

FEDERAL REGISTER

VOLUME 33 • NUMBER 32

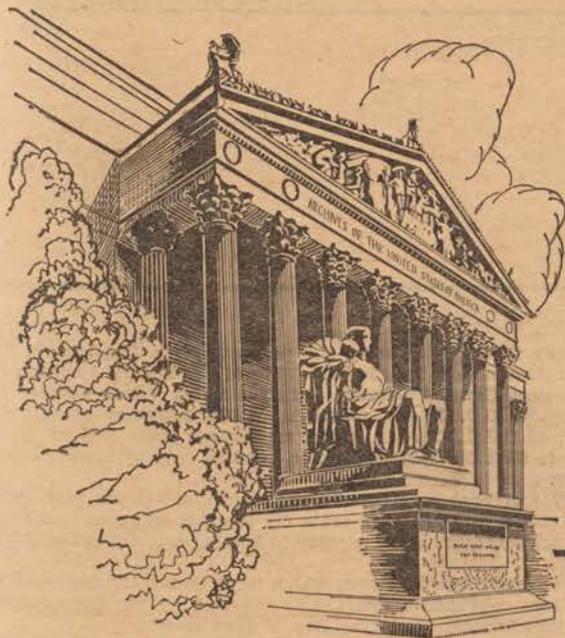
Thursday, February 15, 1968 • Washington, D.C.

Pages 2981-3040

Agencies in this issue—

The President
Civil Aeronautics Board
Civil Service Commission
Coast Guard
Consumer and Marketing Service
Customs Bureau
Farm Credit Administration
Federal Aviation Administration
Federal Contract Compliance Office
Federal Highway Administration
Federal Home Loan Bank Board
Federal Maritime Commission
Federal Power Commission
Federal Reserve System
Fish and Wildlife Service
Foreign Assets Control Office
General Services Administration
Health, Education, and Welfare
Department
Internal Revenue Service
Interstate Commerce Commission
Land Management Bureau
Maritime Administration
National Park Service
Securities and Exchange Commission
Transportation Department
Veterans Administration

Detailed list of Contents appears inside.



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90th Congress, 2d Session
1968

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Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402



Area Code 202

Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Contents

THE PRESIDENT

PROCLAMATION

American History Month, 1968... 2985

EXECUTIVE AGENCIES

AGRICULTURE DEPARTMENT

See Consumer and Marketing Service.

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc.:

Alaska Airlines, Inc..... 3011

International Air Transport Association..... 3012

States-Alaska service mail rate investigation..... 3012

CIVIL SERVICE COMMISSION

Rules and Regulations

Excepted service:

Department of Health, Education, and Welfare..... 2987

Department of Transportation (2 documents)..... 2987

Recruitment, selection, and placement; time-after-competitive-appointment restriction..... 2987

COAST GUARD

Notices

New London Harbor; closure to navigation during launching of the "Bergall"..... 3011

COMMERCE DEPARTMENT

See Maritime Administration.

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Oranges, Navel, grown in Arizona and California; handling limitation..... 2987

Raisins from grapes grown in California; handling; correction... 2988

CUSTOMS BUREAU

Notices

Harmal Corp.; recordation of trade name..... 3010

Plastic and aluminum trays designated as instruments of international traffic..... 3010

FARM CREDIT ADMINISTRATION

Rules and Regulations

Removal of production credit association personnel by Federal intermediate credit bank..... 2990

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations

Airworthiness directives; Bell Model 206A helicopters..... 2990

Control area; designation..... 2991

Control zones; alterations (2 documents)..... 2991

Operating and flight rules; basic VFR weather minimums..... 2992

Restricted areas and controlled airspace; designation and alteration..... 2991

Proposed Rule Making

Federal airways; alteration..... 3008

Jet routes and high altitude reporting points; alteration and establishment..... 3009

Transition area; designation... 3008

FEDERAL CONTRACT COMPLIANCE OFFICE

Proposed Rule Making

Obligations of contractors and subcontractors..... 3000

FEDERAL HIGHWAY ADMINISTRATION

Rules and Regulations

Initial Federal motor vehicle safety standards; lamps, reflective devices, and associated equipment (2 documents) .. 2993, 2994

FEDERAL HOME LOAN BANK BOARD

Rules and Regulations

Federal Savings and Loan System; operations; service corporations..... 2990

FEDERAL MARITIME COMMISSION

Notices

Agreements filed for approval: American Mail Line, Ltd., and Jayanti Shipping Co., Ltd... 3018

American Mail Line, Ltd., and Shipping Corporation of India, Ltd..... 3018

China Navigation Co., Ltd., and American Mail Line, Ltd... 3018

Hellenic Lines, Ltd., and Sea-Land Service, Inc..... 3018

Lykes Bros. Steamship Co., Inc., and Lenox & Co. (Pty.), Ltd... 3019

FEDERAL POWER COMMISSION

Rules and Regulations

Rules of practice and procedure; complaints and protests; correction..... 2993

Notices

Sunray DX Oil Co. et al.; hearing, etc..... 3019

FEDERAL RESERVE SYSTEM

Rules and Regulations

Bank holding companies; regulations..... 2988

Rules of procedure; applications... 2989

Notices

Federal Open Market Committee: Authorization for system foreign currency operations..... 3021

Current economic policy directive..... 3022

FISH AND WILDLIFE SERVICE

Rules and Regulations

Mingo National Wildlife Refuge, Mo.; sport fishing..... 2995

FOREIGN ASSETS CONTROL OFFICE

Notices

Dried white jelly fungus; importation directly from Taiwan; available certification..... 3010

GENERAL SERVICES ADMINISTRATION

Notices

Secretary of Defense; authority delegation..... 3022

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Notices

Motor vehicle pollution control; California standards; extension of time..... 3011

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Land Management Bureau; National Park Service.

INTERNAL REVENUE SERVICE

Proposed Rule Making

Income tax; consolidated returns; allocation of tax liability among members of an affiliated group... 2997

INTERSTATE COMMERCE COMMISSION

Notices

Motor carrier, broker, water carrier, and freight forwarder applications..... 3025

Motor carriers:

Temporary authority applications..... 3036

Transfer proceedings..... 3038

LABOR DEPARTMENT

See Federal Contract Compliance Office.

(Continued on next page)

LAND MANAGEMENT BUREAU**Rules and Regulations**

Alaska; public land order; withdrawal for railroad terminal... 2995

NoticesCalifornia; classification of public lands for multiple-use management; correction... 3010
Nevada; public sale... 3010**MARITIME ADMINISTRATION****Rules and Regulations**

Requirements for establishing U.S. citizenship; form of affidavit; correction... 2995

NATIONAL PARK SERVICE**Notices**

Lake Mead National Recreation Area, Nev.; concession contract... 3011

SECURITIES AND EXCHANGE COMMISSION**Rules and Regulations**

Securities Exchange Act of 1934; proxy and stockholder information rules; correction... 2993

Notices**Hearings, etc.:**Ceditron Corp... 3022
Dictaphone International Corp... 3022
General Public Utilities Corp... 3023
Kashmir Oil, Inc... 3024
Kingsport Power Co... 3024
Leeds Shoes, Inc... 3025
Rover Shoe Co... 3025**TRANSPORTATION DEPARTMENT***See also* Coast Guard; Federal Aviation Administration; Federal Highway Administration.**Rules and Regulations**

Limitation on reservation of authority; Federal Highway Administration... 2995

TREASURY DEPARTMENT*See* Customs Bureau; Foreign Assets Control Office; Internal Revenue Service.**VETERANS ADMINISTRATION****Rules and Regulations**Adjudication; aid and attendance allowance for widows... 2994
Records; disclosure to Federal Government departments, State unemployment compensation agencies, and Office of Servicemen's Group Life Insurance... 2994

List of CFR Parts Affected

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

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1968, and specifies how they are affected.

3 CFR**PROCLAMATION:**

3829... 2985

5 CFR213 (3 documents)... 2987
330... 2987**7 CFR**907... 2987
989... 2988**12 CFR**222... 2988
262... 2989
545... 2990
654... 2990**14 CFR**39... 2990
71 (4 documents)... 2991
73... 2991
91... 2992**PROPOSED RULES:**71 (3 documents)... 3008, 3009
75... 3009**17 CFR**

240... 2993

18 CFR

1... 2993

23 CFR

255 (2 documents)... 2993, 2994

26 CFR**PROPOSED RULES:**

1... 2997

38 CFR1... 2994
3... 2994**41 CFR****PROPOSED RULES:**

Ch. 60... 3000

43 CFR**PUBLIC LAND ORDER:**

4355... 2995

46 CFR

355... 2995

49 CFR

1... 2995

50 CFR

33... 2995

Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3829

AMERICAN HISTORY MONTH, 1968

By the President of the United States of America

A Proclamation

The history of the United States is not a record of blind forces sweeping human beings relentlessly along to an unknown destiny. It is the story of countless individuals whose success and sacrifice converted an idea into a free nation.

The heritage of liberty we enjoy was brought by men and women who dared the unknown, who tamed the wilderness, and gave their lives on fields of battle.

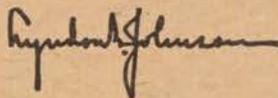
We honor them by remembering their deeds—and by telling their story to each succeeding generation.

The study of American history reveals the experience of shared endeavor, hardship, joy, and triumph which binds us together as a nation. Understanding that experience can give us the wisdom and courage to meet our present trials—and unite us in the face of tomorrow's challenges.

In recognition of this, the Congress by a joint resolution approved November 28, 1967, has designated February 1968 as American History Month and has requested the President to issue a proclamation inviting the people of the United States to observe that month.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, invite the people of the United States to observe February 1968 as American History Month in schools and other suitable places with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand, this thirteenth day of February, in the year of our Lord nineteen hundred and sixty-eight, and of the Independence of the United States of America the one hundred and ninety-second.



[F.R. Doc. 68-2012; Filed, Feb. 14, 1968; 11:01 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare; Correction

In F.R. Doc. 67-14794 appearing in the FEDERAL REGISTER of December 21, 1967, on page 20628, subparagraph (1) of paragraph (j) was revoked; subparagraph (1) should have been amended to read as follows:

§ 213.3316 Department of Health, Education, and Welfare.

(j) Office of the Assistant Secretary for Education. (1) Two Confidential Assistants to the Assistant Secretary for Education.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[F.R. Doc. 68-1877; Filed, Feb. 14, 1968; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that the position of Confidential Secretary to the Under Secretary of Transportation is excepted under Schedule C Effective on publication in the FEDERAL REGISTER, subparagraph (9) of paragraph (a) is added as set out below.

§ 213.3394 Department of Transportation.

(a) Office of the Secretary. * * *

(9) One Confidential Secretary to the Under Secretary of Transportation.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[F.R. Doc. 68-1879; Filed, Feb. 14, 1968; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that the position of the Special Assistant

to the Deputy Federal Highway Administrator is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (2) is added to paragraph (d) of § 213.3394 as set out below.

§ 213.3394 Department of Transportation.

(d) Federal Highway Administration. * * *

(2) One Special Assistant to the Deputy Administrator.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[F.R. Doc. 68-1878; Filed, Feb. 14, 1968; 8:47 a.m.]

PART 330—RECRUITMENT, SELECTION, AND PLACEMENT (GENERAL)

Subpart E—Time-After-Competitive-Appointment Restriction

GENERAL RESTRICTION

Section 330.501 is amended to authorize an agency to promote or reassign an employee to a different line of work or to a different geographical area, and to transfer a present employee or reinstate a former employee of its own or another agency to a higher grade or different line of work, or to a different geographical area, only after 3 months have elapsed since the employee's latest nontemporary competitive appointment. Under the amendment the Commission may waive the restriction against movement to another geographical area when it is satisfied that the waiver is consistent with the principle of open competition. Effective Saturday, March 16, 1968, § 330.501 is amended to read as set out below.

§ 330.501 General restriction.

Except as provided in § 330.503, an agency may promote an employee or reassign him to a different line of work, or to a different geographical area, and it may transfer a present employee or reinstate a former employee of the same or another agency to a higher grade or different line of work, or to a different geographical area, only after 3 months have elapsed since the employee's latest nontemporary competitive appointment. The Commission may waive the restriction against movement to a different geographical area when it is satisfied that the waiver is consistent with the principle of open competition.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[F.R. Doc. 68-1880; Filed, Feb. 14, 1968; 8:47 a.m.]

Title 7—AGRICULTURE

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

[Navel Orange Reg. 148]

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

Limitation of Handling

§ 907.448 Navel Orange Regulation 148.

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted,

under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 13, 1968.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period February 16, 1968, through February 22, 1968, are hereby fixed as follows:

- (i) District 1: 350,000 cartons;
- (ii) District 2: 300,000 cartons;
- (iii) District 3: Unlimited movement;
- (iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: February 14, 1968.

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

[F.R. Doc. 68-2018; Filed, Feb. 14, 1968;
11:26 a.m.]

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALI- FORNIA

Order Amending Order, as Amended, Regulating Handling

Correction

In F.R. Doc. 67-9987 appearing at page 12157 in the issue of Thursday, August 24, 1967, in § 989.13, line 3, preceding the parenthesis insert ", off-grade raisins, other falling raisins".

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Y]

PART 222—BANK HOLDING COMPANIES

Regulations

1. Effective March 15, 1968, §§ 222.1 through 222.7 are revised to read as follows:

REGULATIONS

Sec.	
222.1	Definitions.
222.2	Registration.
222.3	Acquisition of bank shares or assets.
222.4	Interest in nonbanking organizations.
222.5	Hearings and proceedings.
222.6	Reports and examinations.
222.7	Copies.

AUTHORITY: §§ 222.1 through 222.7 issued under sec. 5(b) of the Bank Holding Company Act of 1956 (12 U.S.C. 1844) (referred to in this part as "the Act").

REGULATIONS

§ 222.1 Definitions.

(a) *Terms used in the Act.* As used in this part, the terms "bank holding company," "company," "bank," "subsidiary," and "Board" have the same meanings as those given such terms in the Act.

(b) *Federal Reserve Bank.* The term "Federal Reserve Bank" as used in this part with respect to action by, on behalf of, or directed to be taken by a bank holding company or other organization shall mean either the Federal Reserve Bank of the Federal Reserve district in which the operations of the bank holding company or other organization are principally conducted, as measured by total deposits held or controlled by it on the date on which it became, or is to become, a bank holding company, or such Reserve Bank as the Board may designate.

§ 222.2 Registration.

(a) *Registration statement.* Within 180 days after becoming a bank holding company, such company shall register with the Board by filing a registration statement with the Federal Reserve Bank on forms prescribed by the Board. Upon timely application on behalf of any bank holding company and upon a satisfactory showing as to the need therefor, the time prescribed herein for the filing of a registration statement may be extended by the Board.

(b) *Date of registration.* The date of registration of a bank holding company shall be the date on which its registration statement is filed with the Federal Reserve Bank.

§ 222.3 Acquisition of bank shares or assets.

(a) *Submission of applications.* An application for approval by the Board of any transaction requiring approval under section 3(a) of the Act shall be filed

with the Federal Reserve Bank. A separate application shall be filed with respect to each bank the voting shares or assets of which are sought to be acquired by an existing bank holding company or nonbanking subsidiary thereof.

(b) *Procedure on applications.* (1) Applications under this section are processed in accordance with the procedures described in this part and those described in § 262.3 of the Board's rules of procedure (Part 262 of this chapter).

(2) If either the applicant, or a bank the voting shares or assets of which are sought to be acquired, is a national bank or a District bank, the Board will transmit a copy of the application to the Comptroller of the Currency, requesting written submission of the Comptroller's views and recommendation. If either the applicant, or a bank the voting shares or assets of which are sought to be acquired, is a State bank, the Board will transmit a copy of the application to the bank supervisory authority of the State in which such bank is located, requesting written submission of the State authority's views and recommendation. A copy of each application will also be forwarded to the U.S. Department of Justice.

(3) Following the receipt of an application under this section, the Board will publish a notice of such receipt in the FEDERAL REGISTER, containing the names and addresses of the applicant and the bank or banks involved, indicating the general nature of the proposed transaction, and allowing 30 days (or a shorter period in exceptional circumstances) for the submission of written comments or views. Such comments or views shall be submitted to the Board.

(4) As indicated in § 262.3(f)(1) of this chapter of the Board's rules of procedure, the Board issues each week a list identifying applications filed pursuant to section 3 of the Act. Pursuant to § 262.3(f)(7) of this chapter of the Board's rules of procedure, each application is made available for inspection by the public except for portions thereof as to which the Board determines that non-disclosure is warranted.

(c) *Hearings on applications.* (1) In any case in which the Board receives written advice of disapproval of the application from the Comptroller of the Currency or the appropriate State supervisory authority, as the case may be, within 30 days from the date of receipt of the application by the notified authority, the Board will so notify the applicant in writing, directing the applicant's attention to the provisions of section 3(b) of the Act. Within 3 days after the date of the sending of such notice to the applicant, the Board will notify in writing the applicant and the Comptroller of the Currency or the appropriate State supervisory authority, as the case may be, of the date fixed by the Board for the commencement of a hearing on the application and of the place and time at which such hearing will be held. Any such hearing will be commenced not less than 10 days nor more than 30 days after

the date on which the Board sent the applicant notice of receipt of written advice from the disapproving supervisory authority.

(2) Apart from any hearing ordered by the Board under this section or under § 222.4 or § 222.5, the Board may, as provided in § 262.3(f) of this chapter of the Board's rules of procedure, afford the applicant or other person whom the Board determines to have a proper interest an opportunity to present views orally before the Board or its designated representative.

(d) *Action on applications.* (1) In any case in which a hearing is held in accordance with paragraph (c) of this section, the Board, after the conclusion of such hearing, will by order grant or deny the application on the basis of the record made at such hearing. In all other cases, the Board will by order grant or deny the application after receipt by it of advice that the Comptroller of the Currency or the appropriate State supervisory authority, as the case may be, does not disapprove the application, or, if no such advice is received, after the expiration of 30 days from the date of receipt of the copy of the application by the Comptroller of the Currency or such State authority.

(2) As required by the Act, the Board notifies the Attorney General of the United States of Board action on any transaction proposed under this section.

(3) Action by the Board on an application pursuant to this section will be taken in the manner described in subparagraphs (4) and (5) of § 262.3(f) of this chapter of the Board's rules of procedure, and any request for reconsideration of its action on any such application will be treated as provided in subparagraph (6) of § 262.3(f) of this chapter.

§ 222.4 Interests in nonbanking organizations.

(a) *Shares of financial, fiduciary, or insurance companies.* Any bank holding company that is of the opinion that a company's activities, all of which are or are to be of a financial, fiduciary, or insurance nature, are so closely related to the business of banking or of managing or controlling banks (as conducted by such bank holding company or its banking subsidiaries) as to be a proper incident thereto and as to make it unnecessary for the prohibitions of section 4 of the Act to apply in order to carry out the purposes of the Act, may request the Board for such a determination pursuant to section 4(c)(8) of the Act. Any such request shall be filed with the Federal Reserve Bank. The Board will advise the bank holding company whether a hearing is to be held and of the place and time for any such hearing. The Board will by order make or decline to make the requested determination.

(b) *Tax certifications.* Any bank holding company desiring a certification by the Board for purposes of the provisions of sections 1101-1103 of the Internal

Revenue Code of 1954 as amended (26 U.S.C. 1101-3) may file an application for such certification with the Federal Reserve Bank. On the basis of an application under this paragraph, the Board will either issue a certification or by order deny the application. A duplicate original of each certification will be transmitted by the Board to the Internal Revenue Service of the Treasury Department.

(c) *Determination regarding control by transferor.* (1) In any case in which the Board, pursuant to section 2(g)(3) of the Act, affords opportunity for a hearing for the purpose of determining that a transferor is not in fact capable of controlling a transferee, the Board will give notice of opportunity for such hearing by publication in the FEDERAL REGISTER. Any request for a hearing shall be filed, in duplicate, with the Board. The Board will notify the applicant, the transferor, and the transferee of the time and place for any hearing ordered. Upon the conclusion of such hearing, and on the basis of the record made at the hearing, the Board will by order make or decline to make the subject determination.

(2) If no hearing is requested by any party in interest within the time prescribed in the notice of opportunity for hearing, or if a hearing so requested is denied, the Board may dispense with a hearing, and, on the basis of the documentary evidence before it, will proceed to take action with respect to the determination contemplated by section 2(g)(3).

§ 222.5 Hearings and proceedings.

(a) *Hearings.* Apart from hearings required by the Act (see §§ 222.3(c) and 222.4 (a) and (c)), a hearing may be ordered by the Board with respect to any application or request under this part, either upon its own motion or upon the request of any party in interest, if the Board deems such hearing to be in the interests of the parties or the public. Notice of any hearing required by the Act will be published in the FEDERAL REGISTER a reasonable time in advance of the date fixed for the hearing; and any hearing so required will ordinarily be held before a hearing examiner appointed in accordance with the provisions of Title 5 of the United States Code. All hearings under this part will be conducted in accordance with the Board's rules of practice for Formal Hearings (Part 263 of this chapter).

(b) *Record of proceedings.* The record in any proceeding under this part upon which an order of the Board is based shall include, but is not necessarily limited to, the application or request filed with the Board in connection with such proceeding; any views or recommendations received by the Board from the Comptroller of the Currency or the appropriate State supervisory authority pursuant to section 3(b) of the Act; the transcript of any hearing held with respect to such application or request and any report and recommendation made

by the hearing examiner or hearing officer before whom such hearing was held; and any order of the Board granting or denying the application or request, and any statement in support thereof.

§ 222.6 Reports and examinations.

Each bank holding company shall furnish to the Board in a form prescribed by the Board a report of the company's operations for the fiscal year in which it becomes a bank holding company, and for each fiscal year thereafter until it ceases to be a bank holding company. Each such annual report shall be filed with the Federal Reserve Bank. Each bank holding company shall furnish to the Board additional information at such times as the Board may require. The Board may examine any bank holding company or any of its subsidiaries and the cost of any such examination shall be assessed against and paid by such bank holding company. As far as possible the Board will use reports of examinations made by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, or the appropriate State bank supervisory authority.

§ 222.7 Copies.

In connection with the filing of any document pursuant to this part, the appropriate Federal Reserve Bank should be consulted as to the number of copies required to be submitted.

2a. This action is pursuant to the provisions of section 5(b) of the Bank Holding Company Act of 1956 (12 U.S.C. 1844).

b. The provisions of section 553 of Title 5, United States Code, relating to notice and public procedure, were not followed in connection with the adoption of this revision, because the substantive changes made in the revision merely incorporate into the regulation changes made in the law by the 1966 amendments to the Bank Holding Company Act (80 Stat. 236), which became effective July 1, 1966. In these circumstances, the Board found that such notice and public procedure were unnecessary.

Dated at Washington, D.C., this 8th day of February 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-1847; Filed, Feb. 14, 1968; 8:45 a.m.]

PART 262—RULES OF PROCEDURE
Applications

1. Effective March 15, 1968, § 262.3(f) (1) is amended to read as follows:

§ 262.3 Applications.

(f) *Bank holding company and merger applications.* * * *

(1) The Board issues each week a list that identifies holding company and merger applications received during the preceding week. Notice of receipt of each

holding company application is published in the FEDERAL REGISTER as provided in § 222.3(b)(3) of this chapter (Regulation Y).

2a. The purpose of this amendment is to change the reference to Regulation Y in view of the revision of that regulation effective March 15, 1968.

b. The provisions of section 553 of title 5, United States Code, relating to notice and public participation are not followed in connection with this amendment, because the change is procedural in nature.

Dated at Washington, D.C., this 8th day of February 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-1848; Filed, Feb. 14, 1968;
8:45 a.m.]

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[21,394]

PART 545—OPERATIONS

Service Corporations

FEBRUARY 8, 1968.

Resolved that, notice and public procedure having been duly afforded (32 F.R. 15763) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and 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, hereby amends § 545.9-1 of the rules and regulations for the Federal Savings and Loan System (12 CFR § 545.9-1) by adding a new paragraph, paragraph (e), immediately after paragraph (d), to read as follows, effective March 16, 1968:

§ 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)

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[F.R. Doc. 68-1889; Filed, Feb. 14, 1968;
8:47 a.m.]

Chapter VI—Farm Credit Administration

SUBCHAPTER D—FEDERAL INTERMEDIATE CREDIT BANKS AND PRODUCTION CREDIT ASSOCIATIONS

PART 654—REMOVAL OF PRODUCTION CREDIT ASSOCIATION PERSONNEL BY FEDERAL INTERMEDIATE CREDIT BANK

Chapter VI of Title 12 of the Code of Federal Regulations is amended by adding a new Part 654, reading as follows:

§ 654.501 Delegation of authority.

For violation of rules and regulations approved or prescribed by the Farm Credit Administration and applicable to a production credit association or its personnel (including but not limited to Subpart A of Part 605, Part 650, and Part 652 of this chapter) and for violation of any other directives or instructions duly issued to a production credit association or its personnel by the Farm Credit Administration or by the Federal intermediate credit bank of the farm credit district in which the production credit association is located, the Federal intermediate credit bank of the farm credit district in which a production credit association is located is authorized to remove any officer, employee, or agent of such association when, in the judgment of the board of directors of the Federal intermediate credit bank, any such violation by him reasonably may be considered to require or warrant his removal in the interest of effective administration.

(Sec. 8, 67 Stat. 394, as amended; 12 U.S.C. 636g)

R. B. TOOTELL,
Governor.

Farm Credit Administration.

[F.R. Doc. 68-1885; Filed, Feb. 14, 1968;
8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 68-SW-12; Amdt. 39-555]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 206A Helicopters

Reports have been received of inflight failures of the exhaust stack clamps, P/N N3657, which attach the exhaust ducts to the engine flanges on certain Bell Model 206A Helicopters. One report indicated that the failed clamp allowed the exhaust duct to fall away and strike the tail rotor, resulting in partial loss of control of the helicopter requiring an emergency descent and landing. The interim procedure (daily inspection and safety wiring) prescribed by Bell Helicopter Co. Service Bulletin No. 206A-3, dated October 25, 1967, does not provide

complete assurance that additional clamp failures will not occur. Since this condition is likely to exist or develop in other helicopters of this same model, and Airworthiness Directive is being issued to require replacement of exhaust stack clamps, P/N N3657, by another clamp of increased strength and improved design features.

Although not specified by Bell Helicopter Service Letter 206A No. 38, which prescribes the installation of the improved clamp, a specific time for compliance is required by safety considerations. To avoid compromising these safety considerations by extending the compliance time to allow for thorough consideration of the notice and public procedures usually followed by the agency, an effective date of March 15, 1968, is established for this amendment. This date provides a reasonable interval for operators to obtain and install the new clamp and for any interested persons to submit such written data, views, or arguments as they may desire regarding this Airworthiness Directive. Communications should identify the docket number and be submitted in duplicate to the Regional Counsel, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received before the effective date will be considered by the Director, and the Airworthiness Directive may be changed in the light of comments received. All comments will be available both before and after the effective date in the Public Docket for examination by interested persons. Operators are urged to submit their comments as early as possible since it may not be possible to evaluate comments received near the effective date in sufficient time to amend the Airworthiness Directive before it becomes effective.

The general operation nature of these helicopters makes it impractical to obtain prior coordination to any significant degree from operators; however, the substance of this Airworthiness Directive has been informally coordinated with Bell Helicopter Co. No objections were interposed or changes recommended.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

BELL Applies to Model 206A Helicopters, Serial Nos. 4 through 110, 112 through 116, 118, 119, 122, 124 through 126, 128, 129, and 133.

Compliance required within the next 25 hours time in service after the effective date of this Airworthiness Directive; unless already accomplished in accordance with Bell Helicopter Service Letter, Model 206A No. 38, dated January 10, 1968.

To prevent possible hazardous damage to the main rotor or the tail rotor due to failure of the exhaust stack clamps which attach the exhaust ducts to the engine exhaust flanges, accomplish the following modification:

Replace exhaust stack clamp as follows:
Remove clamps, P/N N3657, from the exhaust stacks. Install two new clamps, National Utilities Corp., P/N 4656AA, on exhaust

stacks with studs facing outboard. Tighten the two nuts on each clamp evenly until each nut is finger tight. Torque nuts to 30 inch-pounds. Grasp top of stack and shake, at the same time tap clamp lightly with a plastic mallet and then recheck torque. Repeat this procedure until torque can be maintained at 30 inch-pounds. Safety wire nuts to stud shanks with safety wire, P/N MS20995C32.

This amendment becomes effective on March 15, 1968.

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

Issued in Fort Worth, Tex., on February 8, 1968.

A. L. COULTER,

Acting Director, Southwest Region.

[F.R. Doc. 68-1865; Filed, Feb. 14, 1968; 8:46 a.m.]

[Airspace Docket No. 67-CE-134]

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

Alteration of Control Zone

On page 17596 of the FEDERAL REGISTER dated December 8, 1967, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the control zone at Detroit, Mich.

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

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

This amendment shall be effective 0001 e.s.t., April 25, 1968.

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

Issued in Kansas City, Mo., on January 31, 1968.

DANIEL E. BARROW,

Acting Director, Central Region.

In § 71.171 (33 F.R. 2058), the following control zone is amended to read:

DETROIT MICHIGAN (METROPOLITAN WAYNE COUNTY AIRPORT)

Within a 5-mile radius of Detroit Metropolitan Wayne County Airport (latitude 42°13'05" N., longitude 83°21'00" W.); within 2 miles each side of the Detroit Metropolitan Wayne County Airport ILS localizer southwest course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Detroit Metropolitan Wayne County Airport ILS localizer northeast course, extending from the 5-mile radius zone to the OM; and within 2 miles each side of the Detroit Metropolitan Wayne County Airport ILS east course, extending from the 5-mile radius zone to the OM, excluding the portion west of a line between the points of intersection of the 5-mile radius zone and the Detroit, Mich. (Willow Run) control zone.

[F.R. Doc. 68-1867; Filed, Feb. 14, 1968; 8:46 a.m.]

[Airspace Docket No. 68-SO-2]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Athens, Ga., control zone.

The Athens control zone is described in § 71.171 (32 F.R. 2071).

In the description, reference is made to the "Athens Airport (lat. 33°56'56" N., long. 83°19'37" W.)," and an extension to the control zone is predicated on the Athens VORTAC 194° radial.

Because the correct name and geographic coordinate is "Athens Municipal Airport (lat. 33°56'54" N., long. 83°19'37" W.)," and because of a re-define-ment of 2° in the final approach radial of AL-983-VOR-RWY-2 standard instrument approach procedure, it is necessary to alter the control zone description accordingly.

Since this amendment is either editorial or minor in nature, notice and public procedure hereon are unnecessary.

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

In § 71.171 (33 F.R. 2058), the Athens, Ga., control zone is amended to read:

ATHENS, GA.

Within a 5-mile radius of Athens Municipal Airport (lat. 33°56'54" N., long. 83°19'37" W.); within 2 miles each side of the Athens VORTAC 078° radial, extending from the 5-mile radius zone to 8 miles east of the VORTAC; and within 2 miles each side of the Athens VORTAC 192° radial, extending from the 5-mile radius zone to 8 miles south of the VORTAC.

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

Issued in East Point, Ga., on February 2, 1968.

GORDON A. WILLIAMS, JR.,

Acting Director, Southern Region.

[F.R. Doc. 68-1868; Filed, Feb. 14, 1968; 8:46 a.m.]

[Airspace Docket No. 67-SW-49]

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

Designation of Control Area

On January 16, 1968, F.R. Doc. 68-526 was published in the FEDERAL REGISTER (33 F.R. 530) which amended Part 71 of the Federal Aviation Regulations by designating an additional control area from Gage, Okla., with a 12 AGL floor to Woodring, Okla.

This amendment should have identified the navigational aids upon which this additional control area is based. Accordingly, action is taken herein to identify the navigational aids associated with the Gage, Okla., additional control area.

Since this amendment is editorial in nature and imposes no additional burden

on any person, notice and public procedure hereon are unnecessary, and the effective date of February 29, 1968, originally adopted for the rule may be retained.

In consideration of the foregoing, F.R. Doc. 68-526 is amended, effective immediately, as follows: "From Gage, Okla., 12 AGL to Woodring, Okla." is deleted and "From Gage, Okla., VORTAC 12 AGL to Woodring, Okla., VOR." is substituted therefor.

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

Issued in Washington, D.C., on February 7, 1968.

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

[F.R. Doc. 68-1869; Filed, Feb. 14, 1968; 8:46 a.m.]

[Airspace Docket No. 67-WE-44]

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

PART 73—SPECIAL USE AIRSPACE

Designation of Restricted Area and Alteration of Restricted Areas and Controlled Airspace

On November 28, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 16221) stating that the Federal Aviation Administration is considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would alter the Yuma, Ariz., restricted area complex as follows: (a) Designate a new Restricted Area R-2306C, (b) reduce the lateral dimensions of R-2308A along the east and north boundaries, and (c) increase the upper limits of R-2306A and R-2306B from FL 240 to 80,000 feet MSL, and R-2308B and the modified R-2308A from FL 200 to 80,000 feet MSL.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. The Air Transport Association (ATA) advised that the ATA Member Airlines utilizing Jet Route 4 between Blythe, Calif., and Gila Bend, Ariz., are opposed to increasing the upper limits of these restricted areas. Their flights are normally at altitudes above the restricted areas as presently designated and can fly a direct route between Blythe and Gila Bend. The ATA states that the direct route is a savings of approximately 7 miles when compared to J-4 which bypasses the restricted areas.

However, in conjunction with the proposal to reduce the lateral limits of R-2308A, the FAA, on January 3, 1968, published a notice of proposed rule making in the FEDERAL REGISTER (33 F.R. 25) stating that the FAA is considering an amendment to Part 75 of the FARs that would alter Jet Route No. 4 between Blythe, Calif., and Gila Bend, Ariz. The proposed realignment would be via the INT of Blythe 096° True (082° M) and Gila Bend 299° True (285° M) radials.

The distance between Blythe and Gila Bend via the realigned J-4 would be only 2 miles greater than the direct distance.

In view of this proposed realignment of J-4 and since that portion of the restricted areas above 24,000 feet MSL is expected to be used only 30 percent of the time, it appears that the impact of the altered restricted areas on airlines utilizing J-4 will be minimal.

In consideration of the foregoing, Parts 71 and 73 of the FARs are amended, effective 0001 e.s.t., March 28, 1968, as hereinafter set forth.

In § 71.151 (33 F.R. 2048) the Continental Control Area is amended by adding "R-2306C Yuma West, Arizona."

Section 73.23 (33 F.R. 2300) is amended by adding a new Restricted Area R-2306C and substituting altered descriptions of R-2306A, R-2306B, R-2308A, and R-2308B as follows:

R-2306A YUMA WEST, ARIZONA

Boundaries: Beginning at lat. 33°00'00" N., long. 114°30'00" W.; to lat. 33°02'48" N., long. 114°30'00" W.; to lat. 33°02'48" N., long. 114°34'00" W.; to lat. 33°15'00" N., long. 114°34'37" W.; to lat. 33°15'00" N., long. 114°15'00" W.; thence south along Highway 95 to lat. 33°00'00" N., long. 114°17'20" W.; to point of beginning.

Designated altitudes: Surface to 80,000 feet MSL.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Los Angeles Air Route Traffic Control Center.

Using agency: Commanding officer, Yuma Proving Ground, Yuma, Ariz.

R-2306B YUMA WEST, ARIZONA

Boundaries: Beginning at lat. 33°28'00" N., long. 114°13'00" W.; thence south along Highway 95 to lat. 33°15'00" N., long. 114°15'00" W.; to lat. 33°15'00" N., long. 114°30'00" W.; to lat. 33°26'00" N., long. 114°30'00" W.; to lat. 33°28'00" N., long. 114°28'00" W.; to point of beginning.

Designated altitudes: Surface to 80,000 feet MSL.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Los Angeles Air Route Traffic Control Center.

Using agency: Commanding Officer, Yuma Proving Ground, Yuma, Ariz.

R-2306C YUMA WEST, ARIZONA

Boundaries: Beginning at lat. 33°15'00" N., long. 114°34'37" W.; to lat. 33°23'00" N., long. 114°34'37" W.; to lat. 33°26'00" N., long. 114°30'00" W.; to lat. 33°15'00" N., long. 114°30'00" W.; to point of beginning.

Designated altitudes: Surface to 17,000 feet MSL.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Los Angeles Air Route Traffic Control Center.

Using agency: Commanding Officer, Yuma Proving Ground, Yuma, Ariz.

R-2308A YUMA EAST, ARIZONA

Boundaries: Beginning at lat. 33°28'00" N., long. 114°13'00" W.; to lat. 33°17'30" N., long. 113°39'04" W.; to lat. 33°17'30" N., long. 113°45'00" W.; to lat. 33°02'00" N., long. 113°45'00" W.; to lat. 33°02'00" N., long. 113°56'30" W.; to lat. 33°00'00" N., long. 114°11'00" W.; to lat. 33°00'00" N., long. 114°17'20" W.; thence north along Highway 95 to point of beginning.

Designated altitudes: 1,500 feet AGL to 80,000 feet MSL.

Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Los Angeles Air Route Traffic Control Center.

Using agency: Commanding Officer, Yuma Proving Ground, Yuma, Ariz.

R-2308B YUMA EAST, ARIZONA

Boundaries: Beginning at lat. 33°02'00" N., long. 113°45'00" W.; to lat. 33°17'30" N., long. 113°45'00" W.; to lat. 33°17'30" N., long. 113°39'04" W.; to point of beginning.
Designated altitudes: Surface to 80,000 feet MSL.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Los Angeles Air Route Traffic Control Center.

Using agency: Commanding Officer, Yuma Proving Ground, Yuma, Ariz.

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

Issued in Washington, D.C., on February 9, 1968:

WILLIAM E. MORGAN,

Acting Director, Air Traffic Service.

[F.R. Doc. 68-1870; Filed, Feb. 14, 1968; 8:46 a.m.]

[Docket No. 8436; Amdt. 91-51]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Basic VFR Weather Minimums

The purpose of this amendment is to prescribe revised weather minimums for Visual Flight Rule (VFR) operations more than 1,200 feet above the surface and at or above 10,000 feet mean sea level (MSL).

The substance of this amendment was published as a notice of proposed rule making in the FEDERAL REGISTER on October 5, 1967 (32 F.R. 13871) and circulated as Notice No. 67-43. Public comments received in response to the notice were generally favorable, and, for the most part, recommended adoption of the revised weather minimums as proposed. Due consideration was given to all comments received.

