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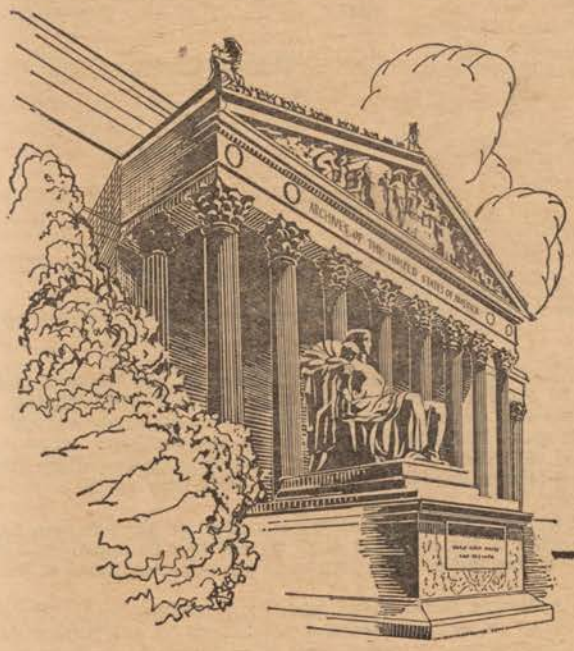

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Title 7—AGRICULTURE

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

[Valencia Orange Reg. 256]

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

Limitation of Handling

§ 908.556 Valencia Orange Regulation 256.

(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 by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for 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 September 10, 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 September 13, 1968, through September 19, 1968, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 475,000 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated: September 11, 1968.

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

[F.R Doc. 68-11183; Filed, Sept. 11, 1968; 11:28 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreement and Orders; Milk), Department of Agriculture

[Milk Order 16]

PART 1016—MILK IN UPPER CHESAPEAKE BAY (MARYLAND) MARKETING AREA

Order Amending Order

§ 1016.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* 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), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Upper Chesapeake Bay (Maryland) marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that.

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe, with respect to (a) producer milk (including such handler's own production) and milk received from a cooperative association in its capacity as a handler pursuant to § 1016.2(g)(4), (b) other source milk allocated to Class I pursuant to § 1016.46(a)(3) and (7), and the corresponding steps of § 1016.46(b), and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Upper Chesapeake Bay (Maryland) marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

Section 1016.1(c) is revised to read as follows:

§ 1016.1 General definitions.

* * * * *

(c) "Upper Chesapeake Bay marketing area," hereinafter referred to as the "marketing area," means all territory situated within the corporate limits of the city of Baltimore, the town of Laurel in Prince Georges County, Fort Ritchie, the counties of Anne Arundel, Baltimore, Caroline, Carroll, Cecil, Dorchester, Harford, Howard, Kent, Queen Annes, Somerset, Talbot, Wicomico, Worcester, and that portion of Calvert County lying north of a line beginning at the western terminus of Leitchs Wharf Road, continuing easterly along said road to its intersection with Stoakley Road, continuing easterly along said Stoakley Road to its intersection with Maryland State Highway 2, continuing northerly along said Highway 2, to its intersection with Maryland State Highway 263 and then easterly along said Highway 263 to its terminus at the Chesapeake Bay, and that portion of Frederick County lying north of a line beginning at the intersection of the Washington-Frederick County line with Alternate U.S. Route 40, following Alternate U.S. Route 40 easterly to the western boundary of the corporate limits of the city of Frederick, thence along the western, northern, and eastern boundary of the city to its eastern junction with Alternate U.S. Route 40, and then southeasterly along Alternate U.S. Route 40 to the Frederick-Carroll County line, all in the State of Maryland, together with all waterfront facilities connected therewith and including all territory within such boundaries occupied by Government (Federal, State, or Municipal) installations, institutions, or other similar establishments.

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

Effective date: January 1, 1969.

Signed at Washington, D.C., on September 9, 1968.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 68–11085; Filed, Sept. 11, 1968; 8:52 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. R]

PART 218—RELATIONS WITH DEALERS IN SECURITIES UNDER SECTION 32, BANKING ACT OF 1933

Variable Annuity Insurance Company

§ 218.112 Interlocking relationships between member bank and variable annuity insurance company.

(a) The Board has recently been asked to consider whether section 32 of the Banking Act of 1933 (12 U.S.C. 78) and this part prohibit interlocking service between member banks and (1) the board of managers of an accumulation fund, registered under the Investment Company Act of 1940 (15 U.S.C. 80), that sells variable annuities and (2) the board of directors of the insurance company, of which the accumulation fund is a "separate account," but as to which the insurance company is the sponsor, investment advisor, underwriter, and distributor. Briefly, a variable annuity is one providing for annuity payment varying in accordance with the changing values of a portfolio of securities.

(b) Section 32 provides in relevant part that: "No officer, director, or employee of any corporation or unincorporated association, no partner or employee of any partnership, and no individual, primarily engaged in the issue, flotation, underwriting, public sale, or distribution, at wholesale or retail, or through syndicate participation, of stocks, bonds, or other similar securities, shall serve [at] the same time as an officer, director, or employee of any member bank * * *".

(c) For many years, the Board's position has been that an open-end investment company (or mutual fund) is "primarily engaged in the issue * * * public sale, or distribution, * * * of securities" since the issuance and sale of its stock is essential to the maintenance of the company's size and to the continuance of its operations without substantial contraction, and that section 32 of the Banking Act of 1933 prohibits an officer, director, or employee of any such company from serving at the same time as an officer, director, or employee of any member bank. (1951 Federal Reserve Bulletin 645; § 218.101.)

(d) For reasons similar to those stated by the U.S. Supreme Court in Securities and Exchange Commission *v.* Variable Annuity Life Insurance Company of America, 359 U.S. 65 (1959), the Board concluded that there is no meaningful basis for distinguishing a variable annuity interest from a mutual fund share for section 32 purposes and that, therefore, variable annuity interests should also be regarded as "other similar securities" within the prohibition of the statute and regulation.

(e) The Board concluded also that, since the accumulation fund, like a mutual fund, must continually issue and sell its investment units in order to avoid the inevitable contraction of its activities as it makes annuity payments or redeems variable annuity units, the accumulation fund, must continually issue and section 32 purposes. The Board further concluded that the insurance company was likewise "primarily engaged" for the purposes of the statute since it had no significant revenue producing operations other than as underwriter and distributor of the accumulation fund's units and investment advisor to the fund.

(f) Although it was clear, therefore, that section 32 prohibits any officers, directors, and employees of member banks from serving in any such capacity with the insurance company or accumulation fund, the Board also considered whether members of the board of managers of the accumulation fund are "officers, directors, or employees" within such prohibition. The functions of the board of managers, who are elected by the variable annuity contract owners, are, with the approval of the variable annuity contract owners, to select annually an independent public accountant, execute annually an agreement providing for investment advisory services, and recommend any changes in the fundamental investment policy of the accumulation fund. In addition, the board of managers has sole authority to execute an agreement providing for sales and administrative services and to authorize all investments of the assets of the accumulation fund in accordance with its fundamental investment policy. In the opinion of the Board of Governors, the board of managers of the accumulation fund performs functions essentially the same as those performed by classes of persons as to whom the prohibition of section 32 was specifically directed and, accordingly, are within the prohibitions of the statute.

(12 U.S.C. 248(i). Interprets or applies 12 U.S.C. 78)

Dated at Washington, D.C., the 30th day of August 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68–11004; Filed, Sept. 11, 1968; 8:52 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Docket No. 8154; Amdt. 39-643]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Model 18 Airplanes; Correction

This amendment inadvertently failed to take cognizance of two later Amendments 39-437 and 39-441 which lengthened the time intervals permitted for the inspections called for by Amendment 39-419. In order to correct this inadvertent error the words "by Amendment 39-430 (32 F.R. 8024)" wherever they appear in this amendment are hereby deleted.

Issued in Kansas City, Mo., on August 29, 1968.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 68-11033; Filed, Sept. 11, 1968; 8:47 a.m.]

[Docket No. 8962; Amdt. 39-655]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corp. Viscount Model 810 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) requiring the replacement of the No. 1 forward landing flap assembly diaphram and periodic inspection for, and replacement of, cracked Nos. 2 and 3 diaphrams and attachment plates on British Aircraft Corp. Viscount Model 810 Series airplanes was published in 33 F.R. 9348.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BRITISH AIRCRAFT. Applies to Vicount Model 810 Series airplanes.

Compliance required within the next 125 landings after the effective date of this AD, or before the accumulation of 10,125 landings, whichever occurs later.

To prevent cracking or distortion of forward landing flap assembly diaphragms P/Ns 80284-139/140, 80284-561/562, and 80284-711/712, and attachment plates P/Ns 80284-131, 80284-565, and 80284-709, accomplish the following:

(a) Replace the No. 1 forward landing flap assembly diaphragm P/Ns 80284-139 and 80284-140 with new landing flap assembly diaphragm P/Ns 81084-51 and 81084-52 in accordance with British Aircraft Corp. Modification Bulletin No. FG. 2089, dated January 12, 1968 or later ARB-approved issue, or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region.

(b) Visually inspect Nos. 2 and 3 forward landing flap assembly diaphragms and attachment plates for cracks in accordance with British Aircraft Corp. Preliminary Technical Leaflet No. 136, Issue 1 (800/810 Series) or later ARB-approved issue, or an FAA-approved equivalent. Repeat this inspection at intervals not to exceed 600 landings from the last inspection until the accumulation of 20,000 landings and thereafter at intervals not to exceed 450 landings from the last inspection.

(c) If cracks are detected during the inspection required by paragraph (b), before the next flight, replace the defective parts with serviceable parts of the same part number. Continue the repetitive inspections required by paragraph (b) for all replacement parts.

(d) For the purpose of complying with this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing each airplane's hours' time in service by the operator's fleet average time from takeoff to landing for the airplane type.

This amendment becomes effective October 12, 1968.

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

Issued in Washington, D.C., on September 5, 1968.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 68-11034; Filed, Sept. 11, 1968; 8:47 a.m.]

[Docket No. 8269; Amdts. 43-8, 91-60]

AIR TRAVEL CLUBS

The purpose of these amendments is to provide certification and operation standards for air travel clubs using large airplanes in the conduct of their operations.

These amendments are based on a notice of proposed rule making published in the FEDERAL REGISTER on July 13, 1967 (Notice 67-27, 32 F.R. 10311). Interested persons have been afforded an opportunity to participate in the rule making through submission of written comments. Due consideration has been given to all relevant matter presented.

In Notice 67-27, the FAA proposed to enlarge the applicability of Part 121 to apply the commercial operator certification and safety standards of that part to air travel clubs. As stated therein "* * * when a passenger has, in any manner, paid for his carriage aboard a large aircraft the FAA believes that the applicable safety standards should not depend on a distinction as to whether that passenger is carried for 'compensation or hire' or is 'sharing expenses' with other passengers. The average passenger certainly is not aware that the method by which he pays for his carriage determines the level of safety that the operator of the aircraft is required to maintain. Except for the method of payment, the typical travel club operation is in all practical respects no different from a charter flight conducted by a commercial operator, and the FAA believes that the level of safety required by Part 121 should be maintained."

Upon considering the comments submitted by the air travel clubs and other interested persons, the FAA has determined that the form of the proposed rules should be changed by establishing a new Part 123 to govern the certification and operations of these clubs. This is being done in order to provide some variation from the commercial operator rules to accommodate certain unique characteristics of air travel clubs, For example, the travel clubs derive their income from dues, travel fares, and assessments on their membership. Consequently, the requirements for retention of contracts and submission of detailed financial statements have been omitted. Air travel club operations are also more sporadic and not subject to tight schedules. Therefore, detailed flight time limitations are not necessary and relieving crewmembers from all duty for 8 hours out of each 24 consecutive hours will suffice.

