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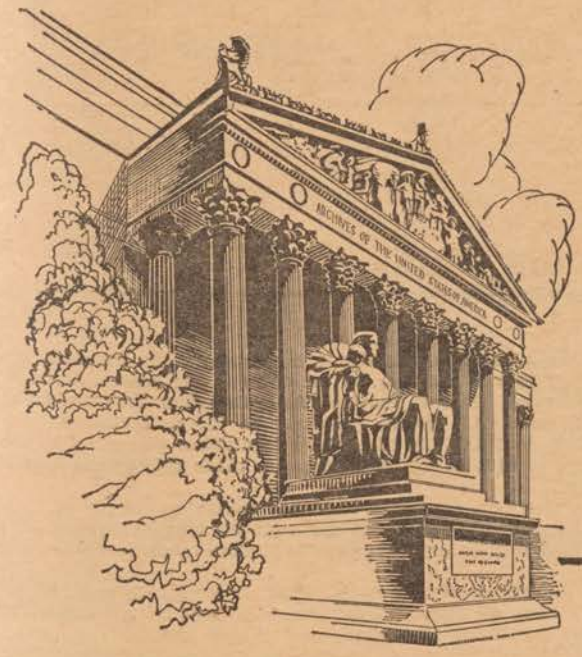

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Title 3—THE PRESIDENT

Reorganization Plan No. 2 of 1968

Prepared by the President and Transmitted to the Senate and the House of Representatives in Congress Assembled, February 26, 1968, Pursuant to the Provisions of Chapter 9 of Title 5 of the United States Code [1]

URBAN MASS TRANSPORTATION

SECTION 1. *Transfer of functions.* (a) There are hereby transferred to the Secretary of Transportation:

(1) The functions of the Secretary of Housing and Urban Development and the Department of Housing and Urban Development under the Urban Mass Transportation Act of 1964 (78 Stat. 302; 49 U.S.C. 1601–1611), except that there is reserved to the Secretary of Housing and Urban Development (i) the authority to make grants for or undertake such projects or activities under sections 6(a), 9, and 11 of that Act (49 U.S.C. 1605(a); 1607a; 1607c) as primarily concern the relationship of urban transportation systems to the comprehensively planned development of urban areas, or the role of transportation planning in overall urban planning, and (ii) so much of the functions under sections 3, 4, and 5 of the Act (49 U.S.C. 1602–1604) as will enable the Secretary of Housing and Urban Development (A) to advise and assist the Secretary of Transportation in making findings and determinations under clause (1) of section 3(c), the first sentence of section 4(a), and clause (1) of section 5 of the Act, and (B) to establish jointly with the Secretary of Transportation the criteria referred to in the first sentence of section 4(a) of the Act.

(2) Other functions of the Secretary of Housing and Urban Development, and functions of the Department of Housing and Urban Development or of any agency or officer thereof, all to the extent that they are incidental to or necessary for the performance of the functions transferred by section 1(a)(1) of this reorganization plan, including, to such extent, the functions of the Secretary of Housing and Urban Development and the Department of Housing and Urban Development under (i) title II of the Housing Amendments of 1955 (69 Stat. 642; 42 U.S.C. 1491–1497), insofar as functions thereunder involve assistance specifically authorized for mass transportation facilities or equipment, and (ii) title IV of the Housing and Urban Development Act of 1965 (79 Stat. 485; 42 U.S.C. 3071–3074).

(3) The functions of the Department of Housing and Urban Development under section 3(b) of the Act of November 6, 1966 (P.L. 89–774; 80 Stat. 1352; 40 U.S.C. 672(b)).

(b) Any reference in this reorganization plan to any provision of law shall be deemed to include, as may be appropriate, reference thereto as amended.

SEC. 2. *Delegation.* The Secretary of Transportation may delegate any of the functions transferred to him by this reorganization plan to such officers and employees of the Department of Transportation as he designates, and may authorize successive redelegations of such functions.

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[1] Effective June 30, 1968, under the provisions of section 6 of the plan.

SEC. 3. *Urban Mass Transportation Administration.* (a) There is hereby established within the Department of Transportation an Urban Mass Transportation Administration.

(b) The Urban Mass Transportation Administration shall be headed by an Urban Mass Transportation Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level III of the Executive Schedule Pay Rates (5 U.S.C. 5314). The Administrator shall perform such duties as the Secretary of Transportation shall prescribe and shall report directly to the Secretary.

SEC. 4. *Interim Administrator.* The President may authorize any person who immediately prior to the effective date of this reorganization plan holds a position in the executive branch of the government to act as Urban Mass Transportation Administrator until the office of Administrator is for the first time filled pursuant to the provisions of section 3(b) of this reorganization plan or by recess appointment, as the case may be. The person so designated shall be entitled to the compensation attached to the position he regularly holds.

SEC. 5. *Incidental transfers.* (a) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions transferred to the Secretary of Transportation by this reorganization plan as the Director of the Bureau of the Budget shall determine shall be transferred from the Department of Housing and Urban Development to the Department of Transportation at such time or times as the Director shall direct.

(b) Such further measures and dispositions as the Director of the Bureau of the Budget shall deem to be necessary in order to effectuate the transfers provided for in subsection (a) of this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

SEC. 6. *Effective date.* The provisions of this reorganization plan shall take effect at the close of June 30, 1968, or at the time determined under the provisions of section 906(a) of title 5 of the United States Code, whichever is later.

[F.R. Doc. 68-5562; Filed, May 8, 1968; 8:49 a.m.]

Rules and Regulations

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

Small Business Investment Companies

Section 222.111 is revised to read as follows:

§ 222.111 Limit on investment by bank holding company system in stock of small business investment companies.

(a) Under the provisions of section 4(c)(5) of the Bank Holding Company Act, as amended (12 U.S.C. 1843), a bank holding company may acquire shares of nonbank companies "which are of the kinds and amounts eligible for investment" by national banks. Pursuant to section 302(b) of the Small Business Investment Act of 1958 (15 U.S.C. 682(b)), as amended by Title II of the Small Business Act Amendments of 1967 (Public Law 90–104, 81 Stat. 268, 270), a national bank may invest in stock of small business investment companies (SBICs) subject to certain restrictions.

(b) On the basis of the foregoing statutory provisions, it is the position of the Board that a bank holding company may acquire direct or indirect ownership or control of stock of an SBIC subject to the following limits:

(1) The total direct and indirect investments of a bank holding company in stock of SBICs may not exceed:

(i) With respect to all stock of SBICs owned or controlled directly or indirectly by a subsidiary bank, 5 percent of that bank's capital and surplus;

(ii) With respect to all stock of SBICs owned directly by a bank holding company that is a bank, 5 percent of that bank's capital and surplus; and

(iii) With respect to all stock of SBICs otherwise owned or controlled directly or indirectly by a bank holding company, 5 percent of its proportionate interest in the capital and surplus of each subsidiary bank (that is, the holding company's percentage of that bank's stock times that bank's capital and surplus) less that bank's investment in stock of SBICs; and

(2) A bank holding company may not acquire direct or indirect ownership or control of 50 percent or more of the shares of any class of equity securities of an SBIC that have actual or potential voting rights.

(c) A bank holding company or a bank subsidiary that acquired direct or indirect ownership or control of 50 percent or more of any such class of equity securities prior to January 9, 1968, is not required to divest to a level below 50 percent. A bank that acquired 50 percent or more prior to January 9, 1968, may become a subsidiary in a holding company system without any necessity for divesting to a level below 50 percent: *Provided*, That such action does not result in the bank holding company acquiring control of a percentage greater than that controlled by such bank.

(12 U.S.C. 248(i). Interprets 12 U.S.C. 1843 and 15 U.S.C. 682(b))

Dated at Washington, D.C., the 29th day of April 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-5530; Filed, May 8, 1968; 8:46 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Foods and Drugs Containing Calamus, as the Root, Oil, or Extract

As part of a continuing research effort to evaluate the safety of flavoring components which in the period prior to the Food Additives Amendment of 1958 (Public Law 85–929) to the Federal Food, Drug, and Cosmetic Act were used in foods, and which may be proposed for current or future use in foods, the Food and Drug Administration conducted a 2-year rat-feeding study of the Jammu variety of oil of calamus. This feeding study produced a significant number of malignant tumors of the upper small intestine in the rat. An interdepartmental panel of government experts reviewed the study and confirmed the findings. Two other commercial oils of calamus from the geographic areas of Kashmir and Europe have common components but differ quantitatively in their content.

Oil of calamus is not currently authorized as a food additive. Calamus, as the root, oil, or extract, has been used in drug preparations as a carminative and a topical counterirritant. The Commissioner of Food and Drugs has concluded that calamus as the root, oil, or extract is a food additive and that any drug preparation containing calamus is a new drug. Drug preparations containing calamus which may be claimed to be exempt under the "grandfather" provisions of the Federal Food, Drug, and Cosmetic Act will be considered on an individual basis.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 402(a), 406, 409, 502 (a), (f), 505, 701(a), 52 Stat. 1046, as amended, 1049–1053, as amended, 1055, 72 Stat. 1785–89, as amended; 21 U.S.C. 342(a), 346, 348, 352 (a), (f), 355, 371(a)) and under the authority delegated to the Commissioner (21 CFR 2.120), the following new section is added to Part 3:

§ 3.65 Status of foods and drugs containing calamus, as the root, oil, or extract.

(a) Oil of calamus has been used in the past as a flavoring agent in fabricated foods. It is not an authorized food additive. Calamus, as the root, oil, or extract, has been used in drug preparations as a carminative and as a topical counterirritant. A recent 2-year rat-feeding study of an oil of calamus, identified as the Jammu variety of the oil, conducted by the Food and Drug Administration found the Jammu variety to be a carcinogen. The findings of the study were confirmed by the Interdepartmental Technical Panel on Carcinogens.

(b) Chronic feeding studies are not available on other varieties of the oil of calamus. Until evidence is offered to demonstrate that the carcinogenic capability of Jammu oil of calamus is absent in the other varieties of calamus, it is the policy of the Food and Drug Administration to refuse to promulgate any regulation prescribing the use of calamus, as the root, oil, or extract, in food. In addition, drug preparations containing any form of calamus are not generally recognized by qualified experts as safe and effective for any condition of use and are regarded as new drugs within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act.

(c) Any food or drug within the jurisdiction of the Federal Food, Drug, and Cosmetic Act containing any form of calamus shall be regarded, therefore, as in violation of the Act and subject to regulatory proceedings.

(Secs. 402(a), 406, 409, 502 (a), (f), 505, 701(a), 52 Stat. 1046, as amended, 1049–53, as amended, 1055, 72 Stat. 1785–89, as amended; 21 U.S.C. 342(a), 346, 348, 352 (a), (f), 355, 371(a))

Dated: May 1, 1968.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 68-5556; Filed, May 8, 1968; 8:48 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

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

Trifluralin

A petition (PP 8F0702) was filed with the Food and Drug Administration by

the Elanco Products Co., a division of Eli Lilly & Co., Indianapolis, Ind. 46206, proposing the establishment of a tolerance of 0.05 part per million for negligible residues of the herbicide trifluralin (α,α,α-trifluoro-2,6-dinitro-*N*, *N*-dipropyl-*p*-toluidine) in or on the raw agricultural commodity group cucurbits.

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

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerances established by this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner (21 CFR 2.120), § 120.207 is amended by revising the paragraph "0.05 part per million * * *" to read as follows:

§ 120.207 Trifluralin; tolerances for residues.

* * * * *

0.05 part per million (negligible residue) in or on alfalfa (fresh), cottonseed, cucurbits, forage legumes, fruiting vegetables, leafy vegetables, peanuts, potatoes, safflower seed, seed and pod vegetables, sugar beets, sunflower seed.

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

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

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

Dated: May 1, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-5557; Filed, May 8, 1968; 8:48 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER E—EDUCATION OF INDIANS

PART 31—FEDERAL SCHOOLS FOR INDIANS

Enrollment

Correction

In F.R. Doc. 68-5086 appearing at page 6472 in the issue of Saturday, April 27, 1968, the following changes should be made in § 31.1(a):

1. The second word in the second line should read "is".

2. The word "who" should be inserted immediately before the fourth line.

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6955]

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

Computation of the Limitation on the Percentage Depletion Allowance Based Upon the Taxable Income From the Property

On March 9, 1967, notice of proposed rule making with respect to the amendment of §§ 1.613 and 1.613-4 of the Income Tax Regulations (26 CFR Part 1) to conform to changes made by section 13(e) of the Revenue Act of 1962 (76 Stat. 1034) was published in the FEDERAL REGISTER (32 F.R. 3886). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted, subject to the change set forth below:

Paragraph (b) of § 1.613-4, as set forth in the notice of proposed rule making, is revised.

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

Approved: May 3, 1968.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to conform §§ 1.613 and 1.613-4 of the Income Tax Regulations (26 CFR Part 1) to section 13(e) of the Revenue Act of 1962 (76 Stat. 1034), such regulations are amended as follows:

PARAGRAPH 1. Section 1.613 is amended by revising section 613(a) and the historical note at the end of § 1.613 to read as follows:

§ 1.613 Statutory provisions; percentage depletion.

SEC. 613. *Percentage depletion*—(a) *General rule.* In the case of the mines, wells, and other natural deposits listed in subsection (b), the allowance for depletion under section 611 shall be the percentage, specified in subsection (b), of the gross income from the property excluding from such gross income an amount equal to any rents or royalties paid or incurred by the taxpayer in respect of the property. Such allowance shall not exceed 50 percent of the taxpayer's taxable income from the property (computed without allowance for depletion). For purposes of the preceding sentence, the allowable deductions taken into account with respect to expenses of mining in computing the taxable income from the property shall be decreased by an amount equal to so much of any gain which (1) is treated under section 1245 (relating to gain from disposition of certain depreciable property) as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231, and (2) is properly allocable to the property. In no case shall the allowance for depletion under section 611 be less than it would be if computed without reference to this section.

* * * * *

[Sec. 613 as amended by sec. 36, Technical Amendments Act 1958 (72 Stat. 1633); sec. 13(e), Rev. Act 1962 (76 Stat. 1034); sec. 6, Act of Sept. 2, 1964 (Public Law 88-571, 78 Stat. 860)]

PAR. 2. Section 1.613-4 is amended to read as follows:

§ 1.613-4 Taxable income from the property.

(a) *In general.* The term "taxable income from the property (computed without allowance for depletion)" as used in section 613 and this part, means "gross income from the property" as defined in section 613(c) and § 1.613-3, less allowable deductions (excluding any deduction for depletion) which are attributable to the mineral property, including allowable deductions attributable to ordinary treatment processes and mining transportation, with respect to which depletion is claimed. These deductions include administrative and financial overhead, operating expenses, selling expenses, depreciation, taxes, losses sustained, etc. In the case of oil and gas properties, such deductions include intangible drilling and development costs deducted under section 263(c) and § 1.612-4. In the case of a property other than an oil or gas property, such deductions include deductions which are attributable to processes and transportation treated as mining under section 613(c) and § 1.613-3 and amounts of exploration or development expenditures which are deducted for the taxable year under sections 615, 616, and 617. Expenditures which may be attributable to both the mineral property upon which depletion is claimed and other activities shall be fairly apportioned. Furthermore, where a taxpayer has more than one mineral property, deductions not directly attributable to a specific mineral

property shall be fairly apportioned among the several properties.

(b) *Special rule; decrease in mining expenses resulting from gain recognized under section 1245(a)(1).* (1) If during any taxable year beginning after December 31, 1962, the taxpayer disposes of an item of section 1245 property (as defined in section 1245(a)(3)) which has been used in connection with a mineral property, then for the purpose of computing the taxable income from such mineral property for such taxable year, the allowable deductions taken into account with respect to expenses of mining (that is, expenses attributable to a mineral property other than an oil and gas property) shall be decreased by an amount equal to the portion of any gain recognized under section 1245(a)(1) (relating to treatment of gain from dispositions of certain depreciable property as ordinary income) which is properly allocable to such mineral property in respect of which the taxable income is being computed. The portion of such gain which is properly allocable to such mineral property shall bear the same ratio to the total of such gain as—

(i) The portion of the "adjustments reflected in the adjusted basis" (as such term is defined in paragraph (a)(2) of § 1.1245–2, relating to definition of recomputed basis) of such section 1245 property, which were allowable as deductions from the "gross income from the property" (as defined in section 613(c) and § 1.613–3) in computing the taxable income from such mineral property, bears to

(ii) The total of the "adjustments reflected in the adjusted basis" of such section 1245 property.

(2) For the purposes of this paragraph, the adjustments reflected in the adjusted basis of the section 1245 property disposed of shall be deemed to have been taken into account in computing the taxable income from the mineral property for any taxable year notwithstanding that for the taxable year the allowance for depletion was determined without reference to percentage depletion under section 613.

(3) If the amount of gain described in subparagraph (1) of this paragraph allocable to a mineral property for a taxable year exceeds the allowable deductions otherwise taken into account in computing the taxable income from the mineral property for the taxable year, the excess may not be taken into account in computing the taxable income from the mineral property for any other taxable year.

(4) To the extent that the adjustments reflected in the adjusted basis of the section 1245 property are allocable to mineral property which the taxpayer no longer owns in the taxable year in which he disposes of the section 1245 property, the gain recognized under section 1245(a)(1) does not result in any tax benefit to the taxpayer under this paragraph since he has no taxable income from the mineral property for such year. However, if a taxpayer has, in the taxable year in which he disposes of an item of section 1245 property, only a portion of the original mineral property to which gain described in subparagraph (1) of this paragraph with respect to the section 1245 property is properly allocable, the entire amount of that gain shall nevertheless be taken into account in computing the taxable income of the remaining portion of the mineral property. Furthermore, the fact that a mineral property to which section 1245 gain is properly allocable is (in the taxable year in which the taxpayer disposes of an item of section 1245 property) no longer in existence merely because the mineral property has been made a part of an aggregation or has been deaggregated will not result in the loss of tax benefits under this section. Accordingly,

(i) If a taxpayer has made an aggregation of mineral properties (see section 614 and the regulations thereunder), the amount of any gain described in subparagraph (1) of this paragraph which is properly allocable to the aggregation shall include the portion of any gain which would be properly allocable to the mineral properties which existed separately prior to the aggregation and of which the aggregation is or was composed, if the prior mineral properties had not been aggregated; and

(ii) If a taxpayer has deaggregated a mineral property, the amount of any gain described in subparagraph (1) of this paragraph which is properly allocable to each of the resulting mineral properties shall include a part of the portion of any gain which would be properly allocable to the prior aggregation if the aggregation had not been deaggregated, the part properly allocable to each of the resulting properties being determined by allocating the gain between the resulting properties in the same manner as basis is allocated between them for tax purposes (see paragraph (a)(2) of § 1.614–6 and example (5) of subparagraph (7) of this paragraph).

(5) In any case in which it is necessary to determine the portion of any gain recognized under section 1245(a)(1) which is properly allocable to the mineral property in respect of which the taxable income is being computed, the taxpayer shall have available permanent records of all the facts necessary to determine with reasonable accuracy the amount of such portion. In the absence of such records, none of the gain recognized under section 1245(a)(1) shall be allocable to such mineral property.

(6) As used in this paragraph, the term "mineral property" has the meaning assigned to it by section 614 and § 1.614–1.

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

Example (1). A, who uses the calendar year as his taxable year, operated and treated as separate properties mines Nos. 1 and 2. On January 1, 1963, A acquired a truck which was section 1245 property. During 1963 and 1964 the truck was used 25 percent of the time at mine No. 1 and 75 percent of the time at mine No. 2. For each such year the depreciation adjustments allowed in respect of the truck were $800 (the amount allowable). In computing the taxable income from mines Nos. 1 and 2 for each such year, $200 (25 percent of $800) of the depreciation adjustments was allocated by A to mine No. 1 and $600 (75 percent of $800) to mine No. 2. Thus, for the 2 years, the total of the depreciation adjustments on the truck was $1,600, of which $400 was allocated to mine No. 1 and $1,200 to mine No. 2. On January 1, 1965, A recognized upon sale of the truck a gain of $500 to which section 1245(a)(1) applied. During 1965, A did not recognize any other gain to which section 1245(a)(1) applied. In computing taxable income from the mines for 1965, the expenses otherwise required to be taken into account are reduced by $125 (that is $400/$1,600 of $500) for mine No. 1 and by $375 (that is $1,200/$1,600 of $500) for mine No. 2.

Example (2). The situation is the same as in example (1), except that the truck in question is used 25 percent of the time at mine No. 1, and 75 percent of the time in a nonmining business owned by A. Accordingly, in computing taxable income from A's mines for 1965, the expenses for mine No. 1 otherwise required to be taken into account are reduced by $125 (that is $400/$1,600 of $500), but no reduction is made in the expenses for mine No. 2, since the truck in question was not used in connection with that mineral property.

Example (3). The situation is the same as in example (1), except that the truck in question was used exclusively at mine No. 1 in 1963. On January 1, 1964, the truck was transferred to mine No. 2, and was used exclusively at mine No. 2 during the remaining period prior to its sale. However, A continued to own and operate mine No. 1. For the 2 years 1963 and 1964, the total of the depreciation adjustments on the truck was $1,600, of which $800 was allocated to mine No. 1 and $800 to mine No. 2. In computing taxable income from A's mines for 1965, the expenses for mines Nos. 1 and 2 otherwise required to be taken into account are reduced by $250 each (that is $800/$1,600 of $500). If A had sold mine No. 1 on January 1, 1964, no reduction in expenses would be allowable as a result of the operation of the truck at mine No. 1, since A would no longer have owned mine No. 1 in the year in which the truck was sold.

Example (4). On January 1, 1963, B, who uses the calendar year as his taxable year and who normally allocates depreciation costs to mines according to the percentage of time which the depreciable asset is used with respect to the mines, acquired a truck which was section 1245 property. During 1963 the truck was used exclusively on mine No. 1, which B operated and treated as a separate property. The depreciation adjustments allowed in respect of the truck for 1963 were $1,000 (the amount allowable), which amount was allocated to mine No. 1 in computing the taxable income therefrom. On January 1, 1964, B acquired and began operating mine No. 2 and elected under section 614(c) to aggregate and treat as one property mines Nos. 1 and 2. During 1964 B used the truck 60 percent of the time for mine No. 1 and 40 percent of the time for mine No. 2.

For 1964 the depreciation adjustments allowed in respect of the truck were $1,000 (the amount allowable), which amount was allocated to the aggregation of mines Nos. 1 and 2 in computing the taxable income therefrom. On December 31, 1964, B sold mine No. 2. For 1965 the depreciation adjustments allowed in respect of the truck were $1,000 (the amount allowable), which amount was allocated to mine No. 1 in computing the taxable income therefrom. On January 1, 1966, B recognized upon sale of the truck gain of $600 to which section 1245(a)(1) applied. In computing the taxable income from mine No. 1 for 1966, the expenses otherwise required to be taken into account are reduced by $600, since all the depreciation adjustments allowed with respect to the truck, including those allowed with respect to the use of the truck at mine No. 2 ($400 for 1964), relate to the same mineral property from which A had taxable income in 1966, the taxable year in which he sold the truck.

Example (5). On January 1, 1962, A, who uses the calendar year as his taxable year, elected under section 614(c) to aggregate and treat as one mineral property his operating mineral interests in mines Nos. 1 and 2. On January 1, 1963, A acquired a truck which was section 1245 property, to be used at both mine No. 1 and mine No. 2. A later elected (with the consent of the Commissioner) to deaggregate mines Nos. 1 and 2, and this deaggregation became effective on January 1, 1964. At the time of deaggregation, half of the tax basis of the aggregated property was allocated to mine No. 1, and the other half to mine No. 2. During each of the years 1963 and 1964, the truck was used 25 percent of the time on mine No. 1 and 75 percent of the time on mine No. 2, and the depreciation adjustments allowed in respect of the truck were $800 (the amount allowable). On January 1, 1965, A recognized upon sale of the truck a gain of $500 to which section 1245(a)(1) applied. In computing taxable income from A's mines for 1965, the expenses otherwise required to be taken into account are reduced by $187.50 (that is half of $250 for 1963 and $200/$800 of $250 for 1964) for mine No. 1 and by $312.50 (that is half of $250 for 1963 and $600/$800 of $250 for 1964) for mine No. 2.

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

[F.R. Doc. 68-5551; Filed, May 8, 1968; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER I—MILITARY PERSONNEL

PART 882—DECORATIONS AND AWARDS

Miscellaneous Amendments

Subchapter I of Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows.

Subpart A—General

1. Sections 882.3, 882.8(c), and 882.9 (b) and (c) are revised to read as follows:

§ 882.3 Service awards.

Service awards normally are awarded to recognize honorable, active, Federal military service during periods of war or national emergency. They are also awarded for participation in specified, significant, military operations, and for specific types of service while on active duty or as a member of the Air Reserve Forces. Unless specifically precluded by the eligibility criteria prescribed for the award, the term active duty status is interpreted as all periods of military service in a Regular component of the Armed Forces of the United States, or in an active duty status while serving in any of the Reserve components listed in § 882.70 and service as a cadet or midshipman of the U.S. Air Force, Army, or Naval academies.

§ 882.8 Use of decorations, awards, and devices in exhibitions.

* * * * *

(c) *Where to send requests.* All requests for sample decorations, awards, ribbons, devices, and streamers for exhibit or display will be submitted to USAF Military Personnel Center (AFPMSAM), Randolph AFB TX 78148, for approval. Requests for display of medals by Air Force organizations will be submitted through their parent major command channels.

* * * * *

§ 882.9 Procurement and supply.

* * * * *

(b) *Items available.* The following Federal Supply Catalog list items available through the supply system, together with Federal stock numbers, index numbers, and unit prices.

(1) Decorations, service awards, related devices (regular size) and presentation hook attachments for medals or ribbon bars (for clutch and pin type fastening devices)—Federal Supply Catalog C8455.

(2) Miniature medals (U.S. decorations and service medals). A miniature medal, except for the Medal of Honor, will be issued, in addition to the regular size medal, to military members on active duty and members of the Reserve components for all decorations awarded and/or presented on or after June 29, 1967, and for all service medals earned on or after that date. (A miniature medal is not authorized for the Medal of Honor.) Since very few airmen have a requirement to wear miniature medals, they will be issued to them only upon request.

(i) Miniature medals for the Air Force Cross and the Distinguished Service Medal (AF design) will be stocked and issued by USAFMPC (AFPMSAM), Randolph AFB TX 78148.

(ii) Miniature medals for all other decorations and service medals are expected to become available July 1, 1968. When available, Hq USAF will make an announcement which will include the Federal stock number for each medal and the unit cost. The medals will then be procured through normal supply channels for issue to eligible personnel.

NOTE: The other services do not issue miniature medals to accompany their awards. However, the Air Force will issue a miniature medal to an Air Force recipient of an award from other services, provided it is one that is commonly used by all the services. If it is an award not commonly used by all services the Air Force recipient may purchase the miniature medal from commercial or other sources.

(3) Streamers—Federal Supply Catalogs C8300-IL-AF and C8300-ML-AF.

(4) Individual emblems denoting unit awards—Federal Supply Catalogs C8400/70-IL-AF and C8440/70-ML-AF.

(c) *Items not available.* Miniature devices, miniature ribbons, and the individual emblems for the Presidential Unit Citations of the Republic of Korea and the Philippine Republic are neither issued nor sold by the Department of the Air Force. Also, the individual emblems for referenced Presidential Citations are not issued by the respective governments of those countries. All items listed may be purchased from the base exchanges or from commercial dealers in military devices and appurtenances.

NOTE: Except for the Legion of Merit in the degrees of Chief Commander and Commander, Hq USAF includes a miniature medal in the award package presented to foreign nationals.

§ 882.10 Replacement of decorations and service medals. [Amended]

2. Section 882.10(c) is amended by correcting the address of the last item in the table to read "NPRC (MPR-AF), 9700 Page Boulevard, St. Louis, Mo. 63132."

Subpart B—U.S. Military Decorations

3. Section 882.23 is revised to read as follows:

§ 882.23 Elements of the decoration.

The elements of a decoration include a case containing the medal with suspension ribbon (see § 882.9 for information on availability of miniature medals), ribbon bar, clusters (if any), lapel button or rosette (as applicable); a certificate; a citation, except for the Purple Heart Decoration; and the special orders announcing the award. Except for decorations awarded to foreign military personnel, retired or separated U.S. personnel and posthumous decorations, special orders are not essential at the time of the presentation ceremony and may be furnished later.

§ 882.25 Military decorations. [Amended]

4. Section 882.25(h) is amended by changing the words "Personnel Services Division" in the third sentence to read "Personnel Actions Division."

Subpart E—U.S. Service Awards

5. Section 882.54a is amended by revising paragraph (c) to read as follows:

§ 882.54a Combat Readiness Medal.

* * * * *

(c) *Initial award.* All qualifying service from August 1, 1960. Individuals may claim past entitlement under new criteria established August 28, 1967. Officers must certify that they earned entitlement to the Combat Readiness Medal, as outlined in paragraph (b) of this section, giving the dates when they were combat ready

aircrew members and their unit(s) of assignment. Airmen claiming entitlement must execute a sworn statement providing the same information. The certificate or sworn statement will be filed in the unit personnel records group. Entries on personnel records will be in accordance with AFM 35–9 (Officer Military Personnel Records System) or AFM 35–12 (Airmen Military Personnel Records System).

* * * * *

6. Section 882.67(f) is revised to read as follows:

§ 882.67 Armed Forces Expeditionary Medal.

* * * * *

(f) *Conversion to the Vietnam Service Medal.* Any person who qualified for award of the Armed Forces Expeditionary Medal (AFEM), or a service star thereto, based on participation in the Vietnam operation between July 1, 1958, and July 3, 1965, inclusive, may apply for award of the Vietnam Service Medal (VSM) instead of the AFEM. Active duty personnel and Air Reserve Forces personnel who so qualify may apply to the custodian of their unit personnel records group; he is authorized to change record entries and issue the VSM in lieu of the AFEM. Qualified personnel who are in a retired (pay) status, except retired general officers and those carried on temporary disability retired lists (TDRL), and personnel who have completely separated from the service may apply in writing to NPRC (MPR–AF), 9700 Page Boulevard, St. Louis, Mo. 63132. NPRC is authorized to make necessary records corrections and issue the VSM. General officers in a retired (pay) status, and those personnel who are carried on the TDRL, will forward application for conversion to USAFMPC (AFPMSAM), Randolph AFB TX 78148. All personnel who apply for conversion must concurrently return the medal originally issued, or make a statement that: (1) the medal was never issued or (2) the medal was issued but has been lost or destroyed without fault or neglect of the recipient. Only one conversion may be made; reconversion from the VSM to the AFEM is not authorized. Personnel who qualified for a service star to the AFEM by virtue of their participation in the Vietnam operation, as cited above, may apply to convert the service star only to the VSM, without affecting the basic AFEM which was earned in an operation other than Vietnam. However, no person shall be entitled to the AFEM (or service star) and the VSM based solely on his service in Vietnam.

* * * * *

7. Sections 882.69(b)(3)(i) and 882.71(c) are revised to read as follows:

§ 882.69 Air Force Longevity Service Award Ribbon.

* * * * *

(b) *Requirements for award.* * * *

(3) Award criteria. (i) Basic award. An aggregate of 4 years of honorable active Federal military service with any branch of the United States Armed Forces.

NOTE: This includes active duty for training (annual, special and school tours), and service as a cadet or midshipman in one of the service academies.

* * * * *

§ 882.71 Air Reserve Forces Meritorious Service Ribbon.

* * * * *

(c) *Effective date.* This award was established on April 7, 1964. The first award may be made on or after April 1, 1965, based on the 4 continuous years of service immediately preceding the award date, which meets the established quality criteria contained in paragraph (b)(1) and (2) of this section.

* * * * *

9. Section 882.104 is amended by changing the note in paragraph (a) to read as follows:

§ 882.104 Definitions.

* * * * *

(a) *Unit.* * * *

NOTE: Under unusual circumstances a detachment may be considered for a unit award, although it is an integral part of a unit as defined in AFP 210–1–4.

* * * * *

Subpart J—Special Badges

10. Section 882.120(c) is revised to read as follows:

§ 882.120 Presidential Service Badge and Certificate.

* * * * *

(c) Responsibilities of award recipients. Each recipient is required to sign a receipt for his certificate and badge, which will be serially numbered. The Presidential Service Badge, once earned, becomes a permanent part of the recipient's uniform, and may be worn after he leaves Presidential service. He may purchase (from commercial sources) miniature lapel pins, suitable for wear with civilian clothes.

NOTE: Holders of White House Service Badges may retain, but may not wear them.

Subpart K—Devices

§ 882.140 Gold Star Lapel Button. [Amended]

11. Section 882.140(c) is amended by changing the office symbol in the address from "MPRC" to "NPRC."

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted) [AFM 900–3C, Mar. 22, 1968]

By order of the Secretary of the Air Force.

LUCIAN M. FERGUSON,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 68–5517; Filed, May 8, 1968; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

U.S. Standards for Milled Rice

Pursuant to the administrative procedure provisions of 5 U.S.C. § 553, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 766) on January 20, 1968, regarding certain proposed amendments to §§ 68.327 through 68.333 of the U.S. Standards for Milled Rice (7 CFR 68.301 et seq.), under authority contained in sections 203 and 205 of the Agricultural Marketing Act of 1946, 60 Stat. 1087 and 1090, as amended (7 U.S.C. 1622 and 1624). Over 900 copies of the notice of proposed rule making were sent to parties interested in the production, milling, drying, marketing, and use of rice. Public hearings were not held but all interested parties were given until March 20, 1968, to submit written data, views, or recommendations concerning the proposed amendments. Consideration has been given to all written comments received and to other information available in the U.S. Department of Agriculture with respect to the amendments to the U.S. Standards for Milled Rice.

Statement of considerations. Under the present standards, the minimum milling requirements for milled rice, except for the special grade "undermilled rice," are as follows:

Grade	*Milling degree*
U.S. Nos. 1 and 2	Well milled.
U.S. No. 3	Reasonably well milled.
U.S. No. 4	Lightly milled.
U.S. Nos. 5 and 6	Loosely milled.