The Aircraft Owners and Pilots Association recommended that the visibility requirement for VFR be increased to 5 miles only for those aircraft operating

above 10,000 feet MSL at speeds in excess of 250 knots. The National Pilots Association also recommended that the VFR minimums be related to the operating speed of the aircraft concerned. Although a provision of this type would provide an improved "see and avoid" capability between two VFR aircraft in marginal visibility conditions (3 to 5 miles), it would not provide this capability between a VFR aircraft operating within the speed limit and an Instrument Flight Rules (IFR) aircraft operating without a speed limit. With the recent adoption of the 250-knot speed limit below 10,000 feet (Amendment 91-47, published in 32 F.R. 15708 on Nov. 15, 1967) an increase in high-performance operations above 10,000 feet can be expected. It is important to ensure that this traffic will not encounter VFR traffic when operating IFR at a high airspeed in marginal weather conditions.

The Air Transport Association, the Air Line Pilots Association, the U.S. Air Force, and several other commentators recommended that the increased weather minimums be applied in all controlled airspace rather than above 10,000 feet only. Such application of the revised minimums would be beyond the scope of the notice and cannot be adopted at this time.

Several commentators recommended that the language of the final rule be simplified so as to make the rule more easily understandable. The final rule, as adopted herein, has been modified accordingly. In order to facilitate understanding of the basic VFR weather minimums, they have been listed in table form according to the altitudes at which they apply.

In consideration of the foregoing, Part 91 of the Federal Aviation Regulations is amended, effective March 16, 1968, as hereinafter set forth:

§ 91.105 Basic VFR weather minimums.

(a) Except as provided in § 91.107, no person may operate an aircraft under VFR when the flight visibility is less, or at a distance from clouds that is less, than that prescribed for the corresponding altitude in the following table:

Altitude	Flight visibility	Distance from clouds
1,200 feet or less above the surface (regardless of MSL altitude)— Within controlled airspace.....	3 statute miles.....	500 feet below. 1,000 feet above. 2,000 feet horizontal.
Outside controlled airspace.....	1 statute mile except as provided in § 91.105(b).	Clear of clouds.
More than 1,200 feet above the surface but less than 10,000 feet MSL— Within controlled airspace.....	3 statute miles.....	500 feet below. 1,000 feet above. 2,000 feet horizontal.
Outside controlled airspace.....	1 statute mile.....	500 feet below. 1,000 feet above. 2,000 feet horizontal.
More than 1,200 feet above the surface and at or above 10,000 feet MSL.	5 statute miles.....	1,000 feet below. 1,000 feet above. 1 mile horizontal.

(b) When the visibility is less than one mile, a helicopter may be operated outside controlled airspace at 1,200 feet or less above the surface if operated at a speed that allows the pilot adequate opportunity to see any air traffic or other

obstruction in time to avoid a collision.
(c) Except as provided in § 91.107, no person may operate an aircraft, under VFR, within a control zone beneath the ceiling when the ceiling is less than 1,000 feet.

(d) Except as provided in § 91.107, no person may take off or land an aircraft, or enter the traffic pattern of an airport, under VFR, within a control zone—

(1) Unless ground visibility at that airport is at least 3 statute miles; or

(2) If ground visibility is not reported at that airport, unless flight visibility during landing or takeoff, or while operating in the traffic pattern, is at least 3 statute miles.

(e) For the purposes of this section, an aircraft operating at the base altitude of a transition area or control area is considered to be within the airspace directly below that area.

(Secs. 307, 313(a), Federal Aviation Act of 1958; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on February 8, 1968.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 68-1866; Filed, Feb. 14, 1968; 8:46 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-337; Order No. 359]

PART 1—RULES OF PRACTICE AND PROCEDURE

Practice With Regard to Complaints and Protests

Correction

In F.R. Doc. 68-1667 appearing at page 2843 in the issue of Saturday, February 10, 1968, in § 1.10(b), line 2, the word "alter" should read "alert".

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release Nos. 34-8206A, 35-15918A, IC-5200A]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Proxy and Stockholder Information Rules; Correction

In Release Nos. 34-8206, 35-15918, IC-5200, dated December 14, 1967 (published in the FEDERAL REGISTER for Dec. 29, 1967 at 32 F.R. 20960) the Commission announced certain revisions of its proxy rules (17 CFR 240.14a-1 et seq.). Through inadvertence, the text of the "Instructions" to Item 7(f) of Schedule 14A (17 CFR 240.14a-101, Item 7(f)), commencing on page 18 of said Release 34-8206 etc., failed to reflect accurately the revisions of those Instructions as approved by the Commission and summarized on pages 5 and 6 of said Release.

Accordingly, the following corrections are noted in the Instructions to Item

7(f) of Schedule 14A (§ 240.14a-101, Item 7(f), of this chapter) in order to reflect the action taken by the Commission in revising said proxy rules:

I. The following, comprising old Instruction 3 prior to the revision announced December 14, 1967, is hereby reinstated as Instruction 2 to read as follows:

2. No information need be given in answer to this Item 7(f) as to any transaction where—

(a) The rates or charges involved in the transaction are determined by competitive bids, or the transaction involves the rendering of services as a common or contract carrier, or public utility, at rates or charges fixed in conformity with law or governmental authority;

(b) The transaction involves services as a bank depository of funds, transfer agent, registrar, trustee under a trust indenture, or similar services;

(c) The amount involved in the transaction or a series of similar transactions, including all periodic payments or installments, does not exceed \$30,000; or

(d) The interest of the specified person arises solely from the ownership of securities of the issuer and the specified person receives no extra or special benefit not shared on a pro rata basis by all holders of securities of the class.

II. Instruction 4 is deleted.

III. Instruction 5 is redesignated as Instruction 4.

IV. The following, comprising old Instruction 6 prior to the revision of December 14, 1967, is hereby reinstated as Instruction 5 to read as follows:

5. In describing any transaction involving the purchase or sale of assets by or to the issuer or any of its subsidiaries, otherwise than in the ordinary course of business, state the cost of the assets to the purchaser and, if acquired by the seller within 2 years prior to the transaction, the cost thereof to the seller.

In addition, the foregoing release also through inadvertence incorrectly stated subparagraph (6) of Rule 14a-11(b) (17 CFR 240.14a-11(b)). Accordingly, subparagraph (6) of Rule 14a-11(b) (17 CFR 240.14a-11(b)(6)) which reads "any person who solicits proxies," is corrected to read "any other person who solicits proxies."

By the Commission, February 2, 1968.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-1857; Filed, Feb. 14, 1968; 8:45 a.m.]

Title 23—HIGHWAYS AND VEHICLES

Chapter II—Vehicle and Highway Safety

[Docket No. 9]

PART 255—INITIAL FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Safety Standard No. 108; Lamps, Reflective Devices, Multipurpose Passenger Vehicles, Trucks, Trailers, and Buses

Initial Federal Motor Vehicle Safety Standard No. 108 (32 F.R. 2411), as

amended (32 F.R. 18032), specifies requirements for lamps, reflective devices, and associated equipment for multipurpose passenger vehicles, trucks, trailers, and buses, 80 inches or more in overall width, manufactured after December 31, 1967.

Paragraph S3.1.1.4 provides that boat trailers need not be equipped with identification lamps, clearance lamps, and front side-marker lamps until June 1, 1968. Paragraph S3.1.1 requires that these vehicles be equipped with rear side-marker lamps on January 1, 1968.

The Boating Industry Association has petitioned for reconsideration of the effective date of January 1, 1968, of the requirement for rear side-marker lamps on boat trailers. The petitioner requests that the effective date for this requirement be changed to June 1, 1968. The petitioner also requests that boat trailers be exempted from the requirements, effective June 1, 1968, for front side-marker lamps, clearance lamps, and identification lamps, on the ground that they are not reasonable or practicable for boat trailers, are not in the public interest, and are invalid since they are expressly designed to achieve uniformity of lighting for all trailers regardless of configuration, rather than being appropriate for the type of vehicle to which they are applied.

The amended requirements of Initial Standard No. 108 reflect recognition of possible redesigning and retooling problems which might be encountered in applying the standard to boat trailers and further provide the maximum relief that is consistent with traffic safety. The requirement for identical marking and lighting of all vehicles 80 inches or more in overall width will enhance traffic safety, since the public will be provided with a readily understandable means of identifying a large and normally slow-moving vehicle.

Initial Standard No. 108, as amended, was found and is hereby found to be reasonable, practicable, and appropriate for boat trailers, and is further found that it contributes to the need for motor vehicle safety.

Accordingly, the above described petition of the Boating Industry Association insofar as it seeks reconsideration of the requirements for front side-marker lamps, clearance lamps, and identification lamps on boat trailers, is hereby denied.

It has been further determined that, with respect to the requirements of paragraph S3.1.1.4, simultaneous application of related requirements for identification lamps, clearance lamps, front side-marker lamps, and rear side-marker lamps will result in an orderly transition in boat trailer lighting. Therefore, paragraph S3.1.1.4 is being amended to provide an extension of the effective date of the requirement for rear side-marker lamps on boat trailers to June 1, 1968.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary. It is found, for good cause shown, that an effective date earlier than 180 days after

issuance is in the public interest and in the interest of motor vehicle safety.

In consideration of the foregoing, effective January 1, 1968, § 255.21 of Part 255, Initial Federal Motor Vehicle Safety Standards, Motor Vehicle Safety Standard No. 108 (32 F.R. 2411), as amended (32 F.R. 18032), is further amended as follows:

Paragraph S3.1.1.4 is amended to read as follows:

S3.1.1.4 Until June 1, 1968, boat trailers need not be equipped with identification lamps, clearance lamps, front side-marker lamps, or rear side-marker lamps.

(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), and Nov. 8, 1967 (32 F.R. 15710))

Issued in Washington, D.C., on February 8, 1968.

LOWELL K. BRIDWELL,
Federal Highway Administrator.

[F.R. Doc. 68-1904; Filed, Feb. 14, 1968;
8:48 a.m.]

[Docket No. 9]

PART 255—INITIAL FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Safety Standard No. 108; Lamps, Reflective Devices, Passenger Cars, Multipurpose Passenger Vehicles, Trucks, Buses, Trailers, and Motorcycles

Motor Vehicle Safety Standard No. 108, published in the FEDERAL REGISTER on December 16, 1967 (32 F.R. 18033), specifies requirements for lamps, reflective devices, and associated equipment for passenger cars, multipurpose passenger vehicles, trucks, buses, trailers, and motorcycles manufactured after December 31, 1968.

Paragraph S3.1.1.7 requires that passenger cars manufactured after December 31, 1968, be equipped with turn signal lamps that provide Class A photometric values in accordance with Society of Automotive Engineers Standard J588d, "Turn-Signal Lamps," June 1966.

Paragraph S3.4.5 requires that actuation of the vehicular hazard warning signal operating unit shall, when energized, cause all turn-signal lamps to flash simultaneously.

The Administrator has determined that—

(a) Hardships will be imposed on motor vehicle and motor vehicle equipment manufacturers in reengineering, redesigning, and retooling to meet the requirement for Class A photometric turn signals; and therefore, it would not be reasonable or practicable to apply an effective date of January 1, 1969, to this requirement of paragraph S3.1.1.7; and

(b) Clarification is needed with respect to the number of turn-signal lamps

that must be flashed to meet the requirement of paragraph S3.4.5.

Therefore, the standard is being amended—

(a) To change the effective date of the requirement for Class A photometric turn-signal lamps, as specified in paragraph § 3.1.1.7, from January 1, 1969, to January 1, 1970; and

(b) To require in paragraph S3.4.5 that only sufficient turn-signal lamps, located in accordance with Table II or Table IV, as applicable, required to provide the turn-signal photometric requirements of paragraph S3.1.1.7 need be flashed simultaneously.

Since these amendments provide clarification and alternative means of compliance, relieve restrictions, and impose no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, § 255.21 of Part 255, Federal Motor Vehicle Safety Standards, Motor Vehicle Safety Standard No. 108 (32 F.R. 18033), is amended as follows:

(a) Paragraph S3.1.1.7 is revised to read as follows:

S3.1.1.7 Passenger cars manufactured before January 1, 1970, shall be equipped with turn-signal lamps that provide Class B photometric values and Class B effective projected illuminated areas. Passenger cars manufactured on or after January 1, 1970, shall be equipped with turn-signal lamps that provide Class A photometric values and Class B effective projected illuminated areas. If a multiple compartment lamp or multiple lamps are used to meet this requirement, the effective projected illuminated area of each compartment or lamp shall be not less than that of a Class B lamp, and photometric requirements of Class B, or Class A, as applicable, shall be provided by one or a combination of the compartments or lamps.

(b) Paragraph S3.4.5 is revised to read as follows:

S3.4.5 The vehicular hazard warning signal operating unit shall operate independently of the ignition or equivalent switch, and when energized, shall cause to flash simultaneously sufficient turn-signal lamps, located in accordance with Table II or Table IV, as applicable, to meet the turn-signal lamp photometric requirements specified in S3.1.1.7.

(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 (32 F.R. 15710))

Effective date: January 1, 1969.

Issued in Washington, D.C., on February 8, 1968.

LOWELL K. BRIDWELL,
Federal Highway Administrator.

[F.R. Doc. 68-1905; Filed, Feb. 14, 1968;
8:49 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration PART 1—GENERAL PROVISIONS

Disclosure of Records to Federal Government Departments, State Unemployment Compensation Agencies and the Office of Servicemen's Group Life Insurance

Section 1.506 is revised to read as follows:

§ 1.506 Disclosure of records to Federal Government departments, State unemployment compensation agencies and the Office of Servicemen's Group Life Insurance.

(a) All records or documents required for official purposes by any department or other agency of the U.S. Government or any State unemployment compensation agency acting in an official capacity for the Veterans Administration shall be furnished in response to an official request, written, or oral, from such department or agency. If the requesting department or agency does not indicate the purpose for which the records or documents are requested and there is doubt as to whether they are to be used for official purposes, the requesting department or agency will be asked to specify the purpose for which they are to be used.

(b) The Chief Benefits Director, Director of Insurance Service, or designee of either in Central Office, is authorized to release information to OSGLI (Office of Servicemen's Group Life Insurance) for the purpose of aiding in the settlement of a particular insurance case.

(72 Stat. 1114; 38 U.S.C. 210)

This VA regulation is effective the date of approval.

Approved: February 8, 1968.

By direction of the Administrator.

[SEAL] A. W. STRATTON,
Deputy Administrator.

[F.R. Doc. 68-1883; Filed, Feb. 14, 1968;
8:47 a.m.]

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

AID AND ATTENDANCE ALLOWANCE FOR WIDOWS

1. In § 3.402, paragraph (c) is amended to read as follows:

§ 3.402 Widows.

Awards of pension, compensation, or dependency and indemnity compensation to or for a widow will be effective as follows:

* * * * *

(c) *Aid and attendance* (§ 3.351(a)).
 (1) Date of receipt of claim or date entitlement arose, whichever is later. See also § 3.400(c) (2).

(2) Date of departure from hospital, institutional or domiciliary care at Veterans Administration expense.

2. In § 3.502, paragraph (e) is amended to read as follows:

§ 3.502 **Widows.**

The effective date of discontinuance of pension, compensation, or dependency and indemnity compensation to or for a widow will be the earliest of the dates stated in this section. Where an award is reduced, the reduced rate will be payable the day following the date of discontinuance of the greater benefit.

(e) *Aid and attendance* (§ 3.351(a)).
 (1) Date of last payment, if need for aid and attendance has ceased.

(2) If hospitalized at Veterans Administration expense as a veteran, the date specified in § 3.552(b) (1) or (3).

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective October 1, 1967.

Approved: February 9, 1968.

By direction of the Administrator.

[SEAL] A. W. STRATTON,
 Deputy Administrator.

[F.R. Doc. 68-1884; Filed, Feb. 14, 1968; 8:47 a.m.]

road milepost 25, north of Seward, and more particularly described as follows:

Beginning at Corner No. 2 of H.E.A. No. 186 and a point on the easterly right-of-way line of the Alaska Railroad opposite main tract Centerline Station 1300+85.9, which corner and point bears N. 2°25' W., 1,207.8 feet and N. 10°42'11" E., 20,139.24 feet from U.S. Land Monument No. 62; thence N. 2°25' W., along said easterly right-of-way line, 2,068.4 feet; thence, continuing along said right-of-way line, northwesterly, along an arc with a radius of 5,829.65 feet, 611.5 feet; thence continuing along said right-of-way line, N. 8°24' W., 937.6 feet; thence N. 84°06' E., 704.3 feet; thence S. 72°38' E., 1,029.8 feet; thence S. 12°00' W., 1,840.2 feet; thence S. 44°24'04" W., 821.45 feet; thence S. 12°00' W., 1,000 feet to a point on the northerly boundary of said H.E.S. No. 186; thence west along said northerly boundary, 236.40 feet to the point of beginning.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest land under lease, license, or permit, or governing the disposal of its mineral or vegetative resources other than under the mining laws. However, leases, licenses, or permits will be issued only if the proposed use of the land will not interfere with the proper operation of the facilities on the land.

HARRY R. ANDERSON,
 Assistant Secretary of the Interior.

FEBRUARY 9, 1968.

[F.R. Doc. 68-1852; Filed, Feb. 14, 1968; 8:45 a.m.]

in § 1.5(j) (1) of Part 1 (32 F.R. 14277) on the authority delegated to the Federal Highway Administrator to issue motor vehicle safety standards. Currently, the Administrator has been delegated authority to issue initial standards, new and revised standards under the second sentence of section 103(h) of the National Traffic and Motor Vehicle Safety Act of 1966, and certain procedural rules and notices of proposed rule making.

Under this amendment authority is delegated to the Administrator to issue Federal Motor Vehicle Safety Standard No. 202, Head Restraints—Passenger Cars and amendments to Federal Motor Vehicle Safety Standard No. 108, Lamps, Reflective Devices and Associated Equipment—Multipurpose Passenger Vehicles, Trucks, Trailers, and Buses 80 inches or More in Overall Width, with respect to photometric requirements.

This action is taken under the authority of sections 6(a) (6) (A) and 9 of the Department of Transportation Act (Public Law 89-670, 80 Stat. 931). Since this amendment involves a delegation of authority and relates to the internal management of the Department, notice and public procedure thereon are not required and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, effective February 1, 1968, § 1.5(j) (1) (iii) of Part 1 of the regulations of the Office of the Secretary of Transportation is amended to read as follows:

§ 1.5 **Reservations of authority.**

(j) * * *
 (1) * * *

(iii) New and revised Federal motor vehicle standards under the second sentence of section 103(h) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392(h)); Federal Motor Vehicle Safety Standard No. 202; amendments to Federal Motor Vehicle Safety Standard No. 108, with respect to photometric requirements; procedural rules and regulations related to the issuance of any motor vehicle standards; and notices of proposed rule making to any motor vehicle standards.

Issued in Washington, D.C., on February 8, 1968.

ALAN S. BOYD,
 Secretary of Transportation.

[F.R. Doc. 68-1876; Filed, Feb. 14, 1968; 8:46 a.m.]

**Title 43—PUBLIC LANDS:
 INTERIOR**

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4355]

[Anchorage 983]

ALASKA

Withdrawal for Railroad Terminal

By virtue of the authority vested in the President by the act of March 12, 1914 (38 Stat. 305; 48 U.S.C. 301-308), as amended, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described land, which is under the jurisdiction of the Secretary of Agriculture, is hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for use as a railroad terminal by the Department of Transportation:

CROWN POINT

SEWARD MERIDIAN (UNSURVEYED)

Chugach National Forest

T. 4 N., R. 1 W.,

A tract of land containing 81.2 acres in sec. 24, E½, being situated at Alaska Rail-

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER J—MISCELLANEOUS

[General Order 89, Amdt. 2]

PART 355—REQUIREMENTS FOR ESTABLISHING UNITED STATES CITIZENSHIP

Form of Affidavit

Correction

In F.R. Doc. 68-1823 appearing at page 2893 in the issue of Tuesday, February 13, 1968, in the third line of the affidavit form in § 355.3, the word "citizenship" should read "citizen".

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 1; Amdt. No. 1-7]

PART 1—FUNCTIONS, POWERS, AND DUTIES IN THE DEPARTMENT OF TRANSPORTATION

Limitation on Reservation of Authority; Federal Highway Administration

The purpose of this amendment is to further limit the reservation imposed

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

Mingo National Wildlife Refuge, Mo.

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.

MISSOURI

MINGO NATIONAL WILDLIFE REFUGE

Sport fishing on the Mingo National Wildlife Refuge, Mo. is permitted in all waters on the refuge. These waters comprise about 4,300 acres. Maps and information are available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fish-

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

(1) Open season: March 15, 1968, through September 30, 1968, daylight hours only.

(2) The use of motors on boats is not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas

generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through September 30, 1968.

JOHN E. TOLL,

Refuge Manager, Mingo National Wildlife Refuge, Puxico, Mo.

FEBRUARY 7, 1968.

[F.R. Doc. 68-1851; Filed, Feb. 14, 1968; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Consolidated Returns; Allocation of Tax Liability Among Members of an Affiliated Group

Regulations proposed to be prescribed as §§ 1.1502-33(d), 1.1552, and 1.1552-1 (a) (3) and (b) were published in tentative form with a notice of proposed rule making in the FEDERAL REGISTER for December 31, 1966 (31 F.R. 16788). Notice is hereby given that such proposed regulations are withdrawn.

Further, 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 sections 1502, 1552, and 7805 of the Internal Revenue Code of 1954 (68A Stat. 367, 371, 917; 26 U.S.C. 1502, 1552, 7805).

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

In order to provide more specific rules for, and additional methods of, allocating the consolidated tax liability among the members of an affiliated group of corporations, and in order to conform the regulations under section 1552 of the Internal Revenue Code of 1954 to section 234(b) (8) of the Revenue Act of 1964 (78 Stat. 116), the Income Tax Regulations (26 CFR Part 1) under sections 1502 and 1552 are amended as follows:

PARAGRAPH 1. Section 1.1502-33 is amended by revising so much of paragraph (c) (4) (iii) as follows subdivision

(d) thereof, and by adding a new paragraph (d). These revised and added provisions read as follows:

§ 1.1502-33 Earnings and profits.

- (c) *Stock and obligations.* * * *
- (4) *Investment adjustment.* * * *
- (iii) *Election to adjust currently.* * * *
- (d) * * *

Such election shall be made by submitting a statement, on or before the due date (including any extensions of time) of the consolidated return for the first taxable year for which the election is to apply, to the district director with whom the group files such return. However, such election may be made for any taxable year beginning after December 31, 1965, within 60 days from (insert date these regulations are published in final form in the FEDERAL REGISTER), if it is made in conjunction with an election under paragraph (d) of this section. If an election is made under this subdivision, it may not thereafter be revoked.

(d) *Federal income tax liability.* (1) In general: For the purpose of determining the earnings and profits of each member of a group for a consolidated return year beginning after December 31, 1965, the tax liability of the group for such year may be allocated among the members in accordance with subparagraph (2) (i), (ii), or (iii) of this paragraph, if an election is made in accordance with subparagraph (3) of this paragraph. Allocations of tax liability made in accordance with subparagraph (2) of this paragraph shall be treated as allocations of the tax liability of the group for taxable years beginning after December 31, 1965, even though the sum of the amounts allocated for a taxable year may exceed the tax liability of the group as determined under paragraph (b) (1) of § 1.1552-1. See paragraph (b) (2) of § 1.1552-1 for the effect of the allocations.

(2) Methods of allocation: (i) The tax liability of the group, as determined under paragraph (b) (1) of § 1.1552-1, shall be allocated to the members in accordance with paragraph (a) (1), (2), or (3) of § 1.1552-1, whichever is applicable, but—

(a) The amount of tax liability allocated to any member for a taxable year shall not exceed the excess of (1) the total of the tax liabilities of such member on a separate return basis for all taxable years to which the election under this paragraph applies, and for which such member joined in the filing of a consolidated return of such group (including the current taxable year), computed as if it had actually filed separate returns for all such years, over

(2) the total of the portions of the tax liability of the group allocated to such member for all previous taxable years to which the election under this paragraph applies; and

(b) The amount of any excess tax liability which would be allocated to a member of a group but for (a) of this subdivision (1) shall be apportioned among the other members in direct proportion to, but limited to, the reduction in tax liability resulting to such other members. Such reduction for any member shall be the excess, if any, of (1) the total of its tax liabilities on a separate return basis for all taxable years to which the election under this paragraph applies, and for which such member joined in the filing of a consolidated return of such group (including the current taxable year), computed as if it had actually filed separate returns for all such years, over (2) the total of the portions of the tax liability of the group allocated to such member for all taxable years to which the election under this paragraph applies (including for the current taxable year only the amount allocated under § 1.1552-1(a) (1), (2), or (3)).

If any excess tax liability remains after being apportioned among members with a reduction in tax liability to the extent of such reduction, as provided in (b) of this subdivision (1), such remaining amount shall, notwithstanding (a) of this subdivision (1), be allocated to the members in accordance with § 1.1552-1(a) (1), (2), or (3), whichever is applicable. In computing the tax liability of a member on a separate return basis for purposes of (a) (1) and (b) (1) of this subdivision (1), its surtax exemption shall be an amount equal to \$25,000 divided by the number of members in the group for such year, and an election under section 243(b) (2) shall be deemed to be in effect for the group. (However, if for the taxable year some or all of the members are component members of a controlled group of corporations (within the meaning of section 1563) and if there are other such component members which do not join in filing the consolidated return for such year, the amount to be divided among the members filing the consolidated return shall be (in lieu of \$25,000) the sum of the amounts apportioned to the component members which join in filing the consolidated return (as determined under § 1.1561-2 (a) (2) or § 1.1561-3, whichever is applicable).) If a group elects to use the method of allocation provided by this subdivision, it must maintain specific records to substantiate the tax liability of each member on a separate return basis for purposes of (a) (1) and (b) (1) of this subdivision (1).

(ii) (a) The tax liability of the group, as determined under paragraph (b) (1) of

§ 1.1552-1, shall be allocated to the members in accordance with paragraph (a) (1), (2) or (3) of § 1.1552-1, whichever is applicable;

(b) An additional amount shall be allocated to each member equal to a fixed percentage (which does not exceed 100 percent) of the excess, if any, of (1) the separate return tax liability of such member for the taxable year (computed as provided in paragraph (a) (2) (ii) of § 1.1552-1), over (2) the tax liability allocated to such member in accordance with (a) of this subdivision (ii); and

(c) The total of any additional amounts allocated pursuant to (b) of this subdivision (ii) (including amounts allocated as a result of a carryback) shall be credited to the earnings and profits of those members which had items of income, deductions, or credits to which such total is attributable pursuant to a consistent method which fairly reflects such items of income, deductions, or credits, and which is substantiated by specific records maintained by the group for such purpose.

(iii) Allocations of tax liability to the members shall be made in accordance with any other method approved by the Commissioner. A condition of any such approval shall be that the group maintains specific records to substantiate its computations pursuant to such method.

(3) Method of election: In the event a group desires to allocate its tax liability in accordance with a method provided in subparagraph (2) (i) or (ii) of this paragraph, for a consolidated return year beginning after December 31, 1965, an election to that effect shall be made within the time prescribed by law for filing the consolidated return for the first taxable year to which the group desires the election to apply (including extensions thereof), or within 60 days after (insert date these regulations are published in final form in the FEDERAL REGISTER), whichever is later. The election shall be made by attaching a statement to the consolidated return for the first taxable year to which the group desires the election to apply, or if such election is made within the time prescribed above but after such return is filed, by filing a statement with the district director with whom such return was filed. Such statement shall indicate which method is elected, and which method under paragraph (a) (1), (2), or (3) of § 1.1552-1 is elected in conjunction with the election under this subparagraph; in addition, if the method elected is the method provided in subparagraph (2) (ii) of this paragraph, such statement shall state the percentage used pursuant to subparagraph (2) (ii) (b) of this paragraph. In the event a group desires to allocate its tax liability in accordance with a method pursuant to subparagraph (2) (iii) of this paragraph, approval of such method by the Commissioner must be obtained within the time prescribed above. The request shall state fully the method which the group wishes to use. An election once made under this subparagraph shall be irrevocable and shall be binding upon the group with respect to the year for which made and

for all future consolidated return years of the group unless the Commissioner authorizes a change to another method prior to the time prescribed by law for filing the return for the year in which such change is to be effective. If a group does not make an election under this subparagraph for a taxable year ending before January 1, 1968, it may not thereafter make such an election without the approval of the Commissioner unless the election is made for the first consolidated return year of the group. Further, an election under this subparagraph shall not be effective unless the group has also made an election under paragraph (c) (4) (iii) of this section.

(4) The provisions of this paragraph may be illustrated by the following examples:

Example (1). (i) Corporation P is the common parent owning all of the stock of corporations S1 and S2, members of an affiliated group. A consolidated return is filed for the taxable year ending December 31, 1966, by P, S1, and S2. The group has made an election in accordance with subparagraph (3) of this paragraph to use the method of allocation provided in subparagraph (2) (i) of this paragraph in conjunction with paragraph (a) (1) of § 1.1552-1. For 1966, the corporations had the following taxable incomes or losses computed as if separate returns were actually filed for such year:

P	-----	0
S1	-----	\$2,000
S2	-----	(1,000)

Assuming that each member's portion of consolidated taxable income attributable to it is the same as its taxable income computed as if separate returns were actually filed (see paragraph (a) (1) of § 1.1552-1), the tax liability of the group for the year (assuming a 22-percent rate) is \$220, all of which is allocated to S1. S1 accordingly reduces its earnings and profits in the amount of \$220, irrespective of who actually pays the tax liability. If S1 pays the \$220 tax liability there will be no further effect upon the income, earnings, and profits, or the basis of stock of any member. If, however, P pays the \$220 tax liability (and such payment is not in fact a loan from P to S1), then P shall be treated as having made a contribution to the capital of S1 in the amount of \$220. On the other hand, if S2 pays the \$220 tax liability (and such payment is not in fact a loan from S2), then S2 shall be treated as having made a distribution with respect to its stock to P in the amount of \$220, and P shall be treated as having made a contribution to the capital of S1 in the amount of \$220. (See paragraph (b) (2) of § 1.1552-1.)

(ii) For the 1967 taxable year, P, S1, and S2 had the following taxable incomes computed as if separate returns were actually filed, but without regard to any carryover from 1966:

P	-----	0
S1	-----	\$1,000
S2	-----	3,000

Assuming that each member's portion of the consolidated taxable income attributable to it is the same as its taxable income computed as if separate returns were actually filed, the tax liability of the group for 1967 is \$880; \$440 is allocated to S1 and \$440 is allocated to S2, determined as follows: If S2 had filed separate returns for 1966 and 1967 it would have had no tax liability for 1966 and a tax liability for 1967 of \$440 (taking into account a \$1,000 net operating loss

carryover from 1966). Thus, \$440 is the maximum amount which may be allocated to S2 for 1967, pursuant to the method of allocation elected by the group. The entire excess of \$220 (which would otherwise be allocated to S2 under § 1.1552-1(a)(1)) is allocated to S1 because S1 had a \$220 reduction in tax liability, as determined under subparagraph (2) (i) (b) of this paragraph. Such reduction is the excess of S1's 1966 and 1967 tax liabilities on a separate return basis (\$660) over its allocated portion of the tax liability of the group for 1966 (\$220) plus the amount allocated to it for 1967 under § 1.1552-1(a)(1) (\$220). The effect of the allocation of \$440 to S1 and \$440 to S2 is determined under § 1.1552-1(b)(2).

Example (2). Assume the same facts as in example (1) except that the group elected in accordance with subparagraph (3) of this paragraph to use the method of allocation provided in subparagraph (2) (ii) of this paragraph, choosing a fixed percentage of 100 percent under subparagraph (2) (ii) (b) of this paragraph. Assume also that the taxable incomes and losses of the corporations shown in example (1) would be the same amount if computed as provided in paragraph (a) (2) (ii) of § 1.1552-1. Thus, for 1966, \$440 is allocated to S1 (the \$220 tax liability of the group, and an additional \$220 pursuant to subparagraph (2) (ii) (b) of this paragraph). The earnings and profits of S1 are reduced in the amount of \$440, and the earnings and profits of S2 are increased in the amount of \$220 because the \$220 allocated to S1 which is in addition to the tax liability of the group is attributable to deductions of S2. If S1 pays the \$220 tax liability of the group and pays \$220 to S2, no further adjustments will be made, as a result of the 1966 tax liability, to the income, earnings and profits, or basis of stock of any member. If S1 pays the \$220 tax liability of the group, and pays the other \$220 to P instead of S2, because, for example, of an agreement among P, S1, and S2, S2 is treated as having made a distribution with respect to its stock to P in the year that S1 makes the payment to P. See paragraph (b) (2) of § 1.1552-1.

For 1967, \$220 is allocated to S1 and \$660 is allocated to S2. No additional amounts are allocated pursuant to subparagraph (2) (ii) (b) of this paragraph.

PAR. 2. Section 1.1552 is amended by revising section 1552(a) (3) and by adding a historical note. These amended provisions and the historical note read as follows:

§ 1.1552 Statutory provisions; earnings and profits.

SEC. 1552 *Earnings and profits*—(a) *General rule.* * * *

(3) The tax liability of the group (excluding the tax increases arising from the consolidation) shall be allocated on the basis of the contribution of each member of the group to the consolidated taxable income of the group. Any tax increases arising from the consolidation shall be distributed to the several members in direct proportion to the reduction in tax liability resulting to such members from the filing of the consolidated return as measured by the difference between their tax liabilities determined on a separate return basis and their tax liabilities based on their contributions to the consolidated taxable income.

[Sec. 1552 as amended by sec. 234(b) (8), Rev. Act 1964 (78 Stat. 116)]

PAR. 3. Section 1.1552-1 is amended to read as follows:

§ 1.1552-1 Earnings and profits.

(a) *General rule.* For the purpose of determining the earnings and profits of each member of an affiliated group which is required to be included in a consolidated return for such group filed for a taxable year beginning after December 31, 1953, and ending after August 16, 1954, the tax liability of the group shall be allocated among the members of the group in accordance with one of the following methods, pursuant to an election under paragraph (c) of this section:

(1) (i) The tax liability of the group shall be apportioned among the members of the group in accordance with the ratio which that portion of the consolidated taxable income attributable to each member of the group having taxable income bears to the consolidated taxable income.

(ii) For consolidated return years beginning after December 31, 1965, a member's portion of the tax liability of the group under the method of allocation provided by subdivision (i) of this subparagraph is an amount equal to the tax liability of the group multiplied by a fraction, the numerator of which is the taxable income of such member, and the denominator of which is the sum of the taxable incomes of all the members. For purposes of this subdivision the taxable income of a member shall be the separate taxable income determined under § 1.1502-12, adjusted for the following items taken into account in the computation of consolidated taxable income:

(a) The portion of the consolidated net operating loss deduction, the consolidated charitable contributions deduction, the consolidated dividends received deduction, the consolidated section 247 deduction, and the consolidated section 922 deduction, attributable to such member;

(b) Such member's net capital gain (determined without regard to any net capital loss carryover attributable to such member);

(c) Such member's net capital loss and section 1231 net loss, reduced by the portion of the consolidated net capital loss attributable to such member; and

(d) The portion of any consolidated net capital loss carryover attributable to such member which is absorbed in the taxable year.

If the computation of the taxable income of a member under this subdivision results in an excess of deductions over gross income, then for purposes of this subdivision such member's taxable income shall be zero.

(2) (i) The tax liability of the group shall be allocated to the several members of the group on the basis of the percentage of the total tax which the tax of such member if computed on a separate return would bear to the total amount of the taxes for all members of the group so computed.

(ii) For consolidated return years beginning after December 31, 1965, a member's portion of the tax liability of the group under the method of allocation provided by subdivision (i) of this subparagraph is an amount equal to the tax liability of the group multiplied by a

fraction, the numerator of which is the separate return tax liability of such member, and the denominator of which is the sum of the separate return tax liabilities of all the members. For purposes of this subdivision the separate return tax liability of a member is its tax liability computed as if it has filed a separate return for the year except that—

(a) Gains and losses on intercompany transactions shall be taken into account as provided in § 1.1502-13 as if a consolidated return had been filed for the year;

(b) Gains and losses relating to inventory adjustments shall be taken into account as provided in § 1.1502-18 as if a consolidated return had been filed for the year;

(c) Transactions with respect to stock, bonds, or other obligations of members shall be reflected as provided in § 1.1502-14 as if a consolidated return had been filed for the year;

(d) Excess losses shall be included in income as provided in § 1.1502-19 as if a consolidated return had been filed for the year;

(e) In the computation of the deduction under section 167, property shall not lose its character as new property as a result of a transfer from one member to another member during the year;

(f) A dividend distributed by one member to another member during the year shall not be taken into account in computing the deductions under section 243(a)(1), 244(a), 245, or 247 (relating to deductions with respect to dividends received and dividends paid);

(g) Basis shall be determined under §§ 1.1502-31 and 1.1502-32, and earnings and profits shall be determined under § 1.1502-33, as if a consolidated return had been filed for the year;

(h) Subparagraph (2) of § 1.1502-3 (f) shall apply as if a consolidated return had been filed for the year; and

(i) For purposes of subtitle A of the Code, the surtax exemption of the member shall be an amount equal to \$25,000 divided by the number of members. (However, if for the taxable year some or all of the members are component members of a controlled group of corporations (within the meaning of section 1563) and if there are other such component members who do not join in filing the consolidated return for such year, the amount to be divided among the members filing the consolidated return shall be (in lieu of \$25,000) the sum of the amounts apportioned to the component members which join in filing the consolidated return (as determined under § 1.1561-2(a)(2) or § 1.1561-3, whichever is applicable).)

If the computation of the separate return tax liability of a member under this subdivision does not result in a positive tax liability, then for purposes of this subdivision such member's separate return tax liability shall be zero.

(3) (i) The tax liability of the group (excluding the tax increases arising from the consolidation) shall be allocated on the basis of the contribution of each

member of the group to the consolidated taxable income of the group. Any tax increases arising from the consolidation shall be distributed to the several members in direct proportion to the reduction in tax liability resulting to such members from the filing of the consolidated return as measured by the difference between their tax liabilities determined on a separate return basis and their tax liabilities (determined without regard to the 2-percent increase provided by section 1503(a) and paragraph (a) of § 1.1502-30A for taxable years beginning before Jan. 1, 1964) based on their contributions to the consolidated taxable income.

(ii) For consolidated return years beginning after December 31, 1965, a member's portion of the tax liability of the group under the method of allocation provided by subdivision (i) of this subparagraph shall be determined by—

(a) Allocating the tax liability of the group in accordance with subparagraph (1)(ii) of this paragraph, but

(b) The amount of tax liability allocated to any member shall not exceed the separate return tax liability of such member, determined in accordance with subparagraph (2)(ii) of this paragraph, and

(c) The sum of the amounts which would be allocated to the members but for (b) of this subdivision (ii) shall be apportioned among the other members in direct proportion to, but limited to, the reduction in tax liability resulting to such other members. Such reduction for any member shall be the excess, if any, of (1) its separate return tax liability determined in accordance with subparagraph (2)(ii) of this paragraph, over (2) the amount allocated to such member under (a) of this subdivision (ii).