There are also differences with respect to maintenance. Most air travel clubs operate their aircraft for a relatively small number of hours when compared to commercial operators of large aircraft. These limited operations do not require a full time maintenance department and such an organization would be economically unfeasible for most air travel clubs. Therefore, the clubs will be permitted to continue using the same basic maintenance system that is required for general aviation aircraft. However, certain controls are being added to improve the reliability of this system. The major aspect of these controls is the establishment of a continuous inspection program similar to that required of Part 121 operators. As a part of its manual, the air travel club must provide instructions, procedures, and schedules for detailed and continuous inspection of its aircraft. The manual will also provide a system of records for defects discovered during these inspections. This inspection program is being required in place of the 100-hour, annual, or progressive inspections provided for under Part 91 and will have to meet with FAA approval, to be granted through operations specifications issued to each certificate holder. In conjunction with this new inspection requirement, the certificate holder is being charged with the ultimate responsibility for having these inspections performed in accordance with its manual. The inspections will be performed by certificated mechanics or repair stations at the direction of the certificate holder. All other maintenance will be performed in accordance with Parts 43 and 91 as has been done in the past.

The effective date of the new rules and the provisions of § 123.3 are designed to permit continued operations by air travel clubs that are organized and in operation on the date of adoption. Existing travel clubs may continue to operate without a certificate after the

effective date of these rules until December 1, 1968. If an application for a certificate is made by that date they may continue to operate pending action on the application. In addition, in order to avoid disruption of their operation only a limited number of the operating rules will be applicable until February 1, 1969, unless a certificate is issued or denied before that date.

Due to the substantial differences between the basic organization of a commercial operator and that of an air travel club, the rules governing the certification process have been completely rewritten. The other provisions of Part 121 that are applicable to commercial operators of large aircraft have been incorporated by reference with some deletions and minor changes as specifically set forth in Subpart D of Part 123.

Upon consideration of the comments received in response to Notice 67-27, Parts 43 and 91 of the Federal Aviation Regulations are amended and a new Part 123 is added to Subchapter G, as follows, effective October 14, 1968:

SUBCHAPTER C—AIRCRAFT

PART 43—MAINTENANCE, PREVENTIVE MAINTENANCE, REBUILDING, AND ALTERATION

1. By amending the title of § 43.15 and paragraph (a) thereof to read as follows:

§ 43.15 Additional performance rules for inspections.

(a) *General.* Each person performing a 100-hour, annual, or progressive inspection required by Part 91 of this chapter or an inspection required under Part 123 of this chapter, shall perform those inspections in such a manner as to determine whether the aircraft concerned meets all applicable airworthiness requirements.

* * * * *

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

PART 91—GENERAL OPERATING AND FLIGHT RULES

§ 91.116 [Amended]

2. By amending § 91.116(c) by inserting the number "123," after the number "121," and before the number "129," in the first sentence thereof.

3. By amending § 91.169(c) to read as follows:

§ 91.169 Inspections.

* * * * *

(c) Paragraphs (a) and (b) of this section do not apply to—

(1) Any aircraft for which its registered owner or operator complies with the progressive inspection requirements of § 91.171 and Part 43 of this chapter;

(2) An aircraft that carries a special flight permit or a current experimental or provisional certificate; or

(3) Any airplane operated by an air travel club that is inspected in accordance with Part 123 of this chapter and the operator's manual and operations specifications.

4. By amending the title of Subchapter G and adding a new Part 123 to read as follows:

SUBCHAPTER G—AIR CARRIERS, AIR TRAVEL CLUBS, AND OPERATORS FOR COMPENSATION OR HIRE: CERTIFICATION AND OPERATIONS

PART 123—CERTIFICATION AND OPERATIONS: AIR TRAVEL CLUBS USING LARGE AIRPLANES

Subpart A—General

Subpart B—Certification Rules

Subpart C—Applicable Regulations

Subpart D—Additional Regulations

AUTHORITY: The provisions of this Part 123 issued under secs. 313(a), 601(a), 607, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421(a), 1427.

Subpart A—General

§ 123.1 Applicability.

(a) Except as provided in paragraph (c) of this section, this part prescribes rules governing the certification and operations of air travel clubs using large airplanes, including the following:

(1) Each person employed or used by the air travel club in operations under this part.

(2) Each person employed or used for the performance of inspections on airplanes that are operated under this part.

(3) Each person who is on board an airplane that is being operated under this part.

(b) For the purposes of this part, "air travel club" means a person who engages in the carriage by airplanes of persons who are required to qualify for that carriage by payment of an assessment, dues, membership fee, or other similar type of remittance.

(c) This part does not apply to operations that are subject to Parts 121 and 135 of this chapter.

§ 123.3 Certificate and operations specifications required.

(a) Except as provided by paragraphs (b) and (c) of this section, no person may operate an airplane in operations to which this part applies without, or in violation of, an air travel club operating certificate and appropriate operations specifications issued under this part.

(b) Any person conducting operations as an air travel club on September 5, 1968, may continue operations without an operating certificate or operations specifications until December 1, 1968.

(c) Any person conducting operations as an air travel club on September 5, 1968, who applies for an operating certificate and operations specifications before December 1, 1968, may continue operations after December 1, 1968, without an operating certificate or operations specifications until the Administrator takes one of the following actions:

(1) Issues an operating certificate and operations specifications for the air travel club; or

(2) Notifies the applicant that the application for the air travel club operating certificate has been denied.

§ 123.5 Operating rules: compliance dates.

(a) Except as provided in paragraph (b) of this section, each person conducting operations as an air travel club shall comply with the provisions of Subparts C and D of this part, including those which incorporate by reference §§ 121.117, 121.119, 121.121, and 121.549 of this chapter.

(b) A person conducting operations as an air travel club under § 123.3 (b) or (c) need not comply with the provisions of Subparts C and D of this part, other than §§ 121.117, 121.119, 121.121, and 121.549 of this chapter incorporated by reference in Subpart C of this part, until February 1, 1969, unless he receives an operating certificate before that date in which event he shall comply with all of the provisions of those subparts on the effective date of the certificate.

Subpart B—Certification Rules

§ 123.11 Application for air travel club operating certificate.

(a) Each applicant for the issue or renewal of an air travel club operating certificate must submit an application in a form and manner prescribed by the Administrator to the FAA District Office in whose area the applicant proposes to establish or has established its principal operations base. Except as provided in § 123.3(b), the application must be submitted at least 60 days before the date of intended operations, or in the case of renewal, 60 days before the date of termination of the certificate.

(b) Each application submitted under paragraph (a) of this section must contain a signed statement showing the following:

(1) The name and address of each director and each officer of the air travel club, and each person employed or who will be employed in a management position described in § 123.13.

(2) A list of flight crewmembers with the type of airman certificate held, including ratings and certificate numbers.

§ 123.13 Management personnel required.

(a) Each applicant for a certificate under this part must show that it has enough qualified management personnel, including at least a director of operations, to assure that its operations are conducted in accordance with the requirements of this part.

(b) Each applicant shall—

(1) Set forth the duties, responsibilities, and authority, of each of its management personnel, in the general policy section of its manual;

(2) List in the manual the names and addresses of each of its management personnel;

(3) Designate one person as responsible for the scheduling of inspections required by the air travel club manual and for the updating of the approved weight and balance system on all aircraft operated by the air travel club.

(c) Each air travel club shall notify the FAA District Office charged with the overall inspection of the air travel club of any change made in the assignment of persons to the listed positions within 10 days of such change.

§ 123.15 Management personnel; qualifications.

No person may serve as director of operations unless he knows the contents of the air travel club's manual and operations specifications, and the provisions of this part necessary to the proper performance of his duties.

§ 123.17 Issue of certificate.

(a) An applicant for a certificate under this subpart is entitled to a certificate if it is a citizen of the United States and the Administrator finds that the applicant—

(1) Is properly and adequately equipped, and able to conduct a safe operation in accordance with the requirements of this part and the operations specifications provided for in this part;

(2) Has established and maintains a current list of all air travel club members with their name and address and the date each person becomes a club member; and

(3) Is not disqualified under paragraph (b) of this section.

(b) The Administrator may deny an application for a certificate under this subpart if he finds—

(1) That an air travel club certificate or an operating certificate required under Part 121 of this chapter previously issued to the applicant was revoked; or

(2) That a person, who was employed in a management position similar to any listed under § 123.13 or § 121.59 of this chapter with (or has exercised control with respect to) any air travel club or any certificate holder under Part 121 of this chapter whose operating certificate has been revoked, will be employed in any of those positions or a similar position with the applicant and that the person's employment or control contributed materially to the reasons for revoking that certificate.

§ 123.19 Duration of certificate.

(a) An air travel club operating certificate issued under this part is effective for 1 year unless the Administrator sooner suspends, revokes, or otherwise terminates it.

(b) The Administrator may suspend or revoke a certificate under section 609 of the Federal Aviation Act of 1958 and the applicable procedures of Part 13 of this chapter for any cause that, at the time of suspension or revocation, would have been grounds for denying an application for a certificate.

(c) If the Administrator suspends or revokes a certificate or it is otherwise terminated, the holder of that certificate shall return it to the Administrator.

§ 123.21 Contents of certificate and operations specifications.

(a) Each certificate issued under this part contains the following:

(1) The holder's name.

(2) A description of the operations authorized.

(3) The date it is issued.

(b) The operations specifications issued under this part contain the following:

(1) The kinds of operations authorized.

(2) The types and registration numbers of aircraft authorized for use.

(3) Special en route authorizations and limitations for routes that do not meet the requirements of § 123.33.

(4) Special airport authorizations and limitations for airports that do not meet the requirements of § 121.117 of this chapter.

(5) Approval of the provisions of the operator's manual relating to aircraft inspections, together with necessary conditions and limitations.

(6) Procedures for control of weight and balance of aircraft.

(7) Any other item that the Administrator determines is necessary to cover a particular situation.

§ 123.23 Operations specifications not a part of certificate.

Operations specifications are not a part of an air travel club operating certificate. They are amended in accordance with the procedures specified in § 121.79 of this chapter.

Subpart C—Applicable Regulations

§ 123.27 Applicable regulations of Part 121.

Except as specifically provided in Subpart D of this part, each certificate holder and each other person to whom this part applies shall comply with the following provisions of Part 121 of this chapter insofar as they apply to a commercial operator:

(a) Subpart D.

(b) §§ 121.117, 121.119, and 121.121 of Subpart F.

(c) Subpart G.

(d) Subpart H, except § 121.163.

(e) Subpart I.

(f) Subpart J.

(g) Subpart K, except §§ 121.310(a), 121.310(i), 121.310(j), 121.343, 121.357, and 121.359.

(h) Subpart M.

(i) §§ 121.415 through 121.424 of Subpart N.

(j) §§ 121.437 through 121.453 of Subpart O, except 121.441(a).

(k) Subpart T, except §§ 121.537(c) and 121.548.

(l) Subpart U, except § 121.597(a).

(m) §§ 121.683, 121.689, 121.693, 121.697, 121.701, 121.703, and 121.705 of Subpart V, except § 121.697(a)(3).

Subpart D—Additional Regulations

§ 123.31 Applicability.

(a) In addition to the rules incorporated in Subpart C of this part, each certificate holder shall comply with the requirements of this subpart.

(b) In the event of a conflict between the rules of this subpart and the provisions of Part 121 of this chapter that are incorporated by Subpart C of this part, the rules of this subpart shall prevail.

(c) Each air travel club shall, while operating an airplane within a foreign country, comply with the air traffic rules of the country concerned and local airport rules, except where any rule of this part or any rule incorporated by this part is more restrictive and may be followed without violating the rules of that country.

§ 123.33 Route requirements.

(a) No certificate holder may operate under day VFR unless it is equipped and able to conduct operations over, and use the navigational facilities associated with, the route that is being used.

(b) No certificate holder may operate under IFR or night VFR unless it conducts that operation over Federal airways, foreign airways, other routes designated by appropriate authority, or within controlled airspace. However, the Administrator may approve a route outside of controlled airspace if the certificate holder shows the route is safe for operations and the Administrator finds that traffic density is such that an adequate level of safety can be assured. Such a route may not be used unless it is approved by the Administrator and is listed in the certificate holder's operations specifications.

§ 123.35 Manual contents.

(a) The certificate holder need not provide in its manual the information required by §§ 121.135(b) (4), (16), (17), and (19) of this chapter.

(b) Each certificate holder must provide the following information in its manual:

(1) Instructions and procedures for the conduct of airplane inspections (which must include necessary tests and checks), setting forth in detail the parts

and areas of the airframe, engines, propellers, and appliances, including emergency equipment, that must be inspected.