In the notice of proposed rule making it was proposed that the standards for milled rice be amended by requiring a higher degree of milling for the grades U.S. No. 1 and U.S. Nos. 4, 5, and 6 as follows:

Grade	*Milling degree*
U.S. No. 1	Extra well milled.
U.S. Nos. 4, 5, and 6.	Reasonably well milled.

It was also proposed that the milling degree be shown under "Remarks" on all inspection certificates of grade for milled rice and that samples of rice illustrating the lowest level of each milling degree be maintained as provided for in § 68.327.

As an alternative, it was proposed that the degrees of milling, including a new degree "extra well milled," would serve as special grades which would be added to and made a part of the grade designation without regard to the numerical and sample grades.

Comments received from interested parties in response to the notice of proposed rule making, and other information available to the Department, provide substantial reasons for requiring a higher degree of milling for the grades U.S. Nos. 4, 5, and 6 for milled rice. In view of the comments and other information, the following changes are hereby adopted:

(1) Change the minimum milling requirements for U.S. No. 4 from "lightly milled" to "reasonably well milled."

(2) Change the minimum milling requirements for U.S. Nos. 5 and 6 from "loosely milled" to "lightly milled."

(3) Delete "loosely milled."

(4) Provide that the degree of milling, except for the special grade "undermilled rice," shall be shown under "Remarks" on all inspection certificates of grade for milled rice.

(5) Provide that samples of rice illustrating the lowest level of each milling degree; i.e., "well milled," "reasonably well milled," and "lightly milled," be maintained by the Grain Division.

NOTE: The lowest level for the degrees "well milled," "reasonably well milled," and "lightly milled" will remain unchanged.

The proposal to change the milling requirement for U.S. No. 1 from "well milled" to "extra well milled" received some support from interested parties. However, comments received from several interested parties indicate that there is little demand for rice that is "extra well milled." The Department believes that sales of "extra well milled" rice can be handled contractually on the basis of "equal-to-type inspections" as provided under Department regulation. This proposal is therefore not adopted.

The alternate proposal that the degrees of milling would serve as special grades which would be added to and made a part of the grade designation without regard to the numerical and sample grades received little support from interested parties. The Department believes that showing the degree of milling ("well milled," "reasonably well milled," or "lightly milled") under "Remarks" on all inspection certificates of grade for milled rice, as provided under item (4) above, will be more effective in meeting the needs of the rice industry. For these reasons, the alternate proposal is not adopted.

For a reasonable period of time after adoption of these amendments, rice inspectors will, upon request, show on inspection certificates of grade for milled rice the grade and degree of milling under both the new and the old standards.

It does not appear that further public rule making procedures with respect to these amendments of the standards would make additional information available to the Department. Therefore, pursuant to the administrative procedure provisions of 5 U.S.C. § 553, it is found upon good cause that such further rule making procedure is impracticable and unnecessary.

Therefore, §§ 68.327, 68.328, 68.329, 68.330, 68.331, and 68.333 of the U.S. Standards for Milled Rice are changed to read as follows:

§ 68.327 Milling requirements.

Samples illustrating the lowest level for the various degrees of milling of milled rice; i.e., "well milled," "reasonably well milled," and "lightly milled," will be maintained by the Grain Division, Consumer and Marketing Service, and will be available for reference in all rice inspection offices.

GRADES, GRADE REQUIREMENTS, AND GRADE DESIGNATIONS

§ 68.328 Grades and grade requirements for the classes Long Grain Milled Rice, Medium Grain Milled Rice, Short Grain Milled Rice, and Mixed Milled Rice.

(See also § 68.332.)

Grade [1]	Maximum limits of—									
	Seeds, heat-damaged, and paddy kernels (singly or combined)		Red rice and damaged kernels (singly or combined)	Chalky kernels		Broken kernels				Rice of other classes [3]
	Total	Heat-damaged kernels and objectionable seeds		In Long Grain Rice	In Medium Grain or Short Grain Rice	Total	Removed by No. 5 sizing plate [2]	Removed by No. 6 sizing plate [2]	Through 6/64 sieve [2]	
	Number in 500 grams	*Number in 500 grams*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
U.S. No. 1	2	1	0.5	1.0	2.0	4.0	0.04	0.1	0.1	1.0
U.S. No. 2	4	2	1.5	2.0	4.0	7.0	.06	.2	.2	2.0
U.S. No. 3	7	5	2.5	4.0	6.0	15.0	.1	.8	.5	3.0
U.S. No. 4	20	15	4.0	6.0	8.0	25.0	.4	2.0	.7	5.0
U.S. No. 5	30	25	[4] 6.0	10.0	10.0	35.0	.7	3.0	1.0	10.0
U.S. No. 6	75	75	[5] 15.0	15.0	15.0	50.0	1.0	4.0	2.0	10.0
U.S. Sample grade	U.S. Sample grade shall be milled rice of any of these classes which does not meet the requirements for any of the grades from U.S. No. 1 to U.S. No. 6, inclusive; or which contains more than 15.0 percent of moisture; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor; or which contains more than 0.1 percent of foreign material; or which contains live or dead weevils or other insects, insect webbing, or insect refuse; or which is otherwise of distinctly low quality.									

[1] Color and milling requirements: U.S. No. 1 shall be white or creamy and shall be extra well milled. U.S. No. 2 may be slightly gray and shall be well milled. U.S. No. 3 may be light gray and shall be at least reasonably well milled. U.S. No. 4 may be gray or slightly rosy and shall be at least reasonably well milled. U.S .No. 5 and U.S. No. 6 may be dark gray or rosy and shall be at least lightly milled. These color requirements are not applicable to Parboiled Milled Rice.

[2] Sizing plates shall be used for Long Grain Milled Rice and may be used for Medium Grain Milled Rice, and sieves shall be used for Short Grain Milled Rice and may be used for Medium Grain Milled Rice; but any device which gives equivalent results may be used.

[3] These limits do not apply to the class Mixed Milled Rice.

[4] Milled rice in grade U.S. No. 5 of the special grade Undermilled rice may contain not more than 10 percent of red rice and damaged kernels, either singly or combined, but in any case not more than 6.0 percent of damaged kernels.

[5] Milled rice in grade U.S. No. 6 may contain not more than 6.0 percent of damaged kernels.

§ 68.329 Grades and grade requirements for the class Second Head Milled Rice.

(See also § 68.332.)

Grade	Maximum limits of—				Color and milling requirements
	Seeds, heat-damaged, and paddy kernels		Red rice and damaged kernels (singly or combined)	Chalky kernels	
	Total (singly or combined)	Heat-damaged kernels and objectionable seeds (singly or combined)			
	Number in 500 grams	*Number in 500 grams*	*Percent*	*Percent*	
U.S. No. 1	15	5	1.0	3.0	Shall be white or creamy and shall be well milled.
U.S. No. 2	20	10	2.0	5.0	May be slightly gray and shall be well milled.
U.S. No. 3	35	15	3.0	10.0	May be light gray and shall be at least reasonably well milled.
U.S. No. 4	50	25	5.0	15.0	May be gray or slightly rosy and shall be at least reasonably well milled.
U.S. No. 5	75	40	10.0	20.0	May be dark gray or rosy and shall be at least lightly milled.
U.S. Sample grade	U.S. Sample grade shall be milled rice of this class which does not meet the requirements for any of the grades from U.S. No. 1 to U.S. No. 5, inclusive; or which contains more than 15.0 percent of moisture; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor; or which contains more than 0.1 percent of foreign material; or which contains live or dead weevils or other insects, insect webbing, or insect refuse; or which is otherwise of distinctly low quality.				

§ 68.330 Grades and grade requirements for the class Screenings Milled Rice.

(See also § 68.332.)

Grade	Maximum limits of—			Color and milling requirements
	Paddy kernels and seeds		Chalky kernels	
	Total	Objectionable seeds		
	Number in 500 grams	*Number in 500 grams*	*Percent*	
U.S. No. 1	30	20	5.0	Shall be white or creamy and shall be extra well milled.
U.S. No. 2	75	50	8.0	May be slightly gray and shall be well milled.
U.S. No. 3	125	90	12.0	May be light gray or slightly rosy and shall be at least reasonably well milled.
U.S. No. 4	175	140	20.0	May be gray or rosy and shall be at least reasonably well milled.
U.S. No. 5	250	200	30.0	May be dark gray or very rosy and shall be at least lightly milled.
U.S. Sample grade	U.S. Sample grade shall be milled rice of this class which does not meet the requirements for any of the grades from U.S. No. 1 to U.S. No. 5, inclusive; or which contains more than 15.0 percent of moisture; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor; or which has a badly damaged or extremely red appearance; or which contains more than 0.1 percent of foreign material; or which contains live or dead weevils or other insects, insect webbing, or insect refuse; or which is otherwise of distinctly low quality.			

§ 68.331 Grades and grade requirements for the class Brewers Milled Rice.

(See also § 68.332.)

Grade	Maximum limits of—		Color and milling requirements
	Paddy kernels and seeds		
	Total	Objectionable seeds	
	Percent	*Percent*	
U.S. No. 1	0.5	0.05	Shall be white or creamy and shall be well milled.
U.S. No. 2	1.0	.1	May be slightly gray and shall be well milled.
U.S. No. 3	1.5	.2	May be light gray or slightly rosy and shall be at least reasonably well milled.
U.S. No. 4	3.0	.4	May be gray or rosy and shall be at least reasonably well milled.
U.S. No. 5	5.0	1.5	May be dark gray or very rosy and shall be at least lightly milled.
U.S. Sample grade.	U.S. Sample grade shall be milled rice of this class which does not meet the requirements for any of the grades from U.S. No. 1 to U.S. No. 5, inclusive; or which contains more than 15.0 percent of moisture; or which is musty, or sour, or heating; or which has any commercially objectionable, foreign odor; or which has a badly damaged or extremely red appearance; or which contains more than 0.1 percent of foreign material; or which contains more than 15.0 percent of broken kernels that will pass readily through a 2½/64 round hole sieve; or which contains live or dead weevils or other insects, insect webbing, or insect refuse; or which is otherwise of distinctly low quality.		

§ 68.333 Grade designations for Milled Rice.

The grade designation for milled rice shall include, in the order named, the letters "U.S."; the number of the grade or the words "Sample grade," as the case may be; the name of the class; and the name of each applicable special grade. In the case of Mixed Milled Rice, the grade designation shall include also, following the name of the class, the name and approximate percentage of the whole kernels and broken kernels, separately, of the predominant class and of each other class of milled rice contained in the mixture. The degree of milling; i.e., "well milled," "reasonably well milled," or "lightly milled," shall be shown under "Remarks" on all inspection certificates of grade.

The foregoing amendments to the U.S. Standards for Milled Rice as revised effective January 1, 1968, are hereby adopted and shall become effective June 10, 1968.

(Secs. 203 and 205, 60 Stat. 1087 and 1090, as amended, 7 U.S.C. 1622 and 1624. 29 F.R. 16210, as amended; 32 F.R. 11741)

Done at Washington, D.C., this 6th day of May 1968.

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

[F.R. Doc. 68-5549; Filed, May 8, 1968; 8:48 a.m.]

Chapter II—Consumer and Marketing Service (Consumer Food Programs), Department of Agriculture

SUBCHAPTER A—SCHOOL LUNCH PROGRAM

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

Appendix—Second Apportionment of Special Milk Program Funds Pursuant to Child Nutrition Act of 1966, Fiscal Year 1968

Pursuant to section 3 of the Child Nutrition Act of 1966, Public Law 89-642, 80 Stat. 885-6, milk assistance funds available for the fiscal year ending June 30, 1968, are reapportioned among the States as follows, in order to effect a further apportionment of supplemental funds:

State	Total apportionment	State agency	Withheld for private schools
Alabama	$1,651,019	$1,589,877	$61,142
Alaska	31,876	31,876	
Arizona	496,840	378,994	117,846
Arkansas	1,121,986	1,063,512	58,474
California	9,295,789	9,295,789	
Colorado	964,045	871,428	92,617
Connecticut	1,763,084	1,763,084	
Delaware	358,961	303,825	55,136
Del. St. Dist. Agency	20,359	20,359	
District of Columbia	603,188	603,188	
Florida	1,971,849	1,802,604	169,245
Georgia	1,668,788	1,634,285	34,503
Hawaii	212,933	160,576	52,357
Idaho	208,436	169,353	39,083
Illinois	6,685,659	6,685,659	
Indiana	2,900,959	2,900,959	
Iowa	1,938,920	1,711,958	226,962
Kansas	1,202,810	1,202,810	
Kentucky	1,830,751	1,830,751	
Louisiana	718,504	718,504	
Maine	538,127	443,348	94,779
Maryland	2,245,482	1,871,656	373,826
Md. Bud. & Proc.	46,634	46,634	
Massachusetts	3,595,173	3,595,173	
Michigan	5,844,729	4,782,508	1,062,221
Minnesota	2,740,378	2,382,800	357,578
Mississippi	1,364,117	1,365,117	
Missouri	2,312,592	2,262,987	49,605
Montana	207,887	170,828	37,059
Nebraska	674,131	546,110	128,021
Nevada	153,966	130,072	23,894
New Hampshire	517,620	446,191	71,429
New Jersey	3,997,745	3,444,172	553,573
New Mexico	789,738	476,170	313,568
New York	9,345,703	9,345,703	
N.Y. Off. Gen. Serv	443,688	443,688	
North Carolina	3,244,955	3,244,955	
North Dakota	398,255	351,052	47,203
Ohio	6,509,570	5,600,064	909,506
Ohio Dept. Pub. Wel	189,448	189,448	
Oklahoma	1,096,809	1,096,809	
Oregon	643,866	625,432	18,434
Pennsylvania	5,142,719	4,444,834	697,885
Rhode Island	437,994	437,994	
South Carolina	672,801	552,991	119,810
South Dakota	392,224	392,224	
Tennessee	1,827,171	1,746,770	80,401
Texas	3,781,296	3,456,488	324,808
Utah	360,804	331,473	29,391
Vermont	249,007	239,950	9,057
Virginia	1,834,624	1,637,774	196,850
Washington	1,529,409	1,288,015	241,394
West Virginia	664,856	627,948	36,908
Wisconsin	3,759,421	2,893,970	865,451
Wyoming	132,245	132,245	
Total	103,332,000	95,781,984	7,550,016

(Secs. 2, 3, 6, and 8-16, 80 Stat. 885-890; 42 U.S.C. 1771, 1772, 1775, 1777-1785)

Dated: May 3, 1968.

RODNEY E. LEONARD,
Administrator.

[F.R. Doc. 68-5550; Filed, May 8, 1968; 8:48 a.m.]

SUBCHAPTER B—GENERAL REGULATIONS AND POLICIES—COMMODITY DISTRIBUTION

[Amdt. 3]

PART 250—DONATION OF FOOD COMMODITIES FOR USE IN UNITED STATES FOR SCHOOL LUNCH PROGRAMS, TRAINING STUDENTS IN HOME ECONOMICS, SUMMER CAMPS FOR CHILDREN, AND RELIEF PURPOSES, AND IN STATE CORRECTIONAL INSTITUTIONS FOR MINORS

Special Feeding Programs

The Regulations for the operation of the Commodity Distribution Program (31 F.R. 14297) are hereby amended by adding the following new section:

§ 250.13 Special feeding programs.

In situations of distress in which needs for food assistance cannot be met under other provisions of this part, any distributing agency may, upon request to and approval by the Secretary, distribute commodities to any institution, or to any association of persons engaged in charitable activities, for use in conducting special group-feeding programs on a temporary basis for persons in need of such food assistance. The distributing agency, and any such institution or association, shall conduct any distribution under this section in accordance with such instructions as the Secretary may specify, and any such institution or association shall give to the distributing agency an assurance that feeding programs will be conducted in accordance with the instructions.

This amendment shall be effective upon filing with the FEDERAL REGISTER.

Dated: May 6, 1968.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 68-5560; Filed, May 8, 1968; 8:49 a.m.]

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

[Valencia Orange Reg. 238]

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

Limitation of Handling

§ 908.538 Valencia Orange Regulation 238.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it it impractical and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time; are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 7, 1968.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period May 10, 1968, through May 16, 1968, are hereby fixed as follows:

(i) District 1: 326,102 cartons;

(ii) District 2: 238,029 cartons;

(iii) District 3: 275,000 cartons.

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

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

Dated: May 8, 1968.

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

[F.R. Doc. 68-5633; Filed, May 8, 1968; 11:22 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 36—LOAN GUARANTY

Miscellaneous Amendments

1. In § 36.4302, paragraphs (a)(1) and (c) are amended to read as follows:

§ 36.4302 Computation of guaranties or insurance credits.

(a) * * *

(1) Loans under 38 U.S.C. 1810: Sixty percent of the original principal amount, or $12,500, whichever is less.

* * * * *

(c) Subject to the provisions of paragraph (g) of § 36.4303, the following formula shall govern the ascertainment of the amount of the guaranty of insurance entitlement which remains available to an eligible veteran after prior use of entitlement: Add to the amount of such entitlement previously used for realty twice the amount previously used for nonrealty purposes. Subtract this sum from $4,000. The sum remaining is the amount available for the guaranty or insurance of a real-estate loan other than a loan under 38 U.S.C. 1810 and one-half of such sum is available for a non-real-estate loan. For the purpose of ascertaining the amount of guaranty entitlement which remains available for a loan under 38 U.S.C. 1810 after prior use of entitlement, add to the amount of such entitlement previously used for realty twice the amount previously used for nonrealty purposes. Subtract this sum from $12,500. The sum remaining is the amount of entitlement available for loans under 38 U.S.C. 1810.

* * * * *

2. In § 36.4311, paragraphs (a) and (c) are amended to read as follows:

§ 36.4311 Interest rates.

(a) Excepting non-real-estate loans insured under 38 U.S.C. 1815, effective May 7, 1968, the interest rate on any loan guaranteed or insured wholly or in part may not exceed 6¾ per centum per annum on the unpaid principal balance.

* * * * *

(c) Interest in excess of the rate reported by the lender when requesting evidence of guaranty or insurance shall not be payable on any advance, or in the event of any delinquency or default: *Provided,* That a late charge not in excess of an amount equal to 4 percent on any installment paid more than 15 days after due date shall not be considered a violation of this limitation.

3. In § 36.4312, a portion of former paragraph (a) is designated paragraph (b); former paragraph (b) redesignated (c); and former paragraph (c) revoked; and that portion of paragraph (d) preceding the "schedule of permissible fees and charges" is amended so that the amended paragraphs (a) through the introductory portion of paragraph (d) read as follows:

§ 36.4312 Charges and fees.

(a) Except as provided in paragraph (e) of this section no charge shall be made against, or paid by, the borrower incident to the making of a guaranteed or insured loan other than those expressly permitted under the schedule set forth in paragraph (d) of this section, and no loan shall be guaranteed or insured unless the lender certifies to the Administrator that it has not imposed and will not impose any charges or fees against the borrower in excess of those permissible under such schedule. Any charge which is proper to make against the borrower under the provisions of this paragraph may be paid out of the proceeds of the loan: *Provided,* That if the

purpose of the loan is to finance the purchase or construction of residential property the costs of closing the loan, including the pro rata portion of the ground rents, hazard insurance premiums, current year's taxes, and other prepaid items normally involved in financing such transaction may not be included in the loan.

(b) Except as provided in the regulations concerning the guaranty or insurance of loans to veterans, no brokerage or service charge or their equivalent may be charged against the debtor or the proceeds of the loan either initially, periodically, or otherwise.

(c) Brokerage or other charges shall not be made against the veteran for obtaining any guaranty or insurance under 38 U.S.C. ch. 37, nor shall any premiums for insurance on the life of the borrower be paid out of the proceeds of a loan, except that there may be paid out of the proceeds of a nonrealty loan for farm or business purposes premiums on insurance not in excess of the amount of the loan and for a period not in excess of 2 years, or the term of the loan, whichever is less.

(d) The following schedule of permissible fees and charges shall be applicable to all Veterans Administration guaranteed or insured loans.

* * * * *

4. In § 36.4320, that portion of paragraph (f) preceding subparagraph (1) is amended to read as follows:

§ 36.4320 **Sale of security.**

* * * * *

(f) The holder in accounting to the Administrator in connection with the disposition of any property in accordance with paragraph (a), (b), (c), or (d) of this section, may include as a part of the indebtedness all actual expenses or costs of the proceedings, paid by the holder, within the limits defined in § 36.4313. Interest may be included at a rate not to exceed that specified in § 36.4311(c) on the unpaid principal balance of the indebtedness to the date of public sale referred to in paragraph (a)(1) of this section, or to the date of acquisition of real property by the holder referred to in paragraph (b) or (c) of this section, or to the date of the private sale of personal property referred to in paragraph (b) of this section, as the case may be. In connection with the conveyance or transfer of property to the Administrator the holder may include in accounting to the Administrator the following expense items if actually paid by the holder, in addition to the consideration payable for the property under paragraph (g) of this section:

* * * * *

5. Section 36.4336 is revised to read as follows:

§ 36.4336 **Eligibility of loans; reasonable value requirements.**

(a) Evidence of guaranty or insurance shall be issued in respect to a loan for any of the purposes specified in 38 U.S.C. 1810(a) only if:

(1) The proceeds of such loan have been used to pay for the property purchased, constructed, repaired, altered, or improved; and

(2) The loan (exclusive of the amount of the funding fee, if any, required by § 36.4312(e) which is included in the loan) does not exceed the reasonable value of the property as determined by the Administrator; and

(3) The veteran has certified, in such form as the Administrator may prescribe, that he has paid in cash from his own resources on account of such purchase, construction, alteration, repair, or improvement a sum equal to the difference, if any, between the purchase price or cost of the property and its reasonable value.

(b) Except as provided in paragraph (a) of this section, no loan made for the purchase of property or for construction, alterations, repairs, or improvements thereof, shall be eligible for guaranty or insurance if the purchase price or cost to the veteran exceeds the reasonable value thereof as determined by the Administrator. Notwithstanding that the aggregate of (1) the loan amount in the case of loans for the purposes specified in paragraph (a) of this section, or (2) the purchase price or cost to the veteran in the case of loans for the purposes specified in this paragraph, and the amount remaining unpaid on taxes, special assessments, prior mortgage indebtedness, or other obligations of any character secured by enforceable superior liens or a right to such lien existing as of the date the loan is closed exceeds the reasonable value of such property as of said date and that evidence of guaranty or insurance credit is issued in respect thereof, as between the holder and Administrator (for the purpose of computing the claim on the guaranty or insurance and for the purposes of § 36.4320, and all accountings), the indebtedness which is the subject of the guaranty or insurance shall be deemed to have been reduced as of the date of the loan by a sum equal to such excess, less any amounts secured by liens released or paid on the obligations secured by such superior liens or rights by a holder or others without expense to or obligation on the debtor resulting from such payment, or release of lien or right; and all payments made on the loan shall be applied to the indebtedness as so reduced. Nothing in this paragraph affects any right or liability resulting from fraud or willful misrepresentation.

(c) Whether included in the loan or not the funding fee, if any, required by § 36.4312(e) shall be disregarded for the purpose of relating the loan amount or of relating cost or purchase price of the property to reasonable value.

6. Section 36.4354 is revised to read as follows:

§ 36.4354 **Land sale contracts.**

(a) Loans to refinance an amount not in excess of the balance owed on an existing land sale contract in respect to a dwelling or farm residence may be guaranteed or insured pursuant to 38 U.S.C. 1810(a): *Provided*, The loan (exclusive of the amount of the funding fee, if any, required by § 36.4312(e) which is included in the loan) is not in excess of the current reasonable value of the property as determined by the Administrator and the veteran has certified, in such form as the Administrator may prescribe, that he has paid in cash from his own resources a sum equal to the difference, if any, between the said reasonable value and the unpaid contract balance.

(b) Except as provided in paragraph (a) of this section, loans to refinance the balance owed by a veteran on an existing land sale contract may be guaranteed or insured, *Provided*, That, (1) if the contract was executed within 1 year of the date of application for the loan, the purchase price contained in the terms of the contract shall not be in excess of the current appraised reasonable value of the property; and (2) if the contract was executed more than 1 year prior to the date of the application, the purchase price contained in its terms shall not be in excess of the appraised reasonable value of the property as of the date of the execution of the contract and the unpaid amount of the contract shall not be in excess of the current appraised reasonable value of the property.

7. In § 36.4502, paragraph (a) is amended to read as follows:

§ 36.4502 **Use of guaranty entitlement.**

(a) The guaranty entitlement of the veteran obtaining a direct loan which is closed on or after May 7, 1968, shall be charged with an amount which bears the same ratio to $12,500 as the amount of the loan bears to $17,500 or to such increased maximum as the Administrator may from time to time specify for the area in which the loan is made pursuant to section 1811(d) of Title 38, United States Code. The charge against the entitlement of a veteran who obtained a direct loan which was closed prior to the aforesaid date, or the date on which an increased maximum is established pursuant to section 1811(d) for the area in which the loan security is located, shall be the amount which would have been charged had the loan been closed subsequent to such date.

* * * * *

8. In § 36.4503, paragraph (a) is amended to read as follows:

§ 36.4503 **Amount and amortization.**

(a) The original principal amount of any loan made on or after May 7, 1968, shall not exceed an amount which bears the same ratio to $17,500 (or to such increased maximum as the Administrator may from time to time specify for the area in which the loan is made pursuant to section 1811(d) of Title 38, United States Code) as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to $12,500. This limitation shall not preclude the making

of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of §36.4511. Loans made by the Veterans Administration shall bear interest at the rate of 6¾ percent per annum, except where a commitment to make the loan was issued prior to May 7, 1968, in which case the rate of interest shall be that applicable on the date such commitment was issued.

* * * * *

9. In § 36.4504, former paragraph (c) is revoked and former paragraph (d) is redesignated (c) to read as follows:

§ 36.4504 Loan closing expenses.

* * * * *

(c) With respect to a loan to construct, repair, alter, or improve a farm residence or other dwelling, Veterans Administration may require the veteran to deposit with Veterans Administration, or in an escrow satisfactory to Veterans Administration, 10 percent of the estimated cost thereof or such alternative sum, in cash or its equivalent, as Veterans Administration may determine to be necessary in order to afford adequate assurance that sufficient funds will be available, from the proceeds of the loan or from other sources, to assure completion of the construction, repair, alteration, or improvement in accordance with the plans and specifications upon which Veterans Administration based its loan commitment.

10. In § 36.4507, paragraph (d) is amended to read as follows:

§ 36.4507 Refunding of outstanding indebtedness.

* * * * *

(d) The obligation represents the balance due on an existing land sale contract: *Provided*, The loan (exclusive of the amount of the funding fee, if any, required by § 36.4504(b)(1) which is included in the loan) is not in excess of the current reasonable value of the property as determined by the Administrator and the veteran executes the certification required by § 36.4519(a), or

* * * * *

11. In § 36.4519, paragraph (a) is amended and paragraph (c) is revoked so that the amended material reads as follows:

§ 36.4519 Eligible purposes and reasonable value requirements.

(a) A loan may be made only for the purpose hereinafter set forth in this paragraph, and the loan (exclusive of the amount of the funding fee, if any, required by § 36.4504(b)(1) which is included in the loan) may not exceed the reasonable value of the property as established by Veterans Administration:

(1) To purchase or construct a dwelling to be owned and occupied by the veteran as a home;

(2) To purchase a farm on which there is a farm residence to be occupied by the veteran as his home;

(3) To construct on land owned by the veteran a farm residence to be occupied by him as his home;

(4) To repair, alter, or improve a farm residence or other dwelling owned by the veteran and occupied by him as his home; *Provided*, The veteran certifies, in such form as the Administrator may prescribe, that he has paid in cash from his own resources on account of such purchase, construction, alteration, repair, or improvement a sum equal to the difference, if any, between the purchase price or cost of the property and its reasonable value.

* * * * *

(c) [Revoked]

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

These VA regulations are effective the date of approval.

Approved: May 7, 1968.

By direction of the Administrator.

[SEAL] A. H. MONK,
Acting Deputy Administrator.

[F.R. Doc. 68-5600; Filed, May 8, 1968; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1063]

[Docket No. AO–105–A29]

MILK IN QUAD CITIES-DUBUQUE MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Howard Johnson Motor Lodge, Quad Cities Airport, Moline, Ill., beginning at 9 a.m., local time, on May 14, 1968, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Quad Cities-Dubuque marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Mississippi Valley Milk Producers Association:

Proposal No. 1. Revise § 1063.12 "Handler" by adding a new paragraph (d) as hereinafter set out and by relettering the present paragraph (d) to paragraph (e).

§ 1063.12 **Handler.**

* * * * *

(d) Any cooperative association with respect to the milk of its members which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by, or under contract to such cooperative association. The cooperative association, prior to the 1st day of the month of delivery, shall notify in writing the market administrator and the handler to whose plant the milk is delivered, that it will be the handler for the milk. For purposes of location adjustments to producers, milk so delivered shall be deemed to have been received by the cooperative association at a pool plant at the location of the pool plant to which it is delivered;

* * * * *

Proposal No. 2. Revise § 1063.14 "Producer milk" by deleting the period at the end of the section and substituting therefor a semicolon and adding the following language: "*And provided,* That milk received at a pool plant by diversion from a plant at which such milk is fully subject to the pricing and pooling under the terms or provisions of another order issued pursuant to the Act shall not be producer milk, unless fifteen (15) days or more production of such person is physically received at the pool plant regulated under the part during the current month."

Proposal No. 3. Revise subparagraph (6) of § 1063.41(b) to read as follows:

§ 1063.41 **Classes of utilization.**

* * * * *

(b) * * *

(6) Contained in shrinkage of skim milk and butterfat, respectively, prorated pursuant to § 1063.42(b)(1) for each pool plant and for each cooperative association in its capacity as a handler pursuant to § 1063.9 (c) and (d), not to exceed the quantities calculated pursuant to subdivisions (i) through (viii) of this subparagraph:

(i) Two percent of receipts of skim milk and butterfat from producers (including receipts by a cooperative association pursuant to § 1063.9(d)) and milk diverted in bulk tank lots pursuant to § 1063.14; plus

(ii) One and one-half percent of fluid milk products received in bulk from other pool plants; plus

(iii) One and one-half percent of milk received in bulk from cooperative associations in their capacity as handlers pursuant to § 1063.9(d) except that if the handler operating the pool plant files with the market administrator, prior to the 1st day of the month, notice that he is purchasing such milk on the basis of farm weights determined by farm bulk tank calibration and butterfat tests determined from farm bulk tank samples, the applicable percentage shall be 2 percent; plus

(iv) One and one-half percent of receipts of fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class II utilization was requested by the operator of such plant and the handler; plus

(v) One and one-half percent of receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; less

(vi) One and one-half percent of bulk transfers of milk to a pool plant of another handler (in the case of a cooperative association selling milk to a handler on the basis of farm weights determined by farm bulk tank calibration and butterfat tests determined from farm bulk tank samples as provided in subdivision (iii) of this subparagraph, the percentage shall be 2 percent); less

(vii) One and one-half percent of bulk transfers of milk to nonpool plants; less

(viii) One and one-half percent of milk diverted to nonpool plants (in the case of a nonpool plant receiving the milk on the basis of farm weights determined by farm bulk tank calibration and butterfat tests determined from farm bulk tank samples as provided in subdivision (iii) of this subparagraph the percentage shall be 2 percent); and

(7) In shrinkage of skim milk and butterfat assigned pursuant to § 1063.42 (b)(2).

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 4. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, E. H. McGuire, Watch Tower Plaza, 924 37th Avenue, Post Office Box 691, Rock Island, Ill. 61201, or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on May 6, 1968.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 68–5563; Filed, May 8, 1968; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 18]

MILK AND CREAM

Proposed Definition and Standard of Identity for Vitamins A and D Fortified Nonfat Dry Milk

Notice is given that a petition has been filed by attorneys representing the American Dry Milk Institute, 130 North Franklin Street, Chicago, Ill. 60606, proposing establishment of a definition and standard of identity for vitamins A and D fortified nonfat dry milk. Grounds set forth in the petition are that nonfat dry milk has been shown to be an appropriate vehicle for vitamins A and D to correct or prevent nutritional deficiencies, that under conditions existing in the United States such fortification of nonfat dry milk is endorsed by nutritional authorities, that production of the fortified product is technologically feasible, and that the fortified product retains its

flavor and vitamin potency to a high degree on storage.

Because the food is subject to the regulations for foods for special dietary uses promulgated under section 403(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(j)), the Commissioner of Food and Drugs proposes on his own initiative that if the proposed standard is adopted it contain a recital of that fact. The Commissioner also proposes that the name of the food be "nonfat dry milk fortified with vitamins A and D" instead of the name proposed by the petitioner.

The petitioner's proposed standard reads as follows:

§ 18.____ **Vitamins A and D fortified nonfat dry milk; identity; label statement of optional ingredients.**

(a) Vitamins A and D fortified nonfat dry milk conforms to the definition and standard of identity prescribed for nonfat dry milk by Public Law 78–244, March 2, 1944, Ch. 77, 58 Stat. 108, as amended by Public Law 84–646, July 2, 1956, Ch. 495, 70 Stat. 486; 21 U.S.C. 321c, except that:

(1) Vitamin A is added in such quantity that 8 fluid ounces of the reconstituted product contains not less than 500 U.S.P. units thereof.

(2) Vitamin D is added in such quantity that 8 fluid ounces of the reconstituted product contains not less than 100 U.S.P. units thereof.

(b) The substances referred to in paragraph (a) (1) and (2) of this section may be added in a harmless carrier, such carrier to be used only in the quantity necessary to effect an intimate and uniform admixture of such substances with the nonfat dry milk.

(c) The name of the food is "vitamins A and D fortified nonfat dry milk."

Pursuant to the provisions of the act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), all interested persons are invited to submit their views in writing, preferably in quintuplicate, regarding this proposal within 30 days following the date of publication of this notice in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, and may be accompanied by a memorandum or brief in support thereof.