If any amount remains after being apportioned among members with a reduction in tax liability to the extent of such reduction, as provided in (c) of this subdivision (ii), such remaining amount shall, notwithstanding (b) of this subdivision (ii), be allocated to the members in accordance with the fractions determined under subparagraph (1)(ii) of this paragraph.

(4) The tax liability of the group shall be allocated in accordance with any other method selected by the group with the approval of the Commissioner. No method of allocation may be approved under this subparagraph which may result in the allocation of a positive tax liability for a taxable year, among the members who are allocated a positive tax liability for such year, in a total amount which is more or less than the tax liability of the group for such year. (However, see paragraph (d) of § 1.1502-33.)

(b) *Application of rules—*(1) *Tax liability of the group.* For purposes of section 1552 and this section, the tax liability of the group for a taxable year shall consist of the Federal income tax liability of the group for such year determined in accordance with § 1.1502-2 or § 1.1502-30A, whichever is applicable. Thus, in the case of a carryback of a loss

or credit to such year, although the earnings and profits of the members of the group may not be adjusted until the subsequent taxable year from which the loss or credit was carried back, the effect of the carryback, for purposes of this section, shall be determined by allocating the amount of the adjustment as a part of the tax liability of the group for the taxable year to which the loss or credit is carried. For example, if a consolidated net operating loss is carried back from 1969 to 1967, the allocation of the tax liability of the group for 1967 shall be recomputed in accordance with the method of allocation used for 1967, and the changes resulting from such re-computation shall, for accrual method taxpayers, be reflected in the earnings and profits of the appropriate members in 1969.

(2) *Effect of allocation.* The amount of tax liability allocated to a corporation as its share of the tax liability of the group, pursuant to this section, shall (i) result in a decrease in the earnings and profits of such corporation in such amount, and (ii) be treated as a liability of such corporation for such amount. If the full amount of such liability is not paid by such corporation, pursuant to an agreement among the members of the group or otherwise, the amount which is not paid will generally be treated as a distribution with respect to stock, a contribution to capital, or a combination thereof, as the case may be.

(c) *Method of election.* The election under paragraph (a) (1), (2), or (3) of this section shall be made not later than the time prescribed by law for filing the first consolidated return of the group for a taxable year beginning after December 31, 1953, and ending after August 16, 1954 (including extensions thereof). If the group elects to allocate its tax liability in accordance with the method prescribed in paragraph (a) (1), (2), or (3) of this section, a statement shall be attached to the return stating which method is elected. Such statement shall be made by the common parent corporation and shall be binding upon all members of the group. In the event that the group desires to allocate its tax liability in accordance with any other method pursuant to paragraph (a) (4) of this section, approval of such method by the Commissioner must be obtained within the time prescribed above. If such approval is not obtained in such time, the group shall allocate in accordance with the method prescribed in paragraph (a) (1) of this section. The request shall state fully the method which the group wishes to apply in apportioning the tax liability. An election once made shall be irrevocable and shall be binding upon the group with respect to the year for which made and for all future years for which a consolidated return is filed or required to be filed unless the Commissioner authorizes a change to another method prior to the time prescribed by law for filing the return for the year in which such change is to be effective. However, each group may make a new election to use any one of the methods prescribed in paragraph (a) (1), (2), or

(3) of this section for its first consolidated return year beginning after December 31, 1965, or in conjunction with an election under paragraph (d) of § 1.1502-33, irrespective of its previous method of allocation under this section. If such new election is not made in conjunction with an election under paragraph (d) of § 1.1502-33 it shall be effective for the first consolidated return year beginning after December 31, 1965, and all succeeding years. (See paragraph (d) (3) of § 1.1502-33 for the method of making such new election in conjunction with an election under paragraph (d) of § 1.1502-33.) Any other such new election shall be made within the time prescribed by law for filing the consolidated return for the first taxable year beginning after December 31, 1965 (including extensions thereof), or within 60 days after (insert date these regulations are published in final form in the FEDERAL REGISTER), whichever is later. Such new election (which is not in conjunction with an election under paragraph (d) of § 1.1502-33) shall be made by attaching a statement to the consolidated return for the first taxable year beginning after December 31, 1965, or if such election is made within the time prescribed above but after such return is filed, by filing a statement with the district director with whom such return was filed.

(d) *Failure to elect.* If a group fails to make an election in its first consolidated return, or any other election, in accordance with paragraph (c) of this section, the method prescribed under paragraph (a) (1) of this section shall be applicable and shall be binding upon the group in the same manner as if an election had been made to so allocate.

(e) *Definitions.* Except as otherwise provided in this section, the terms used in this section shall have the same meaning as provided in the regulations under section 1502.

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

Example. Corporation P is the common parent owning all of the stock of corporation S1 and S2, members of an affiliated group. A consolidated return is filed for the taxable year ending December 31, 1966, by P, S1, and S2. For 1966 such corporations had the following taxable incomes or losses computed in accordance with paragraph (a) (1) (ii) of this section:

P	-----	0
S1	-----	\$2,000
S2	-----	(1,000)

The group has not made an election under paragraph (c) of this section or paragraph (d) of § 1.1502-33. Accordingly, the method of allocation provided by paragraph (a) (1) of this section is in effect for the group. Assuming that the consolidated taxable income is equal to the sum of the members taxable income and losses, or \$1,000, the tax liability of the group for the year (assuming a 22-percent rate) is \$220, all of which is allocated to S1. S1 accordingly reduces its earnings and profits in the amount of \$220, irrespective of who actually pays the tax liability. If S1 pays the \$220 tax liability there will be no further effect upon the income, earnings and profits, or the basis of stock of any member. If, however, P pays the \$220 tax liability (and such payment is not in fact a loan from

P to S1), then P shall be treated as having made a contribution to the capital of S1 in the amount of \$220. On the other hand, if S2 pays the \$220 tax liability (and such payment is not in fact a loan from S2), then S2 shall be treated as having made a distribution with respect to its stock to P in the amount of \$220, and P shall be treated as having made a contribution to the capital of S1 in the amount of \$220.

[F.R. Doc. 68-1898; Filed, Feb. 14, 1968; 8:48 a.m.]

DEPARTMENT OF LABOR

Office of Federal Contract
Compliance

[41 CFR Ch. 60]

OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS

Notice of Proposed Rule Making

Chapter 60 of Title 41 of the Code of Federal Regulations was originally issued by the President's Committee on Equal Employment Opportunity for the purpose of implementing Executive Order 10925 (3 CFR, 1959-63 Comp., p. 448) which provided for the promotion and insurance of equal employment opportunity on Government contracts for all persons without regard to race, creed, color, or national origin. Subsequently, the Committee revised this part in order to implement, in addition, Executive Order 11114 (3 CFR, 1959-63 Comp., p. 774) which provided certain amendments to Executive Order 10925 and extended its requirements to certain contracts for construction financed with assistance from the Federal Government. Parts II and III of Executive Order 11246 (30 F.R. 12319, Sept. 28, 1965) vested in the Secretary of Labor the functions related to Government contracts and federally assisted construction contracts previously exercised by the President's Committee on Equal Employment Opportunity. Section 201 of Executive Order 11246 provides that the Secretary of Labor shall adopt rules, regulations, and orders as he deems necessary and appropriate to achieve the purposes of the order. Temporary regulations were adopted effective October 24, 1965 (30 F.R. 13441), continuing in effect the previous regulations of the President's Committee on Equal Employment Opportunity, and orders were issued effective June 1, 1966 (31 F.R. 6881), and May 9, 1967 (32 F.R. 7439). Permanent regulations which include the substance of these orders and accomplish other amendments and revisions are proposed herein.

Persons interested in the proposals are hereby invited to submit written data, views, or argument concerning them. Such statements should be filed by mail not later than March 15, 1968, with the Director of the Office of Federal Contract Compliance, U.S. Department of Labor, 14th and Constitution Avenue NW., Washington, D.C. 20210.

It is proposed to revoke Orders No. (C-1) and (C-2) of the President's Committee on Equal Employment Opportunity, dated June 12, 1961, and the orders

published at 31 F.R. 6881 and 32 F.R. 7439 and revise the provisions of 41 CFR Chapter 60. The terms of the proposed revision of 41 CFR Chapter 60 are as follows:

PART 60-1—OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS

Subpart A—Preliminary Matters; Equal Opportunity Clause; Compliance Reports

- Sec.
- 60-1.1 Purpose and application.
- 60-1.2 Administrative responsibility.
- 60-1.3 Definitions.
- 60-1.4 Equal opportunity clause.
- 60-1.5 Exemptions.
- 60-1.6 Duties of agencies.
- 60-1.7 Reports and other required information.
- 60-1.8 Segregated facilities.
- 60-1.9 Compliance by labor unions and by recruiting and training agencies.

Subpart B—General Enforcement: Compliance Review and Complaint Procedure

- 60-1.20 Compliance reviews.
- 60-1.21 Who may file complaints.
- 60-1.22 Where to file.
- 60-1.23 Contents of complaint.
- 60-1.24 Processing of matters by agencies.
- 60-1.25 Assumption of jurisdiction by or referrals to the Director.
- 60-1.26 Hearings.
- 60-1.27 Sanctions and penalties.
- 60-1.28 Show cause notices.
- 60-1.29 Preaward notices.
- 60-1.30 Contract ineligibility list.
- 60-1.31 Reinstatement of ineligible prime contractors and subcontractors.
- 60-1.32 Intimidation and interference.

Subpart C—Ancillary Matters

- 60-1.40 Affirmative action compliance programs.
- 60-1.41 Solicitations or advertisements for employees.
- 60-1.42 Notices to be posted.
- 60-1.43 Access to records of employment.
- 60-1.44 Rulings and interpretations.
- 60-1.45 Existing contracts and subcontracts.
- 60-1.46 Delegation of authority by the Director.
- 60-1.47 Effective date.

AUTHORITY: The provisions of this Part 60-1 issued pursuant to sec. 201, E.O. 11246 (30 F.R. 12319).

Subpart A—Preliminary Matters; Equal Opportunity Clause; Compliance Reports

§ 60-1.1 Purpose and application.

The purpose of the regulations in this part is to achieve the aims of Parts II, III, and IV of Executive Order 11246 for the promotion and insuring of equal opportunity for all persons, without regard to race, creed, color, or national origin, employed or seeking employment with Government contractors or with contractors performing under federally assisted construction contracts. The regulations in this part apply to all contracting agencies of the Government and to contractors and subcontractors who perform under Government contracts, to the extent set forth in this part. The regulations in this part also apply to all agencies of the Government administering programs involving Federal financial assistance which may include a construction contract, and to all contractors and subcontractors performing under construc-

tion contracts which are related to any such programs. The procedures set forth in the regulations in this part govern all disputes relative to a contractor's compliance with his obligations under the equal opportunity clause regardless of whether or not his contract contains a "Disputes" clause. The regulations in this part do not apply to any action taken to effect compliance with respect to employment practices subject to Title VI of the Civil Rights Act of 1964. The rights and remedies of the Government hereunder are not exclusive and do not affect rights and remedies provided elsewhere by law, regulation, or contract; neither do the regulations limit the exercise by the Secretary or Government agencies of powers not herein specifically set forth, but granted to them by the order.

§ 60-1.2 Administrative responsibility.

Under the general direction of the Secretary, the Director has been delegated authority and assigned responsibility for carrying out the responsibilities assigned to the Secretary under the order, except the power to issue rules and regulations of a general nature. All correspondence regarding the order should be directed to the Director, Office of Federal Contract Compliance, U.S. Department of Labor, 14th and Constitution Avenue NW., Washington, D.C. 20210.

§ 60-1.3 Definitions.

(a) The term "administering agency" means any department, agency and establishment in the Executive Branch of the Government, including any wholly owned Government corporation, which administers a program involving federally assisted construction contracts.

(b) The term "agency" means any contracting or any administering agency of the Government.

(c) The term "applicant" means an applicant for Federal assistance involving a construction contract, or other participant in a program involving a construction contract as determined by regulation of an administering agency. The terms also includes such persons after they become recipients of such Federal assistance.

(d) The term "Compliance Agency" means the agency designated by the Director on a geographical industry or other basis to conduct compliance reviews and to undertake such other responsibilities in connection with the administration of the order as the Director may determine to be appropriate. In the absence of such a designation, the Compliance Agency will be determined as follows:

(1) In the case of a prime contractor not involved in construction work, the Compliance Agency will be the agency whose contracts with the prime contractor or whose assistance to the prime contractor have the largest aggregate dollar value;

(2) In the case of a subcontractor not involved in construction work, the Compliance Agency will be the Compliance Agency of the prime contractor with which the subcontractor has the largest aggregate value of subcontracts or pur-

chase orders for the performance of work under contracts;

(3) In the case of a prime contractor or subcontractor involved in construction work, the Compliance Agency for each construction site will be the contracting or administering agency involved in the construction project; or

(4) In the case of a contractor who is both a prime contractor and subcontractor, the Compliance Agency will be determined as if such contractor is a prime contractor only.

(e) The term "construction work" means the construction, rehabilitation, alteration, conversion, extension, demolition, or repair of buildings, highways, or other changes or improvements to real property, including facilities providing utility services. The term also includes the supervision, inspection, and other functions incidental to the actual construction.

(f) The term "contract" means any Government contract or any federally assisted construction contract.

(g) The term "contracting agency" means any department, agency, establishment, or instrumentality in the Executive Branch of the Government, including any wholly owned Government corporation, which enters into contracts.

(h) The term "contractor" means, unless otherwise indicated, a prime contractor or subcontractor.

(i) The term "Director" means the Director, Office of Federal Contract Compliance, U.S. Department of Labor or any person to whom he delegates authority under these regulations.

(j) The term "equal opportunity clause" means the contract provisions set forth in section 202 of the order or § 60-1.4, as appropriate.

(k) The term "federally assisted construction contract" means any agreement or modification thereof between any applicant and a person for construction work which is paid for in whole or in part with funds obtained from the Government or borrowed on the credit of the Government pursuant to any Federal program involving a grant, contract, loan, insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance, or guarantee, or any application or modification thereof approved by the Government for a grant, contract, loan, insurance, or guarantee under which the applicant itself participates in the construction work.

(l) The term "Government" means the Government of the United States of America.

(m) The term "Government contract" means any agreement or modification thereof between any contracting agency and any person for the furnishing of supplies or services or the transfer of any real or personal property, or any interest in property, or for the use of Government property. The term "services", as used in this definition includes, but is not limited to the following services: Utility, construction, transportation, research, insurance, and fund depository. The term "Government contract" does not include (1) agreements in which the parties

stand in the relationship of employer and employee and (2) federally assisted contractor contracts.

(n) The term "hearing officer" means the individual or board of individuals designated to conduct hearing.

(o) The term "modification" means any alteration in the terms and conditions of a contract, including supplemental agreements, amendments, and extensions.

(p) The term "Order" means Parts II, III, and IV of the Executive Order 11246 dated September 24, 1965 (30 F.R. 12319), any Executive order amending such order, and any other Executive order superseding such order.

(q) The term "person" means any natural person, corporation, partnership, unincorporated association, State or local government, and any agency, instrumentality, or subdivision of such a government.

(r) The term "prime contractor" means any person holding a contract.

(s) The term "recruiting and training agency" means any person who refers workers to any contractor or subcontractor, or who provides or supervises apprenticeship or training for employment by any contractor or subcontractor.

(t) The term "rules, regulations, and relevant orders of the Secretary of Labor" used in paragraph (4) of the equal opportunity clause means rules, regulations, and relevant orders of the Secretary of Labor or his designee issued pursuant to the order.

(u) The term "Secretary" means the Secretary of Labor, U.S. Department of Labor.

(v) The term "site of construction" means the general physical location of any building, highway, or other change or improvement to real property which is undergoing construction, rehabilitation, alteration, conversion, extension, demolition, or repair and any temporary location or facility at which a contractor, subcontractor, or other participating party meets a demand or performs a function relating to the contract or subcontract.

(w) The term "subcontract" means any agreement or arrangement between a contractor and any person (in which the parties do not stand in the relationship of an employer and an employee):

(1) For the furnishing of supplies or services, including construction, which, in whole or in part, are necessary to the performance of any one or more contracts; or

(2) Under which any portion of the contractor's obligation under any one or more contracts is performed, undertaken, or assumed.

(x) The term "subcontractor" means any person holding a subcontract. The term "First-tier subcontractor" refers to a subcontractor holding a subcontract with a prime contractor. "Second-tier subcontractor" refers to a subcontractor holding a subcontract with a first-tier subcontractor.

(y) The term "United States" as used herein shall include the several States, the Commonwealth of Puerto Rico, the

Panama Canal Zone, and the possessions of the United States.

§ 60-1.4 Equal opportunity clause.

(a) *Government contracts.* Except as otherwise provided, each contracting agency shall include the following equal opportunity clause contained in section 202 of the order in each of its Government contracts (and modifications thereof if not included in the original contract):

During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the contractor's non-compliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will

be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for noncompliance: *Provided, however,* That in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

(b) *Federally assisted construction contracts.* Except as otherwise provided, each administering agency shall require the inclusion of the following language as a condition of any grant, contract, loan, insurance, or guarantee involving federally assisted construction which is not exempt from the requirements of the equal opportunity clause:

The applicant hereby agrees that it will incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR Chapter 60, which is paid for in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to a grant, contract, loan, insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance, or guarantee, the following equal opportunity clause:

During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of in-

investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the contractor's non-compliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The contractor will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance; *Provided, however*, That in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

The applicant further agrees that it will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in federally assisted construction work.

The applicant agrees that it will assist and cooperate actively with the administering agency and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that it will furnish the administering agency and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the administering agency in the discharge of the agency's primary responsibility for securing compliance.

The applicant further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to the Executive order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by the administering agency or the Secretary of Labor pursuant to Part II, Subpart D of the Executive order. In addition, the applicant agrees that if it fails or refuses to comply with these undertakings, the administering agency may cancel, terminate, or suspend in whole or in part this grant (contract, loan, insurance, guarantee); may refrain from extending any further assistance under any of its programs subject to the Executive order until satisfactory assurance of future compliance has been received from such applicant; or may refer the case to the Department of Justice for appropriate legal proceedings.

(c) *Subcontracts.* Each nonexempt prime contractor or subcontractor shall include the equal opportunity clause in each of its nonexempt subcontracts ex-

cept that each prime contractor whose contract does not exceed \$10,000 shall not be required to include the equal opportunity clause in its subcontracts.

(d) *Incorporation by reference.* The equal opportunity clause may be incorporated by reference in Government bills of lading, transportation requests, contracts of contractors who are not required to file reports by § 60-1.7, subcontracts below the second tier and such other contracts as the Director may designate.

(e) *Adaptation of language.* Such necessary changes in language may be made in the equal opportunity clause as shall be appropriate to identify properly the parties and their undertakings.

§ 60-1.5 Exemptions.

(a) *General*—(1) *Work outside the United States.* Contracts and subcontracts are exempt from the requirements of the equal opportunity clause with regard to work performed outside the United States by employees who were not recruited within the United States.

(2) *Contracts with State or local governments.* Contracts or subcontracts with State or local governments (or any agency, instrumentality, or subdivision of such governments) are exempt from the requirements of the equal opportunity clause with regard to employment in a separate or identifiable part of the government not participating in work on the contract or subcontract.

(b) *Specific contracts and facilities*—(1) *Specific contracts.* The Director may exempt an agency or any person from requiring the inclusion of any or all of the equal opportunity clause in any specific contract, or subcontract, when he deems that special circumstances in the national interest so require. The Director may also exempt groups or categories of contracts or subcontracts of the same type where he finds it impracticable to act upon each request individually or where group exemptions will contribute to convenience in the administration of the order.

(2) *Facilities not connected with contracts.* The Director may exempt from the requirements of the equal opportunity clause any of a prime contractor's or subcontractor's facilities which he finds to be in all respects separate and distinct from activities of the prime contractor or subcontractor related to the performance of the contract or subcontract, provided that he also finds that such an exemption will not interfere with or impede the effectuation of the order.

(c) *National security.* Any requirement set forth in the regulations in this part shall not apply to any contract or subcontract whenever the head of an agency determines that such contract or subcontract is essential to the national security and that its award without complying with such requirement is necessary to the national security. Upon making such a determination, the head of the agency will notify the Director in writing within 30 days.

(d) *Withdrawal of exemption.* When any contract or subcontract is of a class exempted under this section, the Director

may withdraw the exemption for a specific contract or subcontract or group of contracts or subcontracts when in his judgment such action is necessary or appropriate to achieve the purposes of the order. Such withdrawal shall not apply to contracts or subcontracts awarded prior to the withdrawal, except that in procurements entered into by formal advertising, or the various forms of restricted formal advertising, such withdrawal shall not apply unless the withdrawal is made more than 10 calendar days before the date set for the opening of the bids.

§ 60-1.6 Duties of agencies.

(a) *General responsibility.* Each agency shall be primarily responsible for obtaining compliance with the equal opportunity clause, the order, the regulations in this part, and orders issued pursuant thereto. Each agency shall cooperate with the Director and shall furnish him such information and assistance as he may require in the performance of his functions under the order. Such information shall include compliance review reports, schedules of compliance reviews and any other information relevant to the administration of the order.

(b) *Agency program.* The head of each agency shall, subject to the prior approval of the Director, establish a program and promulgate procedures to carry out the agency's responsibilities for obtaining compliance with the order and regulations and orders issued pursuant thereto. Each agency head shall also designate a Contract Compliance Officer, who (unless otherwise approved by the Director) shall be appointed by the head of the agency from among the agency's executive personnel to whom the provisions of the Federal Executive Pay Act apply, and such officer shall be subject to the immediate supervision of the head of the agency. All compliance reviews required pursuant to the regulations in this part and such other compliance reviews as the Contract Compliance Officer determines to be appropriate shall be conducted by him or his designee. The head of the agency or the Contract Compliance Officer may also designate a Deputy Contract Compliance Officer to assist the Contract Compliance Officer in the performance of his duties. The names of the Contract Compliance Officers and the Deputy Contract Compliance Officers, their addresses and telephone numbers, and any changes made in their designation shall be furnished to the Director.

(c) *Agency regulations.* The head of each agency shall prescribe regulations for the administration of the order and the regulations in this part. Agency regulations, directives and orders for such purpose must be submitted to the Director prior to issuance and may be enforced upon approval of the Director or 60 days after submission to the extent they are not inconsistent with the order and the regulations in this part.

(d) *Award of contracts.* Unless the agency regulations issued in accordance with paragraph (c) of this section provide for alternative procedures, each

agency shall follow the procedures described below before the award of any nonexempt contract.

(1) All Contracting Officers and officers approving applications for Federal financial or other assistance shall notify the Contract Compliance Office or appropriate Deputy as soon as practicable of the impending award of each nonexempt contract, the name and address of the prime contractor, anticipated time of performance, name and address of each known subcontractor, the approximate number of employees presently employed and expected to be employed by the prime contractor and subcontractor, whether the prime contractor and known subcontractors have previously held any Government contracts or federally assisted construction contracts subject to Executive Order 10925, 11114 or 11246, and whether the prime contractor has previously filed compliance reports required by Executive Order 10925, 11114 or 11246, or by regulations of the Equal Employment Opportunity Commission issued pursuant to Title VII of the Civil Rights Act of 1964.

(2) The Contract Compliance Officer or appropriate Deputy shall review the available information relative to the prospective prime contractor's equal opportunity compliance status and notify the Contracting Officer or Approving Officer of any deficiencies found to exist. A copy of such report shall be forwarded to the Director.

(3) Contracting Officers or Approving Officers shall:

(i) Notify the bidder, offeror or applicant of any deficiencies found to exist by the Contract Compliance Officer, and

(ii) Direct any bidder, offeror or applicant so notified to negotiate with the Contract Compliance Officer and to take such actions as the Contract Compliance Officer may require.

(4) The award of any such contract shall be conditioned upon the Contract Compliance Officer's notification to the Contracting Officer or Approving Officer that the bidder, offeror or applicant has taken action or has agreed to take action satisfactory to the Contract Compliance Officer or the head of the agency as provided in § 60-1.20(b). Any such agreement to take action shall be stated in the contract, if the Contract Compliance Officer so requires.

(e) *Evaluations.* The Director may from time to time evaluate the programs, procedures, and policies of agencies in order to assure their compliance with the order and the regulations in this part and the compliance of prime contractors and subcontractors with the equal opportunity clause.

§ 60-1.7 Reports and other required information.

(a) *Requirements for prime contractors and subcontractors.* (1) Each agency shall require each prime contractor and each prime contractor and subcontractor shall cause its subcontractors to file annually, on or before the 31st day of March, complete and accurate reports on Standard Form 100 (EEO-1) promulgated jointly by the Office of Fed-

eral Contract Compliance, the Equal Employment Opportunity Commission and Plans for Progress or such form as may hereafter be promulgated in its place if such prime contractor or subcontractor (1) is not exempt from the provisions of the regulations in this part in accordance with § 60-1.5; (ii) is not a State or local government (or any agency, instrumentality or subdivision of such a government); (iii) has 50 or more employees; (iv) is a prime contractor or first tier subcontractor; and (v) has a contract, subcontract or purchase order amounting to \$50,000 or more or serves as a depository of Government funds in any amount: *Provided*, That any subcontractor below the first tier which performs construction work at the site of construction shall be required to file such a report if it meets the requirements specified in subdivisions (i), (ii), (iii), and (v) of this subparagraph.

(2) Each person required by subparagraph (1) of this paragraph to submit reports shall file such a report within 30 days after the award to him of a contract or subcontract, unless such person has submitted such a report within 12 months preceding the date of the award. Subsequent reports shall be submitted annually in accordance with subparagraph (1) of this paragraph, or at such other intervals as the agency or the Director may require. The agency with the approval of the Director may extend the time for filing any report.

(3) The Director, the agency or the applicant, on their own motions, may require a prime contractor to keep employment or other records and to furnish, in the form requested, within reasonable limits, such information as the Director, agency, or the applicant deems necessary for the administration of the order.

(4) Failure to file timely, complete and accurate reports as required constitutes noncompliance with the prime contractor's or subcontractor's obligations under the equal opportunity clause and is ground for the imposition by the agency, the Director, an applicant, prime contractor or subcontractor, of any sanctions available under the order. Any such failure shall be reported in writing to the Director by the agency as soon as practicable after it occurs.

(b) *Requirements for bidders or prospective contractors.*—(1) *Previous reports.* Each agency shall require each bidder or prospective prime contractor and proposed subcontractor, where appropriate, to state in the bid or at the outset of negotiations for the contract whether it has participated in any previous contract or subcontract subject to the equal opportunity clause; and, if so, whether it has filed with the Director, agency, or the former President's Committee on Equal Employment Opportunity all reports due under the applicable filing requirements. In any case in which a bidder or prospective prime contractor or proposed subcontractor which participated in a previous contract or subcontract subject to the equal opportunity clause has not filed a report due under the applicable filing requirements,

no contract or subcontract shall be awarded unless such contractor submits a report covering the delinquent period or such other period specified by the agency or the Director.

(2) *Additional information.* A bidder or prospective prime contractor or proposed subcontractor shall be required to submit such information as the agency or the Director requests prior to the award of the contract or subcontract. When a determination has been made to award the contract or subcontract to a specific contractor, such contractor shall be required, prior to award, or after the award, or both, to furnish such other information as the agency, the applicant, or the Director requests.

(c) *Use of reports.* Reports filed pursuant to this section shall be used only in connection with the administration of the order, the Civil Rights Act of 1964, or in furtherance of the purposes of the order and said Act.

§ 60-1.8 Segregated facilities.

(a) *General.* In order to comply with his obligations under the equal opportunity clause, a prime contractor or subcontractor must ensure that facilities provided for employees are provided in such a manner that segregation on the basis of race, creed, color, or national origin cannot result. He may neither require such segregated use by written or oral policies nor tolerate such use by employee custom. His obligation extends further to ensuring that his employees are not assigned to perform their services at any location, under his control, where the facilities are segregated. This obligation extends to all contracts containing the equal opportunity clause regardless of the amount of the contract. The term "facilities" as used in this section is not limited to waiting rooms, work areas, restaurants and other eating areas, time clocks, restrooms, locker rooms, parking lots, drinking fountains, and recreation areas, but includes all other facilities provided for employees.

(b) *Certification by prime contractors and subcontractors.* Prior to the award of any nonexempt Government contract or subcontract or federally assisted construction contract or subcontract exceeding \$10,000, each agency shall require the prospective prime contractor and each prime contractor and subcontractor shall require each subcontractor to submit a certification, in the form approved by the Director, that the prospective prime contractor or subcontractor does not and will not maintain any facilities he provides for his employees in a segregated manner, or permit his employees to perform their services at any location, under his control, where segregated facilities are maintained; and that he will obtain a similar certification in the form approved by the Director, prior to the award of any nonexempt subcontract exceeding \$10,000.

§ 60-1.9 Compliance by labor unions and by recruiting and training agencies.

(a) The Director shall use his best efforts, directly and through agencies,

contractors, subcontractors, applicants, State and local officials, public and private agencies, and all other available instrumentalities, to cause any labor union, recruiting and training agency or other representative of workers who are or may be engaged in work under contracts and subcontracts to cooperate with, and to comply in the implementation of, the purposes of the order.

(b) In order to effectuate the purposes of paragraph (a) of this section, the Director may hold hearings, public or private, with respect to the practices and policies of any such labor union or recruiting and training agency.

(c) The Director may notify any Federal, State, or local agency of his conclusions and recommendations with respect to any such labor organization or recruiting and training agency which in his judgment has failed to cooperate with himself, agencies, prime contractors, subcontractors, or applicants in carrying out the purposes of the order. The Director also may notify the Equal Employment Opportunity Commission, the Department of Justice, or other appropriate Federal agencies whenever he has reason to believe that the practices of any such labor organization or agency violates Title VII of the Civil Rights Act of 1964 or other provisions of Federal law.

Subpart B—General Enforcement: Compliance Review and Complaint Procedure

§ 60-1.20 Compliance reviews.

(a) The purpose of a compliance review is to determine if the prime contractor or subcontractor maintains non-discriminatory hiring and employment practices and is taking affirmative action to ensure that applicants are employed and that employees are placed, trained, upgraded, promoted, and otherwise treated during employment without regard to race, creed, color, or national origin. It shall consist of a comprehensive analysis and evaluation of each aspect of the aforementioned practices, policies, and conditions resulting therefrom. Where necessary, recommendations for appropriate sanctions shall be made.

(b) Where deficiencies are found to exist, reasonable efforts shall be made to secure compliance through conciliation and persuasion. Before the contractor can be found to be in compliance with the order, it must make a specific commitment, in writing, to correct any such deficiencies. The commitment must include the precise action to be taken and dates for completion. The time period allotted should be no longer than the minimum period necessary to effect such changes. Upon approval of the Contract Compliance Officer or the agency head of such commitment, the contractor may be considered in compliance, on condition that the commitments are faithfully kept. The contractor should be notified that making such commitments does not preclude future determinations of non-compliance based on additional evidence found in later compliance reviews or a

finding that the commitments made failed to achieve their intended purpose.

(c) The Compliance Agency shall have the primary responsibility for the conduct of compliance reviews. Agencies shall institute programs for the regular conduct of compliance reviews in accordance with the Director's guidelines, and shall also conduct compliance reviews in accordance with any special requests or instructions of the Director. Compliance reviews may also be conducted by the Director. Compliance reviews should be conducted by qualified specialists regularly involved in equal opportunity programs.

(d) Each agency must include in the invitation for bids for each formally advertised supply contract which may result in a bid of \$1 million or more, a notice (in the form approved by the Director) to prospective bidders that if their bid is in the amount of \$1 million or more, the apparent low responsible bidder and his known first-tier subcontractors with subcontract of \$1 million or more will be subject to a compliance review before the award of the contract. Before the award of any formally advertised supply contract of \$1 million or more, a pre-award compliance review of the prospective contractor and his known first-tier \$1 million subcontractors must be conducted by the Compliance Agency within 6 months prior to the award of the contract. If an agency other than the awarding agency is the Compliance Agency, the awarding agency will notify the Compliance Agency and request appropriate action and finding in accordance with this paragraph. Compliance Agencies will provide awarding agencies with written reports of compliance reviews within 30 days following the requests. In order to qualify for the award of a contract, a contractor and such first-tier subcontractors must be found on the basis of such review to be able to comply with the equal opportunity clause or carry out an acceptable program for compliance as provided in paragraph (b) of this section.

§ 60-1.21 Who may file complaints.

Any person may, by himself or by an authorized representative, file in writing a complaint of alleged discrimination in violation of the equal opportunity clause. Such complaint is to be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the agency or the Director upon good cause shown.

§ 60-1.22 Where to file.

Complaints may be filed with the agency or with the Director. Those filed with the Director may be referred to the agency for processing, or they may be processed in accordance with § 60-1.25.

§ 60-1.23 Contents of complaint.

(a) The complaint should include the name, address, and telephone number of the complainant, the name and address of the prime contractor or subcontractor committing the alleged discrimination, a description of the acts considered to be

discriminatory, and any other pertinent information which will assist in the investigation and resolution of the complaint. The complaint shall be signed by the complainant or his authorized representative.

(b) Where a complaint contains incomplete information, the agency or the Director shall seek promptly the needed information from the complainant. In the event such information is not furnished to the agency or the Director within 60 days of the date of such request, the case may be closed.

§ 60-1.24 Processing of matters by agencies.

(a) *Complaints.* Where complaints are filed with the agency, the Contracts Compliance Officer shall transmit a copy of the complaint to the Director within 10 days after the receipt thereof.

(b) *Investigations.* The agency or Compliance Agency shall institute a prompt investigation of each complaint filed with it or referred to it, and shall be responsible for developing a complete case record. A complete case record consists of the name and address of each person interviewed, and a summary of his statement, copies or summaries of pertinent documents, and a narrative summary of the evidence disclosed in the investigation as it relates to each violation revealed. When a complaint is filed against a prime contractor or subcontractor who has contracts involving more than one agency, unless otherwise provided, the Compliance Agency shall conduct the investigation and make such findings and determinations as shall be appropriate for the administration of the order.

(c) *Resolution of matters.* (1) If the complaint investigation by the agency pursuant to paragraph (b) of this section shows no violation of the equal opportunity clause, the agency shall so inform the Director. The Director may review the findings of the agency, and he may request further investigation by the agency or may undertake such investigation as he may deem appropriate.

(2) If any complaint investigation or compliance review indicates a violation of the equal opportunity clause, the matter should be resolved by informal means whenever possible. Such informal means may include the holding of a compliance conference by the agency. Each prime contractor and subcontractor shall be advised that the resolution is subject to the approval of the Director.

(3) Where any complaint investigation or compliance review indicates a violation of the equal opportunity clause and the matter has not been resolved by informal means, the agency may, with the approval of the Director, afford the prime contractor or subcontractor an opportunity for a hearing. If the agency's decision is that a violation of the equal opportunity clause has taken place, the agency may make recommendations to the Director, and may, in accordance with § 60-1.26, cause the cancellation, termination, or suspension of the contract or subcontract pursuant to section

209 of the order, or may with the approval of the Director impose such other sanctions as seem necessary and appropriate to carry out the purposes of the order. Whenever debarment from contracts under section 209(a)(6) of the order may be proposed by the agency, it shall afford the prime contractor or subcontractor an opportunity for a hearing in accordance with § 60-1.26. When a prime contractor or subcontractor, without a hearing shall have complied with the recommendations or orders of an agency or the Director and believes such recommendations or orders to be erroneous, he shall upon filing a request therefor within 10 days of such compliance be afforded an opportunity for a hearing and review of the alleged erroneous action by the agency or the Director as the case may be.

(4) For reasonable cause shown, the Director or an agency head may reconsider or cause to be reconsidered any matter on his own motion or pursuant to a request.

(d) *Reports to the Director.* (1) Within 30 days from receipt of a complaint by the agency, or within such additional time as may be allowed by the Director for good cause shown, the agency or the Compliance Agency shall process the complaint and submit to the Director the case record and a summary report containing the following information:

(i) Name and address of the complainant;

(ii) Brief summary of findings, including a statement as to the agency's conclusions regarding the contractor's compliance or noncompliance with the requirements of the equal opportunity clause;

(iii) A statement of the disposition of the case, including any corrective action taken and any sanctions or penalties imposed or, whenever appropriate, the recommended corrective action and sanctions or penalties.

(2) A written report of every preaward compliance review required by this part or otherwise required by the Director, including findings, will be forwarded to the Director within 10 days after the award for a postaward review.

(3) A written report of every other compliance review or any other matter processed by the agency involving an apparent violation of the equal opportunity clause shall be submitted to the Director. Such report shall contain a brief summary of the findings, including a statement of conclusions regarding the contractor's compliance or noncompliance with the requirements of the order, and a statement of the disposition of the case, including any corrective action taken or recommended and any sanctions or penalties imposed or recommended.

§ 60-1.25 Assumption of jurisdiction by or referrals to the Director.

The Director may inquire into the status of any matter pending before an agency or a Compliance Agency, including complaints and matters arising out of reports, reviews, and other investigations. Where he considers it necessary or

appropriate to the achievement of the purposes of the order, he may assume jurisdiction over the matter and proceed as provided herein. Whenever the Director assumes jurisdiction over any matter, or an agency refers any matter, he may conduct, or have conducted, such investigations, hold such hearings, make such findings, issue such recommendations and directives, order such sanctions and penalties, and take such other action as may be necessary or appropriate to achieve the purposes of the order. The Director shall promptly notify the agency of any corrective action to be taken or any sanctions to be taken or any sanction to be imposed by the agency. The agency shall take such action, and report the results thereof to the Director within the time specified.

§ 60-1.26 Hearings.

(a) *Informal hearings.*—(1) *Purpose.* The Director or any agency head with the approval of the Director may convene such informal hearings as may be deemed appropriate for the purpose of inquiring into the status of compliance by any prime contractor or subcontractor with the terms of the equal opportunity clause.

(2) *Notice.* Contractors and subcontractors shall be advised in writing as to the time and place of the informal hearing and may be directed to bring specific documents and records, or furnish other relevant information concerning their compliance status. When so requested, the prime contractor or subcontractor shall attend and bring requested documents and records, or other requested information.

(3) *Conduct of hearings.* The hearing shall be conducted by hearing officers appointed by the Director or an agency head. Parties to informal hearings may be represented by counsel and shall have a fair opportunity to present any relevant material. Formal rules of evidence will not apply to such proceedings.

(b) *Formal hearings.*—(1) *General procedure.* The Director or the agency head, with the approval of the Director, may convene formal hearings pursuant to this Subpart B. Reasonable notice of such hearing shall be given by registered mail, return receipt requested, to the prime contractor or subcontractor complained against. Such notice shall contain the time and place of hearing, a statement of the provisions of the order and regulations pursuant to which the hearing is to be held, and a concise statement of the matters pursuant to which the action furnishing the basis of the hearing has been taken or is proposed to be taken. Hearings shall be held before a hearing officer designated by the Director or an agency head. Each party shall have the right to counsel, a fair opportunity to present evidence and argument and to cross-examine. The hearing officer shall make his proposed findings and conclusions upon the basis of the record before him.

