

# FEDERAL REGISTER

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Agencies in this issue—

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Civil Aeronautics Board  
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Federal Maritime Commission  
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# Rules and Regulations

## Title 12—BANKS AND BANKING

### Chapter V—Federal Home Loan Bank Board

#### SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 21,031]

#### PART 556—STATEMENTS OF POLICY

##### Service Corporations

NOVEMBER 8, 1967.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of adopting and codifying a statement of policy setting forth activities of a service corporation that are permissible under paragraph (a) of § 545.9-1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.9-1) and certain activities that would be appropriate for approval for service corporations under the provisions of paragraph (b) of § 545.9-1 and for that purpose, hereby amends Part 556 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 556) by adding, immediately after § 556.2, a new section, § 556.3, to read as follows:

##### § 556.3 Service corporations.

(a) *Introduction.* (1) Section 545.9-1 of this chapter permits Federal savings and loan associations to participate in service corporations and provides two approaches to such participation.

(2) A Federal association is permitted, without further action by the Federal Home Loan Bank Board, to invest in a statewide service corporation if certain tests are met to assure that the service corporation is open to all savings and loan associations in the same State on equal terms. Subparagraph (4) of § 545.9-1(a) of this chapter requires that "Substantially all of the activities of such service corporation consist of originating, purchasing, selling and servicing loans upon real estate and participating interests therein, and/or clerical, bookkeeping, accounting, statistical, or similar functions performed primarily for savings and loan associations, plus such other activities as the Board may approve."

(3) Prior specific approval of the Federal Home Loan Bank Board is required, under § 545.9-1(b) of this chapter, where a Federal association proposes to form a service corporation or invest in the capital stock, obligations, or other securities of a service corporation other than as provided under paragraph (a) of that section.

(4) Recent developments and trends in the creation of service corporations make it desirable that the Federal Home Loan Bank Board make a statement as to activities that are permissible under paragraph (a) of § 545.9-1 of this chap-

ter, and as to certain activities that would be appropriate for approval for service corporations under the provisions of paragraph (b) of § 545.9-1 of this chapter.

(b) *Paragraph (a) of § 545.9-1 of this chapter.* (1) Subparagraph (4) of paragraph (a) of § 545.9-1 of this chapter permits service corporations meeting the requirements of paragraph (a) to originate, purchase, sell and service loans upon real estate and participating interests therein. This includes the brokering and warehousing of such real estate loans.

(2) The phrase "clerical, bookkeeping, accounting, statistical, or similar functions" (performed primarily for savings and loan associations) includes:

- (i) Data processing services;
- (ii) Accounting services;
- (iii) Auditing services;
- (iv) Bulk buying of office supplies, furniture and equipment;
- (v) Development and operation of disaster storage facilities of microfilm or other duplicate records.

(3) Under the last clause of subparagraph (4) of § 545.9-1(a) of this chapter—"such other activities as the Board may approve"—the Board hereby approves the following services to be performed for members of the service corporations and for other savings and loan associations in the same State, District, Commonwealth, territory, or possession:

- (i) Credit information, appraisal, and construction loan inspection services, and abstracting;
- (ii) Services to facilitate the flow of large accounts from new sources into savings and loan associations;
- (iii) Administration of personnel benefit programs, including life and health insurance, and health and pension plans;
- (iv) Tax consulting services;
- (v) Appropriate research, studies, and surveys; and
- (vi) Cooperative or institutional advertising.

(4) Under the last clause of subparagraph (4) of § 545.9-1(a) of this chapter, the Board also approves the making, purchasing, and selling of educational loans by service corporations, and investments of the type specified in § 545.9 of this chapter.

(5) The approvals of "other activities" for paragraph (a) service corporations contained in this statement of policy are subject to revocation and revision from time to time by the Board.

(c) *Paragraph (b) of § 545.9-1 of this chapter.* (1) Under § 545.9-1(b) of this chapter, the Board will consider for approval investment in a service corporation whose activities are permitted under § 545.9-1(a) of this chapter and are otherwise limited to those which a Federal savings and loan association is authorized to perform within the limitations of law and regulation. However, in

no event will approval be given where provision is made for use of the service corporation to exercise voting rights in the association itself. In addition to those activities which a Federal association is authorized to perform, the Board will consider for approval applications in which the service corporation, or a subsidiary, has authority to act as an insurance agent, escrow agent, or trustee under deeds of trust, primarily for the benefit of the service corporation members. This does not preclude the formation of service corporations for other purposes, as provided in § 545.9-1(b) of this chapter, with prior specific approval of the Board. Where any operating business engaged in the activities referred to in this paragraph is to be acquired by a service corporation, it will be necessary to establish to the satisfaction of the Board the fairness of the purchase price and the terms of the transaction. Subsequent acquisitions by service corporations must be approved by the Board and are subject to the same standards and conditions as herein provided.

(2) This policy makes inappropriate open-end provisions in charters, articles of incorporation, bylaws, or other governing instruments. In any case where prior specific Board approval is required, it is incumbent upon the applicants to provide for Board consideration, in detail and with the utmost clarity and precision, a statement of contemplated activities. It should be borne in mind that neither the regulations nor Board policy contemplates the use of the service corporation vehicle as a means to improve the appearance of mismanaged or problem institutions (for example, through the purchase of "scheduled items"). Accordingly, it will be inappropriate for a service corporation to purchase, or otherwise acquire, from its member institutions, or parent, "scheduled items" as that term is defined in § 561.15 of this chapter.

(d) *General.* (1) There will be no exception to the examination and audit requirements of paragraph (d) of § 545.9-1 of this chapter. The applicable requirement also applies to all service corporation "subsidiaries" and "affiliates." In this connection, the corporate powers of the service corporations may not provide for ownership of subsidiaries other than on a wholly owned basis. Further, the powers and authorities of a subsidiary of a service corporation may not exceed those of its parent.

(2) The Board, concurrently with the issuance of this policy statement, is proposing a new paragraph (e) to be added to § 545.9-1 of this chapter requiring Federal associations to dispose of investments in service corporations engaging in activities not permitted under the Federal regulations. The requirement will be applicable to investments in both paragraph (a) and paragraph (b) service

corporations of this section. Such disposal will not be required if the impermissible activity is discontinued within 90 days after notice.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 P.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,  
Secretary.

[P.R. Doc. 67-13489; Filed, Nov. 15, 1967;  
8:49 a.m.]

## Title 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket No. C-1264]

#### PART 13—PROHIBITED TRADE PRACTICES

##### Hoffman-Morton Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods*; 13.30-30 *Fur Products Labeling Act*; § 13.73 *Formal regulatory and statutory requirements*; 13.73-10 *Fur Products Labeling Act*. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely*; 13.1108-45 *Fur Products Labeling Act*. Subpart—Misbranding or mislabeling: § 13.1185 *Composition*; 13.1185-30 *Fur Products Labeling Act*; § 13.1212 *Formal regulatory and statutory requirements*; 13.1212-30 *Fur Products Labeling Act*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition*; 13.1845-30 *Fur Products Labeling Act*; § 13.1852 *Formal regulatory and statutory requirements*; 13.1852-35 *Fur Products Labeling Act*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Hoffman-Morton Co., trading as Hoffman-Morton Furriers et al., Chicago, Ill., Docket C-1264, Oct. 25, 1967]

*In the Matter of Hoffman-Morton Co., a Partnership, Trading Under Its Own Name and as Hoffman-Morton Furriers, and Morton H. Hoffman, Mabel Hoffman, Ida Hoffman, and David Veltman, Individually and as Copartners Trading as Hoffman-Morton Co.*

Consent order requiring a Chicago, Ill., furrier to cease misbranding, falsely advertising and deceptively invoicing its fur products.

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

It is ordered, That respondents Hoffman-Morton Co., a partnership, trading under its own name or as Hoffman-Morton Furriers or any other name or names, and Morton H. Hoffman, Mabel

Noffman, Ida Hoffman, and David Veltman, individually and as copartners trading as Hoffman-Morton Co., and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

#### A. Misbranding any fur product by:

1. Falsely or deceptively labeling or otherwise identifying any such fur product as to the country of origin of furs contained in such fur product.

2. Falsely or deceptively labeling or otherwise identifying such fur product as to the name or designation of the animal or animals that produced the fur contained in the fur product.

3. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

4. Setting forth on a label attached to such fur product the name or names of any animal or animals other than the name of the animal producing the fur contained in the fur product as specified in the Fur Products Name Guide, and as prescribed by the rules and regulations.

5. Failing to set forth the term "Persian-broadtail Lamb" on a label in the manner required where an election is made to use that term instead of the word "Lamb."

6. Failing to set forth the term "Dyed Broadtail-processed Lamb" on a label in the manner required where an election is made to use that term in lieu of the term "Dyed Lamb."

7. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting on a label affixed to such fur product.

8. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on a label in the sequence required by Rule 30 of the aforesaid rules and regulations.

#### B. Falsely or deceptively invoicing any fur product by:

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

2. Failing to set forth the term "Persian Lamb" in the manner required where an election is made to use that term instead of the word "Lamb."

3. Failing to set forth the term "Persian-broadtail Lamb" in the manner required where an election is made to use that term instead of the word "Lamb."

4. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb."

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

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

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Fails to set forth the term "Persian Lamb" in the manner required where an election is made to use that term instead of the word "Lamb."

3. Fails to set forth the term "Broadtail Lamb" in the manner required where an election is made to use that term instead of the word "Lamb."

4. Fails to set forth the term "Persian-broadtail Lamb" in the manner required where an election is made to use that term instead of the word "Lamb."

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

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

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

Issued: October 25, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[P.R. Doc. 67-13448; Filed, Nov. 15, 1967;  
8:45 a.m.]

[Docket No. C-1261]

## PART 13—PROHIBITED TRADE PRACTICES

## Pan American Cigar Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections*: 13.15–235 Producer status of dealer or seller: 13.15–235(m) Manufacturer; § 13.70 *Fictitious or misleading guarantees*; § 13.155 *Prices*: 13.155–100 Usual as reduced, special, etc.; § 13.235 *Source or origin*: 13.235–60 Place: 13.235–60(a) Domestic products as imported. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception*. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1475 *Location*. Subpart—Misrepresenting oneself and goods—Goods: § 13.1665 *Indorsements*; § 13.1715 *Quality*. Subpart—Misrepresenting oneself and goods—Prices: § 13.1825 *Usual as reduced or to be increased*. Subpart—Using misleading name—Goods: § 13.2330 *Quality*; § 13.2345 *Source or origin*: 13.2345–65 Place: 13.2345–65(a) Domestic product as imported. Subpart—Using misleading name—Vendor: § 13.2375 *Foreign status*.

(Sec. 5, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) (Cease and desist order, Pan American Cigar Co. et al., Hoboken, N.J., Docket C-1261, Oct. 5, 1967)

*In the Matter of Pan American Cigar Co., a Corporation, and Samuel B. Jacobs and Mitchell B. Jacobs, Individually and as Officers of Said Corporation, and Trading as Havana Florida Cigar Co. and Globe, Inc.*

Consent order requiring a Hoboken, N.J., distributor of cigars to cease misrepresenting its business status and the origin, price, quality, and guarantee of its cigars.

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

It is ordered, That respondents Pan American Cigar Co., a corporation, and its officers, and Samuel B. Jacobs and Mitchell B. Jacobs, individually and as officers of said corporation, and trading as Havana Florida Cigar Co. and Globe, Inc., or under any other trade name or names, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of cigars or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "Havana Florida Company" in or as part of respondents' trade name or corporate name unless respondents' address is disclosed in immediate conjunction therewith in a clear and conspicuous manner; or misrepresenting, in any other manner, the place

or location of any of respondents' business operations or place or places of business.

2. Using the term "Havana" or any other term or terms indicative of tobacco grown on the island of Cuba, either alone or in conjunction with any other terms, to describe, designate or in any way refer to cigars not made entirely from tobacco grown on the island of Cuba; except that cigars containing a substantial amount of tobacco grown on the island of Cuba may be described, designated or referred to as "blended with Havana," or by any term of similar import or meaning: *Provided*, That the words "blended with," or other qualifying word or words, are set out in immediate connection or conjunction with the word "Havana," or other term indicative of tobacco grown on the island of Cuba, in letters of equal size and conspicuousness.

3. Using the term "import blend" or any other term or terms indicative of tobacco grown outside of the United States, either alone or in conjunction with any other terms to describe or designate or in any way refer to cigars not made entirely from tobacco grown outside of the United States; except that cigars containing a substantial amount of tobacco grown outside the United States may be described, designated, or referred to as "blended with," or by any term of similar import or meaning: *Provided*, That the words "blended with" or other qualifying word or words, are set out in immediate conjunction with the word "import," "imported," or other similar terms indicative of tobacco grown outside the United States, in letters of equal size and conspicuousness.

4. Misrepresenting, in any manner, the origin or source of respondents' products or any part or portion thereof.

5. Representing, directly or by implication, that they own, operate, or control a factory in which merchandise sold by them is manufactured; or misrepresenting, in any manner, the kind or character of respondents' business.

6. Using the terms "special," "special sale price," "reclassified," "contract purchase," or other words or terms of similar import or meaning to refer to any price amount which is not substantially less than the price at which substantial sales of said products were made in the trade area or areas where the representations are made.

7. Representing, in any manner, that by purchasing any of said merchandise, customers are afforded savings amounting to the difference between respondents' stated price and any other price used for comparison with that price:

a. Unless respondents have offered such merchandise for sale at the compared price in good faith for a reasonably substantial period of time in the recent regular course of business; or

b. Unless substantial sales of said merchandise are being made in the trade area at the compared price, or at a higher price; or

c. Unless a substantial number of the principal retail or mail order outlets

in the trade area regularly offer the merchandise for sale at the compared price or some higher price; or

d. When a value comparison representation with comparable merchandise is used, unless substantial sales of merchandise of like grade and quality are being made in the trade area at the compared price and it is clearly and conspicuously disclosed that the comparison is with merchandise of like grade and quality.

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

9. Representing, directly or by implication, that any of respondents' merchandise is guaranteed unless the nature and extent of the guarantee, the identity of the guarantor and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed and any represented guarantee is in fact provided and fully and completely performed to the extent and in the manner represented.

10. Representing, directly or by implication, that respondents' cigars are of an undisclosed prestige or name brand: *Provided, however*, That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that said products were of the represented brand, grade, or quality.

11. Representing, directly or by implication, that cigars classified as seconds or which are otherwise functionally defective are equal in performance to cigars without such defects; or otherwise misrepresenting the grade or quality of respondents' merchandise.

12. Representing, directly or by implication, that merchandise has been approved or endorsed by an independent organization engaged in protecting the interests of consumers or in determining objectively the merits of such merchandise: *Provided, however*, That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that such representation is truthful in every material respect.

13. Placing in the hands of retailers, dealers or others, the means or instrumentalities by or through which they may mislead or deceive the public in the manner or as to the things hereinabove prohibited.

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

Issued: October 5, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 67-13449; Filed, Nov. 15, 1967; 8:45 a.m.]

[Docket No. C-1263]

**PART 13—PROHIBITED TRADE PRACTICES****William I. Ross and Derby of San Francisco**

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties*: 13.1053-80 Textile Fiber Products Identification Act, Subpart—Misbranding or mislabeling: § 13.1185 *Composition*: 13.1185-80 Textile Fiber Products Identification Act; 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements*: 13.1212-80 Textile Fiber Products Identification Act; 13.1212-90 Wool Products Labeling Act, Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition*: 13-1845-70 Textile Fiber Products Identification Act; 13.1845-80 Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements*: 13.1852-70 Textile Fiber Products Identification Act; 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2-5, 54 Stat. 1128-1130; 72 Stat. 1717; 15 U.S.C. 45, 68, 70) [Cease and desist order, William I. Ross trading as Derby of San Francisco, San Francisco, Calif., Docket C-1263, Oct. 12, 1967]

Consent order requiring a San Francisco, Calif., manufacturer of men's sportswear to cease misbranding his wool and textile fiber products, failing to maintain required records, and furnishing false guaranties.

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

*It is ordered*, That respondent William I. Ross, an individual trading as Derby of San Francisco or any other name, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction; manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

## A. Misbranding such products by:

1. Failing to affix a stamp, tag, label, or other means of identification to each such product showing in a clear, legible and conspicuous manner each element

of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

2. Failing to label textile fiber products so that the generic names and percentages by weight of the constituent fibers present therein, exclusive of permissive ornamentation, in amounts of 5 per centum or more and fibers disclosed in accordance with paragraph (b) of Rule 3 of the aforementioned rules and regulations, appear in order of predominance by weight.

3. Using a fiber trademark in conjunction with the required information on labels affixed to said textile fiber products without the generic name of the fiber appearing on said labels in immediate conjunction therewith and in type or lettering of equal size and conspicuousness.

B. Failing to maintain and preserve proper records showing the fiber content of the textile fiber products manufactured by said respondent, as required by section 6 of the Textile Fiber Products Identification Act and Rule 39 of the regulations promulgated thereunder.

*It is further ordered*, That respondent William I. Ross, an individual trading as Derby of San Francisco or any other name, and respondent's representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any textile fiber product is not misbranded or falsely invoiced under the provisions of the Textile Fiber Products Identification Act.

*It is further ordered*, That respondent William I. Ross, an individual trading as Derby of San Francisco or any other name, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

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

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

3. Failing to label said wool products so that items or parts of the required information are set forth on the stamp, tag, label or other mark of identification of the product, consecutively and separately on the outer surface of the label in immediate conjunction with each other, in type or lettering plainly legible and conspicuous, as required by Rule 10(a) of the said rules and regulations.

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

Issued: October 12, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 67-13450; Filed, Nov. 15, 1967; 8:45 a.m.]

**Title 36—PARKS, FORESTS, AND MEMORIALS****Chapter I—National Park Service, Department of the Interior****PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS****Lake Mead National Recreation Area, Nev.**

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535), 245 DM-1 (27 F.R. 6395), National Park Service Order No. 34 (31 F.R. 4255), Regional Director, Southwest Region Order No. 4 (31 F.R. 8134), as amended, § 7.48 of Title 36 of the Code of Federal Regulations is revised as set forth below.

The effect of this revision is to designate areas which are authorized for landing aircraft, as provided for under § 2.2 (a) of this chapter, among which are two new facilities which are available for this use by the public. Davis Dam landing strip which was previously listed has been deleted since it is not any longer within the boundary of the national recreation area. The revision will also delete regulations concerning speed limits which are no longer needed in view of the provisions of Part 4 of this chapter. The regulation prohibiting fishing from or within 200 feet of any public boat dock or public raft or float which has been designated for water sports is also deleted as this is now covered under the provisions of Part 2 of this chapter. The revision will also provide for the parking of vehicle-boat trailer combinations in parking areas adjacent to designated launching sites for periods up to 72 hours. This provision relaxes a portion of the requirements of § 2.2(a) of this chapter.

Inasmuch as this revision provides for the use of additional facilities by the public deletes regulations which are covered in other parts of this chapter, and relaxes requirements of portions of the general regulations, and otherwise imposes no additional restrictions upon the public, advance publication of this notice of rule making is deemed to be unnecessary, impractical, and not in the public interest. In order that the public may have the benefit of the additional facilities and exemptions as soon as possible,



this revision shall take effect immediately upon publication in the FEDERAL REGISTER.

CHARLES A. RICHEY,  
Superintendent, Lake Mead  
National Recreation Area.

OCTOBER 25, 1967.

Section 7.48 of Title 36 of the Code of Federal Regulations is revised to read as follows:

§ 7.48 Lake Mead National Recreation Area.

(a) *Aircraft, designated airstrips.* (1) The entire surface of Lakes Mead and Mohave, except as provided in § 2.2(a) of this chapter.

(2) Temple Bar landing strip, located at approximate latitude 36°01' N., approximate longitude 114°20' W.

(3) Pierce Ferry landing strip, located at approximate latitude 36°05' N., approximate longitude 114°03' W.

(4) Cottonwood landing strip located at approximate latitude 35°29' N., approximate longitude 114°40' W.

(5) Callville Bay landing strip located at approximate latitude 36°08' N., approximate longitude 114°43' W.

(b) *Alcoholic beverages.* (1) Sales or gifts of alcoholic beverages to persons under 21 years of age is prohibited.

(2) Possession of alcoholic beverages by persons under 21 years of age is prohibited.

(c) *Parking.* Vehicle-boat trailer combinations may be left unattended for periods up to 72 hours when parked in parking areas adjacent to designated launching sites without written permission obtained in advance from the Superintendent. Vehicles or boat trailers, when separated, may not be left unattended for periods in excess of 24 hours without written permission obtained in advance from the Superintendent and vehicles or boat trailers left unattended in violation of this paragraph may be impounded by the Superintendent.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3) [F.R. Doc. 67-13461; Filed, Nov. 15, 1967; 8:46 a.m.]

**Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT**

**Chapter 6—Department of State**

[Dept. Reg. 108.570]

**PART 6-60—CONTRACT APPEAL REGULATIONS**

Part 6-60 of Chapter 6 is revised to read as follows:

- Sec.
- 6-60.0 Scope of part.
- 6-60.1 Designation.
- 6-60.2 Applicability.
- 6-60.3 Department support.
- 6-60.4 Rules.

**AUTHORITY:** The provisions of this Part 6-60 issued under sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 4, 63 Stat. 111, 22 U.S.C. 2658.

§ 6-60.0 Scope of part.

This part relates to disputes arising under Department of State contracts (which shall for the purpose of this part include grants) and to the transfer of certain appellate and review functions of the Department of State to the Armed Services Board of Contract Appeals (referred to in this part as the "ASBCA") and the delegation of authority to ASBCA to hear and decide appeals of contractors from final decisions of contracting officers arising under disputes provisions of contracts awarded by the Department of State.

§ 6-60.1 Designation.

The Armed Services Board of Contract Appeals is designated the authorized representative of the Secretary of State and the Deputy Under Secretary of State for Administration to hear and determine appeals by contractors from final decisions of Contracting Officers on disputed questions arising under Department of State contracts pursuant to provisions of contracts requiring the determination of such appeals by either official or their duly authorized representative.

§ 6-60.2 Applicability.

This designation shall apply to appeals notice of which is received, after publication in the FEDERAL REGISTER of this revision.

§ 6-60.3 Department support.

The Supply and Transportation Services Division shall ensure support by officers and employees of the Department of State in processing appeals, and ascertaining information to the extent required for that purpose, before the ASBCA and is hereby authorized to require such officers and employees to cooperate for this purpose.

§ 6-60.4 Rules.

(a) In acting under this designation, the ASBCA will follow the rules in 32 CFR 30.1 (Appendix A) Part 2, which are hereby adopted and set forth in paragraph (b) of this section, except as amended. Rule 31 is superseded by the date of effectiveness of this part upon publication. Part 1 of Appendix A, containing the Charter of the ASBCA, is not included in this paragraph. References to military departments and Secretaries thereof are amended to refer to the Department of State and either the Secretary of State or the Deputy Under Secretary of State for Administration, or their duly authorized representative or Board, as appropriate. Amendments, applicable only to appeals arising from Department of State contracts, concerning other provisions of the Rules are identified by the caption (STATE).

(b) Part 2—Rules:

PREFACE TO RULES OF THE ARMED SERVICES BOARD OF CONTRACT APPEALS

I. SUMMARY OF PERTINENT CHARTER PROVISIONS

The Armed Services Board of Contract Appeals is the authorized representative of the Secretary of State, the Deputy Under Secretary of State for Administration, in hearing,

considering, and determining as fully and finally as might either official:

(a) Appeals by contractors from decisions of contracting officers or their authorized representatives or other authorities on disputed questions, taken pursuant to the provision of contracts requiring the determination of such appeals by the Secretary of State or the Deputy Under Secretary of State for Administration or their duly authorized representative or board; or

(b) Appeals by contractors taken pursuant to the provisions of any directive whereby the Secretary of State or the Deputy Under Secretary of State for Administration has granted a right of appeal not contained in the contract.

When an appeal is taken pursuant to a Disputes clause in a contract which limits appeals to disputes concerning questions of fact, the Board may in its discretion hear, consider, and decide all questions of law necessary for the complete adjudication of the issue. In the consideration of an appeal, should it appear that a claim is involved which is not cognizable under the terms of the contract, the Board may make findings of fact with respect to such a claim without expressing an opinion on the question of liability.

When a contract requires the Secretary of State or the Deputy Under Secretary of State for Administration, personally to render a decision on the matter in dispute, the Armed Services Board of Contract Appeals makes and submits findings and recommendations to the appropriate official with respect thereto.

There are a number of divisions of the Armed Services Board of Contract Appeals established by the Chairman of the Board in such manner as to provide for the most effective and expeditious handling of appeals. Appeals are assigned to the divisions for decision without regard to the procuring authority which entered into the contract involved. Hearing may be held by a designated member, or by a duly authorized examiner. The decision of a majority of a division constitutes the decision of the Board provided that the Chairman and two Vice Chairmen jointly signify their approval of the decision. If a majority of the members of a division is unable to agree on a decision, or if the Chairman or one or more of the Vice Chairmen does not signify approval of the decision, determination of the appeal is by the Chairman and Vice Chairmen. A decision by a majority of those individuals then constitutes the decision of the Board.

On request of the appellant, an appeal involving \$5,000 or less is decided as provided in the Optional Accelerated Procedure set forth in Rule 12 of the Board.

II. STATEMENT OF PURPOSE

Emphasis is placed upon the sound administration of these rules in specific cases, because it is impracticable to articulate a rule to fit every possible circumstance which may be encountered. These rules will be interpreted so as to secure just and inexpensive determination of appeals without unnecessary delay.

Preliminary procedures are available to encourage full disclosure of relevant and material facts and to discourage unwarranted surprise.

All time limitations specified for various procedural actions are computed as maximums, and are not to be fully exhausted if the action described can be accomplished in a lesser period. These time limitations are similarly eligible for extension in appropriate circumstances, on good cause shown.

Whenever reference is made to contractor, appellant, contracting officer, respondent and parties, this shall include respective counsel

for the parties, as soon as appropriate Notices of Appearance have been filed with the Board.

#### PRELIMINARY PROCEDURES

1. *Appeals, how taken.* Notice of an appeal must be in writing, and the original, together with two copies, may be filed with the contracting officer from whose decision the appeal is taken. The notice of appeal must be mailed or otherwise filed within the time specified therefor in the contract or allowed by applicable provision of directive or law.

2. *Notice of appeal, contents of.* A notice of appeal should indicate that an appeal is thereby intended and should identify the contract (by number), the department and agency or bureau cognizant of the dispute, and the decision from which the appeal is taken. The notice of appeal should be signed personally by the appellant (the contractor making the appeal), or by an officer of the appellant corporation or member of the appellant firm, or by the contractor's duly authorized representative or attorney. The complaint referred to in Rule 6 may be filed with the notice of appeal, or the appellant may designate the notice of appeal as a complaint, if it otherwise fulfills the requirements of a complaint.

3. *Forwarding of appeals (STATE).* When a notice of appeal in any form has been received by the contracting officer, he shall endorse thereon the date of mailing (or date of receipt, if otherwise conveyed) and within 10 days shall forward said notice of appeal to the Board, with copies to the Supply and Transportation Services Division and the Legal Adviser of the Department of State. Following receipt by the Board of the original notice of an appeal (whether through the contracting officer or otherwise), the contractor, the contracting officer, the Supply and Transportation Services Division and the Legal Adviser of the Department of State will promptly be advised of its receipt, and the contractor will be furnished a copy of these rules.

4. *Duties of the contracting officer (STATE).* Following receipt of a notice of appeal, or advice that an appeal has been filed, the contracting officer shall promptly, and in any event within 30 days, compile and transmit to the Supply and Transportation Services Division copies of all documents pertinent to the appeal, including the following:

(a) The findings of fact and the decision from which the appeal is taken, and the letter or letters or other documents of claim in response to which the decision was issued;

(b) The contract, and pertinent plans, specifications, amendments, and change orders;

(c) Correspondence between the parties and other data pertinent to the appeal;

(d) Transcripts of any testimony taken during the course of proceedings, and affidavits or statements of any witnesses on the matter in dispute made prior to the filing of the notice of appeal with the Board;

(e) Such additional information as may be considered material.

The Supply and Transportation Services Division shall compile an appeal file from such documents, which file must contain the items enumerated in paragraphs (a)-(e) of this rule, and shall promptly, and in any event within 65 days after the appeal is docketed by the Board (except that this period shall not exceed 40 days if the contracting officer is located, and necessary documentation is substantially available, within the United States) transmit the appeal file to the Board. The Supply and Transportation Services Division shall notify the appellant when it has transmitted the appeal file to the Board, will provide him with a listing of its contents, and will afford

him an opportunity to examine the complete file at the office of the contracting officer or at the office of the Board for the purpose of satisfying himself as to the contents, and furnishing or suggesting any additional documentation deemed pertinent to the appeal. Following receipt of the foregoing file, as it may be augmented at the time of receipt, the Board will promptly advise the parties.

5. *Dismissal for lack of jurisdiction.* Any motion addressed to the jurisdiction of the Board shall be promptly filed. Hearing on the motion shall be afforded on application of either party, unless the Board determines that its decision on the motion will be deferred pending hearing on both the merits and the motion. The Board shall have the right at any time and on its own motion to raise the issue of its jurisdiction to proceed with a particular case, and shall do so by an appropriate order, affording the parties an opportunity to be heard thereon.

6. *Pleadings.* (a) Within 30 days after receipt of notice of docketing of the appeal, the appellant shall file with the Board an original and two copies of a complaint setting forth simple, concise, and direct statements of each of his claims, alleging the basis, with appropriate reference to contract provisions, for each claim, and the dollar amount claimed. This pleading shall fulfill the generally recognized requirements of a complaint, although no particular form or formality is required. Upon receipt thereof, the Recorder of the Board shall serve a copy upon the respondent. Should the complaint not be received within 30 days, appellant's claim and appeal may, if in the opinion of the Board the issues before the Board are sufficiently defined, be deemed to set forth his complaint and the respondent shall be so notified.

(b) Within 30 days from receipt of said complaint, or the aforesaid notice from the Recorder of the Board, respondent shall prepare and file with the Board an original and two copies of an answer thereto, setting forth simple, concise, and direct statements of respondent's defenses to each claim asserted by appellant. This pleading shall fulfill the generally recognized requirements of an answer, and shall set forth any affirmative defenses or counterclaims, as appropriate. Upon receipt thereof, the Recorder shall serve a copy upon the appellant. Should the answer not be received within 30 days, the Board may, in its discretion, enter a general denial on behalf of the Government, and the appellant shall be so notified.

7. *Amendments of pleadings or record.* The Board upon its own initiative or upon application by a party may, in its discretion, order a party to make a more definite statement of the complaint or answer, or to reply to an answer. The Board may, in its discretion, and within the proper scope of the appeal, permit either party to amend his pleading upon conditions just to both parties. When issues within the proper scope of the appeal, but not raised by the pleadings or the documentation described in Rule 4, are tried by express or implied consent of the parties, or by permission of the Board, they shall be treated in all respects as if they had been raised therein. In such instances, motions to amend the pleadings to conform to the proof may be entered, but are not required. If evidence is objected to at a hearing on the ground that it is not within the issues raised by the pleadings or the Rule 4 documentation (which shall be deemed part of the pleadings for this purpose), it may be admitted within the proper scope of the appeal: *Provided, however,* That the objecting party may be granted a continuance if necessary to enable him to meet such evidence.

8. Upon receipt of respondent's answer or the notice referred in the last sentence of

Rule 6(b), above, appellant shall advise whether he desires a hearing, as prescribed in Rules 17 through 25, or whether in the alternative he elects to submit his case on the record without a hearing, as prescribed in Rule 11. In appropriate cases, the appellant shall also elect whether he desires the optional accelerated procedure prescribed in Rule 12.

9. *Prehearing briefs.* Based on an examination of the documentation described in Rule 4, the pleadings, and a determination of whether the arguments and authorities addressed to the issues are adequately set forth therein, the Board may in its discretion require the parties to submit prehearing briefs in any case in which a hearing has been elected pursuant to Rule 8. In the absence of a Board requirement therefor, either party may in its discretion, and upon appropriate and sufficient notice to the other party, furnish a prehearing brief to the Board. In any case where a prehearing brief is submitted, it shall be furnished so as to be received by the Board at least 15 days prior to the date set for hearing, and a copy shall simultaneously be furnished to the other party as previously arranged.

10. *Prehearing or presubmission conference.* Whether the case is to be submitted pursuant to Rule 11, or heard pursuant to Rules 17 through 25, the Board may upon its own initiative or upon the application of either party, call upon the parties to appear before a member or examiner of the Board for a conference to consider:

(a) The simplification or clarification of the issues;

(b) The possibility of obtaining stipulations, admissions, agreements on documents, understandings on matters already of record, or similar agreements which will avoid unnecessary proof;

(c) The limitation of the number of expert witnesses, or avoidance of similar cumulative evidence, if the case is to be heard;

(d) The possibility of agreement disposing of all or any of the issues in dispute;

(e) Such other matters as may aid in the disposition of the appeal.

The results of the conference shall be reduced to writing by the Board member or examiner in the presence of the parties, and this writing shall thereafter constitute part of the record.

11. *Submission without a hearing.* Either party may elect to waive a hearing and to submit his case upon the Board record, as settled pursuant to Rule 13. In the event of such election to submit, the submission may be supplemented by oral argument (transcribed if requested), and/or by briefs, arranged in accordance with Rules 18 and 23.

12. *Optional accelerated procedure.* Should an appeal involve \$5,000 in amount or less, it may at the option of appellant be processed under this rule. In the event of such election, the Board will undertake to issue a decision on the appeal on an expedited basis, without regard to its normal position on the docket. Under this accelerated procedure, the case will be further expedited if the parties elect to waive pleadings and/or elect to waive the hearing and submit on the record. In all other respects, these rules will apply.

13. *Settling of the record.* A case submitted on the record pursuant to Rule 11 shall be ready for decision when the parties are so notified by the Board. A case which is heard shall be ready for decision upon receipt of transcript, or upon receipt of briefs when briefs are to be submitted. At any time prior to the date that a case is ready for decision, either party upon notice to the other, may supplement the record with documents and exhibits deemed relevant and material by the Board. The Board upon its own initiative

may call upon either party, with appropriate notice to the other, for evidence deemed by it to be relevant and material. The weight to be attached to any evidence of record will rest within the sound discretion of the Board. Either party may at any stage of the proceeding, on notice to the other party, raise objection to material in the record or offered into the record, on the grounds of relevancy and materiality.

The Board record shall consist of documentation described in Rule 4, and any additional material, pleadings, prehearing briefs, record of prehearing or presubmission conferences, depositions, interrogatories, admissions, transcripts of hearing, hearing exhibits, and posthearing briefs, as may thereafter be developed pursuant to these rules.

This record will at all times be available for inspection by the parties at the office of the Board. In the interest of convenience, prior arrangements for inspection of the file should be made with the Recorder of the Board. Copies of material in the record may, if practicable, be furnished to appellant at the cost of reproduction.

14. *Depositions*—(a) *When depositions may be taken.* After an appeal has been docketed, the Board may, upon application of either party or upon agreement by the parties, permit the taking of the testimony of any person, by deposition upon oral examination or written interrogatories for use as evidence in the appeal proceedings. Leave to take a deposition will not ordinarily be granted unless it appears that it is impracticable to present the deponent's testimony at the hearing of the appeal, or unless a hearing has been waived and the case submitted pursuant to Rule 11.

(b) *Before whom taken.* Depositions to be offered in evidence before the Board may be taken before and authenticated by any person authorized by the laws of the United States, or by the laws of the place where the deposition is taken, to administer oaths.

(c) *By oral examinations.* When either party desires to take the testimony of any person by deposition upon oral examination, the moving party shall give the opposite party at least 15 days written notice of the time and place where such deposition is proposed to be taken; the name, address, and title of the person before whom it is proposed to be taken; and the name and address of the witness. This notice is unnecessary in any case where the deposition has been scheduled by mutual agreement. If the party so served finds it impracticable to appear at the taking of the deposition, in person or by counsel, he shall promptly so notify the moving party who shall make available to him a copy of the evidence given at the deposition. Within 15 days after receipt of such copy, the party so served may serve cross-interrogatories upon the moving party, and proceedings shall be had thereon as provided in the next succeeding subparagraph (d) herein.