(2) A schedule for the performance of the airplane inspections under subparagraph (1) of this paragraph expressed in terms of time in service, calendar time, number of system operations, or any combination of these.

(3) Instructions as to the recording, form of records, and disposition of records, of defects found during inspections.

(4) Procedures for the release of flights when the pilot in command has not been authorized to exercise operational control.

§ 123.37 Emergency evacuation.

(a) Each passenger-carrying landplane emergency exit (other than over-the-wing) that is more than 6 feet from the ground with the airplane on the ground and the landing gear extended, must have an approved means to assist the occupants in descending to the ground. The assisting means for a floor level emergency exit must be a slide or equivalent approved device suitable for rapid evacuation of passengers. During flight the slide, or equivalent approved device, must be kept readily accessible for immediate installation and use. This paragraph does not apply to the rear window emergency exits of DC–3 airplanes operated with less than 36 occupants including crewmembers and less than five exits authorized for passenger use.

(b) Except for airplanes that meet the requirements of § 25.809(f)(1) of this chapter, a certificate holder complies with § 121.291(a) of this chapter by completing an emergency evacuation demonstration in 2 minutes or less.

§ 123.39 Airborne weather radar.

(a) No person may begin the flight of an airplane certificated under transport category rules (except C–46 type airplanes) under IFR or night VFR conditions when current weather reports indicate that thunderstorms, or other potentially hazardous weather conditions that can be detected with airborne weather radar, may reasonably be expected along the route to be flown, unless the airplane is equipped with approved airborne weather radar equipment that is in satisfactory operating condition.

(b) If the airborne weather radar is required to begin a particular flight and it becomes inoperative en route, the airplane must be operated in accordance with instructions and procedures specified in the operations manual for such an event.

(c) Notwithstanding any other provision of this chapter, an alternate electrical power supply is not required for airborne weather radar equipment.

§ 123.41 Training program.

(a) Each certificate holder shall have a training program that—

(1) Provides the training required by §§ 121.415 through 121.424 of this chapter as applicable to commercial operators except that the training program need not meet the requirements for approved programed hours of training; and

(2) Ensures that each crewmember is adequately trained to perform his assigned duties.

(b) Each crewmember must satisfactorily complete the initial training phases before serving in operations under this part.

(c) The training program for each flight crewmember must consist of appropriate ground and flight training, including proper flight crew coordination and training in emergency procedures. The certificate holder shall standardize procedures for each flight crew function to the extent that each flight crewmember knows the functions for which he is responsible and the relation of those functions to the functions of other flight crewmembers.

(d) Each person that is responsible for particular training or a flight check shall certify as to the proficiency of the crewmember concerned after he completes the training or flight check and that certification shall be made a part of the crewmember's record.

§ 123.43 Flight crewmember qualifications.

No certificate holder may use a flight crewmember and no flight crewmember may perform duties under his airman certificate, unless the flight crewmember has completed the appropriate training in accordance with the requirements of § 123.41 and §§ 121.415 through 121.424 of this chapter as applicable to commercial operators and has met the appropriate requirements of §§ 121.435 through 121.453 (except 121.441(a)) of this chapter as applicable to commercial operators.

§ 123.45 Maintenance and inspections.

(a) Each certificate holder is primarily responsible for the airworthiness of its airplanes and for the performance of inspections in accordance with its manual.

(b) Each certificate holder must obtain approval through its operations specifications, of those portions of its manual that relate to airplane inspections.

(c) No certificate holder may use any person to perform the inspections required by this part, except to that extent that the person is qualified to perform maintenance under Part 43 of this chapter.

§ 123.47 Duty time limitations.

Each flight crewmember must be relieved from all duty for at least 8 consecutive hours during any 24-hour period.

§ 123.49 Admission to flight deck and pilot's compartment.

(a) An FAA inspector has the same privileges for admission to the flight deck as an FAA air carrier inspector under § 121.547 of this chapter.

(b) Upon presentation of appropriate identification an FAA inspector must be admitted to the pilot's compartment in accordance with § 121.548 of this chapter.

§ 123.51 Operational control.

(a) The director of operations may delegate his responsibilities under § 121.537(b) of this chapter to the pilot in command.

(b) The pilot in command may be authorized to exercise operational control over the flight. In the event he is so authorized, he may execute a flight release without the approval of any other person.

§ 123.53 Flight and voice recorders.

Each person operating a large turbine engine powered airplane under this part shall equip and operate that airplane with flight and voice recorders as provided by §§ 121.343 and 121.359 of this chapter.

(Secs. 313(a), 601(a), 607, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421(a), 1427)

NOTE: The recordkeeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued in Washington, D.C., on September 5, 1968.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 68–11051; Filed, Sept. 11, 1968; 8:49 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 68–EA–86]

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

Alteration of Federal Airway

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to redescribe the eastern terminus of V–147 as the INT of New Castle, Del., 058° and Pottstown, Pa., 143° True radials in lieu of the Philadelphia, Pa., International Airport ILS localizer. This would provide continuity in the airway structure by extending V–147 approximately 1 mile southeastward to connect with V–157, northeast of New Castle.

Since this amendment is minor in nature and will facilitate air navigation and air traffic control service, the Administrator has determined that notice and public procedure hereon is unnecessary. However, since it is necessary to allow sufficient time to make the appropriate changes to aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 14, 1968, as hereinafter set forth.

Section 71.123 (33 F.R. 2009) is amended as follows:

In V–147 all before "12 AGL Allentown, Pa.;" is deleted and "From INT New Castle, Del., 058° and Pottstown, Pa., 143° radials; 12 AGL Pottstown;" is substituted therefor.

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

Issued in Washington, D.C., on August 30, 1968.

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

[F.R. Doc. 68-11035; Filed, Sept. 11, 1968; 8:47 a.m.]

[Airspace Docket No. 68-CE-35]

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

Alteration of Transition Area and Control Zone

On pages 6881 and 6882 of the FEDERAL REGISTER dated May 7, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Oshkosh, Wis.

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

No objections have been received and the amendments as so proposed are hereby adopted, subject to the following change:

Federal Airway "V-177" recited in line 23 of the Oshkosh, Wis., transition area redesignation is changed to read "V-177W".

This amendment shall be effective 0901 G.m.t., September 19, 1968.

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

Issued in Kansas City, Mo., on August 22, 1968.

DANIEL E. BARROW,
Acting Director, Central Region.

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

OSHKOSH, WIS.

Within a 5-mile radius of Winnebago County Airport (latitude 43°59'20" N., longitude 88°33'15" W.); within 2 miles each side of the Oshkosh VOR 182° radial, extending from the 5-mile radius zone to 7 miles south of the VOR; within 2 miles each side of the Oshkosh VOR 275° radial, extending from the 5-mile radius zone to 7 miles west of the VOR; and within 2 miles each side of the Oshkosh ILS localizer west course, extending from the 5-mile radius zone to 5.5 miles west of the west end of runway 9. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) In § 71.181 (33 F.R. 2137), the following transition area is amended to read:

OSHKOSH, WIS.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Winnebago County Airport (latitude 43°59'20" N., longitude 88°33'15" W.); within 8 miles east and 5 miles west of the Oshkosh VOR 182° radial, extending from the 8-mile radius area to 12 miles south of the VOR; within a 5-mile radius of Fond du Lac County Airport (latitude 43°46'10" N., longitude 88°29'30" W.); and within 5 miles south and 8 miles north of the 273° bearing from Fond du Lac County Airport, extending from the airport to 12 miles west of the airport; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 44°36'00" N., longitude 87°47'15" W.; thence to latitude 44°36'00" N., longitude 87°27'00" W.; thence to latitude 43°30'00" N., longitude 87°27'00" W.; thence to latitude 43°30'00" N., longitude 88°30'00" W.; thence to latitude 43°40'40" N., longitude 89°38'20" W.; thence north along the east boundary of V-177 to latitude 44°19'50" N., longitude 89°29'00" W., thence counterclockwise via the arc of a 15-mile radius circle centered on the Stevens Point, Wis., VOR to latitude 44°28'30" N., longitude 89°14'25" W., thence to latitude 44°29'25" N., longitude 88°35'00" W., thence clockwise via the arc of a 20-mile radius circle centered on the Green Bay, Wis., VOR to the point of beginning, excluding the portion which overlies the Cecil, Wis., transition area.

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

[F.R. Doc. 68-11036; Filed, Sept. 11, 1968; 8:48 a.m.]

[Airspace Docket No. 67-SO-122]

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

Revocation of Transition Area and Designation of Additional Control Area

On May 17, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 7331) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would revoke the Lake Placid, Fla., transition area and designate an additional control area in the vicinity of Avon Park, Fla.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. The Department of the Air Force advised that it would have no objection, if the proposal is intended to provide IFR service to the present USAF VFR activity in the area. All other comments received were favorable.

On June 15, 1968, the time period for the submission of comments on the Notice was extended from June 17, 1968, to July 17, 1968, to permit the Department of the Air Force and the FAA to meet and discuss the proposal. At this meeting the FAA pointed out that it is not presently equipped to assume control responsibility for all Air Force VFR flight activity in the area. However, designation of this additional controlled airspace will provide added protection and improved service for certain air carrier flights operating between Tampa/St. Petersburg and West Palm Beach; for Air Force aircraft operating between Homestead AFB and Restricted Area R-2901D; and for two published military instrument departure procedures which traverse the area. As a result, the Air Force representative advised that the Air Force had no further reasons on which to base an objection in view of the FAA position that the designation of the controlled airspace proposed in the docket would increase safety.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., November 14, 1968, as hereinafter set forth.

1. In § 71.163 (33 F.R. 2051) the following additional control area is added:

AVON PARK, FLA.

That airspace extending upward from 1,200 feet above the surface bounded on the east by V-267, on the southeast by V-225, on the southwest by V-157 and on the north by lat. 27°45'00" N.

2. In § 71.181 (33 F.R. 2137) the Lake Placid, Fla., transition area is revoked.

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

Issued in Washington, D.C., on September 5, 1968.

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

[F.R. Doc. 68-11037; Filed, Sept. 11, 1968; 8:48 a.m.]

[Airspace Docket No. 68-WE-28]

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

PART 73—SPECIAL USE AIRSPACE

Designation of Restricted Area and Alteration of Continental Control Area

On July 9, 1968, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (33 F.R. 9827) stating that the Federal Aviation Administration was considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would designate additional restricted airspace to be associated with the existing Sailor Creek, Idaho, Restricted Area R-3202, and alter the description of the continental control area to reflect the establishment of such special use airspace.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. One comment was received which interposed no objection.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., October 17, 1968, as hereinafter set forth.

1. In § 73.32 (33 F.R. 2316) R-3202, Sailor Creek, Idaho, restricted area is revoked.

2. In § 73.32 (33 F.R. 2316) restricted area R-3202 is added as follows:

R-3202 SAILOR CREEK, IDAHO

SUBAREA A

Boundaries: Beginning at lat. 42°48'45" N., long. 115°38'14" W.; to lat. 42°48'45" N., long. 115°32'41" W.; to lat. 42°40'00" N., long. 115°32'41" W.; to lat. 42°40'00" N.,

long. 115°38'14" W.; to point of beginning.

Designated altitudes: Surface to 12,000 feet MSL.

Time of designation: Sunrise to 8 hours after sunset, Monday through Friday.

Controlling agency: FAA, Salt Lake ARTC Center.

Using agency: Commander, 67th Tactical Reconnaissance Wing, Mountain Home AFB, Idaho.

SUBAREA B

Boundaries: Beginning at lat. 42°53'00" N., long. 115°42'20" W.; to lat. 42°53'00" N., long. 115°24'15" W.; to lat. 42°36'00" N., long. 115°24'15" W.; to lat. 42°36'00" N., long. 115°42'20" W.; to point of beginning.

Designated altitudes: Surface to flight level 240.

Time of designation: Sunrise to 8 hours after sunset, Monday through Friday.

Controlling agency: FAA, Salt Lake ARTC Center.

Using agency: Commander, 67th Tactical Reconnaissance Wing, Mountain Home AFB, Idaho.