(2) *Cancellation, termination, and debarment.* No order for cancellation or termination of existing contracts or for

debarment from further contracts pursuant to section 209 of the order shall be made without affording the prime contractor or subcontractor an opportunity for a hearing. When cancellation, termination, or debarment is proposed, the following procedure shall be followed:

(i) *Notice of proposed cancellation or termination.* Whenever the Director, or the head of an agency or his representative, upon prior notification to the Director, proposes to cancel or terminate, or cause to be canceled or terminated, in whole or in part, a contract or to require cancellation or termination of a subcontract, a notice of the proposed action, in writing and signed by the Director or head of the agency, or his representative, as the case may be, shall be sent to the last known address of the prime contractor or subcontractor, return receipt requested. The prime contractor or subcontractor shall be given at least 10 days from the mailing of the notice either to comply with the provisions of the contract or subcontract or to mail a request for a hearing to the Director, or the agency. During the 10-day notice period, reasonable efforts shall continue to be made to secure compliance by conference, mediation, and persuasion. Whenever the prime contractor or subcontractor requests a hearing in accordance with these provisions, the contract or subcontract may be suspended, in the discretion of the Director, during the pendency of the hearing.

(ii) *Notice of proposed ineligibility.* Whenever the Director, or the head of an agency or his representative, upon prior notification to the Director, proposes to declare a prime contractor or subcontractor ineligible for further contracts or subcontracts under section 209 of the order, a notice of the proposed action, in writing and signed by the Director or head of the agency or his representative, as the case may be, shall be sent to the last known address of the prime contractor or subcontractor, return receipt requested. The prime contractor or subcontractor shall be given 10 days from the receipt of such notice in which to mail a request for a hearing to the Director, or the agency.

(iii) *Hearing request.* If at the end of the 10-day period referred to in subdivision (i) of this subparagraph, no request has been received, the Director or the head of the agency may cancel, suspend, or terminate or cause to be canceled, suspended, or terminated such contracts or subcontracts. If at the end of the 10-day period referred to in subdivision (ii) of this subparagraph no request has been received, the Director may enter an order declaring such contractor or subcontractor ineligible for further contracts, subcontracts, or extensions or other modifications of existing contracts, until such contractor or subcontractor shall have satisfied the Director that he has established and will carry out personnel and employment policies and practices in compliance with the provisions of the equal opportunity clause.

(iv) *Decision following hearing.* When the hearing is conducted by an agency,

the hearing officer shall make recommendations to the head of the agency who shall make a decision. No decision by the head of the agency, or his representatives, shall be final without the prior approval of the Director. When the hearing is conducted by a hearing officer appointed by the Director, the hearing officer shall make recommendations to the Director, who shall make the final decision. Parties shall be furnished with copies of the hearing officer's recommendations, and shall be given an opportunity to submit their views.

§ 60-1.27 Sanctions and penalties.

Referral of any matter arising under the order to the Department of Justice or to the Equal Employment Opportunity Commission shall be made by the Director. The sanctions described in subsections (1), (5), and (6) of section 209 (a) of the order may be exercised only by or with the approval of the Director. Heads of agencies will immediately notify the Director of any contract cancellation, termination, or suspension.

§ 60-1.28 Show cause notices.

When the Director has reasonable cause to believe that a contractor has violated the equal opportunity clause he may issue a notice requiring the contractor to show cause, within 30 days, why monitoring, enforcement proceedings or other appropriate action to ensure compliance should not be instituted.

§ 60-1.29 Preaward notices.

(a) *Preaward compliance reviews.* Upon the request of the Director, agencies shall not enter into contracts or approve the entry into subcontracts with any bidder, prospective prime contractor, or proposed subcontractor named by the Director until a preaward compliance review has been conducted and the Director or designated agency head has approved a determination that the bidder, prospective prime contractor or proposed subcontractor will be able to comply with the provisions of the equal opportunity clause.

(b) *Other special preaward procedures.* Upon the request of the Director, agencies shall not enter into contracts or approve the entry into subcontracts with any bidder, prospective prime contractor, or proposed subcontractor specified by the Director until the agency has complied with the directions contained in the request.

§ 60-1.30 Contract ineligibility list.

The Director shall distribute periodically a list to all executive departments and agencies giving the names of prime contractors and subcontractors who have been declared ineligible under the regulations in this part and the order.

§ 60-1.31 Reinstatement of ineligible prime contractors and subcontractors.

Any prime contractor or subcontractor declared ineligible for further contracts or subcontracts under the order may request reinstatement in a letter directed to the Director. In connection with the reinstatement proceedings, the prime

contractor or subcontractor shall be required to show that it has established and will carry out employment policies and practices in compliance with the equal opportunity clause.

§ 60-1.32 Intimidation and interference.

The sanctions and penalties contained in Subpart D of the order may be exercised by the agency or the Director against any prime contractor, subcontractor or applicant who fails to take all necessary steps to ensure that no person intimidates, threatens, coerces, or discriminates against any individual for the purpose of interfering with the filing of a complaint, furnishing information, or assisting or participating in any manner in an investigation, compliance review, hearing, or any other activity related to the administration of the order or any other Federal, State, or local laws requiring equal employment opportunity.

Subpart C—Ancillary Matters

§ 60-1.40 Affirmative action compliance programs.

(a) *Requirements of programs.* Each agency shall require each prime contractor which is not an agency instrumentality or subdivision of a State or local government to develop a written affirmative action compliance program for each of its facilities. An affirmative action program for each new facility shall be available at the contractor's principal place of business 6 months before the opening of such facility. A necessary prerequisite to the development of a satisfactory affirmative action program is the identification and analysis of problem areas inherent in minority employment and an evaluation of opportunities for a utilization of minority group personnel. The contractor's program shall provide in detail for specific steps to guarantee equal employment opportunity keyed to the problems and needs of members of minority groups, including, when there are deficiencies, the development of specific goals and time tables for the prompt achievement of full and equal employment opportunity.

(b) *Utilization evaluation.* The evaluation of utilization of minority group personnel shall include the following:

(1) An analysis of minority group representation in all job categories.

(2) An analysis of hiring practices for the past year, including recruitment sources and testing, to determine whether equal employment opportunity is being afforded in all job categories.

(3) An analysis of upgrading, transfer, and promotion for the past year to determine whether equal employment opportunity is being afforded.

(c) *Subcontractors' programs.* Each prime contractor shall require each first-tier subcontractor which is not an agency, instrumentality or subdivision of a State or local government, to develop similar affirmative action compliance programs in order to comply with its affirmative action obligation.

(d) *Maintenance of programs.* Each contractor shall maintain a copy of this

affirmative action compliance program, including evaluation of utilization of minority group personnel, signed by an executive official of the contractor, at each facility within 120 days from the commencement of the contract and shall update it and compile a report on the results of such program annually. Each contractor shall include in his affirmative action compliance program a table of job classifications. This table should include but need not be limited to job titles, principal duties (and auxiliary duties, if any), rates of pay, and where more than one rate of pay applies (because of length of time in the job or other factors) the applicable rates. This information shall be made available to representatives of the agency or Director upon request and the contractor's affirmative action program and the result it produces shall be evaluated as part of compliance review activities.

§ 60-1.41 Solicitations or advertisements for employees.

In solicitations or advertisements for employees placed by or on behalf of a prime contractor or subcontractor, the requirements of paragraph (2) of the equal opportunity clause shall be satisfied whenever the prime contractor or subcontractor complies with any of the following:

(a) States expressly in the solicitations or advertising that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin;

(b) Uses display or other advertising, and the advertising includes an appropriate insignia prescribed by the Director. The use of the insignia is considered subject to the provisions of 18 U.S.C. 701;

(c) Uses a single advertisement, and the advertisement is grouped with other advertisements under a caption which clearly states that all employers in the group assure all qualified applicants equal consideration for employment without regard to race, creed, color, or national origin;

(d) Uses a single advertisement in which appears in clearly distinguishable type the phrase "an equal opportunity employer."

§ 60-1.42 Notices to be posted.

(a) Unless alternative notices are prescribed by the Director or by the agency with the approval of the Director, the notices which prime contractors and subcontractors are required to post by paragraphs (1) and (3) of the equal opportunity clause will contain the following language and will be provided by the contracting or administering agencies:

EQUAL EMPLOYMENT OPPORTUNITY IS THE LAW—DISCRIMINATION IS PROHIBITED BY THE CIVIL RIGHTS ACT OF 1964 AND BY EXECUTIVE ORDER NO. 11246

Title VII of the Civil Rights Act of 1964—Administered by:

THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Prohibits discrimination because of Race, Color, Religion, Sex, or National Origin by Employers with 75 or more employees, by

Labor Organizations with a hiring hall of 75 or more members, by Employment Agencies, and by Joint Labor-Management Committees For Apprenticeship or Training. After July 1, 1967, employers and labor organizations with 50 or more employees or members will be covered; after July 1, 1968, those with 25 or more will be covered.

ANY PERSON
Who believes he or she has
been discriminated against
SHOULD CONTACT

THE EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

1800 G Street NW.

Washington, D.C. 20506

Executive Order No. 11246—Administered by:

THE OFFICE OF FEDERAL CONTRACT COMPLIANCE

Prohibits discrimination because of Race, Color, Creed or National Origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

By all Federal Government Contractors and Subcontractors, and by Contractors Performing Work Under a Federally Assisted Construction Contract, regardless of the number of employees in either case.

ANY PERSON
Who believes he or she has
been discriminated against
SHOULD CONTACT

THE OFFICE OF FEDERAL CONTRACT COMPLIANCE

U.S. Department of Labor

Washington, D.C. 20210

(b) The requirements of paragraph (3) of the equal opportunity clause will be satisfied whenever the prime contractor or subcontractor posts copies of the notification prescribed by or pursuant to paragraph (a) of this section in conspicuous places available to employees, applicants for employment and representatives of each labor union or other organization representing his employees with which he has a collective bargaining agreement or other contract or understanding.

§ 60-1.43 Access to records of employment.

Each prime contractor and subcontractor shall permit access during normal business hours to his books, records, and accounts pertinent to compliance with the order, and all rules and regulations promulgated pursuant thereto, by the agency, or the Director for purposes of investigation to ascertain compliance with the equal opportunity clause of the contract or subcontract. Information obtained in this manner shall be used only in connection with the administration of the order, the administration of the Civil Rights Act of 1964, and in the furtherance of the purposes of the order and that Act.

§ 60-1.44 Rulings and interpretations.

Rulings under or interpretations of the order or the regulations contained in this part shall be made by the Secretary or his designee.

§ 60-1.45 Existing contracts and subcontracts.

All contracts and subcontracts in effect prior to October 24, 1965, which are not

subsequently modified shall be administered in accordance with the nondiscrimination provisions of any prior applicable Executive orders. Any contract or subcontract modified on or after October 24, 1965, shall be subject to Executive Order 11246. Complaints received by, and violations coming to the attention of agencies regarding contracts and subcontracts which were subject to Executive Orders 10925 and 11114 shall be processed as if they were complaints regarding violations of this order.

§ 60-1.46 Delegation of authority by the Director.

The Director is authorized to redelegate the authority given to him by the regulations in this part. The authority re delegated by the Director pursuant to the regulations in this part shall be exercised under his general direction and control.

§ 60-1.47 Effective date.

The regulations contained in this part shall become effective _____, 1968, for all contracts, the solicitations, invitation for bids, or requests for proposals which were sent by the Government or an applicant on or after said effective date, and for all negotiated contracts which have not been executed as of said effective date. Notwithstanding the foregoing, the regulations in this part shall become effective as to all contracts executed on and after the 120th day following said effective date. Subject to any prior approval of the Secretary, any agency may defer the effective date of the regulations in this part, for such period of time as the Secretary finds to be reasonably necessary. Contracts executed prior to the effective date of the regulations in this part shall be governed by the regulations promulgated by the former President's Committee on Equal Employment Opportunity which appear at 28 F.R. 9812, September 2, 1963 and at 28 F.R. 11305, October 23, 1963, the temporary regulations which appear at 30 F.R. 13441, October 22, 1965, and the orders at 31 F.R. 6881, May 10, 1966 and 32 F.R. 7439, May 19, 1967.

Signed at Washington, D.C., this 2d day of February 1968.

WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 68-1856; Filed, Feb. 14, 1968; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 67-CE-165]

FEDERAL AIRWAYS

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71

of the Federal Aviation Regulations that would extend V-181 from Omaha, Nebr., 1,200 feet AGL Lamoni, Iowa; 1,200 feet AGL Kirksville, Mo., and that would realign V-159 from St. Joseph, Mo., 1,200 feet AGL INT St. Joseph 343° T (335° M) and Neola, Nebr., 157° T (149° M) radials; 1,200 feet AGL INT Neola 157° T (149° M) Omaha, 112° T (104° M) radials; 1,200 feet AGL Omaha.

The extension of V-181 as proposed would designate controlled airspace within which air traffic services could be provided to aircraft operating, in accordance with instrument flight rules, between Omaha and Kirksville. The Omaha segment of V-159 would be realigned via the alignment of V-181 to simplify air traffic flow and for aeronautical chart legibility.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Building, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

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

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on February 8, 1968.

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

[F.R. Doc. 68-1872; Filed, Feb. 14, 1968; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-EA-137]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a transition area in the vicinity of Logansport, Ky., as follows:

The Logansport, Ky., transition area would be designated as that airspace extending upward from 1,200 feet above the surface northwest of Bowling Green, Ky., VORTAC, bounded by VOR Federal

airways Nos. 7, 178, 243, and the Bowling Green, Ky., 1,200-foot transition area.

The proposed transition area would provide controlled airspace where air traffic control service can be afforded aircraft operating IFR between Clarksville, Ky., VORTAC and Mystic, Ky., VOR.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, JFK International Airport, N.Y. 11430. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of comments received.

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

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

Issued in Washington, D.C., on February 7, 1968.

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

[F.R. Doc. 68-1873; Filed, Feb. 14, 1968;
8:46 a.m.]

[14 CFR Parts 71, 75]

[Airspace Docket No. 68-WA-6]

JET ROUTES AND HIGH ALTITUDE REPORTING POINTS

Proposed Alteration and Establishment

The Federal Aviation Administration is considering amendments to Parts 75 and 71 of the Federal Aviation Regulations which would realign J-60 between Hayes Center, Nebr., and Joliet, Ill., and designate a new jet route between Boulder, Nev., and Joliet, Ill., and alter domestic high altitude reporting points.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of comments received.

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

J-60 is presently aligned, in part, from Hayes Center, Nebr., via Omaha, Nebr., and Des Moines, Iowa, to Joliet, Ill. This alignment via Omaha lies over the site

of a radar antenna which is required for traffic control purposes in this area. Since aircraft flying over the vicinity of the antenna usually do not provide a satisfactory radar return, increased nonradar separation has to be provided on this highly traveled route. In order to avoid the radar antenna site and permit use of radar separation, it is proposed herein to realign J-60 in part as follows:

From Hayes Center, Nebr., via Lincoln, Nebr.; INT of the Lincoln 089° T (080° M) and the Iowa City, Iowa, 252° T (247° M) radials; Iowa City; to Joliet.

Traffic on J-60 and J-64 is very heavy in the Denver Center area due to the meeting of eastbound and westbound traffic in that area. In order to relieve the congestion on these two routes, and provide an additional east-west route through the Denver Center area, it is proposed herein to establish a new jet route from Los Angeles, Calif., via the present alignment of J-60 to Boulder, Nev., thence via Dove Creek, Colo.; Gunnison, Colo.; Goodland, Kans.; Lincoln, Nebr.; thence via the realignment of J-60 as proposed herein to Joliet, Ill.

It is proposed also to alter § 71.207, *Domestic high altitude reporting points*, as follows:

Add Dove Creek, Colo.; Goodland, Kans.; Lincoln, Nebr.; Iowa City, Iowa; delete Omaha, Nebr.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on February 7, 1968.

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

[F.R. Doc. 68-1871; Filed, Feb. 14, 1968;
8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 68-55]

HARMAL CORP.

Notice of Recordation of Trade Name

FEBRUARY 9, 1968.

On December 15, 1967, there was published in the FEDERAL REGISTER (32 F.R. 17985) a notice of application for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124) of the trade name "Harmal Corporation" used by Harmal Corp., an Illinois corporation, and Ball Machinery Co., an Illinois corporation. The notice advised that prior to final action on the application, filed pursuant to § 11.16, Customs Regulations (19 CFR 11.16), consideration would be given to relevant data, views, or arguments submitted in opposition to the recordation and received not later than 30 days from the date of publication of the notice. No responses were received in opposition to the application.

The name "Harmal Corporation" is hereby recorded as the trade name of Harmal Corp., a corporation organized under the laws of the State of Illinois, located at 939 West Lake Street, Chicago, Ill., and Ball Machinery Co., an Illinois corporation, located at 939 West Lake Street, Chicago, Ill., when applied to metal working machine tools, manufactured in Italy.

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

[F.R. Doc. 68-1895; Filed, Feb. 14, 1968;
8:48 a.m.]

[T.D. 68-56]

PLASTIC AND ALUMINUM TRAYS

Instruments of International Traffic

FEBRUARY 9, 1968.

It has been established to the satisfaction of the Bureau that plastic trays 23 inches by 14 inches by 1 3/4 inches and weighing 2 pounds, and aluminum trays 24 1/2 inches by 11 1/2 inches by 3 1/4 inches and weighing 7 pounds, designed to carry parts of dashboards such as odometers, are substantial containers or holders which are designed for and capable of repeated use in transportation and are used in substantial numbers in international traffic.

Under the authority of § 10.41a(a), Customs Regulations, I hereby designate the above-described containers as instruments of international traffic within the meaning of section 322(a), Tariff Act of 1930, as amended (19 U.S.C. 1322(a)).

These containers may be released under the procedures provided for in § 10.41a.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 68-1896; Filed, Feb. 14, 1968;
8:48 a.m.]

Office of Foreign Assets Control

DRIED WHITE JELLY FUNGUS

Importation Directly From Taiwan; Available Certification

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

White jelly fungus, dried.

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

[F.R. Doc. 68-1897; Filed, Feb. 14, 1968;
8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S 585, etc.]

CALIFORNIA

Notice of Classification of Public Lands for Multiple-Use Manage- ment; Correction

FEBRUARY 8, 1968.

In F.R. Doc. 68-912, filed January 24, 1968, appearing at page 919 of the issue for Thursday, January 25, 1968, the following correction is made in the third paragraph under "Surprise Area S 766: T. 46 N., R. 15 E., Secs. 1, 12, 13, 24, 25, and 26", should read:

T. 46 N., R. 15 E.,
Secs. 1, 12, 13, 24, 25, and 36.

J. R. PENNY,
State Director.

[F.R. Doc. 68-1853; Filed, Feb. 14, 1968;
8:45 a.m.]

[Serial No. N-1340]

NEVADA

Notice of Public Sale

FEBRUARY 8, 1968.

Under the provisions of the Public Land Sale Act of September 19, 1964 (78

Stat. 988, 43 U.S.C. 1421-1427), 43 CFR Subpart 2243, a tract of land will be offered for sale to the highest bidder at a sale to be held at 1:30 p.m., local time, on Thursday, March 28, 1968, at the Nevada Land Office, Bureau of Land Management, Room 3104, Federal Building, 300 Booth Street, Reno, Nev. The land is described as follows:

MOUNT DIABLO MERIDIAN, NEVADA

T. 20 N., R. 19 E.,
Sec. 27, NW 1/4 SW 1/4 SW 1/4 NE 1/4.

The area described contains 2.5 acres. The appraised value of the tract is \$4,000 and the publication costs to be assessed are \$12.

The land will be sold subject to all valid existing rights. Reservations will be made to the United States for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All minerals are to be reserved to the United States and withdrawn from appropriation under the public land laws, including the general mining laws.

Bids may be made by the principal or his agent, either at the sale, or by mail. An agent must be prepared to establish the eligibility of his principal.

Bids must be for all the land in the parcel. A bid for less than the appraised value of the land is unacceptable. Bids sent by mail will be considered only if received at the Nevada Land Office, Bureau of Land Management, Room 3008 Federal Building, Reno, Nev. 89502, prior to 1:30 p.m., on Thursday, March 28, 1968. Bids made prior to the public auction must be in sealed envelopes, and accompanied by certified checks, postal money orders, bank drafts, or cashier's checks, payable to the Bureau of Land Management, for the full amount of the bid plus publication costs. The envelopes must be marked in the lower left-hand corner "Public Sale Bid, Parcel No. 1, sale of March 28, 1968".

The authorized officer shall publicly declare the highest qualifying sealed bid received. Oral bids shall then be invited in specified increments. After oral bids, if any, are received, the authorized officer shall declare the high bid. A successful oral bidder must submit a guaranteed remittance, in full payment for the tract and cost of publication, before 3:30 p.m. of the day of the sale.

If no bids are received for the sale tract on March 28, 1968, the tract will be reoffered on the first Tuesday of subsequent months at 1:30 p.m., beginning April 2, 1968.

Any adverse claimants to the above described land should file their claims, or objections, with the undersigned before the time designated for sale.

The land described in this notice has been segregated from all forms of appropriation, including locations under the

general mining laws, except for sale under this Act, from the date of notation of the proposed classification decision. Inquiries concerning this sale should be addressed to the Land Office Manager, Bureau of Land Management, Room 3008, Federal Building, 300 Booth Street, Reno, Nev. 89502.

ROLLA E. CHANDLER,
Manager, Nevada Land Office.

[F.R. Doc. 68-1854; Filed, Feb. 14, 1968;
8:45 a.m.]

National Park Service

LAKE MEAD NATIONAL RECREATION AREA, NEV.

Notice of Intention to Negotiate Concession Contract

Pursuant to the provisions of section 5, Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Overton Resort, Inc., authorizing it to provide concession facilities and services for the public at Lake Mead National Recreation Area, Nev., for a period of 3 years from January 1, 1968, through December 31, 1970.

The foregoing concessioner has performed its obligations under the expiring contract to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication of this notice.

Interested parties should contact the Chief of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: February 8, 1968.

EDWARD A. HUMMEL,
Assistant Director,
National Park Service.

[F.R. Doc. 68-1855; Filed, Feb. 14, 1968;
8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

MOTOR VEHICLE POLLUTION CONTROL

California State Standards; Public Hearing; Extension of Time for Submission of Written Material

By resolution dated February 9, 1968, the Air Resources Board of the State of

California requested that the record of the above public hearing be kept open for 90 days beyond February 16, 1968, to permit the submission of additional written material on behalf of the State of California.

Accordingly, in order to assure a full opportunity for the presentation of written material by all the participants, the time for the submission of written material, data, or arguments by interested persons for inclusion as part of the record of the public hearing is hereby extended from February 16, 1968, to and including May 16, 1968.

The hearing will continue in recess and will be adjourned as of May 16, 1968, unless by such date the Presiding Officer issues a notice reconvening the public hearing.

Dated: February 13, 1968.

SMITH GRISWOLD,
Presiding Officer.

[F.R. Doc. 68-1948; Filed, Feb. 14, 1968;
8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 68-25]

NEW LONDON HARBOR

Closure to Navigation During Launching of "Bergall"

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by Treasury Department Order 120 dated July 31, 1950 (15 F.R. 6521) and Executive Order 10173, as amended by Executive Orders 10277, 10352, and 11249, I hereby affirm for publication in the FEDERAL REGISTER the order of A. J. Carpenter, Rear Admiral, U.S. Coast Guard, Commander, 3d Coast Guard District, who has exercised authority as District Commander, such order reading as follows:

SPECIAL NOTICE NEW LONDON HARBOR

Pursuant to the request of the Commander, Submarine Flotilla TWO, and acting under the authority of the Act of June 15, 1917 (40 Stat. 220) as amended, and the regulations in Part 6, Chapter I, Title 33, Code of Federal Regulations, I hereby establish a Security Zone in the waters of New London Harbor, New London, Conn., between the latitudes of 41°20'32" N., and 41°21'03" N., from 11:45 a.m., Saturday, February 17, 1968, until the "Bergall" is made fast to the wetdock at the Electric Boat Division of the General Dynamics Corp., Groton, Conn. The launching of the "Bergall" is scheduled for 12 noon on Saturday, February 17, 1968. The northern and southern limits of this area will be marked by ranges located on the eastern shore. Coast Guard vessels will be anchored off these ranges between the shoreline and the main ship channel.

No person or vessel may remain in or enter this Security Zone without the permission of the Captain of the Port, New London, Conn. No person shall board or take or place any article or thing on board any vessel in this Security Zone without the permission of the Captain of the Port,

New London, Conn. No person shall take or place any article or thing upon any waterfront facility in this zone without such permission. This order will be enforced by the Captain of the Port, New London, Conn., and by U.S. Coast Guard vessels under his command. The aid of other Federal, State, and municipal agencies may be enlisted to assist in the enforcement of this order.

Penalties for violation of the above order: Section 2, Title II of the Act of 15 June 1917, as amended, 50 U.S.C. 192, provides as follows: "If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulations or rule issued or order given under the provisions of this title * * * or if any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this title, or knowingly obstructs or interferes with the exercise of any power conferred by this title, he shall be punished by imprisonment for not more than 10 years and may, at the discretion of the court, be fined not more than \$10,000."

Dated: February 12, 1968.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 68-1907; Filed, Feb. 14, 1968;
8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 19568]

ALASKA AIRLINES, INC.

Notice of Proposed Approval

Application of Alaska Airlines, Inc., for approval pursuant to section 408 of the Federal Aviation Act of 1958, as amended, of an aircraft lease transaction, Docket 19568.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the order set forth below under delegated authority. Interested persons are hereby afforded a period of 10 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., February 9, 1968.

[SEAL] A. M. ANDREWS,
Director,
Bureau of Operating Rights.

ORDER APPROVING LEASE AGREEMENT

Issued under delegated authority. On February 6, 1968, Alaska Airlines, Inc. (Alaska), filed with the Board an application requesting approval pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act), with respect to the lease by Alaska of one Hercules 382B aircraft to Pacific Western Airlines, Ltd. (Pacific Western), a Canadian corporation. The lease agreement, the terms of which are detailed below, is for a period of approximately 10 weeks beginning on or about February 15, 1968. The aircraft is to be utilized by Pacific Western in the performance of a contract with four oil exploration companies operating in the Northwest Territory for the movement of oil drilling, supporting campsite and logistical equipment of the latter.

In support of its application Alaska states that the transportation is to be performed out of Yellowknife to points now served only by Pacific Western on an infrequent basis; that no other aircraft can perform the hauling of such cargo and no other Hercules aircraft are available in Canada; that it believes that the lease with Pacific Western is fair, reasonable, advantageous, and compensatory to Alaska and will permit more complete utilization of the aircraft than otherwise could be obtained; that execution and performance of the lease will not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, will not result in creating a monopoly; and will not tend to restrain competition; and that it does not appear that there is any person who has or will disclose a substantial interest who will request, or have standing to request a hearing. Alaska further states that if it is unable to perform the lease, the resultant idleness of the aircraft would not be in the public interest.

Under the terms of the lease agreement Alaska shall furnish the flight crews and "actual operation of the leased property shall be performed by Lessor's operational personnel;" Alaska bears the expense of maintenance personnel and equipment necessary for maintenance; and Alaska assume the risk of damage to, or loss or destruction of, the aircraft. Operations are to be in accordance with Alaska's flight manual.

On the other hand, the contract contains no restriction as to Pacific Western's use of the aircraft except that it must be based in Canada; Pacific Western is to bear all fuel and oil costs; Pacific Western shall have sole and exclusive direction as to use of the aircraft; Pacific Western is to furnish maintenance personnel and equipment for maintenance, although at Alaska's expense, and maintenance shall be made under the direction of Alaska's personnel; and Pacific Western shall, at its sole cost and expense, comply with all laws, regulations and requirements of any foreign country in which the aircraft will be operated and shall obtain and keep all permits, licenses, certificates, and approvals required in connection with operations conducted with the aircraft.

No objections to the application have been received.

Upon consideration of the foregoing, we conclude that Alaska will, under the agreement, surrender such dominion and control over the aircraft as to constitute the arrangement as a true lease within the meaning of section 408 of the Act.¹

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408 of the Act.

Upon consideration of the application, it is concluded that jurisdiction under section 408 exists since Pacific Western, a person engaged in a phase of aeronautics, will lease a substantial portion of the assets of Alaska, an air carrier. However, it has been further concluded that such lease does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly and does not restrain competition or jeopardize another air carrier not a party to the transaction. Furthermore, no person disclosing a substantial interest is currently requesting a hearing and it is found that the public interest does not require a hearing. The relationships are similar to those approved in Order E-24046, issued August 4, 1966, and essentially do not present any new

substantive issues. Accordingly, approval thereof would not appear to be inconsistent with the public interest. Moreover, it appears that the lease will permit Alaska to achieve greater utilization of its aircraft than otherwise would be obtained.

Accordingly, it is found that the foregoing transaction should be approved under section 408(b) of the Act, without a hearing.

Accordingly, it is ordered:

1. That the transaction between Alaska and Pacific Western be and it hereby is approved under section 408 of the Act;

2. That this action shall not be deemed an approval for rate-making purposes of the financial provisions of the transaction; and

3. That this order may be amended or revoked at any time in the discretion of the Board without hearing.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 2 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-1886; Filed, Feb. 14, 1968;
8:47 a.m.]

[Docket No. 17828; Order E-26340]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Free or Reduced Fare Transportation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of February 1968.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement, which was adopted by mail vote, has been assigned the CAB Agreement number 20019.

The agreement amends current IATA provisions governing free and reduced fare transportation insofar as they relate to IATA employees. In substance, the amendment provides that a pass may be issued to an employee of IATA and/or to members of his immediate family only in accordance with the rules, regulations, and procedures authorized by the Executive Committee. We are approving this agreement but, insofar as air transportation as defined by the Act is concerned, such approval should not be construed as an exemption from the requirements of section 403 of the Act and the Board's Economic Regulations.²

² We observe, for example, that the definition of an immediate family in IATA Resolution 200 is different from the Board's. Therefore, immediate family members who may travel at free or reduced fare transportation may not include those who would not be eligible under the Board's definition.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement, which incorporates the following IATA resolutions, to be adverse to the public interest or in violation of the Act:

100 (Mail 522) 200.
200 (Mail 784) 200.
300 (Mail 260) 200.
JT12 (Mail 522) 200.
JT23 (Mail 196) 200.
JT31 (Mail 143) 200.
JT123 (Mail 522) 200.

Accordingly, it is ordered, That: Agreement CAB 20019 be and hereby is approved.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's proposed action. An original and 19 copies of the statements should be filed with the Board's Docket Section.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-1887; Filed, Feb. 14, 1968;
8:47 a.m.]

[Docket No. 19574, etc.; Order E-26334]

STATES-ALASKA SERVICE MAIL RATE INVESTIGATION

Declaratory Order and Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of February 1968.

States-Alaska Service mail rate investigation, including intra-Alaska service mail rate of Western Air Lines, Inc., Docket 19574; petition of the Postmaster General for establishment of service mail rate for States-Alaska Service, Docket 18918; petition of Western Air Lines, Inc., for declaratory order regarding service mail rates for Alaska Operations, Docket 18784.

The Board has pending before it two petitions relating to States-Alaska service mail rates: (1) A petition filed by Western Air Lines, Inc. (Western) for, alternatively, declaration or determination of service mail rates for its Alaska operations, and (2) a petition filed by the Postmaster General opening the States-Alaska service mail rates of the other three States-Alaska carriers on August 16, 1967. In addition, Northwest Airlines, Inc. (Northwest), has filed a motion for clarification or for severance and consolidation concerning the investigation of the rate applicable to mail carried over its New York-Chicago-Minneapolis/St. Paul-Anchorage segment.

For the reasons set forth below, the Board finds that the merger of Western and Pacific Northern Airlines, Inc. (Pacific Northern), on July 1, 1967, had the effect of terminating all of the service

¹ Cf. Order E-24046, Aug. 4, 1966.

mail rates theretofore applicable to Pacific Northern. The Board further concludes that no final service mail rate has been in effect on and after July 1, 1967, applicable to the carriage of mail by Western over the former Pacific Northern routes, hereinafter referred to as Western's Alaska operations. Accordingly, the Board is herein instituting a proceeding to establish the service mail rates applicable to Western's Alaska operations on and after July 1, 1967, and is issuing an order to show cause proposing as final service mail rates applicable thereto (1) a States-Alaska service mail rate at the same level as the domestic multielement service mail rate fixed in Order E-25610, August 28, 1967; and (2) an intra-Alaska service mail rate of \$1.29 per mail ton-mile, which was the rate applicable to the intra-Alaska mail services, fixed in Service Mail Rates, Reorganization Plan No. 10, 17 CAB 898 (1953), performed by Pacific Northern prior to July 1, 1967.

With regard to the petition of the Postmaster General, which opened the States-Alaska service mail rates applicable to Alaska Airlines, Inc. (ASA), Northwest, and Pan American World Airways, Inc. (Pan American), the Board is herein issuing an order to show cause proposing as final service mail rates applicable to the States-Alaska operations of these three carriers on and after August 16, 1967, rates at the same level as the domestic multielement service mail rates fixed in Order E-25610, August 28, 1967. The Board also finds that the investigation of the mail rate applicable to services over segment 2 of Northwest's Route 140 was not included in the Transpacific Mail Rate Proceeding by Order E-24579, December 29, 1966, that the petition of the Postmaster General in Docket 18918 had the effect of opening this rate, along with Northwest's other States-Alaska mail rates, on August 16, 1967, and that the investigation of the rate over this segment is included within the scope of the proceeding instituted by the Postmaster General in Docket 18918. The Board has further determined that the investigation of all Northwest's States-Alaska rates should remain in a single proceeding, and it therefore will deny Northwest's motion to sever the investigation of its mail rate over segment 2 from this proceeding and consolidate it into the Transpacific Mail Rate Proceeding.

I. WESTERN'S PETITION FOR DECLARATORY ORDER

The present controversy concerning the service mail rate applicable to Western's Alaska operations arises from the merger of Pacific Northern into Western, and the transfer of Pacific Northern's certificates to Western, effective July 1, 1967.¹ At the time of the merger, Pacific Northern's service mail rates were those determined for the States-Alaska and intra-Alaska operations of the States-Alaska carriers in Service Mail Rates,

¹ Order E-25354, June 28, 1967. The merger was approved by Order E-25240, June 2, 1967.

Reorganization Plan No. 10, 17 C.A.B. 898 (1953).² The service mail rate applicable to Western's system was the temporary domestic multielement rate.³ The Postmaster General, for reasons stated below, contends that upon merger the entire operations of the surviving company, including the Alaska operations, became subject to the then applicable temporary domestic service mail rate. Western, on the other hand, contends that the mail services performed under the certificates transferred to Western from Pacific Northern, i.e., the Alaska operations, continue to be compensable at the level established for Pacific Northern and the other States-Alaska and intra-Alaska carriers.

In its petition for declaratory order, Western requests the Board to enter an order declaring that the service rates for mail carried under the certificates of convenience and necessity formerly held in the name of Pacific Northern continue to apply to all mail carried by Western under those certificates as Pacific Northern's successor by merger. Alternatively, Western requests the Board to issue an order to show cause looking toward a determination of final service mail rates (or in the alternative, temporary service mail rates) for the Alaska operations of Western from July 1, 1967, such rates to be identical with the rates governing Pacific Northern's operations prior to its merger into Western. An answer was filed by the Postmaster General opposing Western's petition in its entirety. A motion for leave to reply, and a reply thereto, have been filed by Western.

Western's petition lists four major reasons why Pacific Northern's rates should continue to apply to the merged corporation's Alaska operations:

1. The carrier contends that any change in the mail rate would be inconsistent with the Board's approval of the merger. It is stated that the whole

² The service mail rate established in that proceeding for the States-Alaska operations of ASA, Pacific Northern, and Pan American was 47 cents per mail ton-mile. The Seattle/Portland-Anchorage service mail rate of Northwest, fixed at the same level as that of the other States-Alaska carriers, and Northwest's New York-Anchorage service mail rate of 36 cents per ton-mile over segment 2 of Route 140, were established in the Transpacific Mail Rate Proceeding, Order E-21514, November 19, 1964. The intra-Alaska rates, applicable to both priority and nonpriority mail, were established in 17 C.A.B. 898 at two levels: \$1.29 per ton-mile for the larger intra-Alaska carriers, including Pacific Northern, and \$2.50 per ton-mile for the small intra-Alaska carriers.

³ The carriers operating under domestic service mail rates are compensated on the basis of a multielement rate effective January 1, 1967, consisting of a linehaul charge of 24 cents per ton-mile, plus a terminal rate per pound varying with the classification of the station of origin, structured to result in an average yield to the trunkline carriers of 30 cents per ton-mile. Domestic Service Mail Rate Investigation, Order E-25610, August 28, 1967. At the time of the Western-Pacific Northern merger, July 1, 1967, the carriers were operating under temporary mail rates fixed in Order E-24675, January 24, 1967.

merger case was tried and decided on the premise that the mail revenues of Pacific Northern would continue at the same rates after the merger, and the initial decision relied upon revenue estimates predicated on the Pacific Northern rate. If any change in rate was sought by the Postmaster General, Western states that the issue should have been raised in the merger proceeding.

2. The carrier contends that Pacific Northern's rates apply to Western's Alaska operations by the automatic effect of the merger. First, Western states that the Alaska mail rate order, 17 CAB 898, provides that the rates should remain final unless placed in issue by petition of a party or by order of the Board, and no such petition or Board order was issued,⁴ that the language of the 1953 order permits Western, Pacific Northern's successor by merger, to be treated as the "carrier" within the meaning of the order; and that, since service rates are determined on the basis of the service provided and not the peculiarities of any particular corporate entity, there is no reason of aviation policy why the service mail rates established by the Board should not issue and bind the corporate successor to the route authority to which they relate. Secondly, both the Delaware (Western's domicile) and Alaska (Pacific Northern's domicile) statutes provide that the surviving corporation shall be vested with all of the rights, privileges, powers, and franchises, as well as subject to all the restrictions, disabilities, and duties, of the merging corporation; that the courts have given full scope to these statutes, including cases involving utility rates; and that, in the absence of affirmative Board action to produce some different consequence for aviation policy reasons, an approved merger has the effect specified in the laws of the states of the merger parties.

3. Western contends that a contrary interpretation would subvert the established policy of uniform compensation for like mail service. The carrier states that heretofore the Board has scrupulously maintained the policy of creating and preserving uniformity of compensation for like mail services, and particularly for Alaska mail services; that this policy is based upon the Post Office Department's decision to ship air mail by those carriers whose rates would result in the least cost to the Department; and that, unless Western's interpretation prevails, the result is inconsistent with established Board policy.