Dated: May 1, 1968.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 68-5558; Filed, May 8, 1968; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 140]

FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

Criteria for Determination of an Extraordinary Nuclear Occurrence

The principal purpose of the amendments to the Price-Anderson Act of 1966 (Public Law 89–645) pertaining to waivers of defenses is to assure that the public will receive prompt financial compensation under the available indemnity and underlying financial protection for damage resulting from the hazardous properties of radioactive material or radiation. It was intended that a nuclear incident need not reach catastrophic proportions, or involve Government funds before the waivers of defenses would apply. At the same time, it was intended that certain lesser claims involving nuclear facilities or materials remain subject to the rules of tort law applicable in the various jurisdictions. For these reasons, and for the additional purpose of helping to assure that the waiver system will not be invoked in case of "nuisance" suits, a reasonable test is to be satisfied before the special waiver provisions become operable. This test is identified by the term "extraordinary nuclear occurrence". The term "extraordinary nuclear occurrence" means "any event causing a discharge or dispersal of source, special nuclear, or byproduct material from its intended place of confinement in amounts offsite, or causing radiation levels offsite, which the Commission determines to be substantial, and which the Commission determines has resulted or will probably result in substantial damages to persons offsite or property offsite". The term "offsite" means away from "the location" or "the contract location" as defined in the applicable Commission indemnity agreement, entered into pursuant to section 170. Thus, there is to be a two part determination:

i. An event has caused a discharge or dispersal of source, special nuclear or byproduct material from its intended place of confinement in amounts offsite or causing radiation levels offsite which are substantial, and

ii. The event has resulted or will probably result in substantial damages to persons offsite or property offsite.

Various elements must be present before the first part of the test is satisfied. There must have been an identifiable event causing (a) a discharge or dispersal of nuclear material from its intended place of confinement, that is, the last confining barrier between the material and the public, in substantial amounts offsite; or (b) substantial radiation levels offsite.

The second part of the test requires a determination by the Commission that the event, which has satisfied the first part of the test, has also resulted or will probably result in substantial damages to persons offsite or property offsite.

Rather than defining an "extraordinary nuclear occurrence" in the Act, the Congress vested the Commission with the final and conclusive authority to determine whether such an occurrence has taken place. This resulted in large measure from the difficulty of fixing a detailed statutory definition which would be suitable for a wide variety of possible circumstances, as well as the need for the application of an informed judgment to the facts of a particular case. Also considered was the possibility of litigation over the application of a statutory definition to a specific situation, which could frustrate the purpose of the proposed legislation. The criteria must facilitate a quick and objective determination establishing whether or not defenses are to be waived. Because of the emergency nature of the system and the need for prompt action, the legislation provides that the Commission's determination is final and is not subject to review by any other official or by a court.

Thus, the Commission is directed in section 11j, to "establish criteria in writing setting forth the basis upon which such determination shall be made". One of the two principal purposes of this notice of proposed rule making is to set forth the criteria which the Commission proposes to follow in order to form the basis upon which the determination shall be made. (The other purpose is to establish the conditions of the waivers of defenses proposed for incorporation in indemnity agreements and in insurance policies or contracts furnished as proof of financial protection.)

The first part of the test is intended to characterize the event and assures that the waiver system provided by the new amendments will not be invoked where a claim is based upon a release of effluent or the occurrence of levels of radiation within or not greatly in excess of the limits set forth in the Commission's regulations and in license conditions; and also assures that there will have been a determination that a substantial discharge or dispersal of material, or substantial levels of radiation, have taken place, before the Commission reaches any question of whether substantial damages have resulted. The system is to come into effect only where the discharge or dispersal constitutes a substantial amount of source, special nuclear or byproduct material, or has caused substantial radiation levels offsite. The various limits in present AEC regulations are not appropriate for direct application in the determination of an "extraordinary nuclear occurrence", for they were arrived at with other purposes in mind, and those limits have been set at a level which is conservatively arrived at by incorporating a significant safety factor. Thus, a discharge or dispersal which exceeds the limits in AEC regulations, or in license conditions, although possible cause for concern, is not

one which would be expected to cause substantial injury or damage unless it exceeds by some significant multiple the appropriate regulatory limit. Accordingly, in arriving at the values in the criteria to be deemed "substantial" it is more appropriate to adopt values separate from AEC health and safety regulations, and, of course, the selection of these values will not in any way affect such regulations. A substantial discharge, for purposes of the criteria, represents a perturbation of the environment which is clearly above that which could be anticipated from the conduct of normal activities. The criteria are intended solely for purposes of administration of the Commission's statutory responsibilities under Public Law 89-645, and are not intended to indicate a level of discharge or dispersal at which damage to persons or property necessarily will occur, or a level at which damage is likely to occur, or even a level at which some type of protective action is indicated. It should be clearly understood that the criteria in no way establish or indicate that there is a specific threshold of exposure at which biological damage from radiation will take place. It cannot be emphasized too frequently that the levels set to be used as criteria for the first part of the determination, that is, the criteria for amounts offsite or radiation levels offsite which are substantial, are not meant to indicate that, because such amounts or levels are determined to be substantial for purposes of administration, they are "substantial" in terms of their propensity for causing injury or damage.

It is the purpose of the second part of the determination that the Commission decide whether there have in fact been or will probably be substantial damages to persons offsite or property offsite. The criteria for substantial damages were formulated, and the numerical values selected, on a wholly different basis from that on which the criteria used for the first part of the determination with respect to substantial discharge were derived. The only interrelation between the values selected for the discharge criteria and the damage criteria is that the discharge values are set so low that it is extremely unlikely the damage criteria could be satisfied unless the discharge values have been exceeded.

The first part of the test is designed so that the Commission can assure itself that something exceptional has occurred; that something untoward and unexpected has in fact taken place and that this event is of sufficient significance to raise the possibility that some damage to persons or property offsite has resulted or may result. If there is no damage, the waivers will not apply because the Commission will be unable, under the second part of the test, to make a determination that "substantial damages" have resulted or will probably result. If damages have resulted or may probably result, they could vary from de minimis to serious, and the waivers will not apply until the damages both actual and probable, can be determined to be "substantial" within the second part of the test.

The presence or absence of an extraordinary nuclear occurrence determination does not concommitantly determine whether or not a particular claimant will recover on his claim. In effect, it is intended primarily to determine whether certain potential obstacles to recovery are to be removed from the route the claimant would ordinarily follow to seek compensation for his injury or damage. If there has not been an extraordinary nuclear occurrence determination, the claimant must proceed (in the absence of settlement) with a tort action subject to whatever issues must be met, and whatever defenses are available to the defendant, under the law applicable in the relevant jurisdiction. If there has been an extraordinary nuclear occurrence determination, the claimant must still proceed (in the absence of settlement) with a tort action, but the claimant's burden is substantially eased by the elimination of certain issues which may be involved and certain defenses which may be available to the defendant. In either case the defendant may defend with respect to such of the following matters as are in issue in any given claim: The nature of the claimant's alleged damages, the causal relationship between the event and the alleged damages, and the amount of the alleged damages. (Also, in either case, interim emergency payments may be made by the insurers or the Government, as appropriate. These emergency payments are not dependent upon a determination that there has been an extraordinary nuclear occurrence.)

The waivers will be applicable only to extraordinary nuclear occurrences which—

a. Arise out of or result from or occur in the course of the construction, possession, or operation of a production or utilization facility; or

b. Arise out of or result from or occur in the course of transportation of source, special nuclear, or byproduct material to or from such a facility; or

c. During the course of the contract activity, arise out of or result from the possession, operation, or use by a Commission contractor or subcontractor of a device utilizing special nuclear or byproduct material.

These three categories are controlling even though for purposes of ease of reference the criterion for a substantial discharge uses the general term, "radioactive material".

While it is recognized that the mechanisms for discharge of radioactive material or release of radiation from facilities, packages and devices may differ, the Commission finds that the general criteria relating to radiation exposure and/or radioactive contamination of land and other property can be made applicable for all devices, packages and facilities.

Part 140 of the Commission's regulations, "Financial Protection Requirements and Indemnity Agreements", is the part which implements the Price-Anderson amendments set forth in section 170 of the Act, and the proposed criteria will be incorporated in a new subpart of Part 140, Subpart E. Subpart E will apply to applicants for and holders of licenses authorizing operation of production facilities and utilization facilities.

The criteria which are set forth in the proposed rule are divided essentially into two parts. The first group of criteria relate to the determination of whether or not an event has caused a discharge or dispersal of source, special nuclear or byproduct material from its intended place of confinement in amounts offsite, or causing radiation levels offsite, which are substantial. The second group of criteria relate to the tests which the Commission will use to determine whether an event which has met the first group of criteria has resulted or will probably result in substantial damages to persons offsite or property offsite.

The Commission may initiate, on its own motion, the making of a determination as to whether or not there has been an extraordinary nuclear occurrence. In the event the Commission does not so initiate the making of a determination, any affected person, or any licensee or person with whom an indemnity agreement is executed or a person providing financial protection may petition the Commission for a determination of whether or not there has been an extraordinary nuclear occurrence.

If the Commission determines that both of the following criteria have been met, it will make the determination that there has been an extraordinary nuclear occurrence. If the Commission does not make such a determination within 90 days after it is informed that an event may have taken place, the alleged event will be deemed not to be an extraordinary nuclear occurrence.

CRITERION I—SUBSTANTIAL DISCHARGE OF RADIOACTIVE MATERIAL OR SUBSTANTIAL RADIATION LEVELS OFFSITE

The Commission will determine that there has been a substantial discharge or dispersal of radioactive material offsite, or that there have been substantial levels of radiation offsite, when, as a result of an event comprised of one or more related happenings, radioactive material is released from its intended place of confinement or radiation levels occur offsite and either of the following findings are also made:

(A) The Commission finds that one or more persons offsite were, could have been, or might be exposed to radiation or to radioactive material, resulting in a dose or in a projected dose in excess of one of the levels in the following table:

TOTAL PROJECTED RADIATION DOSES

Critical organ	*Dose (REMS)*
Thyroid	30
Whole body	20
Bone marrow	20
Skin	60
Other organs or tissues	30

Exposures from the following types of sources or radiation shall be included:

(1) Radiation from sources external to the body;

(2) Radioactive material that may be taken into the body from its occurrence in air or water; and

(3) Radioactive material that may be taken into the body from its occurrence in food or on terrestrial surfaces.

(B) The Commission finds that:

(i) Surface contamination of at least a total of any 100 square meters of offsite property has occurred as the result of a release of radioactive material from a production or utilization facility or device, or

(ii) Surface contamination of any offsite property has occurred as the result of a release of radioactive material in the course of transportation,

and such contamination is characterized by levels of radiation in excess of one of the values listed in the following table:

TOTAL SURFACE CONTAMINATION LEVELS [1]

Alpha emission from transuranic isotopes.	0.35 microcuries per square meter.
Alpha emission from isotopes other than transuranic isotopes.	3.5 microcuries per square meter.
Beta or gamma emission.	4 millirads/hour @ 1 cm. (measured through not more than 7 milligrams per square centimeter of total absorber).

[1] The maximum levels (above background), observed or projected, 8 or more hours after initial deposition.

* * * * *

It is anticipated that in the unlikely event of a nuclear incident involving injury or damage to persons or property, the Commission will know that such event has occurred either because of the requirements imposed on certain licensees and contractors to make immediate reports to the Commission or because of a request for the Commission's Radiological Assistance Teams. In such cases, the Commission, sua sponte can undertake to make a determination as to whether or not there has been an extraordinary nuclear occurrence. There is the remote possibility that some incidents which could qualify as an extraordinary nuclear occurrence might not be brought immediately to the attention of the Commission. Accordingly, a procedure is provided whereby any affected person, or any licensee or person with whom an indemnity agreement is executed, or a person providing financial protection, may petition the Commission for a determination of whether or not there has been an extraordinary nuclear occurrence. Whether the Commission determination results from its own initiative or in response to a petition, the statute specifies that the determination by the Commission whether or not there has been an extraordinary nuclear occurrence is final and conclusive and not subject to review.

The reason for setting a time limit of 90 days after which an alleged event will be deemed not to be an extraordinary nuclear occurrence is to assure that potential claimants and potential defendants will not have to face an indefinite waiting period during which they would be uncertain as to whether or not the waivers of defenses will be applicable to the event. There is every reason to expect that, if the Commission learns that an event may have taken place, the time allowed will be adequate for the accumulation and evaluation of all necessary information and for the application of the criteria to the known circumstances and estimated effects of the event. Indeed, if a positive determination is to be made at all it is likely that considerably less than 90 days will be required.

The projected doses set forth in Test A of Criterion I have been selected by the Commission for the purpose of aiding in the determination that a substantial release has occurred and are not intended as any indication of a level at which injury may be expected. For the purpose of making the determination, the dose calculations may be made without regard to whether persons were actually exposed for the duration of time for which projections are made.

The table of surface contamination levels in Test B of Criterion I is the reference point for determining whether a perturbation of the environment which may impinge on offsite property is sufficiently above background radiation levels to make it likely that something out of the ordinary has occurred. These contamination levels cannot be directly related to the dose levels set forth in Test A of Criterion I. The values have been selected to be sufficiently higher than those currently utilized by the AEC on an ad hoc basis for permitting the routine use of certain buildings and equipment which have been contaminated, so that it is unlikely to find such levels above background from discharges to the offsite environment, except under abnormal circumstances. At the same time, the values are believed to be sufficiently low that it is unlikely that a discharge or dispersal that did not meet this criterion would result in enough damage to meet the criterion for substantial damages. Indeed, these values represent an administrative index only; they are not intended either for use in assessing damages or in planning protective actions, for which, in some circumstances, lower values would be used, and in other cases, higher values would be appropriate.

Where the contamination occurs as a result of a release in the course of transportation, no minimum area is specified for application of the values in the table. This is because any release of contained materials during transportation causing levels listed in the table even at a single "hot spot" is a sufficient indication that something out of the ordinary has occurred. Where the release is from a facility or a device, it is necessary to specify a minimum area to provide the same type of assurance that what has happened is out of the ordinary. The amount of 100 square meters selected for this purpose is necessarily arbitrary, but it is believed that a routine release would be unlikely to result in contamination at the levels in the table of this size area even under the most adverse conditions, while it is also considered most unlikely that the criteria for damage to property could be met if contamination of at least the area specified did not occur.

It should be noted that in applying the test for a discharge from a facility or device, it is intended that there be at least 100 square meters of which the contamination of each meter square would be characterized by levels set forth in the table. Areas totaling less than 100 square meters, even though characterized by levels substantially higher than those in the table, would not be deemed to satisfy the criterion. For purposes of the test, the territory need not be contiguous.

CRITERION II—SUBSTANTIAL DAMAGES TO PERSONS OFFSITE OR PROPERTY OFFSITE

After the Commission has determined that an event has satisfied Criterion I, the Commission will determine that the event has resulted or will probably result in substantial damages to persons offsite or property offsite if any of the following findings are made:

(A) The Commission finds that such event has resulted in the death or hospitalization, within 30 days of the event, of 10 or more people located offsite showing objective clinical evidence of physical injury from exposure to the radioactive, toxic, explosive, or other hazardous properties of source, special nuclear, or byproduct material; or

(B) The Commission finds that $2,500,000 or more of damage offsite has been or will probably be sustained by any one person, or $5 million or more of such damage in the aggregate has been or will probably be sustained, as the result of such event; or

(C) The Commission finds that $5,000 or more of damage offsite has been or will probably be sustained by each of 50 or more persons, provided that $1 million or more of such damage in the aggregate has been or will probably be sustained, as the result of such event.

As used in tests (B) and (C), "damage" shall be based upon estimates of one or more of the following:

a. Total cost necessary to put affected property back into use,

b. Loss of use of affected property,

c. Value of affected property where not practical to restore to use,

d. Financial loss resulting from protective actions appropriate to reduce or avoid exposure to radiation or to radioactive materials.

* * * * *

With respect to the physical injuries to persons which the Commission will examine under Test A of Criterion II, the intent is to make the determination based on objective evidence of injuries due to the exposure to the radioactive, toxic, explosive, or other hazardous properties of nuclear material and without reference to other types of injuries. For the purpose of this determination, the Commission will not take into account psychological effect or injuries not due to exposure to hazardous properties of nuclear material. The latter category

would include, for example, physical injuries received in an automobile accident during an evacuation. Since there would not be objective evidence of physical injury due to "exposure", a person whose only injuries were sustained in such an accident would not be included as counting toward one of the 10 people mentioned in Criterion II.

During the hearings prior to the enactment of Public Law 89-645, Commission representatives indicated that one of the possible approaches to a criterion for substantial damages could be the setting of a dollar threshold, and the figure $5 million was mentioned as an appropriate amount, with the reservation that under certain circumstances a lesser amount could be used. Criterion II proposes $5 million as the threshold for damages in the aggregate and half that amount if the damage is sustained by any one person. The lower threshold, although not limited in applicability, was included in recognition of the special problems associated with transportation of radioactive materials. The $1 million figure for damages of $5,000 or more to each of 50 or more people was included to meet the special circumstance of numerous persons suffering smaller damages.

A dollar amount was deemed unsuitable as a test of damage related to physical injury to persons. The test is in terms of numbers of people injured; the number 10 was selected as being large enough to overcome the nuisance suit problem and small enough to assure bringing the waivers into operation if the occurrence is of real moment. Thirty days was chosen as a reasonable cutoff period in the belief, based upon the best medical evidence available, that unless objective manifestations of physical injury appear within that time there is little likelihood of eventual latent results of a substantial nature.

In order to minimize delays within the Commission in connection with the determination by the Commission of whether or not there has been an extraordinary nuclear occurrence, there is set forth below the staff organization which would immediately assemble the relevant information and prepare a report on which the Commission can make its determination.

The principal staff involved will be the Directors or Deputies of the following Divisions or Offices: Operational Safety, Radiation Protection Standards, Biology and Medicine, State and Licensee Relations; the General Counsel or his designee, and a representative of the program division whose facility or device may be involved.

Waiver of defenses. The 1966 amendments to the Price-Anderson Act accorded flexibility to the Commission in establishing the conditions of the waivers authorized by the Act, but at the same time established the outer boundaries of the Commission's discretion in this regard. Moreover, the legislative history of the Act circumscribed the general content and direction of the waivers to be developed in the rule making process. The report on the bill was very explicit on the nature of the contemplated waivers, and the areas intended to be essentially within the Commission's discretion were also carefully delineated. Additional guidance is contained in the hearings on the bill.

In general, the proposed amendments to the form of nuclear energy liability policy for facilities and to the forms of indemnity agreements with licensees require that, in the event of an extraordinary nuclear occurrence, the insureds and the insurers (liability policy) and licensees, on their own behalf and on behalf of other persons indemnified, and the Commission (indemnity agreements) agree to waive:

1. Any issue or defense as to the conduct of the claimant or the fault of persons indemnified, including but not limited to:

(i) Negligence,

(ii) Contributory negligence,

(iii) Assumption of the risk, and

(iv) Unforeseeable intervening causes, whether involving the conduct of a third person, an act of God, or the operation of a force of nature,

2. Any issue or defense as to charitable or governmental immunity, and

3. Any issue or defense based on any statute of limitations if suit is instituted within 3 years from the date on which the claimant first knew, or reasonably could have known, of his injury or damage and the cause thereof, but in no event more than 10 years after the date of the nuclear incident.

Thus, a claimant will not be faced with the possibility that a claim will be defeated on technical, legal grounds relating to issues of negligence or other "fault," or to issues such as contributory negligence or assumption of risk bearing on the conduct of the claimant. ("Conduct of the claimant" is intended to be interpreted broadly to include conduct of persons through whom the claimant derives his cause of action, as in the case, for example, of a representative suit.) Instead he will be able to proceed directly to his proof that the occurrence caused his personal injury or property damage arising out of or resulting from the radioactive, toxic, explosive, or other hazardous properties of the nuclear material, the nature of the injuries or damage, and the amount of his damages. With respect to these remaining issues or defenses, the defendant can still invoke the traditional rules of proof and present evidence on his own behalf. Courts must still make determinations on these issues.

Category 1 is broader than the four subcategories listed under it. Specifically, it is intended that the defense of proximate cause along the lines set forth in the legislative history will also be waived. It was deemed advisable not to include specific contractual language on this point since it is one of the most complex areas of tort law, and a precise definition of the extent of the waivers as to proximate cause would place an unwarranted restriction on the application of the law by a court to a factual setting which cannot be predicted in advance.

Category 1 also includes within its ambit the issue or defense of the fellow-servant rule, which is derived essentially from the concepts of contributory negligence and assumption of the risk.

Category 2 is essentially self-explanatory, except that it should be noted the legislative history makes clear that the waiver of issues or defenses as to charitable or governmental immunity would be applicable in suits against the United States under the Federal Tort Claims Act. Thus, Category 2 requires that other Federal agencies which are licensees or contractors of the Commission waive the "discretionary function" defense permitted by the Federal Tort Claims Act as well as, under Category 3, the waiver of the defense of the statute of limitations applicable to a suit under that Act. The "discretionary function" defense is actually part of the governmental immunity which was reserved by the Federal Government when the Federal Tort Claims Act, permitting suits against the United States, was enacted. It has therefore not been considered necessary to include specific reference to that Act or to the "discretionary function" defense in the form of indemnity agreement with Federal agencies, since the general language of Category 2 requires Federal agencies to waive that defense.

The waivers of statutes of limitations provided for under Category 3 will void the application of more restrictive State statutes of limitations which are not appropriate to claims for radiation injuries and which might preclude recovery for some radiation injury because of the occasional phenomenon of delayed manifestation. It is noted that the 10-year period which is the outside limit of the waiver is not a maximum period for assertion of Price-Anderson covered claims, since the waiver merely avoids the application of the more restrictive State statutes, and leaves undisturbed the laws of States providing for longer periods of limitation. Of course, the waivers of other defenses would continue during such longer period of limitation established by State statute.

The Price-Anderson amendments provide that the waivers shall not preclude certain specific defenses; the legislative history makes clear that certain other defenses are not intended to be precluded. The propsed amendments to the forms of liability policies and indemnity agreements specify what these defenses are. A defendant will retain the right to defend against injury or damage to a claimant or a claimant's property which is either intentionally sustained by the claimant or is a result of a nuclear incident intentionally and wrongfully caused by the claimant. It should be noted that this exclusion from the waivers is intended to be strictly construed, and does not extend to situations which may be considered to involve gross negligence or other similar formulations relating to higher degrees of negligence; all such defenses are required to be waived under Category 1. A defense based upon a failure to take reasonable steps to mitigate damages is also retained. This, of course, does not mean that a failure to mitigate

constitutes a complete defense to an entire claim; it does entitle the defendant to an offset for the amount found by a court to be appropriate in mitigation.

It has also been deemed advisable to make the waivers inapplicable to claims for punitive or exemplary damages, since the intent of the legislation is to assure compensation for injury or damage from an extraordinary nuclear occurrence. However, where State law provides only punitive damages under claims for wrongful death, the waiver will remain applicable to the extent of the claimant's actual damages.

As is made clear in the legislative history, the waivers work no change on the exceptions from the definition of "public liability" in subsection 11w of the Atomic Energy Act. These are as follows: "* * * (i) claims under State or Federal workmen's compensation acts of employees of persons indemnified who are employed at the site of and in connection with the activity where the nuclear incident occurs; (ii) claims arising out of an act of war; and (iii) whenever used in subsections 170 a, c, and k, claims for loss of, or damage to, or loss of use of property which is located at the site of and used in connection with the licensed activity where the nuclear incident occurs * * *." In this connection, the proposed amendments to the forms of indemnity agreements specify that the waivers shall not apply to injury to a claimant who is employed at the site of and in connection with the activity where the extraordinary nuclear occurrence takes place if benefits therefor are either payable or required to be provided under any workmen's compensation or occupational disease law. The proposed amendments to the form of liability policy contain a provision essentially to the same effect. These provisions are intended to assure that the waivers do not inadvertently upset the present scheme of the Price-Anderson Act respecting the inapplicability of Price-Anderson to claims under workmen's compensation acts to the extent provided in (i) of subsection 11w. Of course, to the extent that the applicable workmen's compensation or occupational disease law does not encompass the type of injury involved, the waivers would apply to such injury.

The report on the bill indicated that the Commission should also give consideration to permitting a defense that the injury or damage would not have resulted but for the abnormally sensitive character of the claimant's activity. Proposed section 524A of the Restatement of Torts contains such a defense against strict liability. The comment explaining this defense reads as follows:

> Since the basis for the strict liability for abnormally dangerous activities is the unusual risk inflicted upon those in the vicinity, it is limited to such harm as may reasonably be expected to result from such an activity, or from its miscarriage, to normal conditions around it and the normal activities of others. The plaintiff cannot, by himself resorting to an abnormally sensitive activity, impose upon the defendant an additional burden of liability, even though the defendant is aware of the fact. Where the harm would not have resulted but for the abnormal and unduly sensitive character of the plaintiff's own activity, or conditions arising in the course of it, the defendant's strict liability does not extend to such a result, although he may still be liable for any negligence.

While reasons can be advanced for including this defense under the waivers, on balance the Restatement view appears sound, and therefore the amendments propose an exception to the waivers where damage to a claimant's property would not have resulted if the claimant's activities or operations had not been abnormally sensitive to the radioactive properties of the material. It appeared appropriate to limit the exception to property damage and then only when the abnormal sensitivity is to the radioactive properties, since that is the sensitivity which is related to the unusual risk. Of course, a claimant confronted by the defense would still be entitled to prove his case in the same way as before the 1966 amendments to the Price-Anderson Act.

As noted above, the issues relating to the amount of damages and whether the occurrence led to the damages are not within the scope of the waivers and can still be litigated.

The proposed amendments provide that all of the waivers incorporated in indemnity agreements or policies and contracts furnished as proof of financial protection shall be effective regardless of whether the issue or defense waived may otherwise be deemed jurisdictional or relating to an element in the cause of action. Thus, for example, even if a State's decisional or statutory law provides that the filing of a law suit within the period provided by the State statute of limitations is indispensable to the maintenance of a cause of action in tort, a suit to which Price-Anderson waivers apply may not be dismissed on the ground that it was filed after the State statute has run. Another example might be under the Federal Tort Claims Act concerning which it has been said that an allegation of negligence is necessary for the purpose of conferring jurisdiction upon the court. A suit to which Price-Anderson waivers apply may not, on that ground, be dismissed for lack of jurisdiction.

The amendments to the forms of indemnity agreements also follow the statute in providing that the waivers shall be judicially enforceable in accordance with their terms by the claimant against the person indemnified. The amendments to the form of liability policy contain a comparable provision. Since "person indemnified" is defined in the Atomic Energy Act to include not only the person with whom an indemnity agreement is executed, but also "any other person who may be liable for public liability", it is considered that the waivers will be required to be made by any defendant, and that courts will enforce the waivers accordingly, in view of this explicit direction in the statute. In view of this, the amendments to the policy form contain the additional provision that the insurers, and the named insured, acting for himself and every other insured under the policy, agree to the waiver provisions, and the amendments to the indemnity form contain the additional provision that the Commission, and the licensee on behalf of itself and other persons indemnified, agree to the waiver provisions.

The amendments also provide, as does the statute, that the waivers will be effective only with respect to the obligations set forth in the policies or contracts furnished as proof of financial protection and in the indemnity agreements, and that the waivers will have no effect on any claim or portion thereof which is not within the protection afforded under the terms of such policies, contracts, and indemnity agreements, and the limit of liability provisions of subsection 170e.

Of course, as described earlier, the system is not coexistensive with all Price-Anderson coverage; the waivers apply only to extraordinary nuclear occurrences which arise out of certain categories of activities presently covered by the Price-Anderson indemnity system. Categories (a) and (b), which relate essentially to occurrences in the course of construction, possession, or operation of a nuclear reactor or in the course of transportation of radioactive material to or from a reactor, are coextensive with nuclear liability insurance policies required as proof of financial protection and Price-Anderson indemnity coverage presently extended to utilization and production facilities. Category (c) contain the limitation "during the course of the contract activity" in order to exclude from the new system of waivers occurrences which involve liability of an AEC contractor or subcontractor for damage to others based upon a defective item produced under the contract where the occurrence transpires subsequent to delivery of the product by the contractor. The system would apply, however, if the accident occurred while the device was still in the custody of the AEC contractor or subcontractor. Thus, this limitation is intended to have only temporal application; it is not intended to create technical defenses but rather to impose a time limit based upon when the risk of liability to the contractor or subcontractor ceases. The waivers with respect to AEC contractual activities will be published as amendments to 41 CFR, Chapter 9, when the effective amendments to 10 CFR Part 140 on waivers are published.

The waivers proposed for inclusion in the forms of indemnity agreements in Part 140 are also proposed for inclusion in the indemnity agreement with respect to the "N.S. Savannah." In addition, it is proposed that a provision be added to that agreement providing that, with respect to extraordinary nuclear occurrences taking place outside the United States, the waivers are applicable only in actions brought in the U.S. District Court for the District of Columbia. This provision, taken together with the provision that the waivers shall not apply to, or prejudice the prosecution or defense of, any claim which is not within the terms of the indemnity agreement

and the limit of liability provisions of subsection 170e, is intended to assure that the waivers will apply only where Price-Anderson limitation of liability also applies.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, notice is hereby given that adoption of the following amendments to 10 CFR Part 140 is contemplated. All interested persons who desire to submit written comments or suggestions in connection with the proposed rule should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, within 60 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

Notice is also hereby given that an industry conference to discuss the provisions of the proposed amendments of 10 CFR Part 140 is scheduled to be held on June 11, 1968, at 10:30 a.m. at the Commission's offices at 1717 H Street NW., Washington, D.C. Any person wishing to make a formal statement at that time should notify the Secretary of the Commission by June 4, 1968.

1. Paragraph (a) of § 140.2 is amended to read as follows:

(a) The regulations in this part apply:

(1) To each person who is an applicant for or holder of a license issued pursuant to Part 50 of this chapter to operate a nuclear reactor, and

(2) With respect to extraordinary nuclear occurrences, to each person who is an applicant for or holder of a license to operate a production facility or a utilization facility, and to other persons indemnified with respect to such facility.

2. Section 140.2 is amended by adding the following new paragraph (c):

(c) Subpart E of this part sets forth the procedures the Commission will follow and the criteria the Commission will apply in making a determination as to whether or not there has been an extraordinary nuclear occurrence. The form of nuclear energy liability policy for facilities (Appendix A) and the forms of indemnity agreements with licensees (Appendices, B, C, D, and E) include provisions requiring the waiver of certain defenses with respect to an extraordinary nuclear occurrence. These provisions and Subpart E are incorporated in this part pursuant to Public Law 89-645 (80 Stat. 891). They provide additional assurance of prompt compensation under available indemnity and underlying financial protection for injury or damage resulting from the hazardous properties of radioactive materials or radiation, and they in no way detract from the protection to the public otherwise provided under this part.

3. Paragraph (a) (1) and (2) of § 140.15 are each amended by changing the reference to "§ 140.75" to read "§ 140.91".

4. Paragraph (b)(1) of § 140.20 is amended by changing the reference to "§ 140.76" to read "§ 140.92" and by changing the reference to "§ 140.77" to read "§ 140.93".

5. Paragraph (b)(2) of § 140.20 is amended by changing the reference to "§§ 140.76 and 140.77" to read "§§ 140.92 and 140.93".

6. Paragraph (b) (1) and (2) of § 140.52 are each amended by changing the reference to "§ 140.78" to read "§ 140.94".

7. Paragraph (b) (1) and (2) of § 140.72 are each amended by changing the reference to "§ 140.79" to read "§ 140.95".

8. A new Subpart E is added to read as follows:

Subpart E—Extraordinary Nuclear Occurrences

§ 140.81 Scope.

This subpart applies to applicants for and holders of licenses authorizing operation of production facilities and utilization facilities, and to other persons indemnified with respect to such facilities.

§ 140.82 Procedures.

(a) The Commission may initiate, on its own motion, the making of a determination as to whether or not there has been an extraordinary nuclear occurrence. In the event the Commission does not so initiate the making of a determination, any affected person, or any licensee or person with whom an indemnity agreement is executed or a person providing financial protection may petition the Commission for a determination of whether or not there has been an extraordinary nuclear occurrence.

(b) When a procedure is initiated under paragraph (a) of this section, the principal staff which will begin immediately to assemble the relevant information and prepare a report on which the Commission can make its determination will consist of the Directors or Deputies of the following Divisions or Offices: Operational Safety, Radiation Protection Standards, Biology and Medicine, State and Licensee Relations; the General Counsel or his designee, and a representative of the program division whose facility or device [1] may be involved.

§ 140.83 Determination of extraordinary nuclear occurrence.

If the Commission determines that both of the criteria set forth in §§ 140.84 and 140.85 have been met, it will make the determination that there has been an extraordinary nuclear occurrence. If the Commission does not make such a determination within 90 days after it is informed that an event may have taken place, the alleged event will be deemed not to be an extraordinary nuclear occurrence.

§ 140.84 Criterion I—Substantial discharge of radioactive material or substantial radiation levels offsite.

The Commission will determine that there has been a substantial discharge or dispersal of radioactive material offsite, or that there have been substantial levels of radiation offsite, when, as a result of an event comprised of one or more related happenings, radioactive material is released from its intended place of confinement or radiation levels occur offsite and either of the following findings are also made:

(a) The Commission finds that one or more persons offsite were, could have been, or might be exposed to radiation or to radioactive material, resulting in a dose or in a projected dose in excess of one of the levels in the following table:

TOTAL PROJECTED RADIATION DOSES

Critical organ	*Dose (REMS)*
Thyroid	30
Whole body	20
Bone marrow	20
Skin	60
Other organs or tissues	30

Exposures from the following types of sources of radiation shall be included:

(1) Radiation from sources external to the body;

(2) Radioactive material that may be taken into the body from its occurrence in air or water; and

(3) Radioactive material that may be taken into the body from its occurrence in food or on terrestrial surfaces.

(b) The Commission finds that:

(1) Surface contamination of at least a total of any 100 square meters of offsite property has occurred as the result of a release of radioactive material from a production or utilization facility or device,[1] or

(2) Surface contamination of any offsite property has occurred as the result of a release of radioactive material in the course of transportation,

and such contamination is characterized by levels of radiation in excess of one of the values listed in the following table:

TOTAL SURFACE CONTAMINATION LEVELS [2]

Alpha emission from transuranic isotopes.	3.5 microcuries per square meter.
Alpha emission from isotopes other than transuranic isotopes.	0.35 microcuries per square meter.
Beta or gamma emission.	4 millirads/hour @ 1 cm. (measured through not more than 7 milligrams per square centimeter of total absorber).