SUBAREA C

Boundaries: Beginning at lat. 42°36'00" N., long. 115°37'00" W.; to lat. 42°36'00" N., long. 115°30'00" W.; to lat. 42°33'00" N., long. 115°30'00" W.; to lat. 42°33'00" N., long. 115°37'00" W.; to point of beginning.

Designated altitudes: Surface to 14,000 feet MSL.

Time of designation: Sunrise to 8 hours after sunset, Monday through Friday.

Controlling agency: FAA, Salt Lake City ARTC Center.

Using agency: Commander, 67th Tactical Reconnaissance Wing, Mountain Home AFB, Idaho.

SUBAREA D

Boundaries: Beginning at lat. 42°33'00" N., long. 115°37'00" W.; to lat. 42°33'00" N., long. 115°30'00" W.; to lat. 42°07'00" N., long. 115°30'00" W.; to lat. 42°07'00" N., long. 115°37'00" W.; to point of beginning.

Designated altitudes: Surface to 11,000 feet MSL.

Time of designation: Sunrise to 8 hours after sunset, Monday through Friday.

Controlling agency: FAA, Salt Lake City ARTC Center.

Using agency: Commander, 67th Tactical Reconnaissance Wing, Mountain Home AFB, Idaho.

3. In § 71.151 (33 F.R. 2048) "R-3202 Sailor Creek, Idaho" is added.

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

Issued in Washington, D.C., on September 4, 1968.

H. B. HELSTROM,
Acting Director, Air Traffic Service.

[F.R. Doc. 68-11040; Filed, Sept. 11, 1968; 8:48 a.m.]

[Airspace Docket No. 68-EA-84]

PART 73—SPECIAL USE AIRSPACE

Revocation of Restricted Area/Military Climb Corridor and Alteration of Restricted Area

The purpose of these amendments to Part 73 is to revoke the Columbus, Ohio (Lockbourne AFB), Restricted Area/Military Climb Corridor R-5501 and to alter the description of Restricted Area R-5504, Wilmington, Ohio.

The U.S. Air Force has stated that the requirement for the Lockbourne AFB restricted area/military climb corridor no longer exists.

Since restricted area/military climb corridor R-5501 was designated solely for use of the military, revocation thereof will reduce the burden on the public. Also, the description of Restricted Area R-5504 excludes a small portion of R-5501 that extends into R-5504. This exclusion must be amended and when R-5501 is revoked, the affected area will not increase the burden on the public. Therefore, notice and public procedure hereon are unnecessary and these amendments may be made effective in less than 30 days. In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 30, 1968, as hereinafter set forth.

1. In § 73.55 (33 F.R. 2335) R-5501 Columbus, Ohio (Lockbourne AFB), Restricted Area/Military Climb Corridor is revoked.

2. In § 73.55 (33 F.R. 2335) R-5504, Wilmington, Ohio, the boundary description is amended by deleting, "excluding the portion that coincides with R-5501."

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

Issued in Washington, D.C., on September 3, 1968.

W. M. FLENER,
Acting Director, Air Traffic Service.

[F.R. Doc. 68-11041; Filed, Sept. 11, 1968; 8:48 a.m.]

[Airspace Docket No. 68-WE-45]

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Jet Route Segment

On June 28, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 9509) stating that the Federal Aviation Administration was considering an amendment to Part 75 of the Federal Aviation Regulations that would realign Jet Route No. 107 segment from Milford, Utah, direct Delta, Utah, direct to Rock Springs, Wyo.

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

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended effective 0901 G.m.t., November 14, 1968, as hereinafter set forth.

In § 75.100 (33 F.R. 2349, 9334) Jet Route No. 107 is amended by deleting "Milford, Utah;" and substituting "Milford, Utah; Delta, Utah;" therefor.

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

Issued in Washington, D.C., on August 30, 1968.

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

[F.R. Doc. 68-11038; Filed, Sept. 11, 1968; 8:48 a.m.]

[Airspace Docket No. 68-WE-42]

PART 75—ESTABLISHMENT OF JET ROUTES

Extension of Jet Route

On June 15, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 8778) stating that the Federal Aviation Administration was considering an amendment to Part 75 of the Federal Aviation Regulations that would extend Jet Route No. 104 from Tucson, Ariz., direct to Gila Bend, Ariz.

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

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended effective, 0901 G.m.t., November 14, 1968, as hereinafter set forth.

In § 75.100 (33 F.R. 2349) Jet Route No. 104 is amended to read:

JET ROUTE NO. 104 (GILA BEND, ARIZ., TO DENVER, COLO.)

From Gila Bend, Ariz., via Tucson, Ariz.; San Simon, Ariz.; Socorro, N. Mex.; Las Vegas, N. Mex.; Pueblo, Colo.; to Denver, Colo.

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

Issued in Washington, D.C., on August 30, 1968.

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

[F.R. Doc. 68-11039; Filed, Sept. 11, 1968; 8:48 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-544; Amdt. 5]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Minimum Rates for DC-9-30 and L-188 Aircraft in Logair and Quicktrans Services

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

On July 23, 1968, by notice of rule making, EDR-141 (33 F.R. 10749), the Board proposed to amend Part 288 of the economic regulations to set new minimum rates for DC-9-30 and L-188 aircraft in Logair and Quicktrans services.

Comments were filed by the Department of the Air Force, Universal Airlines, Inc., and Overseas National Airways, Inc. The Department and Universal both support the proposal set forth in the notice. On the other hand ONA takes the position that the Board should adopt separate rates for the DC-9 and L-188C aircraft based solely upon ONA's costs per aircraft mile, $1.9297 and $1.8957, respectively. However, ONA states that if the Board does not see fit to adopt its proposed rates, it endorses the common rates proposed in EDR-141.

The Board has determined to finalize its tentative findings and conclusions as set forth in EDR–141 and establish the proposed minimum rates as set forth therein. Beyond pointing out that its proposed rates would result in savings to the military, ONA has not set forth any reasons for ignoring the L–188C cost data submitted by Universal. Nor has ONA offered any predicate for abandoning the common rate approach which the Board concluded was most appropriate under the circumstances in EDR–141.

The revised rates are an adjustment of rates previously established in ER–537 which became effective on July 1, 1968, and are the result of new facts brought to our attention by a petition filed soon after the amendment adopting the July 1, 1968, rates was issued. In EDR–141 we proposed to make the revised rates effective as of July 23, 1968, the date of the notice. In light of the foregoing, and in the absence of objection, good cause exists for making the revised rates effective as of the date of issuance of the notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 288 of the Economic Regulations (14 CFR Part 288), effective July 23, 1968, by revising § 288.7(b) to read in part as follows:

§ 288.7 Reasonable level of compensation.

* * * * *

(b) For Logair and Quicktrans services, other than specified in paragraph (c) of this section:

Aircraft type	Linehaul rate per course-flown statute mile		Rate per directed landing
	Logair	Quick-trans	
* * * * *			
L–100	$1.7534	$1.7905	$150
L–188	1.6013	1.6414	150
DC–9–30	1.6013	1.6414	150
B–727QC	1.9076	1.9587	150
* * * * *			

* * * * *

(Secs. 204, 403, 416, Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758, 771, as amended; 49 U.S.C. 1324, 1373, 1386)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 68–11079; Filed, Sept. 11, 1968; 8:51 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C–1391]

PART 13—PROHIBITED TRADE PRACTICES

Diamond Novelties, Inc., et al.

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

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Diamond Novelties, Inc., doing business as Fabulous Diamond's et al., Miami, Fla., Docket C–1391, July 25, 1968]

In the Matter of Diamond Novelties, Inc., a Corporation, Doing Business Under Its Own Name and as Fabulous Diamond's, and Sidney Diamond, Individually and as an Officer of Said Corporation

Consent order requiring a Miami, Fla., retailer and wholesaler of novelties, party decorations and fabrics to cease marketing dangerously flammable fabrics.

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

It is ordered, That respondents Diamond Novelties, Inc., a corporation, doing business under its own name and as Fabulous Diamond's, or any other name, and its officers, and Sidney Diamond, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting, or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any fabric as "commerce" and "fabric" are defined in the Flammable Fabrics Act as amended, which fails to conform to an applicable standard or regulation continued in effect, issued, or amended under the provisions of the aforesaid Act.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission an interim special report in writing setting forth the respondents' intention as to compliance with this order. This interim special report shall also advise the Commission fully and specifically concerning the identity of the fabric which gave rise to the complaint, (1) the amount of such fabric in inventory, (2) any action taken to notify customers of the flammability of such fabric and the results thereof and (3) any disposition of such fabric since February 21, 1968. Such report shall further inform the Commission whether respondents have in inventory any fabric, product, or related material having a plain surface and made of silk, rayon, or cotton or combinations thereof in a weight of 2 ounces or less per square yard or fabric with a raised fiber surface made of cotton or rayon or combinations thereof. Respondents will submit samples of any such fabric, product, or related material with this report. Samples of the fabric, product, or related material shall be of no less than 1 square yard of material.

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

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

Issued: July 25, 1968.

By the Commission.

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

[F.R. Doc. 68–11005; Filed, Sept. 11, 1968; 8:45 a.m.]

[Docket No. C–1389]

PART 13—PROHIBITED TRADE PRACTICES

E. T. Jrs., Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, E. T. Jrs., Inc., et al., Los Angeles, Calif., Docket C–1389, July 25, 1968]

In the Matter of E. T. Jrs., Inc., a Corporation, S. Howard Hirsh, Inc., a Corporation, and Stanley H. Hirsh, Individually and as an Officer of Said Corporations

Consent order requiring two affiliated Los Angeles, Calif., manufacturers of women's apparel to cease misbranding the fiber content of its textile fiber products and failing to maintain required records.

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

It is ordered, That respondents E. T. Jrs., Inc., a corporation, and its officers, S. Howard Hirsh, Inc., a corporation, and its officers, and Stanley H. Hirsh, individually and as an officer of said corporations, and respondents' representatives, agents, and employees directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product, which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce of any textile fiber product, whether in its original state or contained in other textile fiber products, as the

terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding such products by:

1. Failing to affix a stamp, tag, label, or other means of identification to each such product showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

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

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

Failing to separately set forth the required information as to fiber content on the required label in such a manner as to separately show the fiber content of the separate sections of textile fiber products containing two or more sections where such form of marking is necessary to avoid deception.

B. Failing to maintain and preserve records of fiber content of textile fiber products manufactured by them, as required by section 6(a) of the Textile Fiber Products Identification Act and Rule 39 of the regulations promulgated thereunder.

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

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

Issued: July 25, 1968.

By the Commission.

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

[F.R. Doc. 68-11006; Filed, Sept. 11, 1968; 8:45 a.m.]

[Docket No. C-1393]

PART 13—PROHIBITED TRADE PRACTICES

Home Yardage, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30-75 Textile Fiber Products Identification Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73-90 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-80 Textile Fiber Products Identification Act; 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-80 Textile Fiber Products Identification Act; 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-70 Textile Fiber Products Identification Act; 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130, 72 Stat. 1717; 15 U.S.C. 45, 68, 70) [Cease and desist order, Home Yardage, Inc., et al. trading as Home Yardage Remnant Shop, Oakland, Calif., Docket C-1393, July 26, 1968]

In the Matter of Home Yardage, Inc., a Corporation, and Theodore A. Corn, Individually and as an Officer of Said Corporation, and Home Yardage Remnant Shop, a Partnership, and Theodore A. Corn and Stanley Zimmerman, Individually and as Copartners Trading as Home Yardage Remnant Shop

Consent order requiring two affiliated fabric stores in California to cease misbranding their wool and textile fiber products and falsely advertising their textile fiber products.

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

It is ordered, That respondents Home Yardage, Inc., a corporation, and its officers, and Theodore A. Corn, individually and as an officer of said corporation, and Home Yardage Remnant Shop, a partnership, and Theodore A. Corn and Stanley Zimmerman, individually and as copartners trading as Home Yardage Remnant Shop, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber products" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising or otherwise identifying any textile fiber product as to the name or amount of constituent fibers contained therein.

2. Failing to affix labels to textile fiber products showing each element of information required to be disclosed by Section 4(b) of the Textile Fiber Products Identification Act.