4. Finally, Western contends that the mail rates governing Western's premerger system cannot be construed to cover Pacific Northern's former routes. The carrier states that, while a literal reading of certain language in Western's temporary domestic mail rate order which states that the rate is applicable to "operations over Western's entire system as constituted on or subsequent to

⁴ By petition filed Aug. 16, 1967, Docket 18918, the Postmaster General has opened the service mail rate of the other three carriers for States-Alaska priority mail service.

June 19, 1965" would include postmerger Alaska routes, read in the context of the entire order and other mail rate orders, the quoted language does not and could not govern Alaska services. Thus, it is pointed out that the domestic mail rate orders do not purport to affect any of the Alaska services in operation at the time the orders were issued; that, on the contrary, the Alaska operations of Pan American and Northwest were specifically excluded from the domestic rate orders, and, in addition, the domestic mail rate investigation, Docket 16349, did not encompass the question of rates for Alaska service; that station classifications for priority mail, necessary for computation of mail rates under the domestic multielement formula, do not include Alaska points; and that, if Western's rates apply to Alaska operations, there would be no rate whatever for intra-Alaska nonpriority mail.⁶

In its answer opposing Western's petition, the Postmaster General contends that at the time of merger Western was subject to a temporary service mail rate which applied to its entire system operations, including Alaska operations, by virtue of the clear and unambiguous provisions of the Board's domestic mail rate orders which state that the temporary service mail rate applied to Western as its system existed on the date the rate became effective, and as its system would be subsequently constituted. Furthermore, the Postmaster General states that since the temporary rate is subject to retroactive adjustment pursuant to the proper economic evidence and Board findings, there is no basis for Western's insistence that it must have Pacific Northern's rates without any proof of their fairness and reasonableness.

With regard to the principle of "uniform pay for like services", the Postmaster General states that it does not follow that such principle can be maintained only by fixing Pacific Northern's intra-Alaska and States-Alaska rates for application to Western's Alaska services; the other Alaskan carriers could equalize down.

Concerning a mail rate differential for Alaska operations, the Postmaster General contends that there is no economic basis for the Alaska rates to be higher than the domestic rates. It is stated that the cost levels of Pacific Northern and Western, when considered separately, do not warrant any adjustment of rates for the merged operation; that the States-Alaska rates fixed in 1953 are unjustifiably excessive at the present time; and that Western's Alaska service is closely analogous to Western's stub-end Mexico service, to which the domestic rate is applicable.

Finally, the Postmaster General states that the Board is without authority to issue a declaratory order fixing Pacific Northern's rate for services by Western because no adequate economic justification has been furnished, and the notice and hearing provisions of section 406(a) of the Act have not been observed. The

⁶ Pacific Northern's nonpriority mail rate for intra-Alaska services was at the same level as that carrier's priority mail rate. 17 C.A.B. 898 (1953).

Postmaster General also objects to the alternative relief requested by Western, i.e., to fix final or temporary service mail rates for Western's Alaska operations at the Pacific Northern level, on the grounds that such rates are without economic basis.

Although the Rules do not provide for further responsive pleadings, the Board has decided to grant Western's motion for leave to file a reply. In its reply Western states that the position of the Postmaster General is untenable because it rests upon a reading of service mail rate orders compounded of out-of-context literalism, on the one hand, and unexplained disregard of the terms of those orders on the other; that the provision of the domestic mail orders which the Postmaster General disregards, e.g., lack of station classifications in Alaska for priority mail, are conclusive of the point that those orders have nothing to do with Alaska rates; and that now that the Postmaster General has revealed the motivation for taking the untenable position he does on the basis of economic justification, there is an orderly way of trying out such allegations.

None of the matters relied upon by Western establish a right of that carrier to succeed to Pacific Northern's rates. On the contrary, when the carriers merged, Pacific Northern ceased to exist, and the mail rate order applicable to that carrier terminated. Moreover, the temporary mail rate applicable to Western over its "entire system as constituted on or subsequent to June 19, 1965,"⁷ became applicable to the routes acquired as a result of the merger proceeding.

The Board's approval of the merger is not inconsistent with these conclusions, as argued by Western. The fact that no party challenged Western's mail revenue estimate in the merger case is irrelevant. The issue of the appropriate mail rate for the surviving carrier is not within the scope of a merger proceeding.⁷ Nor is the general provision of State corporation laws, that the corporation resulting from a consolidation or merger acquires all the rights and privileges of the constituent companies, of any effect. The establishment of mail rates is governed by the provisions of the Federal Aviation Act of 1958. Section 406 requires the Board to fix and determine mail rates for each air carrier after notice and hearing. The concept that a mail rate established for one carrier is a right transferrable by merger to another carrier is untenable.

Neither does the order that fixed Pacific Northern's mail rates permit Western to succeed to those rates. The States-Alaska rate in the order applied to mail transported by Pacific Northern pursuant to its certificate for this service "and any amendments, modifications, and revisions of such certificate or additional certificates for States-Alaska services which are in effect on, and subsequent to, Oct. 1, 1953." The intra-

⁷ Order E-24675, dated Jan. 24, 1967, reference to routes specified in Order E-22512, dated Aug. 6, 1965.

⁸ Continental-Pioneer Acquisition, 20 C.A.B. 323, 329, note 21 (1955).

Alaska rate applied between points within Alaska "between which the carrier is or may be authorized to transport mail" pursuant to its certificates "in effect on, and subsequent to, Oct. 1, 1953."⁸ These rates ceased to be effective when the carrier's certificates were canceled and its existence terminated.

The foregoing conclusions have been consistently adhered to by the Board in numerous cases. When two carriers merge, the nonsurviving carrier's service (and subsidy) mail pay ceases upon the transfer of certificates, and the system rates in effect for the surviving carrier apply to operations over the newly acquired routes.¹⁰ Thus, if the nonsurviving

⁹ 17 C.A.B. 898 (1953).

¹⁰ Nor do we find that the Board's policy of uniform compensation for like mail service may be subverted, as Western contends, in view of the simple remedy available to the carriers, the Post Office or the Board of reopening the rates of the carriers concerned.

¹¹ In 1956, Eastern Air Lines, a non-subsidized carrier, acquired Colonial Airlines, a subsidized carrier with open subsidy rates on its domestic routes and its foreign route to Bermuda (23 C.A.B. 500). All subsidy ceased upon transfer of Colonial's certificates, and final system rates were subsequently set for the period prior thereto in 38 C.A.B. 43 (1963).

More pertinent to the question raised herein, Eastern's service mail rate at the time of the merger was, like Western's in the present case, the domestic multielement rate then in effect for its entire system "as constituted on or subsequent to April 1, 1954," whereas Colonial's Bermuda route was excepted from the multielement rate applicable to its domestic and Canadian routes (21 C.A.B. 8 (1955)). Colonial's mail rate for Bermuda service was 75 cents per ton-mile (17 C.A.B. 898 (1953)). After the merger, Eastern's system domestic rate applied, and it continues to apply, to the Bermuda route transferred from Colonial (see Orders E-22512 (Aug. 6, 1965), and E-25610 (Aug. 28, 1967)).

Also in 1956, Wien Alaska Airlines acquired Byers Airways, and the reissued certificate became effective in July of that year (23 C.A.B. 428). The subsidy and service mail rates of both carriers had previously been finalized (Wien subsidy, 23 C.A.B. 289 (1956); Byers subsidy, 17 C.A.B. 1 (1953); service rates, 17 C.A.B. 898 (1953)). The system service mail rates were \$1.29 for Wien and \$2.50 for Byers, "between all points which the carrier is, or may be, authorized to transport mail pursuant to all certificates of public convenience and necessity for air transportation which are in effect on, and subsequent to, October 1, 1953" (17 C.A.B. 898). Upon the certificate transfer, Byers' subsidy and service mail pay ceased, and Wien's rates became applicable to the entire system. Nine months later, Wien's subsidy rate was opened upon the carrier's petition (26 C.A.B. 642 (1958)). The decision noted (p. 647) that Wien's currently effective service mail rate was \$1.29, as established in 17 C.A.B. 898.

In 1963, Pan American World Airways transferred certain routes to Wien (38 C.A.B. 796). Wien's system service mail rate remained \$1.29, and Pan American's service rate for the routes transferred was 47 cents per ton-mile as established in 17 C.A.B. 898 (29 C.A.B. 1288 (1959)). Wien's service mail rate for its entire system is still \$1.29 per ton-mile.

See also Braniff-Mid-Continent merger, effective Aug. 16, 1952; 15 C.A.B. 708 (1952), 16 C.A.B. 68 (1952), 18 C.A.B. 162 (1953), 18 C.A.B. 764 (1954).

carrier's mail rates are closed prior to merger, payments end with the termination of the carrier's existence;¹¹ if its mail rates are open on the merger date, the Board later fixes final rates for the carrier up to that date.¹² In some cases, a surviving carrier's closed rates are subsequently opened by the Board or the carrier, and new system rates are set for the future.¹³ When two or more carriers have consolidated to form a new corporate entity to which the certificates are transferred, the Board has held that no mail rate is in force and has fixed rates for the new carrier.¹⁴

That the language of the Board's mail rate orders was deliberately framed to apply to after-acquired routes was made clear in 1950 in Eastern A.L., Puerto Rico Mail Rates, 11 C.A.B. 479. In that case the Board held that Eastern's existing system mail rate was applicable to an after-acquired overseas route and explained the purpose and effect of the clause in mail rate orders, like the one applicable to Western's system, providing that the rate applies between points between which the carrier presently or hereafter is authorized to carry mail by its certificates. Eastern advanced the argument (similar to Western's) that, although its mail rate order did not distinguish between overseas or foreign routes and domestic routes, the system rate was not applicable to its new overseas route because of the Board's "established policy" of treating such routes

¹¹ West Coast-Empire merger, effective Aug. 1, 1952, 15 C.A.B. 971 (1952). "Empire has received compensation under final rates for mail transportation from October 1, 1949, to July 31, 1952, inclusive, when the carrier ceased all operations" (17 C.A.B. 885, 888 (1953)).

¹² Eastern-Colonial case, supra, and ACEA and Frontier cases, infra.

¹³ Delta-C & S merger, 16 C.A.B. 647 (1952), 22 C.A.B. 626 (1955); Continental-Pioneer acquisition, 20 C.A.B. 323 (1955), 21 C.A.B. 811 (1955); West Coast-Empire case, supra.

¹⁴ The consolidation of Alaska Coastal Airlines and Ellis Air Lines and the transfer of their certificates to Alaska Coastal-Ellis Airlines (ACEA) were effective Apr. 1, 1962 (35 C.A.B. 832). At the time, the system service mail rate of both carriers was \$2.50 per ton-mile (17 C.A.B. 898 (1953)); the subsidy rates of both were open. In Order E-18196, issued Apr. 10, 1962, the Board said that, "since the consolidation has resulted in a new company, there are no mail rates currently in force for its operations." The Board therefore instituted a proceeding to determine both subsidy and service mail rates to be paid ACEA after Apr. 1, 1962. The final service rate was fixed in 36 C.A.B. 798 (1962), and the final subsidy rate in Order E-20790 (1964). The Board subsequently determined final subsidy rates for each carrier for the past open-rate periods, which terminated on the date of consolidation (37 C.A.B. 343 (1963), 38 C.A.B. 782 (1963)).

A similar earlier case is the Monarch-Challenger-Arizona merger and the formation of Frontier Airlines. Monarch-Challenger merger, 11 C.A.B. 33 (1949); Monarch-Arizona merger, 11 C.A.B. 246 (1950); Monarch and Challenger final rates prior to merger, 15 C.A.B. 840 and 519 (1952); Frontier rates subsequent to merger, 15 C.A.B. 495 (1952).

separately for mail-rate purposes. The Board reviewed the history of the language used in mail rate orders and rejected Eastern's contention, saying, "We believe the reasonable interpretation of the order requires the opposite conclusion. As we have pointed out, the language of the order prima facie is of future applicability, and the treatment by the Board and the carriers of this and like language in system mail rates clearly evidences that the 1945 rate order was intended to apply to after-certificated routes. We are further impelled to this conclusion by general considerations applicable to rate making and system rates."¹⁵ The Board continued:¹⁶

The practice of fixing a system rate which remains applicable to a carrier's entire system irrespective of any later modifications therein works no hardship on the carrier. It is in the best position to be currently informed of the changes in its system and their probable effect on the adequacy of the system rate. At any time it has reason to believe that its system rate will no longer be adequate because of later modifications in the system or other changes it can open the rate for review, either as to the system or as to the new route, by filing an appropriate mail-rate petition. Similarly the Government is protected against the effect of later events which make a rate excessive by the power of the Board to initiate a mail-rate proceeding and the power of the Post Office Department to file a mail-rate petition.

No final mail rate was in effect for Western on July 1, 1967, the date of the Pacific Northern merger. As noted previously, a temporary rate had been made applicable on and after January 1, 1967, to Western's system as constituted then or subsequently. It is clear from the foregoing discussion that, upon the transfer of Pacific Northern's certificates to Western, the mail rates previously established for Pacific Northern came to an end and that Western's temporary system rate became applicable at that time to the surviving carrier's operations over its newly acquired routes. On August 28, 1967, final service mail rates were established effective January 1, 1967, for Western's routes other than its States-Alaska and intra-Alaskan routes.¹⁷ Thus, the mail rates for Western's Alaska routes remain open, the temporary rate continues to be applicable, and final rates must be established for these operations from the merger date.

For the reasons set forth in Part II of this order, the Board proposes to establish final service mail rates for Western's Alaska operations at the level of its domestic service mail rate for States-Alaska service, and at \$1.29 per ton-mile for intra-Alaska service.¹⁸

¹⁵ 11 C.A.B., p. 484.

¹⁶ 11 C.A.B., p. 485.

¹⁷ Order E-25610.

¹⁸ There is no issue now before the Board concerning which nonpriority mail rate is applicable to Western's States-Alaska services, because the States-Alaska nonpriority rate was specifically made applicable to Western by the orders establishing the rate. Nonpriority Mail Rate Case, 34 C.A.B. 143, 158 (1961), as amended by Order E-24247, Sept. 30, 1966. This rate was opened by the Postmaster General's petition in Docket 18331, Apr. 6, 1967.

II. ESTABLISHMENT OF SERVICE MAIL RATE FOR STATES-ALASKA AND INTRA-ALASKA SERVICE

The petition filed by the Postmaster General which opened the States-Alaska service mail rates of ASA, Northwest, and Pan American on August 16, 1967, requests the Board to fix a temporary service mail rate applicable to these services on and after August 16, 1967, consisting of the linehaul and terminal charges specified in the domestic temporary mail rate order, E-24675, January 24, 1967. In support of his petition, the Postmaster General states that the 47-cent rate applicable to States-Alaska services stemmed from an administrative separation of service and subsidy mail compensation, and was not the result of any detailed study of mail cost; that since the fixing of that rate in 1953 the carriers have experienced decreasing costs due to modern jet equipment and improved load factors; that a comparison of the 47-cent rate with general commodity freight rates averaging 22-33 cents per ton-mile is only one indication that the present mail rate is excessively high; and that there is economic justification for identifying the States-Alaska route as a domestic stub-end, similar to the West Coast-Hawaii and East Coast-Puerto Rico segments which are compensated at the domestic level.

A timely answer opposing the Postmaster General's petition was filed by Pan American.¹⁹ Pan American states that its costs for fiscal 1967 in States-Alaska mail service were 52 cents per ton-mile; that the costs of ASA and Pacific Northern relied upon by the Postmaster General are misleading and not representative of the mail costs because they included substantial low-cost nonscheduled and charter operations; and that, even though costs may have gone down since 1953, that doesn't necessarily require a mail rate reduction since the 1953 rates were administratively determined.

After the filing of the instant petition by the Postmaster General, the Board issued its decision in the Domestic Service Mail Rate Investigation, Order E-25610, August 28, 1967, which fixed final domestic service mail rates on a multielement basis consisting of (1) a linehaul rate of 24 cents per nonstop great circle mail ton-mile and (2) terminal charges of 2.34, 4.68, and 9.36 cents per pound of mail enplaned at Classes X, Y, and Z stations respectively, according to the station classifications in the appendix thereto. On the basis of the considerations discussed below, the Board has determined to grant the petition of the Postmaster General and to propose the establishment of final service

¹⁹ Answers were due within 7 days after filing of the petition, or by Aug. 25, 1967. Rule 302.6(c) of the procedural regulations. Western filed an answer on Aug. 28, 1967, and Northwest filed an answer on Sept. 12, 1967, both opposing the petition. Neither of these late-filed answers requests leave to be considered in this proceeding, nor do they present any explanation for tardy filing. However, the Board has considered these late-filed answers in the disposition of this matter.

mail rates for States-Alaska service of the three carriers at the same level as the final rates applicable in domestic mail service. In addition, the Board proposes to establish final rates for Western's States-Alaska service at this same level, and for its intra-Alaska services at \$1.29 per mail ton-mile. The final rates established for ASA, Northwest, and Pan American will be effective on and after August 16, 1967, and the final rates established for Western will be effective on and after July 1, 1967.

The basic reasons for finding it reasonable to fix the rates applicable to States-Alaska mail service, on a final basis, at the domestic level are the close proximity of costs of the two groups of carriers and the significantly declining cost pattern of the States-Alaska carriers.

Relative costs. The similar cost levels of the trunkline carriers' domestic and stub-end services on the one hand, and the costs of ASA and Pacific Northern on the other, for calendar year 1966 are demonstrated below:

Carriers	Operating cost per revenue ton-miles ²⁰ (cents)
American	30.87
Eastern	39.82
Trans World (domestic)	36.03
United	36.10
Total, Big Four	35.14
Braniff (domestic)	39.83
Continental	20.45
Delta	32.11
National	33.21
Northeast	48.30
Northwest (domestic)	32.70
Western	33.05
Total—Other trunk	31.67
Total—Domestic	34.03
Alaska Airlines	31.72
Pacific Northern	34.65
Total—ASA and Pacific Northern	33.10

²⁰ Based on reported total operating expenses, less passenger service, promotion and sales, and associated general and administrative expenses.

SOURCE: CAB Air Carrier Traffic Statistics and CAB Air Carrier Financial Statistics.

It has not been feasible, because of the allocation problems involved, to attempt to separate Northwest's and Pan American's States-Alaska costs from the costs reported for their extensive Pacific operations. However, the general cost trends of both Northwest and Pan American have been downward since 1954, the cost level of their Pacific operations is far below that of both the domestic trunkline and the other two States-Alaska carriers, and it appears reasonable to assume that Northwest's and Pan American's States-Alaska operations have to a considerable degree participated in this pattern. Referring to the relationships in the preceding table, it appears that in 1966 the other two States-Alaska carriers actually experienced a lower cost level than the domestic trunkline industry.

Cost trend. The downward cost trend of the States-Alaska carriers has been

quite sharp, as the following table illustrates:

Calendar year	Operating cost per revenue ton-mile ¹			Trend (1957-100)
	ASA	Pacific Northern	Average	
	Cents	Cents	Cents	
1957	80.69	51.29	60.35	100
1958	75.90	50.86	58.81	97
1959	51.46	54.25	53.00	88
1960	44.54	50.38	47.65	79
1961	52.40	46.76	49.15	81
1962	41.06	51.53	46.62	77
1963	53.98	52.82	53.27	88
1964	41.96	42.48	42.26	70
1965	42.07	37.70	39.26	65
1966	31.72	34.65	33.10	55

¹ See footnote 20, supra.

SOURCE: CAB Handbook of Airline Statistics, CAB Air Carrier Traffic Statistics, and CAB Air Carrier Financial Statistics.

Again, we do not have comparable data for Northwest and Pan American in this analysis because for some of these years the States-Alaska data were reported in the carriers' Pacific division results and a more detailed allocation would be required. During the past decade, from calendar year 1957 through calendar year 1966, Northwest's adjusted operating costs per revenue ton-mile in its Pacific operations declined from 38.83 cents to 14.68 cents, or 62 percent. Pan American's comparable costs were 40.24 cents in 1957, and 16.64 cents in 1966, a 59 percent reduction. In 1966 the cost level of these carriers' Pacific operations was substantially below the domestic trunkline average of 34.03 cents: Pan American was 51 percent below the domestic level and Northwest 57 percent below that level.

Pan American did report its States-Alaska operating data separately through 1964, and from 1957 through 1964 its adjusted cost per revenue ton-mile declined from 52.25 cents to 44.41 cents, or 15 percent. Additional economies in that carrier's States-Alaska service were expected in 1965 and thereafter resulting primarily from route realignments in 1965.²¹ While the States-Alaska operating costs of Northwest and Pan American may not have declined as sharply as those of their overall Pacific operations, it nonetheless appears that these two carriers have likewise effected substantial unit cost reductions in their States-Alaska operations over the past decade.

As noted earlier, the petition of the Postmaster General opened all of the States-Alaska mail rates of ASA, Northwest, and Pan American, including Northwest's mail rate for services over segment 2 of its Route 140 (New York-Chicago-Minneapolis/St. Paul-Anchorage). Northwest's mail rate over segment 2 had theretofore been established, along with its transpacific mail rates, at 36 cents per mail ton-mile by Order E-

²¹ Pacific Northwest-Alaska Air Service Case, Order E-21955, Mar. 26, 1965. It was estimated the route pattern established in that proceeding would improve Pan American's operating results by \$2 million annually. Id., mimeo p. 27.

21514, November 19, 1964.²² However, when the Board opened Northwest's transpacific rates by Order E-24579, December 29, 1966, it did not open Northwest's 36-cent States-Alaska rate over segment 2. Therefore, the petition of the Postmaster General had the effect of opening this States-Alaska rate on August 16, 1967.

Northwest has filed a motion seeking clarification of the status of its mail rate over segment 2 and requests that if this rate is not now included in the Transpacific Mail Rate Proceeding that the Board issue an order severing the issue of the rate for segment 2 from the Alaska Mail Rate Proceeding and consolidating it with the Transpacific Mail Rate Proceeding. In support thereof Northwest asserts that segment 2 has historically been treated as a part of the transpacific services for rate-fixing purposes, a common rate has heretofore applied to these services, and it is the only carrier operating over this segment. In addition, Northwest states that while it keeps separate statistical and revenue data for its Seattle-Anchorage service, Northwest consolidates its data for segment 2 with its transpacific data because of the operational relationships. It is asserted that investigation of the segment 2 rate in the Alaska Mail Rate Proceedings will confuse and obscure the issues therein and will impose a burden on the parties in segregating and interpreting the segment 2 data.

While it is true that historically the segment 2 rate has been included in the transpacific rate proceeding, and inclusion of this rate in the Alaska Mail Rate Proceeding may work some additional burden on the parties in segregating and interpreting data, the Board prefers to establish all States-Alaska mail rates in a single proceeding, and Northwest's motion to sever and consolidate will therefore be denied. The Board is not aware of any gross differences in the cost characteristics over the different segments of Northwest's Alaska Route 140 which would require disparate treatment in establishing the mail rate over this route, or which would warrant a dual rate level for Northwest's States-Alaska mail services.

The remaining open rate to be considered is Western's intra-Alaska rate. Pacific Northern's rate for this service was established at \$1.29 per mail ton-mile in 17 CAB 898.²³ The Board proposes to establish a final intra-Alaska rate for Western on and after July 1, 1967, at that same level. The intra-Alaska service mail rates were fixed at \$1.29 per ton-mile for the larger intra-Alaska carriers and \$2.50 per ton-mile for the smaller intra-Alaska carriers. These rates reflect the difficult operational characteristics and high cost level of the intra-Alaska carriers. In addition, to fix Western's intra-Alaska rate at a lower level would be disruptive of the entire intra-Alaska

²² The Seattle/Portland-Anchorage States-Alaska rates of all four carriers were established at 47 cents per mail ton-mile in 17 CAB 898 (ASA, Pacific Northern, and Pan American) and Order E-21514 (Northwest).

²³ This rate was applicable to both priority and nonpriority mail.

mail services because competing carriers conducting marginal operations would be forced to equalize and transport mail at a noncompensatory level or lose the mail entirely.

FINDINGS AND CONCLUSIONS

On the basis of the foregoing, the Board has reached the following proposed conclusions:

(1) The fair and reasonable rates of compensation to be paid by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith between points within the 48 contiguous States and the District of Columbia, on the one hand, and, on the other, points in the State of Alaska to:

Western Air Lines, Inc.,

on and after July 1, 1967, and to:

Alaska Airlines, Inc.

Northwest Airlines, Inc.

Pan American World Airways, Inc.

on and after August 16, 1967, for operations over their routes as authorized under certificates for States-Alaska air transportation, shall be the domestic service mail rate established in Order E-25610, August 28, 1967, computed in accordance with the provisions of that order.

(2) The rates established in paragraph (1), above, shall be incorporated into Order E-25610, August 28, 1967, by the following amendments thereto:²⁴

(A) Following the date "January 1, 1967" which appears in Order E-25610 on line 2 of paragraph (2), mimeo p. 1, and again on the 7th full line of paragraph (2) appearing on mimeo p. 2, there shall be added: "(Provided, however, That with respect to States-Alaska operations the effective date shall be July 1, 1967, for Western Air Lines, Inc., and August 16, 1967, for Alaska Airlines, Inc., Northwest Airlines, Inc., and Pan American World Airways, Inc.)";

(B) Between the words "other," and "Honolulu, Hawaii" on the fifth full line of paragraph (2) appearing on mimeo p. 2 of Order E-25610, add: "points in the State of Alaska,";

(C) Under "Western Air Lines, Inc." in the list of carriers appearing in paragraph (2) on mimeo p. 2 of Order E-25610, add "Alaska Airlines, Inc.".

(3) The stations included in the station classes for purposes of applying the terminal rate per pound shall be as specified in Order E-26187, December 28, 1967, and in the appendix hereto.

(4) The rates established in paragraph (1), above, do not apply to the transportation of first-class and other preferential mail (other than air mail

²⁴ The States-Alaska mail rates are being incorporated into the domestic mail rate order to eliminate States-Alaska service as a separate ratemaking division not encompassed within Order E-25610 (as defined in ordering paragraph (2)3, mimeo p. 3 thereof) in the computation of terminal charges. However, the intra-Alaska mail services of ASA and Western remain as separate ratemaking divisions not encompassed within Order E-25610.

and air parcel post) for which a separate rate has been or hereafter may be established.

(5) The fair and reasonable rate of compensation to be paid by the Postmaster General on and after July 1, 1967, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith to Western Air Lines, Inc., for operations over its routes between points within the State of Alaska as authorized under certificates for air transportation which are in effect on or subsequent to July 1, 1967, shall be \$1.29 per mail ton-mile, computed in accordance with the provisions of Order E-7721 (17 C.A.B. 898).²⁵

(6) The final service mail rates herein established for (A) Alaska Airlines, Inc., and Pan American World Airways, Inc., shall supersede their States-Alaska rates established by Order E-7721, September 16, 1953 (17 CAB 898); (B) Northwest Airlines, Inc., shall supersede its States-Alaska rates established by Order E-21514, November 19, 1964; and (C) Western Air Lines, Inc., are applicable to operations over its States-Alaska and intra-Alaska routes for which no final mail rates have heretofore been established.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and pursuant to the regulations promulgated in 14 CFR Part 302: *It is ordered That:*

1. An investigation is hereby instituted to fix and determine the fair and reasonable rates of compensation to be paid by the Postmaster General to Western Air Lines, Inc., on and after July 1, 1967, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith for operations over its routes authorized under certificates for air transportation which are in effect on or subsequent to July 1, 1967 (A) between points within the 48 contiguous states and the District of Columbia, on the one hand, and, on the other, points in the State of Alaska; and (B) between points within the State of Alaska.

2. The proceeding instituted by the petition of the Postmaster General in Docket 18918 to fix and determine the

²⁵ The States-Alaska rate of 47 cents per ton-mile established for Pacific Northern in 17 C.A.B. 898 was also applicable between Ketchikan and other intra-Alaska points due to a provision in the rate order (Explanatory Note J, appearing at 17 C.A.B. 901) which made the States-Alaska rate applicable to intermediate points served pursuant to certificates for States-Alaska services. Pacific Northern's certificate for States-Alaska services (Route 139) named Ketchikan as an intermediate point, but Ketchikan was not named as a point in Pacific-Northern's certificate for intra-Alaska services (Route 142). Order E-21955, March 26, 1965. These certificates have been reissued to Western by Order E-25354, June 28, 1967. However, the instant show cause order proposes to establish the \$1.29 per ton-mile intra-Alaska rate for all of Western's intra-Alaska mail services, including service between Ketchikan and other points within the State of Alaska.

fair and reasonable rates of compensation to be paid by the Postmaster General to Alaska Airlines, Inc., Northwest Airlines, Inc., and Pan American World Airways, Inc., on and after August 16, 1967, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith for operations over their routes authorized under certificates for States-Alaska air transportation which are in effect on or subsequent to August 16, 1967, between points within the 48 contiguous States and the District of Columbia, on the one hand, and, on the other, points in the State of Alaska, is consolidated herein.

3. The petition of Western Air Lines, Inc., for declaratory order in Docket 18784, except to the extent granted herein, is denied.

4. The motion of Northwest Airlines, Inc., for severance and consolidation in Dockets 18078 and 18918, is denied.

5. Alaska Airlines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Western Air Lines, Inc., and the Postmaster General are directed to show cause, if there be any, why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish as the fair and reasonable final rates of compensation to be paid the above-named air carriers for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, the service rates as set forth in the above proposed findings and conclusions.

6. Further procedures herein shall be in accordance with 14 CFR Part 302; and, if there is any objection to the rates or to the other findings and conclusions specified herein, notice thereof must be filed within 10 days, and written answer and supporting documents must be filed within 30 days, after the date of service of the present order.

7. If notice of objection or answer is not filed, as specified in 14 CFR Part 302 and this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of an order fixing final service mail rates, and the Board may enter an order incorporating the findings and conclusions proposed herein and fixing and determining the final rates herein specified.²⁶

8. If notice of objection and answer are filed presenting issues for hearing, the issues thereafter in determining the fair and reasonable final rates herein shall be limited to those specifically raised by such answer except as otherwise provided in 14 CFR 302.307.

9. This order shall be served upon the air carrier parties to this proceeding named in ordering paragraph 5, above, and upon the Postmaster General.

²⁶ In the event that objection is filed to some of the proposed rates, but not to others, the Board may forthwith fix as final rates those proposed rates which have not been objected to.

10. This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

AIRMAIL

CLASSIFICATION OF STATIONS FOR DETERMINATION OF TERMINAL CHARGES

*Class X Stations*¹

Anchorage, Alaska.

*Class Y Stations*¹

Fairbanks, Alaska.
Juneau, Alaska.

*Class Z Stations*¹

Cordova, Alaska.
Ketchikan, Alaska.
Kodiak, Alaska.
Yakutat, Alaska.

[F.R. Doc. 68-1888; Filed, Feb. 14, 1968;
8:47 a.m.]

FEDERAL MARITIME COMMISSION

AMERICAN MAIL LINE, LTD., AND JAYANTI SHIPPING CO., LTD.

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:

¹ See the following table:

Class of station	Revenue tons all traffic enplaned per year	Terminal rate per pound
X.....	25,000 and over.....	<i>Cents</i> 2.34
Y.....	5,000-24,999.....	4.68
Z.....	4,999 or less.....	9.36

Stations classified in accordance with the revenue tons of traffic originating at the station for the 12 months ended Sept. 30, 1967.

Mr. W. R. Purnell, District Manager, American Mail Line, Ltd., 601 California Street, Suite 610, San Francisco, Calif. 94108.

Agreement No. 9693, between American Mail Line, Ltd., and Jayanti Shipping Co., Ltd., establishes a through billing arrangement for the movement of general cargo from ports in Alaska, Washington, and Oregon to ports in India with transshipment at ports in Japan in accordance with terms and conditions set forth in the agreement.

Dated: February 12, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68-1900; Filed, Feb. 14, 1968;
8:48 a.m.]

AMERICAN MAIL LINE, LTD., AND SHIPPING CORPORATION OF INDIA, LTD.

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. W. R. Purnell, District Manager, American Mail Line, Ltd., 601 California Street, Suite 610, San Francisco, Calif. 94108.

Agreement No. 9694, between American Mail Line, Ltd., and Shipping Corporation of India, Ltd., establishes a through billing arrangement for the movement of cargo from ports in Alaska, Washington, and Oregon to ports in India with transshipment at ports in Japan in accordance with terms and conditions set forth in the agreement.

Dated: February 12, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68-1901; Filed, Feb. 14, 1968;
8:48 a.m.]

CHINA NAVIGATION CO., LTD., AND AMERICAN MAIL LINE, LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission 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. W. R. Purnell, District Manager, American Mail Line, Ltd., 601 California Street, Suite 610, San Francisco, Calif. 94108.

Agreement 9478-1, between China Navigation Co., Ltd., and American Mail Line, Ltd., amends the basic transshipment agreement to permit transshipment by the parties in Japan—in addition to Hong Kong.

Dated: February 12, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68-1903; Filed, Feb. 14, 1968;
8:48 a.m.]

HELLENIC LINES, LTD., AND SEA- LAND SERVICE, INC.

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. Hiljer, Jr., Commerce Manager, Sea-Land Service, Inc., Terminal and Fleet Streets, Post Office Box 1050, Elizabeth, N.J. 07207.

Agreement No. 9695 between Hellenic Lines, Ltd., and Sea-Land Service, Inc., establishes a through billing arrangement from ports in Puerto Rico to the following ports of call of the destination carrier:

- A. Ports in the Persian Gulf and adjacent waters west of Karachi and north-east of Aden, excluding both ports;
- B. Red Sea and Gulf of Aden ports; and
- C. All ports on the Mediterranean Sea (except Spanish and Israeli ports) on the Sea of Marmara and the Black Sea, and on the Atlantic Coast of Morocco;

with transshipment at the Port of New York in accordance with terms and conditions set forth in the agreement.

Dated: February 12, 1968.

By order of the Federal Maritime Commission,

THOMAS LISI,
Secretary.

[F.R. Doc. 68-1902; Filed, Feb. 14, 1968; 8:48 a.m.]

LYKES BROS. STEAMSHIP CO., INC., AND LENOX AND CO. (PTY.) LTD.

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. J. Curl, Assistant Vice President, Traffic, Lykes Bros. Steamship Co., Inc., 821 Gravier Street, New Orleans, La. 70112.

Agreement 9692, between Lykes Bros. Steamship Co., Inc., and Lenox & Co. (Pty.) Ltd., establishes a through billing arrangement for the movement of packaged general cargo, consisting principally

of tea and sisal, from ports in Portuguese East Africa (Mozambique) and Indian Ocean Islands, specifically Seychelles to the United States in the Brownsville/Key West Range with transshipment at a port in South Africa in accordance with terms and conditions set forth in the agreement.

Dated: February 12, 1968.

By order of the Federal Maritime Commission,

THOMAS LISI,
Secretary.

[F.R. Doc. 68-1899; Filed, Feb. 14, 1968; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI68-424 etc.]

SUNRAY DX OIL CO. ET AL.