[1] Although Part 140 does not apply to devices, the reference to "device" is included here so that the complete procedures and criteria will be readily available in one place. Provisions applicable to extraordinary nuclear occurrences involving devices during the course of the contract activity will be included in amendments to 41 CFR, Chapter 9.

[2] The maximum levels (above background), observed or projected, 8 or more hours after initial deposition.

§ 140.85 Criterion II—Substantial damages to persons offsite or property offsite.

(a) After the Commission has determined that an event has satisfied Criterion I, the Commission will determine that the event has resulted or will probably result in substantial damages to persons offsite or property offsite if any of the following findings are made:

(1) The Commission finds that such event has resulted in the death or hospitalization, within 30 days of the event, of ten or more people located offsite showing objective clinical evidence of physical injury from exposure to the radioactive, toxic, explosive, or other hazardous properties of source, special nuclear, or byproduct material; or

(2) The Commission finds that $2,500,000 or more of damage offsite has been or will probably be sustained by any one person, or $5 million or more of such damage in the aggregate has been or will probably be sustained, as the result of such event; or

(3) The Commission finds that $5,000 or more of damage offsite has been or will probably be sustained by each of 50 or more persons, provided that $1 million or more of such damage in the aggregate has been or will probably be sustained, as the result of such event.

(i) As used in subparagraphs (1) and (2) of paragraph a of this section, "damage" shall be based upon estimates of one or more of the following:

(1) Total cost necessary to put affected property back into use,

(2) Loss of use of affected property,

(3) Value of affected property where not practical to restore to use,

(4) Financial loss resulting from protective actions appropriate to reduce or avoid exposure to radiation or to radioactive materials.

9. Present §§ 140.75 through 140.79 (Appendix A through Appendix E, respectively) are renumbered §§ 140.91 through 140.95, respectively.

10. Section 140.91 *Appendix A* is amended by adding the following at the end thereof:

NUCLEAR ENERGY LIABILITY POLICY (FACILITY FORM)

WAIVER OF DEFENSES ENDORSEMENT

(*Extraordinary Nuclear Occurrence*)

The named insured, acting for himself and every other insured under the policy, and the members of _____ agree as follows:

1. With respect to any extraordinary nuclear occurrence to which the policy applies as proof of financial protection and which—

(a) Arises out of or results from or occurs in the course of the construction, possession, or operation of the facility, or

(b) Arises out of or results from or occurs in the course of the transportation of nuclear material to or from the facility,

the insureds and the companies agree to waive

(1) Any issue or defense as to the conduct of the claimant or the fault of the insureds, including, but not limited to:

(i) Negligence,

(ii) Contributory negligence,

(iii) Assumption of risk, and

(iv) Unforeseeable intervening causes, whether involving the conduct of a third person, an act of God, or the operation of a force of nature,

(2) Any issue or defense as to charitable or governmental immunity, and

(3) Any issue or defense based on any statute of limitations if suit is instituted within 3 years from the date on which the claimant first knew, or reasonably could have known, of his bodily injury or property damage and the cause thereof, but in no event more than 10 years after the date of the nuclear incident.

The waiver of any such issue or defense shall be effective regardless of whether such issue or defense may otherwise be deemed jurisdictional or relating to an element in the cause of action.

2. The waivers set forth in paragraph 1 above do not apply to—

(a) Bodily injury or property damage which is intentionally sustained by the claimant or which results from a nuclear incident intentionally and wrongfully caused by the claimant;

(b) Bodily injury sustained by any claimant who is employed at the site of and in connection with the activity where the extraordinary nuclear occurrence takes place if benefits therefor are either payable or required to be provided under any workmen's compensation or occupational disease law;

(c) Property damage sustained by any claimant which would not have resulted if the claimant's activities or operations had not been abnormally sensitive to the radioactive properties of nuclear material;

(d) Any claim for punitive or exemplary damages, provided, with respect to any claim for wrongful death under any State law which provides for damages only punitive in nature, this exclusion does not apply to the extent that the claimant has sustained actual damages, measured by the pecuniary injuries resulting from such death but not to exceed the maximum amount otherwise recoverable under such law.

3. The waivers set forth in paragraph 1 above shall be effective only with respect to bodily injury or property damage to which the policy applies under its terms other than this endorsement.

Such waivers shall not apply to, or prejudice the prosecution or defense of any claim or portion of claim which is not within the protection afforded under—

(1) The provisions of the policy applicable to the financial protection required of the named insured,

(2) The agreement of indemnification between the named insured and the Atomic Energy Commission made pursuant to section 170 of the Atomic Energy Act of 1954, as amended, and

(3) The limit of liability provisions of subsection 170e of the Atomic Energy Act of 1954, as amended.

Such waivers shall not preclude a defense based upon the failure of the claimant to take reasonable steps to mitigate damages.

4. Subject to all of the limitations stated in this endorsement and in the Atomic Energy Act of 1954, as amended, the waivers set forth in paragraph 1 above shall be judicially enforceable in accordance with their terms against any insured in an action to recover damages because of bodily injury or property damage to which the policy applies as proof of financial protection.

5. As used herein: "extraordinary nuclear occurrence" means an event which the Atomic Energy Commission has determined to be an extraordinary nuclear occurrence as defined in the Atomic Energy Act of 1954, as amended. "financial protection" and "nuclear incident" have the meanings given them in the Atomic Energy Act of 1954, as amended. "claimant" means the person or organization actually sustaining the bodily injury or property damage and also includes his assignees, legal representatives and other persons or organizations entitled to bring an action for damages on account of such injury or damage.

11. Paragraph 2 of Article I of § 140.92 *Appendix B* is amended by changing the words "paragraph 6, Article II," to read "paragraph 8, Article II,".

12. Subparagraph 3(a) and subparagraph 3(b) of Article I of § 140.92 *Appendix B* are each amended by inserting the words ", including an extraordinary nuclear occurrence," after the word "occurrence" the first time it appears in the subparagraph.

13. Article I of § 140.92 *Appendix B* is amended by renumbering present paragraphs 4 through 9 as paragraphs 5 through 10, respectively, and by adding a new paragraph 4 to read as follows:

4. "Extraordinary nuclear occurrence" means an event which the Commission has determined to be an extraordinary nuclear occurrence as defined in the Atomic Energy Act of 1954, as amended.

14. Paragraph 1 of Article II of § 140.92 *Appendix B* is amended by changing the words "subparagraph 4(b), Article I," to read "subparagraph 5(b), Article I,".

15. Article II of § 140.92 *Appendix B* is amended by renumbering present paragraphs 4 through 7 as paragraphs 6 through 9, respectively, and by adding new paragraphs 4 and 5 to read as follows:

4. With respect to any extraordinary nuclear occurrence to which this agreement applies, the Commission, and the licensee on behalf of itself and other persons indemnified, insofar as their interests appear, each agree to waive—

(a) Any issue or defense as to the conduct of the claimant or fault of persons indemnified, including, but not limited to—

(1) Negligence;

(2) Contributory negligence;

(3) Assumption of the risk;

(4) Unforeseeable, intervening causes, whether involving the conduct of a third person, an act of God, or the operation of a force of nature.

As used herein, "conduct of the claimant" includes conduct of persons through whom the claimant derives his cause of action;

(b) Any issue or defense as to charitable or governmental immunity;

(c) Any issue or defense based on any statute of limitations if suit is instituted within three years from the date on which the claimant first knew, or reasonably could have known, of his injury or damage and the cause thereof, but in no event more than 10 years after the date of the nuclear incident.

The waiver of any such issue or defense shall be effective regardless of whether such issue or defense may otherwise be deemed jurisdictional or relating to an element in the cause of action. The waivers shall be judicially enforceable in accordance with their terms by the claimant against the person indemnified.

5. The waivers set forth in paragraph 4 of this article—

(a) Shall not preclude a defense based upon a failure to take reasonable steps to mitigate damages;

(b) Shall not apply to injury or damage to a claimant or to a claimant's property which is intentionally sustained by the claimant or which results from a nuclear incident intentionally and wrongfully caused by the claimant;

(c) Shall not apply to injury to a claimant who is employed at the site of and in connection with the activity where the extraordinary nuclear occurrence takes place if benefits therefor are either payable or required to be provided under any workmen's compensation or occupational disease law;

(d) Shall not apply to damage to a claimant's property which would not have resulted if the claimant's activities or operations had not been abnormally sensitive to the radioactive properties of the radioactive material;

(e) Shall not apply to any claim for punitive or exemplary damages, provided, with respect to any claim for wrongful death under any State law which provides for damages only punitive in nature, this exclusion does not apply to the extent that the claimant has sustained actual damages, measured by the pecuniary injuries resulting from such death but not to exceed the maximum amount otherwise recoverable under such law;

(f) Shall be effective only with respect to those obligations set forth in this agreement;

(g) Shall not apply to, or prejudice the prosecution or defense of, any claim or portion of claim which is not within the protection afforded under (1) the limit of liability provisions under subsection 170e of the Atomic Energy Act of 1954, as amended, and (2) the terms of this agreement and the terms of the nuclear energy liability insurance policy or policies designated in the attachment hereto.

16. Subparagraph 8(d) of Article II of § 140.92 *Appendix B* is amended by changing the words "paragraph 6, Article II," in both places where they appear to read, "paragraph 8, Article II,".

17. Subparagraph 4(a) and subparagraph 4(b) of Article III of § 140.92 *Appendix B* are each amended by changing the word "Article" the first time it appears in the subparagraph to read "agreement".

18. Paragraph 7 of Article III of § 140.92 *Appendix B* is amended by changing the word "Article" to read "agreement".

19. Article VII of § 140.92 *Appendix B is amended* by changing the words "subparagraph 4(b), Article I" to read "subparagraph 5(b), Article I".

20. Subparagraph 3(a) and subparagraph 3(b) of Article I of § 140.93 *Appendix C* are each amended by inserting the words ", including an extraordinary nuclear occurrence," after the word "occurrence" the first time it appears in the subparagraph.

21. Article I of § 140.93 *Appendix C* is amended by renumbering present paragraphs 4 through 9 as paragraphs 5 through 10, respectively, and by adding a new paragraph 4 to read as follows:

4. "Extraordinary nuclear occurrence" means an event which the Commission has determined to be an extraordinary nuclear occurrence as defined in the Atomic Energy Act of 1954, as amended.

22. Article II of § 140.93 *Appendix C* is amended by renumbering present paragraphs 4 through 7 as paragraphs 6 through 9, respectively, and by adding new paragraphs 4 and 5 to read as follows:

4. With respect to any extraordinary nuclear occurrence to which this agreement applies, the Commission, and the licensee on behalf of itself and other persons indemnified, insofar as their interests appear, each agree to waive—

(a) Any issue or defense as to the conduct of the claimant or fault of persons indemnified, including, but not limited to—

(1) Negligence;

(2) Contributory negligence;

(3) Assumption of the risk;

(4) Unforseeable intervening causes, whether involving the conduct of a third person, an act of God, or the operation of a force of nature.

As used herein, "conduct of the claimant" includes conduct of persons through whom the claimant derives his cause of action;

(b) Any issue or defense as to charitable or governmental immunity;

(c) Any issue or defense based on any statute of limitations if suit is instituted within 3 years from the date on which the claimant first knew, or reasonably could have known, of his injury or damage and the cause thereof, but in no event more than 10 years after the date of the nuclear incident.

The waiver of any such issue or defense shall be effective regardless of whether such issue or defense may otherwise be deemed jurisdictional or relating to an element in the cause of action. The waivers shall be judicially enforceable in accordance with their terms by the claimant against the person indemnified.

5. The waivers set forth in paragraph 4 of this article—

(a) Shall not preclude a defense based upon a failure to take reasonable steps to mitigate damages;

(b) Shall not apply to injury or damage to a cliamant or to a claimant's property which is intentionally sustained by the claimant or which results from a nuclear incident intentionally and wrongfully caused by the claimant;

(c) Shall not apply to injury to a claimant who is employed at the site of and in connection with the activity where the extraordinary nuclear occurrence takes place if benefits therefor are either payable or required to be provided under any workmen's compensation or occupational disease law;

(d) Shall not apply to damage to a claimant's property which would not have resulted if the claimant's activities or operations had not been abnormally sensitive to the radioactive properties of the radioactive material;

(e) Shall not apply to any claim for punitive or exemplary damages, provided, with respect to any claim for wrongful death under any State law which provides for damages only punitive in nature, this exclusion does not apply to the extent that the claimant has sustained actual damages, measured by the pecuniary injuries resulting from such death but not to exceed the maximum amount otherwise recoverable under such law;

(f) Shall be effective only with respect to those obligations set forth in this agreement and in contracts or other proof of financial protection;

(g) Shall not apply to, or prejudice the prosecution or defense of, any claim or portion of claim which is not within the protection afforded under (1) the limit of liability provisions under subsection 170e of the Atomic Energy Act of 1954, as amended, and (2) the terms of this agreement and the terms of contracts or other proof of financial protection.

23. Subparagraph 4(a) and subparagraph 4(b) of Article III of § 140.93 *Appendix C* are each amended by changing the word "Article" the first time it appears in the subparagraph to read "agreement".

24. Paragraph 7 of Article III of § 140.93 *Appendix C* is amended by changing the word "Article" to read "agreement".

25. Article VII of § 140.93 *Appendix C* is amended by changing the words "subparagraph 4b, Article I" to read, "subparagraph 5(b), Article I".

26. Subparagraph 2(a) and subparagraph 2(b) of Article I of § 140.94 *Appendix D* are each amended by inserting the words ", including an extraordinary nuclear occurrence," after the word "occurrence" the first time it appears in the subparagraph.

27. Article I of § 140.94 *Appendix D* is amended by renumbering present paragraphs 3 through 8 as paragraphs 4 through 9, respectively, and by adding a new paragraph 3 to read as follows:

3. "Extraordinary nuclear occurrence" means an event which the Commission has determined to be an extraordinary nuclear occurrence as defined in the Atomic Energy Act of 1954, as amended.

28. Article II of § 140.94 *Appendix D* is amended by renumbering present paragraphs 4 through 7 as paragraphs 6 through 9, respectively, and by adding new paragraphs 4 and 5 to read as follows:

4. With respect to any extraordinary nuclear occurrence to which this agreement applies, the Commission, and the licensee on behalf of itself and other persons indemnified, insofar as their interests appear, each agree to waive—

(a) Any issue or defense as to the conduct of the claimant or fault of persons indemnified, including, but not limited to—

(1) Negligence;

(2) Contributory negligence;

(3) Assumption of the risk;

(4) Unforeseeable intervening causes, whether involving the conduct of a third person, an act of God, or the operation of a force of nature.

As used herein, "conduct of the claimant" includes conduct of persons through whom the claimant derives his cause of action;

(b) Any issue or defense as to charitable or governmental immunity;

(c) Any issue or defense based on any statute of limitations if suit is instituted within 3 years from the date on which the claimant first knew, or reasonably could have known, of his injury or damage and the cause thereof, but in no event more than 10 years after the date of the nuclear incident.

The waiver of any such issue or defense shall be effective regardless of whether such issue or defense may otherwise be deemed jurisdictional or relating to an element in the cause of action. The waivers shall be judicially enforceable in accordance with their terms by the claimant against the person indemnified.

5. The waivers set forth in paragraph 4 of this article—

(a) Shall not preclude a defense based upon a failure to take reasonable steps to mitigate damages;

(b) Shall not apply to injury or damage to a claimant or to a claimant's property which is intentionally sustained by the claimant or which results from a nuclear incident intentionally and wrongfully caused by the claimant;

(c) Shall not apply to injury to a claimant who is employed at the site of and in connection with the activity where the extraordinary nuclear occurrence takes place

if benefits therefor are either payable or required to be provided under any workmen's compensation or occupational disease law;

(d) Shall not apply to damage to a claimant's property which would not have resulted if the claimant's activities or operations had not been abnormally sensitive to the radioactive properties of the radioactive material;

(e) Shall not apply to any claim for punitive or exemplary damages, provided, with respect to any claim for wrongful death under any State law which provides for damages only punitive in nature, this exclusion does not apply to the extent that the claimant has sustained actual damages, measured by the pecuniary injuries resulting from such death but not to exceed the maximum amount otherwise recoverable under such law;

(f) Shall be effective only with respect to those obligations set forth in this agreement;

(g) Shall not apply to, or prejudice the prosecution or defense of, any claim or portion of claim which is not within the protection afforded under (1) the limit of liability provisions under subsection 170e, of the Atomic Energy Act of 1954, as amended, and (2) the terms of this agreement.

29. Article VI of § 140.94 *Appendix D* is amended by changing the words "subparagraph 3(b), Article I" to read, "subparagraph 4(b), Article I".

30. Subparagraph 2(a) and subparagraph 2(b) of Article I of § 140.95 *Appendix E* are each amended by inserting the words ", including an extraordinary nuclear occurrenc," after the word "occurrence" the first time it appears in the subparagraph.

31. Article I of § 140.95 *Appendix E* is amended by renumbering present paragraphs 3 through 8 as paragraphs 4 through 9, respectively, and by adding a new paragraph 3 to read as follows:

3. "Extraordinary nuclear occurrence" means an event which the Commission has determined to be an extraordinary nuclear occurrence as defined in the Atomic Energy Act of 1954, as amended.

32. Article II of § 140.95 *Appendix E* is amended by designating the present paragraph thereof as paragraph 1 and by adding new paragraphs 2 and 3 to read as follows:

2. With respect to any extraordinary nuclear occurrence to which this agreement applies, the Commission, and the licensee on behalf of itself and other persons indemnified, insofar as their interests appear, each agree to waive—

(a) Any issue or defense as to the conduct of the claimant or fault of persons indemnified, including, but not limited to—

(1) Negligence;

(2) Contributory negligence;

(3) Assumption of the risk;

(4) Unforeseeable intervening causes, whether involving the conduct of a third person, an act of God, or the operation of a force of nature.

As used herein, "conduct of the claimant" includes conduct of persons through whom the claimant derives his cause of action;

(b) Any issue or defense as to charitable or governmental immunity;

(c) Any issue or defense based on any statute of limitations if suit is instituted within 3 years from the date on which the claimant first knew, or reasonably could have known, of his injury or damage and the cause thereof, but in no event more than 10 years after the date of the nuclear incident.

The waiver of any such issue or defense shall be effective regardless of whether such issue or defense may otherwise be deemed jurisdictional or relating to an element in the cause of action. The waivers shall be judicially enforceable in accordance with their terms by the claimant against the person indemnified.

3. The waivers set forth in paragraph 2 of this article—

(a) Shall not preclude a defense based upon a failure to take reasonable steps to mitigate damages;

(b) Shall not apply to injury or damage to a claimant or to a claimant's property which is intentionally sustained by the claimant or which results from a nuclear incident intentionally and wrongfully caused by the claimant;

(c) Shall not apply to injury to a claimant who is employed at the site of and in connection with the activity where the extraordinary nuclear occurrence takes place if benefits therefor are either payable or required to be provided under any workmen's compensation or occupational disease law;

(d) Shall not apply to damage to a claimant's property which would not have resulted if the claimant's activities or operations had not been abnormally sensitive to the radioactive properties of the radioactive material;

(e) Shall not apply to any claim for punitive or exemplary damages, provided, with respect to any claim for wrongful death under any State law which provides for damages only punitive in nature, this exclusion does not apply to the extent that the claimant has sustained actual damages, measured by the pecuniary injuries resulting from such death but not to exceed the maximum amount otherwise recoverable under such law;

(f) Shall be effective only with respect to those obligations set forth in this agreement;

(g) Shall not apply to, or prejudice the prosecution or defense of, any claim or portion of claim which is not within the protection afforded under (1) the limit of liability provisions under subsection 170e of the Atomic Energy Act of 1954, as amended, and (2) the terms of this agreement.

33. Subparagraph 4(a) and subparagraph 4(b) of Article III of § 140.95 *Appendix E* are each amended by changing the word "Article" the first time it appears in the subparagraph to read "agreement".

34. Paragraph 8 of Article III of § 140.95 *Appendix E* is amended by changing the word "Article" to read "agreement".

35. Article VII of § 140.95 *Appendix E* is amended by changing the words "subparagraph 3(b), Article I" to read "subparagraph 4(b), Article I".

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201; sec. 170, 71 Stat. 576; 42 U.S.C. 2210)

Dated at Washington, D.C., this 30th day of April 1968.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

[F.R. Doc. 68-5515; Filed, May 8, 1968; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[Docket No. 19870]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Equity Method of Accounting for Investments in Subsidiary Companies

MAY 6, 1968.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment to Part 241 of the economic regulations which would adopt the equity method of accounting for investments in subsidiary companies (those in which the reporting air carrier owns more than 50 percent of the voting capital stock). The principal features of the proposed amendment are described in the attached explanatory statement, and the proposed amendment is set out in the attached proposed rule. The amendment is proposed under authority of sections 204(a) and 407 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 766; 49 U.S.C. 1324, 1377).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before June 10, 1968, will be considered by the Board before taking action on the proposal. Copies of communications will be available for examination by interested persons in the Docket Section, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. The expansion and realignment of business units that have been taking place in recent periods have had a direct impact on accounting principles and practices extending to the presentation of financial position and operating results of parent and subsidiary companies. This development has been noted particularly with respect to the method of reporting the parent company's investments in unconsolidated subsidiaries in the preparation of consolidated statements.

Heretofore, both the cost and equity methods were recognized as acceptable bases in reporting investments in unconsolidated subsidiaries in consolidated statements, although in the Board's Uniform System of Accounts only the cost method has been prescribed. The cost method recognizes that parent and subsidiary are separate legal entities and, therefore, the parent company records the original cost of its investment in the subsidiary without regard to subsequent increases or decreases in subsidiary capital as a result of earnings or losses. The

equity method, on the other hand, assumes that parent and subsidiary are a single economic unit and calls for the parent company to record its initial investment at cost with subsequent adjustments of the investment account for changes in the net assets of the subsidiary company. The equity method has gained significance in recent periods and has become widely accepted in practice. The preference for its use in presenting investments in unconsolidated subsidiaries in consolidated statements is based on the rationale that it establishes proper asset valuation, properly states income, best portrays a parent-subsidiary relationship, and is a method consistent with the single-economic-entity assumption underlying a consolidated statement. The Board believes this position is based on sound accounting principles. Therefore, in keeping with its policy that the Uniform System of Accounts should be maintained as closely in line with generally accepted accounting principles as the regulatory needs of the Board will permit, the Board proposes to incorporate the equity method in the accounting regulations.

Although the development described above relates solely to the use of the equity method in showing investments in unconsolidated subsidiaries in consolidated statements, there appears to be no cogent explanation why the issues of proper asset valuation and income determination do not apply equally to the amounts which would appear on the books and unconsolidated statements of the parent company. Consequently, the Board proposes to adopt amendments to its Uniform System of Accounts to prescribe the use of the equity method not only for the reporting of investments in unconsolidated subsidiaries in consolidated statements, but also for the accounting of such investments on the books and the showing of them on unconsolidated statements of the parent company.

The proposal provides, in general, that (1) investments in associated companies in which the air carrier holds in excess of 50 percent of the voting capital stock shall be recorded at cost plus income from the equity in undistributed earnings or losses since acquisition, and (2) investments in associated companies in which the air carrier holds 50 percent or less of the voting capital stock shall be recorded at cost at date of acquisition without regard to subsequent fluctuations in market value of the investment or changes in the net assets through earnings or losses. This proposal, nevertheless, would continue to recognize the regulatory significance of the cost method and, in fact, would continue to require the identification of the cost of such investments on reporting schedules so the information will be available.

Finally, the initial conversion from cost to the equity method represents a change in accounting principles in accounting for investments in subsidiary companies. This change may call for special accounting procedures to reflect the net change in the parent's equity in the subsidiary since acquisition. Under the Uniform System of Accounts such change as related to prior years would, if material, be properly accounted for as a special item, measured by the difference between the original cost of the investment and the parent's current equity in the subsidiary. This change in methods would be explained on Schedule P–2—Notes to Income Statement and cross-referenced to Schedule B–2—Notes to Balance Sheet. The explanation would include disclosure of the equity in undistributed earnings or losses since acquisition to the date of the change in accounting methods. Thereafter, disclosure on Schedule P–2 would include the following elements: (1) The cost of such investments at date of acquisition, (2) the equity in net earnings or losses for the current period, and (3) dividends declared in the current period.

An effective date of April 1, 1968, is proposed. Reports for the second quarter will not be due until August 10, 1968; this should afford ample time for effecting the changeover from the cost to the equity method.

Proposed Rule. Accordingly, it is proposed to amend Part 241 of the economic regulations (14 CFR Part 241) in the following respects:

1. Amend Section 03—Glossary by adding a new definition, immediately following "Stops, technical," to read:

Subisidiary company—A company in which the accounting air carrier holds in excess of 50 percent of the voting capital stock. Subsidiary companies shall also be regarded as associated companies for purposes of this system of accounts. (See also Associated company.)

2. Amend Section 2—General Accounting Policies by revising paragraph (a) of Section 2–12 to read:

Sec. 2–12 Acquisition and valuation of assets.

(a) As a general rule, all assets shall be recorded at cost to the air carrier and shall not be adjusted to reflect changes in market value. Exceptions to this rule shall be limited to the following items: (1) Investments in subsidiary companies (as that term is defined in Section 03) shall be recorded at cost plus the equity in the undistributed earnings or losses of such companies since acquisition (investments in associated or other companies in which the air carrier holds 50 percent or less of the voting capital stock shall be recorded at cost); and (2) spare parts and materials of a class for which the accrual of reserves for loss in value may not be feasible, which have been expensed from current inventories and are recovered, may be returned to inventory at estimated value with contra credit to the expense accounts initially charged. The cost (as defined in section 03, "Cost") to be recorded shall represent the cash price of the asset acquired unless otherwise specifically provided in paragraphs (b) and (c) of this section. When the consideration given for property is other than cash, the value of such consideration shall be determined on a cash basis, in accordance with the following provisions.

* * * * *

3. Amend section 3 by revising the list of accounts under "Investments and special funds" to read:

Section 3—Chart of Balance Sheet Accounts

Name of account	*General classification*
* * * *	*
Investments and special funds:	
Investments in associated companies	1510
Investments in subsidiary companies	1510.1
Investments in other associated companies	1510.2
Advances to nontransport divisions	1520
Other investments and receivables	1530
Special funds—self insurance	1540
Special funds—other	1550
* * * *	*

4. Amend Section 5—Balance Sheet Account Groupings by revising paragraph (b) of section 5–2 to read:

Sec. 5–2 Investments and special funds.

* * * * *

(b) Investments in associated companies in which the carrier owns 50 percent or less of the voting capital stock and investments in other than associated companies shall be recorded at cost, without regard to subsequent changes in the market value of the investment or changes in the net assets through earnings or losses of associated companies. Investments in subsidiary companies (as that term is defined in section 03) shall be recorded at cost plus the equity in undistributed earnings or losses since acquisition. (See sections 21(j) and 31(i).)

* * * * *

5. Amend Section 6—Objective Classification of Balance Sheet Elements by designating the unnumbered paragraph under account 1510 as paragraph (a) and adding new paragraph (b), the revised text reading as follows:

1510 Investments in Associated Companies.

(a) Record here net investments in associated companies together with advances, loans, and other amounts not settled currently. Balances receivable from and payable to different associated companies shall not be offset.

(b) This account shall be subdivided by all air carrier groups as follows:

1510.1 Investments in Subsidiary Companies.

(a) Record here the cost of investments in subsidiary companies (as that term is defined in section 03) plus the equity in undistributed earnings or losses since acquisition. In the event

dividends are declared by such companies, the air carrier shall credit this account for its share in dividends declared and debit balance sheet account 1250 Notes and Accounts Receivable-Associated Companies. This account shall separately state: (1) The cost of such investments at date of acquisition and (2) the equity in undistributed earnings or losses since acquisition. Such accounting method shall not apply to investments in foreign associated companies, or investments in wholly owned subsidiary companies which perform services related to the transport operations of the air carrier. (See sections 21(j) and 31(i).)

1510.2 Investments in Other Associated Companies.

Record here the cost of investments in associated companies (as that term is defined in section 03) other than subsidiary companies. Cost shall represent the amount paid at date of acquisition without regard to subsequent changes in the net assets through earnings or losses of such associated companies.

6. Amend section 7 by revising account 84 Dividend Income, listed under "Nonoperating Income and Expenses", to read:

Section 7—Chart of Profit and Loss Accounts

Objective classification of profit and loss elements	Functional or financial activity to which applicable (00)		
	Group I carriers	Group II carriers	Group III carriers
NONOPERATING INCOME AND EXPENSES			
* * *	* * *	* * *	* * *
84 Income from subsidiary companies and dividend income			
84.1 Income from subsidiary companies	81	81	81.
84.2 Dividend income—other than subsidiary companies	81	81	81.
* * *	* * *	* * *	* * *

7. Amend Section 14—Objective Classification—Nonoperating Income and Expense, by revising the title and text for account 84 to read as follows:

84 Income from Subsidiary Companies and Dividend Income.

(a) Record here income from the equity in net earnings or losses of subsidiary companies and income arising out of dividends declared on stocks of companies in which the air carrier owns 50 percent or less of the voting capital stock. Dividends on capital stock issued by the air carrier and subsequently reacquired shall not be included in this account.

(b) This account shall be subdivided as follows by all carrier groups:

84.1 Income from Subsidiary Companies.

Record here the equity in the current earnings or losses of subsidiary companies. Dividends declared on the stock of such companies shall not be included in this account as income, but entered in balance sheet subaccount 1510.1 Investments in Subsidiary Companies, as a return of investment. The foregoing instructions shall not apply to investments in foreign associated companies, or investments in wholly owned subsidiary companies which perform services related to the transport operations of the air carrier. (See sections 21(j) and 31(i).)

84.2 Dividend Income—Other than Subsidiary Companies.

Record here income from dividends declared on stocks of companies in which the air carrier owns 50 percent or less of the voting capital stock. Dividends declared on stock of subsidiary companies shall not be included in this account but in balance sheet subaccount 1510.1 Investments in Subsidiary Companies.

8. Amend Section 22—General Reporting Instructions by revising the title of Schedule B–4 in the list of report schedules in paragraph (a), so that the list in pertinent part reads:

Schedule No.	Description	Filing	
		Frequency	Postmark interval (days)
* * *	* * *	* * *	* * *
B–3	Paid-in Capital; Self-Insurance Reserves and Appropriations of Retained Earnings; Deferred Income Taxes.	Quarterly	40
B–4	Reserve for Uncollectible Accounts; Accounts with Subsidiaries, Other Associated Companies and Nontransport Divisions.	do	40
B–5	Property and Equipment	do	40
* * *	* * *	* * *	* * *

9. Amend Section 23—Certification and Balance Sheet Elements as follows:

A. Revise the title and paragraph (c) of the reporting instructions for Schedule B–4 and add paragraphs (d) and (e), to read as follows:

Schedule B–4—Reserve for Uncollectible Accounts; Accounts With Subsidiaries, Other Associated Companies and Nontransport Divisions.

* * * * *

(c) In the "Accounts With Subsidiaries, Other Associated Companies and Nontransport Divisions" section of this schedule, Column 1 shall list the name of each associated company and describe each nontransport division. Associated companies shall be separately grouped and subtotaled according to those in which the air carrier holds in excess of 50 percent of the voting capital stock and those in which the air carrier holds 50 percent or less of the voting capital stock. The respective groups shall be captioned "Subsidiaries" and "Other Associated Companies."

(d) Column 4 "Investments at Cost" shall reflect the cost to the air carrier at date of acquisition of investments in associated companies. The cost of investments in subsidiary companies, plus the equity in undistributed earnings or losses since acquisition reflected in column 5, "Equity in Undistributed Earnings," shall agree in aggregate with the corresponding amounts in balance sheet subaccount 1510.1 Investments in Subsidiary Companies. The cost of investments in other associated companies shall agree with the corresponding amounts in balance sheet subaccount 1510.2 Investments in Other Associated Companies.

(e) Column 5 "Equity in Undistributed Earnings" shall reflect the equity in undistributed earnings or losses since acquisition of subsidiary companies.

B. Amend the reporting instructions for Schedule B–41 by redesignating paragraphs (e) through (g) as paragraphs (f) through (h), inserting new paragraph (e), and revising paragraph (b) and redesignated paragraphs (f) and (g), so that the text reads:

Schedule B–41—Investments Held by, or for the Account of, Respondent

(a) This schedule shall be filed by all route air carriers.

(b) The data shall be grouped and separately subtotaled according to: (1) Investments in subsidiary companies; (2) investments in other associated companies and investments in other than associated companies; and (3) notes and accounts receivable due to the air carrier 1 year beyond the date of the report.

(c) Column 1 shall reflect the name of each associated company, and each other issuer of securities held by the air carrier. This column shall also reflect the name of each company from which noncurrent notes and accounts receivable are due to the air carrier.

(d) Column 2 shall reflect the type of security, such as stocks, bonds, notes, etc., with respect to investments, and the words "a/c rec." or "notes rec.", as appropriate, with respect to noncurrent receivables.

(e) Column 3 shall reflect the words "yes" for investments held in the name of the air carrier and "no" for investments held in the name of others for the account of the air carrier.

(f) Column 4 "Cost" shall reflect the cost of the investments to the carrier. The cost of investments in subsidiary companies, plus the equity in undistributed earnings or losses since acquisition reflected in column 5, "Equity or Book

Value", shall agree in aggregate with the corresponding amounts in balance sheet subaccount 1510.1 Investments in Subsidiary Companies. The cost of investments in other associated companies and investments in other than associated companies shall agree in total with corresponding amounts reflected in balance sheet accounts 1510.2 Investments in Other Associated Companies and 1530 Other Investments and Receivables, respectively.

(g) Column 5 "Equity or Book Value" shall reflect the equity in undistributed earnings or losses of subsidiary companies since acquisition, or the book value of investments in other associated companies and other than associated companies as of the date of this schedule. This column does not apply to investments in industry-owned service organizations which operate on a nonprofit basis.

(h) Column 6 "Number of Shares or Debt Principal Amount" shall reflect the number of shares of stock or the principal amount of bonds or notes held by the air carrier.