(d) *By written interrogatories.* When either party desires to take the testimony of any person by deposition upon written interrogatories, the moving party shall serve them upon the opposite party with a notice stating the name and address of the person who is to answer them and the name, address, and title of the person before whom the deposition is to be taken. Within 15 days thereafter, the party so served may serve cross-interrogatories upon the moving party. A copy of the notice and copies of all interrogatories served shall be delivered by the moving party to the person before whom the deposition is to be taken, and the latter shall proceed promptly to take the testimony of the witness in response to the interrogatories.

(e) *Form and return of deposition.* Each deposition should show the docket number and the caption of the proceedings, the place and date of taking, the name of the witness,

and the names of all persons present. The person taking the deposition shall certify thereon that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness, and he shall enclose the original deposition and exhibits in a sealed prepaid package and forward same to the Recorder, Armed Services Board of Contract Appeals.

(f) *Introduction in evidence.* No testimony taken by deposition shall be considered as part of the evidence in the hearing of an appeal unless and until such testimony is offered and received in evidence at the hearing. It will not ordinarily be received in evidence if the deponent is present and can testify personally at the hearing. In such case it can, however, be utilized to contradict or impeach the testimony of the deponent as a witness. If the opportunity to be heard has been waived and the case submitted pursuant to Rule 11, the deposition shall be deemed to be part of the record before the Board.

15. *Interrogatories to parties; inspection of documents; admission of facts.* Under appropriate circumstances, but not as a matter of course, the Board will entertain applications for permission to serve written interrogatories upon the opposing party, applications for an order to produce and permit the inspection of designated documents, and applications for permission to serve upon the opposing party a request for the admission of specified facts. Such applications shall be reviewed and approved only to the extent and upon such terms as the Board in its discretion considers to be consistent with the objective of securing just and inexpensive determination of appeals without unnecessary delay, and essential to the proper pursuit of that objective in the particular case.

16. *Service of papers.* Service of papers in all proceedings pending before the Board may be made personally, or by mailing the same in a sealed envelope registered, or certified, postage prepaid, addressed to the party upon whom service shall be made and the date of delivery as shown by return receipt shall be the date of service. Waiver of the service of any papers may be noted thereon or on a copy thereof or on a separate paper, signed by the parties and filed with the Board.

#### HEARINGS

17. *Where and when held.* Hearings will ordinarily be held in Washington, D.C., except that upon request reasonably made and upon good cause shown, the Board may in its discretion set the hearing at another location. Hearings will be scheduled at the discretion of the Board with due consideration to the regular order of appeals and other pertinent factors. On request or motion by either party and upon good cause shown, the Board may in its discretion advance a hearing.

18. *Notice of hearings.* The parties shall be given at least 15 days notice of the time and place set for hearings. In scheduling hearings, the Board will give due regard to the desires of the parties, and to the requirement for just and inexpensive determination of appeals without unnecessary delay. Notices of hearing shall be promptly acknowledged by the parties. A party failing to acknowledge a notice of hearing shall be deemed to have submitted his case upon the Board record as provided in Rule 11.

19. *Unexcused absence of a party.* The unexcused absence of a party at the time and place set for hearing will not be occasion for delay. In the event of such absence, the hearing will proceed and the case will be regarded as submitted by the absent party as provided in Rule 11.

20. *Nature of hearings.* Hearings shall be as informal as may be reasonable and appropriate under the circumstances. Appellant and respondent may offer at a hearing on the merits such relevant evidence as they deem

appropriate and as would be admissible under the generally accepted rules of evidence applied in the courts of the United States in nonjury trials, subject, however, to the sound discretion of the presiding member or examiner in supervising the extent and manner of presentation of such evidence. In general, admissibility will hinge on relevancy and materiality. Letters or copies thereof, affidavits, or other evidence not ordinarily admissible under the generally accepted rules of evidence, may be admitted in the discretion of the presiding member or examiner. The weight to be attached to evidence presented in any particular form will be within the discretion of the Board, taking into consideration all the circumstances of the particular case. Stipulations of fact agreed upon by the parties may be regarded and used as evidence at the hearing. The parties may stipulate the testimony that would be given by a witness if the witness were present. The Board may in any case require evidence in addition to that offered by the parties.

21. *Examination of witnesses.* Witnesses before the Board will be examined orally under oath or affirmation, unless the facts are stipulated, or the Board member or examiner shall otherwise order. If the testimony of a witness is not given under oath the Board may, if it seems expedient, warn the witness that his statements may be subject to the provisions of Title 18, United States Code, Sections 287 and 1001, and any other provisions of law imposing penalties for knowingly making false representations in connection with claims against the United States or in any matter within the jurisdiction of any department or agency thereof.

22. *Copies of papers.* When books, records, papers, or documents have been received in evidence, a true copy thereof or of such part thereof as may be material or relevant may be substituted therefor, during the hearing or at the conclusion thereof.

23. *Posthearing briefs.* Posthearing briefs may be submitted upon such terms as may be agreed upon by the parties and the presiding member or examiner at the conclusion of the hearing. Ordinarily they will be simultaneous briefs, exchanged within 20 days after receipt of transcript.

24. *Transcript of proceedings.* Testimony and argument at hearings shall be reported verbatim, unless the Board otherwise orders. Transcripts of the proceedings shall be supplied to the parties at such rates as may be fixed by contract between the Board and the reporter. If the proceedings are reported by an employee of the Government, the appellant may receive transcripts upon payment to the Government at the same rates as those set by contract between the Board and the independent reporter.

25. *Withdrawal of exhibits.* After a decision has become final the Board may, upon request and after notice to the other party, in its discretion permit the withdrawal of original exhibits, or any part thereof, by the party entitled thereto. The substitution of true copies of exhibits or any part thereof may be required by the Board in its discretion as a condition of granting permission for such withdrawal.

#### REPRESENTATION

26. *The appellant.* An individual appellant may appear before the Board in person, a corporation by an officer thereof, a partnership or joint venture by a member thereof, or any of these by an attorney at law duly licensed in any State, Commonwealth, Territory, or in the District of Columbia.

27. *The respondent.* Government counsel designated by the various departments to represent the departments, agencies, directorates, and bureaus cognizant of the disputes brought before the Board, may in

accordance with their authority represent the interests of the Government before the Board. They shall file notices of appearance with the Board, and notice thereof will be given appellant or his attorney in the form specified by the Board from time to time. Whenever at any time it appears that appellant and Government counsel are in agreement as to disposition of the controversy, the Board may suspend further processing of the appeal in order to permit reconsideration by the contracting officer: *Provided, however*, That if the Board is advised thereafter by either party that the controversy has not been disposed of by agreement, the case shall be restored to the Board's calendar without loss of position.

## DECISIONS

28. Decisions of the Board will be made in writing and authenticated copies thereof will be forwarded simultaneously to both parties. The rules of the Board and all final orders and decisions (except those required for good cause to be held confidential and not cited as precedents) shall be open for public inspection at the offices of the Board in Washington, D.C. In accordance with paragraph 3 of the Charter, decisions of the Board will be made upon the record, as described in Rule 13.

## MOTIONS FOR RECONSIDERATION

29. A motion for reconsideration, if filed by either party, shall set forth specifically the ground or grounds relied upon to sustain the motion, and shall be filed within 30 days from the date of the receipt of a copy of the decision of the Board by the party filing the motion.

## DISMISSAL WITHOUT PREJUDICE

30. In certain cases, appeals docketed before the Board are required to be placed in a suspense status and the Board is unable to proceed with disposition thereof for reasons not within the control of the Board. In any such case where the suspension has continued, or it appears that it will continue, for an inordinate length of time, the Board may in its discretion dismiss such appeals from its docket without prejudice to their restoration when the cause of suspension has been removed.

IDAR RIMESTAD,  
Deputy Under Secretary  
for Administration.

NOVEMBER 3, 1967.

[P.R. Doc. 67-13442; Filed, Nov. 15, 1967;  
8:45 a.m.]

## Chapter 101—Federal Property Management Regulations

### SUBCHAPTER E—SUPPLY AND PROCUREMENT

#### PART 101-26—PROCUREMENT SOURCES AND PROGRAMS

##### Federal Supply Schedules

Part 101-26 is amended to appropriately reflect the change in title of the GSA publication "Guide to Sources of Supply and Service" (formerly Customer's Guide to Sources of Supply and Service) and to reference illustration of GSA Form 1424, Supplemental Provisions (Supply Contracts).

The table of contents for Part 101-26 is amended to provide a revised entry for § 101-26.402-4 and a new § 101-26.4902-1424, as follows:

Sec.  
101-26.402-4 Guide to Sources of Supply and Service.  
101-26.4902-1424 GSA Form 1424, Supplemental Provisions (Supply Contracts).

#### Subpart 101-26.4—Purchase of Items From Federal Supply Schedule Contracts

Section 101-26.401 is amended and §§ 101-26.401-1, 101-26.402-4, and 101-26.402-5 are revised to read as follows:

##### § 101-26.401 Applicability.

(b) The Guide to Sources of Supply and Service (see § 101-26.402-4), issued by the Commissioner, Federal Supply Service, GSA, is a ready reference for information on the availability of items from a Federal Supply Schedule.

##### § 101-26.401-1 Mandatory use of schedules.

Federal Supply Schedules are mandatory to the extent specified in each schedule. The Guide to Sources of Supply and Service provides summary information as to mandatory coverage of each schedule. In event of any apparent conflict, the provisions of the schedule are governing. Newly developed schedules and some other schedules may be mandatory to only one or a small number of agencies. One schedule is entirely optional, and is the only exception to mandatory coverage; it is the schedule covering Motor Vehicle Parts and Accessories (FSC Groups 25, 28, 29, 38, and 39).

##### § 101-26.402-4 Guide to Sources of Supply and Service.

The Guide to Sources of Supply and Service contains a listing of all current schedules and information pertinent thereto, together with the distribution code number for each schedule and catalog. Accordingly, agency offices should consult the latest edition of the Guide before submitting requests for schedules and catalogs as provided in § 101-26.402-3.

##### § 101-26.402-5 Contract provisions.

(a) Each Federal Supply Schedule provides information as to the contractual provisions with which agencies should be familiar in order to properly administer orders with contractors.

(b) Standard Form 32, General Provisions (Supply Contract) (illustrated at § 1-16.901-32 of this title), and GSA Form 1424, Supplemental Provisions (Supply Contract) (illustrated at § 101-26.4902-1424), are incorporated by reference in Federal Supply Schedule contracts. A "Scope of Contract" statement, special provisions pertinent to a particular schedule, and any necessary exceptions to the general provisions are printed in the schedule.

#### Subpart 101-26.49—Illustrations of Forms

Subpart 101-26.49 is amended by revising §§ 101-26.4901 and 101-26.4902(b) and adding new § 101-26.4902-1424 as follows:

##### § 101-26.4901 Standard forms.

(a) The Standard forms are illustrated in this section to show their text, format, and arrangement and to provide a ready source of reference. The subsection numbers in this section correspond with the Standard form numbers.

(b) The Standard forms illustrated in this § 101-26.4901 may be obtained from the nearest GSA supply depot, unless otherwise provided in the section prescribing the form(s).

##### § 101-26.4902 GSA forms.

(b) GSA forms illustrated in this § 101-26.4902 may be obtained by Federal agencies from General Services Administration Region 3, Office of Administration, Administrative Services Division—3 BRD, Washington, D.C. 20407, unless otherwise provided in the section prescribing the form(s).

##### § 101-26.4902-1424 GSA Form 1424, Supplemental Provisions (Supply Contracts).

(a) Page 1 of GSA Form 1424: (prescribed at § 101-26.402-5(b)).

(b) Page 2 of GSA Form 1424: (prescribed at § 101-26.402-5(b)).

(c) Page 3 of GSA Form 1424: (prescribed at § 101-26.402-5(b)).

(d) Page 4 of GSA Form 1424: (prescribed at § 101-26.402-5(b)).

NOTE: The form in § 101-26.4902-1424 is filed as part of the original document. Copies may be obtained from the General Services Administration Region 3, Office of Administration, Administrative Services Division, 3 BRD, Washington, D.C. 20407.

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

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

Dated: November 8, 1967.

LAWSON B. KNOTT, Jr.,  
Administrator of General Services.

[P.R. Doc. 67-13480; Filed, Nov. 15, 1967;  
8:48 a.m.]

## Title 46—SHIPPING

### Chapter I—Coast Guard, Department of Transportation

#### SUBCHAPTER B—MERCHANT MARINE OFFICERS AND SEAMEN

[CGFR 67-75]

#### PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

##### Deck Licenses as Master and Mate of Freight and Towing Vessels of Not More Than 1,000 Gross Tons

1. The establishment of qualifications and issuance of licenses as masters and mates of freight and towing vessels of not more than 1,000 gross tons, which also allow the holders while serving as masters or mates of such vessels to serve as "pilots" within conditions and terms

endorsed on such licenses, are provided for in the new regulations set forth below in this document. In the FEDERAL REGISTER of February 25, 1966 (31 F.R. 3122-3123), a notice of proposed rule making was published on this subject, and a supplement to the Merchant Marine Council Public Hearing Agenda dated March 21, 1966 (CG-249), giving the details as "Item XIb—Deck Licenses as Master and Pilot and as Mate and Pilot of Freight and Towing Vessels of not more than 1,000 Gross Tons" was distributed to all persons known to be interested in this subject. Item XIb was considered at a Merchant Marine Council Public Hearing on March 21, 1966. The Merchant Marine Council, after extensive review and consideration of this subject, including informal consultations with affected unions, management, and operators of small freight and towing vessels, recommended authorization of holders of licenses as masters and mates of freight and towing vessels of not more than 1,000 gross tons while employed as masters or mates of such vessels to serve as "pilots" within the conditions and terms endorsed on their respective licenses. The proposals, as revised, are approved and set forth in this document. The actions of the Merchant Marine Council with respect to comments received regarding these proposals are approved. As reflected by the regulations in this document, these actions are:

a. The licenses of "master of freight and towing vessels of not more than 1,000 gross tons" and "mate of freight and towing vessels of not more than 1,000 gross tons" are established and issuance authorized to applicants who qualify therefor under the regulations in this document.

b. Within the conditions and qualifications endorsed on their respective licenses, the persons holding licenses as master or mate of freight and towing vessels of not more than 1,000 gross tons may serve as master or mate, as well as the navigator of such vessels, and when prescribing the minimum manning of such inspected vessels in the certificates of inspection, the Officer in Charge, Marine Inspection, will permit such persons to serve in the dual capacity of master or mate and pilot of such vessels.

c. The regulations for the new licenses as master or mate of freight and towing vessels of not more than 1,000 tons are added to 46 CFR Part 10 governing the licensing of merchant marine officers, and shall be effective January 1, 1968: *Provided*, That the requirements in this document may be complied with during the period prior to the effective date specified in lieu of existing requirements, and these licenses may be issued to qualified applicants on and after date of publication in the FEDERAL REGISTER.

2. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 632 of Title 14, United States Code, and Department of Transportation Order 1100.1, dated March 31, 1967 (49 CFR 1.4(a)(2), 32 F.R. 5606), to promulgate regulations in accordance with the laws cited with the regulations below,

the following amendments are prescribed:

3. The authority for Part 10 is amended to read as follows:

**AUTHORITY:** The provisions of this Part 10 issued under R.S. 4405, as amended, 4462, as amended, sec. 6(b)(1), 80 Stat. 938; 46 U.S.C. 375, 416, 49 U.S.C. 1655(b); Department of Transportation Order 1100.1, Mar. 31, 1967, 49 CFR 1.4(a)(2), 32 F.R. 5606; except as otherwise noted.

#### Subpart 10.05—Professional Requirements for Officer's Licenses (Inspected Vessels)

4. Subpart 10.05 is amended by inserting after § 10.05-5 a new § 10.05-6 reading as follows:

##### § 10.05-6 Master of freight and towing vessels not more than 1,000 gross tons.

(a) *General.* (1) This section shall apply to every applicant for a license as "master of freight and towing vessels of not more than 1,000 gross tons" who also desires to serve as pilot within the limitations of his license, on those vessels to which he is assigned as master. A license acquired under the provisions of this section shall authorize the holder to serve as master, and as pilot, within the class, route, tonnage and other limitations of his license, if any, upon vessels to which he is assigned as master or mate, without the necessity of holding an endorsement as pilot.

(2) At least one-third of the experience required must have been acquired on vessels of more than 100 gross tons. Experience on vessels of less than 15 gross tons will not be considered as qualifying.

(3) Six months of the experience required shall have been acquired in the area for which application is made; 3 months of which must have been acquired within the year preceding the application.

(4) Any holder of a deck license of equal or superior grade may be considered eligible for license as master upon presentation of evidence of service required by subparagraph (3) of this paragraph and satisfactory completion of examination on subjects in § 10.05-52 (a) (1) and (14) and (b).

(5) Tonnage limitations commensurate with the experience of the applicant will be established by the Officer in Charge, Marine Inspection. To be eligible for the maximum limitation of 1,000 gross tons, the applicant must have acquired at least 50 percent of his qualifying experience on vessels of more than 200 gross tons.

(6) The Officer in Charge, Marine Inspection, will determine the geographical limitations of each license commensurate with the experience and qualifications of the applicant.

(b) *Experience requirements.* The minimum service required to qualify an applicant for license as master of freight and towing vessels of not more than 1,000 gross tons is 4 years on deck including:

(1) One year's service as licensed mate; or,

(2) Two years' service as unlicensed master; or,

(3) Two years' service as quartermaster or wheelsman while holding a license as mate or first class pilot; or,

(4) Two years' service as unlicensed mate while holding a license as operator of small passenger vessels valid within the area for which application is made; or,

(5) Three years' service as unlicensed mate.

(c) *Endorsements.* In lieu of the word "pilot", a master's license may be given a simple endorsement to include, when properly qualified, waters additional to those for which he was originally licensed as master.

5. Subpart 10.05 is amended by inserting after § 10.05-35 a new § 10.05-36 reading as follows:

##### § 10.05-36 Mate of freight and towing vessels not more than 1,000 gross tons.

(a) *General.* (1) This section shall apply to every applicant for a license as "mate of freight and towing vessels of not more than 1,000 gross tons" who also desires to serve as pilot, within the limitation of his license, on those vessels to which he is assigned as mate. A license acquired under the provisions of this section shall authorize the holder to serve as mate, and as pilot, within the class, route, tonnage, and other limitations of his license, if any, upon vessels to which he is assigned as mate, without the necessity of holding an endorsement as pilot.

(2) At least one-third of the experience required must have been acquired on vessels of more than 100 gross tons. Experience on vessels of less than 15 gross tons will not be considered as qualifying.

(3) Six months of the experience required shall have been acquired in the area for which application is made, 3 months of which must have been acquired within 1 year preceding the application.

(4) Any holder of a deck license of equal or superior grade may be considered eligible for license as mate upon presentation of evidence of service required by subparagraph (3) of this paragraph and satisfactory completion of examination on subjects in § 10.05-58 (a) (1) and (11) and (b).

(5) Tonnage limitations commensurate with the experience of the applicant will be established by the Officer in Charge, Marine Inspection. To be eligible for the maximum limitation of 1,000 gross tons, the applicant must have acquired at least 50 percent of his qualifying experience on vessels of more than 200 gross tons.

(6) The Officer in Charge, Marine Inspection, will determine the geographical limitations of each license commensurate with the experience and qualifications of the applicant.

(b) *Experience requirements.* The minimum service required to qualify an applicant for license as mate of freight and towing vessels of not more than 1,000 gross tons is 2 years on deck including:

(1) One year's service in a watchstanding capacity while holding a license as operator of small passenger vessels valid within the area for which application is made; or,

(2) One year's service as unlicensed mate; or,

(3) Eighteen months' service as quartermaster or wheelsman.

(c) *Endorsements.* In lieu of the word "pilot" a mate's license may be given a simple endorsement to include, when properly qualified, waters additional to those for which he was originally licensed as mate.

6. Subpart 10.05 is amended by inserting after § 10.05-51 a new § 10.05-52 reading as follows:

**§ 10.05-52 Examination as master of freight and towing vessels not more than 1,000 gross tons.**

(a) An applicant for license as master shall pass a satisfactory written examination as to his knowledge of the subjects listed in this paragraph.

- (1) Rules of the road.
- (2) Practical use of the magnetic compass.
- (3) Instruments and accessories.
- (4) Chart navigation.
- (5) Aids to navigation.
- (6) Special signals.
- (7) Stability and ship construction.
- (8) Cargo handling and stowage.
- (9) Seamanship.
- (10) Lifesaving and firefighting.
- (11) Ship sanitation.
- (12) Rules and regulations.
- (13) Ship's business.
- (14) Such further examination as the Officer in Charge, Marine Inspection, may consider necessary to establish the applicant's proficiency.

(b) The applicant shall demonstrate by written examination a practical knowledge of the area for which he has made application as master, using local charts including:

(1) General geographical description of the area, indicating location of ports and harbors, general configuration of waterways, and the general tidal effects within the area.

(2) General traffic patterns in the area and general type of traffic to be encountered.

(3) More apparent hazards to navigation with their general descriptions and locations.

(4) General description of major aids to navigation including topographical aids.

(5) General description of winds and currents in the area, especially those of peculiar force or effect.

(6) Special and peculiar hazards to navigation.

(7) Special rules, signals, and customs of the area.

(8) Methods of determining courses, distances, and positions using the chart.

(c) The applicant shall demonstrate a satisfactory ability to navigate a vessel within the area for which he has made application using such methods as are commonly used.

(d) An applicant for extension of route shall be examined in subjects in subparagraphs (1) and (14) of paragraph (a) and paragraph (b) of this section.

(e) The District Commander may authorize an oral examination in lieu of a written examination. When an oral examination is authorized, the Officer in Charge, Marine Inspection, shall maintain a written record of the examination for reference.

7. Subpart 10.05 is amended by inserting after § 10.05-57 a new § 10.05-58 reading as follows:

**§ 10.05-58 Examination as mate of freight and towing vessels not more than 1,000 gross tons.**

(a) An applicant for license as mate shall pass a satisfactory written examination as to his knowledge of the subjects listed in this paragraph:

- (1) Rules of the road.
- (2) Practical use of the magnetic compass.
- (3) Instruments and accessories.
- (4) Chart navigation.
- (5) Aids to navigation.
- (6) Special signals.
- (7) Cargo stowage and handling.
- (8) Seamanship.
- (9) Lifesaving and firefighting.
- (10) Rules and regulations.

(11) Such other examination as the Officer in Charge, Marine Inspection, may consider necessary to establish the applicant's proficiency.

(b) The applicant shall demonstrate by written examination a practical knowledge of the area for which he has made application as mate, using local charts, including those subjects described in § 10.05-52(b).

(c) The applicant shall demonstrate a satisfactory ability to navigate a vessel within the area for which he has made application using such methods as are commonly used.

(d) An applicant for extension of route shall be examined in subjects in subparagraphs (1) and (11) in paragraph (a) and paragraph (b) of this section.

(e) The District Commander may authorize an oral examination in lieu of a written examination. When an oral examination is authorized, the Officer in Charge, Marine Inspection, shall maintain a written record of the examination for reference.

(R.S. 4417a, as amended, 4426, as amended, 4427, as amended, 4438, as amended, 4438a, as amended, 4439, as amended, 4440, as amended, 4442, as amended, 4443, as amended, 4445, as amended, sec. 1, 34 Stat. 1411, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 70 Stat. 152, and sec. 3, 68 Stat. 675; 46 U.S.C. 391a, 404, 405, 224, 224a, 226, 228, 214, 230, 231, 237, 367, 390b, 50 U.S.C. 198; Department of Transportation Order 1100.1, Mar. 31, 1967, 49 CFR 1.4(a) (2), 32 F.R. 5606)

Dated: November 8, 1967.

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

[F.R. Doc. 67-13469; Filed, Nov. 15, 1967; 8:47 a.m.]

## Title 50—WILDLIFE AND FISHERIES

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

#### PART 33—SPORT FISHING

##### Tewaukon National Wildlife Refuge, N. Dak.

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

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

##### NORTH DAKOTA

###### TEWAUKON NATIONAL WILDLIFE REFUGE

Sport fishing on the Tewaukon National Wildlife Refuge, N. Dak., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 1,514 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from December 15, 1967, through March 28, 1968, daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through March 28, 1968.

HERBERT G. TROESTER,  
Refuge Manager, Tewaukon National Wildlife Refuge, Cuyuga, N. Dak.

NOVEMBER 9, 1967.

[F.R. Doc. 67-13451; Filed, Nov. 15, 1967; 8:45 a.m.]

#### PART 33—SPORT FISHING

##### Lake Ilo National Wildlife Refuge, N. Dak.

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

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

##### NORTH DAKOTA

###### LAKE ILO NATIONAL WILDLIFE REFUGE

Sport fishing on the Lake Ilo National Wildlife Refuge, Dunn Center, N. Dak., is permitted only on the area designated by signs as open to fishing. This open area comprising 1,300 acres is delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and

Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Sport fishing shall be in accordance with applicable State regulations subject to the following special conditions:

(1) The open season for Sport Fishing on the refuge extends from December 15, 1967, through March 24, 1968, daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally are set forth in Title 50, Part 33, and are effective through March 24, 1968.

HOMER L. BRADLEY,  
*Refuge Manager, Lake Ilo National Wildlife Refuge, Dunn Center, N. Dak.*

NOVEMBER 9, 1967.

[P.R. Doc. 67-13470; Filed, Nov. 15, 1967;  
8:47 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

Internal Revenue Service

[ 26 CFR Part 1 ]

### INCOME TAX

#### Constructive Ownership of Stock

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] **SHELDON S. COHEN,**  
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 302, 304, 306, 318, 382, 856, and 6038 of the Internal Revenue Code of 1954 to section 4 of the Act of August 31, 1964 (Public Law 88-554, 78 Stat. 762), such regulations are amended as follows:

PARAGRAPH 1. Paragraph (f) of § 1.302-4 is amended to read as follows:

§ 1.302-4 Termination of shareholder's interest.

(f) In determining whether an entire interest in the corporation has been terminated under section 302(b)(3), under all circumstances paragraphs (2), (3), (4), and (5) of section 318(a) (relating to constructive ownership of stock) shall be applicable.

PAR. 2. Section 1.304 is amended by revising section 304 (b)(1) and (c)(2), and by adding a historical note. These revised and added provisions read as follows:

§ 1.304 Statutory provisions; redemption through use of related corporations.

Sec. 304. Redemption through use of related corporations. \* \* \*

(b) Special rules for application of subsection (a)—(1) Rule for determinations under section 302(b). In the case of any acquisition of stock to which subsection (a) of this section applies, determinations as to whether the acquisition is, by reason of section 302(b), to be treated as a distribution in part or full payment in exchange for the stock shall be made by reference to the stock of the issuing corporation. In applying section 318(a) (relating to constructive ownership of stock) with respect to section 302(b) for purposes of this paragraph, sections 318(a)(2)(C) and 318(a)(3)(C) shall be applied without regard to the 50-percent limitation contained therein.

(c) Control. \* \* \*  
(2) Constructive ownership. Section 318(a) (relating to the constructive ownership of stock) shall apply for purposes of determining control under paragraph (1). For purposes of the preceding sentence, sections 318(a)(2)(C) and 318(a)(3)(C) shall be applied without regard to the 50-percent limitation contained therein.

[Sec. 304 as amended by sec. 4, Act of Aug. 31, 1964 (Pub. Law 88-554, 78 Stat. 762)]

PAR. 3. Paragraphs (a) and (c) of § 1.304-2 are amended to read as follows:

§ 1.304-2 Acquisition by related corporation (other than subsidiary).

(a) If a corporation, in return for property, acquires stock of another corporation from one or more persons, and the person or persons from whom the stock was acquired were in control of both such corporations before the acquisition, then such property shall be treated as received in redemption of stock of the acquiring corporation. The stock received by the acquiring corporation shall be treated as a contribution to the capital of such corporation. See section 362(a) for determination of the basis of such stock. The transferor's basis for his stock in the acquiring corporation shall be increased by the basis of the stock surrendered by him. (But see below in this paragraph for subsequent reductions of basis in certain cases.) As to each person transferring stock, the amount received shall be treated as a distribution of property under section 302(d), unless as to such person such amount is to be treated as received in exchange for the stock under the terms of section 302(a) or section 303. In applying section 302(b), reference shall be had to the shareholder's ownership of stock in the issuing corporation and not to his ownership of stock in the acquiring corporation (except for purposes of applying section 318(a)). In determining control and applying section 302(b), section 318(a) (relating to the constructive ownership of stock) shall be applied

without regard to the 50-percent limitation contained in section 318(a)(2)(C) and (3)(C). A series of redemptions referred to in section 302(b)(2)(D) shall include acquisitions by either of the corporations of stock of the other and stock redemptions by both corporations. If section 302(d) applies to the surrender of stock by a shareholder, his basis for his stock in the acquiring corporation after the transaction (increased as stated above in this paragraph) shall not be decreased except as provided in section 301. If section 302(d) does not apply, the property received shall be treated as received in a distribution in payment in exchange for stock of the acquiring corporation under section 302(a), which stock has a basis equal to the amount by which the shareholder's basis for his stock in the acquiring corporation was increased on account of the contribution to capital as provided for above in this paragraph. Accordingly, such amount shall be applied in reduction of the shareholder's basis for his stock in the acquiring corporation. Thus, the basis of each share of the shareholder's stock in the acquiring corporation will be the same as the basis of such share before the entire transaction. The holding period of the stock which is considered to have been redeemed shall be the same as the holding period of the stock actually surrendered.

(c) The application of section 304(a)(1) may be illustrated by the following examples:

Example (1). Corporation X and corporation Y each have outstanding 200 shares of common stock. One-half of the stock of each corporation is owned by an individual, A, and one-half by another individual, B, who is unrelated to A. On or after August 31, 1964, A sells 30 shares of corporation X stock to corporation Y for \$50,000, such stock having an adjusted basis of \$10,000 to A. After the sale, A is considered as owning corporation X stock as follows: (1) 70 shares directly, and (11) 15 shares constructively, since by virtue of his 50-percent ownership of Y he constructively owns 50 percent of the 30 shares owned directly by Y. Since A's percentage of ownership of X's voting stock after the sale (85 out of 200 shares, or 42.5%) is not less than 80 percent of his percentage of ownership of X's voting stock before the sale (100 out of 200 shares, or 50%), the transfer is not "substantially disproportionate" as to him as provided in section 302(b)(2). Under these facts, and assuming that section 302(b)(1) is not applicable, the entire \$50,000 is treated as a dividend to A to the extent of the earnings and profits of corporation Y. The basis of the corporation X stock to corporation Y is \$10,000, its adjusted basis to A. The amount of \$10,000 is added to the basis of the stock of corporation Y in the hands of A.

Example (2). The facts are the same as in example (1) except that A sells 80 shares of corporation X stock to corporation Y, and the sale occurs before August 31, 1964. After



the sale, A is considered as owning corporation X stock as follows: (1) 20 shares directly, and (2) 90 shares indirectly, since by virtue of his 50-percent ownership of Y he constructively owns 50 percent of the 80 shares owned directly by Y and 50 percent of the 100 shares attributed to Y because they are owned by Y's stockholder, B. Since after the sale A owns a total of more than 50 percent of the voting power of all of the outstanding stock of X (110 out of 200 shares, or 55%), the transfer is not "substantially disproportionate" as to him as provided in section 302(b)(2).

**Example (3).** Corporation X and corporation Y each have outstanding 100 shares of common stock. A, an individual, owns one-half the stock of each corporation. B owns one-half the stock of corporation X, and C owns one-half the stock of corporation Y. A, B, and C are unrelated. A sells 30 shares of the stock of corporation X to corporation Y for \$50,000, such stock having an adjusted basis of \$10,000 to him. After the sale, A is considered as owning 35 shares of the stock of corporation X (20 shares directly and 15 constructively because one-half of the 30 shares owned by corporation Y are attributed to him). Since before the sale he owned 50 percent of the stock of corporation X and after the sale he owned directly and constructively only 35 percent of such stock, the redemption is substantially disproportionate as to him pursuant to the provisions of section 302(b)(2). He, therefore, realizes a gain of \$40,000 (\$50,000 minus \$10,000). If the stock surrendered is a capital asset, such gain is long-term or short-term capital gain depending on the period of time that such stock was held. The basis to A for the stock of corporation Y is not changed as a result of the entire transaction. The basis to corporation Y for the stock of corporation X is \$50,000, i.e., the basis of the transferor (\$10,000), increased in the amount of gain recognized to the transferor (\$40,000) on the transfer.

**Example (4).** Corporation X and corporation Y each have outstanding 100 shares of common stock. H, an individual, W, his wife, S, his son, and G, his grandson, each own 25 shares of stock of each corporation. H sells all of his 25 shares of stock of corporation X to corporation Y. Since both before and after the transaction H owned directly and constructively 100 percent of the stock of corporation X, and assuming that section 302(b)(1) is not applicable, the amount received by him for his stock of corporation X is treated as a dividend to him to the extent of the earnings and profits of corporation Y.

PAR. 4. Paragraph (a) of § 1.306-2 is amended to read as follows:

§ 1.306-2 Exception.

(a) If a shareholder terminates his entire stock interest in a corporation—

(1) By a sale or other disposition within the requirements of section 306(b)(1)(A), or

(2) By redemption under section 302(b)(3) (through the application of section 306(b)(1)(B)),

the amount received from such disposition shall be treated as an amount received in part or full payment for the stock sold or redeemed. In the case of a sale, only the stock interest need be terminated. In determining whether an entire stock interest has been terminated under section 306(b)(1)(A), all of the provisions of section 318(a) (relating to constructive ownership of

stock) shall be applicable. In determining whether a shareholder has terminated his entire interest in a corporation by a redemption of his stock under section 302(b)(3), all of the provisions of section 318(a) shall be applicable unless the shareholder meets the requirements of section 302(c)(2) (relating to termination of all interest in the corporation). If the requirements of section 302(c)(2) are met, section 318(a)(1) (relating to members of a family) shall be inapplicable. Under all circumstances subparagraphs (2), (3), (4), and (5) of section 318(a) shall be applicable.

PAR. 5. Section 1.318 is amended to read as follows:

§ 1.318 Statutory provisions; constructive ownership of stock.

SEC. 318. *Constructive ownership of stock—*  
(a) *General rule.* For purposes of those provisions of this subchapter to which the rules contained in this section are expressly made applicable—

(1) *Members of family—(A) In general.* An individual shall be considered as owning the stock owned, directly or indirectly, by or for—

(i) His spouse (other than a spouse who is legally separated from the individual under a decree of divorce or separate maintenance), and

(ii) His children, grandchildren and parents.

(B) *Effect of adoption.* For purposes of subparagraph (A)(ii), a legally adopted child of an individual shall be treated as a child of such individual by blood.

(2) *Attribution from partnerships, estates, trusts, and corporations—(A) From partnerships and estates.* Stock owned, directly or indirectly, by or for a partnership or estate shall be considered as owned proportionately by its partners or beneficiaries.

(B) *From trusts.* (1) Stock owned, directly or indirectly, by or for a trust (other than an employees' trust described in section 401(a) which is exempt from tax under section 501(a)) shall be considered as owned by its beneficiaries in proportion to the actuarial interest of such beneficiaries in such trust.

(2) Stock owned, directly or indirectly, by or for any portion of a trust of which a person is considered the owner under subpart E of part I of subchapter J (relating to grantors and others treated as substantial owners) shall be considered as owned by such person.

(C) *From corporations.* If 50 percent or more in value of the stock in a corporation is owned, directly or indirectly, by or for any person, such person shall be considered as owning the stock owned, directly or indirectly, by or for such corporation, in that proportion which the value of the stock which such persons so owns bears to the value of all the stock in such corporation.

(3) *Attribution to partnerships, estates, trusts, and corporations—(A) To partnerships and estates.* Stock owned, directly or indirectly, by or for a partner or a beneficiary of an estate shall be considered as owned by the partnership or estate.

(B) *To trust.* (1) Stock owned, directly or indirectly, by or for a beneficiary of a trust (other than an employees' trust described in section 401(a) which is exempt from tax under section 501(a)) shall be considered as owned by the trust, unless such beneficiary's interest in the trust is a remote contingent

interest. For purposes of this clause, a contingent interest of a beneficiary in a trust shall be considered remote if, under the maximum exercise of discretion by the trustee in favor of such beneficiary, the value of such interest, computed actuarially, is 5 percent or less of the value of the trust property.

(2) Stock owned, directly or indirectly, by or for a person who is considered the owner of any portion of a trust under subpart E of part I of subchapter J (relating to grantors and others treated as substantial owners) shall be considered as owned by the trust.