Order Accepting Contract Amendment, Providing for Hearings on and Suspension of Proposed Changes in Rates¹

FEBRUARY 6, 1968.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

¹ Does not consolidate for hearing or dispose of the several matters herein

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI68-424	Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla. 74102, Attn: Homer E. McEwen, Jr. Esq.	80	5	United Gas Pipe Line Co. (Pistol Ridge, Maxie Area, Forrest, Lamar, and Pearl River Counties, Miss.).	\$876	1-8-68	2-8-68	7-8-68	\$ 20.0	\$ 21.5	
	do	201	4	South Texas Natural Gas Gathering Co. (Jay Simmons Field, Starr County, Tex.) (R.R. District No. 4)	305	1-8-68	2-8-68	7-8-68	\$ 15.0	7 1/2 16.0	
	do	132	14	United Fuel Gas Co. (Cole's Gully Area, Acadia Parish, La.) (South Louisiana).	1,522	1-15-68	2-15-68	7-15-68	\$ 10 18.3	4 7/8 21.5	
	do	197	2	Trunkline Gas Co. (South Bearhead Creek Field, Beauregard Parish, La.) (South Louisiana).	(14)	1-15-68	2-15-68	7-15-68	\$ 10 18.3	4 7/8 19.3	
	do	13	14	Transcontinental Gas Pipe Line Co. (Egan Field, Acadia Parish, La.) (South Louisiana).	7,573	1-15-68	2-15-68	7-15-68	\$ 10 15.75	4 10/12 23.55	
	do	216	3	Transcontinental Gas Pipe Line Co. (Church Point Field, Acadia Parish, La.) (South Louisiana).	5,432	1-15-68	2-15-68	7-15-68	\$ 10 17.5	4 10/12 23.55	
	do	58	9	Northern Natural Gas Co. (Hugoton Field, Texas County, Okla.) (Panhandle Area).	142	1-8-68	2-8-68	7-8-68	\$ 10 11.0	\$ 10 14 12.0	
	do	65	9	Northern Natural Gas Co. (Guymon-Hugoton Field, Texas County, Okla.) (Panhandle Area).	187	1-8-68	2-8-68	7-8-68	\$ 10 11.0	\$ 10 14 12.0	
	do	114	7	Natural Gas Pipe Line Co. of America (Camrick Field, Texas County, Okla.) (Panhandle Area).	785	1-8-68	3-21-68	8-21-68	\$ 10 16.0	\$ 10 16 18.4	
	do	182	10 4	Panhandle Eastern Pipe Line Co. (Leslie Field, Meade County, Kans.).	476	1-8-68	2-8-68	(Accepted) 7-8-68	\$ 20 15.0	\$ 17 20 17.0	
	do	165	9	Panhandle Eastern Pipe Line Co. (Camrick Field, Texas County, Okla.) (Panhandle Area).	1,140	1-10-68	3-22-68	8-22-68	\$ 16.0	\$ 18 18.2	

See footnotes on page 3021.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
do		230	4	Panhandle Eastern Pipe Line Co. (Northwest Avard Field, Woods County, Okla.) (Oklahoma "Other" Area).	347	1-10-68	2-10-68	7-10-68	15.0	17.0	
do		267	5	Michigan-Wisconsin Pipe Line Co. (Wheelock Unit No. 2, Woodward Field, Okla.) (Panhandle Area).	101	1-10-68	2-10-68	7-10-68	17.0	19.0	
do		61	7	Cities Service Gas Co. (Hugoton Field, Kearny County, Kans.).	1,575	1-15-68	2-15-68	7-15-68	11.0	12.5	
do		102	10	Colorado Interstate Gas Co. (Hugoton Field, Kearny County, Kans.).	238	1-15-68	2-15-68	7-15-68	12.0	13.5	
do		112	3	Plateau Natural Gas Co. (Hugoton Field, Kearny County, Kans.).	212	1-15-68	2-15-68	7-15-68	12.0	14.0	
do		116	12	Colorado Interstate Gas Co. (Greenwood (Sparks) Field, Stanton County, Kans.).	4,208	1-15-68	2-15-68	7-15-68	15.0	17.0	
do		141	8	Northern Natural Gas Co. (Embry Field, Edwards County, Kans.).	542	1-15-68	2-15-68	7-15-68	13.5	15.5	
do		145	3	Northern Natural Gas Co. (Harper Field, Clark County, Kans.).	490	1-15-68	2-15-68	7-15-68	14.0	16.0	
do		155	10	Northern Natural Gas Co. (Northeast Glenwood Field, Beaver County, Okla.) (Panhandle Area).	2,539	1-15-68	2-15-68	7-15-68	15.0	17.015	
do		163	7	Colorado Interstate Gas Co. (Mocane Field, Beaver County, Okla.) (Panhandle Area).	1,012	1-15-68	2-15-68	7-15-68	15.0	17.015	
do		164	6	Northern Natural Gas Co. (Hugoton Field, Finney County, Kans.).	469	1-15-68	2-15-68	7-15-68	12.0	17.0	
do		174	5	Colorado Interstate Gas Co. (Hugoton Field, Kearny County, Kans.).	301	1-15-68	2-15-68	7-15-68	12.0	13.5	
do		275	5	Natural Gas Pipeline Co. of America (Hobble-McCartar Field, Beaver County, Okla.) (Panhandle Area).	655	1-15-68	3-21-68	8-21-68	16.8	18.415	
do		177	3	Colorado Interstate Gas Co. (Hugoton Field, Kearny County, Kans.).	44	1-15-68	2-15-68	7-15-68	12.5	13.5	
do		179	2	Texas Gas Transmission Corp. (Blackburn Field, Claiborne and Webster Parishes, La.) (North Louisiana).	1,511	1-15-68	2-15-68	7-15-68	18.25	19.75	
do		184	6	Panhandle Eastern Pipe Line Co. (South Hopewell Field, Pratt County, Kans.).	1,180	1-15-68	2-15-68	7-15-68	15.0	16.0	
do		191	8	United Gas Pipe Line Co. (Calhoun Field, Ouachita Parish, La.) (North Louisiana).	695	1-15-68	2-15-68	7-15-68	18.75	21.75	
do		203	2	Texas Gas Transmission Corp. (Calhoun Field, Ouachita Parish, La.) (North Louisiana).	3,406	1-15-68	2-15-68	7-15-68	18.75	20.25	
do		214	4	Northern Natural Gas Co. (Harper Ranch Field, Clark County, Kans.).	1,828	1-15-68	2-15-68	7-15-68	16.0	17.0	
do		217	7	Cities Service Gas Co. (Dower Field, Barber County, Kans.).	(2)	1-15-68	2-15-68	7-15-68	13.0	14.0	
RI68-425	J. M. Huber Corp., 2401 East Second Ave., Denver, Colo. 80206.	25	5	Northern Natural Gas Co. (Perryton Field, Ochiltree County, Tex.) (RR. District No. 10).	370	1- 9-68	2- 9-68	7- 9-68	17.5	18.5	RI63-208.
RI68-426	Petrodyne, Inc., et al., 310 Kermac Bldg., Oklahoma City, Okla. 73102.	1	8	Arkansas Louisiana Gas Co. (Star Field, Blaine County, Okla.) (Oklahoma "Other" Area).	4,032	1- 8-68	2- 8-68	7- 8-68	15.0	17.8	
RI68-427	Mobil Oil Corp. (Operator) et al., Post Office Box 2444, Houston, Tex. 77001.	323	5	Natural Gas Pipeline Co. of America (Chitwood Field, Grady County, Okla.) (Oklahoma "Other" Area).	32,127	1-10-68	3- 1-68	8- 1-68	16.815	17.815	RI62-268.
RI68-428	John B. Hawley, Jr., and G. S. Davidson, Trustee under John B. Hawley, Jr., Trust No. 1, 1915 57th Ave. North Minneapolis, Minn. 55430.	2	11	Northern Natural Gas Co. (Hugoton Field, Hammer No. 2 Gas Unit, Haskell County, Kans.).	19	1-11-68	2-11-68	7-11-68	12.0	13.0	RI62-268.
RI68-431	Sunray DX Oil Co. (Operator) et al., Post Office Box 2039, Tulsa, Okla. 74102, Attn: Homer E. McEwen, Jr. Esq.	183	5	Transcontinental Gas Pipe Line Co. (Pointe Au Fer Field, Terrebonne Parish, La.) (South Louisiana).	33,143	1- 8-68	2- 8-68	7- 8-68	20.625	23.55	

See footnotes on next page.

- The stated effective date is the first day after expiration of the statutory notice.
- "Fractured" rate. Contractually due 22 cents per Mcf plus applicable tax reimbursement.
- Pressure base is 15.025 p.s.i.a.
- Settlement rate as approved by Commission order issued Jan. 29, 1965, in Docket No. G-6822 et al. Moratorium on filing increased rates expired Jan. 1, 1968.
- The stated effective date is the effective date requested by Respondent.
- Periodic rate increase.
- Pressure base is 14.65 p.s.i.a.
- Inclusive of 1.5-cent tax reimbursement.
- Subject to a downward B.t.u. adjustment.
- No production during past 12 months. Contract still in effect.
- Favored-nation rate increase.
- "Fractured" rate. Contractually due 27.55 cents (25.5-cent base plus 2.05-cent tax reimbursement).
- Redetermined rate increase.
- 12-Step periodic increase.
- Amendment dated Jan. 28, 1965, provides for 17-cent rate for 5-year period be-

- ginning Jan. 1, 1965, and 1-cent periodic increase for each of the next 3 succeeding 5-year periods.
- Renegotiated rate increase.
- 11-Step periodic increase.
- "Fractured" rate increase. Respondent contractually due 19.5-cent increased rate.
- Subject to upward and downward B.t.u. adjustment.
- 2-Step periodic rate increase.
- Rate subject to 1-cent deduction for gas containing less than 850 B.t.u.'s per cubic feet.
- 8-Step periodic rate increase.
- Includes 0.015-cent tax reimbursement.
- Includes 1.75-cent tax reimbursement.
- Respondent states there is no production at present time.
- Filing from initial certificated rate to first periodic increase.
- "Fractured" rate. Contractually due 27.55 cents (25.5-cent base plus 2.05-cent tax reimbursement).
- Settlement rate as approved by Commission order issued July 30, 1962, in Docket Nos. G-13169 et al. Moratorium on filing increased rates expired July 1, 1967.

Sunray DX Oil Co. (Sunray) requests that Supplement No. 5 to its FPC Gas Rate Schedule No. 80 be permitted to become effective as of January 1, 1968. Sunray DX Oil Co. (Operator) et al. (also referred to herein as Sunray), requests an effective date of January 2, 1968, for its proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Sunray's rate filings and such requests are denied.

Thirty of the rate increases filed by Sunray are filed under rate schedules included in Sunray's company-wide settlement approved by Commission order issued January 29, 1965, in Docket Nos. G-6822 et al. The moratorium period for filing increases in excess of the applicable area increased rate ceilings, as provided by the settlement order, expired January 1, 1968.

Concurrently with the filing of its rate increases, Sunray submitted a contract amendment dated January 28, 1965, designated as Supplement No. 4 to Sunray's FPC Gas Rate Schedule No. 182, which provides for its proposed rate increase under the rate schedule involved. We believe that it would be in the public interest to accept for filing Sunray's proposed contract amendment to become effective as of February 8, 1968, the proposed effective date, but not the proposed rate contained therein which is suspended as hereinafter ordered.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

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

The Commission finds:

(1) Good cause has been shown for accepting for filing Sunray's contract amendment dated January 28, 1965, designated as Supplement No. 4 to Sunray's FPC Gas Rate Schedule No. 182, and for permitting such supplement to become effective on February 8, 1968, the proposed effective date.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated rate supplements be

suspended and the use thereof deferred as hereinafter ordered (except for the supplement set forth in paragraph (1) above).

The Commission orders:

(A) Sunray's contract amendment dated January 28, 1965, designated as Supplement No. 4 to Sunray's FPC Gas Rate Schedule No. 182, is accepted for filing and permitted to become effective February 8, 1968, the proposed effective date.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated rate supplements (except the supplement set forth in paragraph (A) above).

(C) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 27, 1968.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-1792; Filed, Feb. 14, 1968;
8:45 a.m.]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Authorization for System Foreign Currency Operations

In accordance with § 271.5 of its rules regarding availability of information,

there is set forth below paragraph 1 of the Committee's Authorization for System Foreign Currency Operations, as amended at its meeting on November 14, 1967, the changes becoming effective as follows:

- (1) The amendment to paragraph 1B(3), effective November 21, 1967;
- (2) The amendment to paragraph 1C(1), effective November 22, 1967.

1. The Federal Open Market Committee authorizes and directs the Federal Reserve Bank of New York, for System Open Market Account, to the extent necessary to carry out the Committee's foreign currency directive:

A. To purchase and sell the following foreign currencies in the form of cable transfers through spot or forward transactions on the open market at home and abroad, including transactions with the U.S. Stabilization Fund established by section 10 of the Gold Reserve Act of 1934, with foreign monetary authorities, and with the Bank for International Settlements:

Austrian schillings.
Belgian francs.
Canadian dollars.
Danish kroner.
Pounds sterling.
French francs.
German marks.
Italian lire.
Japanese yen.
Mexican pesos.
Netherlands guilders.
Norwegian kroner.
Swedish kronor.
Swiss francs.

B. To hold foreign currencies listed in paragraph A above, up to the following limits:

- (1) Currencies held spot or purchased forward, up to the amounts necessary to fulfill outstanding forward commitments;
- (2) Additional currencies held spot or purchased forward, up to the amount necessary for System operations to exert a market influence but not exceeding \$150 million equivalent; and
- (3) Sterling purchased on a covered or guaranteed basis in terms of the dollar, under agreement with the Bank of England, up to \$300 million equivalent.

C. To have outstanding forward commitments undertaken under paragraph A above to deliver foreign currencies, up to the following limits:

- (1) Commitments to deliver foreign currencies to the Stabilization Fund, up to \$350 million equivalent;
- (2) Commitments to deliver Italian lire, under special arrangements with the Bank of Italy, up to \$500 million equivalent; and
- (3) Other forward commitments to deliver foreign currencies, up to \$275 million equivalent.

D. To draw foreign currencies and to permit foreign banks to draw dollars under the reciprocal currency arrangements listed

in paragraph 2 below: *Provided*, That drawings by either party to any such arrangement shall be fully liquidated within 12 months after any amount outstanding at that time was first drawn, unless the Committee, because of exceptional circumstances, specifically authorizes a delay.

NOTE: For paragraph 2 of the authorization, see 32 F.R. 9582; for the remaining paragraphs, 3 through 10, see 32 F.R. 9583.

Dated at Washington, D.C., the 8th day of February 1968.

By order of the Federal Open Market Committee.

ARTHUR L. BROIDA,
Assistant Secretary.

[F.R. Doc. 68-1849; Filed, Feb. 14, 1968;
8:45 a.m.]

FEDERAL OPEN MARKET COMMITTEE Current Economic Policy Directive

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Current Economic Policy Directive issued at its meeting held on November 14, 1967.¹

The information reviewed at this meeting indicates that, while the direct and indirect effects of strikes have been retarding activity in some areas of the economy, prospects still favor more rapid economic growth in the months ahead. Although prices of farm products and foods have declined recently, upward pressures persist on industrial prices and costs. While there recently have been further inflows of liquid funds from abroad through foreign branches of U.S. banks, the balance of payments continues to reflect a substantial underlying deficit. Bank credit expansion has continued large. The volume of new private security issues has expanded further and interest rates remain under upward pressure, reflecting in part increased doubts in financial markets concerning enactment of the President's fiscal program. In this situation, it is the policy of the Federal Open Market Committee to foster financial conditions, including bank credit growth, conducive to sustainable economic expansion, recognizing the need for reasonable price stability for both domestic and balance of payments purposes.

To implement this policy, System open market operations until the next meeting of the Committee shall be conducted with a view to maintaining about the prevailing conditions in the money market, but operations shall be modified as necessary to moderate any apparent tendency for bank credit to expand significantly more than currently expected.

Dated at Washington, D.C., the 8th day of February 1968.

By order of the Federal Open Market Committee.

ARTHUR L. BROIDA,
Assistant Secretary.

[F.R. Doc. 68-1850; Filed, Feb. 14, 1968;
8:45 a.m.]

¹ The Record of Policy Actions of the Committee for the meeting of Nov. 14, 1967, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.;
Temporary Reg. F-14]

SECRETARY OF DEFENSE

Delegation of Authority Regarding Natural Gas Rate Proceeding

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the customer interest of the Federal Government in a natural gas rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d), authority is delegated to the Secretary of Defense to represent the interest of the executive agencies of the Federal Government before the Federal Power Commission in a proceeding to make changes in the rates and charges of Cities Service Gas Co. for natural gas service.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: February 9, 1968.

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

[F.R. Doc. 68-1893; Filed, Feb. 14, 1968;
8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

CODITRON CORP.

Order Suspending Trading

FEBRUARY 9, 1968.

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., 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 February 10, 1968, through February 19, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-1858; Filed, Feb. 14, 1968;
8:45 a.m.]

[812-2271]

DICTAPHONE INTERNATIONAL CORP. Notice of Filing of Application for Exemption

FEBRUARY 9, 1968.

Notice is hereby given that Dictaphone International Corp. ("Applicant"), 120 Old Post Road, Rye, N.Y., a Delaware corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting Applicant from all provisions of the Act and the rules and regulations thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant was organized by Dictaphone Corp. ("Dictaphone") under the laws of the State of Delaware on January 30, 1968. Of the 1,000 authorized shares of common stock, \$100 par value, of Applicant, Dictaphone has subscribed for all of the common stock of Applicant issued and outstanding, consisting of 10 shares. Dictaphone has paid an aggregate amount of \$1,000 for such stock. On or before March 1, 1968, Dictaphone will make a capital contribution to Applicant of, or will purchase additional shares for, additional cash, securities, or other property so that the capital of Applicant will not be less than \$1,800,000 at that date. Any additional securities which Applicant may issue, other than debt securities, will be issued only to Dictaphone. Dictaphone will continue to retain its present holdings of Applicant's common stock and any additional securities of Applicant which Dictaphone may acquire and Dictaphone will not dispose of any of Applicant's securities (other than debt securities) except to Applicant or to a wholly owned subsidiary of Dictaphone and will cause each such wholly owned subsidiary not to dispose of Applicant's securities except to Dictaphone, Applicant, or a wholly owned subsidiary of Dictaphone.

Dictaphone is principally engaged in the manufacture, sale, and rental of dictating and recording machines for business use, and is active in the fields of office furniture and temporary office personnel services.

Dictaphone is interested in further developing and expanding its foreign operations by increasing investments in its existing foreign subsidiaries and making additional investments in foreign companies. Dictaphone organized Applicant to fulfill this objective and at the same time to support the balance-of-payments position of the United States.

Applicant intends to issue and sell not less than \$8 million nor more than \$10 million (depending on market conditions) of its Guaranteed Debentures due 1988 ("Debentures") to a group of underwriters for offering and sale only outside the United States. Dictaphone will guarantee the payment of principal, interest, premium if any, and the sinking fund. The Debentures will be convertible on and after October 1, 1968, into common stock of Dictaphone. Any

additional debt securities of Applicant which may be issued or held by the public will be guaranteed by Dictaphone in a manner substantially similar to the guarantee of the Debentures. The Debentures will be listed on the Luxembourg Stock Exchange.

It is intended that upon completion of the long-term investments of Applicant's assets, at least 80 percent of all the assets of the Applicant, exclusive of U.S. Government securities and cash items, will consist of investments in or loans to foreign companies (including U.S. companies all or substantially all of whose business is conducted outside the United States) and any company in which Applicant directly or indirectly invests will at the completion of the investment be under the control of Dictaphone within the meaning of section 2(a)(9) of the Act, or, if an investment company, a wholly owned subsidiary of Dictaphone. Applicant will proceed as expeditiously as possible with the long-term investment of its assets in the manner described above, will not acquire securities for the purpose of resale and will not trade in securities. Pending such investments, and from time to time thereafter in connection with changes in long-term investments, Applicant will invest temporarily in debt obligations (including time deposits) of governments, foreign financial institutions (including foreign branches of U.S. financial institutions), and foreign subsidiaries of Dictaphone payable in U.S. dollars or other currencies and in any case maturing in 1 year or less from date of acquisition.

The Debentures are to be sold by the underwriters under conditions which are intended to assure that they will not be offered or sold in the United States, its territories or possessions or to nationals, citizens, or residents of the United States, its territories, or possessions. Any additional debt securities of Applicant which may be sold to the public in the future will be sold under substantially similar conditions.

Counsel has advised Applicant that U.S. persons will be required to report and pay an interest equalization tax with respect to acquisition of the Debentures, except where a specific statutory exemption is available. By financing its foreign operations through Applicant rather than through the sale of its own obligations, Dictaphone will utilize an instrumentality the acquisitions of whose debt obligations by U.S. persons would generally subject such persons to the interest equalization tax, thus discouraging them from purchasing such debt obligations.

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.

Applicant submits that it is appropriate in the public interest and consistent

with the protection of investors and the purposes fairly intended by the policies and provisions of the Act for the Commission to enter an order exempting Applicant from each and every provision of the Act for the following reasons: (1) A significant purpose of the Applicant is to assist in improving the balance of payments program of the United States by obtaining funds for foreign operations in foreign countries; (2) the payment of the Debentures to be issued by Applicant which is guaranteed by Dictaphone and the value of the right to convert the Debentures into shares of Dictaphone's common stock, do not depend on the operation or investment policy of Applicant, for the security holders may ultimately look to the business enterprise of Dictaphone; (3) none of the securities of Applicant (other than debt securities) will be held by any person other than Dictaphone or a wholly owned subsidiary of Dictaphone; (4) Applicant will not deal or trade in securities; (5) the Debentures will be sold only to foreign nationals and the burden of the Interest Equalization Tax will discourage resale to any U.S. national, citizen, or resident; (6) Applicant's security holders will have the benefit of the disclosure and reporting provisions of the Securities Exchange Act of 1934 and the New York Stock Exchange with respect to the common stock of Dictaphone.

Notice is further given that any interested person may, not later than February 20, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 68-1859; Filed, Feb. 14, 1968;
8:45 a.m.]

[70-4575]

GENERAL PUBLIC UTILITIES CORP.

Notice of Proposed Issue and Sale of Notes to Banks and Dealers and Exemption From Competitive Bidding

FEBRUARY 9, 1968.

Notice is hereby given that General Public Utilities Corp. ("GPU"), 80 Pine Street, New York, N.Y. 10005, a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

GPU proposes, from time to time but not later than December 31, 1969, to issue and sell its promissory notes (including commercial paper), of a maturity of not more than 9 months, in an aggregate principal amount outstanding at any one time of not more than \$75,000,000. GPU intends to utilize the proceeds of the sale of its promissory notes for (a) additional investments in its subsidiaries (such additional investments to be the subject from time to time of further applications and/or declarations with this Commission) and/or to reimburse its treasury for funds expended therefrom for such investments subsequent to December 31, 1966, and (b) the refunding of its borrowings from banks effected in 1967 and outstanding at the date of this declaration in the aggregate principal amount of \$20,000,000. The cash requirements for the GPU system's construction program in 1968 and 1969 are estimated at \$205,400,000 and \$235,000,000 respectively.

GPU proposes to sell, from time to time as it requires funds, commercial paper directly to Lehman Commercial Paper, Inc. ("Lehman"), and/or A. G. Becker & Co., Inc. ("Becker"), dealers in commercial paper, in amounts not to exceed an aggregate amount of \$50,000,000 of commercial paper outstanding at any one time. Becker and Lehman will each reoffer such commercial paper thus purchased by it to not more than 100 of its customers, identified and designated in a list (nonpublic) prepared in advance by Becker and Lehman for this purpose. No additions will be made by Becker or Lehman to their respective customer lists, which will include commercial banks, insurance companies, pension funds, investment trusts, foundations, colleges and universities, municipal and State benefit funds, eleemosynary institutions, finance companies, and nonfinancial corporations which invest surplus funds in commercial paper. It is expected that GPU's commercial paper will be held to maturity by the purchaser from Lehman or Becker, but, if any such purchaser should wish to resell prior thereto, Lehman or Becker, as the case may be, pursuant to a verbal repurchase agreement will repurchase

the commercial paper from its customer and reoffer the same to others in its group of customers.

The commercial paper issued and sold by GPU will be in the form of promissory notes in denominations of not less than \$100,000 and not more than \$5,000,000, with maturities not to exceed 270 days, the actual maturities to be determined by the market conditions, the effective interest cost to GPU, and GPU's anticipated cash requirements at the time of issuance. The commercial paper issued and sold by GPU will be sold at the discount rate per annum prevailing at the date of issuance for prime commercial paper of comparable quality and of the particular maturity sold at the same time by other issuers to commercial paper dealers. The commercial paper sold by GPU may be reoffered by Lehman and/or Becker at a discount rate not to exceed one-eighth of 1 percent per annum less than the discount rate to GPU. Generally, the commercial paper will be sold by GPU at effective interest costs that will not exceed the prime rate for borrowings from commercial banks in effect at the date of issue.

GPU proposes to borrow from various commercial banks, as GPU requires funds, in an amount not to exceed \$75,000,000, less the face amount of any GPU commercial paper referred to above which is outstanding at the time, such borrowings from banks to be evidenced by the issuance or renewal by GPU of its promissory notes which will bear interest at the prime rate (presently 6 percent per annum) for commercial borrowings then in effect at the bank from which such borrowing is made. Each such note will mature not more than 9 months from the date of issuance or renewal thereof and will be prepayable at any time without premium. As at the date of the filing of this declaration, GPU had outstanding \$20,000,000 of notes issued to banks pursuant to authority granted by this Commission by order dated April 10, 1967 (Holding Company Act Release No. 15708). If this declaration shall be permitted to become effective, GPU will not issue any notes pursuant to said order after the effective date of this declaration, and, upon the payment or prepayment of any notes previously issued pursuant to said order, any remaining authority granted by said order will be terminated. GPU will not effect any borrowings from banks pursuant to this declaration until it shall have filed a posteffective amendment thereto setting forth the name or names of the banks from which such borrowing is to be effected and such posteffective amendment shall have been permitted to become effective by further order of the Commission.

GPU asserts that the issue and sale of its commercial paper notes should, pursuant to subparagraph (a)(5) of Rule 50, be exempted from the requirements thereof, in view of the fact that the proposed promissory notes to be issued by GPU as commercial paper will have a maturity of not more than 9 months, the interest cost thereon generally will not exceed the prime rate for commercial

borrowings from commercial banks, and the current rates for commercial paper for prime borrowers such as GPU are readily ascertainable by reference to the daily financial publications and do not require competitive bidding in order to determine the reasonableness thereof.

Fees and expenses to be incurred by GPU in connection with the proposed transactions are estimated at \$6,000, including legal fees of \$5,000. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than February 23, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 68-1860; Filed, Feb. 14, 1968;
8:45 a.m.]

[File No. 1-3629]

KASHMIR OIL, INC.

Order Suspending Trading

FEBRUARY 9, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Kashmir Oil, 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 Feb-

ruary 10, 1968, through February 19, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 68-1861; Filed, Feb. 14, 1968;
8:45 a.m.]

[70-4587]

KINGSPORT POWER CO.

Notice of Proposed Issue and Sale of Short-Term Notes to Banks

FEBRUARY 9, 1968.

Notice is hereby given that Kingsport Power Co. ("Kingsport"), 40 Franklin Road, Roanoke, Va. 24011, a Virginia corporation and a public-utility subsidiary company of American Electric Power Co., Inc., a registered holding company, has filed a declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 thereof as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Pursuant to a bank loan agreement entered into by Kingsport with two commercial banks, Kingsport proposes to borrow from time to time prior to December 31, 1968, an aggregate of \$2 million, to be evidenced by its unsecured notes. Kingsport requests the Commission's approval for the issue and sale of such amount of notes not exempt pursuant to the first sentence of section 6(b) of the Act. The notes will be issued and sold to Manufacturers Hanover Trust Co., New York, N.Y., and Morgan Guaranty Trust Company of New York in the principal amounts of \$1,400,000 and \$600,000, respectively; will mature not later than 270 days after the date of issue or renewal; and will bear interest from the date thereof at the then current prime credit rate (presently 6 percent per annum). The notes may be prepaid at any time without premium.

Kingsport will use the proceeds from the sale of the notes to reimburse its Treasury for past expenditures in connection with its construction program and to provide funds to finance, in part, its future construction program, estimated for 1968 to cost approximately \$1,700,000, and for other corporate purposes.

It is represented that no fees and expenses are to be incurred in connection with the proposed transactions and that no State commission, and no Federal commission other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 13, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission

should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-1862; Filed, Feb. 14, 1968;
8:45 a.m.]

LEEDS SHOES, INC.

Order Suspending Trading

FEBRUARY 9, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Leeds Shoes, Inc., Tampa, Fla., and all other securities of Leeds Shoes, 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 February 10, 1968, through February 19, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-1863; Filed, Feb. 14, 1968;
8:46 a.m.]

ROVER SHOE CO.

Order Suspending Trading

FEBRUARY 9, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Rover Shoe Co., Bushnell, Fla., and stock purchase warrants of Rover Shoe Co. 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 February 11, 1968, through February 20, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-1864; Filed, Feb. 14, 1968;
8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1150]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FOR- WARDER APPLICATIONS

FEBRUARY 9, 1968.

The following applications are governed by special rule 1.247¹ 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 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

¹ Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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 1641 (Sub-No. 80), filed January 22, 1968. Applicant: PEAKE TRANSPORT SERVICE, INC., Post Office Box 366, Chester, Nebr. 68327. Applicant's representative: R. B. Parker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers and fertilizer materials*, in bulk, and in bags, from points in that area of Nebraska bounded by U.S. Highway 6 on the north, Nebraska Highway 14 on the east, Nebraska Highway 74 on the south, and U.S. Highway 281 on the west, to points in Colorado, Wyoming, South Dakota, North Dakota, Minnesota, Iowa, Missouri, and Kansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 1641 (Sub-No. 81), filed February 2, 1968. Applicant: PEAKE TRANSPORT SERVICE, INC., Post Office Box 366, Chester, Nebr. 68327. Applicant's representative: R. B. Parker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from plantsite of Farmland Industries located at or near Dodge City, Kans., to points in Colorado, Wyoming, Texas, Oklahoma, Missouri, Nebraska, and Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Wichita, Kans.

No. MC 2392 (Sub-No. 64), filed January 31, 1968. Applicant: WHEELER TRANSPORT SERVICE, INC., Post Office Box 14248, West Omaha Station, Omaha, Nebr. 68114. Applicant's representative: Leonard A. Jaskiewicz, 1155 15th Street NW., Madison Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, urea, and fertilizer*, from Omaha, Nebr., to

points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 5470 (Sub-No. 37), filed January 30, 1968. Applicant: TAJON, INC., Rural Delivery No. 5, Mercer, Pa. 16137. Applicant's representative: Theodore Polydoroff, 917 Munsey Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metals and scrap steel shapes*, in dump vehicles, between Braddock, Pa., East Liverpool, Ohio, and Niagara Falls, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, Vermont, and New Hampshire, (2) *alloys, pig iron, and scrap metals*, in dump vehicles, between Braddock, Pa., and East Liverpool, Ohio, on the one hand, and, on the other, points in Vermont and New Hampshire, and (3) *alloys, pig iron, and scrap metals*, in dump vehicles, between Niagara Falls, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, Vermont, and New Hampshire. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 13250 (Sub-No. 95), filed January 31, 1968. Applicant: J. H. ROSE TRUCK LINE, INC., 5003 Jensen Drive, Post Office Box 16190, Houston, Tex. 77022. 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: *Lift and hoist trucks, tractors* (other than truck tractors), and *attachments and accessories* for the items named, from the plantsites of Towmotor Corp. located at Cleveland and Mentor, Ohio, to points in New Mexico, Nevada, Arizona, and California, restricted to traffic originating at and destined to the points named. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 17091 (Sub-No. 6), filed February 2, 1968. Applicant: ISAAC JONES, JR., 321 Lexington Avenue, Pitman, N.J. Applicant's representative: Robert B. Einhorn, Room 1540, P.S.F.S. Building, 12 South 12th Street, Philadelphia, Pa. 19107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, in dump vehicles, from Philadelphia, Pa., to points in New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 17426 (Sub-No. 1), filed January 31, 1968. Applicant: NYSTROM'S MOVING & STORAGE INC., 125 West Baraga Avenue, Marquette, Mich. 49855. Applicant's representative: James Davis, 1400 Michigan National Tower, Lansing, Mich. 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Marquette County, Mich., on the one hand,

and, on the other, points in Marquette, Keweenaw, Houghton, Baraga, Iron, Dickenson, Delta, Alger, Schoolcraft, Luce, Mackinaw, Menominee, Gogebic, and Ontonagon Counties, Mich. NOTE: Applicant indicates tacking at Marquette, Mich., with presently held authority under MC 17426, wherein applicant is authorized to serve Marquette, Mich., and points in Illinois, Minnesota, and Wisconsin and points within 52 miles of Marquette, Mich. If a hearing is deemed necessary, applicant requests it be held at Lansing, Escanaba, Marquette, or Detroit, Mich.

No. MC 17829 (Sub-No. 12), filed February 2, 1968. Applicant: DI SILVA TRANSPORTATION, INC., 42 Middlesex Avenue, Somerville, Mass. 02145. Applicant's representative: Frank J. Weiner, Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials and supplies used in the conduct of such business* (except commodities in bulk), between Portland, Maine; Somerville and Southboro, Mass.; Hartford, Conn.; and South Kearny, N.J., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, and New Jersey, under contract with First National Stores, Inc., Somerville, Mass. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 20729 (Sub-No. 11), filed February 2, 1968. Applicant: FREDDIE AHRENSTORFF, doing business as AHRENSTORFF TRANSFER, Lake Park, Iowa 51347. 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: *Liquid animal feed and liquid animal feed supplements*, in bulk, in tank vehicles, from Fremont, Grand Island, and Overton, Nebr., and Atlantic, Iowa, to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 31389 (Sub-No. 92), filed February 5, 1968. Applicant: McLEAN TRUCKING COMPANY, a corporation, 617 Wauhtown Street, Post Office Box 213, Winston-Salem, N.C. 27102. Applicant's representative: Francis W. McInerney, Suite 502, 1000 16th Street 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, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Bowling Green and Scottsville, Ky., over U.S. Highway 231, and return

over the same route, as an alternate route for operating convenience only, in connection with carrier's presently authorized regular-route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 35358 (Sub-No. 19), filed February 6, 1968. Applicant: BERGER TRANSFER & STORAGE, INC., 3270 Macalaster Drive NE., Minneapolis, Minn. 55421. Applicant's representative: Grant J. Merritt, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New industrial institutional, technical, and laboratory furniture*, uncrated, from Rochester, Minn., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 42487 (Sub-No. 685), filed February 6, 1968. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Vernon S. Tyler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lime and dry commodities* in bulk, from the plantsite of Ash Grove Lime & Portland Cement Co., Portland, Ore., to points in Washington, and (2) *dry commodities*, in bulk, between points in California, on the one hand, and, on the other, points in Oregon; Washington, Idaho, Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, and Nevada. NOTE: Applicant indicates tacking possibilities. If a hearing is deemed necessary, applicant requests it be held at San Francisco or Los Angeles, Calif.

No. MC 51146 (Sub-No. 75), filed January 31, 1968. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *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 described commodities between points in Columbia, Oneida, Portage, and Wood Counties, Wis., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode

Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states the primary purpose of the application is not to allow tacking. This would be done only as an incidental part of operations if the need arises in the future. This could be done under many of its presently held authorized and pending authority. Applicant further states no duplicative authority sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 76), filed January 31, 1968. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Equipment, materials, and supplies* used in the manufacture of products manufactured or distributed by manufacturers or converters of paper and paper products (except commodities requiring the use of special equipment), from points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and the District of Columbia, to De Pere, Wis. NOTE: Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 77), filed January 31, 1968. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products; products produced or distributed by manufacturers and converters of paper and paper products; material, equipment, and supplies used in the manufacture and distribution of the above-described commodities*, between points in Ballard and Carlisle Counties, Ky., on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Iowa, Massachusetts, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 51146 (Sub-No. 78), filed February 2, 1968. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: Donald F. Martin (same address as applicant). Authority sought to operate as a *common*

carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts and articles distributed by meat packinghouses* as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Brown County, Wis., to points in Connecticut, Delaware, Indiana, Kansas, Kentucky, the Lower Peninsula of Michigan, Maine, Maryland, Massachusetts, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 52709 (Sub-No. 299) (Correction), filed January 25, 1968, published FEDERAL REGISTER issue of February 8, 1968, and republished as corrected, this issue. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo. 80216. Applicant's representative: Eugene Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, 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 Sioux Falls and Madison, S. Dak., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Common control may be involved. The purpose of this republication is to show the correct docket number as MC 52709 Sub-No. 299, in lieu of MC 52709 Sub 279, which was erroneously printed in previous publication. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak.

No. MC 59264 (Sub-No. 40), filed January 26, 1968. Applicant: SMITH & SOLOMON TRUCKING COMPANY, a corporation, How Lane, New Brunswick, N.J. Applicant's representative: Herbert Burstein, 169 Broadway, New York, N.Y. 10038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives* between Hackettstown, N.J., and points in New Jersey within 25 miles of Hackettstown, N.J., and Port Murray, N.J., on the one hand, and, on the other, Herlong, Calif.; Letterkenny Army Depot, Pa.; Texarkana, Tex.; Pueblo, Colo.; Anniston, Ala.; Flagstaff, Ariz.; Seneca Army Depot, N.Y.; Savannah, Ill.; Lexington, Ky.; Edgewood Arsenal, Md.; Aberdeen, Md.; Portsmouth and Yorktown, Va. NOTE: Applicant states it would tack the proposed authority with its MC 59264 at New Brunswick, N.J.; Philadelphia, Pa.; and Baltimore, Md. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 59264 (Sub-No. 41), filed January 31, 1968. Applicant: SMITH & SOLOMON TRUCKING COMPANY, a corporation, How Lane, New Brunswick,

N.J. Applicant's representative: Herbert Burstein, 169 Broadway, New York, N.Y. 10038. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Cleaning products and compounds*, serving East Farmingdale, Brentwood, and Smithtown, Suffolk County, N.Y., as off-route points, in conjunction with applicant's present authority in MC 59264. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 59336 (Sub-No. 20), filed February 1, 1968. Applicant: U.S. TRUCK COMPANY, INC., 2290 24th Street, Detroit, Mich. 48216. Applicant's representative: Wilber M. Brucker, Jr., 38th Floor, Penobscot Building, Detroit, Mich. 48226. 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; and commodities in bulk), between Ann Arbor, Mich., and the junction of Interstate Highway 96 and U.S. Highway 23, U.S. Highway 23, and return over the same route serving the intermediate point of Whitmore Lake, Mich., and the off-route plantsite of Collard, Inc., 8505 Michigan 36 Highway, Greenoak Township, Livingston County, Mich., in connection with carriers regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 61592 (Sub-No. 102), filed January 31, 1968. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal and/or charcoal products and derivatives* including but not limited to briquette (except in bulk, in tank vehicles), from Paris, Ark., and points within 5 miles thereof and Memphis, Tenn., to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis or Nashville, Tenn., or Little Rock, Ark.

No. MC 64932 (Sub-No. 447), filed February 5, 1968. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals*, in bulk, from South Beloit, Ill., to points in Indiana, Iowa, Kentucky, Minnesota, Ohio, Oklahoma, and Tennessee, and (2) *grain neutral spirits*, in bulk, in tank vehicles, from Clinton, Iowa, to Bardstown, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 76025 (Sub-No. 5), filed February 5, 1968. Applicant: OVERLAND EXPRESS, INC., 498 First Street NW., New Brighton, Minn. 55112. Authority sought to operate as a *contract carrier*,

by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, equipment, materials, and supplies used in the conduct of such business*, (1) between points in the Minneapolis-St. Paul, Minn., commercial zone, as defined by the Commission, on the one hand, and, on the other, Grand Island, Lincoln, and Norfolk, Nebr., and Huron, S. Dak., and (2) from points in the Minneapolis-St. Paul, Minn., commercial zone, as defined by the Commission, and Albert Lea and New Richmond, Mich., to Carbondale and Eldorado, Ill., under contract with Nash-Finch Co., and Land O'Lakes Creameries, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 83217 (Sub-No. 34), filed February 1, 1968. Applicant: DAKOTA EXPRESS, INC., 110 North Reid Street, Post Office Box 1252, Sioux Falls, S. Dak. Applicant's representative: Henry J. Schuette (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 1 to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Madison and Sioux Falls, S. Dak., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., Omaha, Nebr., or Chicago, Ill.

No. MC 83539 (Sub-No. 225), filed February 5, 1968. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representative: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cable reel trailers*, with or without *accessories, attachments, or parts*, in initial movement, in truckaway service, from Denver, Colo., to points in the United States, except Alaska, Colorado, and Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Washington, D.C.

No. MC 95540 (Sub-No. 719), filed January 29, 1968. Applicant: WATKINS MOTOR LINES, INC., 1120 Griffin Road, Lakeland, Fla. 33803. Applicant's representative: Hoyt Starr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, not frozen, from the plant-sites and/or facilities for the Borden Co. and its divisions at Wellsboro, Pa., Arcade, Syracuse, Waterloo, Red Creek,

Rushville, Egypt, Penn Yan, Fairport, Newark, and Lyons, N.Y. to points in Wisconsin, Minnesota, North Dakota, South Dakota, Nebraska, Iowa, Missouri, and Illinois. NOTE: Applicant states it intends to interchange traffic. If a hearing is deemed necessary, applicant requests it be held at Rochester or Buffalo, N.Y., or Washington, D.C.

No. MC 95540 (Sub-No. 721), filed February 2, 1968. Applicant: WATKINS MOTOR LINES, INC., 1120 Griffin Road, Lakeland, Fla. 33803. Applicant's representative: Hoyt Starr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and frozen mushrooms*, when shipped with canned goods, from points in Chester County, Pa., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Washington, D.C.