10. Amend Section 24—Profit and Loss Elements by adding a new paragraph (f) to the reporting instructions for Schedule P–2 to read:

Schedule P–2—Notes to Income Statement

* * * * *

(f) The conversion from the cost method to the equity method of carrying investments in subsidiary companies shall be explained on this schedule and cross-referenced to Schedule B–2—Notes to Balance Sheet. Such explanation shall include disclosure of the equity in undistributed earnings or losses since acquisition to the date of the change in accounting methods. Thereafter, disclosure shall include the following elements: (1) The cost of such investments at date of acquisition; (2) the equity in net earnings or losses for the current period; and (3) dividends declared in the current period. The net of these latter two amounts shall agree with the net increase or decrease reported in balance sheet subaccount 1510.1 Investments in Subsidiary Companies for the period then ended.

11. Similar amendments will be made to sections 33 and 34 with respect to Schedules B–41 and P–2 as they pertain to supplemental air carriers.

12. Amend the following schedules of CAB Form 41 as shown on the respective attached exhibits, which are incorporated herein by reference:

A. Amend schedule B–1 by adding subaccounts 1510.1 and 1510.2 to the section "Investments and Special Funds", as shown in Exhibit A.[1]

B. Amend schedule B–4 by adding a new column (5) "1510—Equity in Undistributed Earnings", changing heading of column (4) to "1510—Investments at Cost" and separating subsidiary companies from other associated companies, as shown in Exhibit B.[1]

C. Amend schedule B–41 by changing heading of column (5) to read "Equity or Book Value", as shown in Exhibit C.[1]

D. Amend schedule P–3 by adding subaccounts 84.1 and 84.2 in the "Nonoperating Income and Expense—Net" section thereof, as shown in Exhibit D.[1]

[F.R. Doc. 68–5554; Filed, May 8, 1968; 8:48 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. R–338]

PIPELINE COSTS ALLOCABLE TO THE TRANSPORTATION OF LIQUIDS, LIQUEFIABLE HYDROCARBONS, ETC., FOR OTHERS

Notice of Further Extension of Time, Comments, Data, and Views

APRIL 30, 1968.

On April 26, 1968, the Independent Natural Gas Association of America filed a request for a further extension of time to May 10, 1968, within which to file data, views, and comments in the above-designated matter.

Notice is hereby given that the time is extended to and including May 10, 1968, within which any interested party may file data, views, and comments in writing in the above-designated matter.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68–5523; Filed, May 8, 1968; 8:45 a.m.]

[1] Filed as part of the original document.

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 68-127]

ARTIFICIAL GRAPES

Classification

MAY 2, 1968.

Decision in C.D. 3307, classifying certain alabaster grapes under paragraph 233, Tariff Act of 1930, as modified, as articles wholly or partly manufactured of alabaster, limited.

In Robaire Import Company v. United States, C.D. 3307 (decided Feb. 26, 1968), the U.S. Customs Court held that certain alabaster circular articles of various sizes, colors, and hues, assembled in clusters on a short stick, were properly classifiable under paragraph 233, Tariff Act of 1930, as modified, as articles wholly or partly manufactured of alabaster. It concluded that they did not sufficiently resemble natural grapes because of their size, color, and texture.

Inasmuch as evidence which was not presented to the court in that case appears to be available in support of the Government's position, it is intended to seek a retrial of the issues. Accordingly, pending a new ruling by the court, the decision in C.D. 3307 shall be limited to the merchandise which was the subject of that case.

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

[F.R. Doc. 68-5559; Filed, May 8, 1968; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

SANTA YNEZ RESERVATION, CALIF.

Ordinance Legalizing the Introduction, Sale or Possession of Intoxicants

In accordance with authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2, and in accordance with the Act of August 15, 1953, Public Law 277, 83d Congress, 1st Session (67 Stat. 586), I certify that the following ordinance relating to the application of the Federal Indian liquor laws on the Santa Ynez Indian Reservation, Calif., was adopted on March 24, 1968, as a result of an election of the adult members of the tribe, which has jurisdiction over the area of Indian country included in the ordinance, reading as follows:

Whereas, Public Law 277, 83d Congress, approved August 15, 1953, provides that sections 1154, 1156, 3113, 3488, and 3618 of title 18, United States Code, commonly referred to as the Federal Indian Liquor Laws, shall not apply to any act or transaction within any area of Indian country provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER.

Therefore, Be it resolved that the introduction, sale or possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Santa Ynez Band, provided that such introduction, sale, or possession is in conformity with the laws of California.

Be it further resolved that any tribal law, resolutions, or ordinances heretofore enacted which prohibit the sale, introduction, or possession of intoxicating beverages are hereby repealed.

T. W. TAYLOR,
Acting Commissioner of Indian Affairs.

MAY 3, 1968.

[F.R. Doc. 68-5534; Filed, May 8, 1968; 8:46 a.m.]

Bureau of Land Management

[Serial No. I-1966]

IDAHO

Order Providing for Opening of Public Lands

Correction

In F.R. Doc. 68-4945 appearing at page 6305 in the issue of Thursday, April 25, 1968, the third line of the second column should read "Sec. 1, NW¼SE¼."

[F-508]

ALASKA

Notice of Proposed Classification of Lands for Multiple-Use Management

MAY 2, 1968.

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411-18) and to the regulations in 43 CFR, Parts 2410 and 2411, it is proposed to classify for multiple-use management, all of the public lands in the area described below.

Publication of this notice has the effect of segregating lands from appropriation only under the settlement laws (48 U.S.C. 355, 357-357b, 371-380a, 461), except as provided in paragraphs 3 and 4. As used herein "public lands" means any lands which are not withdrawn or reserved for a Federal use or purpose.

2. The public domain lands affected are located in the Kobuk River Valley and include Ambler, Shungnak, and Kobuk villages.

The lands proposed to be classified are described as follows and are shown on maps on file in the Fairbanks District and Land Office, 516 Second Avenue, Fairbanks, Alaska, and the State Office, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska.

KATEEL RIVER MERIDIAN

Protracted townships as follows:

T. 17 N., Rs. 5 E. through 11 E.
T. 18 N., Rs. 5 E. through 11 E.
T. 19 N., Rs. 2 E. through 11 E.
T. 20 N., Rs. 2 E. through 11 E.
T. 21 N., Rs. 2 E. through 8 E.
T. 22 N., Rs. 2 E. through 4 E.

The lands described aggregate approximately 1,013,760 acres.

3. The public lands in the following described areas shall remain open to settlement by natives of Alaska and to appropriation under the Native Allotment Act of 1906, as amended (48 U.S.C. 357, 357a, 357b), and to general settlement and appropriation for Homesites under the act of May 26, 1934 (48 U.S.C. 461).

All public lands within 1 statute mile of the main stream or channels of the Kobuk River downstream and west of Ferguson Peak and Kalla site, or west of 156°37'30" W., and:

All public lands within 1 statute mile of the Ambler River from its confluence with the Kobuk River upstream to the point of confluence of the Redstone River, except:

a. A tract at the confluence of the Kobuk and Ambler Rivers described as follows:

Beginning at a point on the north and right bank of the Kobuk River, said point found at latitude 67°05'08" N., longitude 157°46'45". Said point further found on a bearing of S. 78°20' W. and a distance of 6.63 miles from VABM AMBLER (1557). From the point of beginning, by metes and bounds: N. 40° E., 60 Chains; N. 50° W., 66 chains to a point on the east and left bank of the Ambler River; southerly and downstream along the east and left bank of the Ambler River, continuing southerly along the east and left bank of the east dividing channel of the Ambler River to the point of confluence with the Kobuk River; continuing southeasterly and upstream along the north and right bank of the Kobuk River, approximately 130 chains to the point of beginning.

The tract described contains approximately 390 acres.

b. A tract on the Kobuk River approximately 3 miles upstream from the confluence of the Kobuk and Ambler Rivers, described as follows:

Beginning at a point on the north and right bank of the Kobuk River, said point found at latitude 67°03'27" N., longitude 157°46'12" W. Said point further found on a bearing of S. 62°30' W. and a distance of 7.04 miles from VABM AMBLER (1557). From the point of beginning, by metes and bounds: north, 30 chains; east, 55 chains; south, 45 chains; west, 38 chains to a point of the north and right bank of the Kobuk River; westerly and downstream along the north and right bank of the Kobuk River omitting any sloughs, 24 chains to the point of beginning.

The tract described contains approximately 230 acres.

c. A tract at Onion Portage described as follows:

Beginning at a point on the north bank of the Kobuk River, said point at latitude 67°06'10" N., longitude 158°16'52" W., thence N., 45° W., 48 chains; N. 60° E., 200 chains; S. 65° E., 224 chains; S. 45° W., 68

chains; westerly along the north bank of the Kobuk River, 4.15 miles to the point of beginning.

The tract described contains approxiately 3,400 acres.

d. A tract approximately 2.50 miles downstream from the village of Kobuk, described as follows:

Beginning at a point on the north bank of the Kobuk River, said point found at latitude 66°55'00" N., longitude 156°56'50" W. Said point further found on a bearing of N. 72°30' W. and a distance of 1.95 miles from the school house at the village of Kobuk. From the point of beginning, by metes and bounds: N. 45° E., 30 chains; S. 45° E., 30 chains; S. 45° W., 30 chains; northwesterly and downstream along the right (north) bank of the Kobuk River to the point of beginning.

The tract described contains approximately 90 acres.

4. The following described public lands are further segregated from location under the mining laws (30 U.S.C. Ch. 2) and from disposals under the materials disposal laws (30 U.S.C. 601–2).

a. A tract near Dahl Creek described as follows: Beginning at a point which bears N. 25°10'00" E., at a distance of 227 chains from the schoolhouse at the village of Kobuk, said point further found at latitude 66°56'-43" N., longitude 156°55'30" W. From the point of beginning by metes and bounds: N. 78°28' W., 75 chains; N. 11°32' E., 65 chains; S. 78°28' E., 185 chains; S. 11°32' W., 50 chains; N. 78°28' W., 110 chains; S. 11°32' W., 15 chains to the point of beginning.

The tract described contains approximately 1,035 acres.

b. The tracts described under a, b, c, and d in foregoing paragraph 3.

5. All persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Fairbanks District Manager, Bureau of Land Management.

6. Public hearings will be held at Fairbanks and Kotzebue, Alaska, on dates to be announced.

BURTON W. SILCOCK,
State Director.

[F.R. Doc. 68–5535; Filed, May 8, 1968; 8:46 a.m.]

[A 1824]

ARIZONA

Notice of Classification of Public Lands for Multiple-Use Management

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1412), the public lands described below are classified for multiple-use management. Publication of this notice has the effect of segregating the described land from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9, 25 U.S.C. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171), from state exchange (43 U.S.C. 315g(c)) and from the operation of the mining laws. As used in this order, the term "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The land is located at the north limits of the city of Phoenix, Ariz. The tract has nearly level terrain and public road frontage. It could be developed for a variety of public or private uses.

3. The public land affected by this classification is shown on maps on file and available for inspection in the District Office and in the Land Office Bureau of Land Management, Federal Building, 230 North First Avenue, Phoenix, Ariz.

4. The notice of proposed classification was published in 33 F.R. 3145–3146 of February 17, 1968. No changes have been made, and no protests have been received.

5. The land involved is located in Maricopa County and is described as follows:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 3 N., R. 3 E.,
Sec. 26, that portion of M.S. 4437 in the S½.

The land described aggregates 18.852 acres of public land.

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

RILEY E. FOREMAN,
Acting State Director.

MAY 2, 1968.

[F.R. Doc. 68–5536; Filed, May 8, 1968; 8:46 a.m.]

[A 1339]

ARIZONA

Notice of Classification of Public Lands for State Indemnity Lieu Selection

1. Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR, Parts 2410 and 2411, notice is hereby given of the classification of the public lands described below for transfer to the State of Arizona on Indemnity Lieu Selection. Publication of this notice has the effect of segregating the described lands from all forms of appropriation under the public land laws except for State Indemnity Lieu Selections, and from appropriation under the mining laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. Information concerning these lands and the proposed disposition may be received by inquiry or inspection of data in the Phoenix District Office, Bureau of Land Management, and Land Office, Bureau of Land Management, Federal Building, Phoenix, Ariz.

3. The notice of proposed classification was published in 33 F.R. 3287 of February 22, 1968. No changes have been made, and no protests have been received.

4. The public lands involved are located in Navajo County and are described as follows:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 14 N., R. 21 E.,
Sec. 12;
Sec. 14, E½.
T. 15 N., R. 16 E.,
Sec. 4, lots 1 to 12 inclusive, S½;
Secs. 8, 10, and 14;
Sec. 18, lots 1 to 4 inclusive, E½W½, E½;
Secs. 26 and 28;
Sec. 30, lots 1 to 4 inclusive, E½W½, E½.
T. 15 N., R. 17 E.,
Secs. 26 and 28;
Sec. 30, lots 1 to 4 inclusive, E½W½, E½.
T. 15 N., R. 18 E.
Sec. 28.
T. 15 N., R. 21 E.,
Sec. 10, E½;
Sec. 14;
Sec. 22, E½E½.
T. 16 N., R. 21 E.,
Sec. 4, lots 1 to 4 inclusive, S½N½, S½;
Secs. 10, 22, and 34.
T. 17 N., R. 21 E.,
Sec. 18, E½;
Secs. 20, 22, 26, 28, and 34.

This includes 16,040.88 acres of public lands.

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

RILEY E. FOREMAN,
Acting State Director.

MAY 2, 1968.

[F.R. Doc. 68–5537; Filed, May 8, 1968; 8:46 a.m.]

[Serial No. I–2205]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

APRIL 30, 1968.

The Corps of Engineers, Department of the Army has filed an application, Serial No. I–2205, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), mineral leasing laws and the grazing of livestock, except for an annual 45-day period, subject to valid existing rights.

The applicant desires the land for use by the Department of the Air Force as a range approach corridor in connection with expansion of the Saylor Creek AF Range.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned

officer of the Bureau of Land Management, Department of the Interior, Room 334, Federal Building, 550 West Fort Street, Boise, Idaho 83702.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of the Army, Corps of Engineers.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in this application are:

BOISE MERIDIAN, IDAHO

T. 9 S., R. 7 E.,
Sec. 24, E½;
Sec. 25, E½.
T. 9 S., R. 8 E.,
Sec. 19;
Sec. 20, W½;
Sec. 29, W½;
Secs. 30 and 31;
Sec. 32, W½.

The area described aggregates 3,470.28 acres in Owyhee County, Idaho.

EUGENE E. BABIN,
Acting Manager, Land Office.

[F.R. Doc. 68-5538; Filed, May 8, 1968; 8:47 a.m.]

[New Mexico 4380]

NEW MEXICO

Notice of Classification of Public Lands for Multiple-Use Management

MAY 3, 1968.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR, Parts 2410 and 2411, the public lands within the area described below are hereby classified for multiple-use management. Publication of this notice segregates the lands from appropriation under all the public land laws, including the mining and mineral leasing laws. They shall remain open to grazing, preservation of wildlife habitat, scientific study and hunting under the New Mexico State game laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. No adverse comments were received following publication of a notice of proposed classification (33 F.R. 1212), or at the public hearing at Lordsburg, New Mexico, which was held on March 6, 1968. The record showing the comments received and other information is on file and can be examined in the Las Cruces District Office, 1705 North Seventh Street, Las Cruces, N. Mex., or in the New Mexico Land Office, U.S. Post Office and Federal Building, Santa Fe, N. Mex. The public lands affected by this classification are located within the following described area:

NEW MEXICO PRINCIPAL MERIDIAN

T. 34 S., R. 21 W.,
Sec. 4, lot 4, SW¼NW¼, and W½SW¼;
Sec. 5, lots 1, 2, 3, 4, S½N½, and S½;
Sec. 7, E½;
Sec. 8;
Sec. 9, NW¼NW¼;
Sec. 17, N½NW¼, and SW¼NW¼.
T. 34 S., R. 22 W.,
Sec. 11, lots 1, 2, 3, 4, and N½NE¼;
Sec. 12;
Sec. 14, lots 1, 2, 3, 4, S½NE¼, and SE¼;
Sec. 23, lots 1, 2, 3, 4, and N½NE¼;
Sec. 24, lots 1, 2, 3, 4, and N½N½.

The area described aggregates 3,618.65 acres.

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

MORRIS A. TROGSTAD,
Acting State Director.

[F.R. Doc. 68-5539; Filed, May 8, 1968; 8:47 a.m.]

[Wyoming 7555]

WYOMING

Notice of Offering of Land for Sale

MAY 2, 1968.

Notice is hereby given that, under the provisions of the Act of September 19, 1964 (78 Stat. 988), and pursuant to an application from the town of Green River, Wyo., the Secretary of the Interior will offer for sale the following listed lands:

SIXTH PRINCIPAL MERIDIAN

T. 19 N., R. 109 W.,
Sec. 30, SE¼NE¼SE¼, E½SW¼NE¼SE¼, E½E½SW¼SE¼, E½W½E½SW¼SE¼, and SE¼SE¼.

The areas described aggregate 70 acres in Sweetwater County.

The lands are chiefly valuable for industrial site development in connection with the extraction and processing of trona. The tract is included within the boundaries of an Industrial (I) District wherein any industrial or manufacturing operation, including processing, refining, and other treatment of mineral resources produced from mines or wells is permitted.

The land is located approximately 15 miles west of Green River, Wyo.

It is the intention of the Secretary to enter into an agreement with the town of Green River to permit the town to purchase the land at the appraised market value.

Patent to the land issued under the Act of September 19, 1964, supra, shall contain a reservation to the United States of rights-of-way for ditches and canals under the Act of August 30, 1890 (43 U.S.C. sec. 945), and of all mineral deposits. A right shall also be reserved to the United States, its grantees, or lessees for access over and across the lands for purposes of mineral development.

ED PIERSON,
State Director.

[F.R. Doc. 68-5540; Filed, May 8, 1968; 8:47 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

MAY 2, 1968.

The Corps of Engineers, Sacramento District, Department of the Army, Sacramento, Calif., has filed an application, serial No. S 1491 for the withdrawal of land described below, from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2) and the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for use in connection with the construction, operation, and maintenance of the New Melones Reservoir on the Stanislaus River, a tributary of the San Joaquin River in Calaveras and Tuolumne Counties. The New Melones Reservoir will be operated in the interests of flood control, power generation, irrigation, fishery and wildlife enhancement, water quality control, and recreation.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their view in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Mall, Sacramento, Calif. 95814.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent

management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

T. 1 N., R. 13 E.,
Sec. 1, lots 1 to 5, inclusive, S½NE¼, SE¼NW¼, E½SW¼, W½SE¼, and NE¼SE¼;
Sec. 2, lots 1 and 2, SW¼NE¼, S½NW¼, and W½NW¼SW¼;
Sec. 4, SW¼SE¼;
Sec. 9, NW¼NE¼, NW¼SE¼, and S½SE¼;
Sec. 11, NW¼SW¼ and S½SW¼SW¼;
Sec. 12, lot 1, NW¼NE¼, NE¼NW¼, and NE¼SW¼;
Sec. 15, NW¼NE¼NW¼.

T. 1 N., R. 14 E.,
Sec. 6, lots 8 and 9, and lots 25 to 34, inclusive;
Sec. 7, lot 1, and SE¼NE¼ (except portion M.S. 5001);
Sec. 18, lots 5 and 6, and W½SE¼;
Sec. 19, NW¼NE¼, N½SE¼NE¼, and N½S½SE¼NE¼;
Sec. 20, N½NW¼SW¼NW¼ and SW¼NW¼SW¼NW¼.

T. 2 N., R. 13 E.,
Sec. 9, NW¼SW¼;
Sec. 21, lot 1;
Sec. 23, lots 1 and 2 (except portion M.S. 5189A);
Sec. 24, lots 13, 17, and 19, S½ lot 22, and unpatented fractional portion lot 23 within W½SE¼SE¼;
Sec. 25, lot 5, E½SE¼NW¼, NW¼SE¼, and E½SW¼;
Sec. 26, lots 1 and 2, and N½NE¼ (except portion M.S. 5189 A and B).

T. 2 N., R. 14 E.,
Sec. 4, lots 1 and 2, W½ lot 7, lot 9, NW¼ lot 10, lots 11, 12, and 13, E½E½ lot 14, lots 15 and 16, and SE¼NE¼;
Sec. 8, lots 1, 3, and 5, N½ lot 10, and SW¼ lot 10;
Sec. 9, lots 1 to 4, inclusive;
Sec. 17, W½ lot 1, N½ lot 5, SW¼ lot 5, SE¼ lot 6, E½NE¼, W½SW¼, W½NE¼SW¼, NW¼SE¼SW¼, W½SE¼, N½NE¼SE¼, and SW¼NE¼SE¼;
Sec. 19, lot 3 (except M.S. 5028), lot 4 (except M.S. 5068), lots 7 and 12, S½NE¼SW¼, S½NW¼SE¼, and N½N½NE¼SE¼;
Sec. 20, lots 2, 3, 4, 5, 6, and 7, and S½SE¼NW¼;
Sec. 30, lots 3 and 20, and M.S. 6307 in lot 24;
Sec. 31, SE¼ lot 1, E½E½SW¼ lot 1, south 330 feet lot 16, lots 17, 18, 23, and NW¼ lot 24, S½S½NE¼NW¼, N½SW¼NE¼, N½S½SW¼NE¼, N½SE¼NW¼, and N½S½SE¼NW¼.

T. 3 N., R. 14 E.,
Sec. 1, south 330 feet lot 8;
Sec. 12, lot 4, lot 5 (except M.S. 4509), SE¼NE¼SW¼ exclusive of M.S. 4602, E½SE¼SW¼, SE¼SW¼SE¼SW¼, NW¼NE¼SE¼, N½NE¼NE¼SE¼, SW¼NE¼NE¼SE¼, NW¼SW¼NE¼SE¼, NW¼SE¼ lying southeast of M.S. 4602, W½SW¼SE¼, W½E½SW¼SE¼, and E½NE¼SW¼SE¼;
Sec. 13, W½W½NE¼, E½NE¼NW¼, E½W½NE¼NW¼, SE¼SW¼NW¼, SE¼NW¼, N½SW¼, SW¼SW¼, N½N½SE¼SW¼, SW¼SW¼SE¼SW¼, and W½NW¼NW¼SE¼;
Sec. 14, S½SE¼, SE¼NE¼SE¼, and S½SW¼NE¼SE¼;
Sec. 22, SE¼ lot 2;
Sec. 23, lots 1 and 2, S½ lot 3, E½ lot 5, N½ lot 6, SW¼ lot 6, W½ lot 11, lots 12 and 13, and W½ lot 14;
Sec. 24, W½W½ lot 1, lot 2, N½ lot 3, and NW¼ lot 4;
Sec. 26, lots 2 and 3, W½ lot 7, and lot 9;
Sec. 27, E½ lot 1, lots 3 and 7;
Sec. 33, SE¼SE¼;
Sec. 34, N½NE¼NE¼, E½NW¼NE¼, SW¼NW¼NE¼, W½NE¼NW¼, and NW¼NW¼;
Sec. 35, lot 7, SE¼NE¼ lying south and west of M.S. 5677, N½NE¼SE¼, and unnumbered segregation survey of mineral land in N½;
Sec. 36, S½SW¼NW¼ (except M.S. 5677), and N½NW¼SW¼.

T. 3 N., R. 15 E.,
Sec. 6, lot 2, S½ lot 7, S½NE¼ lot 7, and SE¼NW¼ lot 7;
Sec. 7, N½ lot 1, W½W½ lot 2, and NW¼NW¼NE¼NW¼.

The areas described aggregate approximately 4,700 acres.

JESSE H. JOHNSON,
Acting Chief,
Lands Adjudication Section.

[F.R. Doc. 68-5541; Filed, May 8, 1968; 8:47 a.m.]

[C-3886]

COLORADO

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

MAY 3, 1968.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18), and to the regulations in 43 CFR 2410 and 2411, it is proposed to classify for multiple-use management the public lands described in paragraph 3 below.

2. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C., Chs. 7 and 9; 25 U.S.C. 334); from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171); and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

3. The public lands proposed for classification are located within the following described area and are shown on a map and designated Block 1, located in the Canon City District Office, Bureau of Land Management, 1001 Main Street, Canon City, Colo.; and the Land Office, Bureau of Land Management, 1961 Stout Street, Denver, Colo.

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

SAGUACHE COUNTY

T. 40 N., R. 6 E.,
Sec. 3.

T. 41 N., R. 6 E.,
Secs. 1 to 3, inclusive;
Sec. 10;
Secs. 13 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34 and 35.

T. 41 N., R. 7 E.,
Secs. 18, 19, and 30.

T. 42 N., R. 5 E.,
Secs. 1 and 2;
Secs. 11 to 15, inclusive;
Secs. 23 and 24.

T. 42 N., R. 6 E.,
Secs. 2 to 7, inclusive;
Secs. 9 to 14, inclusive;
Secs. 18 to 30, inclusive;
Secs. 34 and 35.

T. 42 N., R. 7 E.,
Secs. 3 to 9, inclusive;
Secs. 17, 18, and 19.

T. 43 N., R. 6 E.,
Secs. 1 and 2;
Secs. 11 to 15, inclusive;
Secs. 21 to 28, inclusive;
Secs. 32 to 35, inclusive.

T. 43 N., R. 7 E.,
Secs. 2 to 10, inclusive;
Secs. 15, 17, 18, 19, 20, 29, 30, and 34.

T. 44 N., R. 4 E.,
Secs. 1 to 4, inclusive;
Secs. 9 to 15, inclusive.

T. 44 N., R. 5 E.,
Secs. 6 and 7.

T. 44 N., R. 6 E.,
Secs. 1, 2, 25, and 36.

T. 44 N., R. 7 E.,
Secs. 2, 3, 6, and 7;
Secs. 13 to 35, inclusive.

T. 45 N., R. 4 E.,
Secs. 1, 12, 13, 24, 25, 26, 35, and 36.

T. 45 N., R. 5 E.,
Secs. 1 to 32, inclusive.

T. 45 N., R. 6 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 24, inclusive;
Secs. 26 to 35, inclusive.

T. 45 N., R. 7 E.,
Secs. 4 to 11, inclusive;
Secs. 13 to 31, inclusive;
Secs. 33 to 36, inclusive.

T. 45 N., R. 8 E.,
Secs. 13 and 14;
Secs. 19 to 36, inclusive.

T. 45 N., R. 9 E.,
Secs. 2, 3, and 4;
Secs. 7 to 12, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 33, inclusive.

T. 45 N., R. 10 E.,
Secs. 1 to 4, inclusive;
Secs. 10 to 15, inclusive;
Secs. 21 to 26, inclusive;
Sec. 35.

T. 45 N., R. 11 E.,
Secs. 6, 7, 18, 19, 29, 30, 31, and 32.

T. 46 N., R. 4 E.,
Sec. 36.

T. 46 N., R. 5 E.,
Secs. 20 to 23, inclusive;
Secs. 25 to 35, inclusive.

T. 46 N., R. 6 E.,
Secs. 3, 10, 13, 14, and 15;
Secs. 20 to 36, inclusive.

T. 46 N., R. 7 E.,
Secs. 18 and 19.

T. 46 N., R. 8 E.,
Secs. 12, 13, 24, and 25.

T. 46 N., R. 9 E.,
Secs. 3 to 10, inclusive;
Secs. 17 and 21 to 30, inclusive;
Secs. 32 to 35, inclusive.

T. 46 N., R. 10 E.,
Secs. 1 to 5, inclusive;
Secs. 8 to 15, inclusive;
Secs. 19 to 29, inclusive;
Secs. 33 to 35, inclusive.
T. 46 N., R. 11 E.,
Secs. 18, 19, 30, and 31.
T. 47 N., R. 8 E.,
Secs. 1, 2, 11, 12, 13, 14, and 24.
T. 47 N., R. 9 E.,
Secs. 4 to 6, inclusive;
Secs. 8 to 11, inclusive;
Secs. 13 to 15, inclusive;
Secs. 17 to 20, inclusive;
Secs. 23 to 25, inclusive;
Secs. 27 to 34, inclusive.
T. 47 N., R. 10 E.,
Secs. 19, 29, 30, 31, 32, and 33.
T. 48 N., R. 8 E.,
Secs. 13 to 16, inclusive;
Secs. 21 to 27, inclusive;
Sec. 35.
T. 48 N., R. 9 E.,
Secs. 19 and 29 to 33, inclusive.

The area described aggregates approximately 221,581.07 acres of public land.

4. For a period of sixty (60) days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Canon City District Manager, Bureau of Land Management, 1001 Main Street, Canon City, Colo.

5. A public hearing on this proposed classification will be held at 7:30 p.m. on June 6, 1968, in the Courtroom of the Saguache County Courthouse, Saguache, Colo.

E. I. ROWLAND,
State Director.

[F.R. Doc. 68-5542; Filed, May 8, 1968; 8:47 a.m.]

[Serial No. N-1700]

NEVADA

Notice of Public Sale

MAY 2, 1968.

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421-1427), and 43 CFR Subpart 2243, the Bureau of Land Management will offer 41 tracts of land at a sale to be held at 10 a.m., local time, Tuesday, June 11, 1968, at the Las Vegas Convention Center, 350 South Paradise Road, Las Vegas, Nev.

All of the tracts are located in T. 32 S., R. 64 E., Mount Diablo Meridian, Nevada; they range in size from 2.50 to 6.51 acres. The tracts are more particularly described below:

Tract No.	Legal description	Acres	Width and boundary of right-of-way reservations	Appraised value
164	Sec. 4, Lots 33 and 48	5.00	30' W	$1,100
165	Sec. 4, Lot 27	2.50	30' N	825
166	Sec. 4, Lots 30 and 51	3.75		925
167	Sec. 4, Lot 25	2.50	30' N., 30' E	825
168	Sec. 4, Lot 26	2.50	30' N	825
169	Sec. 4, Lots 32 and 49	5.00	30' E	1,100
170	Sec. 4, Lot 57	2.50		825
171	Sec. 4, Lot 58	2.50	30' E	825
172	Sec. 4, Lots 52 and 56	3.75		925
177	Sec. 4, Lot 83	2.50	30' E	825
180	Sec. 5, Lots 31 and 38	6.51		1,300
181	Sec. 9, Lot 26	2.50	30' S., 30' W	825
182	Sec. 9, Lot 32	2.50	30' N	825
183	Sec. 9, Lot 33	2.50	30' N., 30' W	825
184	Sec. 9, Lot 45	2.50	30' S., 30' W	825
185	Sec. 9, Lot 46	2.50	30' S	825
186	Sec. 9, Lot 31	2.50	30' N., 40' E	825
187	Sec. 9, Lot 47	2.50	30' S., 40' E	825
188	Sec. 9, Lots 24 and 25	5.00	30' E	1,650
190	Sec. 9, Lot 42	2.50	30' S., 30' E	825
191	Sec. 9, Lot 34	2.50	30' E	825
192	Sec. 9, Lot 44	2.50	30' E	825
193	Sec. 9, Lot 53	2.50	30' E	825
194	Sec. 9, Lot 59	2.50	30' E	825
195	Sec. 9, Lot 57	2.76		825
196	Sec. 9, Lot 68	2.50	30' E	825
197	Sec. 9, Lot 70	2.61	30' E	825
198	Sec. 9, Lot 50	2.50	30' N., 40' E	825
199	Sec. 9, Lot 62	2.50	30' S., 40' E	825
200	Sec. 9, Lot 51	2.50	30' N	825
201	Sec. 9, Lot 52	2.50	30' N., 30' W	825
202	Sec. 9, Lot 60	2.50	30' S., 30' W	825
203	Sec. 9, Lot 61	2.50	30' S	825
204	Sec. 9, Lot 66	2.50	30' N	825
205	Sec. 9, Lot 67	2.50	30' N., 30' W	825
206	Sec. 9, Lot 71	2.50	40' S., 30' W	825
207	Sec. 9, Lot 72	2.50	40' S	825
208	Sec. 9, Lot 64	2.50	40' W	825
209	Sec. 9, Lot 65	2.50	30' N., 40' E	825
210	Sec. 9, Lot 73	2.50	40' S., 40' E	825
211	Sec. 9, Lot 74	2.50	40' W	825

Each tract will be offered to the highest bidder, but no bid will be accepted if it is for less than the appraised value of the tract, shown above. Costs of publication, if any, will be assessed proportionately among the successful bidders on the first 20 tracts sold.

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

Bids sent by mail will be considered only if received at the Las Vegas District Office, 1859 North Decatur Boulevard, Las Vegas, Nev. 89108, prior to 3 p.m., Monday, June 10, 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. The envelopes must be marked in the lower left-hand corner: "Public Sale Bid, June 11, 1968, 10 a.m., Tract No. ------".

At the time of the sale, 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 shall be required to pay immediately the amount bid together with any cost of publication. Personal checks will be accepted from successful oral bidders. The right is reserved at any time to determine that the lands should not be sold or that any and all bids should be rejected.

The lands will be sold subject to a reservation to the United States of rights-of-way for ditches and canals under the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. sec. 945); subject to existing rights-of-way; and subject to the access and utilities rights-of-way listed above. All minerals will be reserved to the United States, and withdrawn from appropriation under the public land laws, including the general mining laws.

Tracts remaining unsold after the auction of June 11, 1968, will be reoffered at 9 a.m., on the first Wednesday of the following month, and subsequent months, at the Las Vegas District Office, 1859 North Decatur Boulevard, Las Vegas, Nev., until either all tracts are sold or the sale is terminated.

For further information write: Nevada Land Office, Bureau of Land Management, Room 3008, Federal Building, 300 Booth Street, Reno, Nev. 89502.

ROLLA E. CHANDLER,
Chief, Division of Lands and Minerals, Program Management and Land Office.

[F.R. Doc. 68-5543; Filed, May 8, 1968; 8:47 a.m.]

[New Mexico 5839]

NEW MEXICO

Notice of Proposed Classification of Public Lands for Disposal

MAY 3, 1968.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR, Parts 2410 and 2411, it is proposed to classify for disposal under the public land laws, the public lands within the areas described below. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. Except as otherwise provided in this order, priority in disposals will be given to applications for (a) State grants and indemnity selections (43 U.S.C. 851, 852); (b) exchanges for consolidation of Federal program areas (43 U.S.C. 315f); (c) public uses and development under the

Act of June 14, 1926 (44 Stat. 741) as amended (43 U.S.C. 869); and (d) public sales under section 2455 of Revised Statutes (43 U.S.C. 117).