(C) *To corporations.* If 50 percent or more in value of the stock in a corporation is owned, directly or indirectly, by or for any person, such corporation shall be considered as owning the stock owned, directly or indirectly, by or for such person.

(4) *Options.* If any person has an option to acquire stock, such stock shall be considered as owned by such person. For purposes of this paragraph, an option to acquire such an option, and each one of a series of such options, shall be considered as an option to acquire such stock.

(5) *Operating rules—(A) In general.* Except as provided in subparagraphs (B) and (C), stock constructively owned by a person by reason of the application of paragraph (1), (2), (3), or (4), shall, for purposes of applying paragraphs (1), (2), (3), and (4), be considered as actually owned by such person.

(B) *Members of family.* Stock constructively owned by an individual by reason of the application of paragraph (1) shall not be considered as owned by him for purposes of again applying paragraph (1) in order to make another the constructive owner of such stock.

(C) *Partnerships, estates, trusts, and corporations.* Stock constructively owned by a partnership, estate, trust, or corporation by reason of the application of paragraph (3) shall not be considered as owned by it for purposes of applying paragraph (2) in order to make another the constructive owner of such stock.

(D) *Option rule in lieu of family rule.* For purposes of this paragraph, if stock may be considered as owned by an individual under paragraph (1) or (4), it shall be considered as owned by him under paragraph (4).

(b) *Cross references.* For provisions to which the rules contained in subsection (a) apply, see—

(1) Section 302 (relating to redemption of stock);

(2) Section 304 (relating to redemption by related corporations);

(3) Section 306(b)(1)(A) (relating to disposition of section 306 stock);

(4) Section 334(b)(3)(C) (relating to basis of property received in certain liquidations of subsidiaries);

(5) Section 382(a)(3) (relating to special limitations on net operating loss carryovers);

(6) Section 856(d) (relating to definition of rents from real property in the case of real estate investment trusts);

(7) Section 958(b) (relating to constructive ownership rules with respect to controlled foreign corporations); and

(8) Section 6038(d)(1) (relating to information with respect to certain foreign corporations).

[Sec. 318 as amended by sec. 10(h), Act of Sept. 14, 1960 (Pub. Law 86-779, 74 Stat. 1009); sec. 20(d), Rev. Act 1962 (76 Stat. 1063); sec. 4, Act of Aug. 31, 1964 (Pub. Law 88-554, 78 Stat. 782)]

PAR. 6. Section 1.318-I is amended to read as follows:

**§ 1.318-1 Constructive ownership of stock; introduction.**

(a) For the purposes of certain provisions of chapter 1 of the Code, section 318(a) provides that stock owned by a taxpayer includes stock constructively owned by such taxpayer under the rules set forth in such section. An individual is considered to own the stock owned, directly or indirectly, by or for his spouse (other than a spouse who is legally separated from the individual under a decree of divorce or separate maintenance), and by or for his children, grandchildren, and parents. Under section 318(a) (2) and (3), constructive ownership rules are established for partnerships and partners, estates and beneficiaries, trusts and beneficiaries, and corporations and stockholders. If any person has an option to acquire stock, such stock is considered as owned by such person. The term "option" includes an option to acquire such an option and each of a series of such options.

(b) In applying section 318(a) to determine the stock ownership of any person for any one purpose—

(1) A corporation shall not be considered to own its own stock by reason of section 318(a) (3) (C);

(2) In any case in which an amount of stock owned by any person may be included in the computation more than one time, such stock shall be included only once, in the manner in which it will impute to the person concerned the largest total stock ownership; and

(3) In determining the 50-percent requirement of section 318(a) (2) (C) and (3) (C), all of the stock owned actually and constructively by the person concerned shall be aggregated.

PAR. 7. Section 1.318-2 is amended by revising paragraph (a), by revising that part of paragraph (c) which precedes example (1), and by revising example (5) of paragraph (c). These amended provisions read as follows:

**§ 1.318-2 Application of general rules.**

(a) The application of paragraph (b) of § 1.318-1 may be illustrated by the following examples:

*Example (1).* H, an individual, owns all of the stock of corporation A. Corporation A is not considered to own the stock owned by H in corporation A.

*Example (2).* H, an individual, his wife, W, and his son, S, each own one-third of the stock of the Green Corporation. For purposes of determining the amount of stock owned by H, W, or S for purposes of section 318(a) (2) (C) and (3) (C), the amount of stock held by the other members of the family shall be added pursuant to paragraph (b) (3) of § 1.318-1 in applying the 50-percent requirement of such section. H, W, or S, as the case may be, is for this purpose deemed to own 100 percent of the stock of the Green Corporation.

(c) The application of section 318(a) (2) and (3), relating to partnerships, trusts and corporations, may be illustrated by the following examples:

*Example (5).* A and B, unrelated individuals, own 70 percent and 30 percent, respectively, of the stock of corporation M. A, B, and corporation M all own stock of corporation O. Since B owns less than 50 percent in value of the stock of corporation M, neither B nor corporation M constructively owns the stock of corporation O owned by the other. However, for the purposes of sections 304(b) (1), 304(c) (2), and 382(a) (3), section 318(a) (2) (C) and (3) (C) are applied without regard to the 50-percent limitation contained therein, and for such purposes, B constructively owns his proportionate share of the stock of corporation O owned directly by corporation M, and corporation M constructively owns the stock of corporation O owned by B.

PAR. 8. Section 1.318-3 is amended by revising example (1) in paragraph (a) to read as follows:

**§ 1.318-3 Estates, trusts, and options.**

(a) \* \* \*

*Example (1).* (a) A decedent's estate owns 50 of the 100 outstanding shares of stock of corporation X. The remaining shares are owned by three unrelated individuals, A, B, and C, who together own the entire interest in the estate. A owns 12 shares of stock of corporation X directly and is entitled to 50 percent of the estate. B owns 18 shares directly and has a life estate in the remaining 50 percent of the estate. C owns 20 shares directly and also owns the remainder interest after B's life estate.

(b) If section 318(a) (5) (C) applies (see paragraph (c) (3) of § 1.318-4), the stock of corporation X is considered to be owned as follows: the estate is considered as owning 80 shares, 50 shares directly, 12 shares constructively through A, and 18 shares constructively through B; A is considered as owning 37 shares, 12 shares directly, and 25 shares constructively (50 percent of the 50 shares owned directly by the estate); B is considered as owning 43 shares, 18 shares directly and 25 shares constructively (50 percent of the 50 shares owned directly by the estate); C is considered as owning 20 shares directly and no shares constructively. C is not considered a beneficiary of the estate under section 318(a) since he has no direct present interest in the property held by the estate nor in the income produced by such property.

(c) If section 318(a) (5) (C) does not apply, A is considered as owning nine additional shares (50 percent of the 18 shares owned constructively by the estate through B), and B is considered as owning six additional shares (50 percent of the 12 shares owned constructively by the estate through A).

PAR. 9. Section 1.318-4 is amended to read as follows:

**§ 1.318-4 Constructive ownership as actual ownership; exceptions.**

(a) *In general.* Section 318(a) (5) (A) provides that, except as provided in section 318(a) (5) (B) and (C), stock constructively owned by a person by reason of the application of section 318(a) (1), (2), (3), or (4) shall be considered as actually owned by such person for purposes of applying section 318(a) (1), (2), (3), and (4). For example, if a trust owns 50 percent of the stock of corporation X, stock of corporation Y owned by corporation X which is attributed to the trust may be further attributed to the beneficiaries of the trust.

(b) *Constructive family ownership.* Section 318(a) (5) (B) provides that stock constructively owned by an individual by reason of ownership by a member of his family shall not be considered as owned by him for purposes of making another family member the constructive owner of such stock under section 318(a) (1). For example, if F and his two sons, A and B, each own one-third of the stock of a corporation, under section 318(a) (1), A is treated as owning constructively the stock owned by his father but is not treated as owning the stock owned by B. Section 318(a) (5) (B) prevents the attribution of the stock of one brother through the father to the other brother, an attribution beyond the scope of section 318(a) (1) directly.

(c) *Reattribution.* (1) Section 318(a) (5) (C) provides that stock constructively owned by a partnership, estate, trust, or corporation by reason of the application of section 318(a) (3) shall not be considered as owned by it for purposes of applying section 318(a) (2) in order to make another the constructive owner of such stock. For example, if two unrelated individuals are beneficiaries of the same trust, stock held by one which is attributed to the trust under section 318(a) (3) is not reattributed from the trust to the other beneficiary. However, stock constructively owned by reason of section 318(a) (2) may be reattributed under section 318(a) (3). Thus, for example, if all the stock of corporations X and Y is owned by A, stock of corporation Z held by X is attributed to Y through A.

(2) Section 318(a) (5) (C) does not prevent reattribution under section 318(a) (2) of stock constructively owned by an entity under section 318(a) (3) if the stock is also constructively owned by the entity under section 318(a) (4). For example, if individuals A and B are beneficiaries of a trust and the trust has an option to buy stock from A, B is considered under section 318(a) (2) (B) as owning a proportionate part of such stock.

(3) Section 318(a) (5) (C) is effective on and after August 31, 1964, except that for purposes of sections 302 and 304 it does not apply with respect to distributions in payment for stock acquisitions or redemptions if such acquisitions or redemptions occurred before August 31, 1964.

PAR. 10. Section 1.382(a) is amended by revising section 382(a) (3) and by adding an historical note. These amended and added provisions read as follows:

**§ 1.382(a) Statutory provisions; special limitations on net operating loss carryovers; purchase of a corporation and change in its trade or business.**

SEC. 382. *Special limitations on net operating loss carryovers—(a) Purchase of a corporation and change in its trade or business.* \* \* \*

(3) *Attribution of ownership.* Section 318 (relating to constructive ownership of stock) shall apply in determining the ownership of stock, except that sections 318(a) (2) (C) and 318(a) (3) (C) shall be applied without regard to the 50-percent limitation contained therein.

[Sec. 382(a) as amended by sec. 4, Act of Aug. 31, 1964 (Pub. Law 88-554, 78 Stat. 762)]

PAR. 11. Section 1.382(a)-1(a)(2) is amended to read as follows:

**§ 1.382(a)-1 Purchase of a corporation and change in its trade or business.**

(a) *In general.* \* \* \*  
 (2) For purposes of this section, (i) section 318(a) shall apply in determining ownership of stock, except that section 318(a)(2)(C) and (3)(C) shall be applied without regard to the 50-percent limitation contained therein, and (ii) stock acquired by the exercise of an option shall be considered as having been acquired on the date the option was acquired. Thus, if A acquires on December 15, 1959, an option to purchase 50 percent of the outstanding stock of X Corporation and if A acquires the stock by exercising the option on January 15, 1961, A will be considered as having purchased the stock on December 15, 1959.

PAR. 12. Section 1.856 is amended by revising section 856(d) and by revising the historical note. These amended provisions read as follows:

**§ 1.856 Statutory provisions; definition of real estate investment trust.**

Sec. 856. *Definition of real estate investment trust.* \* \* \*

(d) *Rents from real property defined.* For purposes of paragraphs (2) and (3) of subsection (c), the term "rents from real property" includes rents from interests in real property but does not include—

(1) Any amount received or accrued, directly or indirectly, with respect to any real property, if the determination of such amount depends in whole or in part on the income or profits derived by any person from such property (except that any amount so received or accrued shall not be excluded from the term "rents from real property" solely by reason of being based on a fixed percentage or percentages of receipts or sales);

(2) Any amount received or accrued directly or indirectly from any person if the real estate investment trust owns, directly or indirectly—

(A) In the case of any person which is a corporation, stock of such person possessing 10 percent or more of the total combined voting power of all classes of stock entitled to vote, or 10 percent or more of the total number of shares of all classes of stocks of such person; or

(B) In the case of any person which is not a corporation, an interest of 10 percent or more in the assets or net profits of such person; and

(3) Any amount received or accrued, directly or indirectly, with respect to any real property, if the real estate investment trust furnishes or renders services to the tenants of such property, or manages or operates such property, other than through an independent contractor from whom the trust itself does not derive or receive any income. For purposes of this paragraph, the term "independent contractor" means—

(A) A person who does not own, directly or indirectly, more than 35 percent of the shares, or certificates of beneficial interest, in the real estate investment trust; or

(B) A person, if a corporation, not more than 35 percent of the total combined voting power of whose stock (or 35 percent of the total shares of all classes of whose

stock), or, if not a corporation, not more than 35 percent of the interest in whose assets or net profits is owned, directly or indirectly, by one or more persons owning 35 percent or more of the shares or certificates of beneficial interest in the trust.

For purposes of paragraphs (2) and (3), the rules prescribed by section 318(a) for determining the ownership of stock shall apply in determining the ownership of stock, assets, or net profits of any person; except that "10 percent" shall be substituted for "50 percent" in subparagraph (C) of sections 318(a)(2) and 318(a)(3).

[Sec. 856 as added by sec. 10(a), Act of Sept. 14, 1960 (Pub. Law 86-779, 74 Stat. 1004); amended by sec. 4, Act of Aug. 31, 1964 (Pub. Law 88-554, 78 Stat. 762)]

PAR. 13. Paragraph (b)(4) of § 1.856-4 is amended to read as follows:

**§ 1.856-4 Rents from real property.**

(b) *Amounts not includible as rent.* \* \* \*

(4) *Attribution rules.* Paragraphs (2) and (3) of section 856(d) relate to direct or indirect ownership of stock, assets, or net profits by the persons described therein. For purposes of determining such direct or indirect ownership, the rules prescribed by section 318(a) (for determining the ownership of stock) shall apply except that "10 percent" shall be substituted for "50 percent" in section 318(a)(2)(C) and (3)(C).

PAR. 14. Section 1.6038 is amended by revising section 6038(d)(1), and by revising the historical note. These amended provisions read as follows:

**§ 1.6038 Statutory provisions; information with respect to certain foreign corporations.**

Sec. 6038. *Information with respect to certain foreign corporations.* \* \* \*

(d) *Definitions.* For purposes of this section—

(1) *Control.* A person is in control of a corporation if such person owns stock possessing more than 50 percent of the total combined voting power of all classes of stock entitled to vote, or more than 50 percent of the total value of shares of all classes of stock of a corporation. If a person is in control (within the meaning of the preceding sentence) of a corporation which in turn owns more than 50 percent of the total combined voting power of all classes of stock entitled to vote of another corporation, or owns more than 50 percent of the total value of the shares of all classes of stock of another corporation, then such person shall be treated as in control of such other corporation. For purposes of this paragraph, the rules prescribed by section 318(a) for determining ownership of stock shall apply, except that—

(A) Subparagraphs (A), (B), and (C) of section 318(a)(3) shall not be applied so as to consider a U.S. person as owning stock which is owned by a person who is not a U.S. person, and

(B) In applying subparagraph (C) of section 318(a)(2), the phrase "10 percent" shall be substituted for the phrase "50 percent" used in subparagraph (C).

[Sec. 6038 as added by sec. 6, Act of Sept. 14, 1960 (Pub. Law 86-780, 74 Stat. 1014); amended by sec. 20(a), Rev. Act 1962 (76 Stat. 1059); sec. 4, Act of Aug. 31, 1964 (Pub. Law 88-554, 78 Stat. 762)]

PAR. 15. Paragraph (c)(3) of § 1.6038-2 is amended to read as follows:

**§ 1.6038-2 Information returns required of U.S. persons with respect to annual accounting periods of certain foreign corporations beginning after December 31, 1962.**

(c) *Attribution rules.* \* \* \*

(3) If 10 percent or more in value of the stock in a corporation is owned, directly or indirectly, by or for any person, section 318(a)(2)(C) shall apply.

[F.R. Doc. 67-13472; Filed, Nov. 15, 1967; 8:47 a.m.]

**DEPARTMENT OF THE INTERIOR**

National Park Service

[ 36 CFR Part 7 ]

**FORT JEFFERSON NATIONAL MONUMENT, FLA.**

**Special Regulations**

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535), 245 DM-I (27 F.R. 6395), National Park Service Order No. 34 (31 F.R. 4255), Regional Director, Southeast Region Order No. 4 (31 F.R. 8135), as amended, it is proposed to amend § 7.27 of Title 36 of the Code of Federal Regulations as is set forth below. The purpose of this amendment is to delete existing special regulations relating to the applicability of State fishing laws and regulations, since these matters are provided for in Part 2 of this title; to delete the special regulation relating to dumping of refuse in monument waters or on monument lands, since this matter is also adequately covered under Parts 2 and 3 of this title; to delete the regulation relating to protection of wildlife since this matter also is covered by regulations appearing in Parts 2 and 3 of this title; to designate areas authorized for the landing of aircraft, as required under § 2.2 of this chapter; and to prohibit fishing and the disturbance of marine life within the moat, within 500 feet of the moat wall at Garden Key, and in the shallow waters between Garden, Bush, and Long Keys except that sport fishing in deep water channels and from the piers within that area will be permitted. The restriction against the taking of fish and other marine life from the moat is currently in effect. The additional restrictions are necessary in order to protect persons using the newly established underwater trails in the locations described and to enable such persons to enjoy a better view of the marine life. A minor change is made in paragraph (a) by correcting the cross-reference to other provisions of the regulation.

The provisions of the regulation designating authorized landing areas for aircraft are nearly identical to the provisions of the former regulation on this

matter and its publication in these special regulations is made necessary by the reorganization of the general regulations which now appear in Part 2 of this title. However, seaplanes may no longer be brought up on land between the main dock and the south coaling dock, since that area is being used by small boats and picnickers.

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 Superintendent, Everglades National Park, Post Office Box 279, Homestead, Fla. 33030, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3)

Paragraph (a) of § 7.27, Title 36, Code of Federal Regulations, is amended by revising subdivision (2) (i) and subparagraph (6) thereof as set forth below, and by revoking subparagraph (8), and amending the number (8) in the last clause of paragraph (a) to read (7). Paragraph (c) is revised and paragraph (d) is revoked.

**§ 7.27 Fort Jefferson National Monument.**

(a) *Fishing.* \* \* \*

(2) Crawfish (*Panulirus argus*), Florida Lobster, Langouste:

(i) The limit of catch of crawfish shall be two (2) per person per day, except that the total for any one vessel having more than 12 persons aboard shall not exceed twenty-five (25) crawfish.

(6) Closed waters: Marine life shall not be disturbed or taken from the moat or from waters within 500 feet of the moat wall at Garden Key, or from the cove bounded by Garden, Bush and Long Keys north of the five foot channel, except that sport fishing in deep water channels and from any pier within that area is permitted.

(8) [Revoked]

(c) *Aircraft.* Designated landing areas. Aircraft may be landed in the waters within a radius of 1 nautical mile of the Fort situated on Garden Key, but approaches, landings, and takeoffs shall not be made within 300 yards of Bush Key. Seaplanes may be moored or brought up on land only on the beach north of the main pier at Garden Key. Helicopters may land at the helipads on the coaling docks.

(d) [Revoked]

ROGER W. ALLIN,  
Superintendent,  
Fort Jefferson National Monument.

OCTOBER 25, 1967.

[F.R. Doc. 67-13462; Filed, Nov. 15, 1967; 8:46 a.m.]

## ATOMIC ENERGY COMMISSION

[ 10 CFR Part 20 ]

### STANDARDS FOR PROTECTION AGAINST RADIATION

#### Reporting and Record Keeping Requirements

In December 1965, the Atomic Energy Commission announced its intention to develop an employer-State-Federal cooperative record and reports system for radiation workers.

An initial draft of a proposed system was disseminated for public comment in April 1966; and, on the basis of comments received, was modified in September 1966. In August and September 1966, the Joint Committee on Atomic Energy of the Congress held hearings on the subject.

After taking into consideration the testimony presented at those hearings and the comments and suggestions received from interested organizations and individuals, the Commission has further revised the proposed records and reports system. It proposes at this time to implement the revised system with respect to its own facilities and its licensees.

Provisions applicable to licensees of the Commission are contained in proposed amendments to 10 CFR Part 20. A proposed revision of § 20.401 is designed to indicate more specifically the radiation exposure records required for purposes of the Commission's records and reports system.

A proposed new § 20.407 would require licensees to report, annually, for the previous calendar year, the following identification and exposure information to be preserved in a records center:

1. Individual's quarterly exposures to radiation from sources external to the body which exceed certain specified levels;

2. Individual's exposures to concentrations of radioactive materials which exceed applicable exposure limits; and

3. Identification information (name, social security number, and date of birth) for those individuals who were required to be monitored for exposure to radiation from sources external to the body but whose exposures did not exceed specified levels and for those individuals for whom evaluations of exposure to concentrations of radioactive material were required but whose exposures did not exceed any applicable limit. The licensee would be permitted to include in this list individuals who incurred reportable exposures and individuals whose exposures were determined for the convenience of the licensee rather than to meet regulatory requirements.

The proposed central records repository would provide an index of monitored individuals. It would also make available in one place exposure information for individuals who work for more than one AEC licensee or contractor or in more than one State.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, as amended,

notice is hereby given that adoption of the following amendments to 10 CFR Part 20 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 45 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

1. In § 20.401 of Part 20, the section heading is amended, paragraph (b) is redesignated paragraph (a), the reference in paragraph (c) to paragraph (a) is revised to refer to paragraph (b), paragraph (a) is redesignated paragraph (b) and is revised, and a new paragraph (d) is added to read as follows:

**§ 20.401 Records of surveys, disposals, radiation monitoring, and exposures.**

(b) Each licensee shall maintain records showing the exposures to radiation from sources external to the body, and the methods by which the exposures were determined, of all individuals for whom personnel monitoring is required under the regulations in this part. The records showing the exposures shall be kept on Form AEC-5, in accordance with the instructions contained in that form or on clear and legible records containing the information required by Form AEC-5. Each measurement of dose entered on the forms or records shall be for periods of time not exceeding one calendar quarter.

(d) Each licensee shall maintain records showing:

(1) For each weekly exposure of an individual to concentrations of radioactive material in excess of any applicable limit established in § 20.103 or § 20.104(b), an estimate of the exposure incurred, and the basis for the estimate; and

(2) For each individual exposed to concentrations of radioactive material not in excess of any applicable limit established in § 20.103 or § 20.104(b), a summary of the information developed under the provisions of § 20.201(b) and the basis for the conclusion that such exposure was within prescribed limits.

**§§ 20.404, 20.406 [Amended]**

2. The references in §§ 20.404 and 20.406 to "§ 20.401(a)" are revised to refer to "§ 20.401(b)."

3. A new § 20.407 is added to 10 CFR Part 20 to read as follows:

**§ 20.407 Personnel exposure and monitoring reports.**

Each licensee shall, within the first quarter of each calendar year, submit to the Director of Regulation, U.S. Atomic Energy Commission, Washing-

ton, D.C. 20545, the following reports covering the preceding calendar years:<sup>1</sup>

(a) For each adult whose radiation dose in any quarter exceeded 25 percent of any applicable level specified in § 20.101(a), and, for each individual under 18 years of age whose radiation dose in any quarter exceeded 5 percent of any applicable level specified in § 20.101(a), a report of each quarterly dose of radiation from sources external to the body, in excess of these levels. In addition to the name and address of the licensee, and the name, social security number, and date of birth of the individual exposed, the report shall specify for each such dose:

- (1) The calendar quarter during which the exposure was incurred;
- (2) The type(s) of radiation involved (e.g., X-, gamma or beta rays, neutrons, high energy protons);
- (3) The part(s) of the body involved (e.g., whole body, skin of whole body, hands, and forearms);
- (4) The estimated dose(s), expressed in rems; and
- (5) The location (address or other description) at which exposure was incurred.

(b) A report of each weekly exposure to concentrations of radioactive materials that exceeded any applicable exposure limit established by § 20.103(a) or § 20.104(b). In addition to the name and address of the licensee, and the name, social security number, and date of birth of individual exposed, the report shall specify for each such exposure:

- (1) The week during which the exposure was incurred;
- (2) The radionuclide(s) involved;
- (3) An estimate of the exposure in terms of the concentration of the nuclide(s) in inhaled air, averaged over a period of 40 hours, or body or organ dose equivalent, or average burdens expressed as amount of radioactive material present in the whole body or in the organ involved, or radiation dose to the whole body or to the organ involved; and

<sup>1</sup>A licensee whose license expires or terminates prior to, or on the last day of the calendar year shall submit reports at the expiration or termination of the license, covering that part of the year during which the license was in effect.

(4) The location (address or other description) at which exposure was incurred.

(c) A report listing (1) each individual for whom personnel monitoring of exposure to radiation from sources external to the body was required under the provisions of § 20.202(a) or § 34.33(a) of this chapter but whose exposure did not exceed levels at which reports of quarterly exposure are required under paragraph (a) of this section, and (2) each individual for whom an individual estimate of possible exposure to radioactive materials was required under the provisions of § 20.108, but whose exposure did not exceed levels at which reports are required under paragraph (b) of this section. The report required by this paragraph may include individuals whose names appear in the reports required under paragraphs (a) and (b) of this section, as well as individuals for whom such measurements or determinations were not required by the regulations in this part but were made. Individuals falling within the latter category shall be identified by use of asterisks. In addition to the name and address of the licensee, the report shall include the name, social security number, and date of birth of each individual listed.

(Secs. 161, 68 Stat. 948; 42 U.S.C. 2201)

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

For the Atomic Energy Commission.

W. B. McCool,  
Secretary.

[F.R. Doc. 67-13491; Filed, Nov. 15, 1967; 8:49 a.m.]

## FEDERAL HOME LOAN BANK BOARD

[ 12 CFR Part 545 ]

[No. 21,032]

### FEDERAL SAVINGS AND LOAN SYSTEM

#### Service Corporations

NOVEMBER 8, 1967.

Resolved that, for the purpose of requiring a Federal association to dispose

of its investment in a service corporation whenever the service corporation fails to discontinue an impermissible activity, it is hereby proposed that § 545.9-1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.9-1) be amended by adding a new paragraph, paragraph (e), immediately after paragraph (d), to read as follows:

#### § 545.9-1 Service corporations.

(e) *Disposal of investment.* Whenever a service corporation engages in an activity which is not permissible under this section for a service corporation in which a Federal association may invest, a Federal association having an investment in such service corporation shall dispose of such investment promptly unless, within 90 days following notice to such investing Federal association, the impermissible activity is discontinued.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, D.C. 20552, by December 15, 1967, as to whether this proposal should be adopted, rejected or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,  
Secretary.

[F.R. Doc. 67-13490; Filed, Nov. 15, 1967; 8:49 a.m.]

# Notices

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

[Albuquerque Area Redelgation Order 1]

### ASSISTANT AREA DIRECTORS ET AL., ALBUQUERQUE AREA

#### Redelegations of Authority

##### PART 1—GENERAL

**SECTION 1.1 Appeals.** Any action taken by any Superintendent or other officer pursuant to Part 2 of this order shall be subject to the right of appeal. An appeal may be taken from the decision of such Superintendent or other officer to the Area Director, Albuquerque Area Office. An appeal must be filed in writing with such Superintendent or other officer and shall be promptly transmitted by him with the record of the case to the Area Director, Albuquerque Area Office. Any action taken by the Area Director pursuant to this order shall be subject to the right of appeal to the Commissioner of Indian Affairs, pursuant to section 1 of Order 551, as amended, of the Bureau of Indian Affairs. Any action taken by the Commissioner of Indian Affairs pursuant to this order shall be subject to the right of appeal to the Secretary of the Interior, pursuant to section 1(a), Order 2508, as amended, of the Secretary of the Interior.

**Sec. 1.2 Limitations.** Delegations of authority made by this order are not to be construed as depriving the Area Director of the authority conferred upon him by the Commissioner of Indian Affairs. The authority delegated to an employee is limited to those matters which are normally under his jurisdiction and for which he is responsible.

**Sec. 1.3 Authority of Assistant Area Directors.** The Assistant Area Directors and persons authorized to act in their stead during their absences may severally exercise any and all authority conferred upon the Area Director by the Commissioner of Indian Affairs.

##### PART 2—AUTHORITY OF AGENCY SUPERINTENDENTS AND SCHOOL SUPERINTENDENT

Subject to the provisions of Part 1, Agency Superintendents, and School Superintendent and those persons acting in their stead may exercise the authority of the Area Director as indicated in this part.

##### FUNCTIONS RELATING TO LANDS AND MINERALS

**Sec. 2.12 Leases and permits.** All those matters set forth in 25 CFR Part 131 except the approval of leases which provide for a duration in excess of 65 years, inclusive of any provisions for extensions or renewals thereof at the option of the lessee. This authority does not extend to the waiver of any requirements for advertising of leases or permits.

**Sec. 2.15 Allotment applications.** The approval and certification of applications for allotments on public domain under authority of the Act of February 8, 1887 (25 U.S.C., 1946 ed., sec. 336) and in the national forests, pursuant to the Act of June 25, 1910 (25 U.S.C., 1946 ed., sec. 337).

**Sec. 2.16 Mineral leases and permits.** (a) The granting of permission to negotiate permits and leases of tribal and individually owned trust or restricted lands for coal, sand, gravel, pumice, and building stone, and the approval of permits and leases for coal, sand, gravel, pumice, and building stone. The authority conferred by (a) of this section extends to and includes the approval or other appropriate administrative action required on all subleases, assignments of mining permits or mineral leases now or hereafter in force on tribal and restricted allotted lands, bonds, and other instruments required in connection with such leases, subleases, permits or assignments, the acceptance of voluntary surrender of leases by lessees, cancellation of leases for violation of terms thereof, and approval of agreements for settlement of claims for damages to Indian lands resulting from mineral operations.

(b) The approval of oil and gas leases, on forms approved by the Commissioner of Indian Affairs, of tribal lands and of trust or restricted individually owned lands in accordance with advertisements soliciting bids therefor and pursuant to 25 CFR Parts 171 and 172.

(c) The approval of tribal and allotted prospecting permits including those with a preferential right to a lease, tribal mining leases and allotted mining leases, on forms approved by the Commissioner of Indian Affairs, for minerals other than those specified in (a) and (b), covering tribal land and trust or restricted individually owned land, pursuant to 25 CFR Parts 171 and 172, provided that the royalty rates have been approved by the Commissioner of Indian Affairs.

(d) The authority conferred by (b) and (c) of this section extends to and includes the approval or other appropriate administrative action required on all subleases, assignments of mining permits or mineral leases now or hereafter in force on tribal and restricted allotted lands, bonds, and other instruments required in connection with such leases, subleases, permits or assignments, the acceptance of voluntary surrender of leases by lessees, cancellation of leases for violation of terms thereof, approval of agreements for settlement of claims for damages to Indian lands resulting from oil and gas or other mineral operations, and unit and communitization agreements.

(e) The authority delegated in this section does not include:

(1) The approval of leases of ceded or surplus lands unless title thereto has been restored to the tribe, or the leasing of such lands is authorized by a specific statute.

(2) Approval of leases on lands purchased or reserved for agency or school purposes.

(3) Approval of leases, assignments and bonds on any forms except those approved by the Commissioner of Indian Affairs.

(4) Modification of any forms approved by the Commissioner of Indian Affairs.

(5) Approval of amendments to oil and gas and other mining leases or to assignments.

(6) Extension of time for drilling.

(7) Approval of instruments providing for the payment of overriding royalty.

(8) Assignment of separate horizons.

(f) The authority delegated in (b) and (c) of this section applies only to Consolidated Ute Agency, Jicarilla Agency and United Pueblos Agency and does not apply to the Mescalero Agency and Zuni Agency.

**Sec. 2.18. Release of mortgages.** The approval of releases of mortgages given as security for loans made from the restricted funds of individual Indians, upon proof of payment of the loan.

**Sec. 2.24 Archeological permits.** The approval of permits for the excavation of ruins and archeological sites and the gathering of objects of antiquity on Indian reservations pursuant to 25 CFR Part 132.

**Sec. 2.31 Soil and moisture conservation.** Soil and moisture conservation operations on Indian lands, pursuant to President's Reorganization Plan Number IV of 1940 (54 Stat. 1235), and the Soil Conservation Act of April 27, 1935 (16 U.S.C. sec. 590a).

##### FUNCTIONS RELATING TO CREDIT MATTERS

**Sec. 2.120 Loan agreements and modifications.** The approval of applications for and modifications of loan agreements to individuals, pursuant to declarations of policy and plans of operations approved by the Commissioner or his authorized representative; provided that the amounts and conditions of loans shall be consistent with and shall not exceed the limitations as set forth in sections 120 and 121 of Bureau Order 551, as amended.

**Sec. 2.122 Enforcement terms, loan agreements.** The taking of necessary steps upon failure of individual borrowers or cooperative associations to conform to the terms of their loan agreements from tribes, bands, credit associations or the United States, pursuant to 25 CFR 91.10 and 91.12(d).

**Sec. 2.123 Assignments.** Consent to assignments of loan agreements and interests therein by borrowers from the

United States, corporations, tribes, bands, and credit associations, pursuant to 25 CFR 91.11.

Sec. 2.126 *Assignments of trust property.* The approval of assignments of any trust property of an Indian, except land, and authority to act as the Indian's attorney-in-fact to execute leases on any trust land in which the Indian borrower may have an interest and to apply the rentals on the Indian's indebtedness, for a loan made pursuant to 25 CFR Part 91.

Sec. 2.127 *Loan security.* The approval of mortgages of trust chattels and crops on trust or restricted land of an Indian and assignments of income from trust or restricted land of an Indian as security for a loan by any lender.

Sec. 2.128 *Release of the U.S. interests.* The release of interests of the United States in any trust or restricted property of an Indian, except land.

#### FUNCTIONS RELATING TO LAW AND ORDER

Sec. 2.151 *Deputy special officer's commissions.* The issuance of deputy special officer's commissions to persons working in law enforcement for the maintenance of law and order on Indian reservations.

Sec. 2.152 *Indian court sentences.* The approval of sentences imposed on Indian employees of the Bureau of Indian Affairs by Courts of Indian Offenses as provided in 25 CFR 11.2(d), and by tribal courts as provided by any law and order code.

#### FUNCTIONS RELATING TO TRADING WITH THE INDIANS

Sec. 2.170 *Trader's licenses.* The issuance of licenses to traders with the Indian tribes and the removal and revocation of licenses pursuant to the provisions of 25 CFR Parts 251 and 252.

#### FUNCTIONS RELATING TO INDIAN IRRIGATION PROJECTS

Sec. 2.200 *Operation and maintenance orders.* The issuance of irrigation operation and maintenance orders fixing per acre assessments against lands included in Indian irrigation projects to which water can be delivered, under authority of the Acts of August 1, 1914 (38 Stat. 583, 25 U.S.C. 385) and March 7, 1928 (45 Stat. 210, 25 U.S.C. 387).

#### FUNCTIONS RELATING TO FOREST AND RANGE MANAGEMENT

Sec. 2.230 *Forest management.* (a) Issue advertisements and approve timber sale contracts on approved forms involving an estimated stumpage volume of not to exceed 50,000 feet, board measure, pursuant to 25 CFR 141.8 and 25 CFR 141.13.

(b) Approve contracts, pursuant to 25 CFR 141.13, for the sale of timber from individual allotments, without regard to estimated volumes, on approved forms executed under authority of an approved general contract; with such provisions incorporated therein as the approving officer of the general contract shall stipulate.

(c) Issue timber cutting permits on approved forms pursuant to 25 CFR 141.19, paragraphs (a) and (b) but not including paragraph (c).

(d) Hire temporary labor, rent equipment, purchase tools and supplies, and pay for their transportation to extinguish forest or range fires pursuant to 25 CFR 141.21.

Sec. 2.241 *Advertisement of grazing privileges.* The issuance of advertisements for grazing privileges, including advertisements for periods of 30 days or less, pursuant to 25 CFR Part 151. The authority does not extend to the waiver of advertising in any case.

Sec. 2.242 *Negotiation of sale of grazing privileges, subsequent to advertisement.* The negotiation, within one year after the date of advertisement and pursuant to the provisions of 25 CFR Part 151, of the sale of grazing privileges on range units for which no acceptable bid was received, on terms not less favorable than those stipulated in the advertisement offering such grazing privileges for sale.

Sec. 2.243 *Waiver of technical defects in advertisements and proposals for grazing privileges.* Exercise of the right reserved in Form 5-510, Sale of Grazing Privileges, to waive technical defects in the advertisements and proposals received in response thereto.

Sec. 2.244 *Approval, modification, and cancellation of grazing permits.* The approval, modification, and cancellation of grazing permits, pursuant to 25 CFR Part 151.