No. MC 97216 (Sub-No. 3), filed February 5, 1968. Applicant: LARRY TREBINO CONSTRUCTION COMPANY, INC., 5 Cypress Drive, Burlington, Mass. 01803. Applicant's representative: Arthur A. Wentzell, Post Office Box 720, Worcester, Mass. 01601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Granite chips*, from Chelmsford and Littleton, Mass., to Danbury, Hartford, Newington, and North Haven, Conn., (2) *stone grit*, from Plainville, Walpole, and Wrentham, Mass., to Danbury, Hartford, Newington, and North Haven, Conn., (3) *dry expanded shale*, from Plainville, Mass., to Danbury, Hartford, Newington, and North Haven, Conn., (4) *sand*, from Monson, Mass., to Danbury, Hartford, Newington, and North Haven, Conn., (5) *pumice*, from Boston, Mass., New Haven, Conn., and Portsmouth, N.H., to Acton and Medford, Mass., North Haven, Conn., and Woburn, Mass., (6) *quartz*, from Lyndeboro, N.H., to Acton, Mass., Danbury and Hartford, Conn., Medford, Mass., Newington, and North Haven, Conn., and (7) *topaz*, from Lyndeboro, N.H., to Acton, Mass., Danbury and Hartford, Conn., Medford, Mass., Newington and North Haven, Conn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 100666 (Sub-No. 115), filed February 2, 1968. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, 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: *Building, roofing, and insulating materials, perlite products and materials and accessories incidental thereto*, from Florence, Ky., to points in Louisiana, Mississippi, Texas, Arkansas, Missouri, Tennessee, Alabama, Georgia, Oklahoma, and Kansas. NOTE: Applicant states it could tack with its presently held authority in No. MC 100666 Sub 66 at the plantsite of the Celotex Corp. at or near

Hamlin, Tex., and with its Sub 67 at Duke, Okla., for the purpose of serving New Mexico. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 102911 (Sub-No. 3), filed January 29, 1968. Applicant: DONALD GOETZ, Defiance, Iowa 51527. Applicant's representative: Donald Goetz, c/o Service, Inc., Post Office Box 854, Downtown Station, Omaha, Nebr. 68101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from South Sioux City, Nebr., to points in Monona, Crawford, Carroll, Greene, Boone, Story, Polk, Mills, Ringgold, Dallas, Guthrie, Audubon, Shelby, Harrison, Pottawattamie, Cass, Fremont, Page, Decatur, Adair, Madison, Warren, Clarke, Union, Adams, Montgomery, and Taylor Counties, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 103880 (Sub-No. 392), filed January 31, 1968. Applicant: PRODUCERS TRANSPORT, INC., 215 East Waterloo Road, Akron, Ohio 44306. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and dry commodities*, in bulk, in tank or hopper-type vehicles, having had a prior movement by rail, from Kalamazoo, Mich., to points in Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 105461 (Sub-No. 82), February 4, 1968. Applicant: HERR'S MOTOR EXPRESS, INC., Box 8, Quarryville, Pa. 17566. Applicant's representative: Bernard N. Gingerich, 114 West State Street, Quarryville, Pa. 17566. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and advertising materials and cartons* for glass containers, from Horseheads and Elmira, N.Y., to points in Connecticut, Massachusetts, and Rhode Island. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 105813 (Sub-No. 160), filed January 29, 1968. Applicant: BELFORD TRUCKING CO., INC., 3500 Northwest 79th Avenue, Post Office Box 154, M.I.A. Station, Miami, Fla. 33148. Applicant's representative: James T. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Garments and wearing apparel*, from points in Florida to points in Pennsylvania and New York. NOTE: If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 106398 (Sub-No. 358), filed February 2, 1968. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings* in sections, mounted on

wheeled undercarriages, equipped with hitchball connector, from Virginia Beach, Va., to points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107010 (Sub-No. 32), filed January 31, 1968. Applicant: D & R BULK CARRIERS, INC., Post Office Box 106, Auburn, Nebr. 68305. Applicant's representatives: Leonard A. Jaskiewicz and J. William Cain, Jr., 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: *Anhydrous ammonia, urea, and fertilizer*, from Omaha, Nebr., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha or Lincoln, Nebr.

No. MC 107010 (Sub-No. 33), filed January 31, 1968. Applicant: D & R BULK CARRIERS, INC., Post Office Box 106, Auburn, Nebr. 68305. Applicant's representatives: Leonard A. Jaskiewicz and J. William Cain, Jr., 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: *Fertilizer and fertilizer materials*, in bulk, and in bags, from that part of Nebraska bounded by U.S. Highway 6 on the north, by Nebraska Highway 14 on the east, by Nebraska Highway 74 on the south, and U.S. Highway 281 on the west, to points in Colorado, Wyoming, South Dakota, Minnesota, Iowa, Missouri, and Kansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha or Lincoln, Nebr.

No. MC 107064 (Sub-No. 62), filed February 5, 1968. Applicant: STEERE TANK LINES, INC., 2808 Fairmount Street, Post Office Box 2998, Dallas, Tex. 75201. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers, sulphur, and sulphur products*, from points in Castro County, Tex., to points in Alabama, Arizona, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, Iowa, New Mexico, Oklahoma, South Carolina, Tennessee, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 107104 (Sub-No. 12) (Correction), filed January 4, 1968, published FEDERAL REGISTER issue of January 25, 1968, and republished as corrected this issue. Applicant: ARTHUR R. ALTNOW, doing business as LODI TRUCK SERVICE, Post Office Box 111, 1420 South Cherokee Lane, Lodi, Calif. 95240.

Applicant's representative: Marvin Handler, 405 Montgomery Street, Suite 1401, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in vehicles equipped with mechanical refrigeration, temperature or atmospheric control (except liquids or gases in bulk), between points in California south of the northern boundaries of Sonoma, Lake, Colusa, Sutter, Yuba, and Sierra Counties and north of the northern boundaries of San Luis Obispo, Kern, and San Bernardino Counties, Calif., restricted to shipments having had a prior or subsequent movement by rail. NOTE: The purpose of this republication is to add the word "shipments" to the restriction, which was erroneously omitted in the previous publication. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 107496 (Sub-No. 622) (Correction), filed January 24, 1968, published in the FEDERAL REGISTER issue of February 8, 1968, corrected and republished as corrected, this issue. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solution, liquid fertilizer, and liquid fertilizer materials*, from Seneca, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Missouri, and Wisconsin. NOTE: The purpose of this republication is to show the commodity as nitrogen fertilizer solution, in lieu of nitrogen fertilizer, as it was erroneously shown. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 108393 (Sub-No. 7), filed February 2, 1968. Applicant: SIGNAL DELIVERY SERVICE, INC., 782 Industrial Drive, Elmhurst, Ill. 60126. Applicant's representative: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise dealt in by retail department stores and mail order houses*, between Elizabeth and Maywood, N.J., on the one hand, and, on the other, points in Nassau, Orange, and Suffolk Counties, N.Y., and points in Fairfield County, Conn., under contract with Sears, Roebuck & Co. NOTE: Applicant is also authorized to conduct operations as a *common carrier* in certificate No. MC 118459, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Cleveland, Ohio.

No. MC 109397 (Sub-No. 159), filed January 29, 1968. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Joplin, Mo. 64802. Applicant's representative: Max G. Morgan, 450 American National Building, Oklahoma City, Okla. 73102.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A, B, and C explosives, blasting materials, blasting supplies, and blasting agents*, between Du Pont, Wash., and points within 5 miles thereof, on the one hand, and, on the other, points in Washington, Oregon, Idaho, Nevada, California, Utah, Colorado, Montana, Wyoming, Arizona, and New Mexico. NOTE: Applicant states it intends to tack the proposed authority at Louviers, Colo., enabling it to serve points in Missouri, Oklahoma, Kansas, Texas, Nebraska, Arkansas, and South Dakota. Applicant is authorized to operate as a *contract carrier* in Docket No. MC 128814, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., Albuquerque, N. Mex., Phoenix, Ariz., or Los Angeles, Calif.

No. MC 109637 (Sub-No. 334), filed January 26, 1968. Applicant: SOUTHERN TANK LINES, INC., Post Office Box 1047, 4107 Bells Lane, Louisville, Ky. 40201. Applicant's representative: Harris G. Andrews (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulfur hexafluoride*, in shipper-owned tube trailers, from Metropolis, Ill., to Stony Brook, N.Y., Burlington, Mass., and ports of entry on the international boundary line between the United States and Canada at or near Port Huron, Mich., and Niagara Falls, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 110325 (Sub-No. 44), filed February 1, 1968. Applicant: TRANSCON LINES, a corporation, 1206 South Maple Avenue, Los Angeles, Calif. 90015. Applicant's representative: Wentworth E. Griffin, 1221 Baltimore Avenue, Kansas City, Mo. 64105. 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, and commodities requiring special equipment), serving the plantsite of Westinghouse Electric Corp., at or near Sykesville, Md., as an off-route point in connection with applicant's regular-route service to and from Baltimore, Md. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 855), filed January 29, 1968. 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: *Mercaptans and gas odorants*, in bulk, in tank vehicles, from Houston, Tex., to points in Oregon and Washington. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 856), filed January 29, 1968. 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: *Alcohol and alcoholic liquors*, in bulk, in tank vehicles, between Lawrenceburg, Ind., on the one hand, and, on the other, St. Louis, Mo., and Schenley, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 857), filed January 30, 1968. 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: *Caprolactam*; in bulk, in tank vehicles, from Taft, La., to Manchester, N.H., and Spirit Lake, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111302 (Sub-No. 44), filed February 5, 1968. Applicant: HIGHWAY TRANSPORT, INC., Post Office Box 79, Powell, Tenn. 37849. Applicant's representative: Hoyt Starr, 1120 West Griffin Road, Lakeland, Fla. 33803. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid plastics*, in bulk, in tank vehicles, from the plantsite of the Alpha Chemical Corp. located at or near Lakeland, Fla., to points in Georgia, North Carolina, South Carolina, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, or Miami, Fla., or Washington, D.C.

No. MC 111435 (Sub-No. 32), filed January 31, 1968. Applicant: C & E TRUCKING CORPORATION, Saugerties, N.Y. 12477. Applicant's representative: William T. Croft, 1815 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicles, over irregular routes, transporting: (1) *Flavorings and flavoring syrups* and (2) *liquid sugar, invert sugar, and blends and mixtures of liquid and/or invert sugar and corn syrup*, in bulk, in tank vehicles, from New York and Yonkers, N.Y., and Bayonne, N.J., to points in Delaware and Maryland, under contract with Corn Products Co. and its wholly owned subsidiary, Refined Syrups & Sugars, PepsiCo. and American Molasses. NOTE: Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 111545 (Sub-No. 103), filed January 29, 1968. Applicant: HOME TRANSPORTATION COMPANY, INC., Post Office Box 6426, Station A, Marietta, Ga. 30060. Applicant's representative:

Robert E. Born, 1425 Franklin Road SE., Marietta, Ga. 30060. 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 Wirton, W. Va., and Steubenville, Ohio, to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Mississippi, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111740 (Sub-No. 23), filed January 22, 1968. Applicant: OIL TRANSPORT COMPANY, a corporation, East Highway 80, Post Office Drawer 2679, Abilene, Tex. 79604. Applicant's representative: Jerry Prestridge, Post Office Box 1148, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sulphur*, in bulk, in tank vehicles, between points in New Mexico and Texas, on and west of U.S. Highway 81. NOTE: Applicant states that the authority sought herein, tacking to its presently held Sub-No. 8 would allow applicant to use any origin point in Texas on and west of U.S. Highway 81 or any origin point in New Mexico on shipments of sulphur destined to any point in the Texas counties of McMullen, Live Oak, Atascosa, Karnes, Frio, Wilson, Bee, and La Salle. Such a tack and movement would be restricted to that sulphur traffic which will be the subject of an immediately subsequent rail movement. This tack of authority would be practical only on any possible shipment of sulphur which might originate just outside (no greater than 50 miles) the western county lines of La Salle and Frio Counties, Tex. The authority sought herein could be tacked to its presently held Sub 11, which would allow applicant to originate sulphur at any New Mexico origin point and traverse through any point in that part of Texas which is located on and west of U.S. Highway 80 on shipments destined to Tulsa, Okla. Applicant states that it considers this tack to be practical, since the authority to perform the services from Lea County, N. Mex., is presently held or contained in its Sub 11. Applicant further states that the authority sought herein, could be tacked to its pending Sub 22 application which would allow applicant to use any point in either Culberson, Pecos, or Reeves Counties, Tex., as gateways on shipments of sulphur which might originate from any point in Texas located on or west of U.S. Highway 81, destined to any point in Arizona. Such a move would be limited only to that sulphur not derived from either petroleum or petroleum products. Applicant considers this tack to be practical, depending upon the location of the origin point. If a hearing is deemed necessary, applicant requests it to be held at El Paso or Dallas, Tex.

No. MC 111812 (Sub-No. 360), filed February 1, 1968. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: Donald L. Stern, 630 City Na-

tional Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods* (a) from Portland, Maine, to points in Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Virginia, and West Virginia; (b) from Watertown, Mass., to points in District of Columbia, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, New York, Ohio, Pennsylvania, and Wisconsin, and (c) from Penobscott, Maine, to points in Delaware, District of Columbia, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., New York, N.Y., or Washington, D.C.

No. MC 111862 (Sub-No. 20), filed February 2, 1968. Applicant: HENNES TRUCKING CO., a corporation, 338 South 17th Street, Milwaukee, Wis., 53233. Applicant's representative: Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, Ohio 45202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Dundee (Munroe County), Mich., to points in Ohio, Indiana, West Virginia, and Pennsylvania, and from Independence (Cuyahoga County), Ohio, to points in West Virginia, under contract with Dundee Cement Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112520 (Sub-No. 173), filed January 31, 1968. Applicant: MCKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, Fla. 32302. Applicant's representative: W. Guy McKenzie, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed clay*, in bulk, in tank vehicles, from points in Decatur County, Ga., to points in Michigan and Minnesota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 112595 (Sub-No. 35), filed February 6, 1968. Applicant: FORD BROTHERS, INC., Post Office Box 419, Ironton, Ohio 45638. Applicant's representative: Charles F. Dodrill, 600 Fifth Avenue, Huntington, W. Va. 25719. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon black*, in bulk, in tank or hopper-type vehicles, from Belpre (Washington County), Ohio, and points in Pleasants County, W. Va., to points in Indiana, Maryland, Kentucky, Massachusetts, Michigan, New York, Ohio, Pennsylvania, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it

be held at Columbus, Ohio, or Washington, D.C.

No. MC 113362 (Sub-No. 142), filed January 30, 1968. Applicant: ELLS-WORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chewing gum base*, from Oak Tree, N.J., to Chicago, Franklin Park, and Naperville, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113459 (Sub-No. 44), filed February 1, 1968. Applicant: H. J. JEFFRIES TRUCK LINE, INC., Post Office Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lift and hoist trucks*, (2) *tractors* (other than truck tractors), and (3) *attachments and accessories for items described in Nos. (1) and (2) above*, from the plant sites of Towmotor Corp. at Cleveland and Mentor, Ohio, to points in Missouri, Arkansas, Louisiana, Texas, Oklahoma, North Dakota, Montana, New Mexico, Kansas, Colorado, Nebraska, Wyoming, and South Dakota, restricted to traffic originating at and destined to the points named above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 113678 (Sub-No. 308), filed January 31, 1968. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representatives: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, Nebr. 68508. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, from Sioux City, Iowa, and its commercial zone, to points in Maine. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 113828 (Sub-No. 139), filed February 5, 1968. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington, D.C. 20014. Applicant's representative: William P. Sullivan, Federal Bar Building West, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry sugar*, in bulk, in tank vehicles, from Baltimore, Md., to Institute, W. Va., and (2) *fly ash*, in bulk (a) from Cleveland, Va., to points in North Carolina, Tennessee, and West Virginia, and (b) from Glasgow, W. Va., to points in Kentucky, Maryland, Ohio, Pennsylvania, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114236 (Sub-No. 1), filed February 1, 1968. Applicant: JOHN A.

SHAUGHNESSY, 576 Carman Avenue, Westbury, N.Y. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel studding, sheet metal building products, steel corner beads, ceiling and floor runners, fasteners, cutting machines, and jacks*, from Westbury, N.Y., to points in New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, New York, Pennsylvania, Maryland, Delaware, and the District of Columbia, and *returned shipments* on return, under contract with Marino Industries Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 114323 (Sub-No. 9), filed February 6, 1968. Applicant: PAUL MARCKESANO & SONS CO., INC., 54th Avenue and Fifth Street, Long Island City, N.Y. 11101. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, from the storage site of Cilco Cement Corp. in Long Island City, N.Y., to points in Ulster County, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 114364 (Sub-No. 158), filed January 29, 1968. 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: *Foodstuffs*, in containers, from Rocky Ford, Colo., to points in Arizona, Arkansas, California, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming.

No. MC 115441 (Sub-No. 1), filed January 31, 1968. Applicant: ELMER R. JOHNSON AND MARVIN W. JOHNSON, a partnership, doing business as JOHNSON BROS., Miles, Iowa 52064. 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: *Malt beverages*, from Chicago, Ill., and Milwaukee, Wis., to Clinton, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines or Clinton, Iowa.

No. MC 115826 (Sub-No. 182), filed January 25, 1968. Applicant: W. J. DIGBY, INC., 1960 31st Street, Post Office Box 5088, Terminal Annex, Denver, Colo. 80217. Applicant's representative: R. H. Jinks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts,*

and dairy products, and articles distributed by meat packinghouses, as described in sections A, B, and C of appendix I, *Description in Motor Carrier Certificates*, 61 M.C.C. 766 and 61 M.C.C. 209, except commodities in bulk, in tank vehicles, and hides, from Colorado Springs, Denver, Greeley, and Pueblo, Colo., to points in Arizona and Nevada; (2) *meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, 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 Colorado Springs, Greeley, and Pueblo, Colo., to points in California; and, (3) *dairy products*, as described in section B 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, from Denver, Colo., to points in California. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., Lincoln, Nebr., or Salt Lake City, Utah.

No. MC 115840 (Sub-No. 32), filed January 29, 1968. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shells and shell meal* (except in bulk, in tank vehicles), from points in Marion County, Fla., to points in Alabama, Georgia, Louisiana, Mississippi, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Birmingham, Ala.

No. MC 116014 (Sub-No. 35), filed January 30, 1968. Applicant: OLIVER TRUCKING COMPANY, INC., Post Office Box 53, Winchester, Ky. 40391. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, cooerage stock, and wood products*, between Louisville, Ky., on the one hand, and, on the other, points in Illinois, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 116111 (Sub-No. 6), filed February 5, 1968. Applicant: NORTH KANSAS CITY TOW SERVICE, INC., 901 East 13th Avenue, North Kansas City, Mo. 64116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, or repossessed motor vehicles*, by use of wrecker equipment only, and *replacement vehicles for wrecked or disabled motor vehicles*, in secondary movements, in truckaway service, between Kansas City, Mo., on the one hand, and, on the other, points in Colorado, Indiana, Kentucky, New Mexico, Ohio, Tennessee, and Texas. NOTE: If a hearing is deemed necessary,

applicant requests it be held at Kansas City, Mo., or Topeka, Kans.

No. MC 116145 (Sub-No. 6), filed February 1, 1968. Applicant: G. G. PARSONS TRUCKING CO., a corporation, Post Office Box 1085, North Wilkesboro, N.C. 28659. Applicant's representative: Francis J. Ortman, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles*, from Shelby, Ohio, to points in Georgia, North Carolina, South Carolina, New Jersey, that part of New York east of a line beginning at Oswego and extending along New York Highway 57 to Syracuse, thence along U.S. Highway 11 to the New York-Pennsylvania State line, and to Rocky Mount, Va., under a continuing contract with Chattanooga Glass Co., Inc. NOTE: Applicant holds common carrier authority under MC 117427 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116273 (Sub-No. 101), filed January 25, 1968. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: William R. Lavery (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Nitrogen fertilizer solutions, liquid fertilizers, and liquid fertilizer materials* in bulk, in tank vehicles, from Seneca, Ill., and points within 5 miles thereof to points in Indiana, Iowa, Kentucky, Michigan, Missouri, and Wisconsin and (2) *anhydrous ammonia, nitrogen fertilizer solutions, liquid fertilizers, and liquid fertilizer materials* in bulk, in tank vehicles, from Galesville, Ill., to points in Indiana restricted to traffic originating at the plantsite and facilities of the F. S. Royster Guano Co. NOTE: Applicant indicates tacking possibilities with its Sub 7 at the Indiana portion of the Chicago commercial zone to Colorado, Wyoming, and portions of Nebraska and South Dakota and with its Sub 6 at Whiting, Ind., to portions of Iowa, Michigan, Missouri, and Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116427 (Sub-No. 7), filed February 5, 1968. Applicant: LAS VEGAS TANK LINES, INC., doing business as LAS VEGAS TRUCK LINE, Post Office Box 295, Las Vegas, Nev. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. 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 Apex and Blue Diamond, Nev., on the one hand, and, on the other, points in Los Angeles, Riverside, and Orange Counties, Calif. NOTE: If a hearing is deemed necessary, applicant re-

quests it be held at Las Vegas, Nev., or Los Angeles, Calif.

No. MC 117037 (Sub-No. 4), filed February 1, 1968. Applicant: CLAYTON B. GILBERT III, doing business as C. B. GILBERT, 702 Murfreesboro Road, Nashville, Tenn. 37210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, from Nashville, Tenn., to points in Logan County, Ky., under contract with American Bread Co. NOTE: If a hearing is deemed necessary applicant requests it be held at Nashville, Tenn., or Atlanta, Ga.

No. MC 117883 (Sub-No. 109), filed February 1, 1968. Applicant: SUBLER TRANSFER, INC., East Main Street, Versailles, Ohio 45380. Applicant's representative: Kenneth Subler, Post Office Box 62, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities of Sugardale Provision Co. located at Canton, Ohio, to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Cleveland or Columbus, Ohio.

No. MC 118082 (Sub-No. 3), filed January 29, 1968. Applicant: JOHN WILLIAM DALRYMPLE, 4509 Ridge Drive, Forest Park, Ga. 30050. Applicant's representative: Monty Schumacher, 2045 Peachtree Road, NE., Suite 310, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Charleston, S.C., Jacksonville, Fla., and Gulfport, Miss., to Atlanta, Ga. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 118288 (Sub-No. 26), filed January 31, 1968. Applicant: STEPHEN F. FROST, Post Office Box 28, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat hooks, pallets, barrels, meat racks, bins, and supplies and articles used or useful by meat packinghouses*, when destined to a meat packinghouse, from points in California, Washington, Oregon, Utah, Idaho, Wyoming, Colorado, Nevada, Minnesota, Illinois, Wisconsin, Kansas, Iowa, and Nebraska to Billings, Mont. NOTE: If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 118288 (Sub-No. 27), filed January 31, 1968. Applicant: STEPHEN F. FROST, Post Office Box 28, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packing-*

houses as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Worland, Wyo., to points in Colorado, Utah, Idaho, and Montana. NOTE: Applicant states that tacking could take place at Worland, Wyo., and Billings, Mont., to serve California, Oregon, and Washington. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 118535 (Sub-No. 37), filed February 2, 1968. Applicant: JIM TIONA, JR., 803 West Ohio Street, Butler, Mo. 64730. Applicant's representative: Carl V. 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: (1) *Dry animal and poultry feed, and feed ingredients*, from points in the Kansas City Mo.-Kans., commercial zone, as defined by the Commission, and Hutchinson, Kans., to points in Montana, Wyoming, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, Tennessee, Mississippi, and Alabama, and (2) *feed ingredients*, from points in the destination States specified in No. (1) above, to points in the Kansas City, Mo.-Kans., commercial zone, as defined by the Commission, and Hutchinson, Kans. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Chicago, Ill.

No. MC 119400 (Sub-No. 3), filed January 31, 1968. Applicant: TOM SIMANEK, doing business as SIMANEK OIL TRANSPORT, 150 West Seventh Street, Wahoo, Nebr. 68066. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, urea, and fertilizer*, from Omaha, Nebr., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha and Lincoln, Nebr.

No. MC 119547 (Sub-No. 20), filed February 2, 1968. Applicant: EDGAR W. LONG, Route No. 4, Zanesville, Ohio 43701. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabric and cloth*, coated and uncoated and *items* used in the manufacture and distribution of fabric and cloth, between Coshocton, Ohio, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119767 (Sub-No. 207), filed January 29, 1968. Applicant: BEAVER TRANSPORT CO., a corporation, 100

South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Allan B. Torhorst, Post Office Box 339, Burlington, Wis. 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and foodstuffs* (except frozen foods), from points in Wisconsin to points in Ohio and the Lower Peninsula of Michigan. NOTE: Applicant states that it intends to tack the authority sought herein to serve points under its present authority in MC 119767, whereas it is authorized to operate in Wisconsin, Minnesota, Illinois, and Indiana. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119789 (Sub-No. 25), filed February 2, 1968. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6, Opelousas, La. 70570. 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: *Foodstuffs*, from points in St. Landry, Iberia, Lafayette, and St. Martin, Parishes, La., to points in Arizona, California, Idaho, New Mexico, Nevada, Oregon, Texas, Utah, and Washington. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 123048 (Sub-No. 118), filed January 29, 1968. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53403. Applicant's representative: C. Ernest Carter, Box A, Racine, Wis. 53401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural and farm equipment, agricultural and farm machinery and parts thereof, equipment, materials, and supplies used in the installation, construction, and erection thereof*, and (2) *materials, equipment, and supplies, used or useful in the manufacture of the commodities above*, between points in Washington County, Miss., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Memphis, Tenn.

No. MC 123048 (Sub-No. 119), filed January 31, 1968. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53403. Applicant's representatives: C. Ernest Carter, Post Office Box A, Racine, Wis. 53401, and Paul Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements and farm machinery*; (2) *logging machinery*; (3) *tractors*; (4) *trailers, trailer bodies, trailer chassis, and hydraulic lifts*; (5) *concrete machinery*; and (6) *parts and attachments of the commodities described in Items*

(1) through (5) above, from Minden, La., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Memphis, Tenn.

No. MC 123393 (Sub-No. 195), filed December 14, 1967. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale Street, Springfield, Mo. 65803. Applicant's representative: Harley E. Laughlin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, from Wahoo, Nebr., and points within 15 miles thereof, to points in the United States (except Hawaii). NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Omaha, Nebr.

No. MC 124154 (Sub-No. 19), filed January 29, 1968. Applicant: WINGATE TRUCKING COMPANY, INC., Post Office Box 1372, Albany, Ga. 31702. Applicant's representative: W. Guy McKenzie, Jr., Post Office Box 1200, Tallahassee, Fla. 32302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals and agricultural chemical materials*, in containers, between points in Alabama, Florida, Georgia, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Tampa, Fla.

No. MC 124554 (Sub-No. 7), filed February 5, 1968. Applicant: HILLARD F. LANG AND MEDARD SCHMITZ, a partnership, doing business as LANG CARTAGE, 338 South 17th Street, Milwaukee, Wis. 53233. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail mail order houses*, from La Crosse, Wis., to points in Winona, Wabasha, Goodhue, Dakota, Houston, Freeborn, Steele, Dodge, Mower, Olmsted, Fillmore, and Waseca Counties, Minn. and *returned merchandise*, on return, under contract with Stanley Home Products, Inc., Westfield, Mass. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 124796 (Sub-No. 34) (Amendment), filed January 25, 1968, published in FEDERAL REGISTER issue of February 8, 1968, and republished as amended this issue. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 7236 East Slauson Street, Los Angeles, Calif. 90022. Applicant's representative: J. Max Harding, 300 NSEA Building, 14th and J Streets, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1)

Sweetening compound, drugs, and janitorial supplies, from Chicago and Melrose Park, Ill., to points in Alabama, Arizona, California, Georgia, Idaho, Mississippi, Nevada, New Mexico, Oregon, Utah, and Washington, and *outdated, refused, and rejected shipments*, on return, and (3) *buffing, polishing, cleaning, scouring, and washing compounds; solvents, starch, germicides, sponges, and toilet preparations; and advertising materials moving with the described commodities*, from points in Los Angeles County and Emeryville, Calif., to Denver, Colo.; Kansas City, Mo., and Chicago, Melrose Park, and Carpentersville, Ill.; and *outdated, refused, and rejected shipments*, on return, under a continuing contract with Alberto-Culver Co., of Melrose Park, Ill. NOTE: The purpose of this republication is to include the three additional States of Alabama, Georgia, and Mississippi to part (1) above, and to add the destination point of Carpentersville, Ill., to part (2) above. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124813 (Sub-No. 51), filed February 1, 1968. Applicant: UMTHUN 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: *Agricultural chemicals* (except in bulk), from points in Stark County, Ill., to points in Iowa, Minnesota, Missouri, and Wisconsin. NOTE: Applicant holds contract carrier authority under MC 118468 (Sub-No. 16) and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 125777 (Sub-No. 121), filed January 31, 1968. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 43406. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dead burnt magnesite*, in bulk, from Midland, Mich., to Louisville, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Detroit, Mich.

No. MC 125918 (Sub-No. 6), filed February 1, 1968. Applicant: JOHN A. DIMEGLIO, Whitehorse Pike, Ancora, N.J. 08037. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick, tile, and concrete products*, (1) from Hazleton, Chambersburg, Beaver Falls, Fallston, and New Oxford, Pa., to points in Mercer, Middlesex, Monmouth, Ocean, Burlington, Camden, Gloucester, Salem, Atlantic, Cumberland, and Cape May Counties, N.J., and points in Delaware, (2) from Bradford and Summerville, Pa., to points in New Jersey and Delaware, and (3) from points in Ohio,

North Carolina, South Carolina, and Virginia, to points in New Jersey, Pennsylvania, and Delaware, under contract with Diener Brick Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 126367 (Sub-No. 5), filed February 1, 1968. Applicant: EVERGREEN TRUCKING COMPANY, a corporation, Rural Route Box 39, Jewell, Ore. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Ore. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Peeler cores*, from points in Stevens, Pend Oreille, and Spokane Counties, Wash., to points in Bonner County, Idaho. NOTE: If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 126970 (Sub-No. 3), filed January 31, 1968. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, Ky. 42431. Applicant's representative: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corn and corn products* (except liquid corn products, in bulk, in tank vehicles), from the plant and warehouse facilities of Illinois Cereal Mills, Inc., Paris, Ill., to points in Idaho, New Mexico, Nevada, North Dakota, and Wyoming, under contract with Illinois Cereal Mills, Inc., of Paris, Ill. NOTE: Applicant is also authorized to conduct operations as a common carrier in certificate MC 119777 and Subs, therefor, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 127150 (Sub-No. 3), filed January 29, 1968. Applicant: GARLAND R. BOYD, doing business as BOYD TRUCKING CO., 637 South Hamilton Street, Post Office Box 901, Dalton, Ga. 30720. Applicant's representative: Monty Schumacher, 2045 Peachtree Road, N.E., Suite 310, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Rugs, carpets, carpeting, carpet remnants and materials, and textiles and textile products*, (1) between Dalton and Atlanta, Ga., over U.S. Highway 41, serving all intermediate points; (2) between Dalton and Atlanta, Ga., over Interstate Highway 75, as an alternate route for operating convenience only, serving no intermediate points; (3) between Dalton, Ga., and Chattanooga, Tenn., over U.S. Highway 41, serving all intermediate points; (4) between Dalton, Ga., and Chattanooga, Tenn., over Interstate Highway 75, as an alternate route for operating convenience only, serving no intermediate points; (5) between Chatsworth and Atlanta, Ga., from Chatsworth over U.S. Highway 76 to Dalton, Ga., thence from Dalton to Atlanta as set forth in (1) above and return over the same route, serving all

intermediate points; (6) between Chatsworth Ga., and Chattanooga, Tenn., from Chatsworth over U.S. Highway 76 to Dalton, Ga., thence from Dalton to Chattanooga as specified in (3) above, and return over the same route, serving all intermediate points; (7) (a) between Hedges, Ga. (located approximately three-quarters of a mile west of junction of Georgia Highways 341 and 143 on Georgia Highway 143), to Atlanta, Ga., from Hedges over Georgia Highway 143 to junction U.S. Highway 41 at Calhoun, Ga., thence to Atlanta as specified in (1) above, and return over the same route, serving all intermediate points, and (b) from Hedges over Georgia Highway 143 to junction Georgia Highway 201, thence over Georgia Highway 201 to junction U.S. Highway 41, thence over U.S. Highway 41 to Dalton, and thence from Dalton to Atlanta as specified in (1) above, and return over the same route, serving all intermediate points; and (8) (a) between Hedges, Ga., and Chattanooga, Tenn., from Hedges over Georgia Highway 143 to junction Georgia Highway 341, thence over Georgia Highway 341 to junction U.S. Highway 27, thence over U.S. Highway 27 to Chattanooga, and return over the same route, serving all intermediate points, and (b) from Hedges over Georgia Highway 143 to junction Georgia Highway 201, thence over Georgia Highway 201 to junction U.S. Highway 41 to Dalton, and thence from Dalton to Chattanooga as specified in (3) above, and return over the same route, serving all intermediate points. NOTE: Applicant intends to interline with carriers at Atlanta, Ga., and Chattanooga, Tenn. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 127204 (Sub-No. 5), filed February 5, 1968. Applicant: KINSDVATER, INC., Fort Dodge Road, Dodge City, Kans. 67801. Applicant's representative: Arthur L. Claussen, 303 New England Building, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from Farmland Industries Nitrogen Plant at or near Dodge City, Kans., to points in Colorado, Wyoming, Texas, Oklahoma, Missouri, Nebraska, and Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Topeka or Dodge City, Kans.

No. MC 128273 (Sub-No. 21), filed February 1, 1968. Applicant: MIDWESTERN EXPRESS, INC., Post Office Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rubber*, from Vicksburg, Miss., to points in Alabama, Arkansas, California, Connecticut, Georgia, Iowa, Kentucky, Michigan, Maryland, North Carolina, New Jersey, New York, Ohio, South Carolina, Tennessee, Texas, Illinois, and Indiana, and (2) *equipment, material, and supplies used or useful in the processing of rubber*, from the above-described destina-

tion states to Vicksburg, Miss. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or St. Louis, Mo.

No. MC 128273 (Sub-No. 22), filed February 1, 1968. Applicant: MIDWESTERN EXPRESS, INC., Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet, floor coverings, and textile products*, from points in Lafayette County, Ark., to points in Arizona, California, Colorado, Idaho, Illinois, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 128337 (Sub-No. 2), filed February 2, 1968. Applicant: ZED DAVIS, 1401 State Street, Washington, Ind. 47501. Applicant's representative: James R. Arthur, 408-409 Peoples Bank Building, Washington, Ind. 47501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and empty containers for malt beverages*, (1) from Peoria, Ill., to Bloomfield, Ind., (2) Newport, Ky., to Bloomfield, Ind., and (3) Louisville, Ky., to Petersburg, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Louisville, Ky.

No. MC 128813 (Sub-No. 4), filed February 5, 1968. Applicant: C. R. ENGLAND & SONS, INC., 228 West Fifth South, Salt Lake City, Utah 84101. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Filters, component parts of filters, machinery, materials, and supplies* used in the manufacture, inspection, installation, and promotion of filters and filter parts, between Clearfield, Utah, and Greenville, Ohio, under contract with Fram Corp. and Campbell Filter Co. NOTE: Applicant holds common carrier authority under MC 124679 (Sub-No. 8) and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 129420 (Sub-No. 1) (Correction), filed January 2, 1968, published in the FEDERAL REGISTER issue of January 18, 1968, and republished as corrected, this issue. Applicant: LILE, INC., 3602 South Pine, Tacoma, Wash. 98411. Applicant's representative: Jack R. Davis, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Washington restricted to shipments having a prior or subsequent out-of-State line-haul movement by rail, motor, water, or air. NOTE: The purpose of this republication is to reflect

the correct address of applicant's representative. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 129529 (Sub-No. 1) (Correction), filed January 19, 1968, published in FEDERAL REGISTER issue of February 1, 1968, and republished, as corrected, this issue. Applicant: ADOLPH L. MARCHFELD, doing business as THRUWAY MESSENGER SERVICE, 1500 Victoria Boulevard, West Englewood, N.J. 07666. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, in shipments of 100 pounds or less moving from one consignor to one consignee (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), in specialized delivery service, between points in Rockland County, N.Y., on the one hand, and, on the other, New York, N.Y., and points in New Jersey. NOTE: The purpose of this republication is to show the individual's name as Marchfeld in lieu of Marchfield as previously published. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 129534 (Amendment), filed November 13, 1967, published in FEDERAL REGISTER issue of November 30, 1967, amended January 29, 1968, and republished as amended this issue. Applicant: RAYMOND H. FILBECK, 610 West Second Street, Tulsa, Okla. 74127. Applicant's representative: Martin E. Wyatt, Post Office Box 771, Tulsa, Okla. 74101. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages*, in sealed cases, from plantsites and warehouses of Southern Comfort Corp., located at or near St. Louis, Mo.; House of Seagrams, located at or near Lawrenceburg, Ind.; National Distillers and Meiers Wine, located at or near Cincinnati, Ohio; American Distillers, located at or near Pekin, Ill.; Hiram Walker G & W, located at or near Peoria, Ill.; Publicker Distillers, located at or near Lamont, Ill.; Fleischmann Distilling, located at or near Plainfield, Ill.; Mogen David Corp., located at or near Chicago, Ill.; Glenmore Distillers and Renfield Importers, located at or near Owensboro, Ky.; Affiliated, National Distillers, House of Seagrams, Brown Forman Distillers, Jack Daniels, Glenmore Distilling, and Stitzel Weller, located at or near Louisville, Ky.; James B. Beam Distilling, located at or near Clermont, Ky.; Barton Distilling, Heaven Hill Distillery, and O.R.S. Distillery located at or near Bardstown, Ky.; J. T. S. Brown, located at or near Lawrenceburg, Ky.; Canada Dry Corp., located at or near Camp Nelson, Ky.; 21 Brands, Affiliated and National Distillers, located at or near Frankfort, Ky., to Tulsa, Oklahoma City, and Ponca City, Okla., under contract with Famous Brands Wholesale Liquor Co., Leader Liquor Co., and Pioneer Wholesale Liquor Distributors. NOTE: The purpose of this republication is to (1) redescribe the authority sought

(2) to delete Dixie Liquor Co. as a supporting shipper and (3) add Pioneer Wholesale Liquor Distributors as a shipper. If a hearing is deemed necessary, applicant requests it be held at Tulsa or Oklahoma City, Okla.