3. Using fiber trademarks on labels affixed to such textile fiber products without the generic name of the fiber appearing on the said label.

4. Using generic names or fiber trademarks on any labels whether required or nonrequired, without making a full and complete fiber content disclosure in accordance with the Act and regulations the first time such generic name or fiber trademark appears on the label.

5. Setting forth on labels affixed to textile fiber products words, symbols, or depictions which constitute or imply the name or designation of a fiber, which fiber is not present in said products.

6. Failing to affix labels to samples, swatches, or specimens of textile fiber products used to promote or effect the sale of such textile fiber products showing in words and figures plainly legible all the information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

B. Falsely or deceptively advertising textile fiber products by:

1. Making any representations, by disclosure or by implication, as to the fiber contents of any textile fiber product in any written advertisement which is used to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of such textile fiber products, unless the same information required to be shown on the stamp, tag, label, or other means of identification under sections 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

2. Using fiber trademarks in advertisements without a full disclosure of the required content information in at least one instance in the said advertisement.

3. Using fiber trademarks in advertising textile fiber products containing more than one fiber without such fiber trademarks appearing in the required fiber content information in immediate proximity and conjunction with the generic name of the fiber in plainly legible type or lettering of equal size and conspicuousness.

4. Using fiber trademarks in advertising textile fiber products containing only one fiber without such fiber trademarks appearing at least once in the advertisement, in immediate proximity and conjunction with the generic name of the fiber in plainly legible and conspicuous type.

It is further ordered, That respondents Home Yardage, Inc., a corporation, and its officers, and Theodore A. Corn, individually and as an officer of said corporation, and Home Yardage Remnant Shop, a partnership, and Theodore A. Corn and Stanley Zimmerman, individually and as copartners trading as Home Yardage Remnant Shop, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with

the introduction into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

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

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

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

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

Issued: July 26, 1968.

By the Commission.

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

[F.R. Doc. 68-11007; Filed, Sept. 11, 1968; 8:45 a.m.]

[Docket No. C-1387]

PART 13—PROHIBITED TRADE PRACTICES

William M. Libman and Better Business Service

Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1390 *Concealed subsidiary, fictitious collection agency, etc.* Subpart—Securing information by subterfuge: § 13.2168 *Securing information by subterfuge.* Subpart—Simulating another or product thereof: § 13.2208 *Court documents.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, William M. Libman doing business as Better Business Service, Moline, Ill., Docket C-1387, July 22 1968]

In the Matter of William M. Libman, an Individual Trading and Doing Business as Better Business Service

Consent order requiring a Moline, Ill., debt collection agent to cease using skip-tracing forms that imply something of value will be sent upon receipt of requested information, simulating the appearance of an official document on his "Final Demand" form, and using any form which does not clearly indicate it is a request for debtor information.

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

It is ordered, That respondent William M. Libman, an individual trading as Better Business Service, or under any other trade name or names, and respondent's agents, representatives, and employees, directly or through any corporate or other device, in connection with the collection of, or the attempt to collect, alleged delinquent accounts in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication that:

(a) Respondent has in his possession information, important or otherwise, which will be sent to the person or persons of whom he is making inquiry, upon the receipt of the requested information from the one to whom the inquiry is addressed.

(b) Respondent has in his possession a package, or any other thing of value, which will be forwarded to the person or persons of whom he is making inquiry, upon the receipt of the requested information from the one to whom the inquiry is addressed.

2. Using any unofficial or unauthorized document which simulates or is represented to be a document authorized, issued, or approved by a court of law or any other official or legally constituted or authorized authority; or misrepresenting, in any manner, the source, authorization or approval of any form or document.

3. Using any forms, letters or other materials, printed or written, which do not clearly and conspicuously reveal thereon that the purpose thereof is to obtain information regarding alleged delinquent debtors.

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

Issued: July 22, 1868.

By the Commission.

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

[F.R. Doc. 68-11008; Filed, Sept. 11, 1968; 8:45 a.m.]

[Docket No. C-1388]

PART 13—PROHIBITED TRADE PRACTICES

Regency Neckwear, Inc., and Julio Carity

Subpart—Misbranding or mislabeling: § 13.1185 *Composition*: 13.1185-80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements*: 13.1212-80 Textile Fiber Products Identification Act. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1400 *Dealer as manufacturer.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Regency Neckwear, Inc., et al., Miami, Fla., Docket C-1388, July 23, 1968]

In the Matter of Regency Neckwear, Inc., a Corporation, and Julio Carity, Individually and as an Officer of Said Corporation

Consent order requiring a Miami, Fla., wholesaler of men's ties to cease misbranding the fiber content of its textile fiber products and misrepresenting itself as a manufacturer.

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

It is ordered, That respondents Regency Neckwear, Inc., a corporation, and its officers, and Julio Carity, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from the introduction, delivery for introduction, sale, advertising or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act:

1. Which are falsely or deceptively stamped, tagged, labeled, or otherwise identified as to the character or amount of the constituent fibers contained therein.

2. Unless each such product has affixed thereto a label showing each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

It is further ordered, That respondents Regency Neckwear, Inc., a corporation, and its officers, and Julio Carity, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of textile fiber products or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from directly or indirectly, using the word "manufacturers", or any other words or term of similar import or meaning in statements, purporting to be descriptive of respondents' type operations, appearing on invoices, or representing in any other manner that respondents manufacture or process the the textile fiber products sold by them, unless and until respondents' operations are such that respondents do in fact manufacture or process the textile fiber products sold by them.

It is further ordered, That the respondents shall forthwith distribute a copy of this order to all operating divisions of the corporate respondent.

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

Issued: July 23, 1968.

By the Commission.

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

[F.R. Doc. 68-11009; Filed, Sept. 11, 1968; 8:45 a.m.]

[Docket No. C-1392]

PART 13—PROHIBITED TRADE PRACTICES

Antoinette T. Searles and Profils Du Monde

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* 13.-1212-80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: §13.1852 *Formal regulatory and statutory requirements:* 13.1852-70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended, 72 Stat. 1717; 15 U.S.C. 45, 1191, 70) [Cease and desist order, Antoinette T. Searles trading as Profils Du Monde, Beverly Hills, Calif., Docket C-1392, July 26, 1968]

In the Matter of Antoinette T. Searles, an Individual Trading as Profils Du Monde

Consent order requiring a Beverly Hills, Calif., retailer of wearing apparel to cease marketing dangerously flammable products and misbranding its textile fiber products.

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

It is ordered, That respondent Antoinette T. Searles, an individual trading as Profils Du Monde, or under any other name, and respondent's representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting, or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product as "commerce" and "product" are defined in the Flammable Fabrics Act, as amended, which fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That respondent herein shall, within ten (10) days after service upon her of this order, file with the Commission an interim special report in writing setting forth the respondent's intention as to compliance with this order. This interim special report shall also advise the Commission fully and specifically concerning identity of the product which gave rise to the complaint, (1) the amount of such product in inventory, (2) any action taken to notify customers of the flammability of such product and the results thereof and (3) any disposition of such product since August 29, 1967. Such report shall further inform the Commission whether respondent has in inventory any fabric, product or related material having a plain surface and made of silk, rayon or cotton or combinations thereof in a weight of 2 ounces or less per square yard or with a raised surface made of cotton or rayon or combinations thereof. Respondent will submit samples of any such fabric, product, or related material with this report. Samples of the fabric, product or related material shall be of no less than 1 square yard of material.

It is further ordered, That respondent Antoinette T. Searles, an individual trading as Profils Du Monde, or under any other name, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Indentification Act, do forthwith cease and desist from failing to affix a stamp, tag, label, or other means of identification to each such product showing in a clear, legible, and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

It is further ordered, That respondent Antoinette T. Searles, an individual trading as Profils Du Monde, or under any other name, and respondent's representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from removing or mutilating, or causing or participating in the removal or mutilation of, the stamp, tag, label, or other identification required by the Textile Fiber Products Identification Act to be affixed to any textile fiber product, after such textile fiber product has been shipped in commerce and prior to the time such textile fiber product is sold and delivered to the ultimate consumer, without substituting therefor labels conforming to section 4 of said Act and the rules and regulations promulgated thereunder and in the manner prescribed by section 5(b) of said Act.

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

Issued: July 26, 1968.

By the Commission.

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

[F.R. Doc. 68-11010; Filed, Sept. 11, 1968; 8:45 a.m.]

[Docket No. C-1390]

PART 13—PROHIBITED TRADE PRACTICES

Vanity Fair Mills, Inc.

Subpart—Combining or conspiring: § 13.425 *To enforce or bring about resale price maintenance.* Subpart—Maintaining resale prices: § 13.1155 *Price schedules and announcements.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Vanity Fair Mills, Inc., Reading, Pa., Docket C-1390, July 25, 1968]

Consent order requiring a Reading, Pa., manufacturer of women's lingerie to cease conspiring with its retail outlets to fix the resale prices of its merchandise and utilizing other anticompetitive practices.

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

It is ordered, That respondent, Vanity Fair Mills, Inc., a corporation, its officers, and representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of women's lingerie or foundation garments in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Entering into any form of combination, agreement, understanding, or conspiracy with its retail accounts which fixes or tampers with the resale prices of respondent's merchandise: *Provided, however,* That nothing in this order shall prohibit respondent from suggesting resale prices.

2. Preticketing its products with a resale price imprinted thereon without stating on said ticket that the price is suggested or approximate.

3. Distributing resale price lists without stating on said lists that the prices are suggested or approximate.

4. Conditioning payments of any advertising allowance to its retail accounts on advertising only respondent's suggested regular or reduced resale prices.

5. Conditioning payments of any advertising allowance to its retail accounts

on advertising reduced resale price sales on specified dates only.

6. Restricting the number of times during which respondent's special or regular stock merchandise may be offered at reduced resale prices by its retail accounts.

7. Announcing dates other than suggested dates for the advertising, commencement, or conclusion of any reduced resale price sale of respondent's merchandise.

8. Refusing to permit its retail accounts to use its name in newspaper advertising for discontinued merchandise being offered for sale at reduced resale prices.

9. Seeking or securing, through the use of salesmen or others, the cooperation, participation, or agreement of retail accounts, in any violation of any of the provisions of this order.

10. Using resale prices in its own local or national advertising without stating that said prices are suggested or approximate.

Nothing in the order shall be interpreted to prohibit respondent from entering into, establishing, maintaining, and enforcing in any lawful manner any price agreement excepted from the provisions of the Federal Trade Commission Act by virtue of the McGuire Act amendments to said Act or any other applicable statutes, whether now in effect or hereafter enacted.

It is further ordered, That respondent, within sixty (60) days after the effective date of this order notify each of its retail accounts of this cease and desist order by mailing them a copy thereof together with a copy of the attached letter.[1]

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

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

Issued: July 25, 1968.

By the Commission.

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

[F.R. Doc. 68-11011; Filed, Sept. 11, 1968; 8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Subtitle A—Office of the Secretary, Department of Housing and Urban Development

PART 17—ADMINISTRATIVE CLAIMS

Subpart A—Claims Against Government Under Federal Tort Claims Act

In Subtitle A, a new Part 17 and a new Subpart A are added as follows:

[1] Filed as part of the original document.

Pursuant to and in accordance with the Federal Tort Claims Act, as amended, 28 U.S.C. 2671–2680, and Title 28, Chapter I, Part 14 of the Code of Federal Regulations (31 F.R. 16616), Part 17, Subpart A is added to Title 24 of the Code of Federal Regulations as set forth below. The following delegations of authority relating to the subject of this subpart are revoked: Housing and Home Finance Administrator's delegation published at 28 F.R. 8230 (Aug. 9, 1963) to the Assistant Administrator (Administration), OA, HHFA; Public Housing Commissioner's delegation published at 27 F.R. 10778 (Nov. 3, 1962), under II, E, 1, to the PHA Assistant Commissioner for Administration, Comptroller, and Regional Directors.

Subpart A—Claims Against Government Under Federal Tort Claims Act

GENERAL PROVISIONS

AUTHORITY: The provisions of this Subpart A issued under 28 U.S.C. 2672; 28 CFR 14.11; sec. 7(d), Public Law 89-174, 79 Stat. 670, 42 U.S.C. 3535(d).