Sec. 2.245 *Advertisement and sale of forest products.* Advertisement and sale of lumber and other forest products produced from forests on Indian reservations, by Indian tribal enterprises operated under the supervision of the Bureau of Indian Affairs, pursuant to 25 CFR Part 142.

#### FUNCTIONS RELATING TO FUNDS AND FISCAL MATTERS

Sec. 2.264 *Individual Indian moneys.* All those matters set forth in 25 CFR Part 104.

#### FUNCTIONS RELATING TO GENERAL MATTERS

Sec. 2.353 *Fire agreements and emergency assistance.* The rendering of emergency assistance in extinguishing fires or preserving life and property from fire, and the entering into of reciprocal agreements with fire organizations, pursuant to the Act of May 27, 1966 (69 Stat. 66; 42 U.S.C. 1952 ed., Supp. III, Sec. 1856); and Secretarial Order 2815, dated August 1, 1956. Such authority shall be subject to regulations prescribed by the Secretary.

WALTER O. OLSON,  
Area Director.

Approved: November 8, 1967.

ROBERT L. BENNETT,  
Commissioner.

[P.R. Doc. 67-13459; Filed, Nov. 15, 1967;  
8:46 a.m.]

[Navajo Order 1]

## ASSISTANT AREA DIRECTORS ET AL., NAVAJO AREA

### Redelegations of Authority

#### PART I—GENERAL

SECTION 1.1 *Appeals.* Any action taken by any Agency Superintendent, or other officer pursuant to this order shall be subject to the right of appeal. An appeal may be taken from the decision of such Agency Superintendent, or other officer to the Area Director, Navajo Area Office. An appeal must be filed in writing with such Agency Superintendent, or other officer and shall be promptly transmitted by him with the record in the case to the Area Director, Navajo Area Office. Any action taken by the Area Director pursuant to the order shall be subject to the right of appeal to the Commissioner of Indian Affairs, pursuant to section 1 of Order 551, as amended, of the Bureau of Indian Affairs. Any action taken by the Commissioner of Indian Affairs pursuant to this order shall be subject to the right of appeal to the Secretary of the Interior, pursuant to section 1(a) of Order 2508, as amended, of the Secretary of the Interior.

Sec. 1.2 *Limitations.* Delegations of authority made by this order are not to be construed as depriving the Area Director of the authority conferred upon him by the Commissioner of Indian Affairs.

Sec. 1.3 *Authority of Assistant Area Directors.* The Assistant Area Directors and those persons authorized to act in their stead during their absence from the respective offices may exercise any and all authority conferred upon the Area Director by the Commissioner of Indian Affairs.

#### PART 2—AUTHORITY OF AGENCY SUPERINTENDENTS

Subject to the provisions of Part 1, Agency Superintendents and those persons acting in their stead may exercise the authority of the Area Director as indicated in this part.

#### FUNCTIONS RELATING TO LAW AND ORDER

Sec. 2.152 *Indian court sentences.* The approval of sentences imposed on Indian employees of the Bureau of Indian Affairs by Courts of Indian Offenses as provided in § 11.2(d), Title 25, Code of Federal Regulations, and by Tribal Courts as provided by any Law and Order Code.

#### FUNCTIONS RELATING TO TRADING WITH INDIANS

Sec. 2.170(a) *Peddlers permits.* The issuance of permits to peddlers on the Navajo Reservation pursuant to the provisions in 25 CFR Part 252, provided each such permit is limited to lands under the jurisdiction of the Agency Superintendent issuing the permit.

Sec. 2.170(b) *Permits for purchase of livestock and livestock products.* The issuance of permits to purchasers of livestock and livestock products pursuant to

the provisions of 25 CFR 252.13, provided each such permit is limited to lands under the jurisdiction of the Agency Superintendent issuing the permit.

**FUNCTIONS RELATING TO FOREST AND RANGE MANAGEMENT**

**SEC. 2.246 *Grazing Navaajo.*** The taking of action with respect to those matters set forth in 25 CFR Part 152. The authority delegated by this section does not include those matters set forth in 25 CFR 152.1, 152.2, 152.5, and 152.6.

**FUNCTIONS RELATING TO FUNDS AND FISCAL MATTERS**

**SEC. 2.264 *Individual Indian moneys.*** All those matters set forth in 25 CFR Part 104.

GRAHAM E. HOLMES,  
*Area Director.*

Approved: November 8, 1967.

ROBERT L. BENNETT,  
*Commissioner.*

[F.R. Doc. 67-13460; Filed, Nov. 15, 1967;  
8:46 a.m.]

**Bureau of Land Management**

[A 918]

**ARIZONA**

**Notice of Classification of Public Lands for Multiple-Use Management**

1. Pursuant to section 2 of 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, the public lands described below are hereby classified for multiple-use management. Principal public resource values to be protected by this classification are conservation of important watershed, grazing, and wildlife habitat, conservation of outstanding natural beauty, and present and long-range future use for outdoor recreational activities near an expanding urban area. Publication of this notice has the effect of segregating the land from appropriation under the agricultural land laws (43 U.S.C., Chs. 7 and 9; 25 U.S.C. 334); from private exchange (43 U.S.C. 315g(b)); from State exchange (43 U.S.C. 315g(c)); from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171); from appropriation under section 2477 of the Revised Statutes (43 U.S.C. 932); from State selection (43 U.S.C. 851, 852); and from sale under the Act of September 19, 1964 (43 U.S.C. 1421-27). 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.

2. The land is located approximately 40 miles southwest of Tucson, Ariz., and constitutes a scenic desert mountain range at elevations between 3,000 and

6,000 feet in an undisturbed natural condition.

3. The site is receiving moderate public recreational use by hunters, photographers, artists, hikers, horseback riders, rock hounds, artifact hunters, picnickers, and Boy Scout groups.

4. Local planning, zoning and recreation officials, and representatives of the Bureau of Land Management have agreed after study and analysis that the best use for this public land is for outdoor recreational purposes. The site will be known as the Coyote Mountain Natural Area.

5. The public lands affected by this classification are shown on maps on file and available for inspection in the District Office and at the Land Office, Bureau of Land Management, Federal Building, Phoenix, Ariz.

6. The land involved is in Pima County and is described as follows:

**GILA AND SALT RIVER MERIDIAN, ARIZONA**

T. 16 S., R. 8 E.,

Sec. 25, lots 1 to 12, inclusive, and NE $\frac{1}{4}$ ;

Sec. 26, lots 1 to 4, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$  and S $\frac{1}{2}$ ;

Sec. 27, lots 1 to 4, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$  and S $\frac{1}{2}$ ;

Sec. 28, lots 1 to 4, inclusive, E $\frac{1}{2}$ W $\frac{1}{2}$  and E $\frac{1}{2}$ ;

Sec. 33, lots 1 to 7, inclusive, NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , and N $\frac{1}{2}$ SE $\frac{1}{4}$ ;

Sec. 34, lots 1 to 4, inclusive, N $\frac{1}{2}$  and N $\frac{1}{2}$ S $\frac{1}{2}$ .

T. 17 S., R. 8 E.,

Sec. 3, lots 1 to 4, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$  and SW $\frac{1}{4}$ ;

Sec. 4, lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$  and SE $\frac{1}{4}$ ;

Sec. 9, NE $\frac{1}{4}$ ;

Sec. 10, NW $\frac{1}{4}$ .

The areas described aggregate 5,082.28 acres of public land.

7. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240 (43 CFR 2411.12(d)).

FRED J. WEILER,  
*State Director.*

NOVEMBER 8, 1967.

[F.R. Doc. 67-13454; Filed, Nov. 15, 1967;  
8:46 a.m.]

[A 1092]

**ARIZONA**

**Notice of Classification of Public Lands for Multiple-Use Management**

1. Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C., 1411-18) and to the regulations in 43 CFR Part 2410 and 2411, the public lands in the township described in paragraph 5 are hereby classified for multiple-use management, together with any lands therein that may become public lands in the future. Publication of this notice has the effect of segregating all the public land in the described area from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9, 25 U.S.C. 334); from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171); from private exchange (43 U.S.C. 315g(b)); from State exchange (43 U.S.C. 315g(c)); and from State selection (43 U.S.C. 851, 852).

The lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used in this order, the term "public lands" means any lands (1) withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or (2) 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. The lands are located approximately 35 road miles southeast of Phoenix, Ariz., and comprise a scenic desert mountain range between 1,500 to 2,450 feet above sea level.

3. Principal public values attributable to the lands are outstanding botanical features in the saguaro forest growth, outdoor recreation provided to urban Phoenix as well as winter visitors to the area, wildlife habitat, watershed, domestic livestock grazing, and mineral potential.

4. This classification has been discussed with local and State government planning and recreation authorities, and they concur with this proposal.

5. The lands lie in Pinal County and are within T. 3 S., R. 7 E., GSR Mer., Arizona. The area described aggregates approximately 10,020.37 acres of public land.

6. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240 (43 CFR 2411.12(d)).

FRED J. WEILER,  
*State Director.*

NOVEMBER 8, 1967.

[F.R. Doc. 67-13455; Filed, Nov. 15, 1967;  
8:46 a.m.]

[Serial No. I-1639]

**IDAHO**

**Notice of Termination of Proposed Classification of Lands**

NOVEMBER 9, 1967.

Notice of proposed classification of lands, Serial No. I-1639, published as F.R. Doc. No. 67-9648 on pages 11892-11894 of the issue for Thursday, August 17, 1967, is hereby canceled so far as it affects the following described lands. The segregative effect thereof will terminate upon publication of this notice in the FEDERAL REGISTER, as provided by the regulations in 43 CFR 2411.2e(2)(ii):

**BOISE MERIDIAN, LEMHI COUNTY, IDAHO**

T. 19 N., R. 21 E.,

Sec. 28, SE $\frac{1}{4}$ SE $\frac{1}{4}$ .

T. 21 N., R. 22 E.,

Sec. 21, W $\frac{1}{2}$ W $\frac{1}{2}$ .

T. 23 N., R. 22 E.,

Sec. 17, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

T. 14 N., R. 27 E.,

Sec. 35, NW $\frac{1}{4}$ NW $\frac{1}{4}$ .

The area described contains approximately 280 acres of public land.

JOE T. FALLINI,  
*State Director.*

[F.R. Doc. 67-13456; Filed, Nov. 15, 1967;  
8:46 a.m.]



[Serial No. I-1639]

## IDAHO

## Notice of Classification of Public Lands for Multiple-Use Management

NOVEMBER 9, 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, the public lands in the area described below, together with any lands therein that may become public lands in the future, are hereby classified for multiple use management. Publication of this notice (a) segregates all the public land in the described area below from appropriation 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) further segregates the lands described in paragraph 3 of this notice from the operation of the general mining laws (30 U.S.C. Ch. 2). 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.

2. The public lands affected are located within the following described area in Lemhi County, Idaho, and are shown on maps on file in the Salmon District Office, Bureau of Land Management, Salmon, Idaho, and the Land Office, Bureau of Land Management, Federal Building, Boise, Idaho.

BOISE MERIDIAN, LEMHI COUNTY, IDAHO,  
ADMINISTERED BY THE SALMON DISTRICT I-4

- T. 16 N., R. 19 E.,  
Sec. 1, that portion in Lemhi County.
- T. 16 N., R. 20 E.,  
Secs. 1 to 8, inclusive, those portions in Lemhi County;  
Secs. 11 to 14, inclusive, those portions in Lemhi County.
- T. 17 N., R. 20 E., all public lands outside the National Forest boundary.
- T. 18 N., R. 20 E.,  
Secs. 1, 12, 13, 24, 25, and 36.
- T. 15 N., R. 21 E.,  
Secs. 1 to 4, inclusive;  
Secs. 10 to 15, inclusive.
- T. 16 N., R. 21 E.,  
Sec. 3, W $\frac{1}{2}$ ;  
Secs. 4 to 9, inclusive;  
Sec. 10, NW $\frac{1}{4}$ ;  
Secs. 16 to 21, inclusive;  
Sec. 22, NW $\frac{1}{4}$ ;  
Secs. 28 to 30, inclusive;  
Secs. 32 to 36, inclusive.
- T. 17 N., R. 21 E., all public lands outside the National Forest boundary.
- T. 18 N., R. 21 E., all public lands outside the National Forest boundary.
- T. 19 N., R. 21 E., all the public lands outside the National Forest boundary except sec. 28, SE $\frac{1}{4}$ SE $\frac{1}{4}$ .
- T. 20 N., R. 21 E., all public lands outside the National Forest boundary.
- T. 21 N., R. 21 E.,  
Sec. 35.
- T. 23 N., R. 21 E.,  
Sec. 12, lot 6.

- T. 13 N., R. 22 E.,  
Secs. 1 and 2, those portions in Lemhi County.
- T. 14 N., R. 22 E.,  
Secs. 1 to 4, inclusive;  
Sec. 5, E $\frac{1}{2}$ ;  
Sec. 9, E $\frac{1}{2}$ ;  
Secs. 10 to 13, inclusive;  
Sec. 14, N $\frac{1}{2}$ , SE $\frac{1}{4}$ ;  
Secs. 24, 25, and 36.
- T. 15 N., R. 22 E.,  
Secs. 6 and 7;  
Secs. 16 to 18, inclusive;  
Sec. 19, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ ;  
Secs. 20 to 22, inclusive;  
Secs. 26 to 28, inclusive;  
Sec. 29, E $\frac{1}{2}$ ;  
Sec. 32, E $\frac{1}{2}$ ;  
Secs. 33 to 36, inclusive.
- T. 16 N., R. 22 E.,  
Sec. 31.
- T. 17 N., R. 22 E.,  
Sec. 1, E $\frac{1}{2}$ .
- T. 18 N., R. 22 E., all public lands outside the National Forest boundary.
- T. 19 N., R. 22 E., all public lands outside the National Forest boundary.
- T. 20 N., R. 22 E.,  
Secs. 1 to 5, inclusive;  
Sec. 8;  
Sec. 11, E $\frac{1}{2}$ ;  
Secs. 12 and 13;  
Secs. 17 to 19, inclusive;  
Sec. 23, E $\frac{1}{2}$ ;  
Secs. 24 and 30;  
Sec. 31, N $\frac{1}{2}$ ;  
Sec. 32, N $\frac{1}{2}$ .
- T. 21 N., R. 22 E.,  
Sec. 21, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ ;  
Sec. 22;  
Sec. 23, SW $\frac{1}{4}$ ;  
Secs. 26 to 28, inclusive;  
Secs. 33 to 36, inclusive.
- T. 22 N., R. 22 E.,  
Sec. 1;  
Sec. 2, SE $\frac{1}{4}$ ;  
Sec. 3, NW $\frac{1}{4}$ ;  
Sec. 4;  
Sec. 10, SE $\frac{1}{4}$ ;  
Secs. 11 to 15, inclusive;  
Secs. 21 to 28, inclusive;  
Secs. 33 to 36, inclusive.
- T. 23 N., R. 22 E.,  
Secs. 4 to 9, inclusive;  
Sec. 10, NW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ ;  
Sec. 13, SW $\frac{1}{4}$ ;  
Secs. 14 to 16, inclusive;  
Sec. 17, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
Sec. 18, lot 1;  
Sec. 19, lots 4 and 6;  
Secs. 20 to 23, inclusive;  
Sec. 26, W $\frac{1}{2}$ ;  
Secs. 27 and 28;  
Secs. 33 and 34.
- T. 24 N., R. 22 E., all public lands outside the National Forest boundary.
- T. 13 N., R. 23 E.,  
Secs. 1 to 6, inclusive, those portions in Lemhi County.  
Secs. 8 to 12, inclusive, those portions in Lemhi County.
- T. 14 N., R. 23 E., all public land outside the National Forest boundary.
- T. 15 N., R. 23 E.,  
Sec. 31.
- T. 17 N., R. 23 E.,  
Sec. 1, NW $\frac{1}{4}$ ;  
Secs. 2 to 6, inclusive;  
Sec. 7, N $\frac{1}{2}$ ;  
Secs. 8 to 11, inclusive;  
Secs. 13 to 16, inclusive;  
Sec. 17, N $\frac{1}{2}$ ;  
Sec. 21, NE $\frac{1}{4}$ ;  
Sec. 22, N $\frac{1}{2}$ , SE $\frac{1}{4}$ ;  
Secs. 23 and 24;  
Sec. 25, N $\frac{1}{2}$ , SW $\frac{1}{4}$ ;  
Sec. 26, E $\frac{1}{2}$ .
- T. 18 N., R. 23 E.
- T. 19 N., R. 23 E., all public land outside the National Forest boundary.

- T. 20 N., R. 23 E.,  
Secs. 6 to 8, inclusive;  
Secs. 16 to 22, inclusive;  
Secs. 26 to 28, inclusive;  
Sec. 29, N $\frac{1}{2}$ , SE $\frac{1}{4}$ ;  
Sec. 30, NE $\frac{1}{4}$ ;  
Sec. 33, NE $\frac{1}{4}$ ;  
Secs. 34 and 35.
- T. 21 N., R. 23 E.,  
Sec. 1;  
Sec. 4, NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Secs. 5 to 8, inclusive;  
Secs. 12 and 13;  
Sec. 14, E $\frac{1}{2}$ ;  
Sec. 17, NW $\frac{1}{4}$ ;  
Sec. 18, N $\frac{1}{2}$ ;  
Secs. 23 and 24;  
Sec. 26;  
Sec. 27, E $\frac{1}{2}$ ;  
Sec. 31, W $\frac{1}{2}$ .
- T. 22 N., R. 23 E.,  
Secs. 3 to 32, inclusive;  
Sec. 33, W $\frac{1}{2}$ , W $\frac{1}{2}$ E $\frac{1}{2}$ ;  
Secs. 35 and 36.
- T. 23 N., R. 23 E.,  
Sec. 29;  
Sec. 32, E $\frac{1}{2}$ ;  
Sec. 33.
- T. 13 N., R. 24 E.,  
Secs. 6 to 8, inclusive;  
Secs. 16, 17, 18, and 21, those portions in Lemhi County.
- T. 14 N., R. 24 E.,  
Sec. 30, W $\frac{1}{2}$ ;  
Sec. 31.
- T. 16 N., R. 24 E.,  
Sec. 10, E $\frac{1}{2}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 11;  
Sec. 13, S $\frac{1}{2}$ S $\frac{1}{2}$ ;  
Sec. 14;  
Sec. 15, N $\frac{1}{2}$ , SE $\frac{1}{4}$ ;  
Sec. 23, N $\frac{1}{2}$ , SE $\frac{1}{4}$ ;  
Secs. 24 and 25;  
Sec. 26, NE $\frac{1}{4}$ .
- T. 17 N., R. 24 E.,  
Secs. 1 and 2;  
Secs. 5 and 8;  
Sec. 9, W $\frac{1}{2}$ , SE $\frac{1}{4}$ ;  
Sec. 11, N $\frac{1}{2}$ ;  
Sec. 12;  
Secs. 16 to 20, inclusive;  
Sec. 21, N $\frac{1}{2}$ , SW $\frac{1}{4}$ ;  
Sec. 28, NW $\frac{1}{4}$ ;  
Sec. 29, N $\frac{1}{2}$ .
- T. 18 N., R. 24 E.,  
Secs. 1 to 3, inclusive;  
Sec. 4, E $\frac{1}{2}$ ;  
Sec. 6, S $\frac{1}{2}$ ;  
Sec. 7;  
Sec. 9, E $\frac{1}{2}$ ;  
Secs. 10 to 15, inclusive;  
Sec. 16, E $\frac{1}{2}$ ;  
Sec. 18;  
Sec. 21, E $\frac{1}{2}$ ;  
Secs. 22 to 27, inclusive;  
Sec. 28, E $\frac{1}{2}$ ;  
Sec. 33, lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
Sec. 34, lots 1, 2, 3, 4, 5, 6, 7, 8, S $\frac{1}{2}$ N $\frac{1}{2}$ ;  
Secs. 35 and 36.
- T. 19 N., R. 24 E.,  
Sec. 1, S $\frac{1}{2}$ ;  
Secs. 2 to 4, inclusive;  
Secs. 9 to 16, inclusive;  
Sec. 21, E $\frac{1}{2}$ ;  
Secs. 22 to 27, inclusive;  
Sec. 28, E $\frac{1}{2}$ ;  
Sec. 33, E $\frac{1}{2}$ ;  
Secs. 34 to 36, inclusive.
- T. 20 N., R. 24 E.,  
Sec. 3;  
Sec. 4, N $\frac{1}{2}$ ;  
Sec. 5, N $\frac{1}{2}$ ;  
Sec. 10;  
Sec. 11, SW $\frac{1}{4}$ ;  
Sec. 15;  
Secs. 20 to 22, inclusive;  
Sec. 23, S $\frac{1}{2}$ ;  
Sec. 25, N $\frac{1}{2}$ , SW $\frac{1}{4}$ ;  
Secs. 28 to 29, inclusive;  
Secs. 32 to 35, inclusive.

T. 21 N., R. 24 E.,  
Secs. 6 to 8, inclusive;  
Secs. 16 to 21, inclusive;  
Secs. 28 to 30, inclusive;  
Sec. 31, N $\frac{1}{2}$ ;  
Secs. 32 and 33.

T. 22 N., R. 24 E.,  
Secs. 30 and 31.

T. 15 N., R. 25 E.,  
Secs. 1 and 2;  
Secs. 11 to 13, inclusive;  
Secs. 24 and 25.

T. 16 N., R. 25 E.,  
Sec. 1;  
Sec. 13, SW $\frac{1}{4}$ ;  
Sec. 14, W $\frac{1}{2}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Sec. 15, E $\frac{1}{2}$ ;  
Sec. 18, S $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 19, W $\frac{1}{2}$ , W $\frac{1}{2}$ E $\frac{1}{2}$ ;  
Sec. 22, NE $\frac{1}{4}$ ;  
Sec. 23, N $\frac{1}{2}$ ;  
Sec. 30, W $\frac{1}{2}$ , W $\frac{1}{2}$ E $\frac{1}{2}$ .

T. 17 N., R. 25 E.,  
Secs. 3 to 10, inclusive;  
Secs. 15 to 18, inclusive;  
Sec. 19, N $\frac{1}{2}$ ;  
Secs. 20 to 22, inclusive;  
Secs. 26 to 28, inclusive;  
Secs. 34 and 35.

T. 18 N., R. 25 E.,  
T. 19 N., R. 25 E., all public lands outside the National Forest boundary.

T. 14 N., R. 26 E.,  
Sec. 1;  
Secs. 12 to 14, inclusive;  
Sec. 15, E $\frac{1}{2}$ ;  
Sec. 22, E $\frac{1}{2}$ ;  
Secs. 23 to 25, inclusive;  
Sec. 26, E $\frac{1}{2}$ ;  
Sec. 36, E $\frac{1}{2}$ .

T. 15 N., R. 26 E.,  
Sec. 5, W $\frac{1}{2}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
Secs. 6 and 7;  
Sec. 8, NW $\frac{1}{4}$ ;  
Sec. 13, E $\frac{1}{2}$ ;  
Secs. 18 to 20, inclusive;  
Sec. 21, W $\frac{1}{2}$ ;  
Secs. 24 and 25;  
Sec. 28, W $\frac{1}{2}$ W $\frac{1}{2}$ ;  
Secs. 29 and 30;  
Sec. 36.

T. 16 N., R. 26 E.,  
Secs. 7 and 16;  
Sec. 22, N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ ;  
Sec. 23, N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ ;  
Secs. 24 and 25;  
Secs. 31 and 32.

T. 18 N., R. 26 E.,  
Sec. 31.

T. 12 N., R. 27 E., all public land outside the National Forest boundary.

T. 13 N., R. 27 E., all public land outside the National Forest boundary.

T. 14 N., R. 27 E., all of the township except sec. 35, NW $\frac{1}{4}$ NW $\frac{1}{4}$ .

T. 15 N., R. 27 E., all public lands outside the National Forest boundary.

T. 16 N., R. 27 E., all public lands outside the National Forest boundary.

T. 17 N., R. 27 E., all public lands outside the National Forest boundary.

T. 11 N., R. 28 E., all public lands outside the National Forest boundary.

Tps. 12, 13, and 14 N., R. 28 E.

T. 15 N., R. 28 E.,  
Secs. 30 to 34, inclusive.

T. 11 N., R. 29 E.

T. 12 N., R. 29 E., all public lands outside the National Forest boundary.

T. 13 N., R. 29 E., unsurveyed, all public lands outside the National Forest boundary.

T. 14 N., R. 29 E., unsurveyed, all public lands outside the National Forest boundary.

T. 11 N., R. 30 E., all public lands outside the National Forest boundary.

The area described contains approximately 531,160 acres of public land.

BOISE MERIDIAN, LEMHI COUNTY, IDAHO, ADMINISTERED BY IDAHO FALLS DISTRICT I-3

T. 11 N., R. 26 E.,  
Secs. 3, 11, 14, 23, 24, 25, 26, 35, and 36, all public lands within Lemhi County and outside the National Forest boundary.

T. 11 N., R. 27 E.,  
Sec. 30, W $\frac{1}{2}$ ;  
Sec. 31.

The area described contains approximately 3,810 acres of public land.

3. As provided in paragraph 1 above, the following lands are further segregated from appropriation under the general mining laws:

BOISE MERIDIAN, LEMHI COUNTY, IDAHO

LITTLE MORGAN CREEK SITE

T. 15 N., R. 21 E.,  
Sec. 1, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 2, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 11, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

COW CREEK SITE

T. 16 N., R. 21 E.,  
Sec. 8, lots 4 and 5.

CRONKS CANYON CAMPGROUND

T. 16 N., R. 21 E.,  
Sec. 8, lot 8;  
Sec. 17, lot 1.

EZRA CREEK RECREATION SITE

T. 17 N., R. 21 E.,  
Sec. 9, lots 1 and 4.

MC KIM CREEK SITE

T. 17 N., R. 21 E.,  
Sec. 17, lot 2.

LIME CREEK SITE

T. 18 N., R. 21 E.,  
Sec. 3, lot 6.

EZRA CREEK CAMP SITE

T. 18 N., R. 21 E.,  
Sec. 31, NE $\frac{1}{4}$ SW $\frac{1}{4}$ .

RINGLE CREEK SITE

T. 18 N., R. 21 E.,  
Sec. 33, lots 1, 4, and 5.

DUMMY CREEK SITE

T. 19 N., R. 21 E.,  
Sec. 14, lots 1 and 4.

BRINEY CREEK SITE

T. 19 N., R. 21 E.,  
Sec. 23, lots 1 and 3, NE $\frac{1}{4}$ NW $\frac{1}{4}$ .

WADDINGTON CREEK SITE

T. 19 N., R. 21 E.,  
Sec. 34, lot 4.

WILLIAMS CREEK SITE

T. 20 N., R. 21 E.,  
Sec. 10, N $\frac{1}{2}$ ;  
Sec. 11, W $\frac{1}{2}$ NW $\frac{1}{4}$ .

TWELVE MILE SITE

T. 20 N., R. 21 E.,  
Sec. 35, lot 1.

BOYLE CREEK (TOWER CREEK) SITE

T. 23 N., R. 21 E.,  
Sec. 12, lot 6.  
T. 23 N., R. 22 E.,  
Sec. 7, lots 4 and 5.  
Sec. 18, lot 1.

MC DEVITT RIDGE CAMPSITE

T. 19 N., R. 22 E.,  
Sec. 24, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

BOLANDER'S RANCH SITE

T. 23 N., R. 22 E.,  
Sec. 19, lots 4 and 6.

HAYNES CREEK CAMPSITE

T. 19 N., R. 23 E.,  
Sec. 2, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ .

BALDY RIDGE CAMPSITE

T. 19 N., R. 23 E.,  
Sec. 19, NE $\frac{1}{4}$ SE $\frac{1}{4}$ .

COW CREEK CAMPGROUND

T. 18 N., R. 24 E.,  
Sec. 12, SW $\frac{1}{4}$ NE $\frac{1}{4}$ .

CHARBONNEAU CAMPGROUND

T. 19 N., R. 24 E.,  
Sec. 1, SW $\frac{1}{4}$ .

AGENCY CREEK CAMPGROUND

T. 19 N., R. 24 E.,  
Sec. 25, SE $\frac{1}{4}$ NE $\frac{1}{4}$ .

CHIEF TENDRY CAMPGROUND

T. 19 N., R. 25 E.,  
Sec. 17, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ ,  
NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ .

WHITE CREEK CAMPGROUND

T. 19 N., R. 25 E.,  
Sec. 18, W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ .

"SMOKEY CUBS" SITE

T. 16 N., R. 26 E.,  
Sec. 24, S $\frac{1}{2}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ .  
T. 16 N., R. 27 E.,  
Sec. 19, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ .

The total area of these sites is approximately 2,301 acres.

4. For a period of thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2411.2c.

JOE T. FALLINI,  
State Director.

[F.R. Doc. 67-13458; Filed, Nov. 15, 1967;  
8:48 a.m.]

[Serial No. N-1279]

NEVADA

Notice of Proposed Classification of Public Lands for Multiple-Use Management

NOVEMBER 8, 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 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) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing or material sale laws, with the exception contained in

paragraph 4. As used in this order, the term "public lands" means any lands (1) withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or (2) 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 to be classified are shown on Map No. N-1279 on file in the Winnemucca District Office, Bureau of Land Management, Winnemucca, Nev., and the Nevada Land Office, Bureau of Land Management, Reno, Nev.

All of the public lands are located in Humboldt County, Nev., and are generally described as follows:

The Mahogany Creek—Soldier Meadows area, located in northwestern Nevada in the northwest portion of Humboldt County. The area is bounded on the north by the Charles Sheldon Game Antelope Refuge; on the east by the range line which varies between Rs. 25 and 26, 26 and 27 E.; on the south by the township line between Tps. 36 and 37 N; and on the west by the Washoe County line.

The area described above aggregates approximately 409,351 acres of public land.

4. The public lands listed below are further segregated from all forms of appropriation under the public land laws, including the general mining laws, but not the Recreation and Public Purposes Act (44 Stat. 741, 68 Stat. 173; 43 U.S.C. 869) or the mineral leasing and material sale laws:

**MOUNT DIABLO MERIDIAN, NEVADA**

- T. 41 N., R. 26 E.  
 Sec. 1, lots 1, 2, 3, 6, SW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 Sec. 2, lots 1, 4, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 Sec. 3, all;  
 Sec. 4, lots 1, 7, 16, SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 11, all;  
 Sec. 12, lots 1 to 4, inclusive, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
 T. 42 N., R. 26 E.  
 Sec. 14, lots 5 to 8, inclusive, SW $\frac{1}{4}$ ;  
 Sec. 15, lots 7 to 12, inclusive;  
 Sec. 22, N $\frac{1}{2}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 23, all;  
 Sec. 24, all;  
 Sec. 25, all;  
 Sec. 26, all;  
 Sec. 27, W $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
 Sec. 28, E $\frac{1}{2}$ ;  
 Sec. 33, E $\frac{1}{2}$ E $\frac{1}{2}$ ;  
 Sec. 34, all;  
 Sec. 35, lots 5 to 20, inclusive;  
 Sec. 36, all.

**UNSURVEYED**

- T. 41 N., R. 27 E.  
 Sec. 6, N $\frac{1}{2}$ , SW $\frac{1}{4}$ .  
 T. 42 N., R. 27 E.  
 Sec. 19, W $\frac{1}{2}$ ;  
 Sec. 29, W $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
 Sec. 30, SE $\frac{1}{4}$ , W $\frac{1}{2}$ ;  
 Sec. 31, all;  
 Sec. 32, W $\frac{1}{2}$ W $\frac{1}{2}$ .

The area described above aggregates approximately 12,316 acres of public land.

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 Winnemucca District Manager, Bureau of Land Management, Winnemucca, Nev. 89445.

6. A public hearing on the proposed classification will be held on Wednesday, November 29, 1967, at 1 p.m. in the Winnemucca District Office, East Highway 40, Winnemucca, Nev.

For the State Director.

ROLLA E. CHANDLER,  
 Manager, Nevada Land Office.

[F.R. Doc. 67-13457; Filed, Nov. 15, 1967;  
 8:46 a.m.]

**Fish and Wildlife Service**

[Docket No. S-412]

**WILLIAM A. AND JOAN A. RAYMOND**

**Notice of Loan Application**

William A. Raymond and Joan A. Raymond, 212 West Eighth, Port Angeles, Wash. 98362, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 44.9-foot registered length wood vessel to engage in the fishery for salmon and albacore.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

J. L. McHUGH,  
 Acting Director,  
 Bureau of Commercial Fisheries.

NOVEMBER 9, 1967.

[F.R. Doc. 67-13452; Filed, Nov. 15, 1967;  
 8:45 a.m.]

[Docket No. S-411]

**JAY J. AND JANET J. VINSON**

**Notice of Loan Application**

Jay J. Vinson and Janet J. Vinson, Post Office Box 1165, Grayland, Wash. 98547, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 51-foot registered length wood vessel to engage in the fishery for salmon, albacore, and Dungeness crab.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

J. L. McHUGH,  
 Acting Director,  
 Bureau of Commercial Fisheries.

NOVEMBER 9, 1967.

[F.R. Doc. 67-13453; Filed, Nov. 15, 1967;  
 8:45 a.m.]

**Office of the Secretary**

**ADMINISTRATOR, LOWER COLORADO  
 RIVER LAND USE OFFICE**

**Delegation of Authority Regarding  
 Negotiated Contracts for Purchase  
 of Equipment and Supplies**

1. The Administrator, Lower Colorado River Land Use Office is authorized, subject to the provisions of 2 below, to exercise the authority delegated by the Secretary of the Interior to the Director of Management Operations (27 F.R. 9359) to enter into contracts for the purchase of equipment and supplies.

2. The above delegation is limited to contracts for the purchase of equipment and supplies not to exceed \$10,000.

3. The authority granted in 1 above may not be redelegated.

N. O. Wood, Jr.,  
 Director of  
 Management Operations.

NOVEMBER 9, 1967.

[F.R. Doc. 67-13463; Filed, Nov. 15, 1967;  
 8:46 a.m.]

**DEPARTMENT OF COMMERCE**

**Maritime Administration**

**U.S. GOVERNMENT-SPONSORED  
 COMMODITIES**

**Voyage Charter Rate Guidelines**

Notice is hereby given that the Acting Maritime Administrator has determined that the following temporary adjustments in voyage charter rate guidelines applicable to the carriage of Government-sponsored commodities moving in full shipload lots in privately-owned

U.S.-flag vessels shall be effective on the date of publication of this notice in the FEDERAL REGISTER and for a period of ninety (90) days thereafter.

(a) The present base rates, excluding incremental allowances, for small ships (10,000 through 15,599 TDWT) will be increased by ten (10) percent and the resultant rates will herein be referred to as "adjusted small ship rates."

(b) Rates for intermediate ships (15,600 through 29,999 TDWT):

(1) Will be twenty-five (25) percent under the adjusted small ship rates, and

(2) When lightening of the cargo by use of other ocean-going vessel(s) is required for discharge at the ultimate port of destination, the rate for cargo so lightened will be the adjusted small ship rate applicable to such port minus five (5) percent.

Rates for ships 30,000 TDWT and over will continue to require special rate determinations.

The rates so determined represent fair and reasonable voyage charter rates for the transportation of full cargo lots of U.S. Government-sponsored commodities on U.S.-flag vessels and do not apply to shipments for private account. Said rates contain no allowance for delays due to port congestion, strikes, labor disputes, etc. It is, therefore, incumbent upon shipowners and operators to protect themselves from the consequences of such delays by the use of appropriate fair and reasonable charter terms.

The foregoing temporary adjustments are in effect across-the-board increased in the basic guideline rates. Certain individual rates may require further adjustments, increases or decreases, as deemed warranted by the Maritime Administration. Listings of the rates heretofore in effect may be obtained from the Office of Ship Operations. Rate advices showing the adjusted small ship rates determined in accordance with this notice will be issued from time to time by that Office.

Dated: November 9, 1967.

By order of the Acting Maritime Administrator.

JAMES S. DAWSON, Jr.,  
Secretary.

[F.R. Doc. 67-13567; Filed, Nov. 15, 1967;  
9:24 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-290]

### UNITED NUCLEAR CORP.

#### Notice of Proposed Issuance of Facility License

The Atomic Energy Commission is considering the issuance of a facility license, in the form set forth below, to United Nuclear Corp. The license would authorize possession, use and operation of a critical experiment facility, designated the Proof Test Facility, which is being constructed on the Corporation's Remote Experimental Station site near Pawling, N.Y., under Construction Per-

mit No. CPCX-27. The Proof Test Facility will be used to perform physics tests on fuel of the type used in central station nuclear power reactors.