3. Publication of this notice segregates the lands described herein from appropriation under the agricultural land laws (43 U.S.C., Parts 7 and 9; 25 U.S.C. 334).

4. The public lands within the following described areas are shown on maps designated 30–03–74, on file in the Las Cruces District Office, Bureau of Land Management, 1705 North Seventh Street, Post Office Box 1420, Las Cruces, N. Mex. 88001, and Land Office, Bureau of Land Management, U.S. Post Office Building, Santa Fe, N. Mex. 87501.

The overall description of the areas is as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 13 S., R. 4 W.,
Sec. 15, lots 1 and 2;
Sec. 17, SE¼NE¼;
Sec. 22, lot 3;
Sec. 29, W½E½ and NW¼.
T. 14 S., R. 5 W.,
Sec. 12, SW¼NE¼ and NW¼SE¼.
T. 11 S., R. 6 W.,
Sec. 2, SE¼SW¼;
Sec. 3, SW¼SW¼;
Sec. 4, S½SE¼;
Sec. 8, E½SE¼;
Sec. 18, NE¼.
T. 13, S., R. 6 W.,
Sec. 3, lot 1 and S½NE¼;
Sec. 4, S½NW¼;
Sec. 10, SE¼SW¼;
Sec. 15, NE¼NW¼ and SW¼SW¼.
T. 14 S., R. 6 W.,
Sec. 6, lots 4, 7, and S½SE¼;
Sec. 18, lot 1, N½NE¼, and NE¼NW¼.
T. 16 S., R. 6 W.,
Sec. 15, SW¼NW¼, and N½SE¼;
Sec. 18, lots 3, 4, and SE¼SW¼;
Sec. 19, lots 1, 2, 4, NE¼, E½NW¼, SE¼ SW¼, and SW ¼SE¼;
Sec. 30, lots 1, 2, 3, 4, W½NE¼, E½NW¼, and NE¼SW¼;
Sec. 31, lots 1 and 4.
T. 17, S., R. 6 W.,
Sec. 6, lots 3, 4, 5, SE¼NW¼, and NW¼ SE¼;
Sec. 18, lot 1;
Sec. 19, lots 1, 2, 3, and E½W½;
Sec. 30, lots 2, 3, and E½NW¼.
T. 18 S., R. 6 W.,
Sec. 8, SE¼;
Sec. 9, W½SW¼ and S½SE¼;
Sec. 10, NW¼;
Sec. 15, NW¼NE¼ and N½NW¼;
Sec. 17, N½NE¼ and E½SE¼.
T. 19 S., R. 6 W.,
Sec. 19, lots 3, 4, and E½SW¼;
Sec. 30, lots 1, 2, 3, 4, and E½W½;
Sec. 31, lots 1, 2, and E½NW¼;
Sec. 33, lots 3 and 4.
T. 12 S., R. 7 W.,
Sec. 7, lot 7;
Sec. 21, NW¼NE¼, and NE¼NW¼;
Sec. 22, E½NW¼, and NE¼SW¼.
T. 13 S., R. 7 W.,
Sec. 7, lots 2, 3, 4, and E½W½;
Sec. 8, lots 1 to 7, inclusive;
Sec. 17, lots 1, 2, and 3;
Sec. 18, lots 5, 6, and 7.
T. 14 S., R. 7 W.,
Sec. 1, lots 3, 4, SW¼NW¼, and S½SW¼;
Sec. 3, N½SW¼;
Sec. 4, lots 5, 6, and N½SE¼;
Sec. 5, lot 5;
Sec. 12, lots 1, 2, 5, 6, 7, 8, 13, and 14;
Sec. 13, lots 1 and 2.
T. 16 S., R. 7 W.,
Sec. 13, SE¼SE¼;
Sec. 19, lots 3, 4, and SE¼SW¼;
Sec. 24, S½SE¼;
Sec. 25, N½, SW¼, and S½SE¼;
Sec. 29, W½;
Sec. 30, NE¼, and N½SE¼.
T. 17 S., R. 7 W.,
Sec. 1, lots 1, 2, 3, S½NE¼, SE¼SW¼, and SE¼;
Sec. 6, lots 5, 6, and 7;
Sec. 7, lots 1, 2, 3, 4, E½, NE¼NW¼, and E½SW¼;
Sec. 8, W½;
Sec. 11, N½NE¼;
Sec. 12, NE¼NE¼, SW¼NE¼, N½NW¼, SE¼SW¼, N½SE¼, and SW¼SE¼;
Sec. 13, N½NE¼, SE¼NE¼, NE¼NW¼, SW¼, N½SE¼, and SW¼SE¼;
Sec. 14, SE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 17, S½NW¼;
Sec. 23, E½SE¼;
Sec. 24, W½NE¼, NW¼, and NW¼SW¼;
Sec. 25, S½N½, and S½;
Sec. 26, NE¼NE¼, SW¼NW¼, SW¼SW¼, and SE¼SE¼;
Sec. 35, E½NE¼.
T. 18 S., R. 7 W.,
Sec. 1, lot 4, and SW¼NW¼;
Sec. 3, lots 1, 2, S½NE¼, and NE¼SE¼;
Sec. 5, S½S½, and NE¼SE¼;
Sec. 6, lots 6, 7, E½SW¼, and W½SE¼;
Sec. 7, lots 1, 2, NE¼, and E½NW¼;
Sec. 8, S½NE¼, and NW¼SE¼;
Sec. 9, SE¼NE¼, SW¼NW¼, SE¼SW¼, and SE¼;
Sec. 10, S½NW¼, N½SW¼, and SW¼ SW¼;
Sec. 11, NW¼NE¼, NE¼NW¼, and NE¼ SE¼;
Sec. 12, W½NW¼, SE¼NW¼, and NW¼ SW¼;
Sec. 14, NE¼NW¼;
Sec. 15, SW¼NE¼, W½W½, and SE¼ NW¼;
Sec. 18, lots 1 and 2;
Sec. 31, lots 1, 2, 3, W½NE¼, E½NW¼, NE¼SW¼, and NW¼SE¼.
T. 19 S., R. 7 W.,
Sec. 5, SW¼SW¼;
Sec. 6, S½SE¼;
Sec. 7, SE¼NW¼;
Sec. 8, E½NE¼, NW¼, W½SW¼, and NE¼SE¼;
Sec. 9, NE¼SE¼, and SW¼SE¼;
Sec. 17, N½, and N½SW¼;
Sec. 18, NE¼NW¼;
Sec. 31, lot 1, NE¼, NE¼NW¼, N½SE¼, and SE¼SE¼.
T. 17 S., R. 7½ W.,
Sec. 1, lots 3, 4, and E½SE¼;
Sec. 12, lots 5, 6, 7, 8, and 9;
Sec. 25, lots 2, 3, and 4.
T. 18 S., R. 7½ W.,
Sec. 12, lot 4;
Sec. 13, lot 1, and NE¼NE¼;
Sec. 24, lots 2, 3, and 4;
Sec. 25, SE¼SE¼.
T. 19 S., R. 7½ W.,
Sec. 13, lot 1;
Sec. 25, lots 1, 2, 3, 4, and E½E½.
T. 10 S., R. 8 W.,
Sec. 12, E½NE¼, SW¼NE¼, and SE¼ NW¼;
Sec. 19, lots 1, 2, 3, 4, and E½SW¼;
Sec. 21, SW¼NE¼, SE¼NW¼, E½SW¼, and W½SE¼;
Sec. 28, NW¼NE¼, and NE¼NW¼;
Sec. 29, NW¼NE¼, NW¼NW¼, and W½ SW¼;
Sec. 30, lots 1, 2, NE¼NE¼, E½NW¼, NE¼SW¼, and NW¼SE¼;
Sec. 31, lots 2, 3, and 4;
Sec. 35, lot 16.
T. 11 S., R. 8 W.,
Sec. 16, lot 1;
Sec. 20, SE¼NW¼;
Sec. 26, W½NW¼, and SW¼SE¼;
Sec. 35, E½NW¼.
T. 12 S., R. 8 W.,
Sec. 3, lots 2, 3, 4, and SW¼NE¼;
Sec. 9, lots 9 to 21, inclusive;
Sec. 10, NE¼SW¼, and S½S½;
Sec. 11, SW¼SE¼;
Sec. 12, SW¼SE¼;
Sec. 13, E½SE¼;
Sec. 14, W½NE¼, NW¼, and SE¼SW¼;
Sec. 15, lots 1 to 9, inclusive;
Sec. 17, lot 7;
Sec. 21, SW¼NW¼, E½SE¼, and NW¼ SE¼;
Sec. 22, W½SW¼, and E½SE¼.
T. 13 S., R. 8 W.,
Sec. 19, lots 1, 2, 5, 6, 7, 8, 9, 10, 11, and S½NE¼.
T. 14 S., R. 8 W.,
Sec. 7, lots 6, 7, 8, and 9;
Sec. 8, lots 1 and 2;
Sec. 17, lot 1;
Sec. 18, lot 5.
T. 15 S., R. 8 W.,
Sec. 3, lots 1, 2, 3, 4, S½N½, E½SW¼, and SE¼;
Sec. 10, N½;
Sec. 20, W½SW¼;
Sec. 21, lots 1, 2, 3, 6, 7, and 8;
Sec. 22, N½, N½SW¼, and NW¼SE¼;
Sec. 23, W½SE¼, and SE¼SE¼;
Sec. 25, SW¼NW¼;
Sec. 26, NE¼;
Sec. 29, SW¼SW¼, and NW¼SE¼;
Sec. 33, NW¼SW¼;
Sec. 35, S½NE¼, SW¼NW¼, and S½.
T. 17 S., R. 8 W.,
Sec. 1, SE¼SE¼;
Sec. 12, lots 1 to 5, inclusive;
Sec. 13, lots 6 and 7;
Sec. 25, W½, and E½SE¼.
T. 18 S., R. 8 W.,
Sec. 1, NW¼SW¼;
Sec. 3;
Sec. 10, NW¼NE¼, N½NW¼, SE¼NW¼, and SW¼SW¼;
Sec. 12, N½SE¼, and SE¼SE¼;
Sec. 13, NE¼NE¼, and SE¼SE¼;
Sec. 19, lots 1, 2, 3, 4, NE¼, E½NW¼, NE¼ SW¼, and N½SE¼;
Sec. 21, SE¼SW¼, and S½SE¼;
Sec. 24, E½E½, SW¼NE¼, and W½SE¼;
Sec. 25, W½W½;
Sec. 26, E½E½, E½NW¼, and NE¼SW¼;
Sec. 27, NW¼NE¼, and W½NW¼;
Sec. 28, E½NE¼, and SE¼NW¼;
Sec. 30, lot 4;
Sec. 31, lots 1, 2, 3, 4, SE¼NW¼, and E½ SW¼;
Sec. 34, NE¼NE¼;
Sec. 35, NE¼NE¼, and NW¼NW¼.
T. 19 S., R. 8 W.,
Sec. 1, lot 1, SE¼NE¼, and NW¼SW¼;
Sec. 5, SW¼NW¼, and NW¼SW¼;
Sec. 6, lots 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼, NE¼SE¼, and S½SE¼;
Sec. 7, NW¼SE¼;
Sec. 8, NW¼SW¼;
Sec. 13, S½S½;
Sec. 17, NW¼NE¼, W½W½, and SE¼ SW¼;
Sec. 18, lots 1, 2, 3, 4, E½W½, and SE¼;
Sec. 19, lot 1, N½NE¼, and NE¼NW¼;
Sec. 20, NW¼;
Sec. 21, NE¼, E½NW¼, and SW¼NW¼;
Sec. 22, SW¼NE¼, and SW¼NW¼;
Sec. 23, N½SE¼;
Sec. 24, W½NE¼, N½NW¼, and NE¼ SE¼;
Sec. 25, SE¼SW¼;
Sec. 26, E½SW¼, and SE¼;
Sec. 35, E½NE¼, and NE¼SE¼.
T. 19 S., R. 9 W.,
Sec. 12, SW¼SE¼;
Sec. 13, NE¼, N½SE¼, and SE¼SE¼.

The areas described aggregate 30,264.00 acres in Sierra County.

5. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish

to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Las Cruces District Manager, Bureau of Land Management, 1705 North Seventh Street, Post Office Box 1420, Las Cruces, N. Mex. 88001.

6. A public hearing on the proposed classification will be held on May 28, 1968, in the County Courthouse, Truth or Consequences, N. Mex., at 7:30 p.m.

MORRIS A. TROGSTAD,
Acting State Director.

[F.R. Doc. 68-5544; Filed, May 8, 1968; 8:47 a.m.]

Fish and Wildlife Service

[Docket No. A-461]

PIONEER-ALASKAN FISHERIES, INC.

Notice of Loan Application

MAY 2, 1968.

Pioneer-Alaskan Fisheries, Inc., 1026 Fourth Avenue, Anchorage, Alaska 99501 has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 79.4-foot registered length wood vessel to engage in the fishery for king crab, scallops, shrimp, bottomfish, and halibut.

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

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

[F.R. Doc. 68-5533; Filed, May 8, 1968; 8:46 a.m.]

National Park Service

BLUE RIDGE PARKWAY, VIRGINIA, NORTH CAROLINA, TENNESSEE

Transfer of Certain Lands

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Act of May 13, 1952 (66 Stat. 69), the following described tract is hereby transferred from the administration of this Department to the jurisdiction of the Forest Service, U.S. Department of Agriculture:

National Park Service, parcel No. 2M-2058, containing 23.69 acres acquired by the United States from the State of North Carolina by deed dated July 17, 1964, and recorded in the Office of the Register of Deeds of McDowell County, N.C., in Book 179, at page 554.

Dated: May 2, 1968.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 68-5545; Filed, May 8, 1968; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 68-59]

PORTION OF JAMES RIVER, NORFOLK-NEWPORT NEWS HARBOR CLOSED TO NAVIGATION DURING LAUNCHING OF THE SPADEFISH (SS(N)668)

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by 49 CFR 1.4 (32 F.R. 5606) 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 E. C. Allen, Jr., Rear Admiral, U.S. Coast Guard, Commander, 5th Coast Guard District, who has exercised authority as District Commander, such order reading as follows:

PORTION OF JAMES RIVER, NORFOLK-NEWPORT NEWS HARBOR

Under the authority of Title II of the Espionage Act of June 15, 1917, 40 Stat. 220, 50 U.S.C. 191 and Executive Order 10173, as amended, I declare that from 11 a.m., d.s.t., until 2:30 p.m., d.s.t., Wednesday, May 15, 1968, the following area is a security zone and I order that it be closed to any person or vessel due to the launching of the "Spadefish (SS(N)668):"

The water of the James River, Norfolk-Newport News Harbor, Va., within the coordinates of latitude 36°59'34" N., longitude 76°26'53" W. at the shoreline of Newport News, thence southwesterly 500 yards to latitude 36°59'27" N., longitude 76°27'10" W., thence southeasterly to latitude 36°58'43" N., longitude 76°26'41" W., thence easterly to Newport News Shipbuilding Co. Pier 8 Light (USCG Light List No. 3037).

No person or vessel may remain in or enter this security zone.

The Captain of the Port, Hampton Roads Area, Va., shall enforce this order.

The Captain of the Port may be assisted by employees and facilities of any State or political subdivision thereof or any Federal Agency.

For violation of this order Title II of the Espionage Act of June 15, 1917 (40 Stat. 220 as amended, 50 U.S.C. 192) provides:

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 regulation or rule issued or order given under the provisions of this chapter, or obstructs or interferes with the exercise of any power conferred by this chapter, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be punished by imprisonment for not more than 10 years and may, in the discretion of the court, be fined not more than $10,000.

If any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this chapter, or knowingly obstructs or interferes with the exercise of any power conferred by this chapter, 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: May 6, 1968.

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

[F.R. Doc. 68-5561; Filed, May 8, 1968; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 19863; Order E-26754]

BRANIFF AIRWAYS, INC.

Order of Investigation and Suspension Regarding Fare Increases

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of May 1968.

By tariff revisions[1] marked to become effective May 5, 1968, Braniff Airways, Inc. (Braniff), is proposing to cancel numerous joint propeller first-class fares related to its propeller service. The carrier asserts that the related propeller services are no longer provided.

No complaints have been filed against the proposal.

Upon consideration of all relevant matters, the Board has determined that the cancellation of numerous joint propeller first-class fares may be unjust or unreasonable, or unduly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated. It appears that propeller aircraft services are still being offered in some of these markets and, therefore, there is no apparent justification for discontinuing the related joint fares. The Board concludes that the proposal should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the proposed cancellations in Supplement No. 6 to Airline Tariff Publishers, Inc., agent, CAB No. 101, and the fares which would apply if such cancellations are permitted to become effective, and rules, regulations, and practices affecting such fares, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful,

[1] Revisions to Airline Tariff Publishers, Inc., agent, Local and Joint Passenger Fares Tariff CAB No. 101, filed Apr. 5.

and if found to be unlawful, to determine and prescribe the lawful fares, and rules, regulations, or practices affecting such fares;

2. Pending hearing and decision by the Board, Supplement No. 6 to Airline Tariff Publishers, Inc., agent, CAB No. 101, is suspended and its use deferred to and including August 2, 1968, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This investigation be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. A copy of this order be filed with the aforesaid tariff and be served upon Braniff Airways, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-5555; Filed, May 8, 1968; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP68-293]

EAST TENNESSEE NATURAL GAS CO.

Notice of Application

MAY 2, 1968.

Take notice that on April 24, 1968, East Tennessee Natural Gas Co. (Applicant), Post Office Box 10245, Knoxville, Tenn. 37919, filed in Docket No. CP68-293 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the transportation of natural gas in interstate commerce and the use of certain metering facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The Applicant states that Stauffer Chemical Co. (Stauffer) has canceled its contract with Applicant calling for delivery of 381 Mcf per day on a firm basis and up to 953 Mcf per day on an interruptible basis to Stauffer's Lowland, Tenn., plant at a delivery point immediately adjacent to M.V.L. 3304 on Applicant's northeast extension. The cancellation is effective December 1, 1968, and Stauffer will close its Lowland plant on or about April 15, 1968.

The Applicant further states that Stauffer has requested Applicant to deliver the Lowland contract volume of 381 Mcf per day to Stauffer's Mount Pleasant, Tenn., plant from April 15 through November 30, 1968. This delivery point is served by Applicant from its Columbia Lateral. Applicant states that the Columbia Lateral has sufficient capacity to permit such delivery to the Mount Pleasant plant and Applicant requests permission to make such delivery.

The Applicant also states that it is not seeking authorization to abandon the Lowland delivery facilities as Stauffer is endeavoring to sell the Lowland plant to another industry. Applicant anticipates that the new purchaser will request it to provide natural gas service by means of such facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before May 27, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-5518; Filed, May 8, 1968; 8:45 a.m.]

[Docket No. G-7480 etc.]

MURPHY OIL COMPANY OF OKLAHOMA, INC.

Order Amending Orders Issuing Certificates of Public Convenience and Necessity, Substituting Respondents, Redesignating FPC Gas Rate Schedules, and Accepting Notice of Succession for Filing

APRIL 29, 1968.

Docket Nos. G-7480, CI62-1298, RI65-433, and AR67-1.

On March 11, 1968, Murphy Oil Company of Oklahoma, Inc., a Delaware corporation, filed a petition to amend the orders issuing certificates of public convenience and necessity in Docket Nos. G-7480 and CI 62-1298 to Murphy Oil Company of Oklahoma, Inc., an Oklahoma corporation, by substituting the Delaware corporation in lieu of the Oklahoma corporation as certificate holder, all as more fully set forth in the petititon to amend.

Effective on December 31, 1967, Murphy Oil Company of Oklahoma, Inc., an Oklahoma corporation, was merged by Murphy Oil Company of Pennsylvania, Inc., a Delaware corporation; and the name of Murphy Oil Company of Pennsylvania, Inc., was changed simultaneously to Murphy Oil Company of Oklahoma, Inc., Murphy Oil Company of Oklahoma, Inc., the Delaware corporation, proposes to continue the service theretofore authorized to be rendered by Murphy Oil Company of Oklahoma, Inc., the Oklahoma corporation and certificate holder in Docket Nos. G-7480 and CI62-1298 and respondent in rate proceedings pending in Docket Nos. RI65-433 and AR67-1. A notice of succession to the FPC gas rate schedules of the predecessor corporation was submitted by the successor corporation.

The Commission's staff has reviewed the petition and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice, no petitions to intervene, notices of intervention, or protests to the granting of the petition to amend have been received.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates and instituting rate proceedings should be amended by substituting the successor corporation in lieu of the predecessor corporation, that the notice of succession should be accepted for filing, and that the related FPC gas rate schedules should be redesignated accordingly.

The Commission orders:

(A) The orders issuing certificates of public convenience and necessity in Docket Nos. G-7480 and CI62-1298 to Murphy Oil Company of Oklahoma, Inc., an Oklahoma corporation, are amended by substituting Murphy Oil Company of Oklahoma, Inc., a Delaware corporation, as certificate holder; and in all other respect said orders shall remain in full force and effect.

(B) Murphy Oil Company of Oklahoma, Inc., a Delaware corporation, is substituted in lieu of Murphy Oil Company of Oklahoma, Inc., an Oklahoma corporation, as respondent in the proceedings pending in Docket Nos. RI65-433 and AR67-1.

(C) The notice of succession by Murphy Oil Company of Oklahoma, Inc., a Delaware corporation, to the FPC gas rate schedules of Murphy Oil Company of Oklahoma, Inc., an Oklahoma corporation, is accepted for filing effective as of December 31, 1967; and the FPC gas rate schedules are redesignated accordingly and shall retain the same numerical designations.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-5519; Filed, May 8, 1968; 8:45 a.m.]

[Docket No. CP68-288]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application; Correction

MAY 2, 1968.

In Notice of Application, issued April 24, 1968, and published in the FEDERAL REGISTER May 1, 1968 (F.R. Doc. 68-5187), 33 F.R. 6677, Docket No. CP68-288, Item 5: change "* * * 6.17 miles of

2-inch pipeline * * *" to "* * * 6.17 miles of 20-inch pipeline * * *," line 4, paragraph 3: change "* * * of approximately 300 million Mcf * * *" to "* * * of approximately 3 million Mcf * * *."

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-5520; Filed, May 8, 1968; 8:45 a.m.]

[Docket No. CP68-297]

OSAGE NATURAL GAS CO. AND NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

MAY 3, 1968.

Take notice that on April 26, 1968, Osage Natural Gas Co. (Applicant), 510 East Monroe, Springfield, Ill. 62701, filed in Docket No. CP 68-297 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Natural Gas Pipeline Company of America (Respondent) to establish physical connection of its facilities with the facilities proposed to be constructed by Applicant, and to sell and deliver to Applicant natural gas for resale and distribution in the communities of Naylor and Neelyville, Mo., and environs, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct distribution systems in Naylor and Neelyville, approximately 6.8 miles of 2-inch lateral transmission line, tap lines to outlying consumers, and the necessary odorizing and regulating facilities. The Applicant proposes to receive gas from Respondent at a point of interconnection approximately 1.6 miles east of Neelyville.

Total estimated cost of the above facilities is $220,000, which cost is to be financed by $132,000 in bank loans and $88,000 in cash.

Estimated third-year annual and peak day requirements are 45,650 Mcf and 540 Mcf, respectively.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 31, 1968.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-5521; Filed, May 8, 1968; 8:45 a.m.]

[Docket Nos. RI68-527 etc.]

PHILLIPS PETROLEUM CO. ET AL.

Notice of Extension of Time

MAY 1, 1968.

Paragraph (D) of the "Order Providing for Hearings on and Suspension of Proposed Changes in Rates," issued March 29, 1968, in the above-designated proceedings provided for the filing of notices of intervention or petitions to intervene on or before April 15, 1968.

Notice is hereby given that the time within which notices of intervention or petitions to intervene may be filed in the above-designated proceedings is extended to and including May 20, 1968.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-5522; Filed, May 8, 1968; 8:45 a.m.]

[Docket No. CP68-294]

SOUTHERN NATURAL GAS CO.

Notice of Application

MAY 3, 1968.

Take notice that on April 25, 1968, Southern Natural Gas Co. (Applicant), Post Office Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP68-294 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the regulations thereunder, for a certificate of public convenience and necessity authorizing the construction, during the 12-month period commencing August 7, 1968, and operation of unspecified lines, taps and measuring stations necessary for the receipt of natural gas to be purchased from fields in the general area of Applicant's existing system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system additional supplies of natural gas in the producing areas into which its system now extends.

The Applicant states that the total cost of the lateral supply lines, taps, measuring stations, and such loop lines and compressing facilities as may be required for the transportation of increased volumes of gas through supply lines will not exceed $1,500,000, which is said to be less than 1½ percent of Applicant's plant account, and the cost of any single project will not exceed $500,000.

The proposed facilities are to be financed out of cash on hand or funds generated from operations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before May 29, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-5524; Filed, May 8, 1968; 8:45 a.m.]

[Docket Nos. RI68-545 etc.]

SUN OIL CO.

Notice of Extension of Time

MAY 1, 1968.

Paragraph (E) of the "Order Accepting Contract and Contract Amendment, Providing For Hearings on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes to Become Effective Subject to Refund," issued April 3, 1968, in the above-designated proceedings provided for the filing of notices of intervention or petitions to intervene on or before April 15, 1968.

Notice is hereby given that the time within which notices of intervention or petitions to intervene may be filed in the above-designated proceedings is extended to and including May 20, 1968.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-5525; Filed, May 8, 1968; 8:45 a.m.]

[Docket No. CP68-296]

UNITED CITIES GAS CO. AND EAST TENNESSEE NATURAL GAS CO.

Notice of Application

MAY 2, 1968.

Take notice that on April 26, 1968, United Cities Gas Co. (Applicant), 2720 Nolensville Road, Post Office Box 8886, Nashville, Tenn. 37211, filed in Docket No. CP68-296 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing East Tennessee Natural Gas Co. (Respondent) to establish physical connection of its facilities with the facilities proposed to be constructed by Applicant, and to sell and deliver to Applicant natural gas for resale in the Blountville-Thomas Bridge-Bluff City-Piney Flats area of Sullivan County, Tenn., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant desires to extend its facilities by installing a distribution feeder line commencing at an interconnection with Respondent's 8-inch line immediately north of the town of Blountville, running thence in a southeastwardly direction through the community of Thomas Bridge to the city of Bluff City and continuing in a southwestwardly direction to serve Piney Flats.

The distribution mains are to serve all of the immediate market areas of Blountville, Bluff City, Piney Flats, and several subdivisions, particularly in the Thomas Bridge area, and, in addition thereto, customers along the main line.

Applicant proposes to install facilities over a 5-year period with estimated fifth-year annual and peak day requirements of 195,100 Mcf and 2,280 Mcf, respectively.

The estimated cumulative cost of construction is $826,900, which cost is to be financed out of cash on hand, funds generated by internal operations (including short-term loans), and long-term financing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 31, 1968.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-5526; Filed, May 8, 1968; 8:46 a.m.]

[Docket No. E-7412]

WISCONSIN ELECTRIC POWER CO.

Notice of Application

MAY 2, 1968.

Take notice that on April 24, 1968, Wisconsin Electric Power Co. (Applicant) filed an application seeking authority pursuant to section 203 of the Federal Power Act to acquire from Wisconsin Michigan Power Co. (Wisconsin Michigan) $14 million in par amount of common stock.

Applicant is incorporated under the laws of the State of Wisconsin with its principal business office at Milwaukee, Wis., and is engaged in the electric utility business in southeastern Wisconsin.

Wisconsin Michigan is incorporated under the laws of the State of Wisconsin, authorized to do business in the States of Wisconsin and Michigan with its principal business office at Milwaukee, Wis., and is a wholly owned subsidiary of the Applicant. It is engaged in the operation of an electric utility system in east central and northeastern Wisconsin.

According to the application, it is proposed that the $14 million of common stock will be issued in amounts and at intervals between June 1, 1968, and December 31, 1968, as required to meet construction expenditures of Wisconsin Michigan. Applicant presently owns all of the outstanding common stock of Wisconsin Michigan. Applicant represents that Wisconsin Michigan requires funds to extend and improve its facilities to meet the increasing needs for its public utilities services, and Applicant further represents that the purchase price to be paid for the additional shares of Common Stock which it proposes to purchase is reasonable and bears a fair relationship to the sums invested in the utility assets underlying the stock to be acquired.

Any persons desiring to be heard or to make any protest with reference to said application should, on or before May 24, 1968, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-5527; Filed, May 8, 1968; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

BANKS AND FINANCIAL INSTITUTIONS

Capital Transfers Abroad

By Executive Order 11387 (Jan. 1, 1968, 33 F.R. 47), the President prohibited persons owning 10 percent or more of a foreign business venture from engaging in transfers of capital abroad except as authorized by the Secretary of Commerce, and also authorized the Secretary to require such persons to repatriate to the United States their earnings from such foreign business ventures and their short-term financial assets abroad, including bank deposits. However, the President ordered the Secretary of Commerce to exempt from said requirements, to the extent delineated by the Board of Governors of the Federal Reserve System, banks and financial institutions certified by the Board as being subject to the Federal Reserve foreign credit restraint program.

On January 2, 1968, the Board transmitted to the Secretary of Commerce a letter (33 F.R. 240), which certified that banks and financial institutions of the kinds described therein are subject to said program, the terms of which are stated in the revised Guidelines issued by the Board of Governors March 13, 1968 (March 1968 Federal Reserve Bulletin, page 257). The Board delineated for exemption all banks and financial institutions within the enumerated categories, with the exception of any bank or financial institution that is subject to the reporting provisions of the Guidelines and fails to report in substantial compliance with those reporting provisions.

By letter of April 29, 1968, set forth below, the Board of Governors expanded the scope of its certification and delineation.

In accordance with the President's order, the "Foreign Direct Investment Regulations" of the Secretary of Commerce, published in the FEDERAL REGISTER of January 3, 1968 (33 F.R. 49), exempted banks and financial institutions "to the extent that may be delineated from time to time by the Board of Governors". Accordingly, all banks and financial institutions included in the Board's list as modified below are now exempt from said regulations of the Secretary of Commerce, subject to the specified exception.

Dated at Washington D.C., the 29th day of April 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

BOARD OF GOVERNORS
OF THE
FEDERAL RESERVE SYSTEM

OFFICE OF THE CHAIRMAN

April 29, 1968.

The Honorable CYRUS R. SMITH,
Secretary of Commerce,
Washington, D.C. 20230.

DEAR MR. SECRETARY: In accordance with the provisions of section 1(c) of Executive Order 11387, by letter of January 2, 1968 to Secretary Trowbridge the Board of Governors certified that 11 enumerated categories of banks and financial institutions are subject to the foreign credit restraint programs referred to in said section 1(c).

The Board of Governors hereby expands the scope of said certification by

(a) Amending item 7 to read as follows:

7. Organizations engaged principally in underwriting or dealing in securities, or investment counseling, or acting as broker in securities transactions.

(b) Amending item 10 to read as follows:

10. Corporations organized under section 25(a) of the Federal Reserve Act (so-called "Edge Act corporations"), corporations having an agreement or undertaking with the Board of Governors under section 25 of said Act (so-called "Agreement corporations"), and majority-owned domestic subsidiaries of Edge Act corporations or Agreement corporations.

(c) Adding a new item reading as follows:

12. Bank holding companies registered pursuant to section 5(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.).

In accordance with the provisions of said section 1(c), the Board of Governors delineates for exemption from the provisions of section 1 of said Executive order all banks and financial institutions comprised within the Board's certification, as expanded hereby, with the exception of any bank or financial institution that is subject to the reporting provisions of said programs but is not reporting (or covered by reports filed by another or others on its behalf) in substantial compliance with said reporting provisions.

The foregoing certification and delineation are subject to modification or termination with respect to any category or individual bank or financial institution, in the event that (a) the foreign credit restraint programs referred to in section 1(c) of said Executive order are so modified that such category or individual bank or financial institution is no longer subject to said programs or (b) the Board of Governors determines that modification or termination of said delineation is necessary or appropriate in the public interest. Any such modification or termination will be communicated by the Board to the Secretary of Commerce.

Sincerely yours,

WM. MCC. MARTIN, JR.

[F.R. Doc. 68-5531; Filed, May 8, 1968; 8:46 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 February 6, 1968.[1]

The information reviewed at this meeting indicates that overall economic activity has been expanding rapidly, with both industrial and consumer prices rising at a substantial rate, and that prospects are for continuing rapid growth and persisting inflationary pressures in the period ahead. The imbalance in U.S. international transactions worsened further in late 1967, primarily because of a sharp reduction in the surplus on merchandise trade. Although day-to-day money market rates have remained firm, rates on other short-term instruments have declined recently; meanwhile, long-term bond yields have fluctuated irregularly below the peaks reached late last year. Growth in bank credit resumed in January, reflecting both loan expansion around the year-end and Treasury financing. The money supply expanded sharply following earlier slackening, but flows into time and savings accounts at bank and nonbank financial intermediaries have continued to moderate. In this situation, it is the policy of the Federal Open Market Committee to foster financial conditions conductive to resistance of inflationary pressures and progress toward reasonable equilibrium in the country's balance of payments.

To implement this policy, while taking account of Treasury financing activity, System open market operations until the next meeting of the Committee shall be conducted with a view to maintaining firm conditions in the money market, and operations shall be modified to the extent permitted by Treasury financing if bank credit appears to be expanding as rapidly as is currently projected.

Dated at Washington, D.C., the 2d day of May 1968.

By order of the Federal Open Market Committee.

ARTHUR L. BROIDA,
Assistant Secretary.

[F.R. Doc. 68-5532; Filed, May 8, 1968; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4626]

ARKANSAS POWER & LIGHT CO. AND MIDDLE SOUTH UTILITIES, INC.