GENERAL PROVISIONS

§ 17.1 Scope; definitions.

(a) This subpart applies to claims asserted under the Federal Tort Claims Act, as amended, accruing on or after January 18, 1967, for money damages against the United States for injury to or loss of property or personal injury or death caused by the negligent or wrongful act or omission of an officer or employee of the Department while acting within the scope of his office or employment.

(b) This subpart is issued subject to and consistent with applicable regulations on administrative claims under the Federal Tort Claims Act issued by the Attorney General (31 F.R. 16616; 28 CFR Part 14).

(c) For purposes of this subpart, the term "Department" means the Department of Housing and Urban Development, which consists of the Office of the Secretary and the several organizational units. "Organizational unit" means the jurisdictional area of each Assistant Secretary, each office head reporting directly to the Secretary, and each Regional Administrator.

PROCEDURES

§ 17.2 Administrative claim; when presented; appropriate HUD Office.

(a) For purposes of this subpart, a claim shall be deemed to have been presented when the Department receives, at a place designated in paragraph (b) of this section, an executed "Claim for Damages or Injury," Standard Form 95, or other written notification of an incident, accompanied by a claim for money damages in a sum certain for injury to or loss of property, for personal injury, or for death alleged to have occurred by reason of the incident. A claim which should have been presented to the Department, but which was mistakenly addressed to or filed with another Federal agency, is deemed to be presented to the Department as of the date that the claim is received by the Department. If a claim is mistakenly addressed to or filed with the Department, the Department shall forthwith transfer it to the appropriate Federal agency, if ascertainable, or return it to the claimant.

(b) A claimant shall mail or deliver his claim to the office of employment of the Department employee or employees whose negligent or wrongful act or omission is alleged to have caused the loss or injury complained of. Where such office of employment is the Department Central Office in Washington, or is not reasonably known and not reasonably ascertainable, claimant shall file his claim with the Assistant Secretary for Administration, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. In all other cases, claimant shall address his claim to the head of the appropriate office, the address of which will generally be found listed in the local telephone directory.

§ 17.3 Administrative claim; who may file.

(a) A claim for injury to or loss of property may be presented by the owner of the property, his duly authorized agent, or his legal representative.

(b) A claim for personal injury may be presented by the injured person, his duly authorized agent, or his legal representative.

(c) A claim based on death may be presented by the executor or administrator of the decedent's estate, or by any other person legally entitled to assert such a claim in accordance with applicable State law.

(d) A claim for loss wholly compensated by an insurer with the rights of a subrogee may be presented by the insurer. A claim for loss partially compensated by an insurer with the rights of a subrogee may be presented by the insurer or the insured individually, as their respective interests appear, or jointly. Whenever an insurer presents a claim asserting the rights of a subrogee, he shall present with his claim appropriate evidence that he has the rights of a subrogee.

(e) A claim presented by an agent or legal representative shall be presented in the name of the claimant, be signed by the agent or legal representative, show the title or legal capacity of the person signing, and be accompanied by evidence of his authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian, or other representative.

§ 17.4 Administrative claim; evidence and information to be submitted.

(a) *Personal injury.* In support of a claim for personal injury, including pain and suffering, the claimant may be required to submit the following evidence or information:

(1) A written report by his attending physician or dentist setting forth the nature and extent of the injury, nature and extent of treatment, any degree of temporary or permanent disability, the prognosis, period of hospitalization, and any diminished earning capacity. In addition, the claimant may be required to submit to a physical or mental examination by a physician employed or designated by the Department or another Federal agency. A copy of the report of the examining physician shall be made available to the claimant upon the claimant's written request provided that he has, upon request, furnished the report referred to in the first sentence of this subparagraph and has made or agrees to make available to the Department any other physician's report previously or thereafter made of the physical or mental condition which is the subject matter of his claim;

(2) Itemized bills for medical, dental, and hospital expenses incurred, or itemized receipts of payment for such expenses;

(3) If the prognosis reveals the necessity for future treatment, a statement of expected expenses for such treatment;

(4) If a claim is made for loss of time from employment, a written statement from his employer showing actual time lost from employment, whether he is a full- or part-time employee, and wages or salary actually lost;

(5) If a claim is made for loss of income and the claimant is self-employed, documentary evidence showing the amount of earnings actually lost;

(6) Any other evidence or information which may have a bearing on either the responsibility of the United States for the personal injury or the damages claimed.

(b) *Death.* In support of a claim based on death, the claimant may be required to submit the following evidence or information:

(1) An authenticated death certificate or other competent evidence showing cause of death, date of death, and age of the decedent;

(2) Decedent's employment or occupation at time of death, including his monthly or yearly salary or earnings (if any), and the duration of his last employment or occupation;

(3) Full names, addresses, birth dates, kinship, and marital status of the decedent's survivors, including identification of those survivors who were dependent for support upon the decedent at the time of his death;

(4) Degree of support afforded by the decedent to each survivor dependent upon him for support at the time of his death;

(5) Decedent's general physical and mental condition before death;

(6) Itemized bills for medical and burial expenses incurred by reason of the incident causing death, or itemized receipts of payment for such expenses;

(7) If damages for pain and suffering prior to death are claimed, a physician's detailed statement specifying the injuries suffered, duration of pain and suffering, any drugs administered for pain, and the decedent's physical condition in the interval between injury and death;

(8) Any other evidence or information which may have a bearing on either the responsibility of the United States for the death or the damages claimed.

(c) *Property damage.* In support of a claim for injury to or loss of property, real or personal, the claimant may be required to submit the following evidence or information:

(1) Proof of ownership;

(2) A detailed statement of the amount claimed with respect to each item of property;

(3) An itemized receipt of payment for necessary repairs or itemized written estimates of the cost of such repairs;

(4) A statement listing date of purchase, purchase price, and salvage value where repair is not economical;

(5) Any other evidence or information which may have a bearing on either the responsibility of the United States for the injury to or loss of property or the damages claimed.

§ 17.5 Investigations.

The Department may investigate, or may request any other Federal agency to investigate, a claim filed under this subpart.

§ 17.6 Claims investigation.

(a) When a claim has been filed with the Department, the head of the organizational unit concerned or his designee shall designate one employee in that unit who shall act as, and who shall be referred to herein as, the Claims Investigating Officer for that particular claim. When a claim is received by the head of an organizational unit to which this subpart applies, it shall be forwarded with or without comment to the designated Claims Investigating Officer, who shall:

(1) Investigate as completely as is practicable the nature and circumstances of the occurrence causing the loss or damage of the claimant's property;

(2) Ascertain the extent of loss or damage to the claimant's property;

(3) Assemble the necessary forms with required data contained therein;

(4) Prepare a brief statement setting forth the facts relative to the claim, a statement whether the claim satisfies the requirements of this subpart, and a recommendation as to the amount to be paid in settlement of the claim;

(5) Submit such forms, statements, and all necessary supporting papers to the head of the organizational unit having jurisdiction over the employee involved, who will be responsible for assuring that all necessary data has been obtained for the file. The head of the organizational unit will transmit the entire file to the Assistant Secretary or Deputy Assistant Secretary for Administration.

§ 17.7 Authority to adjust, determine, compromise, and settle claims.

The Assistant Secretary for Administration and the Deputy Assistant Secretary for Administration each is hereby authorized to consider, ascertain, adjust, determine, compromise, and settle claims under section 2672 of title 28, United States Code, and this subpart, subject to § 17.8.

§ 17.8 Limitations on authority.

(a) An award, compromise, or settlement of a claim under section 2672 of title 28, United States Code, and this subpart in excess of $25,000 may be effected only with the prior written approval of the Attorney General or his designee. For the purpose of this paragraph, a principal claim and any derivative or subrogated claim shall be treated as a single claim.

(b) An administrative claim may be adjusted, determined, compromised, or settled only after consultation with the Department of Justice when, in the opinion of the General Counsel or his designee:

(1) A new precedent or a new point of law is involved; or

(2) A question of policy is or may be involved; or

(3) The United States is or may be entitled to indemnity or contribution from a third party, and the Department is unable to adjust the third party claim; or

(4) The compromise of a particular claim, as a practical matter, will or may control the disposition of a related claim in which the amount to be paid may exceed $25,000.

(c) An administrative claim may be adjusted, determined, compromised, or settled only after consultation with the Department of Justice when the Department is informed or is otherwise aware that the United States or an officer, employee, agent, or cost-type contractor of the United States is involved in litigation based on a claim arising out of the same incident or transaction.

§ 17.9 Referral to Department of Justice.

When Department of Justice approval or consultation is required under § 17.8, the referral or request shall be transmitted to the Department of Justice by the General Counsel of the Department or his designee.

§ 17.10 Review of claim.

(a) Upon receipt of the claim file from the head of the organizational unit concerned, the Office of the Assistant Secretary for Administration will ascertain that all supporting papers are contained in the file and will then submit the file to the Office of General Counsel for legal review and recommendation.

(b) After legal review and recommendation by or on behalf of the General

Counsel, the Assistant Secretary for Administration or the Deputy Assistant Secretary for Administration will make a determination on the claim and notify the claimant of such determination.

§ 17.11 **Final denial of claim.**

Final denial of an administrative claim shall be in writing, and notification of denial shall be sent to the claimant, his attorney, or legal representative by certified or registered mail. The notification of final denial may include a statement of the reasons for the denial and shall include a statement that, if the claimant is dissatisfied with the Department action, he may file suit in an appropriate U.S. District Court not later than 6 months after the date of mailing of the notification.

§ 17.12 **Action on approved claim.**

(a) Payment of a claim approved under this subpart is contingent on claimant's execution of (1) a "Claim for Damage or Injury," Standard Form 95; (2) a claims settlement agreement; and (3) a "Voucher for Payment," Standard Form 1145, as appropriate. When a claimant is represented by an attorney, the voucher for payment shall designate both the claimant and his attorney as payees, and the check shall be delivered to the attorney, whose address shall appear on the voucher.

(b) Acceptance by the claimant, his agent, or legal representative of an award, compromise, or settlement made under section 2672 or 2677 of title 28, United States Code, is final and conclusive on the claimant, his agent or legal representative, and any other person on whose behalf or for whose benefit the claim has been presented, and constitutes a complete release of any claim against the United States and against any officer or employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter.

Effective date: Date of publication in the FEDERAL REGISTER.

ROBERT C. WEAVER,
Secretary of Housing and Urban Development.

[F.R. Doc. 68-11057; Filed, Sept. 11, 1968; 8:49 a.m.]

Chapter III—Housing Assistance Administration, Department of Housing and Urban Development

PART 1500—GENERAL PROCEDURAL PROVISIONS

Claims Cognizable Under Federal Tort Claims Act

Section 1500.3, *Claims cognizable under Federal Tort Claims Act*, of Part 1500, Chapter III, Subtitle B, Title 24 of the Code of Federal Regulations, is hereby revoked.

Effective date: Date of publication in the FEDERAL REGISTER.

ROBERT C. WEAVER,
Secretary of Housing and Urban Development.

[F.R. Doc. 68-11058; Filed, Sept. 11, 1968; 8:49 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6971]

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

Investment Credit Provisions

In order to conform the Income Tax Regulations (26 CFR Part 1) relating to the investment credit to section 6(b)(1) of the Department of Transportation Act (80 Stat. 938) and Treasury Department Order No. 167-31 (32 F.R. 2463), § 1.48-1 of such regulations is amended by revising paragraph (g)(2)(iii) to read as follows:

§ 1.48-1 **Definition of section 38 property.**

* * * * *

(g) *Property used outside the United States.* * * *

(2) *Exceptions.* * * *

(iii) Any vessel documented under the laws of the United States which is operated in the foreign or domestic commerce of the United States. A vessel is documented under the laws of the United States if it is registered, enrolled, or licensed under the laws of the United States by the Commandant, U.S. Coast Guard. Vessels operated in the foreign or domestic commerce of the United States include those documented for use in foreign trade, coastwise trade, or fisheries;

* * * * *

Because this Treasury decision merely conforms existing regulations to changes made by statute and Treasury Department order in the official who registers, enrolls, and licenses vessels under the laws of the the United States, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 553(b) of title 5 of the United States Code or subject to the effective date limitation of section 553(d) of such Title.