Prior to issuance of the license, the Proof Test Facility will be inspected by Commission representatives to determine whether it has been constructed in accordance with the provisions of Construction Permit No. CPCX-27.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for hearing, and any person whose interest may be affected by the issuance of this license may file a petition for leave to intervene. Requests for hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued.

For further details with respect to this proposed license, see (1) the application dated April 28, 1967, and amendments thereto, and (2) a related Safety Evaluation prepared by the Division of Reactor Licensing, all of which are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the Safety Evaluation may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545. Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 8th day of November 1967.

For the Atomic Energy Commission.

ROBERT J. SCHEMEL,  
Acting Assistant Director for  
Reactor Operations, Division  
of Reactor Licensing.

#### PROPOSED FACILITY LICENSE

[License No. CX-.....]

The Atomic Energy Commission (hereinafter "the Commission") having found that:

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

b. The PTF has been constructed in conformity with Construction Permit No. CPCX-27 and will operate in conformity with the application and in conformity with the Act and the rules and regulations of the Commission;

c. There is reasonable assurance that (1) the activities authorized by this license can be conducted at the designated location without endangering the health and safety of the public, and (2) such activities will be conducted in compliance with the rules and regulations of the Commission;

d. United Nuclear Corp. is technically and financially qualified to engage in the proposed activities in accordance with the Commission's regulations;

e. The possession and operation of the PTF and the receipt, possession and use of the special nuclear material, in the manner proposed in the application, will not be inimical to the common defense and security or to the health and safety of the public; and

f. United Nuclear Corp. has submitted proof of financial protection which satisfies the requirements of Commission regulations currently in effect and will execute an indemnity agreement as required by section 170 of the Act and 10 CFR Part 140;

Facility License No. CX-....., effective as of the date of issuance, is issued as follows:

1. This license applies to the critical experiment facility referred to as the Proof Test Facility (hereinafter "PTF") which is owned by United Nuclear Corp. (hereinafter "the licensee") and located on the licensee's Remote Experimental Station site near Pawling, N.Y., and is described in the licensee's application dated April 28, 1967, and amendments thereto dated June 9, 1967, September 25, 1967, and October 30, 1967 (herein referred to as "the application").

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses the United Nuclear Corp.:

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities" to possess, use and operate the PTF in accordance with the procedures and limitations described in the application and in this license;

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material" to receive, possess and use up to 150 kilograms of contained Uranium-235 and to use a 5-curie Pu-Be neutron source, all in connection with operation of the PTF; and

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

3. This license shall be deemed to contain and is subject to the conditions specified in Part 20, § 30.34 of Part 30, §§ 50.54 and 50.59 of Part 50 and § 70.32 of Part 70 of the Commission's regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. *Maximum power level.* The licensee is authorized to operate the PTF at steady state power levels up to a maximum of 100 watts (thermal).

B. *Technical specifications.* Technical Specifications contained in Appendix A to this license<sup>1</sup> (hereinafter "the Technical Specifications") are hereby incorporated in the license. The licensee shall operate the PTF in accordance with the Technical Specifications unless authorized by the Commission as provided in § 50.59 of 10 CFR Part 50.

C. *Records.* In addition to those otherwise required under this license and applicable regulations, the licensee shall keep the following records:

(1) PTF operating records, including power levels.

(2) Records showing radioactivity released or discharged into the air or water beyond the effective control of the licensee as measured at or prior to the point of such release or discharge.

(3) Records of emergency shutdowns and inadvertent scrams, including reasons for emergency shutdowns.

(4) Records of maintenance operations involving substitution or replacement of PTF equipment or components.

(5) Records of any experiments performed including description, reactivity worths, and any unusual events involved in their performance and in their handling.

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

(6) Records of tests and measurements performed pursuant to the Technical Specification.

D. *Reports.* In addition to reports otherwise required under this license and applicable regulations:

(1) The licensee shall inform the Commission of any incident or condition relating to the operation of the PTF which prevented a nuclear system from performing its safety function as described in the Technical Specifications. For each such occurrence, the licensee shall promptly notify, by telephone or telegraph, the Director of the appropriate Atomic Energy Commission Regional Compliance Office listed in Appendix D of 10 CFR 20 and shall submit within ten (10) days a report in writing to the Director, Division of Reactor Licensing (hereinafter, Director, DRL) with a copy to the Regional Compliance Office.

(2) The licensee shall report to the Director, DRL, in writing within thirty days of its observed occurrence any substantial variance disclosed by operation of the PTF from performance specifications contained in the Safety Analysis Report or the Technical Specifications.

(3) The licensee shall report to the Director, DRL, in writing within thirty (30) days of its occurrence any significant changes in transient or accident analysis as described in the Safety Analysis Report.

4. This license shall expire at midnight, August 4, 1977.

Date of issuance:

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,  
Assistant Director for Reactor Operations,  
Division of Reactor Licensing.

[F.R. Doc. 67-13539; Filed, Nov. 15, 1967;  
8:49 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 18552]

### ANCHORAGE-FAIRBANKS SERVICE CASE

#### Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding will begin on Tuesday, December 12, 1967, at 10 a.m. local time, in Room 114, U.S. Post Office and Courthouse, 605 Fourth Avenue, Anchorage, Alaska. At the completion of the session in Anchorage, the hearing will be adjourned to reconvene on December 15, 1967, at 10 a.m. local time, in the Commissioners Courtroom, Room 205, U.S. Post Office and Courthouse, Second and Cushman Street, Fairbanks, Alaska.

Dated at Washington, D.C., November 9, 1967.

[SEAL] JOSEPH L. FITZMAURICE,  
Hearing Examiner.

[F.R. Doc. 67-13481; Filed, Nov. 15, 1967;  
8:48 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 17407, 17408; FCC 67M-1906]

### ALJIR BROADCASTING CO., INC., AND SOUTH KANE-KENDALL BROADCASTING CORP.

#### Order Continuing Hearing

In re applications of Aljir Broadcasting Co., Inc., Aurora, Ill., Docket No. 17407, File No. BPCT-3818; South Kane-Kendall Broadcasting Corp., Aurora, Ill., Docket No. 17408, File No. BPCT-3896; for construction permit for new television broadcast station.

It is ordered, That the further hearing in the above-entitled proceeding, which heretofore was scheduled for November 13, 1967, is hereby continued to December 6, 1967, and will be convened on the latter date in the offices of the Commission, Washington, D.C., at 10 a.m.

Issued: November 9, 1967.

Released: November 9, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 67-13482; Filed, Nov. 15, 1967;  
8:48 a.m.]

[Docket No. 17849; FCC 67-1210]

### AMERICAN TELEVISION CO., INC.

#### Order Designating Application for Hearing on Stated Issues

In re applications of American Television Co., Inc., Fort Smith, Ark., Reg. 93.7 mcs, No. 229; 100 kw (H&V); 205.5 ft., Docket No. 17849, File No. BPH-5831, for construction permit.

1. The Commission has under consideration the above-captioned and described application.

2. According to the information available to the Commission, Donald W. Reynolds, sole stockholder in the applicant, owns or controls Fort Smith's only television station, its only daily and Sunday Newspapers, one of its four standard broadcast stations, its major outdoor advertising company, and is here seeking the community's third FM station. This information also indicates that there are no other daily or weekly newspapers in Sebastian County where Fort Smith is located and no television station located elsewhere places a Grade B signal over Fort Smith, a community of 52,991.

3. Considering the extent of Reynolds' interests, we are unable to conclude that effective competition is provided by the other FM and standard broadcast stations in the community. Therefore, we have determined that a hearing on the issue of local concentration of control is required. Because of the nature of the questions involved, we believe it is appropriate to hold the proceeding in Fort Smith in order to give local citizens an opportunity to participate in the pro-

ceeding in accordance with § 1.225 of our rules.

4. In making a determination as to whether a grant of the application would serve the public interest, convenience, and necessity, it is pertinent to consider such relevant factors as the number of other broadcast services and newspapers reaching Fort Smith and the audience and circulation of such other programs and news sources; the extent to which such outside sources deal with local problems of Fort Smith and such other factors as would tend to demonstrate that a grant of the applications would or would not result in a local concentration of control of mass communications media to an undue degree.

5. Except as indicated below, the applicant is qualified to construct and operate as proposed. However, because of the above question regarding local concentration of control, the Commission is unable to make the statutory finding that a grant of the application would serve the public interest, convenience and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing at a time and at a location in Fort Smith, Ark., to be specified in a subsequent order, upon the following issues:

1. To determine whether a grant of the application would tend to create an undue concentration of control over the media of mass communications in Fort Smith, Ark.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, whether a grant of the application would serve the public interest, convenience, and necessity.

It is further ordered, That to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: November 3, 1967.

Released: November 13, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 67-13483; Filed, Nov. 15, 1967;  
8:48 a.m.]

<sup>1</sup> Commissioner Bartley absent; Commissioner Wadsworth dissenting.

[Docket No. 17365; FCC 67M-1903]

**GREAT SOUTHERN BROADCASTING CO.****Order Regarding Procedural Dates**

In re application of William O. Barry trading as Great Southern Broadcasting Co., Donelson, Tenn., Docket No. 17365, File No. BP-16707, for construction permit.

The Hearing Examiner having under consideration a "Motion for Extension of Time" filed by the above-named applicant on November 7, 1967, requesting changes in the procedural dates heretofore established:

It appearing, that the Broadcast Bureau has informally stated that they would interpose no objection to a grant of said motion; and

It further appearing, that good cause has been shown:

It is ordered, That the following dates shall supersede those that were heretofore established:

Final exchange of exhibits presently scheduled for November 8, 1967, is continued to November 27, 1967;

Notification of witnesses presently scheduled for November 15, 1967, is continued to December 4, 1967; and

Hearing presently scheduled for November 20, 1967, is continued to December 12, 1967.

Issued: November 9, 1967.

Released: November 9, 1967.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 67-13484; Filed, Nov. 15, 1967;  
8:48 a.m.]

[Docket No. 17831; FCC 67M-1904]

**STEPHEN A. WICHROWSKI, JR.****Order Continuing Hearing**

In the matter of Stephen A. Wichrowski, Jr., 370 Converse Street, Longmeadow, Mass. 01106, Docket No. 17831, suspension of Radiotelephone First Class Operator License.

On the Hearing Examiner's own motion, the date for commencement of hearing is continued to January 24, 1968, at 10 a.m. at a location in Springfield, Mass. to be specified in a later order.

Issued: November 9, 1967.

Released: November 9, 1967.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 67-13485; Filed, Nov. 15, 1967;  
8:48 a.m.]

[Docket No. 17505]

**CARRIAGE AND PROGRAM EXCLUSIVITY ON CATV SYSTEMS****Order Extending Time for Filing Responses**

In regard to: inquiry into operation and effect of present Commission policies regarding carriage and program exclusivity on CATV systems, Docket No. 17505.

1. The Commission has for consideration a "Notice of Inquiry" released September 8, 1967 (FCC 67-674), in the above-captioned proceeding, to which responses are required to be filed on or before November 8, 1967.

2. We have learned that copies of the Notice of Inquiry were not promptly sent to all affected parties. Consequently, we believe it appropriate to extend the response date.

Accordingly, it is ordered, Pursuant to § 0.289 of the Commission's statement of delegations of authority, that the time within which to file responses in the above-captioned proceeding is extended to and including January 2, 1968.

Adopted: November 6, 1967.

Released: November 13, 1967.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 67-13486; Filed, Nov. 15, 1967;  
8:48 a.m.]

**FEDERAL MARITIME COMMISSION****ATLANTIC CONTAINER LINE, LTD., AND HAMBURG-AMERIKA LINIE****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 offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. F. J. Barry, General Traffic Department, United States Navigation Co., Inc., 17 Battery Place, New York, N.Y. 10004.

Agreement 9672, between Atlantic Container Line, Ltd. and Hamburg-Amerika Linie, which operate regular services in the trades between U.S. Ports and ports in the United Kingdom and Europe and elsewhere, provides for the interchange of cargo containers and/or related equipment in accordance with the terms and conditions set forth therein.

Dated: November 13, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 67-13478; Filed, Nov. 15, 1967;  
8:48 a.m.]

**ATLANTIC CONTAINER LINE, LTD., AND NORDDEUTSCHER LLOYD****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 offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. F. J. Barry, General Traffic Department, United States Navigation Co., Inc., 17 Battery Place, New York, N.Y. 10004.

Agreement 9671, between Atlantic Container Line, Ltd., and Norddeutscher Lloyd, which operate regular services in the trades between U.S. ports and ports in the United Kingdom and Europe and elsewhere, provides for the interchange of cargo containers and/or related equipment in accordance with the terms and conditions set forth therein.

Dated: November 13, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 67-13479; Filed, Nov. 15, 1967;  
8:48 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. CP68-145]

## EL PASO NATURAL GAS CO.

### Notice of Application

NOVEMBER 9, 1967.

Take notice that on November 1, 1967, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP68-145 an application pursuant to subsections (b) and (c) of section 7 of the Natural Gas Act for permission and approval to abandon certain facilities and for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities for the direct sale and delivery of natural gas to Tucson Gas & Electric Co. (Tucson Gas), an existing customer of Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Tucson Gas has installed an additional 175 MW generating unit at the Tucson Power Plant No. 4 and has requested Applicant to supply the fuel requirements of the unit. In order to comply with the aforementioned request, Applicant deems it necessary that 5.1 miles of 6 $\frac{1}{2}$ -inch O.D. pipeline presently utilized to provide service to Tucson Gas Power Plant No. 4 be abandoned in accordance with the Commission's permission and approval pursuant to section 7(b) of the Natural Gas Act.

In order to supply Tucson Gas with its new requirements of natural gas to fuel the aforementioned generator, Applicant requests a certificate of public convenience and necessity authorizing the construction and operation of approximately 5.2 miles of 10 $\frac{3}{4}$ -inch O.D. pipeline, 2 sales meter stations, 2 check meter stations, and a pressure regulating station.

The estimated cost of removal and salvage of the aforementioned 6 $\frac{1}{2}$ -inch pipeline is \$19,216.

The total estimated cost of the proposed new facilities is \$286,479, which cost will be financed from working funds.

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 December 4, 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 and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a protest or peti-

tion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

GORDON M. GRANT,  
Secretary.

[F.R. Doc. 67-13444; Filed, Nov. 15, 1967;  
8:45 a.m.]

[Docket No. CP68-144]

## KANSAS-NEBRASKA NATURAL GAS CO., INC.

### Notice of Application

NOVEMBER 9, 1967.

Take notice that on October 30, 1967, Kansas-Nebraska Natural Gas Co., Inc. (Applicant), Hastings, Nebr. 68901, filed in Docket No. CP68-144 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(c) of the regulations under the Act for a certificate of public convenience and necessity authorizing the construction and operation of gas-sales or transportation facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct during the calendar year 1968 and operate facilities to be used for the transportation and sale of natural gas previously authorized under existing certificates to be made to existing distributors at rates on file with the Commission and for direct sales of natural gas to customers located in areas outside the franchise area of any local distributor. Miscellaneous rearrangements not resulting in any change of service rendered by means of the facilities involved when required by highway construction, dam construction, or other similar reasons are also contemplated by the proposal.

Deliveries to any one distributor or consumer will not exceed 100,000 Mcf annually and will not be used for boiler fuel purposes as defined by § 157.7(c)(9) of the regulations under the Act.

The total estimated cost of the proposed facilities will not exceed \$100,000, which cost will be financed from current working funds.

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 December 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 this application if no protest or petition to intervene is filed within the time re-

quired 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.

GORDON M. GRANT,  
Secretary.

[F.R. Doc. 67-13445; Filed, Nov. 15, 1967;  
8:45 a.m.]

[Project 2660]

## ST. CROIX PAPER CO.

### Notice of Application for License for Proposed Project

NOVEMBER 9, 1967.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by St. Croix Paper Co. (correspondence to: E. G. Wilson, General Manager, St. Croix Paper Co., Woodland, Maine 04694) for proposed Project No. 2660, known as the Forest City Dam, to be located on the East Branch of the St. Croix River, an international boundary stream, in the region of the town of Forest City, in Washington County, Maine.

The new Forest City Dam and reservoir (a replacement of a former dam) would consist of a 500-foot long earth dam 16 feet high having a 41-foot long spillway and fishway section extending across the outlet of East Grand Lake between Forest City, Maine and Forest City, New Brunswick and a reservoir that would store 105,300 acre-feet of water at 7 feet of head (elevation 434.8 feet m.s.l.). The parts of the development for which a license is sought would consist of the portion of the dam and reservoir located wholly within the United States, and appurtenant facilities. Water impounded by the dam would be used for the generation of electric power in Applicant's downstream Grand Falls and Woodland hydroelectric developments. Applicant is seeking authorization of the International Joint Commission for construction of the project facilities to be located in Canada.

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 of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is January 9, 1968. The application is on file with the Commission for public inspection.

GORDON M. GRANT,  
Secretary.

[F.R. Doc. 67-13446; Filed, Nov. 15, 1967;  
8:45 a.m.]

[Docket No. CP68-142]

## UNITED GAS PIPE LINE CO.

## Notice of Application

NOVEMBER 9, 1967.

Take notice that on October 30, 1967, United Gas Pipe Line Co. (Applicant), Post Office Box 1407, Shreveport, La. 71102, filed in Docket No. CP68-142 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the regulations under the Act for a certificate of public convenience and necessity authorizing the construction and operation of routine gas-purchase 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 construct during the calendar year 1968 and operate various gas purchase and gathering facilities to enable Applicant with reasonable dispatch to take into its certificated main pipeline system natural gas which it will purchase from producers in the general area of its system.

The total estimated cost of the proposed facilities is \$5 million, the total cost of any one connection being limited to \$500,000. The construction will be financed through funds on hand.

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 December 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 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.

GORDON M. GRANT,  
Secretary.

[P.R. Doc. 67-13447; Filed, Nov. 15, 1967;  
8:45 a.m.]

SECURITIES AND EXCHANGE  
COMMISSION

[812-2166]

## ARIZONA CITY DEVELOPMENT CORP.

## Notice of Filing of Application

NOVEMBER 9, 1967.

Notice is hereby given that Arizona City Development Corp. ("applicant"), 301 North Sunland Gin Road, Arizona City, Ariz. 85223, an Arizona corporation controlled by Business Funds, Inc. ("BFI"), a nondiversified management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to sections 17(b) and 17(d) of the Act and Rule 17d-1 thereunder for an order exempting from the prohibition of section 17(a) and permitting under section 17(d), the transaction whereby a contract for the financing, construction of facilities and furnishing of water ("water contract") between applicant and Arizona City Utilities, Inc. ("Utilities"), an Arizona corporation, in which Howard L. Terry, a director of BFI has a 25-percent interest, will be terminated. All interested persons are referred to the application on file with the Commission for a statement of applicant's representations which are summarized below.

Applicant is engaged in the business of owning, developing, and selling real estate in Arizona. Under the water contract dated March 25, 1960, Utilities agreed to construct, operate, and maintain a public water system and furnish domestic and commercial water service in the area being developed by applicant. Pursuant to the water contract, applicant assigned to Utilities a certain portion of the monies received and to be received in the future from the sale of lots. These monies were held in trust and the portion assigned to Utilities was designated as the water installation and development funds.

In constructing a water system Utilities incurred costs in the amount of \$282,320. Utilities has received an aggregate of approximately \$130,232, from the water installation and developments funds towards reimbursement of such costs.

Applicant and Utilities subsequently agreed to terminate the water contract. Utilities agreed to transfer the properties and assets comprising the water system to Arizona Water Co. ("Arizona Water"), a nominee of applicant, in consideration of the payment by applicant to Utilities of the sum of \$80,000 out of the water installation and developments funds as further reimbursement of Utilities' costs. In addition, Utilities and applicant agreed to release each other from any further obligations under the water contract. In consideration of the transfer of the water system, by Utilities to Arizona Water, Arizona Water agreed to pay applicant \$5,000, and at the request of applicant, to make various extensions to the existing water system at a cost

not to exceed \$57,000, and to install additional main extensions at a cost not to exceed \$363,000 on the condition that applicant guarantee that Arizona Water will receive certain revenue from all lots and parcels fronting on such additional main extensions. Applicant represents that no affiliated person of applicant or BFI has any interest in Arizona Water.

Section 17(a) of the Act, as here pertinent prohibits Utilities, an affiliate of Terry, who is himself an affiliate of BFI, from selling to or purchasing property from applicant, which is a company controlled by BFI, unless the Commission upon application grants an exemption from such prohibition pursuant to section 17(b) of the Act after finding that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of the registered investment company and with the general purposes of the Act.

Section 17(d) and Rule 17d-1 thereunder, as here pertinent, prohibits Utilities, an affiliated person of an affiliated person of BFI, from effecting any transaction in connection with, any joint enterprise or other joint arrangement or profit-sharing plan in which applicant, a company controlled by BFI, is a participant unless the Commission, upon application pursuant to Rule 17d-1, permits such transaction. In passing upon such application the Commission will consider whether the participation of applicant in such joint enterprise, joint arrangement or profit-sharing plan on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Applicant represents that the proposed transaction is most advantageous to applicant, that it is fair to all parties and does not involve overreaching on the part of any person, that it is consistent with the provisions, policies and purposes of the Act and the rules and regulations thereunder, and that to the extent applicant's participation is on a different basis from the other participants in the proposed transaction, such participation is not less advantageous to applicant.

Notice is further given that any interested person may, not later than November 28, 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 (air mail 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 6-5 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. 67-13464; Filed, Nov. 15, 1967;  
8:47 a.m.]

### CODITRON CORP.

#### Order Suspending Trading

NOVEMBER 9, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$3 par value, of Coditron Corp., New York, N.Y., otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 12, 1967, through November 21, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 67-13465; Filed, Nov. 15, 1967;  
8:47 a.m.]

### FASTLINE, INC.

#### Order Suspending Trading

NOVEMBER 8, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Fastline, Inc., New York, N.Y., otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period No-

vember 9, 1967, through November 18, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 67-13466; Filed, Nov. 15, 1967;  
8:47 a.m.]

### JODMAR INDUSTRIES, INC.

#### Order Suspending Trading

NOVEMBER 9, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Jodmar Industries, Inc., 1790 East 93d Street, Brooklyn, N.Y., and all other securities of Jodmar Industries, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 10, 1967, through November 19, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 67-13467; Filed, Nov. 15, 1967;  
8:47 a.m.]

[812-2205]

### MISSOURI-KANSAS-TEXAS RAILROAD CO. ET AL.

#### Notice of Filing of Application for Order Exempting Proposed Transactions

NOVEMBER 9, 1967.

In the matter of Missouri-Kansas-Texas Railroad Co., Katy Industries, Inc., 701 Commerce Street, Dallas, Tex. 75202; Madison Fund, Inc., 660 Madison Avenue, New York, N.Y. 10021; Axe-Houghton Fund A, Inc., Axe-Houghton Fund B, Inc., Axe-Houghton Stock Fund, Inc., Axe Science Corp., 400 Benedict Avenue, Tarrytown, N.Y.

Notice is hereby given that Missouri-Kansas-Texas Railroad Co. ("Katy"), Katy Industries, Inc. ("Industries"), both Delaware corporations, Madison Fund, Inc. ("Madison"), a registered closed-end management investment company, Axe-Houghton Fund A, Inc., Axe-Houghton Fund B, Inc., Axe-Houghton Stock Fund, Inc., and Axe Science Corp. (sometimes collectively referred to as "Axe Funds"), registered open-end diversified management investment companies (collectively referred to as "applicants") have filed a joint application for an order pursuant to section 17(b) of the Investment Company Act of 1940 ("Act"), exempting from the provisions of section 17(a) of the Act (1) the call for redemption by Katy of all of its 7 percent convertible collateral

trust bonds, due January 1, 1977 ("convertible bonds"), and the conversion of such convertible bonds into common stock of Katy by certain of the holders thereof, and (2) the issuance of common stock of Industries to Katy stockholders in exchange for their Katy stock in the transactions hereinafter described. Applicants also request an order pursuant to Rule 17d-1 promulgated under section 17(d) of the Act granting an application to effect a plan whereby: (a) Madison, Axe Funds, St. Louis and Kansas City Land Co. (a subsidiary of the Chicago, Burlington & Quincy Railroad Co.), Banque de Paris et des Pays-Bas Succursale Genere, and Banca della Svizzera Italiana will, pursuant to contracts, sell a portion of their holdings of common stock of Katy to Bangor Punta Operations, Inc. ("Bangor Punta"), a subsidiary of Bangor Punta Corp., (b) Industries, pursuant to an option contract, will sell shares of its common stock to Bangor Punta, (c) Madison, Axe-Houghton Fund B, and St. Louis and Kansas City Land Co. will convert their Katy convertible bonds and (d) Katy stockholders (including some of the named applicants) will be offered the opportunity to exchange their Katy common stock for common stock of Industries. All interested persons are referred to the application on file with the Commission, for a statement of the representations therein which are summarized below.

Katy operates a railroad in the States of Missouri, Kansas, Oklahoma, and Texas, and is subject to regulations by the Interstate Commerce Commission. In addition to long-term debt of about \$111 million, Katy also had \$3,728,000 principal amount of convertible bonds outstanding at October 2, 1967, and 1,538,190 shares of common stock, \$5 par value, outstanding. The convertible bonds are convertible into common stock at the rate of \$9 per share, for which 414,226 shares of Katy common stock are reserved for issuance upon such conversion.

Madison is the record owner of 200,000 shares of Katy common stock constituting approximately 13 percent of the total number of shares outstanding, and Katy is therefore an "affiliated person" of Madison as defined in section 2(a)(3) of the Act. In addition, Madison owns \$1,158,300 principal amount of convertible bonds which are convertible into 128,700 shares of Katy common stock. Mr. Edward A. Merkle, president and a director of Madison, chairman of the board and a director of Katy, owns beneficially 20,710 shares of Katy common stock. Merkle will exchange all of his 20,710 shares of Katy common stock for a like number of shares of Industries. Merkle has agreed that so long as he remains an officer or director of Madison he will give 30 days notice to the Securities and Exchange Commission prior to any sale of his Katy or Industries common stock; furthermore, if an application under the Act with regard to such sale is deemed necessary by the staff, Merkle will not sell such holdings until

he has received an order from the Commission.

In addition to Madison's 200,000 shares of Katy common stock and its \$1,158,300 principal amount of Katy convertible bonds, Madison also owns \$3,513,000 principal amount of subordinated income debentures of Katy. As of October 2, 1967, Madison owned approximately 3 percent of the total voting securities of Bangor Punta Corp.

The Axe Funds own the following amounts of common stock of Katy:

Fund	Shares of common stock	Percent of total outstanding
Fund A	73,000	4.7
Fund B	74,000	4.8
Stock Fund	74,000	4.8
Science Fund	74,000	4.8

In addition, Fund B owns \$342,000 principal amount of Katy convertible bonds, which are convertible into 38,000 shares of common stock of Katy. Fund A also owns \$440,000 principal amount of Katy's subordinated income debentures. Although Katy is not an "affiliated person" of any of the Axe Funds, if one or more of the common officers of the Axe Funds is considered to control or hold with power to vote the Katy common stock owned by two or more of the Axe Funds, Katy would be an "affiliated person" of an "affiliated person" of each of the Axe Funds.

The Axe Funds own 4.1 percent of the total voting securities of Bangor Punta Corp.

Banque de Paris et des Pays-Bas Succursale Geneve is a Switzerland branch of the Banque de Paris et des Pays-Bas, a French banking institution. Katy is informed that Banque de Paris et des Pays-Bas Succursale Geneve owns beneficially 132,500 shares of common stock of Katy, constituting approximately 8.6 percent of the total amount of the shares outstanding. Mr. Serge Varangot, executive vice president of Banque de Paris et des Pays-Bas, was, until his resignation on October 11, 1967, a director of Madison.

Banca della Svizzera Italiana, a Swiss bank, owns beneficially, 40,000 shares of common stock of Katy, constituting approximately 2.6 percent of the total amount of such shares outstanding.

St. Louis and Kansas City Land Co. as of October 2, 1967, owned \$1,775,000 principal amount of Katy convertible bonds. In addition, St. Louis and Kansas City Land Co. owns \$8,748,000 principal amount of subordinated income debentures of Katy.

Bangor Punta Corp., a diversified holding company, is the successor to Punta Alegre Sugar Corp., which was engaged in the sugar business in Cuba prior to expropriation of its Cuban assets by the Cuban government in 1959 and 1960, and Bangor & Aroostook Corp., a corporation formed as a holding company for the Bangor & Aroostook Railroad Co. Bangor Punta Corp. owns no securities of Katy.

Katy has for some time been considering a program of diversification

through the acquisition of nonrailroad businesses. Since Katy's debt severely hampered its ability to finance acquisitions and since no equity securities of Katy could be used for acquisitions because of Interstate Commerce Commission limitations and not more than 20 percent of the total voting securities of a subsidiary could be so used because of Federal income tax provisions, it was concluded that the vehicle for conducting this program should be a new parent corporation which would own the stock of Katy and would not be burdened by the debt of Katy or Interstate Commerce Commission prohibitions.

The new parent corporation, Industries, incorporated on August 24, 1967, would offer to exchange shares of its common stock on a share-for-share basis with the holders of Katy common stock. The offer of exchange would be subject to the condition, required by the consolidated return provisions of the Internal Revenue Code of 1954, as amended, that at least 80 percent of the Katy stock be obtained. An application has been filed with the Interstate Commerce Commission to permit Industries to acquire the common stock of Katy.

The exchange offer would be made pursuant to a registration statement filed with the Commission under the provisions of the Securities Act of 1933.

To assist Industries to carry out the proposed diversification program Katy entered into a contract with Bangor Punta. This contract, in essence, grants Bangor Punta an option for a period of 10 years to purchase 10 percent of the common stock of Industries at a price of \$12 per share. The right to exercise this option is dependent upon the generation of earnings of new businesses acquired by Industries.

In addition to this conditional option, in order to secure Bangor Punta's agreement to assist Industries in carrying out this diversification-acquisition program, it was necessary to provide Bangor Punta with the present right to acquire approximately 90,000 shares of common stock of Katy. Since Katy stockholders have preemptive rights, and since Katy had no authorized or unissued stock available for issuance for any purpose (other than shares reserved for conversion of its convertible bonds and for exercise of outstanding stock options), the largest stockholders of Katy, namely, Madison, the three Axe Funds, Banque de Paris et des Pays-Bas Succursale Geneve, and Banca della Svizzera Italiana each agreed to sell approximately 15 percent of their Katy holdings of common stock to Bangor Punta at \$12 per share, the approximate market value in May 1967, the time of the initial discussions in regard to the proposed transactions.

If the diversification-acquisition program cannot be carried out through a holding company, Katy proposes to carry it out through a noncarrier, wholly owned subsidiary. To take into account this possibility, it was necessary to grant Bangor Punta an alternative option on the shares of the subsidiary which provides in general for the grant to Bangor Punta of an

option for a period of 10 years to purchase 15 percent of the common stock of such subsidiary for \$1,500,000, the right to exercise such option in full to be dependent upon the generation of a total of \$20 million of pretax earnings of new businesses acquired by such subsidiary.

Katy states that in December of 1966 Katy issued \$4,041,000 principal amount of its convertible bonds to provide funds to pay a maturing mortgage bond issue.

If the convertible bonds are retired, Katy is freed from the 7 percent interest obligation, and Katy will have the right to withdraw Katy prior lien mortgage bonds pledged as collateral security for the convertible bonds. Such prior lien mortgage bonds will then be available as collateral for other borrowings required by Katy to meet obligations becoming due in November and December 1967.

The conversion into common stock rather than redemption of the convertible bonds is essential since Katy cannot raise the necessary funds with which to meet the total redemption price. Madison, Axe-Houghton Fund B, Inc., and St. Louis and Kansas City Land Co. have expressed their intention to convert their convertible bonds if called for redemption.

Section 17(a) of the Act, as here pertinent, may be deemed to prohibit (i) Katy from redeeming its convertible bonds and from issuing its common stock to Madison, Axe-Houghton Fund B, Inc., and St. Louis and Kansas City Land Co. upon conversion of the convertible bonds and (ii) Industries from issuing its common stock to Madison and the Axe Funds in exchange for their Katy stock unless the Commission upon application pursuant to section 17(b) grants an exemption from the provisions of section 17(a) after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, and that it is consistent with the general purposes of the Act.

The proposed transactions may be deemed to constitute transactions in which Madison and Axe Funds are, together with other persons described in this application who may be deemed to be "affiliated persons" of such investment companies or "affiliated persons of such persons," participants in a "joint enterprise" or other joint arrangement within the meaning of section 17(d) of the Act and Rule 17d-1 thereunder. Section 17(d) and Rule 17d-1 prohibit an affiliated person of a registered investment company or an affiliated person of such a person acting as principal to effect any transaction in which such registered company is a joint or joint and several participant with such affiliated person unless the Commission, upon application under Rule 17d-1, grants such application. Rule 17d-1 provides that the Commission shall consider, when passing

upon such application, whether the participation of such registered investment company in such joint enterprise on the basis proposed is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent 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.

Applicants submit that the proposed transactions meet the standards set forth in section 17(b), Rule 17d-1, and section 6(c), as the exchange offer and subsequent diversification-acquisition program can in no case be deemed disadvantageous to Katy. None of Katy's business, assets, or liabilities will be changed as part of such program, and if the diversification-acquisition program is successful, funds will thereby be generated and be available for use by the consolidated enterprise. As applied to applicants which are stockholders of Katy, such diversification-acquisition program offers the only feasible opportunity to improve their investment in a presently dismal financial picture; furthermore, since the exchange offer is made to all Katy shareholders there can be no complaint of treatment on "a different or less advantageous basis." Finally, a redemption by Katy of the entire issue of convertible bonds and the conversion by Madison, Axe-Houghton Fund B, Inc., and St. Louis and Kansas City Land Co. of their convertible bonds into Katy common stock is fair to the holders of such convertible bonds, since the market value of the common stock is substantially above the conversion price, and by conversion and exchange for Industries stock the holders will be able to participate in the earnings of Industries.

Notice is further given that any interested person may, not later than November 30, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this 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 applicants at the address stated above. Proof of such service (by affidavit or in case of any 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 such application, unless an order for hearing 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. 67-13468; Filed, Nov. 15, 1967;  
8:47 a.m.]

## INTERSTATE COMMERCE COMMISSION

[Notice 1123]

### MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FOR- WARDER APPLICATIONS

NOVEMBER 9, 1967.

The following applications are governed by Special Rule 1.247<sup>1</sup> of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the 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

<sup>1</sup> Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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 2202 (Sub-No. 335), filed October 26, 1967. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue N.W., Washington, D.C. 20036. 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, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving Columbia City, Md., as an off-route point in connection with applicant's regular route authority to and from Baltimore and Laurel, Md. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 4405 (Sub-No. 453), filed October 26, 1967. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago, Ill. 60633. 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: (1) Trailers, trailer chassis, semitrailers, and semitrailer chassis, other than those designed to be drawn by passenger automobiles, in initial truckaway and driveaway service, from points in St. Clair County, Ala., to points in the United States, including Alaska but excluding Hawaii, and (2) tractors, in secondary driveaway service only when drawing trailers or trailer chassis (other than those designed to be

drawn by passenger automobiles) moving in initial driveway service, from points in St. Clair County, Ala., to points in Arizona, Nevada, Oregon, Vermont, and Alaska. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Atlanta, Ga.