Notice of Proposed Issue and Sale of Principal Amount of First Mortgage Bonds at Competitive Bidding and Proposed Issue of Common Stock to Holding Company

MAY 3, 1968.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), 280 Park Avenue, New York, N.Y. 10017, a registered holding company, and Arkansas Power & Light Co. ("Arkansas"), a public-utility subsidiary company of Middle South, have filed a joint application-declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), 9, and 12 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Arkansas proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 promulgated under the Act, $15 million principal amount of its first mortgage bonds, _____ percent Series due June 1, 1998. The interest rate on the bonds (which will be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to Arkansas (which will be not less than 100 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under Arkansas' mortgage and deed of trust, dated as of October 1, 1944, to Morgan Guaranty Trust Company of New York, as trustee, as heretofore supplemented and as to be further supplemented by a 17th Supplemental Indenture to be dated as of June 1, 1968. The net proceeds from the sale of the bonds are to be used by Arkansas for its 1968 construction program (estimated at $54,400,000) and for other corporate purposes, including the payment of short-term bank loans.

As of February 29, 1968, the earned surplus of Arkansas amounted to $26,174,613. Arkansas proposes to transfer $8,625,000 of its earned surplus and credit such amount to its common stock capital account. Concurrently with such transfer, Arkansas proposes to issue to Middle South (the holder of all of the issued and outstanding shares of Arkansas' common stock, $12.50 par value), and Middle South proposes to acquire 690,000 additional shares of Arkansas' authorized but unissued common stock aggregating $8,625,000 in par value. It is stated that the issuance of such common stock will permit Arkansas to convert into capital a portion of its earned surplus which has been permanently invested in betterments and improvements to its physical properties.

Fees and expenses incident to the proposed issuance and sale of the bonds are estimated at $75,000, including auditors' fees of $4,000, and counsel fees of $18,500. Fees and expenses of counsel for the underwriters in the amount of $8,000 are to be paid by the successful bidders. The filing states that in connection with the issuance of the common stock no special or separable expenses of any kind are anticipated by either Arkansas or Middle South.

The proposed transactions have been expressly authorized by the Arkansas Public Service Commission, the State commission of the State in which Arkansas is organized and doing business. The filing states that the Tennessee Public Service Commission, the commission of a State in which Arkansas also does business, asserts jurisdiction over the proposed transactions and that the order of said commission is to be filed by amendment. It is further stated that no other 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 May 31, 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 joint application-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 applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-5546; Filed, May 8, 1968; 8:47 a.m.]

[812-2282]

CALIFORNIA GROWTH CAPITAL, INC.

Notice of Filing of Application for Order Exempting Transaction

MAY 3, 1968.

Notice is hereby given that California Growth Capital, Inc. ("Applicant"), 1717 North Highland Avenue, Los Angeles, Calif. 90028, a California corporation registered as a closed-end, nondiversified management type investment company under the Investment Company Act of 1940, 15 U.S.C. section 80a-1 et. seq. ("Act"), and licensed under the Small Business Investment Act of 1958, has filed an application pursuant to section 17(b) of the Act for an order exempting from the provisions of section 17(a) of the Act the proposed purchase by Birr, Wilson & Co., Inc. ("Birr-Wilson") from Applicant of shares of the outstanding common stock of Addmaster Corp. ("Addmaster") incident to a proposed

[1] The Record of Policy Actions of the Committee for the meeting of Feb. 6, 1968, 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.

underwriting of 10,000 shares of the common stock of Addmaster Corp. ("Addmaster").

All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Birr-Wilson is registered as a broker-dealer under the Securities Exchange Act of 1934. Mr. H. T. Birr, the chairman of the board of directors of Birr-Wilson and the owner of more than 5 percent of such company's outstanding voting securities, is also a director of Applicant. Therefore, Birr-Wilson, is an affiliated person of an affiliated person (H. T. Birr) of a registered investment company (Applicant) within the meaning of section 2(a)(3) of the Act.

Birr-Wilson proposes to act with another broker-dealer firm, Schwabacher & Co., as an underwriter (and, possibly, as a manager of an underwriting group) with respect to a public offering by Applicant of 10,000 shares (of Applicant's holdings of 11,800 shares) of the outstanding common stock of Addmaster, which is primarily engaged in the business of manufacturing and selling low-priced electric adding machines. Schwabacher & Co. is not affiliated with Applicant. The number of Addmaster shares to be purchased by each of the participating underwriters, including Birr-Wilson, and the price at which the shares are to be offered to the public as well as the underwriting discount will be determined prior to the effective date of the registration statement with respect to the Addmaster shares which has been filed by Addmaster pursuant to the Securities Act of 1933. The instant application will be supplemented with such information. While the definitive public offering price and underwriting discount have not yet been specified, the application states that it is contemplated that the public offering price will be not less than $185 a share with an underwriting discount of about $16 a share and that the proposed underwriters have indicated that the maximum public offering price will be $200 a share with a maximum underwriting discount of $18 a share.

Section 17(a) of the Act, as here pertinent, makes it unlawful for an affiliated person (Birr-Wilson) of an affiliated person (H. T. Birr) of a registered investment company (Applicant) to purchase from such registered company any security or other property unless the Commission, pursuant to section 17(b), grants an exemption from the provisions of section 17(a) after finding that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of such investment company and with the general purposes of the Act.

In support of the application, it is stated that Applicant's holdings of 11,800 shares of Addmaster common stock represent 18 percent of the total number of Addmaster shares outstanding; that the outstanding common stock of Addmaster is owned by fewer than 50 stockholders; that there is no public market for the stock of Addmaster; and that the contemplated underwriting discount is in the range of discounts ordinarily given on offerings of comparable securities. Before it reached the decision to sell the Addmaster shares as proposed, Applicant explored alternative methods of disposition, including a private offering and a public offering through other underwriters. After reviewing all proposals, Applicant considers the instant one to be most favorable to it.

The expenses of registering the 10,000 shares of Addmaster common stock under the Securities Act of 1933 are to be paid by Addmaster pursuant to the terms of an agreement entered into in 1963 between Addmaster and Applicant at the time Applicant purchased from Addmaster the latter's convertible debenture which was subsequently converted into the 10,000 shares of Addmaster common stock which are the subject of the proposed public offering by Applicant. Under the terms of that agreement, Addmaster is obligated to register such shares and pay such expenses, provided Applicant has given Addmaster 30 days notice of its intention to make a public offering of Addmaster shares at a specified price and Addmaster has not procured a purchaser for the shares who is willing to buy them at a price equal to 95 percent of the proposed offering price and in such a manner as to bring the transaction within an exemption from the registration requirements of the Securities Act of 1933. Applicant has given Addmaster notice of its intention to publicly offer the Addmaster shares at the contemplated minimum public offering price of $185 a share. Following the expiration of the 30-day period Addmaster filed a registration statement with respect to the 10,000 Addmaster shares under the Securities Act of 1933 and has stated therein that it is paying the expenses thereof.

Notice is further given that any interested person may, not later than May 20, 1968, at 12:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request 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 the case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after such 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.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68–5547; Filed, May 8, 1968; 8:47 a.m.]

WHITE ELECTROMAGNETICS, INC.

Order Suspending Trading

MAY 2, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of White Electromagnetics, Inc., Southlawn Industrial Park, Rockville, Md., otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 3, 1968, through May 6, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68–5548; Filed, May 8, 1968; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1178]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

MAY 3, 1968.

The following applications are governed by Special Rule 1.247[1] 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

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247 (d)(4) of the special rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 2860 (Sub-No. 24), filed April 17, 1968. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, canned, prepared or preserved, cooking or edible oils, matches, oleomargarine, and shortening*, except in bulk or tank vehicles, from Middletown (Dauphin County), Pa., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia. NOTE: Applicant states it would tack the proposed authority with its present authority at numerous points in the Middle Atlantic territory and would permit service on some commodities in some operations to central and southeastern territories. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Washington, D.C.

No. MC 3252 (Sub-No. 49), filed April 15, 1968. Applicant: PAUL E. MERRILL, doing business as MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, Maine. Applicant's representative: Francis E. Barrett, Jr., Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ore*, in dump-type vehicles, from Harborside, Maine, to Bucksport and Searsport, Maine, and (2) *lumber and cut-to length lumber stock*, from Portland and Fryeburg, Maine, to points in New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut. NOTE: Application accompanied by motion to dismiss. If a hearing is deemed necessary, applicant did not specify location.

No. MC 5470 (Sub-No. 39), filed April 24, 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: *Aluminum dross and residue, and aluminum scrap and skimmings*, in dump vehicles, from points in Maryland, New Jersey, and points in New York on and east of U.S. Highway 15, and points in Pennsylvania on and east of U.S. Highway 15, to Akron, Ohio, and points in Tuscarawas County, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 13250 (Sub-No. 100), filed April 5, 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: *Mowers and parts*, from the plantsite and storage facilities of American Hoist Company of California (a subsidiary of American Hoist & Derrick Co.), at or near Irwindale, Calif., to points in the United States (except Hawaii). NOTE: Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 14702 (Sub-No. 19), filed April 19, 1968. Applicant: OHIO FAST FREIGHT, INC., Post Office Box 808, Warren, Ohio 44482. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glassware*, from Dunkirk, Ind., to points in Ohio, West Virginia, Pennsylvania, Maryland, Delaware, the District of Columbia, New York, and New Jersey, and (2) *damaged or defective shipments of the above-specified commodities*, from points in the above-destination States to Dunkirk, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 21170 (Sub-No. 266), filed April 23, 1968. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa 50158. Applicant's representative: Gene R. Prokuski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products and woodpulp, and byproducts from paper manufacturing, processing or distribution, and materials, equipment, and supplies*, used in the manufacturing, processing, or distribution of paper and paper products, between the plantsite of West Virginia Pulp and Paper Co., at or near Wickliffe, Ky., located in Ballard and Carlisle Counties, Ky., on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, New York, Ohio, Pennsylvania, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 29886 (Sub-No. 243), filed April 25, 1968. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46621. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor vehicles* (except passenger automobiles), and *chassis*, in initial and secondary movements, in driveaway service and (2) *bodies, cabs, and parts of, and accessories* for such vehicles when moving in connection therewith, (a) from ports of entry on the international boundary of the United States and Canada in Washington, Idaho, Montana, North Dakota, Minnesota, Michigan, New York, Vermont, and Maine, to points in the United States (except Alaska and Hawaii), including ports of entry on the United States-Canada boundary line for delivery into Canada and (b) from ports of entry on the international boundary of the United States and Canada line in Alaska, to points in Alaska restricted in all instances to the transportation of traffic moving from Canadian plantsites of Canadian Kenworth, Ltd., a subsidiary of Pacific Car & Foundry Co. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 30067 (Sub-No. 11), filed April 26, 1968. Applicant: SOUTH BRANCH MOTOR FREIGHT, INC., Post Office Box 576, Petersburg, W. Va. 26847. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper forms*, between Petersburg, W. Va., on the one hand, and, on the other, Alabama, Connecticut, Florida, Georgia, Illinois, Michigan, Missouri, New York, North Carolina, and Ohio. NOTE: If a hearing is deemed necessary,

applicant requests it be held at Washington, D.C.

No. MC 35320 (Sub-No. 101), filed April 19, 1968. Applicant: T.I.M.E. FREIGHT, INC., 2598 74th Street, Post Office Box 2550, Lubbock, Tex. 79408. Applicant's representatives: Frank M. Garrison (same address as above), and W. D. Benson, Jr., Nineth Floor, Citizens Tower, Lubbock, Tex. 79401. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Grinnel Corp. located near Henderson, Tenn., as an off-route point in connection with carrier's presently held regular route authority to serve Jackson, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville or Memphis, Tenn.

No. MC 42487 (Sub-No. 690), filed April 22, 1968. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. R. Oldenburg, 7101 South Cicero Avenue, Post Office Box 5138, Chicago, Ill. 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those requiring armored vehicles or armed guards, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsites and warehouses of the Van Heusen Co., a division of Phillips-Van Heusen Corp., located in North Manheim Township, Schuylkill County, Pa., as off-route points in connection with applicant's presently authorized regular route operations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Reading or Harrisburg, Pa., or Washington, D.C.

No. MC 52458 (Sub-No. 214), filed April 18, 1968. Applicant: T. I. McCORMACK TRUCKING CO., INC., Post Office Box 1047, 4107 Bells Lane, Louisville, Ky. 40201. Applicant's representative: Harris G. Andrews (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank or hopper-type vehicles, from New York, N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 52579 (Sub-No. 103), filed April 17, 1968. Applicant: GILBERT CARRIER CORP., 1 Gilbert Drive, Secaucus, N.J. 17094. Applicant's representative: Aaron Hoffman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wearing apparel, loose, on hangers, and materials, and supplies*, used in the manufacture of wearing apparel, between Hialeah, Fla., on the one hand, and, on the other, Passaic, N.J., and points in the New York, N.Y. commercial zone, (2) *wearing apparel, loose, on hangers, and materials, and supplies*, used in the manufacture of wearing apparel, between Hallandale, Fla., and points in the New York, N.Y. commercial zone, (3) *materials and supplies* used in the manufacture of wearing apparel, from Miami, Fla., to points in the New York, N.Y. commercial zone, (4) *wearing apparel, loose, on hangers*, between Philadelphia, Pa., on the one hand, and, on the other, Lepanto and West Helena, Ark., (5) *wearing apparel, loose, on hangers, and materials, and supplies* used in the manufacture of wearing apparel, between Philadelphia, Pa., on the one hand, and, on the other, Greenville and Selma, Ala., and Daytona Beach, Fla., and (6) *wearing apparel, loose, on hangers*, from Mount Vernon, Ill., to points in the New York, N.Y. commercial zone. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 59728 (Sub-No. 20), filed April 25, 1968. Applicant: MORRISON MOTOR FREIGHT, INC., 1100 East Jenkins Boulevard, Akron, Ohio 44306. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, from Portsmouth, Washington Court House, and Hillsboro, Ohio, to La Place, Ill., points in that part of Illinois bounded by a line beginning at the Mississippi River and extending along U.S. Highway 36 to La Place, Ill., thence along Illinois Highway 32 to Effingham, Ill., thence along U.S. Highway 45 to Brookport, Ill., thence along the Ohio River to the Mississippi River, and thence along the Mississippi River to the point of beginning, including points on the indicated portions of the highways specified, and those in Kansas and Missouri. NOTE: Applicant presently holds the above authority by operating via Columbus, Ohio. The purpose of this application is to eliminate the necessity of operating via the Columbus, Ohio gateway. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Chicago, Ill.

No. MC 59957 (Sub-No. 35), filed April 23, 1968. Applicant: MOTOR FREIGHT EXPRESS, a corporation, Post Office Box 1029, Arsenal Road and Toronita Street, York, Pa. 17405. Applicant's representative: Robert H. Griswold, Post Office Box 432, 100 Pine Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the plantsite of Grinnell Corp. at or near Hampton, Reading Township (Adams County), Pa., as an off-route point in connection with carrier's authorized service over U.S. Highway 30 between Gettysburg and York, Pa., and over Pennsylvania Highway 194 between Abbottstown and East Berlin, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 61231 (Sub-No. 35), filed April 15, 1968. Applicant: ACE-ALKIRE FREIGHT LINES, INC., 4143 East 43d Street, Des Moines, Iowa 50305. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except those with vehicle beds, bed frames, or fifth wheels); (2) *agricultural implements and machinery;* and (3) *attachments for, and equipment designed for use with, the foregoing articles when moving in mixed loads with such articles*, (a) between points in the Davenport, Iowa, Rock Island and Moline, Ill., commercial zone as defined by the Commission, and (b) from points in said commercial zone to points in Iowa, Minnesota, Missouri, North Dakota, South Dakota; and to points in Douglas County, Nebr. Restriction: The authority herein granted shall be limited to traffic originating at the plantsites of, or storage or distribution facilities used by, International Harvester Co., and terminating in the aforesaid States of destination, provided that this restriction shall not prevent the handling of foreign traffic. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 61282 (Sub-No. 1), filed April 22, 1968. Applicant: ASPEN TRANSPORTATION SERVICE, INC., 435 Main Street, Gardner, Mass. 01440. 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: *Furniture, and children's vehicles, and such commodities* as are used in the manufacture thereof, between Gardner, Mass., and points in Massachusetts within 15 miles of Gardner, on the one hand, and, on the other, points in Rhode Island. NOTE: Applicant states it could or would tack at any point in Providence County, R.I. If a hearing is deemed necessary, applicant requests it be held at Worcester or Boston, Mass.

No. MC 61592 (Sub-No. 98), filed April 17, 1968. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common*

carrier, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except those with vehicle beds, bed frames, or fifth wheels); (2) *agricultural implements and machinery;* and (3) *attachments for, and equipment designed for use with, the foregoing articles;* when moving in mixed loads with such articles, between points in the Davenport, Iowa, Rock Island, and Moline, Ill., commercial zone, as defined by the Commission, and from points in said commercial zone to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Indiana, Iowa, 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 Wisconsin, restricted to traffic originating at the plantsites of, or storage or distribution facilities used by, International Harvester Co., and terminating in the aforesaid States of destination: *Provided*, That this restriction shall not prevent the handling of foreign traffic. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 61592 (Sub-No. 106), filed April 25, 1968. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: R. Connor Wiggins, Jr., 909, 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, parts and accessories, including disc, harrows, and rotary cutters*, from Poplarville, Miss., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or New Orleans, La.

No. MC 65802 (Sub-No. 39), filed April 22, 1968. Applicant: LYNDEN TRANSFER, INC., doing business as LYNDEN TRANSPORT, INC., Post Office Box 433, Lynden, Wash. 98264. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. 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), (1) between Livengood and Buffalo Center, Alaska, over Alaska Highway 2, serving all intermediate points, (2) between Fairbanks and McKinley Park, Alaska, over Alaska Highway 3, serving all intermediate points, and (3) between junction Alaska Highways 2 and 6 (approximately 11 miles north of Fairbanks) and Circle, Alaska, over Alaska Highway 6, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fairbanks or Anchorage, Alaska, or Seattle, Wash.

No. MC 75406 (Sub-No. 32), filed April 15, 1968. Applicant: SUPERIOR FORWARDING COMPANY, INC., 2600 South Fourth Street, St. Louis, Mo. 63118. Applicant's representatives: Gregory M. Rebman, 314 North Broadway, St. Louis, Mo. 63102, and Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Hot Springs, and Mount Ida, Ark., over U.S. Highway 270, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or St. Louis, Mo.

No. MC 76449 (Sub-No. 11), filed April 18, 1968. Applicant: NELSON'S EXPRESS, INC., 675 Market Street, Millersburg, Pa. 17061. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Harrisburg and Strinestown, Pa., over Interstate Highway 83 to Strinestown, Pa., and return over the same route, serving no intermediate points, restricted to shipments originating at or destined to points on applicant's presently authorized routes, service from or to Harrisburg, Pa., for the purpose of interchange only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 80430 (Sub-No. 121), filed April 25, 1968. Applicant: GATEWAY TRANSPORTATION CO., INC., 2130 South Avenue, La Crosse, Wis. 54601. Applicant's representative: Joseph E. Ludden (same address as above). 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, commodities in bulk, household goods, as defined by the Commission and those exceeding ordinary equipment and loading facilities), serving the plantsite of the Jackson County Iron Co., located near Black River Falls, Wis., as an off-route point in connection with applicant's authorized regular routes. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 89369 (Sub-No. 16), filed April 25, 1968. Applicant: JOART TRUCKING CO., a corporation, Post Office Box 332, New Brunswick, N.J. 08903. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials*, in bulk, from Perryville, Md., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 89716 (Sub-No. 44), filed April 17, 1968. Applicant: DICK JONES TRUCKING, Post Office Box 965, Powell, Wyo. 82435. Applicant's representative: Thomas H. Cook (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials, gypsum and gypsum products, and composition boards and materials, and supplies* used in the installation and/or application of such commodities from Cody, Wyo., to points in Utah, and (2) *return of rejected shipments or parts thereof*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cody, Wyo.

No. MC 89723 (Sub-No. 51), filed April 25, 1968. Applicant: MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, Mo. 63103. Applicant's representative: Robert S. Davis (same address as above). The instant application seeks authority solely to remove Odem, Tex., as a key point from applicant's presently held certificate No. MC 89723 (Sub-No. 4), wherein it is authorized to transport general commodities over regular routes between various points in Texas in service auxiliary to and supplemental of rail service of Missouri Pacific Railroad Co., and subject to all other key points and other restrictions contained in Docket No. MC 89723 (Sub-No. 4). No new routes or points are sought to be served. NOTE: Applicant is a wholly owned subsidiary of Missouri Pacific Railroad Co. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 103378 (Sub-No. 333), filed April 25, 1968. Applicant: PETROLEUM CARRIER CORPORATION, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry manufactured fertilizer, fertilizer compounds, fertilizer ingredients*, and *fertilizer materials*, from Bainbridge, Ga., to points in North Carolina, South Carolina, and Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Atlanta, Ga.

No. MC 103435 (Sub-No. 203), filed April 19, 1968. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, INC., East 4005 Broadway Avenue, Post Office Box 2726, Terminal Annex, Spokane, Wash. 99220. Applicant's representatives:

George LaBissoniere, 920 Logan Building, Seattle, Wash. 98101, and Maurice Andren, Post Office Box 1631, Rapid City, S. Dak. 57701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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 104896 (Sub-No. 29), filed April 22, 1968. Applicant: WOMELDORF, INC., Post Office Box 232, Lewistown, Pa. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers; plastic containers; closures; and wood, fiberboard, or pulpboard, cartons or boxes*, from Washington, Pa., to points in Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, Vermont, and points in Bergen, Essex, Middlesex, Morris, Passaic, Sussex, Hudson, Somerset, Union, and Warren, N.J., and *refused, rejected, and damaged shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106674 (Sub-No. 64) filed April 25, 1968. Applicant: SCHILLI MOTOR LINES, INC., 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients, and fertilizer compounds*, from Rushville, Ind., to points in Ohio. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 107488 (Sub-No. 5), filed April 22, 1968. Applicant: MANOR TRUCKING CO., INC., Rural Route 3, Auburn, Ind. 46706. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except those with vehicle beds, bed frames, or fifth wheels); (2) *agricultural implements and machinery;* and (3) *attachments for, and equipment designed for use with, the foregoing articles when moving in mixed loads with such articles*, (a) between points in the Davenport, Iowa, Rock Island and Moline, Ill., commercial zone, as described by the Commission, and (b) from points in said commercial zone to points in Allen, De Kalb, Elkhart, Fulton, Huntington, Marshall, Nobel, Wabash, and Whitley Counties, Ind. Restriction: The authority sought herein shall be limited to traffic originating at the plantsites of, or storage or distribution facilities used by International Harvester Co., and terminating in the aforesaid States of destination, provided that this restrtiction shall not prevent the handling of foreign traffic. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107496 (Sub-No. 657), filed April 22, 1968, 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: *Cement*, from the plantsite of the Dundee Cement Co. at Rock Island, Ill., to points in Minnesota and Wisconsin. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 107496 (Sub-No. 658), filed April 22, 1968. 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: *Anhydrous ammonia*, in bulk, from Hammond, Ind., to points in Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Kansas City, Mo.

No. MC 107496 (Sub-No. 659), filed April 23, 1968. 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: *Caustic soda*, in bulk, from Kansas City, Kans., to points in Nebraska, Iowa, and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Kansas City, Mo.

No. MC 108460 (Sub-No. 34), filed April 23, 1968. Applicant: PETROLEUM CARRIERS COMPANY, a corporation, 5104 West 14th Street, Post Office Box 762, Sioux Falls, S. Dak. 57106. Applicant's representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and fertilizer solutions*, in bulk, from Fremont, Nebr., to points in Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak.

No. MC 108461 (Sub-No. 111), filed April 22, 1968. Applicant: WHITFIELD TRANSPORTATION, INC., 300–316 North Clark Road, Post Office Drawer 9897, El Paso, Tex. Applicant's representative: J. P. Rose, Post Office Drawer 9897, El Paso, Tex. 79989. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum refining catalyst*, in bulk, in hopper-type vehicles, between El Paso, Tex., and Salt Lake City, Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at El Paso, Tex.

No. MC 109265 (Sub-No. 22), filed April 18, 1968. Applicant: W. L. MEAD, INC., Post Office Box 31, Norwalk, Ohio 44857. Applicant's representative: James Muldoon, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving points in Connecticut as off-route points in connection with applicant's existing regular route authority between Boston and Springfield, Mass., and between Providence, R.I., and West Beckett, Mass. NOTE: If a hearing is deemed necessary applicant requests it be held at Columbus or Cleveland, Ohio.

No. MC 109584 (Sub-No. 141), filed April 22, 1968. Applicant: ARIZONA-PACIFIC TANK LINES, a corporation, 3201 Ringsby Court, Denver, Colo. 80216. Applicant's representative: Eugene Hamilton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicle, from Oakland, Calif., to Brighton, Colo. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 109689 (Sub-No. 195), filed April 12, 1968. Applicant: W. S. HATCH CO., a corporation, 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities in bulk and commodities other than commodities in bulk*, when moving in combination with a shipment of commodities in bulk, between points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington. NOTE: Applicant states it could tack with its presently held authorities at points in Utah, Idaho, Arizona, or California. Also joinder is contemplated on chemicals to and from points in Colorado through points in Utah under Subs 26 and 79. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, San Francisco and Los Angeles, Calif.

No. MC 110923 (Sub-No. 5), filed April 19, 1968. Applicant: ALBERT LIVEK, doing business as LIVEK'S TRUCKING SERVICE, 808 Harrison Street, Kewanee, Ill. 61443. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except those with vehicle beds, bed frames, or fifth wheels); (2) *agricul-*

tural implements and machinery, and (3) *attachments for, and equipment designed for use with the foregoing articles,* when moving in mixed loads with such articles, (a) between points in the Davenport, Iowa; Rock Island and Moline, Ill., commercial zone as defined by the Commission, and (b) from points in said commercial zone in (a) above, to points in Indiana, restricted to traffic originating at the plantsites and storage facilities used by International Harvester Co., and terminating in the aforesaid States of destination: *Provided,* That this restriction shall not prevent the handling of foreign traffic. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110948 (Sub-No. 3), filed April 17, 1968. Applicant: SOO-SECURITY MOTORWAYS, LTD., 725 Portage Avenue, Winnipeg, Manitoba, Canada. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. 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 Pembina, N. Dak., and the port of entry on the international boundary line between the United States and Canada, located at Pembina, N. Dak., over U.S. Highway 81 (Interstate Highway 29), serving no intermediate points. NOTE: Applicant holds similar authority under MC 110948. The purpose of this application is to remove the restriction to traffic solely for the purpose of interchanging traffic with connecting carriers. If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak., or Minneapolis, Minn.

No. MC 112304 (Sub-No. 25), filed April 18, 1968. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: James M. Burtch, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles,* from points in Daviess County, Ky., to points in Wisconsin and Texas, and points in St. Louis and St. Charles Counties, Mo. NOTE: Applicant states it proposes to tack the authority sought herein with its presently held authority in (1) its Sub-No. 1 to provide through service from points in Ohio, Indiana, West Virginia, Michigan, Pennsylvania, New York, and New Jersey, to the destinations named herein; (2) with its Sub-No. 7 to provide through service from Burns Harbor, Ind., to points in Texas, and those in St. Louis and St. Charles Counties, Mo.; and (3) with its Sub-No. 17 to provide through service from a specified plantsite in Putnam County, Ill., to points in Texas, and those in St. Louis and St. Charles Counties, Mo. Joinder, in connection with (1), (2), and (3) above, would be at a point in Daviess County, Ky. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113024 (Sub-No. 68), filed April 25, 1968. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, South Du Pont Highway, Smyrna, Del. 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Bathroom and washroom fixtures, sinks, and accessories, and attachments* therefor, between Camden, N.J., and New Castle, Pa., on the one hand, and, on the other, Reno and Sparks, Nev., Tahoe Valley, Calif., and points in California in the area bounded by California Highways 41 and 46 on the south, U.S. Highway 99 on the east, California Highway 20 on the north, and the Pacific Ocean on the west, including points on such highways, under contract with Universal-Rundle Corp., New Castle, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113267 (Sub-No. 197), filed April 22, 1968. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. 62232. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Canned citrus products, chilled citrus products, and frozen citrus products,* from points in Ware County, Ga., to points in Arkansas, Iowa, Minnesota, Missouri, Nebraska, Oklahoma, Alabama, Delaware, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, District of Columbia, North Dakota, and South Dakota. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Atlanta, Ga.

No. MC 113362 (Sub-No. 148), filed April 17, 1968. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa. 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: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses,* as described in appendix I, sections A, B, and C, *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from the plantsites of John Morrell & Co. at Sioux Falls and Madison, S. Dak., to points in Ohio, Michigan, Pennsylvania, Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Minneapolis, Minn., or Omaha, Nebr.

No. MC 113828 (Sub-No. 141), filed April 19, 1968. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington, D.C. 20014. Applicant's representative: William P. Sullivan, Federal Bar Building, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Titanium dioxide slurry,* in bulk, from Baltimore, Md., to points in Maryland, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, and Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113828 (Sub-No. 144), filed April 26, 1968. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington, D.C. 20014. Applicant's representative: Martin Sterenbuch, Federal Bar Building, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Syrups,* in bulk, from Front Royal, Va., to points in Maryland, Pennsylvania, 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 113855 (Sub-No. 178) (Amendment), filed April 9, 1968, published FEDERAL REGISTER, issue of April 25, 1968, amended and republished as amended this issue. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55902. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Aluminum mill products, including, but not limited to sheet, plate, bars, rods, and extrusions,* from points in Grundy County, Ill., to points in Alabama, Arkansas, Connecticut, Florida, Illinois, Indiana, Kansas, California, Delaware, South Carolina, Georgia, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Tennessee, Texas, Washington, West Virginia, Wisconsin, Idaho, Kentucky, Nebraska, Oklahoma, Rhode Island, South Dakota, and Virginia. NOTE: The purpose of this republication is to add the destination points of Idaho, Kentucky, Nebraska, Oklahoma, Rhode Island, South Dakota, and Virginia. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113855 (Sub-No. 179), filed April 19, 1968. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55902. Applicant's representative: Franklin J. Van Osdel, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except those with vehicle beds, bed frames, or fifth wheels); (2) *agricultural implements and machinery;* and (3) *attachments for,*

and equipment designed for use with, the foregoing articles when moving in mixed loads with such articles, (a) between points in the Davenport, Iowa, Rock Island and Moline, Ill., commercial zone, as defined by the Commission, and (b) from points in said commercial zone to points in Arizona, California, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming. Restriction: The authority sought herein shall be limited to traffic originating at the plant-sites of, or storage or distribution facilities used by, International Harvester Co., and terminating in the aforesaid States of destination, provided that this restriction shall not prevent the handling of foreign traffic. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113855 (Sub-No. 180), filed April 24, 1968. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55902. Applicant's representative: Van Osdel, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemically extracted and digested marine protein*, from Cape Flattery and Neah Bay, Wash., to points in Oregon, California, Idaho, Nevada, Utah, Montana, Wyoming, Colorado, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Arkansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, and Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 114004 (Sub-No. 64), filed April 19, 1968. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. 72204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes; transporting: *Buildings in sections mounted on wheeled undercarriages with hitchball connectors*, (1) from points in Faulkner County, Ark., to points in Alabama, Arizona, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Tennessee, and Texas, and (2) from points in Mecklenburg and Hanover Counties, Va., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Indiana, Kentucky, Maine, Maryland, Massachusetts, North Carolina, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Richmond, Va.

No. MC 114045 (Sub-No. 314), filed April 23, 1968. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Findlay and Belt Line Road, Dallas, Tex. 75222. Applicant's representative: R. L. Moore (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts, and pineapples*, from Gulfport, Miss., to points in Texas, Oklahoma, Kansas, Missouri, Colorado, Iowa, Illinois, Minnesota, Georgia, Tennessee, Ohio, Wisconsin, Indiana, Pennsylvania, Maryland, New York, Massachusetts, Michigan, and New Mexico. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 115311 (Sub-No. 84), filed April 22, 1968. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, Ga. 31061. Applicant's representative: Bill R. Davis, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mouldings and materials and supplies used in the installation thereof*, from points in Smyth County, Va., to points in Sumter County, Ga. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Bristol, Tenn.

No. MC 115331 (Sub-No. 250), filed April 19, 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: *Paper and paper articles, materials, equipment, and supplies*, used in the manufacture and processing of paper and paper articles, between the plantsite of the West Virginia Pulp & Paper Co., at or near Wickliffe, Ky., and points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Michigan, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 115841 (Sub-No. 330), filed April 22, 1968. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, 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: *Charcoal and charcoal derivatives* (except in bulk in tank vehicles), from Cookeville, Tenn., to points in Illinois, Indiana, Kentucky, Ohio, New York, New Jersey, Maryland, Delaware, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis or Nashville, Tenn., or Birmingham, Ala.

No. MC 116063 (Sub-No. 109), filed April 21, 1968. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., 2400 Cold Springs Road, Post Office Box 270, Fort Worth, Tex. 76101. Applicant's representative: W. H. Cole (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products used in the agricultural, water treatment, food processing, wholesale grocery and institutional supply industries when shipped in mixed truckloads with salt and salt products*, from the plantsite of Morton Salt Co., at or near Grand Saline, Tex., to points in Arkansas, Louisiana, New Mexico, and Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 116702 (Sub-No. 27) (Amendment), filed January 15, 1968, published FEDERAL REGISTER issue February 1, 1968, and republished, as amended this issue. Applicant: THADDEUS A. GORSKI, doing business as GORSKI BULK TRANSPORT, 1570 Kildare Road, Harrow, Ontario, Canada. Applicant's representative: Clyde E. Herring, Suite 800, 1634 Eye Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sodium bichromate*, in tote bins, from the plantsite of Allied Chemical Corp., located at Baltimore, Md., to the port of entry on the international boundary line between the United States and Canada located at Detroit, Mich., and (2) *sodium bi-sulphate waste*, in drums, and *scrubber liquor*, in tank vehicles, from the port of entry on the International boundary line between the United States and Canada, located at Detroit, Mich., to the plantsite of Allied Chemical Corp., located at Baltimore, Md., and the return of empty containers, under contract with Allied Chemical Co. of Canada, Ltd. NOTE: The purpose of this republication is to change the commodity description in (1) above, and to add (2) above. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116763 (Sub-No. 127), filed April 23, 1968. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: W. J. Bohman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Folding boxes and food carryout trays*, from Eutaw, Ala., to points in 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, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 116763 (Sub-No. 128), filed April 25, 1968. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared and preserved foodstuffs*, (1) from Medina, Ohio, to points in Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, Kentucky, those in New York on and east of New York Highway 12, those in Pennsylvania on and east of U.S. Highway 220, Rhode Island, Tennessee, Vermont, those in Virginia on and north of U.S. Highway 60, and the District of Columbia, and (2)

from Orrville, Ohio, to points in Arkansas, Alabama, and Texas. NOTE: Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 117375 (Sub-No. 6), filed April 25, 1968. Applicant: BRANSON TRUCK LINE, INC., 1309 East Highway 56, Lyons, Kans. 67554. Applicant's representative: Leland M. Spurgeon, 308 Casson Building, 603 Topeka Boulevard, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay products*, (a) from Weir, Kans., to points in Arkansas, Missouri, and Oklahoma; (b) from Bridgeport, Bennett, Denton, and Ferris, Tex., to points in Arkansas and Oklahoma; (c) from Harrisonville, Mo., to points in Arkansas, Iowa, Kansas, Oklahoma, and Nebraska; (d) from Clinton, Edmond, Oklahoma City, and Tulsa, Okla., to points in Arkansas and Texas; and, (e) from Enid, Okla., to points in Arkansas, Kansas, and Texas; and, (2) *artificial stone*, from points in Oklahoma County, Okla., to points in Kansas, Missouri, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Topeka or Wichita, Kans., or Oklahoma City, Okla.