(Secs. 38(b) (76 Stat. 963; 26 U.S.C. 38), 7805 (68A Stat. 917; 26 U.S.C. 7805), Internal Revenue Code of 1954)

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

Approved: September 5, 1968.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 68-11063; Filed, Sept. 11, 1968; 8:50 a.m.]

[T.D. 6972]

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

Supplemental Unemployment Benefit Trusts

On August 2, 1967, notice of proposed rule making regarding the Income Tax Regulations (26 CFR Part 1) under sections 501, 503, 511, 513, 514, 6012, and 6033 of the Internal Revenue Code of 1954, to reflect the amendments made by the Act of July 14, 1960 (Public Law 86-667, 74 Stat. 534), was published in the FEDERAL REGISTER (32 F.R. 11217). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments to the regulations as so proposed are hereby adopted, subject to the changes set forth below.

PARAGRAPH 1. Section 1.501(c)(17)-2, as set forth in paragraph 2 of the notice of proposed rule making, is amended by revising paragraph (j).

PAR. 2. Section 1.501(c)(17)-3, as set forth in paragraph 2 of the notice of proposed rule making, is amended by revising paragraph (b).

PAR. 3. Paragraph (b)(1) of § 1.6041-2 is amended.

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

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

Approved: September 5, 1968.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 501, 503, 511, 513, 514, 6012, and 6033 of the Internal Revenue Code of 1954 to the Act of July 14, 1960 (P.L. 86-667, 74 Stat. 534), such regulations are amended as follows:

PARAGRAPH 1. Section 1.501(a)-1 is amended by revising subparagraph (3)(i) of paragraph (a) to read as follows:

§ 1.501(a)-1 **Exemption from taxation.**

(a) *In general; proof of exemption.* * * *

(3)(i) An organization claiming exemption under section 501(a) and described in section 501(c) (2), (3), (4), (5), (6), (7), (8), (9), (12), (13), (15), or (17) shall file the form of application appropriate to its activities, filled out in accordance with the instructions on the form or issued therewith. The following forms shall be filed: For organizations described in section 501(c)(3), Form 1023; in section 501(c) (4), (5), (6), or (8), Form 1024; in section 501(c)(7), Form 1025; in section 501(c) (2), (12), (13), or (15), Form 1026; and in section 501(c) (9), or (17), Form 1027. State chartered credit unions described in section 501(c)(14) shall submit an application for exemption showing the State and date of incorporation. The application should show that the State credit union law with respect to loans, investments, and dividends, if any, is being

complied with. All other organizations claiming exemption, other than employees' trusts described in section 401(a), shall file an application for exemption showing the character of the organization, the purpose for which it was organized, its actual activities, the sources of its income and receipts and the disposition thereof, whether or not any of its income or receipts is credited to surplus or may inure to the benefit of any private shareholder or individual, and in general all facts relating to its operations which may affect its right to exemption. To each such form or application shall be attached a conformed copy of the articles of incorporation, declaration of trust, or other instrument of similar import, setting forth the permitted powers or activities of the organization, the bylaws or other code of regulations, and the latest financial statement showing the assets, liabilities, receipts, and disbursements of the organization. In the case of a trust claiming an exemption under section 501(c)(17) a conformed copy of any plan of which it forms a part shall be attached to the form or application for exemption. Each such form or application shall contain or be verified by a written declaration that it is made under the penalties of perjury.

* * * * *

PAR. 2. There are inserted immediately before § 1.501(d) the following new sections:

§ 1.501(c)(17) Statutory provisions; exemption from tax on corporations, certain trusts, etc.; supplemental unemployment benefit trusts.

SEC. 501. *Exemption from tax on corporations, certain trusts, etc.* * * *

(c) *List of exempt organizations.* The following organizations are referred to in subsection (a):

* * * * *

(17) (A) A trust or trusts forming part of a plan providing for the payment of supplemental unemployment compensation benefits, if—

(i) Under the plan, it is impossible, at any time prior to the satisfaction of all liabilities with respect to employees under the plan, for any part of the corpus or income to be (within the taxable year or thereafter) used for, or diverted to, any purpose other than the providing of supplemental unemployment compensation benefits,

(ii) Such benefits are payable to employees under a classification which is set forth in the plan and which is found by the Secretary or his delegate not to be discriminatory in favor of employees who are officers, shareholders, persons whose principal duties consist of supervising the work of other employees, or highly compensated employees, and

(iii) Such benefits do not discriminate in favor of employees who are officers, shareholders, persons whose principal duties consist of supervising the work of other employees, or highly compensated employees. A plan shall not be considered discriminatory within the meaning of this clause merely because the benefits received under the plan bear a uniform relationship to the total compensation, or the basic or regular rate of compensation, of the employees covered by the plan.

(B) In determining whether a plan meets the requirements of subparagraph (A), any benefits provided under any other plan shall not be taken into consideration, except that a plan shall not be considered discriminatory—

(i) Merely because the benefits under the plan which are first determined in a nondiscriminatory manner within the meaning of subparagraph (A) are then reduced by any sick, accident, or unemployment compensation benefits received under State or Federal law (or reduced by a portion of such benefits if determined in a nondiscriminatory manner), or

(ii) Merely because the plan provides only for employees who are not eligible to receive sick, accident, or unemployment compensation benefits under State or Federal law the same benefits (or a portion of such benefits if determined in a nondiscriminatory manner) which such employees would receive under such laws if such employees were eligible for such benefits, or

(iii) Merely because the plan provides only for employees who are not eligible under another plan (which meets the requirements of subparagraph (A)) of supplemental unemployment compensation benefits provided wholly by the employer the same benefits (or a portion of such benefits if determined in a nondiscriminatory manner) which such employees would receive under such other plan if such employees were eligible under such other plan, but only if the employees eligible under both plans would make a classification which would be nondiscriminatory within the meaning of subparagraph (A).

(C) A plan shall be considered to meet the requirements of subparagraph (A) during the whole of any year of the plan if on one day in each quarter it satisfies such requirements.

(D) The term "supplemental unemployment compensation benefits" means only—

(i) Benefits which are paid to an employee because of his involuntary separation from the employment of the employer (whether or not such separation is temporary) resulting directly from a reduction in force, the discontinuance of a plant or operation, or other similar conditions, and

(ii) Sick and accident benefits subordinate to the benefits described in clause (i).

(E) Exemption shall not be denied under subsection (a) to any organization entitled to such exemption as an association described in paragraph (9) of this subsection merely because such organization provides for the payment of supplemental unemployment benefits (as defined in subparagraph (D)(i)).

[Sec. 501(c)(17) as added by Act of July 14, 1960 (Pub. Law 86-667, 74 Stat. 534)]

§ 1.501(c)(17)-1 Supplemental unemployment benefit trusts.

(a) *Requirements for qualification.* (1) A supplemental unemployment benefit trust may be exempt as an organization described in section 501(c)(17) if the requirements of subparagraphs (2) through (6) of this paragraph are satisfied.

(2) The trust is a valid, existing trust under local law and is evidenced by an executed written document.

(3) The trust is part of a written plan established and maintained by an employer, his employees, or both the employer and his employees, solely for the purpose of providing supplemental unemployment compensation benefits (as defined in section 501(c)(17)(D) and paragraph (b)(1) of § 1.501(c)(17)-1).

(4) The trust is part of a plan which provides that the corpus and income of the trust cannot (in the taxable year, and at any time thereafter, before the satisfaction of all liabilities to employees covered by the plan) be used for, or diverted to, any purpose other than the providing of supplemental unemployment compensation benefits. Thus, if the plan provides for the payment of any benefits other than supplemental unemployment compensation benefits as defined in paragraph (b) of this section, the trust will not be entitled to exemption as an organization described in section 501(c)(17). However, the payment of any necessary or appropriate expenses in connection with the administration of a plan providing supplemental unemployment compensation benefits shall be considered a payment to provide such benefits and shall not affect the qualification of the trust.

(5) The trust is part of a plan whose eligibility conditions and benefits do not discriminate in favor of employees who are officers, shareholders, persons whose principal duties consist of supervising the work of other employees, or highly compensated employees. See sections 401(a)(3)(B) and 401(a)(4) and §§ 1.401-3 and 1.401-4. However, a plan is not discriminatory within the meaning of section 501(c)(17)(A)(iii), relating to the requirement that the benefits paid under the plan be nondiscriminatory, merely because the benefits received under the plan bear a uniform relationship to the total compensation, or the basic or regular rate of compensation, of the employees covered by the plan. Accordingly, the benefits provided for highly paid employees may be greater than the benefits provided for lower paid employees if the benefits are determined by reference to their compensation; but, in such a case, the plan will not qualify if the benefits paid to the higher paid employees bear a larger ratio to their compensation than the benefits paid to the lower paid employees bear to their compensation. In addition, section 501(c)(17)(B) sets forth certain other instances in which a plan will not be considered discriminatory (see paragraph (c) of § 1.501(c)(17)-2).

(6) The trust is part of a plan which requires that benefits are to be determined according to objective standards. Thus, a plan may provide similarly situated employees with benefits which differ in kind and amount, but may not permit such benefits to be determined solely in the discretion of the trustees.

(b) *Meaning of terms.* The following terms are defined for purposes of section 501(c)(17):

(1) *Supplemental unemployment compensation benefits.* The term "supplemental unemployment compensation benefits" means only—

(i) Benefits paid to an employee because of his involuntary separation from the employment of the employer, whether or not such separation is temporary, but only when such separation is one resulting directly from a reduction

in force, the discontinuance of a plant or operation, or other similar conditions; and

(ii) Sick and accident benefits subordinate to the benefits described in subdivision (i) of this subparagraph.

(2) *Employee.* The term "employee" means an individual whose status is that of an employee under the usual common-law rules applicable in determining the employer-employee relationship. The term "employee" also includes an individual who qualifies as an "employee" under the State or Federal unemployment compensation law covering his employment, whether or not such an individual could qualify as an employee under such common-law rules.

(3) *Involuntary separation from the employment of the employer.* Whether a "separation from the employment of the employer" occurs is a question to be decided with regard to all the facts and circumstances. However, for purposes of section 501(c)(17), the term "separation" includes both a temporary separation and a permanent severance of the employment relationship. Thus, for example, an employee may be separated from the employment of his employer even though at the time of separation it is believed that he will be reemployed by the same employer. Whether or not an employee is "involuntarily" separated from the employment of the employer is a question of fact. However, normally, an employee will not be deemed to have separated himself voluntarily from the employment of his employer merely because his collective bargaining agreement provides for the termination of his services upon the happening of a condition subsequent and that condition does in fact occur. For example, if the collective bargaining agreement provides that the employer may automate a given department and thereby dislocate several employees, the fact that the employees' collective bargaining agent has consented to such a condition will not render any employee's subsequent unemployment for such cause voluntary.

(4) *Other similar conditions.* Involuntary separation directly resulting from "other similar conditions" includes, for example, involuntary separation from the employment of the employer resulting from cyclical, seasonal, or technological causes. Some causes of involuntary separation from the employment of the employer which are not similar to those enumerated in section 501(c)(17)(D)(i) are separation for disciplinary reasons or separation because of age.

(5) *Subordinate sick and accident benefits.* In general, a sick and accident benefit payment is an amount paid to an employee in the event of his illness or personal injury (whether or not such illness or injury results in the employee's separation from the service of his employer). In addition, the phrase "sick and accident benefits" includes amounts provided under the plan to reimburse an employee for amounts he expends because of the illness or injury of his spouse or a dependent (as defined in section 152). Sick and accident benefits may be paid by a trust described in section 501(c)(17) only if such benefits are subordinate to the separation payments provided under the plan of which the trust forms a part. Whether the sick and accident benefits provided under a supplemental unemployment compensation benefit plan are subordinate to the separation benefits provided under such plan is a question to be decided with regard to all the facts and circumstances.

§ 1.501(c)(17)–2 General rules.