No. MC 4405 (Sub-No. 454), filed October 30, 1967. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago, Ill. 60633. 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: (1) *Trailers, trailer chassis, semitrailers, and semitrailer chassis*, other than those designed to be drawn by passenger automobiles, (a) in initial truckway service from Reading, Pa., and 5 miles thereof to points in Alaska, Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, and (b) in initial driveway service, from Reading, Pa., and 5 miles thereof, to points in Alaska, Arizona, Nevada, Oregon, and Vermont, (2) *tractors*, in secondary driveway service only when drawing trailers or trailer chassis (other than those designed to be drawn by passenger automobiles) moving in initial driveway service from Reading, Pa., and 5 miles thereof to points in Arizona, Nevada, Oregon, Vermont, and Alaska, (3) *containers*, except containers having a capacity of 5 gallons or less of 9 cubic feet or less, (a) from Reading, Pa., and 5 miles thereof, to points in the United States, including Alaska, but excluding Hawaii, and (b) from points in the United States, including Alaska, but excluding Hawaii, to Reading, Pa., and 5 miles thereof, and (4) *materials, supplies, and parts* used in the manufacture, assembly, or servicing of the commodities described in paragraphs (1) and (3) above, when moving in mixed loads with such commodities, from Reading, Pa., and 5 miles thereof, to points in the United States, including Alaska, but excluding Hawaii. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 9325 (Sub-No. 36) (Clarification), filed September 29, 1967, published in the FEDERAL REGISTER issue of October 19, 1967, clarified November 3, 1967, and republished as clarified this issue. Applicant: K LINES, INC., Post Office Box 216, Lebanon, Ore. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Ore. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, from Portland, Ore., to points in California in and north of Sonoma, Napa, Yolo, Sacramento, and El Dorado Counties, Calif. **NOTE:** The purpose of this republication is to (1) clarify the commodity description, and (2) to show the correct spelling of *Sonoma County* in lieu of *Samoa*. If a hearing is deemed necessary, applicant requests it be held at Portland, Ore.

No. MC 25798 (Sub-No. 163), filed October 30, 1967. Applicant: CLAY

HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, Fla. 33823. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I, *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 61 M.C.C. 766, except commodities in bulk, in tank vehicles and hides, from the plantsite of Missouri Beef Packers at or near Friona, Tex., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Virginia, Tennessee (except Memphis and points in its commercial zone), and the District of Columbia, restricted to traffic originating at the above-named plantsite and destined to the States named. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., Dallas, or Amarillo, Tex.

No. MC 25798 (Sub-No. 164), filed October 30, 1967. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, Fla. 33823. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in section 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 and hides), from the plantsite of Missouri Beef Packers at or near Friona, Tex., to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, and Memphis, Tenn., restricted to traffic originating at the above-named plantsite and destined to the above-named States. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Dallas, or Amarillo, Tex.

No. MC 30204 (Sub-No. 26), filed October 29, 1967. Applicant: HEMINGWAY TRANSPORT INC., 438 Dartmouth Street, New Bedford, Mass. 02740. Applicant's representative: Carroll B. Jackson, 1301 North Boulevard, Richmond, Va. 23230. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the plantsite of Grinnell Corp., located at or near Hampton, Pa., as an off-route point in connection with applicant's present authority over U.S.

Highway 30 between Chambersburg, Pa., and Philadelphia, Pa., and over U.S. Highway 15 between Frederick, Md., and Gettysburg, Pa. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 31600 (Sub-No. 622) (Correction), filed October 16, 1967, published FEDERAL REGISTER issue of November 2, 1967, corrected and republished as corrected this issue. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. 02154. Applicant's representative: Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Edible flour*, in bulk, from Jamaica, N.Y., to Portsmouth, N.H., (2) *flour*, in bulk from Englewood, N.J., to points in Connecticut, Delaware, Maryland, Pennsylvania, and New York, (3) *liquid paint*, in bulk, in tank vehicles, from Elizabeth, N.J., to Roxboro, N.C., (4) *whiskey*, in bulk, in tank vehicles from port of entry on the international boundary line between the United States and Canada located at Niagara Falls, N.Y., to Hartford, Conn., and (5) *aviation gasoline*, in bulk, moving on Government bills of lading, from Newington, N.H., to Plattsburgh, N.Y. **NOTE:** The purpose of this republication is to show the correct origin point in (5) as Newington, N.H., in lieu of Newington, N.J. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 35320 (Sub-No. 99), filed October 31, 1967. Applicant: TIME FREIGHT, INC., 2598 74th Street, Post Office Box 1120, Lubbock, Tex. 79408. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the Columbia, Md., as an off-route point in connection with carrier's authorized regular route to serve Baltimore, Md. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 35320 (Sub-No. 100), filed October 31, 1967. Applicant: TIME FREIGHT, INC., 2598 74th Street, Post Office Box 1120, Lubbock, Tex. 79408. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plantsite of Westinghouse Electric Corp., located at or near Sykesville, Md., as an off-route point in connection with carrier's authorized regular route to and from Baltimore, Md. **NOTE:** If a hearing

is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 35334 (Sub-No. 67), filed October 27, 1967. Applicant: COOPER-JARRETT, INC., 23 South Essex Avenue, Orange, N.J. 07051. Applicant's representative: Irving Klein, 280 Broadway, New York, N.Y. 10007. 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), between points in Illinois, Ohio, Kentucky, West Virginia, and Kansas City, Mo., on the one hand, and, on the other, points in Maine, Vermont, and New Hampshire. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests that it commence at Columbus, Ohio, continued at Chicago, Ill., and concluded at Boston, Mass.

No. MC 36536 (Sub-No. 20), filed October 30, 1967. Applicant: FAB TRANSPORTATION, INC., 15 Warren Street, Jersey City, N.J. 07303. Applicant's representative: Charles H. Trayford, 137 East 36th Street, New York, N.Y. 10016. 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* (except hides and commodities in bulk in tank vehicles), as described in sections A and C of appendix I in *Descriptions in Motor Carrier Certificates* 67 M.C.C. 209 and 766, from carrier's terminal located at Hoboken, N.J., and rail terminals, located at Secaucus, Kearny, North Bergen, and Newark, N.J., to points in Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union, and Warren Counties, N.J. Note: Applicant states that the above proposed authority is restricted to a distribution service that has had prior interstate movement via rail boxcar, rail piggyback, and over the road motor carrier. If a hearing is deemed necessary, applicant requests it be held at New York.

No. MC 42261 (Sub-No. 95), filed October 26, 1967. Applicant: LANGER TRANSPORT CORP., Box 305, Route 1 and Foot of Danforth Avenue, Jersey City, N.J. 07303. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from Burlington, N.J., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 48386 (Sub-No. 11), filed October 26, 1967. Applicant: GRAVER TRUCKING, INC., 1007 North Ninth Street, Stroudsburg, Pa. Applicant's representative: Herman B. J. Weckstein, 1060 Broad Street, Newark, N.J., 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Luzerne, Carbon, Schuylkill, Lackawanna, and Wayne Counties, Pa. (except Old Forge, Pa.), and points within 20 miles of Old Forge), to New York, N.Y., and points within 20 miles of New York, N.Y. Note: If a hearing is deemed necessary, applicant requests it be held at Allentown, Philadelphia, Pa., or New York, N.Y.

No. MC 48533 (Sub-No. 11), filed October 30, 1967. Applicant: A. L. ROOT TRANSPORTATION, INC., 12 Fairground Road, Brattleboro, Vt. 95302. Applicant's representatives: Arthur M. Marshall and David M. Marshall, 135 State Street, Suite 200, Springfield, Mass. 01103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, edgings, and debarked wooden slabs*, (1) from Winchester and Madison, N.H., to Westbrook and Rumford, Maine; Boston, Canton, and Lawrence, Mass.; Albany, Schenectady, and Ticonderoga, N.Y.; and Philipsdale and Providence, R.I.; and, (2) from Westfield and Chester, Mass., to Winchester and Milford, N.H.; and Mechanicville, N.Y. Note: If a hearing is deemed necessary, applicant requests it be held at Brattleboro, Vt., or Greenfield or Springfield, Mass.

No. MC 50069 (Sub-No. 390), filed October 30, 1967. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 930 North York Road, Hinsdale, 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: *Acetic acid*, in bulk, in tank vehicles, from Elkhart, Ind., to Toledo, Ohio. Note: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52110 (Sub-No. 106), filed October 26, 1967. Applicant: BRADY MOTORFRATE, INC., 2150 Grand Avenue, Des Moines, Iowa 50312. Applicant's representative: Homer E. Bradshaw, 11th Floor, Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, including frozen fruits, vegetables, potatoes, potato products, and juice concentrates*, (1) from Mid Continent Underground Storage Caves located at or near Loring, Kans., to Lincoln, Omaha, and Norfolk, Nebr.; Fargo and Bismarck, N. Dak.; Sioux Falls, S. Dak.; Green Bay, Madison, Milwaukee, and Sheboygan, Wis.; and points in Illinois, Indiana, Iowa, the Lower Peninsula of Michigan, Minnesota, and Ohio; (2) from Kansas City, Mo., to Norfolk, Nebr.; Fargo and Bismarck, N. Dak.; Green Bay, Madison, and Milwaukee, Wis.; and points in Illinois, Indiana, the Lower Peninsula of Michigan, Min-

nesota, and Ohio; and (3) from Fort Dodge, Iowa, to points in Indiana, the Lower Peninsula of Michigan, Nebraska, and Ohio. Note: If a hearing is deemed necessary, applicant requests it be held at San Francisco or Los Angeles, Calif.

No. MC 61396 (Sub-No. 191), filed October 17, 1967. Applicant: HERMAN BROS. INC., 2501 North 11th Street, Omaha, Nebr. 68110. Applicant's representatives: Dale G. Herman, Post Office Box 189, Omaha, Nebr. 68101, and 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: *Fertilizer and fertilizer materials*, in bulk and in bags, from points in Lancaster County, Nebr., to points in Colorado, Iowa, Kansas, Missouri, Nebraska, South Dakota, and Wyoming. Note: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., Sioux City, Iowa, or Lincoln, Nebr.

No. MC 66562 (Sub-No. 2086) (Correction), filed May 10, 1965, published in the FEDERAL REGISTER issue of September 8, 1967, corrected and republished as corrected this issue. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. 10017. Applicant's representative: William H. Marx (address same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, serving Dayton, Ohio, as an intermediate point in connection with applicant's authorized regular route operations between Cincinnati, Ohio, and Detroit, Mich., under certificate MC 66562 Sub 1503. Note: The purpose of this republication is to show the Sub No. of the applicant's authorized operations as Sub 1503, in lieu of Sub 503. If a hearing is deemed necessary, applicant requests it be held at Dayton, Ohio.

No. MC 66746 (Sub-No. 9), filed October 27, 1967. Applicant: JOHN L. KERR AND G. O. KERR, JR., a partnership, doing business as SHIPPERS EXPRESS, 1651 Kerr Drive, Post Office Box 8665, Jackson, Miss. 39205. Applicant's representative: Harold D. Miller, Jr., 700 Petroleum Building, Post Office Box 22567, Jackson, Miss. 39205. 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, 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 Memphis, Tenn., and Natchez, Miss., over U.S. Highway 61, serving all intermediate points on U.S. Highway 61 between Vicksburg, Miss., and Natchez, including Vicksburg and Natchez, and (2) between New Orleans, La., and Vicksburg, Miss., over U.S. Highway 61, serving all intermediate points on U.S. Highway 61 between Natchez and Vicksburg, Miss., including Natchez and Vicksburg. Restriction: Restricted against the joinder of the routes herein, and

restricted against the joinder of either route sought herein with applicants' existing authority: **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 95540 (Sub-No. 717), filed October 31, 1967. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33802. Applicant's representative: Hoyt Starr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Common window, glass, not bent, from Shreveport, La., to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, and Wisconsin.* **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Cleveland, Ohio, or Memphis, Tenn.

No. MC 95876 (Sub-No. 76), filed October 28, 1967. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 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) *Material handling equipment, winches, compaction and road making equipment, rollers, self-propelled and non-self-propelled, mobile cranes, and highway freight trailers.* (2) *parts, attachments and accessories for the commodities described in (1) above, between the plantsite of the Hyster Co. located at or near Danville, Kewanee, and Peoria, Ill., on the one hand, and, on the other, points in Minnesota.* **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 99090 (Sub-No. 7), filed November 1, 1967. Applicant: YATES TRUCK LINES, INC., Maud, Ky. 40042. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials and ingredients, and insecticides, pesticides, fungicides, herbicides and related advertising materials, when moving in mixed shipments with fertilizer, fertilizer materials and ingredients (except in bulk, in tank vehicles), from the plantsite of Armour Agricultural Chemical Co. at Jeffersonville, Ind., to points in Kentucky, Ohio, Tennessee, and West Virginia.* **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 100666 (Sub-No. 110), filed October 27, 1967. Applicant: MELTON TRUCK LINES, INC., Post Office 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: *Composition roofing and building slabs and materials used in the installation thereof, from Terry, Miss., to points in Kansas, Nebraska, Iowa, Missouri, Illinois, Wisconsin, Indiana, Ohio, Michigan, Virginia, West Virginia, North Caro-*

*lina, South Carolina, and Pennsylvania.* **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Shreveport, La., Jackson, Miss., or Little Rock, Ark.

No. MC 100666 (Sub-No. 111), filed October 31, 1967. Applicant: MELTON TRUCK LINES, INC., Post Office 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: *Composition, boards, and materials, supplies, and accessories incidental to the installation thereof, from Marrero, La., to points in Texas.* **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Shreveport, La., Oklahoma City, Okla., or Little Rock, Ark.

No. MC 103378 (Sub-No. 328), filed October 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: *Crude tall oil, in bulk, in tank vehicles, from Macon and Augusta, Ga., to Charleston, S.C.* **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 103378 (Sub-No. 329), filed October 31, 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: *Dry fertilizer, in bulk, from Dothan, Ala., to points in Georgia and Florida.* **NOTE:** Applicant states it could tack at points in Colquitt County, Ga. (except Moultrie and points within 3 miles thereof), to its Sub 276, wherein it is authorized to conduct operations in Alabama, Florida, and South Carolina. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Birmingham, Ala.

No. MC 103654 (Sub-No. 129), filed October 26, 1967. Applicant: SCHIRMER TRANSPORTATION COMPANY, INCORPORATED, 1145 Homer Street, St. Paul, Minn. 55116. 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: *Cement, in bulk, and in bags, from the plantsite of, or storage facilities utilized by the Dewey Portland Cement Co., at or near Davenport, Iowa, to points in Illinois, Iowa, Minnesota, Missouri, and Wisconsin.* **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 105375 (Sub-No. 34), filed October 30, 1967. Applicant: DAHLEN TRANSPORT OF IOWA, INC., 875 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Leonard A. Jaskiewicz, Madison Building, 1155 15th

Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal food and liquid animal food supplements, in bulk, in tank vehicles, from Dubuque, Iowa, to points in Illinois, Iowa, Indiana, Kansas, Missouri, Minnesota, and Wisconsin.* **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 106914 (Sub-No. 21), filed October 27, 1967. Applicant: HORN TRANSPORTATION, INC., 1119 West 24th Street, Kansas City, Mo. 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, between points in Pueblo County, Colo., and points in Wyoming.* **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 106194 (Sub-No. 22), filed October 27, 1967. Applicant: HORN TRANSPORTATION, INC., 1119 West 24th Street, Kansas City, Mo. 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and related parts, from Denver and Colorado Springs, Colo., to points in the United States (except Alaska, Hawaii, Kansas, Colorado, and the Kansas City, Mo., commercial zone).* **NOTE:** Applicant states that it does not seek any duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 106644 (Sub-No. 84), filed October 23, 1967. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road, NW., Atlanta, Ga. 30321. Applicant's representative: Otis E. Stovall, Post Office Box 17050, Chattahoochee Station, Atlanta, Ga. 30321. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Material handling equipment; winches; compaction and roadmaking equipment, rollers, self-propelled and non-self-propelled; mobile cranes; and highway freight trailers;* and (2) *parts, attachments, and accessories for the commodities described in (1) above, between the plantsites of the Hyster Co., located at or near Danville, Kewanee, and Peoria, Ill., on the one hand, and, on the other, points in Florida.* **NOTE:** Applicant states that the above-proposed authority is restricted to traffic originating at or destined to the named plantsites. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Nashville, Tenn.

No. MC 107002 (Sub-No. 341), filed November 1, 1967. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representatives: Harold D. Miller, Jr., Post Office Box 22567, Jackson, Miss. 39205.

and John J. Borth (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Eufaula, Ala., and points within 10 miles thereof, to points in Alabama, Florida, and Georgia. **NOTE:** Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 107107 (Sub-No. 387), filed October 30, 1967. Applicant: ALTERMAN TRANSPORT LINES, INC., 2424 Northwest 46th Street, Post Office Box 458, Miami, Fla. 33142. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I, *Description in Motor Carrier Certificates*, 61 M.C.C. 209 (272-273) and 61 M.C.C. 766 (except commodities in bulk in tank vehicles, and hides), from the plantsite of Missouri Beef Packers at or near Friona, Tex., to points in Alabama, Georgia, South Carolina, Florida, North Carolina, Virginia, Kentucky, West Virginia, Maryland, Delaware, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, District of Columbia, and Pennsylvania, restricted to traffic originating at the above-named plantsite and destined to the States named. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Dallas or Amarillo, Tex.

No. MC 107403 (Sub-No. 733), filed October 30, 1967. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from Burlington, N.J., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107515 (Sub-No. 594), filed October 30, 1967. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I, *Description in Motor Carrier Certificates*, 61 M.C.C. 209 (272-273) and 61 M.C.C. 766, except commodities in bulk in tank vehicles and

hides, from the plantsite of Missouri Beef Packers at or near Friona, Tex., to points in Alabama, Georgia, Florida, South Carolina, North Carolina, Kentucky, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Tennessee (except Memphis, and points in its commercial zone), and the District of Columbia, restricted to traffic originating at the above-named plantsite and destined to the States named. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., Dallas or Amarillo, Tex.

No. MC 107871 (Sub-No. 54), filed October 26, 1967. Applicant: BONDED FREIGHTWAYS, INC., 441 Kirkpatrick Street West, Syracuse, N.Y. 13201. Applicant's representatives: Norman M. Pinsky and Herbert M. Canter, 345 South Warren Street, Syracuse, N.Y. 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals* (except calcium chloride) in bulk, in tank or hopper-type vehicles, from Solway, N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont. **NOTE:** No duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 108207 (Sub-No. 233), filed October 30, 1967. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resin-impregnated broadgoods and rovings*, from points in California to points in Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Texas, and Wisconsin. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 109595 (Sub-No. 11) (Amendment), filed September 29, 1967, published in the FEDERAL REGISTER issue of October 12, 1967, amended October 29, 1967, and republished this issue. Applicant: REX TRANSPORTATION CO., a corporation, 34350 Goodard Road, Romulus, Mich. 48174. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, (1) from the plantsite of Aetna Portland Cement Co. located at Essexville, Mich., to points in Indiana, Illinois, and Ohio and (2) from Detroit, Mich., to points in New York and Illinois. **NOTE:** The purpose of this republication is to delete "in bulk, in tank vehicles", from the commodity description. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., Chicago, Ill., or Washington, D.C.

No. MC 110166 (Sub-No. 18), filed October 30, 1967. Applicant: TENNESSEE CAROLINA TRANSPORTATION,

INC, Nance Lane, Post Office Box 7308, Nashville, Tenn. 37210. Applicant's representative: J. C. Hutcheson (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, and those requiring special equipment), between McMinnville and Manchester, Tenn., over Tennessee Highway 55, serving Morrison, Tenn., and the plantsite of Carrier Air Conditioning Co. at or near Morrison, as intermediate points between McMinnville and Manchester, and serving Manchester for joinder only with applicant's regular route authority between Nashville and Chattanooga, Tenn. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 110525 (Sub-No. 848), filed October 30, 1967. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as applicant), and Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from Burlington, N.J., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, New Jersey, and the District of Columbia. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110988 (Sub-No. 242) (Correction), filed September 26, 1967, published in the FEDERAL REGISTER issue of October 12, 1967, and republished as corrected this issue. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. 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: *Liquor liquor*, in bulk, in tank vehicles, from Oconto Falls, Wis., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, New York, North Dakota, Ohio, Pennsylvania, South Dakota, and Wisconsin. **NOTE:** The purpose of this republication is to include points in the States of Illinois, Indiana, Iowa, Kansas, Michigan, and Minnesota in the destination territory, which States were inadvertently omitted in the previous publication. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 112668 (Sub-No. 45), filed October 26, 1967. Applicant: HARVEY R. SHIPLEY & SONS, INC., Route U.S. 140, Finksburg, Md. 21048. Applicant's representative: Donald E. Freeman, 172 East

Green Street, Post Office Box No. 806, Westminster, Md. 21157. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from Whiteford, Md., to points in Delaware, those in Pennsylvania east of the Susquehanna River from the Maryland-Pennsylvania State line to Wilkes-Barre and east of Interstate Highway 81 from Wilkes-Barre to the New York-Pennsylvania State line, those in Adams, Cumberland, Franklin, Perry, and York Counties, Pa., and those in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem Counties, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Baltimore, Md.

No. MC 113678 (Sub-No. 295), filed October 27, 1967. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Duane W. Aklie, Post Office Box 2028, Lincoln, Nebr. 68501. 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, from points in Maricopa County, Ariz., to points in Georgia, South Carolina, North Carolina, Virginia, Maryland, Tennessee, Kentucky, West Virginia, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine. NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 113678 (Sub-No. 296), filed October 30, 1967. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Duane W. Aklie, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, from Sioux City, Fort Dodge, and Denison, Iowa, to points in North Carolina and South Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 113974 (Sub-No. 24), filed October 30, 1967. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., a corporation, 211 Washington Avenue, Dravosburg, Pa. 15034. Applicant's representative: W. H. Schlottman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, and iron and steel products*, from Weirton, W. Va., and Steubenville, Ohio, to points in Florida, Georgia, North Carolina, and South Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114045 (Sub-No. 294) (Correction), filed October 2, 1967, published FEDERAL REGISTER issue of November 2, 1967, and republished as corrected, this

issue. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food preparations, foodstuffs, and items used and dealt in by ice cream and confectionery stores or stands*, from Chicago, Ill., and points in its commercial zone as defined by the Commission and points in Kane, Cook, Du Page, Kendall and Will Counties, Ill., and points in Lake and Porter Counties, Ind., to points in Oklahoma, Texas, Louisiana, Kansas, New Mexico, and California. NOTE: Applicant states the proposed authority herein can or will be joined with its presently authorized authority in MC 114045 Subs 85, 278, and 280, wherein it is authorized to operate in the States of Colorado, Oregon, Washington, Nevada, Utah, Idaho, Montana, and Wyoming. The purpose of this republication is to reflect California as a destination State, erroneously shown as Colorado in the previous publication. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114045 (Sub-No. 297) (Clarification), filed October 19, 1967, published FEDERAL REGISTER issue of November 2, 1967, and republished as clarified, this issue. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet foods, pet supplies, pet accessories and tonics, animal feed supplements and insecticides* (except in bulk) (1) from New York, N.Y., and points in Essex, Hudson, and Bergen Counties, N.J., to New Orleans, La., Phoenix and Tucson, Ariz., Los Angeles, Calif., and points in the Los Angeles, Calif., commercial zone; (2) from points in Morris, Somerset, Monmouth, and Middlesex Counties, N.J., to points in Texas, Oklahoma, Louisiana, New Mexico, Arizona, and California; and (3) from New York, N.Y., and points in Essex, Hudson, Bergen, Morris, Somerset, Monmouth, and Middlesex Counties, N.J., to points in Alabama, Florida, Georgia, Missouri, Kansas, Colorado, Nebraska, Iowa, Illinois, Oregon, and Washington. NOTE: The purpose of this republication is to more clearly define the origin points in (2) and (3) above. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 114045 (Sub-No. 298), filed October 25, 1967. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foods*, from Red Hook, N.Y., to points in West Virginia, Ohio, Missouri, Illinois, Indiana, Georgia, Tennessee, Kentucky, Kansas, Texas, Oklahoma, California, Arizona, New Mexico, Colorado, Nebraska, Virginia, North Carolina, South Carolina, Florida, Alabama, Louisiana, Mississippi, Iowa, and Arkansas. NOTE: Applicant states this proposed authority could be tacked with other presently held authorized and pending authority at Evansville, Ind.,

and Carrollton, Mo., serving points in Oregon, Washington, Utah, Idaho, and Nevada. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 114364 (Sub-No. 151), filed October 30, 1967. Applicant: WRIGHT MOTOR LINES, INC., Post Office Box 1191, 1401 North Little Street, Cushing, Okla. 74023. Applicant's representative: Rodger Spahr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products; products produced or distributed by manufacturers and converters of paper and paper products; materials, equipment, and supplies used in the manufacture and distribution of the above described commodities*, between points in McMinn County, Tenn., on the one hand, and, on the other, points in Arkansas, Arizona, Colorado, Kansas, Missouri, New Mexico, Oklahoma, Texas, and Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 115491 (Sub-No. 104), filed October 30, 1967. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Post Office Box 67, Auburndale, Fla. 33823. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), (1) from Sioux City, Iowa, to points in Georgia, North Carolina, and South Carolina, (2) from Fort Dodge and Denison, Iowa, to points in North Carolina and South Carolina, and (3) from Luverne, Minn., to points in Florida, Georgia, North Carolina, and South Carolina. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Tampa or Miami, Fla.

No. MC 115826 (Sub-No. 178), filed October 26, 1967. Applicant: W. J. DIGBY, INC., Post Office Box 5088, Terminal Annex, Denver, Colo. 80217. Applicant's representative: James F. Digby (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Ogden, Utah, to points in Arizona. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 118034 (Sub-No. 10), filed October 30, 1967. Applicant: MILLER TRUCK LINES, INC., 901 Northeast 28th, Fort Worth, Tex. 76106. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular



routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses, as described in sections A and C of appendix I, to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from the plantsite of Missouri Beef Packers at or near Friona, Tex., to points in Oklahoma, Louisiana, Arkansas, Mississippi, New Mexico, and Memphis, Tenn., restricted to traffic originating at the above-named plantsite and destined to the States named. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Dallas or Amarillo, Tex.*

No. MC 118196 (Sub-No. 98), filed October 26, 1967. Applicant: RAYE & COMPANY TRANSPORTS, INC., Highway 71 North, Post Office Box 613, Carthage, Mo. 64836. Applicant's representative: James E. Raye (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy cream and milk solids; powdered milk containing animal fat or vegetable fat ingredients; dessert materials, bakery, cake, and pancake mixes; beverage preparations and confectioneries; dietary products; milk and cream substitute and milk and cream, liquid, in hermetically sealed containers, from points in Minnesota and Wisconsin to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Washington, D.C.*

No. MC 118196 (Sub-No. 99), filed October 26, 1967. Applicant: RAYE & COMPANY TRANSPORTS, INC., Highway 71 North, Post Office Box 613, Carthage, Mo. 64836. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products from Logan, Smithfield, and Wellsville, Utah, to points in Nevada, Idaho, and Montana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.*

No. MC 119241 (Sub-No. 5), filed October 30, 1967. Applicant: PCP TRANSPORTATION COMPANY, a corporation, 9500 Norwalk Boulevard, Santa Fe Springs, Calif. 90670. Applicant's representative: Warren N. Grossman, 825 City National Bank Building, 606 South Olive Street., Los Angeles, Calif. 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Return shipments of clay pipe having a maximum length of 6 feet and clay pipe fittings, brick and flue lining, and sacked fire clay, from Phoenix, Ariz., to Santa Fe Springs, Corona, Stockton, and Alberhill, Calif., under contract with Pacific Clay Products Co. NOTE: Applicant states it presently holds authority on outbound shipments to Phoenix, Ariz., from the above-named points. Applicant is also authorized to conduct operations as a common carrier in certificate No. MC*

127756, therefor, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 119774 (Sub-No. 10), filed October 26, 1967. Applicant: MARY ELLEN STIDHAM, N. M. STIDHAM, A. E. MANKINS (INEZ MANKINS, EXECUTRIX) AND JAMES E. MANKINS, SR., a partnership, doing business as EAGLE TRUCKING COMPANY, Post Office Box 471, Kilgore, Tex. 75662. Applicant's representative: Harold R. Alns-worth, 2307 American Bank Building, New Orleans, La. 70130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper mill rolls, between Ruston, La., on the one hand, and, on the other, points in Alabama, Mississippi, Arkansas, Texas, Oklahoma, Tennessee, and Louisiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.*

No. MC 119789 (Sub-No. 23), filed October 30, 1967. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6, Opelousas, La. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses, as described in section A and C of appendix I, Description in Motor Carrier Certificates, 61 M.C.C. 209 (272-273) and 61 M.C.C. 766 (except commodities in bulk, in tank vehicles, and hides), from the plantsite of Missouri Beef Packers at or near Friona, Tex., to points in Alabama, Florida, Georgia, Tennessee (except Memphis, Tenn., and points in its commercial zone), restricted to traffic originating at the above named plantsite and destined to the States named. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., Dallas, or Amarillo, Tex.*

No. MC 119789 (Sub-No. 24), filed October 30, 1967. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6, Opelousas, La. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses, as described in sections A and C of appendix I, Descriptions in Motor Carrier Certificates 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from the plantsite of Missouri Beef Packers located at or near Friona, Tex., to points in Louisiana, Mississippi, Minnesota, Wisconsin, Michigan, Ohio, Indiana, Illinois, and Memphis, Tenn., restricted to traffic originating at the above-named plantsite and destined to the States named. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Dallas or Amarillo, Tex.*

No. MC 120609 (Sub-No. 2), filed September 20, 1967. Applicant: JAMES C. KINDBETTER, SR., doing business as

DELAWARE MOTOR EXPRESS, 22 Alfred Avenue, Eismere, Del. 19805. Applicant's representative: Frederick Knecht, Jr. 920 King Street, Wilmington, Del. 19801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in that part of Delaware bounded on the east by the Delaware River, on the north by the Delaware-Pennsylvania State line, on the west by the Delaware-Maryland State line, and on the south by the Chesapeake and Delaware Canal. NOTE: If a hearing is deemed necessary, applicant does not specify a location.*

No. MC 124078 (Sub-No. 302), filed October 27, 1967. Applicant: SCHWERTMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals (except calcium chloride), in bulk, in tank or hopper-type vehicles, from Solvay, N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.*

No. MC 124078 (Sub-No. 303), filed October 30, 1967. Applicant: SCHWERTMAN 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: *Malt, in bulk, in tank vehicles, from Milwaukee, Wis., to Chicago, Ill.; Evansville, Fort Wayne, Lawrenceburg, and South Bend, Ind.; Lawrenceburg, Louisville, Newport, and Owensboro, Ky.; Battle Creek and Detroit, Mich.; St. Louis, Mo.; Cincinnati, Cleveland, Columbus, and Toledo, Ohio; and Pittsburgh, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.*

No. MC 124078 (Sub-No. 304), filed October 31, 1967. Applicant: SCHWERTMAN 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: *Liquid animal food and liquid animal food supplements, in bulk, in tank vehicles, from Dubuque, Iowa, to points in Illinois, Iowa, Indiana, Kansas, Missouri, Minnesota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.*

No. MC 124111 (Sub-No. 16), filed October 30, 1967. Applicant: OHIO EASTERN EXPRESS, INC., Post Office

Box 2297, 300 West Perkins Avenue, Sandusky, Ohio 44870. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, frozen or not frozen as described in list A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and storage facilities of Agar Packing Co. in Chicago, Ill., Momence, Ill., and Monmouth, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the Washington, D.C., commercial zone, as defined by the Commission, restricted to shipments originating at the plantsite or storage facilities of the Agar Packing Company, located at Chicago, Ill., Momence, Ill., and Monmouth, Ill. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 124129 (Sub-No. 3), filed October 27, 1967. Applicant: S. M. S. TRUCKING CO., a corporation, Box 572, Valley, Nebr. 68064. Applicant's representative: Marshall D. Becker, 630 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone, riprap stone, agricultural lime, limestone products, sand and gravel*, from points in Nebraska to points in Iowa, under contract with Kerford Limestone Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha or Lincoln, Nebr. or Des Moines, Iowa.

No. MC 124813 (Sub-No. 46), filed October 30, 1967. Applicant: UMTUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer*, from Rock Island, Ill., to points in Iowa, Minnesota, Missouri and Wisconsin, and (2) *animal and poultry feed ingredients* (except liquids in bulk), from Rock Island, Ill., to points in Iowa, Ohio, and Michigan. NOTE: Applicant has contract carrier authority in MC 118468 Sub 16 and other subs, therefore, dual operations may be involved. Applicant states that no duplicating rights are held or being sought. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 125717 (Sub-No. 11), filed October 26, 1967. Applicant: NORMAN JOSEPH CHOPLIN, doing business as JOE CHOPLIN, 1301 North Spring, Independence, Mo. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy replacement products including mocha mix, desert whip, affair, baker's topping, cater-blend, cater-S, and other specialty products*, from the facilities of Presto Food Products, Inc., in Kansas City, Mo., to its dis-

tributors located at points in Nebraska and Colorado, under contract with Presto Foods Products, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 126822 (Sub-No. 21), filed October 30, 1967. Applicant: PASSAIC GRAIN AND WHOLESALE COMPANY, INC., Post Office Box 23, Passaic, Mo. 64777. Applicant's representative: Tom B. Kretsinger, 450 Professional Building, 1103 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides and pelts*, processed and partially processed, from points in the commercial zones of Joplin and Springfield, Mo., and Kansas City, Mo.-Kans., as defined by the Commission, to points in Illinois, Michigan, Minnesota, and Wisconsin for export only; to points in Maine, Massachusetts, New Hampshire, Gloversville, N.Y., and Wilmington, Del. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 127689 (Sub-No. 10), filed October 30, 1967. Applicant: PASCA-GOULA DRAYAGE COMPANY, INC., 705 East Pine Street, Hattiesburg, Miss. 39401. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Composition boards (including wallboard, insulation board, fiberboard, pulpboard, ceiling tile), and parts, materials, and accessories* incidental to the installation thereof, from the plantsite of the Flintkote Co., located at Meridian, Miss., to points in Alabama, Arkansas, Louisiana, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Meridian or Jackson, Miss.

No. MC 127965 (Sub-No. 3), filed October 27, 1967. Applicant: LEONARD DIXON, doing business as D & D EXPRESS, 89 Seeley Street, Brooklyn, N.Y. 11218. Applicant's representative: Edward M. Alfano, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Copying and photographic machines, materials, and supplies* uncrated and crated, except in bulk, in tank vehicles, from the warehouse of 3 M Business Products Sales, Inc., located at Teaneck, N.J., to points in Nassau and Suffolk Counties, N.Y., and (2) *returned shipments* on return, under contract with 3 M Business Products Sales Corp. NOTE: Applicant indicates it is presently serving the supporting shipper under its permit MC 127965. Purpose of application is to provide shipper with a complete service. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 128133 (Sub-No. 4), filed October 31, 1967. Applicant: H. HERSHEL OMPS, doing business as H. H. OMPS, Route No. 5 Winchester, Va. 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: *Coal*, from points in Monongalia, Preston, Tay-

lor, Barbour, Tucker, Randolph, Marion, Harrison, and Upshur Counties, W. Va., to points in Frederick and Warren Counties, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128294 (Sub-No. 5), filed October 24, 1967. Applicant: NITEHAWK EXPRESS, INC., 2334 University Avenue, St. Paul, Minn. 55114. Applicant's representative: Robert E. Swanson, 1211 South Sixth Street, Stillwater, Minn. 55082. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, in bulk, from Davenport, Iowa, to Eden Valley, Minn., under contract with Ralston Purina Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 129372 (Sub-No. 1), filed October 30, 1967. Applicant: RICHARD W. GRAHAM, doing business as C. R. GRAHAM AND SONS TRANSFER, 6771 Elvas Avenue, Sacramento, Calif. 95819. Applicant's representative: Allan 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, between points in Sacramento, Solano, San Joaquin, Calaveras, Amador, El Dorado, Placer, Nevada, Yuba, Sutter, Yolo, Napa, Sonoma, Marin, San Francisco, Contra Costa, Alameda, Sierra, Butte, Glenn, Lake, and Colusa Counties, Calif., restricted to shipments having a prior or subsequent movement beyond said points in containers. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sacramento, Calif.

