 CFR—Continued

	Page
PROPOSED RULES:	
27	6035
28	6035
301	5807
319	5807
320	5555
730	6196
908	5628
911	6205
915	6206
958	5629
989	5690
991	5838
992	5514
993	5556
1001	5694
1002	5694
1003	5694
1004	5694, 5876
1005	5695
1008	5695
1009	5695
1011	5695
1012	5472, 6206
1013	5472
1015	5694
1016	5694
1030	6035
1031	5695, 6035
1032	5695
1033	5695
1034	5695
1035	5695
1036	5695
1038	5695, 6035
1039	5695, 6035
1040	5695
1041	5695
1043	5695
1044	5695, 6035
1045	5695, 6035
1046	5695
1047	5695
1048	5695
1049	5695

7 CFR—Continued

PROPOSED RULES—Continued

8 CFR

9 CFR

10 CFR

PROPOSED RULES:

12 CFR

PROPOSED RULES:

13 CFR

PROPOSED RULES:

14 CFR

PROPOSED RULES:

15 CFR

16 CFR

17 CFR

PROPOSED RULES:

18 CFR

PROPOSED RULES:

21 CFR

PROPOSED RULES:

22 CFR

23 CFR

24 CFR

25 CFR

PROPOSED RULES:

26 CFR

PROPOSED RULES:

29 CFR

29 CFR—Continued

Page

690 5470
699 5470
720 5470
726 5505
727 5831
728 6092
729 6093
800 5737
1500 6024, 6025, 6136

PROPOSED RULES:

526 5788
1500 6057, 6102, 6144
1504 6058
1604 5999

31 CFR

500 5833

32 CFR

1 5505, 6136
2 5506
3 5506
6 5508
7 5508
10 5509
12 5509
15 5510
18 5511
49 6192
151 5682
288 6025
289 6025
536 6193
713 6028
803 6032
820 6093
823 6032
858 6093
888a 5778
1001 5781
1002 5782
1003 5782
1004 5786
1006 5787
1007 5787
1053 5787
1055 5787
1453 5457, 6095
1498 5457

32A CFR

Page

OEP (Ch. I):
DMO 8540.2 6032
NSA (Ch. XVIII):
INS-1 5621

33 CFR

203 5834, 6137
204 5834, 6137
207 5685
208 5834

36 CFR

7 5771

38 CFR

21 5549

39 CFR

122 5686
127 5737
143 5686
148 5686
149 5686

41 CFR

1-3 5622
1-6 5622
8-1 5549
9-1 5737
50-204 5835
101-32 5687

PROPOSED RULES:

50-204 5848

42 CFR

54 5676

PROPOSED RULES:

81 5514

43 CFR

2230 6194
2240 5689

PUBLIC LAND ORDERS:

4179 5835
4180 5836
4181 5836
4182 5836
4183 5836

43 CFR—Continued

Page

PUBLIC LAND ORDERS—Continued

4184 5837
4185 5837
4186 5837
4187 5837
4188 5837
4190 6095
4191 6096
4192 6096
4193 6194
4194 6138

45 CFR

114 5549
801 5470, 5554

46 CFR

160 5499
510 5457
513 5503
540 5457

PROPOSED RULES:

512 5516

47 CFR

73 6138, 6142
74 5554
97 6143

PROPOSED RULES:

15 6145
73 5564, 5566, 5642, 5740, 6099, 6147

49 CFR 5606

1 5606, 5609
173 5624
195 5931, 6033
197 5931
235 5624
293 5625

50 CFR

33 5626, 5627, 5689, 5738, 5739, 5835, 6034, 6096, 6143.
60 5787

PROPOSED RULES:

10 5628, 6196