No. MC 129564 (Sub-No. 1), filed January 30, 1968. Applicant: R. E. ADAMS, doing business as ADAMS TRANSFER & STORAGE CO., 808 Bradford Street SW., Gainesville, Ga. 30501. Applicant's representative: William Addams, Suite 527, 1766 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a common carrier, by motor vehicle over irregular routes, transporting: *Used household goods*, between Athens, Ga., on the one hand, and, on the other, points in Baldwin, Banks, Barrow, Butts, Cherokee, Clarke, Clayton, Cobb, Columbia, Dawson, De Kalb, Elbert, Fannin, Fayette, Forsyth, Franklin, Fulton, Gilmer, Glascock, Greene, Gwinnett, Habersham, Hall, Hancock, Hart, Henry, Jackson, Jasper, Lamar, Lincoln, Lumpkin, McDuffie, Madison, Monroe, Morgan, Murray, Newton, Oconee, Oglethorpe, Pickens, Putnam, Rabun, Spalding, Stephens, Taliaferro, Towns, Union, Walton, Washington, Wilkes, White, Warren, and Jones Counties, Ga. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 129656 (Sub-No. 2), filed January 29, 1968. Applicant: TRI DELTA BUILDING MATERIALS CO., INC., 2245 East Jackson Street, Phoenix, Ariz. 85034. Applicant's representative: Richard E. Apple (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Gypsum plaster, gypsum lath, and gypsum wall-board*, from Blue Diamond, Nev., to Phoenix, Kingman, Show Low, Springerville, Seligman, Williams, Flagstaff, Winslow, Holbrook, Prescott, Glendale, Wickenburg, Tempe, Scottsdale, Mesa, and Chandler, Ariz. NOTE: If a hearing is deemed necessary, applicant requests it to be held at Phoenix, Ariz., Las Vegas, Nev., or Los Angeles, Calif.

No. MC 129663 (Sub-No. 2), filed January 29, 1968. Applicant: BORIGHT TRUCKING CO., INC., Boright Avenue, Kenilworth, N.J. 07033. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Plastic articles, equipment, materials, and supplies used or useful in the manufacture and sale of plastic articles* (except in bulk), between Kenilworth, N.J., on the one hand, and, on the other, points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada, Minnesota, Missouri, and Louisiana, under contract with Gilbert Plastics, Inc. NOTE: If a hearing is deemed necessary, applicant

requests it be held at New York, N.Y., or Washington, D.C.

No. MC 129679, filed January 29, 1968. Applicant: ROSS COUNTY TRANSPORTATION, INC., Route 8, Box 249, Chillicothe, Ohio 45601. Applicant's representative: Joe F. Asher, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Beer, malt beverages, and wine*, in containers, and *advertising materials and sales promotion items* used in connection with the sale and distribution of beer, malt beverages, and wine, from Milwaukee, Wis.; Fort Wayne and South Bend, Ind.; Newport and Covington, Ky.; Pittsburgh, Pa.; and Peoria Heights, Ill.; to Chillicothe and Wellston, Ohio, under contract with the Union Coal Co., Go Distributing Co., and The Holzappel Distributing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 129680, filed January 29, 1968. Applicant: FRANK H. MORRIS, doing business as MORRIS TRANSPORTATION, 188 Broad Street, Wethersfield, Conn. 06109. Applicant's representative: Thomas W. Murrett, 410 Asylum Street, Hartford, Conn. 06103. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Fish meal*, in bags, from Gloucester, Mass., to Franklin, Manchester, and Montville, Conn., and West Warwick, R.I., under contract with Boston Feed Co., Boston, Mass., and (2) *prefabricated building components*, from Wethersfield, Conn., to points in Connecticut, under contract with Guy Jodice Building Products, Bloomfield, Conn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or Boston, Mass.

No. MC 129691, filed February 5, 1968. Applicant: EMERY G. McCLARY, 6400 Northwest 10th, Oklahoma City, Okla. 73127. 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: *Automobiles*, embezzled, repossessed, abandoned, stolen, or wrecked, in driveway and truckaway service, between points in Oklahoma, on the one hand, and, on the other, points in California, Arizona, New Mexico, Texas, Kansas, Arkansas, Missouri, and Louisiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 129692, filed February 2, 1968. Applicant: ROOSEVELT THOMAS, 1207 Heck Avenue, Neptune, N.J. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Animal food* (except in bulk), from Farmingdale, N.J., to points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia, and Virginia,

and (2) commodities used in the manufacture and distribution of animal food (except in bulk) and returned shipments of animal food, from the above-described destinations to Farmingdale, N.J., under contract with The Foster Canning Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 102764 (Sub-No. 9), filed January 24, 1968. Applicant: A.B.C. INC., 120 Plympton Street, North Providence, R.I. Applicant's representative: Frank Daniels, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in Putnam, Grovenordales, and Wilsonville, Conn.; Webster, Oxford, Auburn, Worcester, Charlton, Southbridge, Dudley, Franklin, Wrentham, Plainville, North Attleboro, Attleboro, Norton, Mansfield, Taunton, Raynham, Easton, Seekonk, Swansea, Somerset, Fall River, Westport, North Dartmouth, and New Bedford, Mass.; and Providence County and Warwick, R.I., and extending to points in the United States including Alaska and Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Providence, R.I., or Attleboro, Mass.

MOTOR CARRIER OF PASSENGERS

No. MC 61799 (Sub-No. 2), filed February 2, 1968. Applicant: CONESTOGA TRANSPORTATION COMPANY, a corporation, 825 East Chestnut Street, Lancaster, Pa. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers in round-trip sightseeing and pleasure tours, in special operations; (a) beginning and ending at points on Conestoga Transportation Co.'s presently authorized route, between Lancaster, Pa., and York, Pa., over U.S. Highway 30, including Lancaster and York, and all intermediate points; and (b) beginning and ending at points within Lancaster County, Pa., and extending to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lancaster, Pa.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-1829; Filed, Feb. 14, 1968; 8:45 a.m.]

[Notice 547]

'MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 12, 1968.

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 1641 (Sub-No. 82 TA), filed February 7, 1968. Applicant: PEAKE TRANSPORT SERVICE, INC., Box 366, Chester, Nebr. 68327. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solution*, in bulk, in tank vehicles, from the storage facilities of Terra Chemicals International, Inc., located at Air Park West, Lincoln, Nebr., to points in Nebraska, Missouri, Kansas, Wyoming, Colorado, and South Dakota, for 180 days. Terra Chemicals International, Inc., 507 Sixth Street, Sioux City, Iowa 51101. Send protests to: District Supervisor Max H. Johnston, Bureau of Operations, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 13900 (Sub-No. 14 TA), filed February 7, 1968. Applicant: MIDWEST HAULERS, INC., 228 Superior Street, Toledo, Ohio 43604. Applicant's representative: Loren Hendrix (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, which are at the time moving on bills of lading of freight forwarders, from Kansas City, Mo., to Edison, N.J., and St. Louis, Mo., to Edison, N.J., and return, for 180 days. Supporting shipper: Yellow Forwarding Co., Post Office Box 8462, 92d at State Line, Kansas City, Mo. 64114. Send protests to: Deith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5234 Federal Office Building, Toledo, Ohio 43604.

No. MC 31533 (Sub-No. 7 TA), filed February 6, 1968. Applicant: SOUTH BEND FREIGHT LINE, INC., 1200 South Olive Street, 46621, Post Office Box 545,

South Bend, Ind. 46624. Applicant's representative: Harold Marks, 208 South La Salle Street, Chicago, Ill. 60604. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Aluminum window-sash and frames*, from Niles, Mich., to building site of the First National Bank of Chicago Building, Chicago, Ill., over U.S. 31 to South Bend, thence over Indiana Highway 2 to junction U.S. 20, thence over U.S. 20 to junction with U.S. 12, thence over U.S. 12 to Chicago as an alternate route for operating convenience only in connection with carrier's presently authorized routes, serving no intermediate points, for 90 days. Supporting shipper: Applicant's own statement. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind. 46802.

No. MC 108207 (Sub-No. 237 TA), filed February 6, 1968. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, 75207, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Resin impregnated broad-goods and robings*, (1) from Culver City, Calif., to Wichita and Chanute, Kans.; St. Louis, Mo.; Akron, Cincinnati, Cleveland, and Columbus, Ohio; Tulsa, Okla.; Dallas, Fort Worth, Irving, and Grand Prairie, Tex.; Des Moines, Iowa; Albuquerque, N. Mex.; Litchfield, Ariz.; Hastings and Lakeview, Mich.; and Minden, Nebr.; (2) from Costa Mesa, Calif., to Wichita, Kans.; St. Louis, Mo.; Akron, Cincinnati, Cleveland, and Columbus, Ohio; Tulsa, Okla.; Dallas and Fort Worth, Tex.; (3) from Santa Ana, Calif., to Dallas, Fort Worth, and Grand Prairie, Tex.; Tulsa, Okla.; St. Louis, Mo.; Akron and Cincinnati, Ohio, for 180 days. Supporting shippers: Ferro Corp., 3512-20 Helms Avenue, Culver City, Calif. 90231; U.S. Polymeric, Inc., 700 East Dyer Road, Santa Ana, Calif. 92707; Whittaker Corp., Narmco Materials Division, 600 Victoris Street, Costa Mesa, Calif. 92627. NOTE: Shippers state shipments are less-than-carload and require mechanical refrigeration to zero degrees F. Applicant does not intend to tack with existing authority. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 109689 (Sub-No. 190 TA), filed February 6, 1968. Applicant: W. S. HATCH CO., 643 South 800 West Street, Woods Cross, Utah 84087, Post Office Box 1825, Salt Lake City, Utah 84110. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Sodium phosphates*, in bulk, from Westvaco, Wyo., to points in Idaho, Montana, Utah, and Wyoming, for 180 days. Supporting shipper: FMC Corp., Traffic Department, 633 Third Avenue, New York, N.Y. 10017. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission,

2224 Federal Building, Salt Lake City, Utah 84111.

No. MC 110525 (Sub-No. 858 TA), filed February 7, 1968. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Edwin H. van Deusen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, from Depue, Riverdale, and Colfax, Ill., and Des Moines, Iowa, to points in Ohio, Illinois, Indiana, Michigan, Wisconsin, Minnesota, Iowa, Kansas, Missouri, Nebraska, North Dakota, and South Dakota, for 150 days. Supporting shipper: The New Jersey Zinc Co., 160 Front Street, New York, N.Y. 10038. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 113678 (Sub-No. 309 TA), filed February 7, 1968. Applicant: CURTIS, INC., 770 East 51st Avenue, Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representative: Oscar Mandel (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides, skins, and pieces thereof*, from points in Kansas, Nebraska, and Colorado, to Los Angeles, Calif., for 180 days. Supporting shipper: Golden Wood Co., 3001 Sierra Pine Avenue, Los Angeles, Calif. 90023. Send protests to: District Supervisor, Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 114123 (Sub-No. 32 TA), filed February 6, 1968. Applicant: HERMAN R. EWELL, INC., East Earl, Pa. 17519. Applicant's representative: Lewis S. Kunkel, Jr., 123 South Broad Street, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar, invert sugar, corn syrup, and mixtures, of corn syrup and liquid or invert sugar*, in bulk, in tank vehicles, from Yonkers, N.Y., to Henderson and Mount Olive, N.C., for 180 days. Supporting shipper: Refined Syrups & Sugars, Inc., Yonkers, N.Y. Send protests to: Robert W. Ritenour, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 218 Central Industrial Building, 100 North Cameron Street, Harrisburg, Pa. 17101.

No. MC 115331 (Sub-No. 241 TA), filed February 7, 1968. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, Mo. 63131. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Diammonium phosphate, dry, in bulk*, (a) from Depue, Ill., to points in Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Illinois, South Dakota, and Wisconsin; (b) from Riverdale and Col-

fax, Ill., to points in Indiana, Michigan, Missouri, Ohio, and Wisconsin; and (c) from Des Moines, Iowa, to points in Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin; (2) *liquid fertilizer*, from Gregory Landing, Mo., to points in Illinois, Iowa, Missouri, and Indiana, for 180 days. Supporting shippers: The New Jersey Zinc Co., Attention M. K. Scheuing, 160 Front Street, New York, N.Y. 10038; Hawkeye Chemical Co., Attention Robert F. Reif, Post Office Box 899, Clinton, Iowa 52732. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3248-B, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 116273 (Sub-No. 102 TA), filed February 7, 1968. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: William Lavery (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastics*, in bulk, in tank or hopper-type vehicles, from Flexi-Flo Terminal of the New York Central Railroad Co. at Hammond, Ind., to Jeffersontown, Ky., for 120 days. Supporting shipper: Rexall Chemical Co., 1800 North 30th Avenue, Melrose Park, Ill. 60160. Send protests to: District Supervisor, Raymond E. Mauk, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse, Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 127527 (Sub-No. 4 TA), filed February 5, 1968. Applicant: CARL W. REAGAN, doing business as SOUTHEAST TRUCKING CO., 8372 State Route 18, Rural Route No. 6, Ravenna, Ohio 44266. Applicant's representative: Robert N. Krier, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dock levelers*, from the plantsite of Terminal Equipment Corp., Loomis Machine Division, at or near Clare, Mich., to points in Ohio on and north of U.S. Highway 40, points in Franklin, Muskingum, Madison, and Clark Counties, Ohio, south of U.S. Highway 40 and points in Fairfield, Perry, and Pickaway Counties, Ohio, and the return of *damaged or rejected shipments* under continuing contract with Timbers & Associates, Inc., 1317 East 260th Street, Cleveland, Ohio, for 180 days. Supporting shipper: Timbers & Associates, 1317 East 260th Street, Cleveland, Ohio 44132. Send protests to: District Supervisor, G. J. Baccel, Interstate Commerce Commission, Bureau of Operations, 435 Federal Building, 215 Superior Avenue, Cleveland, Ohio 44114.

No. MC 128570 (Sub-No. 5 TA), filed February 7, 1968. Applicant: BROOKS ARMORED CAR SERVICE, INC., 13 East 35th Street, Wilmington, Del. 19802. Applicant's representative: L. Agnew Myers, Jr., Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, and pharmaceu-*

tical products, not to exceed 100 pounds in weight on any one shipment, from Somerset, Mercer County, N.J., to Philadelphia, Pa., and points in Delaware, for 180 days. Supporting shipper: E. R. Squibb & Sons, Inc., 745 Fifth Avenue, New York, N.Y. 10022 (Harold T. Raven, Transportation Manager). Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Building, Salisbury, Md. 21801.

No. MC 128939 (Sub-No. 4 TA), filed February 6, 1968. Applicant: AYRCO CORPORATION, 3921 Imlay Street, Toledo, Ohio 43612. Applicant's representative: James H. Ayres, 3921 Imlay Street, Toledo, Ohio 43612. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Milwaukee, Wis., to Monroe, Mich., for 180 days. Supporting shipper: Philips Beverage Co., 2410 North Monroe Street, Monroe, Mich. 48161. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5234 Federal Office Building, Toledo, Ohio 43604.

No. MC 129264 (Sub-No. 3 TA), filed February 7, 1968. Applicant: CHARLES E. WOLFE, doing business as EVERGREEN EXPRESS, 410 North 10th Street, Billings, Mont. 59101. Applicant's representative: J. F. Meglen, 207 Behner Building, 2822 Third Avenue North, Billings, Mont. 59101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tires, tubes, and rubber products*, from Dayton, Ohio, to Billings, Rudyard, Great Falls, and Darby, Mont., and Rapid City, S. Dak., and *rejected and returnable tires, tubes, and rubber products inventory* from Billings, Rudyard, Great Falls, and Darby, Mont., and Rapid City, S. Dak., to Dayton, Ohio, for 180 days. Supporting shipper: B. L. M. Tire, Inc., 2307 2309 Fourth Avenue North, Box 12, Billings, Mont. 59103. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 129692 (Sub-No. 1 TA), filed February 6, 1968. Applicant: ROOSEVELT THOMAS, 1207 Heck Avenue, Neptune, N.J. 07753. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal food* (except in bulk), from Farmingdale, N.J., to points in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and Virginia and *returned shipments* on return for 180 days. Supporting shipper: The Foster Canning Co., Inc., Farmingdale, N.J. 07727. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, 402 East State Street, Trenton, N.J. 08608.

No. MC 129693 TA, filed February 6, 1968. Applicant: C. R. GOODMAN, doing

business as GOODMAN TRUCKING COMPANY, 1238 South Second West Street, Salt Lake City, Utah 84101. Applicant's representative: Gordon L. Roberts, 520 Kearns Building, Salt Lake City, Utah 84101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Laundry and swimming pool supplies*, from the Richmond, Sacramento, and Los Angeles plants of Tops Chemical Co. to Salt Lake City, Utah, and Boise, Idaho, for 180 days. Supporting shipper: Tops Chemical Co., 860 South Garrard Boulevard, Richmond, Calif. Send protests to: Supervisor John T. Vaughan, Bureau of Operations, Interstate Commerce Commission, 2224 Federal Building, Salt Lake City, Utah 84111.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-1890; Filed, Feb. 14, 1968;
8:47 a.m.]

[Notice 89]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 12, 1968.

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 petitioners must be specified in their petitions with particularity.

No. MC-FC-70164. By order of February 8, 1968, the Transfer Board approved the transfer to Austin R. McDevitt and

Pauline A. Myrick, a partnership, doing business as R. L. McDevitt & Son, Ellsworth, Maine, of the certificate of registration in No. MC-85944 (Sub-No. 1) issued December 20, 1965, to Fred W. Lakin, Ellsworth Falls, Maine, and transferred to Ruth M. Lakin, doing business as Lakin's Express, Ellsworth Falls, Maine, July 12, 1967, pursuant to No. MC-FC-69664, evidencing the right to engage in transportation in interstate or foreign commerce solely within the State of Maine, corresponding to certificate of public convenience and necessity No. 164, issued prior to October 15, 1962, and currently renewed by the Public Utilities Commission of Maine. William D. Pinansky, 443 Congress Street, Portland, Maine 04111, attorney for applicants.

No. MC-FC-70198. By order of February 9, 1968, the Transfer Board approved the transfer to Clarkson Bros. Machinery Haulers, Inc., Cowpens, S.C., of the operating rights in certificates Nos. MC-64373 (Sub-No. 1) and MC-64373 (Sub-No. 3) issued July 7, 1966, and December 8, 1967, respectively, to Howard E. Clarkson and Everett C. Clarkson, a partnership, doing business as Clarkson Bros., Cowpens, S.C., authorizing the transportation of used or second hand machinery, between points in North Carolina, on the one hand, and, on the other, points in Georgia, South Carolina, and Virginia; and textile machinery and parts, and materials, supplies, and equipment, used or useful in the operation and maintenance of such commodities, between Gastonia, N.C., and points within 25 miles of Gastonia, and those in Rowan and Rockingham Counties, N.C., on the one hand, and, on the other, Charleston, S.C., and points in Virginia, and specified points in Tennessee, Georgia, and South Carolina. Paul F. Sullivan, 913 Colorado Building, 1341 G Street NW., Washington, D.C. 20005, attorney for applicants.

No. MC-FC-70202. By order of February 8, 1968, the Transfer Board approved the transfer to Gulf Transport, Ltd., Charlottetown, Prince Edward Island, Canada, of the operating rights in certificate No. MC-111184 issued August 30,

1957, to John W. MacKay, Ltd., New Glasgow, Nova Scotia, Canada, authorizing the transportation of fresh, frozen, processed, and canned fish, from the United States-Canada boundary line at Calais, Maine, to Hartford and New Haven, Conn., Portland, Maine, Boston, Mass., and points within 25 miles of Boston, and points in the New York, N.Y., commercial zone, as defined by the Commission, and empty returned containers used in the transportation of these commodities, from the specified destination points to the specified origin point; and fresh fruits, fresh vegetables, and food products, from Boston, Mass., and New York, N.Y., to the United States-Canada boundary line at Calais, Maine. Kenneth B. Williams, 111 State Street, Boston, Mass. 02109, attorney for applicants.

No. MC-FC-70224. By order of February 9, 1968, the Transfer Board approved the transfer to Dunne Trucking Co., Inc., Dubuque, Iowa, of the operating rights in permit No. MC-126609, issued July 9, 1965, to Orland J. Dunne, doing business as Dunne Trucking Co., Dubuque, Iowa, authorizing the transportation, over irregular routes, of meat scraps, animal feeds, and animal feed ingredients, in bulk, from Dubuque, Iowa, to points in 33 specified counties in Illinois. Donald P. Cooney, 705 Roshek Building, Dubuque, Iowa 52001, attorney for applicants.

No. MC-FC-70232. By order of February 9, 1968, the Transfer Board approved the transfer to Middlesex Express Co., Inc., Allston, Mass., of certificate of registration No. MC-58401 (Sub-No. 1), issued October 15, 1963, to John Simourian, doing business as Middlesex Express Co., Allston, Mass., authorizing transportation in interstate and foreign commerce pursuant to irregular route common carrier certificate No. 1048 dated May 11, 1944, issued by the Massachusetts Department of Public Utilities. John W. Costello, 40 Court Street, Boston, Mass. 02108, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-1891; Filed, Feb. 14, 1968;
8:48 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—FEBRUARY

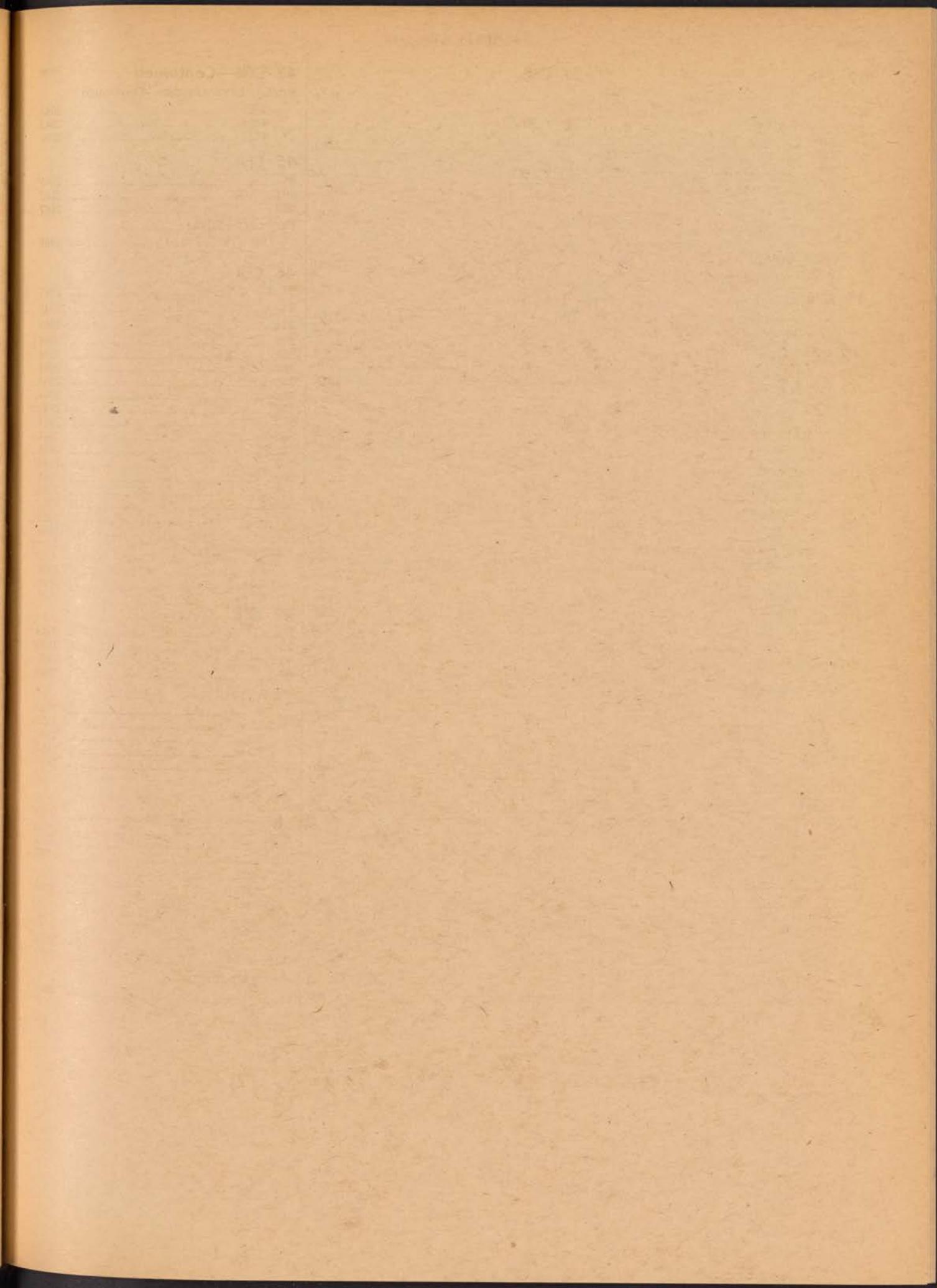
The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during February.

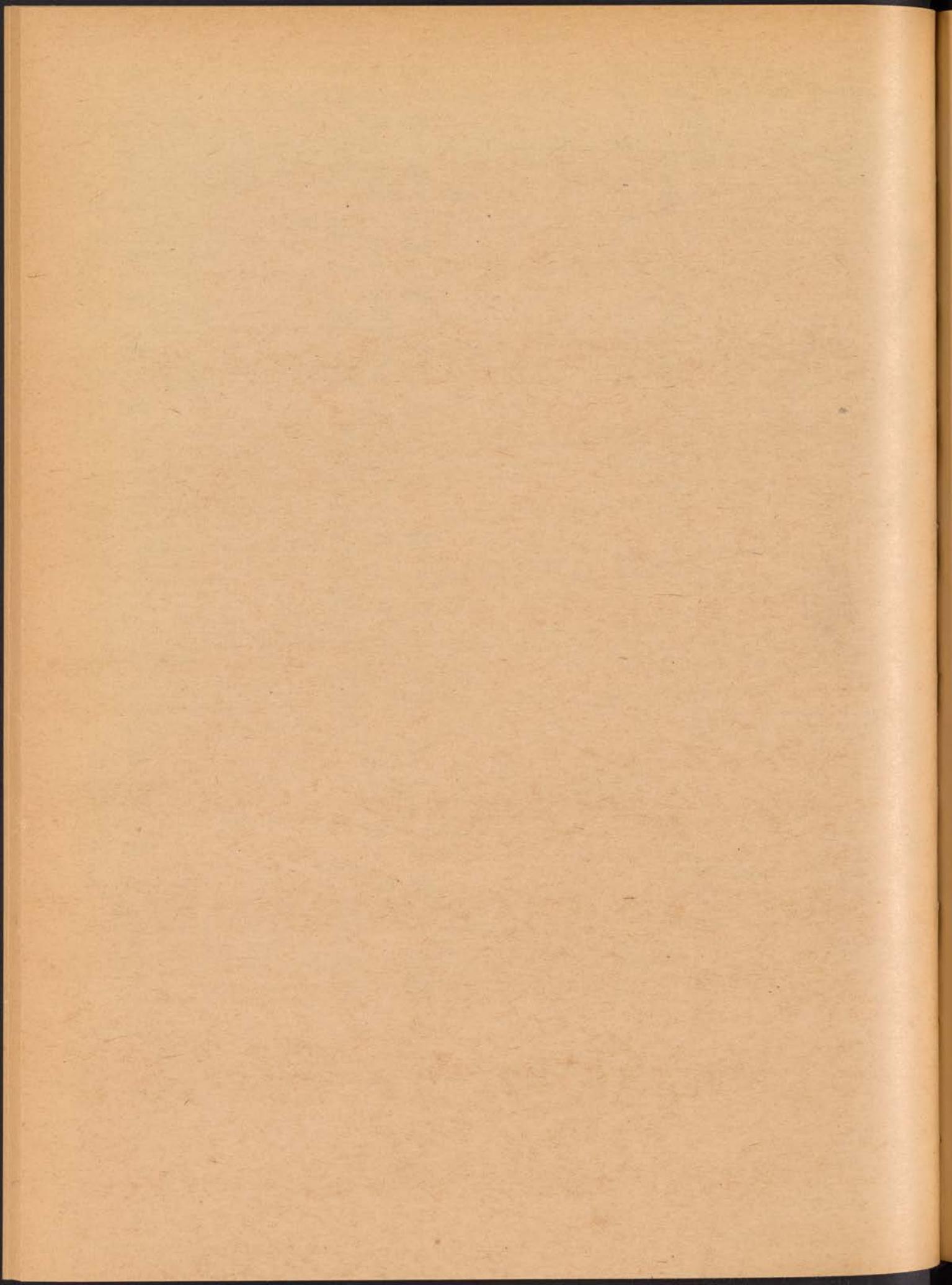
3 CFR	Page	7 CFR—Continued	Page	7 CFR—Continued	Page
PROCLAMATIONS:		PROPOSED RULES—Continued		PROPOSED RULES—Continued	
3814 (see EO 11394)	2429	993	2638	1132	2784, 2785
3824	2495	1001	2784, 2785	1133	2448, 2784-2786
3825	2623	1002	2784, 2785	1134	2784, 2785
3826	2755	1003	2784, 2785	1136	2784, 2785
3827	2881	1004	2784, 2785	1137	2784, 2785
3828	2929	1005	2784-2786, 2894	1138	2784, 2785
3829	2985	1006	2785	1202	2850
EXECUTIVE ORDERS:		1008	2784, 2785	9 CFR	
2618 (revoked by PLO 4351)	2942	1009	2784, 2785	76	2625
10713 (amended by EO 11395)	2561	1011	2784, 2785	78	2625
11010 (see EO 11395)	2561	1012	2785	97	2758
11263 (see EO 11395)	2561	1013	2785	145	2759
11394	2429	1015	2784, 2785	147	2759
11395	2561	1016	2784, 2785	201	2760
11396	2689	1030	2784, 2785	10 CFR	
11397	2833	1031	2784, 2785	1	2691
5 CFR		1032	2784, 2785	PROPOSED RULES:	
213	2497, 2563, 2987	1033	2784-2786	25	2792
330	2987	1034	2784-2786	26	2792
591	2835	1035	2784-2786	95	2792
771	2625	1036	2784, 2785	12 CFR	
1300	2484	1038	2784, 2785	1	2764
7 CFR		1039	2784, 2785	207	2691
16	2497	1040	2784, 2785	211	2885
51	2431, 2500, 2883	1041	2784, 2785	215	2837
52	2500, 2883	1043	2784, 2785	220	2695
58	2432	1044	2784, 2785	221	2702
319	2835	1045	2784, 2785	222	2988
354	2757	1046	2784-2786	262	2989
401	2931	1047	2784, 2785	545	2990
724	2433-2435	1048	2784, 2785	555	2706
775	2757	1049	2784-2786	563	2707
777	2707	1050	2784, 2785	654	2990
811	2436, 2884	1051	2448, 2784, 2785	PROPOSED RULES:	
857	2593	1060	2784, 2785	204	2532
891	2503	1062	2784, 2785	221	2714
907	2437, 2708, 2987	1063	2784, 2785	561	2453
910	2563, 2593, 2836, 2885	1064	2784, 2785	14 CFR	
912	2563, 2836	1065	2784, 2785	39	2503,
913	2564, 2836	1066	2784, 2785		2504, 2626, 2709, 2885, 2886, 2934,
917	2564	1067	2784, 2785		2990.
945	2933	1068	2784, 2785	71	2440,
947	2503	1069	2784, 2785		2504-2506, 2627-2630, 2764-2766,
971	2837	1070	2784, 2785		2991.
987	2934	1071	2784, 2785	73	2440, 2506, 2991
989	2988	1073	2784, 2785	75	2506, 2766
1062	2437	1075	2784, 2785	91	2992
1064	2438	1076	2784, 2785	97	2507, 2594, 2767
1073	2438	1078	2784, 2785	121	2440
1094	2438	1079	2784, 2785	199	2773
1103	2439	1090	2784, 2785	241	2710
1106	2439	1094	2784, 2785	PROPOSED RULES:	
1126	2439	1096	2784, 2785	25	2712
1133	2757	1097	2784, 2785	39	2531, 2639, 2712, 2855
1137	2503	1098	2784, 2785	71	2531,
1421	2564	1099	2784, 2785		2639-2641, 2788-2791, 2856, 3008,
PROPOSED RULES:		1101	2784, 2785		3009.
52	2608	1102	2784, 2785	73	2791
729	2783	1103	2784, 2785	75	2792, 2856, 3009
906	2850	1104	2784, 2785	77	2642
908	2569	1106	2784, 2785	16 CFR	
911	2524	1108	2784, 2785	13	2763, 2839-2842
915	2524	1120	2784, 2785	15	2887-2892
953	2524	1121	2784, 2785		
966	2524	1125	2784, 2785		
980	2526	1126	2784, 2785		
991	2947	1127	2784, 2785		
	2712	1128	2784, 2785		
		1129	2784, 2785		
		1130	2784, 2785		
		1131	2784, 2785		

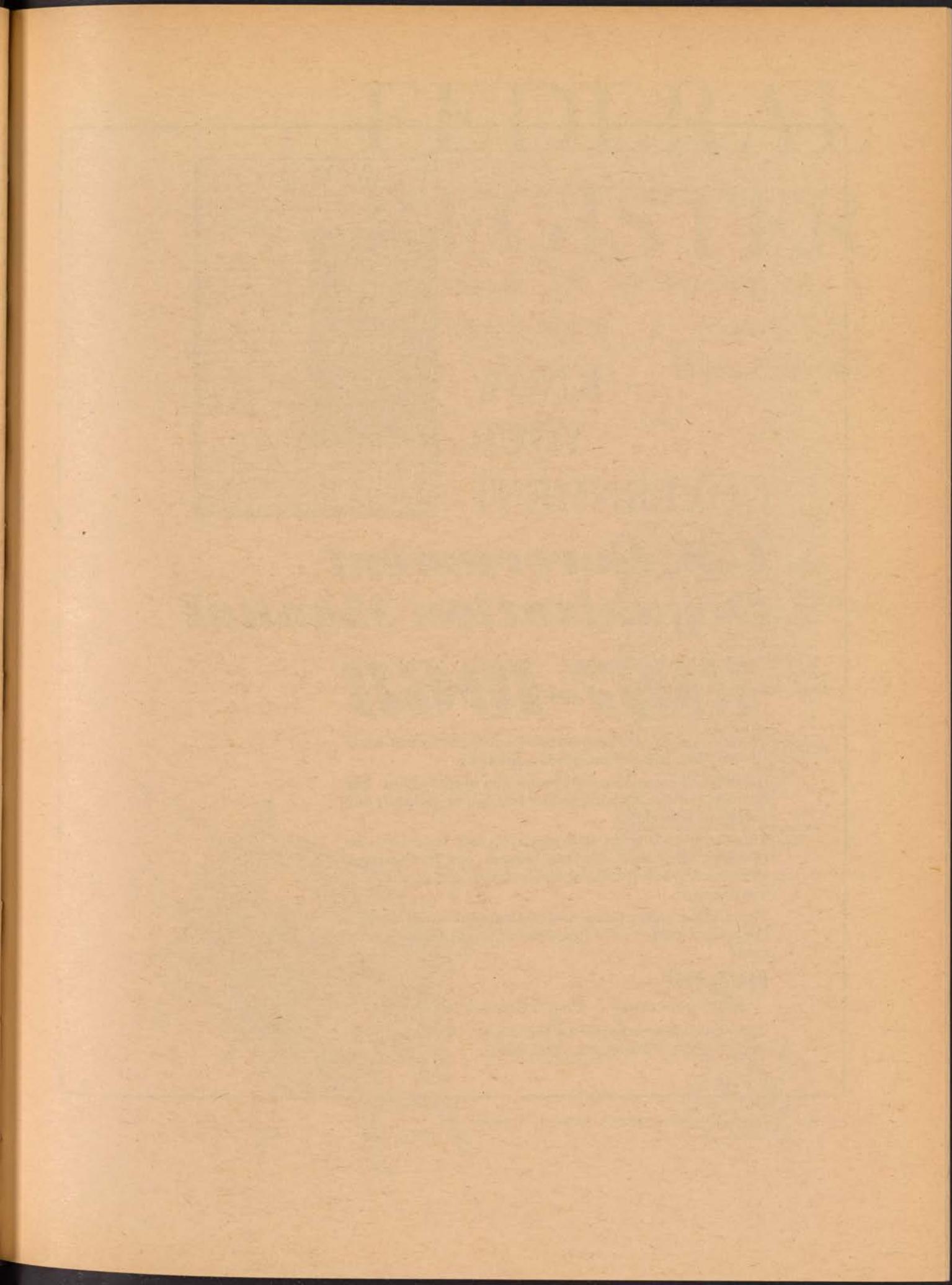
17 CFR	Page
200	2631
240	2510, 2993
PROPOSED RULES:	
240	2714
249	2714
250	2642
274	2716
18 CFR	
1	2843, 2993
620	2632
PROPOSED RULES:	
2	2860
19 CFR	
1	2843
16	2633
20 CFR	
404	2710, 2711
405	2440
21 CFR	
2	2594
3	2934
8	2844
17	2594
19	2595
27	2595
51	2597
120	2441, 2844, 2845, 2935
121	2441, 2602, 2605, 2633, 2773, 2774, 2845
144	2633
145	2634
146	2935
146a	2935
148m	2635
148w	2634
166	2442, 2511, 2846
PROPOSED RULES:	
1	2947
27	2610
120	2787
128	2948
144	2451
22 CFR	
211	2918
23 CFR	
255	2442, 2945, 2993, 2994
26 CFR	
1	2892
PROPOSED RULES:	
1	2997
173	2517
175	2517
194	2517
200	2517
201	2517
250	2517
251	2517

27 CFR	Page
5	2511
28 CFR	
50	2442
30 CFR	
PROPOSED RULES:	
12	2448
31 CFR	
500	2893
32 CFR	
236	2565
239	2565
504	2443
706	2846
888	2606
33 CFR	
110	2446
117	2774, 2775, 2846
400	2775
36 CFR	
500	2936
38 CFR	
1	2994
3	2994
39 CFR	
Ch. I	2636
158	2941
171	2941
PROPOSED RULES:	
Ch. I	2638
132	2947
41 CFR	
5A-1	2775
9-7	2776
9-53	2776
101-26	2776
PROPOSED RULES:	
Ch. 60	3000
43 CFR	
PUBLIC LAND ORDERS:	
2418 (revoked in part by PLO 4353)	2943
4350	2445
4351	2942
4352	2942

43 CFR—Continued	Page
PUBLIC LAND ORDERS—Continued	
4353	2943
4354	2943
4355	2995
45 CFR	
85	2940
301	2567
302	2567
PROPOSED RULES:	
85	2569
46 CFR	
33	2847
94	2847
221	2943
222	2944
281	2944
282	2944
285	2944
286	2944
290	2944
291	2944
292	2944
298	2944
299	2944
308	2944
310	2944
355	2893, 2995
375	2944
526	2945
PROPOSED RULES:	
Ch. II	2531
504	2948
47 CFR	
0	2445
2	2940
73	2445
87	2940
PROPOSED RULES:	
0	2713
21	2610, 2857
64	2452
73	2452
97	2713
49 CFR	
1	2995
99	2820
1041	2711
1057	2847
PROPOSED RULES:	
1048	2948
50 CFR	
33	2711, 2945, 2995
351	2777
PROPOSED RULES:	
230	2781







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