No. MC 129453, filed October 11, 1967. Applicant: STARCK VAN LINES OF COLUMBUS, INC., 425 Goshen Lane, Gahanna, Ohio 43020. Applicant's representative: Clarence S. Bowser, Sr., 9616 Woodside Drive, Pataskala, Ohio 43062. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, moving on a through bill of lading of freight forwarders operating under the exemption of section 402(b)(2) of the Interstate Commerce Act, and having an immediate prior or subsequent out-of-State line-haul movement by rail, motor, water, or air, between points in Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 129465 (Sub-No. 1), filed October 25, 1967. Applicant: D & W REFRIGERATED LTL SERVICE, INC., 875 Reynolds Avenue, Columbus, Ohio 43201. Applicant's representative: Earl J. Thomas, Thomas Building, Post Office Drawer 70, Worthington, Ohio 43085. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products and meat byproducts*, frozen, or not frozen, as described in section A 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), (a) from points in the New York, N.Y., commercial zone,

as defined by the Commission and points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J., to points in Illinois, on and south of U.S. Highway 136; Indiana, Kentucky, Missouri, Ohio, Pennsylvania, and West Virginia; (b) from points in the Philadelphia, Pa., commercial zone, as described by the Commission to Cincinnati, Ohio, (c) from Cincinnati, Ohio, to Evansville, Ind.; Louisville, Ky.; Pittsburgh, Pa.; points in the New York, N.Y., and Philadelphia, Pa., commercial zones, as described by the Commission, and (d) from Louisville, Ky., to points in Delaware, New Jersey, Pennsylvania, West Virginia on and west of U.S. Highway 219; points in the New York, N.Y., commercial zone, as defined by the Commission, and Canton, Columbus, and Barnesville, Ohio, and (2) *foods*, frozen or not frozen, from Louisville, Ky., to Philadelphia and Pittsburgh, Pa., Baltimore, Md., and points in the Washington, D.C., commercial zone, as defined by the Commission. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 129470 (Sub-No. 1), filed October 27, 1967. Applicant: MONROE TRANSFER & STORAGE CO., INC., 402 Rotary Street, Hampton, Va. 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, between points in the independent cities of Norfolk, Newport News, Hampton, Virginia Beach, Suffolk, Williamsburg, Portsmouth, and Chesapeake, Va., and points in York, James City, Gloucester, Matthews, Surry, Isle of Wight, Sussex, Nansemond, Southampton, and Northampton Counties, Va., 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 Hampton and Norfolk, Va.

No. MC 129499, filed October 30, 1967. Applicant: ROBERT V. MARKT, 1409 Rife Street, St. Joseph, Mo. Applicant's representative: Carl V. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed*, between St. Joseph, Mo., on the one hand, and, on the other, points in Kansas, Nebraska, Oklahoma, and those in Iowa, located on and west of U.S. Highway 65, under a continuing contract with the Quaker Oats Co., Chicago, Ill. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Chicago, Ill.

No. MC 129501, filed October 26, 1967. Applicant: DIMAS RIVERA, doing business as EL SOL DE MAYO EXPRESS FURNITURE, 937 East Tremont Avenue, Bronx, N.Y. 10460. Applicant's represent-

ative: Murray Leicher, 1664 Madison Avenue, New York, N.Y. 10029. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods, household furnishings and appliances, and personal effects*, between points in the New York, N.Y., commercial zone, where-in transportation may be performed exempt from economic regulation. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 129502, filed October 30, 1967. Applicant: CHAS. H. CYR, INC., 205 East Seventh Street, Hoquiam, Wash. 98550. Applicant's representative: Joseph O. Earp, 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips and wood residuals*, from points in Grays Harbor and Pacific Counties, Wash., to Aberdeen, Wash., restricted to shipments having a subsequent movement beyond Aberdeen, Wash., by way of ocean vessel. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 129503, filed October 30, 1967. Applicant: DOBSON HEAVY HAUL, INC., 3660 North Euclid, Bay City, Mich. 48706. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Contractors' equipment*; (2) *commodities*, which because of size or weight require the use of special equipment or special handling, and *related parts, equipment, materials, and supplies*, moving in connection therewith; and (3) *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies*, moving in connection therewith. Restricted to self-propelled articles which are transported on trailers, in (3) above, between points in Michigan. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

#### MOTOR CARRIER OF PASSENGERS

No. MC 44770 (Sub-No. 11), filed October 25, 1967. Applicant: ZEPHYR LINES, INCORPORATED, 501 North Seventh Street, Minneapolis, Minn. 55405. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, between Minneapolis and Hutchinson, Minn., from Minneapolis over U.S. Highway 12 to Wayzata, Minn., thence over Hennepin County Highway 15 to Mound, Minn., thence over Hennepin County Highway 15 and Carver County Highways to Watertown, Minn., thence south on Minnesota Highway 25 to junction Minnesota Highway 7, thence over Minnesota Highway 7 to junction unnumbered highway, thence over unnumbered highway to Lester Prairie, Minn., thence return over unnumbered highway to junction Minnesota Highway 7, thence over Minnesota Highway 7 to Hutchinson, and return over the same route, serving all intermediate points. **NOTE:** Dupli-

cating authority is to be eliminated. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

#### APPLICATION FOR WHICH NO HEARING IS REQUESTED

No. MC 33641 (Sub-No. 71), filed October 26, 1967. Applicant: IML FREIGHT, INC., Post Office Box 2277, Salt Lake City, Utah 84110. Applicant's representative: Marshall G. Berol, 100 Bush Street, 21st Floor, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those requiring armored vehicles or armed guards, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between St. Louis, Mo., and Chicago, Ill., over Interstate Highway 55 (or U.S. Highway 66), serving no intermediate points, as an alternate route for operating convenience only, restricted to shipments moving to or from Denver, Colo., or Cheyenne, Wyo., or points west thereof. **NOTE:** Common control may be involved.

No. MC 117339 (Sub-No. 5), filed October 27, 1967. Applicant: WILLARD SHEWMAKER, 206 South Park Road, Fairdale, Ky. 40118. Applicant's representative: Ollie L. Merchant, Suite 202, 140 South Fifth Street, Louisville, Ky. 40202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick, tile, and cinder blocks*, from Evansville, Ind., to points in Alexander, Clark, Clay, Clinton, Crawford, Cumberland, Edwards, Effingham, Fayette, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jasper, Jefferson, Johnson, Lawrence, Marion, Massac, Monroe, Perry, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Union, Wabash, Washington, Wayne, White, and Williamson Counties, Ill., and Kentucky, under contract with General Shale Products of Indiana.

No. MC 124078 (Sub-No. 301), filed October 27, 1967. Applicant: SCHWERTMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Des Moines, Iowa, to points in Illinois, Kansas, South Dakota, Wisconsin, and that part of Missouri located south of the Missouri River, and that part of North Dakota west of U.S. Highway 281.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[P.R. Doc. 67-13418; Filed, Nov. 15, 1967; 8:45 a.m.]

#### FOURTH SECTION APPLICATION FOR RELIEF

NOVEMBER 9, 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. 41168—*Phthalic anhydride to Kingsport, Tenn.* Filed by Southwestern Freight Bureau, agent (No. B-9020), for interested rail carriers. Rates on phthalic anhydride, in tank carloads, subject to Rule 35 of the uniform freight classification but not less than 100,000 pounds per car, from Chocolate Bayou, Tex., to Kingsport, Tenn.

Grounds for relief—Market competition.

Tariff—Supplement 178 to Southwestern Freight Bureau, agent, tariff ICC 4534.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[P.R. Doc. 67-13473; Filed, Nov. 15, 1967;  
8:47 a.m.]

**FOURTH SECTION APPLICATIONS  
FOR RELIEF**

NOVEMBER 13, 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. 41169—*Liquid caustic soda from Calvert, Ky.* Filed by O. W. South, Jr., agent (No. A5067), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, from Calvert, Ky., to Fairfax, Lanett, Opelika, and Pepperell, Ala.

Grounds for relief—Market competition.

Tariff—Supplement 160 to Southern Freight Association, agent, tariff ICC S-484.

FSA No. 41170—*Livestock from and to Points in Western Trunk Line territory.* Filed by Western Trunk Line Committee, agent (No. A-2526), for interested rail carriers. Rates on feeder or stocker livestock, in carloads, from points in Colorado, Idaho, Montana, Nevada, Oregon, Utah, and Wyoming, on the Union Pacific Railroad Co., to points in Western Trunk Line territory.

Grounds for relief—Modified short-line distance formula and grouping.

Tariffs—Supplement 23 to Western Trunk Line Committee, agent, tariff ICC A-4579, and other tariffs named in the application.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[P.R. Doc. 67-13474; Filed, Nov. 15, 1967;  
8:47 a.m.]

[Notice 493]

**MOTOR CARRIER TEMPORARY  
AUTHORITY APPLICATIONS**

NOVEMBER 13, 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 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six 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 78276 (Sub-No. 2 TA) (Republication), filed October 2, 1967, published FEDERAL REGISTER issue of October 10, 1967, and republished this issue. Applicant: MAZZEO & SONS EXPRESS, 173 Wortendyke Avenue, Emerson, N.J. 07630. Applicant's representative: Herman B. J. Weckstein, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wearing Apparel*, on hangers, between the plantsite of Gilbert Carrier Corp. of Secaucus, N.J., on the one hand, and, on the other, points in Bergen, Essex, Hudson, Morris, Passaic, and Union Counties, N.J., and Rockland County, N.Y., for 180 days. NOTE: The above grant will authorize the carrier to interline with Gilbert Carrier Corp., Secaucus, N.J. The purpose of this republication is to include interlining information. Supporting shipper: Gilbert Carrier Corp., 1 Gilbert Drive, Secaucus, N.J. 07094. Send protests to: District Supervisor, Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 1060 Broad Street, Newark, N.J. 07102.

No. MC 118803 (Sub-No. 3 TA), filed November 7, 1967. Applicant: ATLANTIC TRUCK LINES, INC., 179 Ellison Street, Paterson, N.J. 07505. Applicant's representative: Priest & Carson, 71-23 Austin Street, Forest Hill, N.Y. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (a) *Manufactured sheet metal roofing components such as gutter, leader, edging, elbows, mitres, hangers, hooks and other related fittings and component parts, roofing material accessories such*

as roofing paper, gutter seal, roofing cement, mastic caulking compounds, roofing paints, and sealers, nails, screws, and related component materials, *sheet metal working and roofing tools (other than power)* such as riveting guns, caulking guns, tinner's snips, tinner's fire pots, and related hand tools, and working supplies used in connection with the erection of buildings, homes, etc. at jobsites, *metal manufactured ventilating, air conditioning and heating components* such as ducts, pipes, elbows, draft regulating dampers, "T's, diverters, vents, dryer vents, duct fittings, and other related fittings and component parts; ferrous and nonferrous metals in the form of sheets, coils, tubing, wire, bars, forgings, castings, and extrusions, *metal structural and ornamental building elements, accessories and materials* such as wall corner beads, wall ties, joint bridging, joint supports, building studs, brackets, louvers and vents, shutters, area walls, corrugated sheeting, reflecting and other insulating materials as well as other related components, from the plantsite of L. Bieler & Sons, Inc., National Elbow and Fitting Corp., Bieler International Corp., and Southern Diversified Industries, Inc., located at Hauppauge, Suffolk County, N.Y., to points in Minnesota, New Mexico, Utah, Colorado, North Dakota, South Dakota, Montana, Wyoming, Idaho, Nevada, California, Arizona, Oregon, and Washington; and

*Returned shipments* of the commodities specified above. From points in the destination States named above, to the plantsite of L. Bieler & Sons, Inc., National Elbow and Fitting Corp., Bieler International Corp., and Southern Diversified Industries, Inc., located at Hauppauge, Suffolk County, N.Y. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with L. Bieler & Sons, Inc., National Elbow and Fitting Corp., Bieler International Corp., and Southern Diversified Industries, Inc., all of Hauppauge, Suffolk County, N.Y. (b) raw materials and related products used in the manufacturing, fabricating, distribution and sales of the commodities listed in (a) above by L. Bieler & Sons, Inc., National Elbow and Fitting Corp., Bieler International Corp., and Southern Diversified Industries, Inc., from the points in the destination States named in (a) to the plantsite of L. Bieler & Sons, Inc., National Elbow and Fitting Corp., Bieler International Corp., and Southern Diversified Industries, Inc., located at Hauppauge, Suffolk County, N.Y. Restriction: The operations authorized herein are limited to a transportation service to be performed, under contract or contracts, with L. Bieler & Sons, Inc., National Elbow and Fitting Corp., Bieler International Corp., and Southern Diversified Industries, Inc., all of Hauppauge, Suffolk County, N.Y., for 180 days. Supporting shipper: L. Bieler & Sons, Inc., National Elbow and Fitting Corp., Bieler International Corp., South-

ern Diversified Industries, Inc., Cardinal Industrial Park, Hauppauge, N.Y. 11788. Send protests to: District Supervisor, Joel Morriss, Bureau of Operations, Interstate Commerce Commission, 1060 Broad Street, Newark, N.J. 07102.

No. MC 129230 (Sub-No. 1 TA), filed November 8, 1967. Applicant: WALTER E. RIPKO, Box 354, Republic, Pa. 15475. Applicant's representative: Arthur J. Diskin, 302 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Sugar, in bags, bales, and boxes, from Cincinnati, Ohio, to Pittsburgh, Belle Vernon, Washington, and Republic, Pa., for 180 days. Supporting shipper: Colonial Sugars Co., Gramercy Refinery, Gramercy, La. 70052. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2109 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 29423 (Sub-No. 1 TA), filed November 8, 1967. Applicant: ADBY CONSTRUCTION & TRANSPORT CO. LTD., 7204 18th Avenue, Edmonton, Alberta, Canada. Applicant's representative: Howard C. Burton, 504 Strain Building, Great Falls, Mont. 59401. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Lime, in bags from ports of entry at or near Roosville, Mont.; Eastport, Idaho, and Porthill, Idaho, and Montana; and lumber from Laurier, Wash., on the international boundary line between the United States and Canada to points in Washington, Idaho, and Montana; and lumber from points in Flathead and Lincoln Counties, Mont., to the port of entry at or near Roosville, Mont., on the international boundary line between the United States and Canada, for 180 days. Supporting shippers: Cooper-Widman, Ltd., Post Office Box 2069, Vancouver 3, Canada, Summit Lime Works, Ltd., Post Office Box 700, Lethbridge, Alberta, Canada. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 87-13475; Filed, Nov. 15, 1967;  
8:48 a.m.]

[Notice 50]

## MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 9, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), 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 pro-

ceedings 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 positions with particularity.

No. MC-FC-69810. By order of October 30, 1967, the Transfer Board approved the transfer to Cowboy Van Lines, Inc., 1785 Chester Street, Aurora, Colo. 80101, of the operating rights of K. P. Moving & Storage, Inc., 3722 Chestnut Place, Denver, Colo. 80216, in certificates Nos. MC-126749 (Sub-No. 2) and MC-126749 (Sub-No. 9), and a portion of the operating rights in certificate No. MC-126749 (Sub-No. 8), issued December 13, 1965, December 20, 1966, and October 4, 1966, respectively, authorizing the transportation, over irregular routes, of general commodities, except commodities in bulk, household goods, and other specified commodities, between Denver, Co., on the one hand, and, on the other, points within 15 miles of Denver, with specified exceptions, of household goods, between Boulder, Colo., on the one hand, and, on the other, points in Iowa, Kansas, Missouri, Nebraska, Illinois, Indiana, and Wisconsin, and of household goods, as defined, between points in Montrose, Delta, and Gunnison Counties, Colo., on the one hand, and on the other, points in Utah on and east of U.S. Highway 91, and those in Colorado on and west of U.S. Highway 85.

No. MC-FC-69848 (Republication). By order entered October 31, 1967, the Transfer Board, on reconsideration, approved the transfer to Bonita Motor Line, Inc., Kansas City, Mo., of an additional portion of the operating rights in certificate No. MC-79619 issued July 13, 1967, to Eagle Express, Inc., Kansas City Mo., supplementing the previous order entered herein on September 8, 1967. The operating rights transferred, as modified are as follows: General commodities, with usual exceptions, over regular routes, between Kansas City, Kans., and Rich Hill, Mo., serving the intermediate points of Kansas City, Piasale, and Butler, Mo.; and between Kansas City, Kans., and Walker, Mo., serving the intermediate and off-route points of Kansas City, Prairie City, Papinsville, Rockville, Schell City, Taberville, Fair Haven, and Harwood, Mo., those within 5 miles of the intermediate and off-route points named; Lumber, cement, sheet metal, brick, meat scraps, and tankage, over a regular route, from Kansas City, Kans., to Schell City, Mo., serving no intermediate points; livestock, oil in drums and packages, tires, batteries, packinghouse products as defined by the Commission, feed, tankage, and cheese boxes, over a regular route, from Kansas City, Kans., to Rockville, Mo., serving the intermediate and off-route points within 8 miles of Rockville for delivery only; livestock, cheese, and empty oil drums, over regular routes, from Rockville, Mo., to Kansas City, Kans., serving the intermediate and off-route points within 8 miles of Rockville for pickup

only, and from Rockville over the route specified next above to Kansas City, Kans.; brick and machinery, over irregular routes, from Parsons and Weir, Kans., to Schell City, Mo.; and threshing machines, over irregular routes, from Des Moines, Iowa, to Schell City, Mo. Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo., attorney for applicants.

No. MC-FC-69941. By order of October 31, 1967, the Transfer Board approved the transfer to East Side Cartage, Inc., Toledo, Ohio, of the corrected certificate of registration in No. MC-120128 (Sub-No. 1) issued June 18, 1965, to Glenn O. Tonjes, doing business as East Side Cartage, Toledo, Ohio, and evidencing a rights of the holder to engage in interstate or foreign commerce corresponding in scope to the grant of authority in certificate of public convenience and necessity No. 8376-I, dated September 22, 1958, issued by the Public Utilities Commission of Ohio. Charles R. Barefoot, Jr., 640 Spitzer Building, Toledo, Ohio 43604, attorney for applicants.

No. MC-FC-69955. By order of October 31, 1967, the Transfer Board approved the transfer to Providence-Springfield Despatch, Inc., Providence, R.I., of the operating rights in certificate No. MC-59666 issued March 3, 1942, to Philip A. Wheeler, doing business as Providence-Springfield Despatch, Providence, R.I., authorizing the transportation of general commodities, with exceptions, over regular routes, between Providence, R.I., and Holyoke, Mass. Henry E. Laliberte, 49 Westminster Street, Providence, R.I. 02903, attorney for applicants.

No. MC-FC-69981. By order of October 30, 1967, the Transfer Board approved the transfer to Wagner Tours, Inc., North Haledon, N.J., of the operating rights in certificate No. MC-44252 issued May 17, 1955, to Herman Wagner and Clara Wagner, doing business as Wagner Tours, North Haledon, N.J., authorizing the transportation of: Passengers and their their baggage, restricted to traffic originating at the points and in the territory indicated, in charter operations, from Paterson, N.J., and points in New York and New Jersey within 15 miles of Paterson, to points in New Jersey and New York, and those in Pennsylvania on and east of U.S. Highway 11, and return. Samuel A. Wiener, 115 Market Street, Paterson, N.J. 07508, attorney for applicants.

No. MC-FC-69984. By order of October 31, 1967, the Transfer Board approved the transfer to Lucien Bisson, Inc., a corporation, Bath, Maine, of certificate of registration No. MC-99625 (Sub-No. 1) issued December 22, 1965, to Lincoln's Motor Express, a corporation, South Portland, Maine, authorizing the transportation, in interstate or foreign commerce of: Freight or merchandise, between points in Maine. David R. Hastings, LL, 8 Portland Street, Fryeburg, Maine 04037, attorney for applicants.

No. MC-FC-69985. By order of October 30, 1967, the Transfer Board approved the transfer to Gearhart's Moving

& Storage, Inc., Altoona, Pa., of the operating rights in certificate No. MC-37081 issued January 13, 1966, to William Gearhart and Patricia Louise Gearhart, doing business as Dinges Transfer, Altoona, Pa., authorizing the transportation of household goods between Altoona, Pa., and points within 25 miles thereof, on the one hand, and on the other, points in Delaware, Maryland, Michigan, New York, New Jersey, Ohio, Virginia, West Virginia, and the District of Columbia; electric refrigerators in crates, from Connersville, Ind., to Altoona and Johnstown, Pa.; and electric ranges and ironers, in crates, from Mount Clemens, Mich., to Altoona and Johnstown, Pa. Leo C. Mullen, 1311 12th Street, Altoona, Pa. 16601, attorney for applicants.

No. MC-FC-69986. By order of October 31, 1967, the Transfer Board approved the transfer to French, Lt., of Houston, Inc., Houston, Tex., of Certificate of registration No. MC-120571 (Sub-No. 1) issued January 29, 1965, to Coastal Vacuum Trucks, Inc., authorizing the transportation of commodities in interstate or foreign commerce, between points in Texas. Austin L. Hatchell, Perry-Brooks Building, Austin, Tex. 78701, attorney for applicants.

No. MC-FC-70002. By order of October 30, 1967, the Transfer Board approved the transfer to Willis Hash and Walter Meadows, Jr., doing business as Jarrell Transfer, Midway, W. Va., of the operating rights in certificate No. MC-91281 issued March 22, 1941, to Charley

Clarence Jarrell, doing business as Jarrell Transfer, Coal City, W. Va., authorizing the transportation of: Household goods, over irregular routes, between points and places in Raleigh, Mercer, and Wyoming Counties, W. Va., on the one hand, and, on the other, points and places in Virginia, North Carolina, and Kentucky. Kermit A. Locke, 100 Heber Street, Beckley, W. Va. 25801, attorney for applicants.

[SEAL]

H. NEIL GARSON,  
*Secretary.*

[P.R. Doc. 67-13476; Filed, Nov. 15, 1967;  
8:48 a.m.]

[Notice 51]

#### MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 9, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), 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 petition-

ers must be specified in their petitions with particularity.

No. MC-FC-70049. By order of November 9, 1967, the Transfer Board approved the transfer to B & G Transport, Inc., St. Pauls, N.C., of certificate Nos. MC-15242, MC-15242 (Sub-No. 1), and MC-15242 (Sub-No. 5), issued March 24, 1947, August 21, 1947, and June 3, 1955, respectively, to Thurman Cary Dowless, doing business as T. C. Dowless Transfer, Bladenboro, N.C., and authorizing the transportation of: Peanuts, from Bladenboro, N.C., and points in North Carolina within 15 miles of Bladenboro, to Franklin and Suffolk, Va., and places in North Carolina; tobacco, from Mullins and Lake City, S.C., and points in South Carolina within 25 miles of those points, and Bladenboro, N.C., to Danville, Lynchburg, Richmond, and Norfolk, Va.; agricultural implements from Lynchburg, Va., Charlotte, Hickory, Wilson, and Winston-Salem, N.C., to Bladenboro, N.C., and points in North Carolina within 50 miles of Bladenboro; and various other commodities between specified points in North Carolina, Virginia, Maryland, Pennsylvania, Delaware, New York, New Jersey, the District of Columbia, and South Carolina. W. Osborne Lee, Jr., 208 East Fifth Street, Lumberton, N.C. 28538; attorney for applicants.

[SEAL]

H. NEIL GARSON,  
*Secretary.*

[P.R. Doc. 67-13477; Filed, Nov. 15, 1967;  
8:48 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—NOVEMBER

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PART II

Department of Transportation  
Federal Highway Administration

## Initial Federal Motor Vehicle Safety Standards

New Pneumatic Tires and  
Tire Selection and Rims



## Title 23—HIGHWAYS AND VEHICLES

### Chapter II—Vehicle and Highway Safety

[Docket No. 18]

#### PART 255—INITIAL FEDERAL MOTOR VEHICLE SAFETY STANDARDS

##### New Pneumatic Tires and Tire Selection and Rims

A proposal to amend § 255.21 of Part 255, Initial Federal Motor Vehicle Safety Standards, by adding Standard No. 109, New Pneumatic Tires—Passenger Cars; and Standard No. 110, Tire Selection and Rims—Passenger Cars; was published in the FEDERAL REGISTER on July 22, 1967 (32 F.R. 10812).

Interested persons have been afforded an opportunity to participate in the making of the amendment.

Compliance with the labeling requirements of Standard No. 109, established in accordance with section 201 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1421), and the tread wear indicator requirements found in the standard may necessitate the modification of tire molds. Several tire manufacturers requested that additional time be allowed to modify these tire molds. After evaluation of all data received, it was determined that an effective date of August 1, 1968, for paragraphs S4.2.1 and S4.3 would provide a reasonable amount of time to accomplish the necessary mold modifications.

Many comments stated that no practical way is known to permanently affix a label onto the tire sidewall, as would have been required by proposed paragraph S4.3.1 until such time as a label is molded into or onto the tire. Accordingly, S4.3.1 of Standard No. 109 has been modified to permit, until August 1, 1968, the use of a label or tag containing the required labeling information not permanently molded into or onto the tire.

Many comments objected to the limitations imposed by the maximum tire section width dimensions specified in the tables of the notice. The Administrator has determined that additional dimensional latitude is necessary, and therefore Standard No. 109 specifies that to provide for tire growth, protective side ribs, ornamentation, manufacturing tolerances, and design differences for each tire size designation actual tire section width and overall tire width may exceed the section width specified in Table I of the Standard by 7 percent.

In response to requests, additional tire size designations and load/inflation schedules were added when necessary information was available. In addition, Table I of Standard No. 109 and Table II of Standard No. 110 have been combined to collate related information.

Persons desiring an amendment to Standard No. 109 adding tires not presently listed, should submit sufficient pertinent information relative to these tires in 10 copies to the Secretary of

Transportation; Attention: Motor Vehicle Safety Performance Service, National Highway Safety Bureau, Federal Highway Administration, U.S. Department of Transportation, Washington, D.C. 20591.

Data received have shown that the rim references indicated in the proposed Standards were inadequate in coverage. Therefore, a more comprehensive list of foreign and domestic trade association publications containing appropriate rim standards or practices has been referenced in the Standards.

Data received demonstrated that the bead unseating and tire strength requirements were inappropriate for certain groups of small tires. Accordingly, tires were regrouped and the test values revised to provide requirements for these small tires that are proportional to the requirements for other sizes of tires.

Although Standard No. 109 applies to tires for use on passenger cars manufactured after 1948, some of the tires covered by the Standard may also be used on earlier model vehicles.

The testing procedures set forth in the Standard, size designations, and related data are based upon existing standards or practices using information furnished by such organizations as the Society of Automotive Engineers, Federal Trade Commission, Tire and Rim Association, European Tire and Rim Technical Organization, Japanese Standards Association, Japan Automobile Tire Manufacturers Association, Rubber Manufacturers Association, Tyre Manufacturers Conference, Ltd., and the Society of Motor Manufacturers and Traders, Ltd.

To permit production of sufficient quantities of tires complying with the requirements of Standard No. 109 after its effective date of January 1, 1968, Standard No. 110 applies to passenger cars manufactured on or after April 1, 1968.

A single table of load/pressure values for radial ply tires was included in the notice and this was supported by many comments. Other comments stressed the importance of including different load/pressure values for optimum tire deflections. Although a single table of load/pressure schedules combining these values for these radial ply tires would be desirable, it was not considered advisable to include such a table in the standard promulgated under the present notice.

In accordance with section 201 of the Act, S4.3 of Standard No. 109 requires that each tire be labeled with the name of the manufacturer or his brand name and an approved code mark to permit the tire seller to identify the tire manufacturer upon the purchaser's request. Any tire manufacturer desiring an approved code mark should apply for his code number assignment to the Secretary of Transportation; Attention: Motor Vehicle Safety Performance Service, National Highway Safety Bureau, Federal Highway Administration, U.S. Department of Transportation, Washington, D.C. 20591.

Several comments, including the suggested use of a "load range" system, will

be considered for future rule making. (See 32 F.R. 14279.)

Since it was clearly the intent of the Congress that, to enhance the safety of the general public, Federal Motor Vehicle Safety Standards for tires become effective as soon as practicable, and since no adverse comments were received pertinent to the proposed effective date presented in the advance notice of proposed rule making (32 F.R. 2417), at a Government-industry technical meeting, and in the notice of proposed rule making (32 F.R. 10812), and no undue burden was demonstrated, good cause is shown that an effective date earlier than 180 days after issuance is in the public interest.

In consideration of the foregoing, § 255.21 of Part 255, Initial Federal Motor Vehicle Safety Standards, is amended by adding the standards set forth below. Standard No. 109 becomes effective January 1, 1968, and Standard No. 110 becomes effective April 1, 1968.

(Secs. 103, 119, National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407); delegation of authority of Mar. 31, 1967 (32 F.R. 5606), as amended Apr. 6, 1967 (32 F.R. 6495), July 27, 1967 (32 F.R. 11276), Oct. 11, 1967 (32 F.R. 14277), Nov. 8, 1967)

Issued in Washington, D.C., on November 8, 1967.

LOWELL K. BRIDWELL,  
Federal Highway Administrator.

#### MOTOR VEHICLE SAFETY STANDARD NO. 109 NEW PNEUMATIC TIRES—PASSENGER CARS

**S1. Purpose and scope.** This standard specifies tire dimensions and laboratory test requirements for bead unseating resistance, strength, endurance, and high speed performance; defines tire load ratings; and specifies labeling requirements.

**S2. Application.** This standard applies to new pneumatic tires for use on passenger cars manufactured after 1948.

##### S3. Definitions.

"Bead" means that part of the tire made of steel wires, wrapped or reinforced by ply cords, that is shaped to fit the rim.

"Bead separation" means a breakdown of bond between components in the bead area.

"Bias ply tire" means a pneumatic tire in which the ply cords that extend to the beads are laid at alternate angles substantially less than 90° to the centerline of the tread.

"Carcass" means the tire structure, except tread and sidewall rubber.

"Chunking" means the breaking away of pieces of the tread.

"Cord" means the strands forming the plies in the tire.

"Cord separation" means cords parting away from adjacent rubber compounds.

"Groove" means the space between two adjacent tread ribs.

"Load rating" means the maximum load a tire is rated to carry for a given inflation pressure.

"Maximum permissible inflation pressure" means the maximum cold inflation pressure to which a tire may be inflated.

"Maximum load rating" means the load rating at the maximum permissible inflation pressure for that tire.

"Overall width" means the linear distance between the exteriors of the sidewalls of an inflated tire, including elevations due to labeling, decorations, or protective bands or ribs.

"Ply" means a layer of rubber-coated parallel cords.

"Ply separation" means a parting of rubber compound between adjacent plies.

"Pneumatic tire" means a mechanical device made of rubber, chemicals, fabric and steel or other materials, which, when mounted on an automotive wheel, provides the traction and contains the gas or fluid that sustains the load.

"Radial ply tire" means a pneumatic tire in which the ply cords which extend to the beads are laid at substantially 90° to the centerline of the tread.

"Rim" means a metal support for a tire or a tire and tube assembly upon which the tire beads are seated.

"Section width" means the linear distance between the exteriors of the sidewalls of an inflated tire, excluding elevations due to labeling, decoration, or protective bands.

"Sidewall" means that portion of a tire between the tread and the bead.

"Size factor" means the sum of the section width and the outer diameter of a tire determined on the test rim.

"Test rim" means any rim of the applicable rim width specified in Table I for a particular tire size designation with the rim dimensions shown in the 1967 Tire and Rim Association Year Book, the 1967 Tire and Rim Association Supplementary Service Data Book, the Tyre and Wheel Engineering Data Book dated 1965/1966 of the Society of Motor Manufacturers and Traders Limited (SMMT), the Japan Automobile Tire Manufacturers Association, 1966 edition, the Japanese Industrial Standards (JIS-D4203) dated 1966, the European Tire and Rim Technical Organization practices (E.T.R.T.O.), the Deutsche Industrie Norm (DIN) 7818 dated June 1959, or Deutsche Industrie Norm (DIN) 7817 dated August 1962 or an approved equivalent rim.

"Tread" means that portion of a tire that comes into contact with the road.

"Tread rib" means a tread section running circumferentially around a tire.

"Tread separation" means pulling away of the tread from the tire carcass.

**S4. Requirements.**  
S4.1 *Size and Construction.* Each tire shall be designed to fit each rim specified for its size designation in each reference cited in the definition of "test rim" in S3.

S4.2 *Performance Requirements.*  
S4.2.1 *General.* Each tire shall conform to each of the following:

(a) It shall meet the requirements specified in S4.2.2 for its tire size designation, type, and maximum permissible inflation pressure.

(b) Its maximum permissible inflation pressure shall be either 32, 36, or 40 p.s.i.

(c) Its load rating shall be that specified in Table I for its size designation,

type, and each appropriate inflation pressure.

(d) If manufactured on or after August 1, 1968, it shall incorporate a tread wear indicator that will provide a visual indication that the tire has worn to a tread depth of  $\frac{1}{16}$  inch.

S4.2.2 *Test requirements.*  
S4.2.2.1 *Test sample.* For each test sample use—

(a) One tire for physical dimensions, resistance to bead unseating, and strength, in sequence;

(b) Another tire for tire endurance; and

(c) A third tire for high speed performance.

S4.2.2.2 *Physical Dimensions.* Each tire, when measured in accordance with S5.1, shall conform to each of the following:

(a) Its actual section width and overall width shall not exceed by more than 7 percent the section width specified in Table I for its size designation and type; and

(b) Its size factor shall be at least as large as that specified in Table I for its size designation and type.

S4.2.2.3 *Tubeless tire resistance to bead unseating.* When tested in accordance with S5.2, the applied force required to unseat the tire bead at the point of contact shall not be less than:

(a) 1,500 pounds for tires with a designated section width of less than six (6) inches;

(b) 2,000 pounds for tires with a designated section width of six (6) inches or more but less than eight (8) inches;

(c) 2,500 pounds for tires with a designated section width of eight (8) inches or more, using the section width specified in Table I for the applicable tire size designation and type.

S4.2.2.4 *Tire strength.* Each tire shall meet the requirements for minimum breaking energy specified in Table II when tested in accordance with S5.3.

S4.2.2.5 *Tire endurance.* After completion of the laboratory test wheel endurance test specified in S5.4, no tire shall have tread, ply, cord, or bead separation; chunking; or broken cords.

S4.2.2.6 *High speed performance.* After completion of the laboratory high speed performance test specified in S5.5, no tire shall have tread, ply, cord, or bead separation; chunking; or broken cords.

S4.3 *Labeling requirements.* Except as provided in S4.3.1, each tire shall be conspicuously labeled on both sidewalls with each of the following permanently molded into or onto the tire:

(a) Size designation.

(b) Maximum permissible inflation pressure.

(c) Maximum load rating.

(d) Identification of manufacturer by—

(1) Name; or

(2) Brand name and an approved code mark.

(e) Composition of the material used in the ply cord.

(f) Actual number of plies in the sidewall and the actual number of plies in the tread area, if different.

(g) The word "tubeless" or "tube type", as applicable.

(h) The word "radial", if a radial ply tire.

(i) An approved recital (or the symbol specified in Figure 1) that the tire conforms to applicable Federal Motor Vehicle Safety Standards.

S4.3.1 Until August 1, 1968, the labeling requirements of S4.3 may be met by affixing to each tire a label or tag that incorporates all specified information not molded into or onto the tire.

S5. *Test procedures.*

S5.1 *Physical Dimensions.* Determine tire physical dimensions under uniform ambient conditions as follows:

(a) Mount the tire on a test rim and inflate it to the applicable pressure specified in Table III.

(b) Condition it at ambient room temperature for at least 24 hours.

(c) Readjust pressure to that specified in (a).

(d) Caliper the section width and overall width at six points approximately equally spaced around the tire circumference.

(e) Record the average of these measurements as the section width and overall width, respectively.

(f) Determine tire outer diameter by measuring the maximum circumference of the tire and dividing this dimension by pi (3.14).

S5.2 *Tubeless tire bead unseating resistance.*

S5.2.1 *Preparation of tire-wheel assembly.*

S5.2.1.1 Wash the tire, dry it at the beads, and mount it without lubrication or adhesives on a clean, painted test rim.

S5.2.1.2 Inflate it to the applicable pressure specified in Table III at ambient room temperature.

S5.2.1.3 Mount the wheel and tire in the fixture shown in Figure 2, and force the standard block shown in Figure 3 against the tire sidewall as required by the geometry of the fixture.

S5.2.2 *Test procedure.*

S5.2.2.1 Apply a load through the block to the tire outer sidewall at the distance specified in Figure 2 for the applicable wheel size at a rate of 2 inches per minute, with the load arm substantially parallel to the tire and rim assembly at the time of engagement.

S5.2.2.2 Increase the load until the bead unseats or the applicable value specified in S4.2.2.3 is reached.

S5.2.2.3 Repeat the test at least four places equally spaced around the tire circumference.

S5.3 *Tire strength.*

S5.3.1 *Preparation of tire.*

S5.3.1.1 Mount the tire on a test rim and inflate it to the applicable pressure specified in Table III;

S5.3.1.2 Condition it at room temperature for at least 3 hours; and

S5.3.1.3 Readjust its pressure to that specified in S5.3.1.1.