No. MC 118159 (Sub-No. 50), filed April 18, 1968. Applicant: EVERETT LOWRANCE, 4916 Jefferson Highway, New Orleans, La. Applicant's representative: David D. Brunson, Post Office Box 671, Oklahoma City, Okla. 73101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, mirrors, and furniture parts*, in boxes or packages, (1) between Toccoa, Ga., Selma, Ala., and Trumann, Ark., and, (2) from Toccoa, Ga., Selma, Ala., and Trumann, Ark., to points in North Dakota, South Dakota, Nebraska, Colorado, New Mexico, Georgia, Minnesota, Iowa, Kansas, Missouri, Oklahoma, Florida, Texas, Wisconsin, Illinois, Arkansas, Louisiana, Indiana, Kentucky, Mississippi, Tennessee, Alabama, Michigan, Ohio, Virginia, North Carolina, and South Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., New Orleans, La., or Washington, D.C.

No. MC 119641 (Sub-No. 71), filed April 22, 1968. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, Fowler, Ind. 47944. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except those with vehicle beds, bed frames, or fifth wheels); (2) *agricultural implements and machinery;* and (3) *attachments* for, and *equipment* designed for use with the foregoing articles when moving in mixed loads with such articles, (a) between points in the Davenport, Iowa, Rock Island and Moline, Ill., commercial zone, as defined by the Commission, and (b) from points in said commercial zone to points in Alabama, Indiana, Kentucky, Michigan, Mississippi, Ohio, and Tennessee. Restriction: The authority sought herein is restricted (1) to traffic originating at the plantsites of, or storage or distribution facilities used by International Harvester Co., and (2) to traffic destined to the points named above, except that the latter restriction will not apply to traffic moving in foreign commerce. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119777 (Sub-No. 106), filed April 22, 1968. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box L, Madisonville, Ky. 42431. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wood fiberboard, wood fiberboard* faced or finished with decorative or protective material, and (2) *accessories and supplies* used in the installation of the commodities in (1) above, from Laurel, Miss., to points in Alabama, Louisiana, and Atlanta, Ga., and Memphis, Tenn. NOTE: Applicant holds contract carrier authority under MC 126970 and subs thereunder, therefore, dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 119777 (Sub-No. 107), filed April 22, 1968. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box L, Madisonville, Ky. 42431. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Disk blades*, from Midland, Pa., and Chicago, Ill., to Poplarville, Miss. NOTE: Applicant is also authorized to conduct operations as a contract carrier in permit No. 126970 and Sub 1, therefore, dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 119974 (Sub-No. 21), filed April 24, 1968. Applicant: L. C. L. TRANSIT COMPANY, a corporation, 520 North Roosevelt Street, Green Bay, Wis. 54305. Applicant's representative: Charles E. Dye (same address as applicant). 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 sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, from the plantsite and storage facilities utilized by Oscar Mayer & Co., Inc., Davenport, Iowa, to points in Michigan, Ohio, and points in Indiana, except those within the Chicago, Ill., commercial zone, restricted to the transportation of traffic originating at the described plantsite and storage facilities and destined to points in the States named. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 120240 (Sub-No. 4), filed April 22, 1968. Applicant: FREEMAN TRANSFER, INC., 4216 Commerical Avenue, Box 623, Downtown Station, Omaha, Nebr. 68101. Applicant's representative: Lynn King (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers*, including, but not limited to, boxes, fiberboard, setup or knocked down, and *accessories, bands, caps, closures, covers, disks, ends, parts, rings, and tops for containers*, from Omaha, Nebr., to points in Colorado, Iowa, Kansas, Minnesota, Missouri, and South Dakota. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 120543 (Sub-No. 53), filed April 17, 1968. Applicant: FLORIDA REFRIGERATED SERVICE, INC., U.S. Highway 301 North, Post Office Box 1297, Dade City, Fla. 33525. Applicant's representative: Lawrence D. Fay, 1205 Universal Marion Building, Post Office Box 1086, Jacksonville, Fla. 32201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy and nondairy toppings (aerosols and nonareosols); coffee creamers; sour dips; imitation cream cheese; dairy products; whipping cream; light cream; and half and half*, from points in Florida, to points in Minnesota, Iowa, Missouri, Arkansas, Louisiana, North Daktoa, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, Washington, Oregon, Nevada, and California. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville or Tampa, Fla.

No. MC 123048 (Sub-No. 129), filed April 19, 1968. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. Applicant's representatives: C. Ernest Carter, Post Office Box A, Racine, Wis., and Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except those with vehicle beds, bed frames, or fifth wheels); (2) *agricultural implements and machinery;* and (3) *attachments for, and equipment designed for use with, the foregoing articles when moving in mixed loads with such articles*, (a) between points in the Davenport, Iowa, Rock Island and Moline, Ill., commercial zone, as defined by the Commission, and (b) from points in said commercial zone to points in Alabama, Delaware, Florida, Georgia, Indiana, Kentucky, Maryland, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin. Restriction: The authority herein granted shall be limited to traffic originating at the plantsites of, or storage or distribution facilities used, by International Harvester Co., and terminating in the aforesaid States of destination: *Provided*, That this restriction shall not prevent

the handling of foreign traffic. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123061 (Sub-No. 44), filed April 19, 1968. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, Salt Lake City, Utah 84104. Applicant's representative: Harry D. Pugsley, 400 El Paso Natural Gas Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, and feed ingredients, and salt*, from points in California, to points in Utah. NOTE: Applicant indicates tacking the proposed authority with its pending MC 123061 Sub 41 in Utah, for service to and from Idaho. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or San Francisco, Calif.

No. MC 123176 (Sub-No. 9), filed April 18, 1968. Applicant: WILLIAM D. SMITH, doing business as K.G. & C. TRUCK LINE, 925 Quincy Drive, Hamilton, Ohio 45013. Applicant's representative: Elmer F. Streib, 715 Executive Building, 35 East Seventh Street, Cincinnati, Ohio 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Peoria Heights, Ill., to Cincinnati, Ironton, Portsmouth, and Ripley, Ohio, and points in St. Clair Township, Butler County, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cincinnati or Hamilton, Ohio.

No MC 123323 (Sub-No. 4), filed April 19, 1968. Applicant: ALASKA TRANSFER, INC., 330 West Ninth Street, Juneau, Alaska 99801. Applicant's representative: J. B. Bradley, 200 National Bank of Alaska Building, Post Office Box 1211, Juneau, Alaska 99801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Alaska south and east of the international boundary line between the United States and Canada located north of Haines, Alaska, on the one hand, and on the other, Seattle, Wash., via the Alaska State ferry system to the port or ports in the State of Washington served by the Alaska State ferry system, and thence by highway to Seattle, restricted to traffic of shipments originating in, or destined to Alaska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Juneau, Alaska.

No. MC 123329 (Sub-No. 15), filed April 17, 1968. Applicant: H. M. TRIMBLE & SONS, LTD., 1510 40th Avenue SE., Calgary, Alberta, Canada. Applicant's representative: Ray F. Koby, 314 Montana Building, Great Falls, Mont. 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sulphur*, in bulk, from ports of entry on the international boundary line between the United States and Canada located at or near Blaine, Wash., to Bellingham, Wash., and (2) *lignin liquor*, in bulk, from Bellingham, Wash., to ports of entry on the international boundary line between the United States and Canada located at or near Blaine, Wash. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Great Falls, Mont.

No. MC 123393 (Sub-No. 198), filed April 18, 1968. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale, Springfield, Mo. 65803. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy and confectionery products;* (2) *advertising materials*, including premium merchandise, moving in mixed loads with candy and confectionery products; and, (3) *materials and supplies* used in manufacture, sale and/or distribution of candy and confectionery products, between plantsites and storage facilities of Reed Candy Co., at or near Campbellsville, Ky., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Rhode Island, Arkansas, Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Oklahoma, Texas, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville or Lexington, Ky.

No. MC 123544 (Sub-No. 3), filed April 24, 1968. Applicant: BERTSCH TRUCKING, INC., Box 15, Hillsboro, N. Dak. 58045. Applicant's representative: William S. Rosen, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and implements and parts thereof*, from points of entry on the international boundary line of the United States and Canada at Neche and Pembina, N. Dak., and Noyes, Minn., to points in Arkansas, Illinois, Indiana, Iowa, Louisiana, Missouri, Ohio, Texas, and Wisconsin, under contract with Versatile Manufacturing, Ltd. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Fargo, N. Dak.

No. MC 123639 (Sub-No. 105), filed April 19, 1968. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, Colo. 80216. Applicant's representative: George C. Anderson, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and/or cold storage facilities utilized by Wilson & Co., Inc., at or near Logansport, Ind., to points in Colorado, Iowa, Kansas, and Nebraska, restricted to the transportation of Wilson & Co., Inc., traffic originating at the above-specified plantsite and/or cold storage facilities and destined to the above-specified destinations. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123766 (Sub-No. 6) filed April 19, 1968. Applicant: D & O TRANSPORT, INC., 214 South Fourth Avenue, Yakima, Wash. 98902. Applicant's representative: Douglas A. Wilson, 303 East D Street, Yakima, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard, paper or pulp board boxes and partitions*, between Longview and Yakima, Wash., on the one hand, and, on the other, points in Idaho. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 123819 (Sub-No. 16), filed April 25, 1968. Applicant: ACE FREIGHT LINE, INC., Post Office Box 2103, Memphis, Tenn. 38102. Applicant's representative: Bill R. Davis, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pesticides, insecticides, herbicides, fungicides, and related advertising materials*, from points in Tennessee to points in Texas, Georgia, Florida, South Carolina, Alabama, and Mississippi. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 123905 (Sub-No. 8), filed April 19, 1968. Applicant: OLEN BURRAGE, Route 9, Box 22–A, Philadelphia, Miss. 39350. Applicant's representative: Donald B. Morrison, 829 Deposit Guaranty National Bank Building, Jackson, Miss. 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wood preservatives*, except in bulk, from Mobile, Ala.; Atlanta, Ga.; Shreveport, La.; East St. Louis, Mo.; St. Louis, Mo.; and Port Neches, Tex., to Philadelphia, Miss.; (2) *glue extenders*, except in bulk from Memphis, Tenn., to Philadelphia, Miss.; and, (3) *steel strapping*, from Chicago, Ill., to Philadelphia, Miss., under contract with Weyerhaeuser Co., Philadelphia, Miss. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Memphis, Tenn.

No. MC 124669 (Sub-No. 24), filed April 17, 1968. Applicant: TRANSPORT, INC., OF SOUTH DAKOTA, 1012 West 41st Street, Sioux Falls, S. Dak. 57105. Applicant's representative: Ronald B. Pitsenbarger, Post Office Box 396, Moorhead, Minn. 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid animal and poultry feed, liquid animal and poultry feed supplements, and feed ingredients*, in bulk, and (2) *chemicals, fertilizer, and fertilizer ingredients*, in bulk, from points in Minnehaha County, S. Dak., to points in Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Sioux Falls, S. Dak.

No. MC 124796 (Sub-No. 39), filed April 25, 1968. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 7236 East Slauson, Los Angeles, Calif. 90022. Applicant's representative: J. Max

Harding, 300 NSEA Building, 605 South 14th Street, Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Water heaters, furnaces, air-conditioning equipment, air coolers, and parts of the described commodities, and materials, supplies, and equipment*, used in the manufacture of the above-described commodities, between city of Industry, Calif., and Collierville, Tenn., restricted to traffic originating or terminating at the plantsites, warehouses, or distribution facilities of Carrier Corp., La Puente, Calif., under contract with Carrier Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 125063 (Sub-No. 3), filed April 18, 1968. Applicant: JAMES E. SHERWOOD, doing business as SHERWOOD TRANSPORTATION, 10408 Blumont Road, Southgate, Calif. 90280. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alfalfa pellets*, in bulk, between Brawley, Burrell, and Blythe, Calif., and points within 10 miles of each, on the one hand, and, on the other, Los Angeles Harbor and Long Beach Harbors, Calif., on traffic having a prior or subsequent movement by water. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles or Brawley, Calif.

No. MC 126045 (Sub-No. 12), filed April 22, 1968. Applicant: ALTER TRUCKING AND TERMINAL CORPORATION, Post Office Box 3122, Davenport, Iowa 52808. Applicant's representative: John W. Lavender, 2333 Rockingham Road, Davenport, Iowa 52802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron*, in bulk, from Davenport, Iowa, to points in Illinois and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 126512 (Sub-No. 3), filed April 22, 1968. Applicant: BROAD TOP SALES AND SERVICE, INC., 11 North Carlisle Street, Greencastle, Pa. 17225. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Bedford County, Pa., to Riverton, Va., under contract with G. M. & W. Coal Co., Inc., Greencastle, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127187 (Sub-No. 6), filed April 22, 1968. Applicant: FLOYD DUENOW, 215 East Cherry Street, Fergus Falls, Minn. 56537. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry urea and dry fertilizer*, from Omaha, Nebr., to points in North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, and Missouri (except St. Louis and its commercial zone). NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 127418 (Sub-No. 3), filed April 24, 1968. Applicant: TROP-ARTIC REFRIGERATED SERVICE, INC., 1410 Brown Bridge Road, Gainesville, Ga. 30501. Applicant's representative: Virgil H. Smith, 431 Title Building, Atlanta, Ga. 30303. Authority sought to operate a a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cotton knit fabric*, in temperature controlled vehicles, from Cartersville, Ga., to Flagstaff, Ariz. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 127505 (Sub-No. 15), filed April 22, 1968. Applicant: RALPH H. BOELK, doing business as R. H. BOELK TRUCK LINES, 1201 14th Avenue, Mendota, Ill. 61342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products and woodpulp, and articles and materials used in the manufacture and distribution of paper, and paper products*, between the plantsite of West Virginia Pulp & Paper Co., at or near Wickliffe, Ky., on the one hand, and, on the other, points in Illinois, Wisconsin, Minnesota, Iowa, Michigan, Indiana, and Louisville, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Louisville, Ky.

No. MC 127689 (Sub-No. 19), filed April 25, 1968. Applicant: PASCAGOULA DRAYAGE COMPANY, INC., 705 East Pine Street, Hattiesburg, Miss. 39401. Applicant's representative: W. N. Innis (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fiberboard, wood fiberboard faced or finished with decorative or protective material, and accessories and supplies used in the installation thereof*, from Laurel, Miss., to points in Georgia and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it held at Jackson, Miss.

No. MC 127834 (Sub-No. 18), filed April 25, 1968. Applicant: CHEROKEE HAULING & RIGGING, INC., 540–42 Merritt Avenue, Nashville, Tenn. 37203. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum*, in sheets, coils, or plate, from Nashville, Tenn., to points in Alabama, Florida, Kansas, Michigan, Minnesota, Nebraska, Ohio, Pennsylvania, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128763 (Sub-No. 4), filed April 25, 1968. Applicant: K. H. TRANSPORT, INC., R.F.D. No. 2, Ellicott City, Md. Applicant's representative: Chester A. Zylbut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Specialty hardware for furniture*, from Baltimore, Md., and Genesee, Pa., to Atlanta, Ga., Birmingham, Ala., New York, N.Y., Chicago, Ill., Florence, Ky., Kansas City, Kans., Dallas and Houston, Tex., and Los Angeles, Calif., under contract with Hardware for Furniture, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128822 (Sub-No. 4), filed April 25, 1968. Applicant: RITTER & SMITH TRUCKING, INC., 1910 Halethorpe Farm Road, Baltimore, Md. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fittings and accessories for corrugated metal pipe, highway guard rail, tunnel liner plates, sectional plate pipe and steel pilings*, from the plantsite of Armco Steel Corp., located at Halethorpe, Md., to points in New Jersey, New York, Delaware, Pennsylvania, West Virginia, Virginia, Connecticut, and the District of Columbia, and *return shipments* of the above-described commodities, on return, under contract with Armco Steel Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129089 (Sub-No. 1), filed April 22, 1968. Applicant: MIDWEST MATERIAL SERVICE COMPANY, a corporation, Foot of Mart, Muskegon, Mich. 49440. Applicant's representative: Judson B. Robb, Kurylo Building, 1158 Oak Street, Wyandotte, Mich. 48192. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Newsprint*, from Muskegon, Mich., to Mount Pleasant, Big Rapids, Niles, Hastings, Mason, Manistee, and Ludington, Mich., under a continuing contract with West Michigan Dock & Market Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 129848, filed April 19, 1968. Applicant: TOP TRANSFER CO., a corporation, 221 West 16th Street, Kansas City, Mo. 64108. Applicant's representative: John A. Borron, Jr., 2804 Power & Light Building, Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pianos, organs, televison sets, stereophonic phonograph sets, high-fidelity phonograph sets, radio sets, or any combination television, stereophonic, high-fidelity, or radio sets*, between Kansas City, Mo., on the one hand, and, on the other, points in Doniphan, Atchison, Leavenworth, Wyandotte, Johnson, Miami, Linn, Bourbon, Crawford, Cherokee, Labette, Neosho, Allen, Anderson, Franklin, Douglas, and Jefferson Counties, Kans. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 129851, filed April 22, 1968. Applicant: JAMES W. McCONNELL and JAMES E. McCONNELL, a partnership, doing business as McCONNELL BROS. TRANSFER & STORAGE, 106 23d Street North, Columbus, Miss. 39701. Applicant's representative: Donald B. Morrison, 829 Deposit Guaranty National Bank

Building, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Columbus, Miss., and points in Calhoun, Chickasaw, Choctaw, Clay, Lee, Lowdnes, Monroe, Noxubee, Oktibbeha, Webster, and Winston Counties, Miss., and points in Fayette, Green, Lamar, Marion, and Pickens Counties, Ala., restricted to shipments moving in containers and having an immediately prior or subsequent movement by rail, motor, water, or air, and moving on through bills of lading of forwarders, operating under the section 402(b)(2) exemption. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Memphis, Tenn.

No. MC 129854, filed April 24, 1968. Applicant: CENTRAL COMET CARTAGE CO., a corporation, 2011 Riverside Drive, Columbus, Ohio 43221. Applicant's representative: Thomas Maxson, 1112 Urlin Avenue, Columbus, Ohio 43212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food service, equipment and material, equipment and component parts*, used in the manufacture, fabrication, erection, and installation of such equipment, between Columbus, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin, under contract with N. Wasserstrom & Sons, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

MOTOR CARRIERS OF PASSENGERS

No. MC 13028 (Sub-No. 13), filed April 23, 1968. Applicant: THE SHORT LINE, INC., 27 Sabin Street, Box 1116, Annex Station, Providence, R.I. 02901. 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 the same vehicle with passengers, in special operations, during the racing season, beginning and ending at Providence and Pawtucket, R.I., and North Attleboro, Mass., and extending to Rockingham Race Track, located at Salem, N.H. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I.

No. MC 85819 (Sub-No. 3), filed April 17, 1968. Applicant: GULF COAST MOTOR LINE, INC., 105 South Myrtle Avenue, Clearwater, Fla. 33516. Applicant's representative: John M. Allison, 512 Florida Avenue, Post Office Box 1531, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, between Weeki Wachee and Orlando, Fla., over Florida Highway 50, serving all intermediate points, including but not limited to Brooksville, Ridge Manor, Richloam, Groveland, Clermont, Oakland, and Winter Garden, Fla. Restrictions: Such service is to be restricted against transportation originating at Orlando and terminating at Oakland, Fla., and intermediate points, and in the reverse direction; also service is restricted against transportation originating at Orlando and terminating at St. Petersburg, Fla., and in the reverse direction. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 94259 (Sub-No. 2), filed April 8, 1968. Applicant: GOLDY'S MOUNTAIN LINE, INC., 793 Crown Avenue, Brooklyn, N.Y. Applicant's representative: Joseph S. Rosenthal, 221 West 57th Street, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in nonscheduled, door-to-door service, limited to the transportation of not more than eight passengers in any one vehicle but including the driver thereof, and not including children under 10 years of age who do not occupy a seat or seats, between New York, N.Y., on the one hand, and, on the other, points in Thompson and Fallsburg Township, Sullivan County, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 94361 (Sub-No. 3), filed April 8, 1968. Applicant: MACY'S AUTO RENTAL, INC., c/o Joseph Camby, 103–26 68th Avenue, Forest Hills, N.Y. Applicant's representative: Joseph S. Rosenthal, 221 West 57th Street, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Passengers and their baggage*, in special operations, in nonscheduled, door-to-door service, limited to the transportation of not more than eight passengers in any one vehicle, but not including the driver thereof and not including children under 10 years of age who do not occupy a seat or seats, during the season extending from the 15th day of May to the 30th day of September, inclusive; between New York, N.Y., on the one hand, and, on the other, points in Mamakating and Fallsburgh Township, Sullivan County, N.Y., and Warwarsing Township, Ulster County, N.Y. (B) *Passengers and their baggage*, in special operations, limited to the transportation of not more than eight passengers in any one vehicle, excluding the driver and children under 10 years of age who do not occupy a seat or seats, during the season extending from the 15th of May to the 30th day of September, both inclusive, (1) between New York, N.Y., on the one hand, and, on the other, points in Liberty and Callicoon Townships, Sullivan County, N.Y.; (2) between New York, N.Y., on the one hand, and, on the other, points in Liberty, Fallsburgh, Thompson, and Bethel Townships, Sullivan County, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 111422 (Sub-No. 6) (correction), filed March 8, 1968, published FEDERAL REGISTER issue of March 28, 1968, and republished as corrected, this issue. Applicant: ORVILLE D. ANDERSON, Conneaut Lake Road, Greenville, Pa. 16125. 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, beginning and ending at points in Cuyahoga County, including the city of Cleveland; Summit County, including the city of Akron; Mahoning County, including the city of Youngstown; and points in Lorain, Medina, Portage, and Stark Counties, Ohio; and points in Lawrence County, Pa., and extending to points in the United States, including Alaska, but excluding Hawaii. NOTE: Common control may be involved. The purpose of this republication is to correctly set forth the territorial authority sought. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 121412 (Sub-No. 4), filed April 18, 1968. Applicant: SUBURBAN LINES, INC., 2121 West Chestnut Street, Washington, Pa. 15301. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. 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 charter and special operations, beginning and ending at points in Washington County, Pa. (except points on and east of a line from New Eagle, Pa., to California, Pa.), 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 Pittsburgh, Pa., or Washington, D.C.

MC 129855, filed April 10, 1968. Applicant: S & H COMPANY, INC., 1409 Manchester Street, Beloit, Wis. 53511. Applicant's representative: Claude J. Jasper, 111 South Fairchild Street, Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Beloit, Wis., and Harvard, Ill., from Beloit over Wisconsin Highway 15 to Darien, Wis., thence over U.S. Highway 14 to Harvard, and return over the same route, serving all intermediate points, under contract with Admiral Corp. of Harvard, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-5502; Filed, May 8, 1968; 8:45 a.m.]

[Notice 603]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 6, 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 80430 (Sub-No. 122 TA), filed May 2, 1968. Applicant: GATEWAY TRANSPORTATION CO., INC., 2130 South Avenue, La Crosse, Wis. 54601. Applicant's representative: Joseph E. Ludden (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Class B propellant powder*, from Badger Army Ammunition Plant, Baraboo, Wis., to Twin Cities Army Ammunition Plant, Minneapolis, Minn., for 150 days. Supporting shipper: Mrs. E. F. Jones, Department of the Army, Washington, D.C. Send protests to: Barney L. Hardin, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 214 North Hamilton Street, Madison, Wis. 53703.

No. MC 118196 (Sub-No. 101 TA), filed May 2, 1968. Applicant: RAYE & COMPANY TRANSPORTS, INC., Post Office Box 613, Highway 71 North, Carthage, Mo. 64836. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (272–273) and 61 M.C.C. 766, except commodities in bulk, in tank vehicles and hides, from the plantsite of Missouri Beef Packers at or near Friona, Tex., to points in Arizona, California, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming. Restriction: Restricted to traffic originating at the above-named plantsite and destined to the States named, for 180 days. Supporting shipper: Missouri Beef Packers, Inc., Rockport, Mo. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 118482 (Sub-No. 7 TA), filed May 2, 1968. Applicant: SMYTH OVERSEAS VAN LINES, INC., 11616 Aurora Avenue North, Seattle, Wash. 98133. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in the Seattle, Wash., commercial zone, on the one hand, and, on the other, points in Alaska, over public highways between the Seattle, Wash., commercial zone and the Puget Sound terminal(s) of the Alaska Marine Highway System, and between said terminal(s) and points in Alaska over said Alaska Marine Highway System, for 180 days. NOTE: Applicant indicates tacking possibilities with its other authority under MC 1184482 Sub 2, if necessary, and interline with other carriers at Seattle, Wash. Supporting shippers: U.S. Department of the Interior, Bureau of Indian Affairs, 553 Federal Office Building, Seattle, Wash. 98104, Attention V. R. Farrell, Administrative Officer and Special Representative; National Van Lines, Inc., National Plaza, Broadview, Ill. 60153. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 124078 (Sub-No. 327 TA), filed May 2, 1968. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles, and *cement and lime*, in packages from Augusta, Ga., to points in Georgia and South Carolina, for 150 days. Supporting shipper: Southern Cement Co. (Division of Martin Marietta Corp.), 16th Floor, Bank for Savings Building, Birmingham, Ala. 35203 (C. D. Shaw, Jr., Vice President—Commercial). Sent protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 129720 (Sub-No. 1 TA), filed May 1, 1968. Applicant: RUTTMAN, INCORPORATED, Nelson, Nebr. 68961. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *steel buildings and component parts thereof*, from the plantsite of the Stran Steel Co. of Houston, Tex., and Terre Haute, Ind., to points in Nebraska and Kansas, under continuing contract with Wilkins Steel Building Co., Inc., of Geneva, Nebr.; (2) *automatic feed and handling equipment* from Eureka, Ill., to points in Nebraska; (3) *forage wagons, choppers, and blowers*, from Appleton, Wis., to points in Nebraska; (4) *glass-lined silos* (Harvestore, Liquid Manure Storage and Handling Pits), and *automatic feed and handling equipment*, from Kankakee, Ill., to points in Nebraska; all of the foregoing contracts with Geneva Concrete Co., Inc. of Geneva, Nebr., for 150 days. Supporting shippers: Wilkins Steel Building Co., Inc., Geneva, Nebr.; Geneva Concrete Co., Inc., Geneva, Nebr. Send protests to: District Supervisor Max H. Johnston, Interstate Commerce Commission, Bureau of Operations, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 129837 (Sub-No. 1 TA) (Correction), filed April 24, 1968, published FEDERAL REGISTER, issue of May 1, 1968, and republished as corrected this issue. Applicant: WILLIAM VANN, doing business as WILLIAM VANN TRUCKING, 3412 George Washington Highway, Portsmouth, Va. 23704. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and/or fertilizer material* in bulk, in dump vehicles only, from Chesapeake, Va., to points in North Carolina (on and east of Route U.S. 220, from Virginia State line to Rockingham, N.C.), for 150 days. NOTE: The purpose of this republication is to clarify the commodity description by adding the restriction. Supporting shippers: W. R. Grace & Co., 101 North Charles Street, Baltimore, Md. 21203; Swift & Co., Box 7537, Norfolk, Va. 23515. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10–502 Federal Building, Richmond, Va. 23240.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-5552; Filed, May 8, 1968; 8:48 a.m.]

[Notice 134]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 6, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

Finance Docket No. 25020. By order of April 30, 1968, the Transfer Board approved the transfer to T n' T, Inc., South Bend, Ind., of the operating rights in the permit and order in Nos. FF–329 and FF–329 (Sub-No. 1) issued November 13, 1967, to Butler Transport Co., Inc., South Bend, Ind., authorizing operations, in interstate commerce, as a freight forwarder of (1) trailers designed to be drawn by passenger automobiles, mobile-home and commercial trailers, camper and commercial coaches, campers, and camper bodies designed for installation on motor trucks, from points in Indiana in, north, and east of La Porte, Starke, Marshall, Kosciusko, Noble, and De Kalb Counties, points in Michigan in and south of Muskegon, Kent, Montcalm, Gratiot, Saginaw, Tuscola, and Sanilac Counties, points in Mercer and Shelby Counties, Ohio, and points in Los Angeles County, Calif., to points in the United States including Alaska and Hawaii; and (2) motor vehicles from points in Kalamazoo and Wayne Counties, Mich., Lehigh and Northampton Counties, Pa., and Alameda County, Calif., to points in the United States including Alaska and Hawaii. Charles Pieroni, 4000 West Sample Street, South Bend, Ind., 46621; representative for applicants.

No. MC–FC–70374. By order of April 30, 1968, the Transfer Board approved the transfer to Schuster Transport, Inc., Le Mars, Iowa, of a portion of the operating rights in certificate No. MC–26707 issued October 31, 1967, to Philip J. Groetken, an individual, Le Mars, Iowa, authorizing the transportation of farm equipment between Le Mars, Iowa, and points within 25 miles thereof, on the one hand, and, on the other, points in Minnesota, South Dakota, and Nebraska, and farm machinery between Le Mars, Iowa, and points in Iowa within 25 miles of Le Mars, on the one hand, and, on the other, points in Illinois, Missouri, and Wisconsin. R. W. Wigton, Post Office Box 561, Sioux City, Iowa 51108, representative for applicants.

No. MC–FC–70382. By order of April 30, 1968, the Transfer Board approved the transfer to Thomas Tours, Inc., Rock Hill, S.C., of the license in No. MC–12419 issued June 10, 1963, to Louise Thomas Miller and J. Roddey Miller, a partnership, doing business as Thomas Tours & Travel Service, 411 Charlotte Avenue, Rock Hill, S.C. 29730, authorizing the holder to engage in operations as a broker at Rock Hill, S.C., in the transportation of passengers and their baggage in the same vehicle with passengers from Charlotte, N.C., and points in South Carolina to points in the United States, except Alaska and Hawaii.

No. MC–FC–70383. By order of April 30, 1968, the Transfer Board approved the transfer to Mid-Island Van Lines Corp., Wantagh, N.Y., of the operating rights in certificate No. MC–103047 issued April 4, 1960, to Peter Lightstone, doing business as Mid-Island Moving & Storage Co., 2005 Jones Avenue, Wantagh, N.Y., authorizing the transportation of household goods, as defined by the Commission, between points in Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, points in New York, Massachusetts, Rhode Island, Maine, New Hampshire, Vermont, Delaware, Maryland, Virginia, and the District of Columbia; and between points in Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, points in Connecticut, New Jersey, and Pennsylvania.

No. MC–FC–70384. By order of April 30, 1968, the Transfer Board approved the transfer to John Conrad, doing business as John Conrad Trucking Co., Elizabeth, N.J., of the operating rights in permit No. MC–32922 issued September 17, 1946, to John Jones, Garwood, N.J., authorizing the transportation of steam boilers, radiators, furnances, and air-conditioning equipment, from Newark, N.J., and Garwood, N.J., to points in New Jersey, New York, and Pennsylvania within 150 miles of Newark, N.J. George A. Olsen, registered practitioner, 69 Tonnele Avenue, Jersey City, N.J. 07306, representative for applicants.

No. MC–FC–70390. By order of April 30, 1968, the Transfer Board approved the transfer to J & K Trucking Co., Inc., Chicago, Ill., of the operating rights evidenced by certificate of registration No. MC–124041 (Sub-No. 2), issued May 11, 1965, to Joseph F. Bulanda, E. I. Koons, and H. E. Johnson, a partnership, doing business as J & K Trucking Co., Chicago, Ill., evidencing a right to engage in transportation in interstate or foreign commerce corresponding in scope to the authority granted in Illinois certificate No. 21170 MC, dated May 2, 1961, issued by the Illinois Commerce Commission, authorizing the transportation of (1) general commodities, with exceptions, (a) between points and places in the industrial, commercial, and terminal area of Chicago, including Chicago, Ill., and (b) within a 75-mile radius of Chicago, including Chicago, Ill.; and (2) textiles, under 500 pounds, meat products packinghouse products, chemicals, not in bulk and alloys within a 75-mile radius of Chicago, including Chicago, Ill. Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602, attorney for applicants.

No. MC–FC–70456. By order of April 30, 1968, the Transfer Board approved the transfer to Black Hills & Western Tours, Inc., Rapid City, S. Dak., of the operating rights in certificate No. MC–111216 (Sub-No. 1), issued January 17, 1950, to Clarence Ivers doing business as Black Hills & Western Tours, Rapid City, S. Dak., authorizing transportation service in interstate or foreign commerce of passengers and their baggage, on sightseeing tours, during the season extending from the first day of June, to the 15th day of September, inclusive, over regular routes, between (a) Rapid City, S. Dak., and New Castle, Wyo., and (b) between various specified points and places in South Dakota, over regular routes, and all intermediate points. Melvin D. Wedmore, Post Office Box 1830, 607½ Eighth Street, Rapid City, S. Dak. 57701, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68–5553; Filed, May 8, 1968; 8:48 a.m.]

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