S5.3.2 *Test procedure.*

S5.3.2.1 Force a  $\frac{3}{4}$ -inch diameter cylindrical steel plunger with a hemispherical end perpendicularly into the tread rib as near to the centerline as possible, avoiding penetration into the

tread groove, at the rate of 2 inches per minute.

S5.3.2.2 Record the force and penetration at five test points equally spaced around the circumference of the tire. If the tire fails to break before the plunger is stopped by reaching the rim, record the force and penetration as the rim is reached and use these values in S5.3.2.3.

S5.3.2.3 Compute the breaking energy for each test point by means of the following formula:

$$W = \frac{F \times P}{2}$$

where

W = Energy, inch-pounds;  
F = Force, pounds; and  
P = Penetration, inches.

S5.3.2.4 Determine the breaking energy value for the tire by computing the average of the five values obtained in accordance with S5.3.2.3.

S5.4 Tire endurance.

S5.4.1 Preparation of tire.

S5.4.1.1 Mount a new tire on a test rim and inflate it to the applicable pressure specified in Table III.

S5.4.1.2 Condition the tire assembly to 100±5° F. for at least three hours.

S5.4.1.3 Readjust tire pressure to that specified in S5.4.1.1 immediately before testing.

S5.4.2 Test procedure.

S5.4.2.1 Mount the tire and wheel assembly on a test axle and press it against a flat-faced steel test wheel 67.23 inches in diameter and at least as wide as the section width of the tire to be tested or an approved equivalent test wheel, with the applicable test load specified in Table I for the tire's size designation, type, and maximum permissible inflation pressure.

S5.4.2.2 During the test, the air surrounding the test area shall be 100±5° F.

S5.4.2.3 Conduct the test at 50 miles per hour in accordance with the following schedule without interruption:

Maximum permissible inflation pressure (p.s.i.)	Load (from table I)--		
	For 4 hours	For 6 hours	For 24 hours
32	24 p.s.i. column.	28 p.s.i. column.	32 p.s.i. column.
36	28 p.s.i. column.	32 p.s.i. column.	36 p.s.i. column.
40	32 p.s.i. column.	36 p.s.i. column.	40 p.s.i. column.

S5.5 High speed performance.

S5.5.1 After preparing the tire in accordance with S5.4.1, mount the tire and wheel assembly in accordance with S5.4.2.1, and press it against the test wheel with the load specified in Table I for the tire's size designation and the applicable pressure specified in Column B of the following table:

A Maximum permissible inflation pressure (p.s.i.)	B Load from Table I
32	24 p.s.i. column.
36	28 p.s.i. column.
40	32 p.s.i. column.

S5.5.2 Break in the tire by running it for 2 hours at 50 m.p.h.

S5.5.3 Allow it to cool to 100±5° F. and readjust the inflation pressure to the applicable pressure specified in Table III.

S5.5.4 Without readjusting inflation pressure, test at 75 m.p.h. for 30 minutes, 80 m.p.h. for 30 minutes, and (except deep-tread, winter-type tires) 85 m.p.h. for 30 minutes.

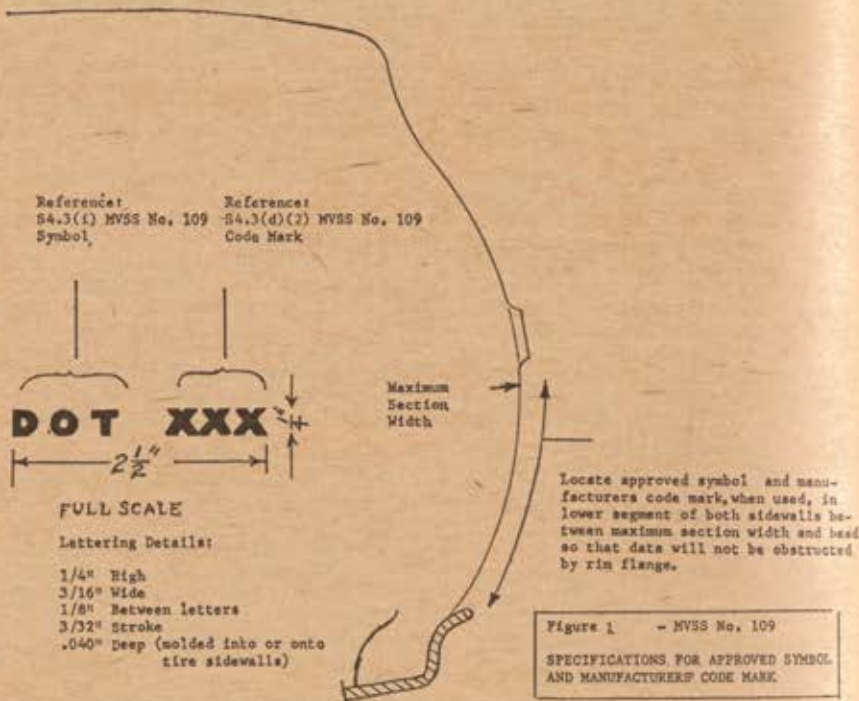


Figure 1 - MVSS No. 109  
SPECIFICATIONS FOR APPROVED SYMBOL AND MANUFACTURER'S CODE MARK.

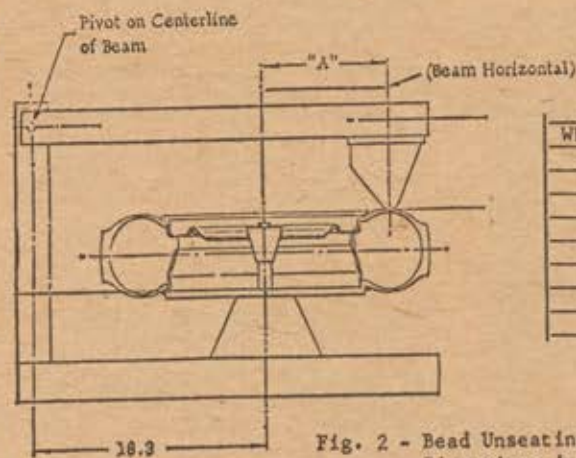
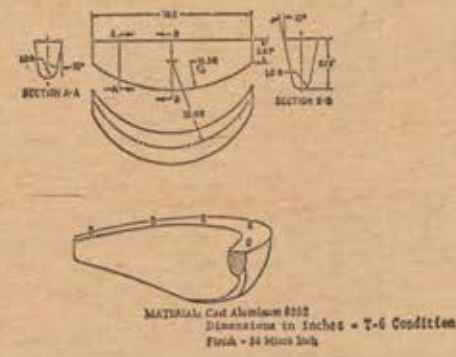


Fig. 2 - Bead Unseating Test Fixture  
Dimensions in inches

Wheel Size	Dim "A"
17"	12.0
16"	11.5
15"	11.0
14"	10.5
13"	10.0
12"	9.5
11"	9.0
10"	8.5

Figure 3. Diagram of Bead Unseating Block.



RULES AND REGULATIONS

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TABLE I-A

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR CONVENTIONAL AND LOW SECTION HEIGHT BIAS PLY TIRES

Tire size designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width <sup>1</sup> (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
6.00-13			770	820	860	900	930	970	1,010	1,040	1,080	1,110	1,140	4	29.37	6.00
6.50-13			890	930	980	1,030	1,070	1,110	1,150	1,190	1,230	1,270	1,300	4½	30.75	6.00
7.00-13			980	1,030	1,080	1,130	1,180	1,230	1,270	1,310	1,360	1,400	1,440	5	31.88	7.10
6.50-14			840	900	930	980	1,020	1,060	1,100	1,130	1,170	1,210	1,240	4	30.64	6.10
7.00-14			930	990	1,030	1,080	1,130	1,170	1,210	1,250	1,300	1,330	1,370	4½	31.75	6.60
7.50-14			1,030	1,100	1,140	1,190	1,240	1,290	1,340	1,380	1,430	1,470	1,530	5	32.88	7.10
8.00-14			1,150	1,230	1,280	1,340	1,390	1,450	1,500	1,550	1,600	1,650	1,700	5½	34.19	7.65
8.50-14			1,240	1,320	1,380	1,440	1,500	1,560	1,620	1,670	1,730	1,780	1,830	6	35.17	8.10
9.00-14			1,330	1,420	1,480	1,550	1,610	1,670	1,740	1,790	1,850	1,910	1,960	6	35.91	8.35
9.50-14			1,430	1,510	1,580	1,660	1,730	1,790	1,860	1,920	1,990	2,050	2,100	6½	36.91	8.80
10.00-14			1,560	1,650	1,730	1,820	1,900	1,980	2,060	2,140	2,220	2,300	2,380	7	38.17	9.30
6.50-15			950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,310	1,350	1,390	5	32.92	7.30
7.00-15			1,060	1,120	1,160	1,210	1,260	1,310	1,360	1,400	1,450	1,490	1,540	5	33.96	7.90
7.50-15			1,150	1,210	1,270	1,330	1,390	1,440	1,500	1,550	1,600	1,650	1,690	5½	34.99	7.75
8.00-15			1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,670	1,730	1,780	1,830	6	35.11	8.20
8.50-15			1,360	1,430	1,510	1,580	1,660	1,710	1,770	1,830	1,890	1,950	2,000	6	36.06	8.50
9.00-15			1,470	1,550	1,630	1,710	1,790	1,860	1,920	1,990	2,050	2,110	2,160	6½	36.82	8.95
9.50-15			1,580	1,670	1,750	1,830	1,910	1,990	2,060	2,140	2,220	2,290	2,360	7	37.74	9.05
10.00-15			1,700	1,800	1,880	1,960	2,040	2,120	2,200	2,280	2,360	2,440	2,520	7½	38.75	9.60
6.00-16			890	940	980	1,030	1,070	1,110	1,150	1,190	1,230	1,270	1,300	4	31.64	6.10
6.50-16			980	1,040	1,080	1,130	1,180	1,230	1,270	1,320	1,360	1,400	1,440	4½	32.75	6.60
7.00-16			1,110	1,180	1,230	1,290	1,340	1,400	1,450	1,500	1,550	1,600	1,640	4½	33.95	7.00
7.50-16			1,220	1,300	1,350	1,400	1,460	1,510	1,570	1,620	1,680	1,730	1,790	5	35.28	7.50
8.00-16			1,330	1,420	1,480	1,540	1,600	1,650	1,710	1,760	1,820	1,880	1,930	5½	36.05	7.90
8.50-16			1,440	1,540	1,600	1,660	1,720	1,780	1,840	1,900	1,960	2,020	2,080	6	36.84	8.30
9.00-16			1,550	1,660	1,720	1,780	1,840	1,900	1,960	2,020	2,080	2,140	2,200	6	37.45	8.50
9.50-16			1,660	1,780	1,840	1,900	1,960	2,020	2,080	2,140	2,200	2,260	2,320	6½	37.92	9.05
10.00-16			1,770	1,900	1,960	2,020	2,080	2,140	2,200	2,260	2,320	2,380	2,440	7	38.47	9.25
6.00-17	1,000	1,150	1,215	1,280	1,345	1,405	1,465	1,525	1,580	1,635	1,690	1,740	1,790	4½	35.59	6.80
6.50-17		1,185	1,240	1,300	1,355	1,410	1,465	1,525	1,580	1,635	1,690	1,740	1,795	4½	35.60	7.40
7.00-17			1,395	1,440	1,515	1,585	1,650	1,715	1,780	1,840	1,900			5	37.02	7.35
7.50-17			1,565	1,650	1,735	1,810	1,890	1,960	2,035	2,105	2,175			5½	38.02	8.40
8.00-17		1,215	1,275	1,330	1,390	1,450	1,500	1,560	1,620	1,680	1,740	1,795	1,850	5	37.00	7.00

<sup>1</sup>Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

TABLE I-B

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS AND SECTION WIDTHS FOR "70 SERIES" BIAS PLY TIRES

Tire size designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width <sup>1</sup> (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
D70-14			1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	5½	32.87	7.85
E70-14			1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580	5½	33.45	8.05
F70-14			1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	5½	34.18	8.30
G70-14			1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	6	35.14	8.75
H70-14			1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	6	36.19	9.10
I70-14			1,450	1,530	1,600	1,670	1,730	1,790	1,860	1,920	1,980	2,040	2,100	6½	36.91	9.50
E70-15			1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580	6	34.17	8.10
F70-15			1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	6	34.91	8.35
G70-15			1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	6	35.68	8.60
H70-15			1,360	1,440	1,510	1,580	1,650	1,720	1,790	1,860	1,930	1,980	2,040	6	36.08	8.95
I70-15			1,450	1,530	1,600	1,670	1,730	1,790	1,860	1,920	1,980	2,040	2,100	6½	37.34	9.35
K70-15			1,490	1,560	1,620	1,690	1,750	1,820	1,890	1,970	2,030	2,090	2,150	6½	37.62	9.40
L70-15			1,530	1,600	1,680	1,750	1,830	1,900	1,970	2,040	2,100	2,170	2,230	6½	38.09	9.60
D70-16			1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	5½	33.34	7.75
L70-16			1,520	1,600	1,680	1,750	1,830	1,900	1,970	2,040	2,100	2,170	2,230	6½	37.59	9.80

<sup>1</sup>Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

TABLE I-C  
TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS, FOR BIAS PLY TIRES

Tire size designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
<b>"SUPER BALLOON" SIZES</b>																
5.20-10	350	395	440	485	530	555	575	605	625	650	670	695	715	3½	24.84	5.20
5.90-10	385	430	475	515	550	580	605	630	650	675	700	725	745	4	24.00	5.90
5.20-12	395	445	495	545	595	625	655	685	710	735	760	785	810	3½	26.70	5.20
5.90-12	460	520	575	620	670	715	760	795	825	855	885	915	940	4	27.53	5.90
5.20-13	460	505	550	595	640	665	700	730	755	785	810	835	860	4	28.00	5.20
5.90-13	505	555	605	655	705	735	775	805	835	865	895	925	955	4½	27.00	5.90
5.20-14	430	485	540	590	640	670	710	740	765	795	820	850	875	3½	27.72	5.20
5.90-14	495	560	620	675	725	770	810	850	880	910	945	975	1,005	4	28.92	5.90
5.20-15	555	625	695	755	815	860	905	935	970	1,005	1,040	1,075	1,105	4	29.74	5.20
5.90-15	620	705	790	845	915	945	985	1,025	1,060	1,100	1,140	1,175	1,210	4½	28.00	5.90
5.20-16	520	590	660	730	790	830	870	910	945	985	1,020	1,060	1,100	4½	31.20	5.20
5.90-16	590	675	765	825	1,000	1,045	1,095	1,135	1,175	1,220	1,260	1,305	1,340	4½	32.14	5.90
5.20-17	590	675	765	825	915	955	1,005	1,045	1,085	1,130	1,160	1,200	1,240	5	30.00	5.20
5.90-17	630	745	795	845	915	955	1,005	1,045	1,085	1,130	1,160	1,200	1,240	5	30.00	5.90
5.20-18	475	535	595	645	695	735	785	825	855	885	915	945	975	3½	28.89	5.20
5.90-18	530	595	660	715	770	815	855	890	920	955	990	1,020	1,050	4	29.94	5.90
5.20-19	585	660	730	785	850	895	925	970	1,005	1,040	1,080	1,115	1,145	4	30.76	5.20
5.90-19	660	745	825	890	960	1,000	1,050	1,090	1,130	1,170	1,210	1,250	1,290	4½	32.10	5.90
6.45-19	800	910	990	1,070	1,150	1,230	1,310	1,390	1,470	1,550	1,630	1,710	1,790	4½	30.92	6.45
5.20-20	505	570	630	695	740	780	830	870	900	935	965	1,000	1,030	3½	29.75	5.20
5.90-20	555	625	695	755	815	860	905	935	970	1,005	1,040	1,075	1,105	4	30.87	5.90
5.90-15	615	695	770	825	890	935	980	1,015	1,050	1,090	1,130	1,165	1,200	4	31.77	5.90
<b>"LOW SECTION" SIZES</b>																
5.00-12	370	420	465	505	540	565	580	605	625	650	670	695	715	3½	25.62	5.00
5.50-12	415	470	520	560	605	635	665	695	720	745	770	800	820	4	26.93	5.50
6.00-12	485	545	605	655	705	735	765	795	815	845	875	905	935	4½	28.33	6.00
5.00-13	410	460	510	545	585	610	635	660	685	710	735	755	780	3½	26.64	5.00
5.50-13	445	495	550	595	640	670	710	740	765	795	820	850	875	4	27.95	5.50
7.25-13	730	825	915	990	1,070	1,110	1,160	1,200	1,245	1,290	1,335	1,380	1,420	5	32.51	7.25
7.50-13	775	875	970	1,040	1,120	1,180	1,225	1,270	1,315	1,365	1,410	1,460	1,500	5½	33.22	7.50
5.50-15L	605	670	730	775	825	860	890	920	945	970	1,000	1,030	1,060	4	29.97	5.50
6.00-15L	665	735	795	840	890	920	950	970	1,005	1,040	1,080	1,115	1,145	4½	31.29	6.00
6.50-15L	675	755	840	900	970	1,010	1,060	1,105	1,145	1,185	1,230	1,270	1,305	4½	32.68	6.50
7.00-15L	760	855	950	1,025	1,100	1,145	1,190	1,235	1,280	1,325	1,375	1,420	1,460	5	33.85	7.00
<b>"SUPER LOW SECTION" SIZES</b>																
145-10/5.05-10	380	430	475	515	550	580	605	630	650	675	700	725	745	4	24.76	5.70
125-12/5.35-12	335	380	420	450	485	510	535	550	570	590	610	630	650	3½	24.06	5.30
135-12/5.65-12	370	420	465	505	540	570	590	620	640	665	690	710	730	4	25.53	5.70
145-12/5.95-12	440	495	550	595	640	665	700	730	755	785	810	840	865	4	26.69	5.70
155-12/6.15-12	485	545	605	655	705	735	775	805	835	865	895	925	950	4½	27.95	6.15
135-13/5.65-13	415	470	520	555	595	625	655	685	710	735	760	785	810	4	28.53	5.70
145-13/5.95-13	470	525	585	620	670	705	745	770	800	825	855	885	910	4	27.61	5.70
155-13/6.15-13	515	575	640	700	750	780	820	850	880	915	945	975	1,005	4½	28.44	6.15
165-13/6.45-13	575	645	715	770	825	865	905	935	970	1,005	1,040	1,075	1,105	5	29.52	6.45
175-13/6.95-13	635	715	795	845	915	955	1,005	1,045	1,085	1,120	1,160	1,200	1,235	5½	30.34	7.00
185-13/7.35-13	695	785	870	945	1,010	1,060	1,115	1,160	1,205	1,245	1,290	1,335	1,370	5½	31.41	7.50
135-14/5.65-14	440	495	550	595	640	670	705	735	765	795	825	855	885	4	27.54	5.70
145-14/5.95-14	495	560	620	665	715	750	785	815	845	875	905	935	965	4	28.54	6.15
155-14/6.15-14	540	610	675	730	780	825	860	895	925	960	995	1,030	1,060	4½	29.45	6.15
125-15/5.35-15	395	445	495	535	570	600	625	650	675	700	720	745	770	3½	27.69	5.30
135-15/5.65-15	460	520	575	610	660	690	720	750	775	805	835	860	885	4	28.53	5.70
145-15/5.95-15	520	585	650	710	760	790	830	860	895	925	955	985	1,015	4	29.54	5.70
155-15/6.35-15	585	660	730	780	835	875	915	950	985	1,020	1,055	1,090	1,125	4½	30.45	6.15
175-15/7.15-15	705	795	880	955	1,030	1,070	1,125	1,170	1,215	1,255	1,300	1,345	1,385	5	32.42	7.00
235-15	1,150	1,295	1,435	1,545	1,660	1,735	1,825	1,895	1,965	2,035	2,110	2,180	2,245	6½	38.26	9.50

1 Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

TABLE I-D

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS AND SECTION WIDTHS FOR DASH (-) RADIAL TIRES

Tire size designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width <sup>1</sup> (inches)
	10	18	20	22	24	26	28	30	32	34	36	38	40			
175-13			810	800	920	980	1,040	1,100	1,150	1,200	1,240	1,300	1,350	4½	20.30	6.40
185-12			870	940	1,010	1,080	1,140	1,210	1,270	1,330	1,390	1,450	1,510	5	21.42	7.25
195-12			970	1,040	1,110	1,180	1,250	1,320	1,400	1,450	1,520	1,580	1,640	5½	22.38	7.70
175-14			830	900	960	1,030	1,100	1,160	1,230	1,280	1,350	1,400	1,470	4	21.63	7.09
185-14			920	1,000	1,070	1,140	1,220	1,290	1,360	1,420	1,500	1,560	1,640	4	22.59	7.39
195-14			1,020	1,100	1,180	1,270	1,340	1,420	1,500	1,570	1,650	1,720	1,800	5½	23.69	7.80
205-14			1,100	1,180	1,270	1,360	1,450	1,540	1,620	1,700	1,770	1,860	1,940	6	24.82	8.10
215-14			1,200	1,300	1,390	1,510	1,580	1,670	1,770	1,850	1,920	2,010	2,100	6	25.79	8.60
225-14			1,320	1,420	1,510	1,610	1,710	1,800	1,900	1,970	2,050	2,150	2,230	6½	26.44	8.95
185-15			1,000	1,070	1,140	1,210	1,280	1,350	1,420	1,490	1,540	1,600	1,660	5½	27.45	9.45
195-15			1,080	1,160	1,240	1,330	1,400	1,470	1,550	1,620	1,680	1,760	1,820	5½	28.42	9.75
205-15			1,190	1,280	1,370	1,450	1,530	1,620	1,700	1,780	1,840	1,920	2,000	6	29.44	10.10
215-15			1,280	1,380	1,480	1,570	1,660	1,760	1,860	1,940	2,020	2,100	2,200	6	30.45	10.35
225-15			1,370	1,470	1,580	1,670	1,780	1,880	1,980	2,060	2,150	2,240	2,340	6½	31.46	10.80
235-15			1,430	1,540	1,640	1,750	1,850	1,960	2,060	2,160	2,250	2,350	2,450	6½	32.47	11.05
185-16	495	525	545	565	585	605	625	640	675	675	685	700	710	4	24.76	5.79
195-16	495	430	445	465	480	495	505	525	535	550	560	575	580	3½	24.68	4.90
185-17	480	510	530	550	565	585	600	620	635	650	665	675	685	4	25.53	5.29
195-17	570	605	625	650	675	695	715	740	760	775	790	805	815	4	26.69	5.79
205-17	630	670	695	720	745	770	795	820	840	860	875	890	905	4½	27.36	6.18
215-17	515	545	565	590	610	630	650	670	690	705	715	730	740	4	26.53	5.39
225-17	605	640	665	690	720	740	760	790	815	830	845	855	870	4	27.61	5.79
235-17	670	710	735	765	790	815	840	870	895	910	925	940	955	4½	28.44	6.18
185-18	555	585	610	635	655	675	695	720	740	750	765	780	790	4	27.54	5.39
195-18	645	680	710	735	760	785	810	840	865	885	905	920	935	4	28.54	5.79
205-18	495	525	545	565	585	605	625	640	655	670	685	700	710	3½	27.69	5.00
215-18	585	620	645	670	695	715	735	755	775	795	810	825	840	4	28.53	5.39
225-18	680	720	750	780	805	830	855	875	895	920	940	960	975	4	29.54	5.70
235-18	740	785	815	850	880	905	930	955	980	1,005	1,025	1,045	1,060	4½	30.45	6.18
185-19	925	980	1,020	1,060	1,095	1,130	1,170	1,190	1,230	1,260	1,280	1,305	1,325	4½	32.04	6.62

<sup>1</sup> Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

TABLE I-E

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR TYPE G-77 BIAS PLY TIRES

Tire size designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width <sup>1</sup> (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
077-14			1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,770	1,780	1,830	6	35.04	8.45

<sup>1</sup> Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

TABLE I-F

TIRE LOAD RATINGS, RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR DASH (-) RADIAL TIRES

Tire size designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width <sup>1</sup> (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
130-10	435	460	485	510	535	560	585	615	635	660	685	710	735	3½	28.84	5.20
140-12	480	495	515	535	555	575	595	615	635	660	670	690	710	3½	28.62	5.04
150-12	515	540	565	590	615	640	665	695	715	740	765	790	815	3½	28.70	5.20
160-12	520	545	570	595	620	650	670	705	725	750	775	800	825	4	28.63	5.59
170-12	600	620	645	670	695	720	740	770	800	825	850	875	900	4	27.83	5.71
180-12	535	555	575	590	615	630	650	670	690	705	725	745	765	3½	26.64	5.04
190-12	570	595	620	645	670	695	720	750	770	795	820	845	870	3½	27.22	5.20
200-12	575	600	625	650	675	695	725	750	775	795	825	850	875	4	27.95	5.59
210-12	655	685	710	740	765	795	825	855	880	905	935	960	990	4	28.92	5.71
220-12	675	705	735	760	790	815	845	875	900	925	950	975	1,005	4	29.37	6.00
230-12	705	780	805	830	860	885	915	940	965	990	1,015	1,045	1,070	4	29.74	6.30
240-12	810	840	870	905	940	970	1,005	1,040	1,070	1,100	1,135	1,165	1,200	4½	31.26	6.42
250-12	860	890	920	955	990	1,025	1,060	1,095	1,130	1,160	1,190	1,220	1,250	4½	30.75	6.60
260-12	870	910	950	985	1,025	1,060	1,100	1,145	1,175	1,215	1,255	1,295	1,335	5	31.38	7.10
275-12	940	980	1,020	1,060	1,100	1,135	1,175	1,215	1,255	1,295	1,335	1,370	1,410	5	32.51	7.24
130-14	605	640	670	700	730	760	795	830	855	885	915	950	980	3½	28.89	5.20
140-14	750	785	815	845	875	905	935	970	995	1,025	1,055	1,085	1,115	4	30.76	5.91
150-14	925	960	1,000	1,040	1,075	1,115	1,155	1,195	1,235	1,270	1,300	1,350	1,380	5	32.88	7.10
160-14	1,065	1,100	1,140	1,180	1,220	1,260	1,300	1,340	1,380	1,415	1,450	1,500	1,540	5½	34.19	7.65
170-14	705	780	805	830	860	885	915	940	965	990	1,015	1,045	1,075	4	30.87	5.71
180-14	885	925	965	1,005	1,040	1,080	1,120	1,160	1,200	1,235	1,275	1,310	1,350	4½	33.26	6.42
190-14	975	1,015	1,055	1,095	1,130	1,170	1,215	1,255	1,300	1,325	1,365	1,405	1,445	4½	33.95	6.70
200-14	1,160	1,200	1,245	1,285	1,325	1,370	1,415	1,465	1,500	1,525	1,575	1,610	1,655	5½	36.00	7.90
210-14	690	775	860	935	1,000	1,045	1,090	1,135	1,175	1,220	1,260	1,305	1,340	4½	32.14	6.60

<sup>1</sup> Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

RULES AND REGULATIONS

TABLE I-G  
TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS AND SECTION WIDTHS FOR "70 SERIES" TYPE "B" RADIAL TIRES

Tire size designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width † (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
DR70-14			1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	5 1/2	32.75	7.90
ER70-14			1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580	5 1/2	33.42	8.10
FR70-14			1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	6	34.34	8.33
GR70-14			1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	6	35.12	8.53
HR70-14			1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	6 1/2	36.21	8.80
JR70-14			1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	6 1/2	36.86	9.10
LR70-14			1,520	1,600	1,680	1,750	1,830	1,900	1,970	2,040	2,100	2,170	2,230	6 1/2	37.50	9.30
DR70-15			1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	5 1/2	33.91	7.75
ER70-15			1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580	5 1/2	34.67	7.95
FR70-15			1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	6	35.65	8.05
GR70-15			1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	6	36.83	8.20
HR70-15			1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	6 1/2	37.31	8.50
JR70-15			1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	6 1/2	37.62	8.80
KR70-15			1,460	1,540	1,620	1,690	1,770	1,830	1,900	1,970	2,030	2,090	2,150	6 1/2	37.62	9.10
LR70-15			1,520	1,600	1,680	1,750	1,830	1,900	1,970	2,040	2,100	2,170	2,230	6 1/2	38.06	9.35

† Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

TABLE I-H  
TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR TYPE "B" RADIAL TIRES

Tire size designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width † (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
165R13			770	820	860	904	930	970	1,010	1,040	1,080	1,110	1,140	4 1/2	29.15	6.40
175R13			890	930	980	1,030	1,070	1,110	1,150	1,190	1,230	1,270	1,300	4 1/2	30.30	6.75
185R13			980	1,030	1,080	1,130	1,180	1,230	1,270	1,310	1,360	1,400	1,440	5	31.42	7.25
195R13			1,060	1,110	1,170	1,220	1,280	1,320	1,370	1,420	1,470	1,510	1,550	5 1/2	32.28	7.70
155R14			780	820	860	900	940	970	1,010	1,040	1,080	1,110	1,140	4	29.51	6.05
165R14			860	910	960	1,000	1,040	1,080	1,120	1,160	1,200	1,240	1,270	4 1/2	30.65	6.55
175R14			950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,310	1,350	1,390	5	31.63	7.00
185R14			1,040	1,100	1,160	1,210	1,260	1,310	1,360	1,400	1,450	1,490	1,540	5	32.59	7.30
195R14			1,150	1,210	1,270	1,330	1,390	1,440	1,500	1,550	1,600	1,650	1,690	5 1/2	33.09	7.80
205R14			1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,670	1,730	1,780	1,830	6	34.82	8.80
215R14			1,360	1,430	1,510	1,580	1,640	1,710	1,770	1,830	1,890	1,950	2,000	6	35.79	8.60
225R14			1,430	1,510	1,580	1,660	1,730	1,790	1,860	1,920	1,990	2,050	2,100	6 1/2	36.44	8.95
165R15			870	910	960	1,000	1,050	1,090	1,130	1,170	1,200	1,240	1,270	4 1/2	31.15	6.40
175R15			950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,390	5	32.30	6.90
185R15			1,070	1,130	1,180	1,240	1,290	1,340	1,390	1,440	1,480	1,530	1,570	5 1/2	33.58	7.45
195R15			1,150	1,210	1,270	1,330	1,380	1,440	1,490	1,540	1,590	1,640	1,690	5 1/2	34.22	7.65
205R15			1,240	1,300	1,370	1,430	1,490	1,550	1,610	1,660	1,720	1,770	1,820	6	35.20	8.10
215R15			1,340	1,410	1,480	1,550	1,620	1,680	1,740	1,800	1,860	1,920	1,970	6	36.00	8.35
225R15			1,430	1,510	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	6 1/2	36.94	8.80
235R15			1,510	1,600	1,680	1,750	1,830	1,900	1,970	2,030	2,100	2,160	2,230	6 1/2	37.75	9.05

† Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

TABLE II-A—MINIMUM BREAKING ENERGY VALUES (INCH-POUNDS)

TABLE II-A—FOR BIAS PLY TIRES WITH SIZE DESIGNATION OF 6.00 (OR 155 MILLIMETERS) AND ABOVE AND 70 SERIES TIRES

Cord material	Maximum permissible inflation pressure		
	32 p.s.i.	36 p.s.i.	40 p.s.i.
Rayon	1,650 in.-lbs.	2,475 in.-lbs.	3,300 in.-lbs.
Nylon or polyester	2,600 in.-lbs.	3,900 in.-lbs.	5,300 in.-lbs.

TABLE II-C—FOR RADIAL PLY TIRES

Size designation	Maximum permissible inflation pressure		
	32 p.s.i.	36 p.s.i.	40 p.s.i.
Below 160 millimeters	1,950 in.-lbs.	2,925 in.-lbs.	3,900 in.-lbs.
160 millimeters or above	2,600 in.-lbs.	3,900 in.-lbs.	5,300 in.-lbs.

TABLE II-B—FOR BIAS PLY TIRES WITH SIZE DESIGNATION BELOW 6.00 INCHES (OR 155 MILLIMETERS)

Cord material	Maximum permissible inflation pressure		
	32 p.s.i.	36 p.s.i.	40 p.s.i.
Rayon	1,000 in.-lbs.	1,575 in.-lbs.	2,500 in.-lbs.
Nylon or polyester	1,900 in.-lbs.	2,925 in.-lbs.	3,900 in.-lbs.

TABLE III

TEST INFLATION PRESSURES

Maximum permissible inflation pressure (in p.s.i.)	32	36	40
Pressure (in p.s.i.) to be used in tests for physical dimensions, bead unseating, tire strength, and tire endurance	24	28	32
Pressure (in p.s.i.) to be used in test or high speed performance	30	34	38

MOTOR VEHICLE SAFETY STANDARD No. 110

TIRE SELECTION AND RIMS—PASSENGER CARS

S1. Purpose and scope. This standard specifies requirements for tire selection to prevent tire overloading.

S2. Application. This standard applies to passenger cars.

S3. Definitions.

"Accessory weight" means the combined weight (in excess of those standard items which may be replaced) of automatic transmission, power steering, power brakes, power windows, power seats, radio, and heater, to the extent that these items are available as factory-installed equipment (whether installed or not).

"Curb weight" means the weight of a motor vehicle with standard equipment including the maximum capacity of fuel, oil, and coolant, and, if so equipped, air conditioning and additional weight optional engine.



"Maximum loaded vehicle weight" means the sum of—

- (a) Curb weight;
- (b) Accessory weight;
- (c) Vehicle capacity weight; and
- (d) Production options weight.

"Normal occupant weight" means 150 pounds times the number of occupants specified in the second column of Table I.

"Occupant distribution" means distribution of occupants in a vehicle as specified in the third column of Table I.

"Production options weight" means the combined weight of those installed regular production options weighing over 5 pounds in excess of those standard items which they replace, not previously considered in curb weight or accessory weight, including heavy duty brakes, ride levelers, roof rack, heavy duty battery, and special trim.

"Vehicle capacity weight" means the rated cargo and luggage load plus 150 pounds times the vehicles designated seating capacity.

TABLE I

OCCUPANT LOADING AND DISTRIBUTION FOR VEHICLE NORMAL LOAD FOR VARIOUS DESIGNATED SEATING CAPACITIES

Designated seating capacity, number of occupants	Vehicle normal load, number of occupants	Occupant distribution in a normally loaded vehicle
2 through 4	2	2 in front.
5 through 10	3	2 in front, 1 in second seat.

"Vehicle maximum load on the tire" means that load on an individual tire that is determined by distributing to each axle its share of the maximum loaded vehicle weight and dividing by two.

"Vehicle normal load on the tire" means that load on an individual tire that is determined by distributing to each axle its share of the curb weight, accessory weight, and normal occupant weight (distributed in accordance with Table I) and dividing by two.

**S4. Requirements.**

**S4.1 General.** Passenger Cars shall be equipped with tires that meet the requirements of Motor Vehicle Safety Standard No. 109, "New Pneumatic Tires—Passenger Cars."

**S4.2 Tire load limits.**

**S4.2.1** The vehicle maximum load on the tire shall not be greater than the applicable maximum load rating specified in Table I of Motor Vehicle Safety Standard No. 109 for the tire's size designation and type.

**S4.2.2** The vehicle normal load on the tire shall not be greater than the test load used in the high speed performance test specified in S5.5 of Motor Vehicle Safety Standard No. 109 for that tire.

**S4.3 Placard.** A placard, permanently affixed to the glove compartment door or an equally accessible location, shall display the—

- (a) Vehicle capacity weight;
- (b) Designated seating capacity (expressed in terms of total number of oc-

cupants and in terms of occupants for each seat location);

(c) Vehicle manufacturer's recommended cold tire inflation pressure for maximum loaded vehicle weight and, subject to the limitations of S4.3.1, for any other manufacturer-specified vehicle loading condition; and

(d) Vehicle manufacturer's recommended tire size designation.

**S4.3.1** No inflation pressure other than the maximum permissible inflation pressure may be specified unless—

(a) It is less than the maximum permissible inflation pressure;

(b) The vehicle loading condition for that pressure is specified; and

(c) The tire load rating from Table I of Motor Vehicle Safety Standard No. 109 for the tire at that pressure is not less than the vehicle load on the tire for that vehicle loading condition.

**S4.4 Rims.**

**S4.4.1 Requirements.** Each rim shall:

(a) Be constructed to the dimensions of a rim specified for the applicable tire's size designation in a reference cited in the definition of test rim in S3. of Motor Vehicle Safety Standard No. 109.

(b) In the event of rapid loss of inflation pressure with the vehicle traveling in a straight line at a speed of 60 miles per hour, retain the deflated tire until the vehicle can be stopped with a controlled braking application.

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