(a) *Supplemental unemployment compensation benefits.* Supplemental unemployment compensation benefits as defined in section 501(c)(17)(D) and paragraph (b)(1) of § 1.501(c)(17)–1 may be paid in a lump sum or installments. Such benefits may be paid to an employee who has, subsequent to his separation from the employment of the employer, obtained other part-time, temporary, or permanent employment. Furthermore, such payments may be made in cash, services, or property. Thus, supplemental unemployment compensation benefits provided to involuntarily separated employees may include, for example, the following: Furnishing of medical care at an established clinic, furnishing of food, job training and schooling, and job counseling. If such benefits are furnished in services or property, the fair market value of the benefits must satisfy the requirements of section 501(c)(17)(A)(iii), relating to nondiscrimination as to benefits. However, supplemental unemployment compensation benefits may be provided only to an employee and only under circumstances described in paragraph (b)(1) of § 1.501(c)(17)–1. Thus, a trust described in section 501(c)(17) may not provide, for example, for the payment of a death, vacation, or retirement benefit.

(b) *Sick and accident benefits.* If a trust described in section 501(c)(17) provides for the payment of sick and accident benefits, such benefits may only be provided for employees who are eligible for receipt of separation benefits under the plan of which the trust is a part. However, the sick and accident benefits need not be provided for all the employees who are eligible for receipt of separation benefits, so long as the plan does not discriminate in favor of persons with respect to whom discrimination is proscribed in section 501(c)(17)(A)(ii) and (iii). Furthermore, the portion of the plan which provides for the payment of sick and accident benefits must satisfy the nondiscrimination requirements of section 501(c)(17)(A)(ii) and (iii) without regard to the portion of the plan which provides for the payment of benefits because of involuntary separation.

(c) *Correlation with other plans.* (1) In determining whether a plan meets the requirements of section 501(c)(17)(A)(ii) and (iii), any benefits provided under any other plan shall not be taken into consideration except in the particular instances enumerated in section 501(c)(17)(B)(i), (ii), and (iii). In general, these three exceptions permit a plan providing for the payment of supplemental unemployment compensation benefits to satisfy the nondiscrimination requirements in section 501(c)(17)(A)(ii) and (iii) if the plan is able to satisfy such requirements when it is correlated with one or more of the plans described in section 501(c)(17)(B).

(2) Under section 501(c)(17)(B)(i), a plan will not be considered discriminatory merely because the benefits under the plan which are first determined in a nondiscriminatory manner (within the meaning of section 501(c)(17)(A)) are then reduced by any sick, accident, or unemployment compensation benefits received under State or Federal law, or are reduced by a portion of these benefits if determined in a nondiscriminatory manner. Under this exception, a plan may, for example, satisfy the requirements of section 501(c)(17)(A)(iii) if it provides for the payment of an unemployment benefit and the amount of such benefit is determined as a percentage of the employee's compensation which is then reduced by any unemployment benefit which the employee receives under a State plan. In addition, a plan could provide for the reduction of such a plan benefit by a percentage of the State benefit. Furthermore, a plan may also satisfy the requirements of section 501(c)(17)(A) if it provides for the payment to an employee of an amount which when added to any State unemployment benefit equals a percentage of the employee's compensation.

(3) Under section 501(c)(17)(B)(ii), a plan will not be considered discriminatory merely because the plan provides benefits only for employees who are not eligible to receive sick, accident, or unemployment compensation benefits under State or Federal law. In such a case, however, the benefits provided under the plan seeking to satisfy the requirements of section 501(c)(17) must be the same benefits, or a portion of the same benefits if determined in a nondiscriminatory manner, which such ineligible employees would receive under State or Federal law if they were eligible for such benefits. Under this exception, for example, an employer may establish a plan only for employees who have exhausted their benefits under the State law, and, if the plan provides for such employees the same benefits which they would receive under the State plan, the State plan and the plan of the employer will be considered as one plan in determining whether the requirements relating to nondiscrimination in section 501(c)(17)(A) are satisfied. Furthermore, such a plan could also qualify even though it does not provide all of the benefits provided under the State plan. Thus, a plan could provide for the payment of a reduced amount of the benefits, or for the payment of only certain of the types of benefits, provided by the State plan. For example, if the State plan provides for the payment of sick, accident, and separation benefits, the plan of the employer may provide for the payment of only separation benefits, or for the payment of an amount

equal to only one-half of the State provided benefit. However, if a plan provides benefits for employees who are not eligible to receive the benefits provided under a State plan and such benefits are greater or of a different type than those under the State plan, the plan of the employer must satisfy the requirements of section 501(c)(17)(A) without regard to the benefits and coverage provided by the State plan.

(4) Under section 501(c)(17)(B)(iii), a plan is not considered discriminatory merely because the plan provides benefits only for employees who are not eligible to receive benefits under another plan which satisfies the requirements of section 501(c)(17)(A) and which is funded solely by contributions of the employer. In such a case, the plan seeking to qualify under section 501(c)(17) must provide the same benefits, or a portion of such benefits if determined in a nondiscriminatory manner, as are provided for the employees under the plan funded solely by employer contributions. Furthermore, this exception only applies if the employees eligible to receive benefits under both plans would satisfy the requirements in section 501(c)(17)(A)(ii), relating to nondiscrimination as to coverage. The plan of the employer which is being correlated with the plan seeking to satisfy the requirements of section 501(c)(17) may be a plan which forms part of a voluntary employees' beneficiary association described in section 501(c)(9), if such plan satisfies all the requirements of section 501(c)(17)(A). Under this exception, for example, if an employer has established a plan providing for the payment of supplemental unemployment compensation benefits for his hourly wage employees and such plan satisfies the requirements of section 501(c)(17)(A) (even though the plan forms part of a voluntary employees' beneficiary association described in section 501(c)(9)), the salaried employees of such employee may establish a plan for themselves, and, if such plan provides for the same benefits as the plan covering hourly-wage employees, both plans may be considered as one plan in determining whether the plan covering the salaried employees satisfies the requirement that it be nondiscriminatory as to coverage. The foregoing example would also be applicable if the benefits provided for the salaried employees were funded solely or in part by employer contributions.

(d) *Permanency of the plan.* A plan providing for the payment of supplemental unemployment compensation benefits contemplates a permanent as distinguished from a temporary program. Thus, although there may be reserved the right to change or terminate the plan, and to discontinue contributions thereunder, the abandonment of the plan for any reason other than business necessity within a few years after it has taken effect will be evidence that the plan from its inception was not a bona fide program for the purpose of providing supplemental unemployment compensation benefits to employees. Whether or not a particular plan constitutes a permanent arrangement will be determined by all of the surrounding facts and circumstances. However, merely because a collective bargaining agreement provides that a plan may be modified at the termination of such agreement, or that particular provisions of the plan are subject to renegotiation during the duration of such agreement, does not necessarily imply that the plan is not a permanent arrangement. Moreover, the fact that the plan provides that the assets remaining in the trust after the satisfaction of all liabilities (including contingent liabilities) under the plan may be returned to the employer does not imply that the plan is not a permanent arrangement nor preclude the trust from qualifying under section 501(c)(17).

(e) *Portions of years.* A plan must satisfy the requirements of section 501(c)(17) throughout the entire taxable year of the trust in order for the trust to be exempt for such year. However, section 501(c)(17)(C) provides that a plan will satisfy the nondiscrimination as to classification requirements of section 501(c)(17)(A) if on at least one day in each quarter of the taxable year of the trust it satisfies such requirements.

(f) *Several trusts constituting one plan.* Several trusts may be designated as constituting part of one plan which is intended to satisfy the requirements of section 501(c)(17), in which case all of such trusts taken as a whole must meet the requirements of such section. The fact that a combination of trusts fails to satisfy the requirements of section 501(c)(17) as one plan does not prevent such of the trusts as satisfy the requirements of section 501(c)(17) from qualifying for exemption under that section.

(g) *Plan of several employers.* A trust forming part of a plan of several employers, or the employees of several employers, will be a supplemental unemployment benefit trust described in section 501(c)(17) if all the requirements of that section are otherwise satisfied.

(h) *Investment of trust funds.* No specific limitations are provided in section 501(c)(17) with respect to investments which may be made by the trustees of a trust qualifying under that section. Generally, the contributions may be used by the trustees to purchase any investments permitted by the trust agreement to the extent allowed by local law. However, the tax-exempt status of the trust will be forfeited if the investments made by the trustees constitute "prohibited transactions" within the meaning of section 503. See section 503 and the regulations thereunder. In addition, such a trust will be subject to tax under section 511 with respect to any "unrelated business taxable income" (as defined in section 512) realized by it from its investments. See sections 511 to 515, inclusive, and the regulations thereunder.

(i) *Allocations.* If a plan which provides sick and accident benefits is financed solely by employer contributions to the trust, and such sick and accident benefits are funded by payment of premiums on an accident or health insurance policy (whether on a group or individual basis) or by contributions to a separate fund which pays such sick and accident benefits, the plan must specify that portion of the contributions to be used to fund such benefits. If a plan which is financed in whole or in part by employee contributions provides sick and accident benefits, the plan must specify the portion, if any, of employee contributions allocated to the cost of funding such benefits, and must allocate the cost of funding such benefits between employer contributions and employee contributions.

(j) *Required records and returns.* Every trust described in section 501(c)(17) must maintain records indicating the amount of separation benefits and sick and accident benefits which have been provided to each employee. If a plan is financed, in whole or in part, by employee contributions to the trust, the trust must maintain records indicating the amount of each employee's total contributions allocable to separation benefits. In addition, every trust described in section 501(c)(17) which makes one or more payments totaling $600 or more in 1 year to an individual must file an annual information return in the manner described in paragraph (b)(1) of § 1.6041–2.

§ 1.501(c)(17)–3 Relation to other sections of the Code.

(a) *Taxability of benefit distributions*—(1) *Separation benefits.* If the separation benefits described in section 501(c)(17)(D)(i) are funded entirely by employer contributions, then the full amount of any separation benefit payment received by an employee is includible in his gross income under section 61(a). If any such separation benefit is funded by both employer and employee contributions, or solely by employee contributions, the amount of any separation benefit payment which is includible in the gross income of the employee is the amount by which such distribution and any prior distributions of such separation payments exceeds the employee's total contributions to fund such separation benefits.

(2) *Sick and accident benefits.* Any benefit payment received from the trust under the part of the plan, if any, which provides for the payment of sick and accident benefits must be included in gross income under section 61(a), unless specifically excluded under section 104 or 105 and the regulations thereunder. See section 105(b) and § 1.105–2 for benefit payments expended for medical care, benefit payments in excess of actual medical expenses, and benefit payments which an employee is entitled to receive irrespective of whether or not he incurs expenses for medical care. See section 213 and § 1.213–1(g) for benefit payments representing reimbursement for medical expenses paid in prior years. See § 1.501(c)(17)–2(i) for the requirement that a trust described in section 501(c)(17) which receives employee contributions must be part of a written plan which provides for the allocation of the

cost of funding sick and accident benefits.

(b) *Exemption as a voluntary employees' beneficiary association.* Section 501(c)(17)(E) contemplates that a trust forming part of a plan providing for the payment of supplemental unemployment compensation benefits may, if it qualifies, apply for exemption from income tax under section 501(a) either as a voluntary employees' beneficiary association described in section 501(c)(9) or as a trust described in section 501(c)(17).

(c) *Returns.* A trust which is described in section 501(c)(17) and which is exempt from tax under section 501(a) must file a return in accordance with section 6033 and the regulations thereunder. If such a trust realizes any unrelated business taxable income, as defined in section 512, the trust is also required to file a return with respect to such income.

(d) *Effective date.* Section 501(c)(17) shall apply to taxable years beginning after December 31, 1959, and shall apply to supplemental unemployment benefit trusts regardless of when created or organized.

PAR. 3. Section 1.503(a) is amended to read as follows:

§ 1.503(a) Statutory provisions; requirements for exemption; denial of exemption to organizations engaged in prohibited transactions.

SEC. 503. *Requirements for exemption*—(a) *Denial of exemption to organizations engaged in prohibited transactions*—(1) *General rule.*

(A) An organization described in section 501(c)(3) which is subject to the provisions of this section shall not be exempt from taxation under section 501(a) if it has engaged in a prohibited transaction after July 1, 1950.

(B) An organization described in section 501(c)(17) which is subject to the provisions of this section shall not be exempt from taxation under section 501(a) if it has engaged in a prohibited transaction after December 31, 1959.

(C) An organization described in section 401(a) which is subject to the provisions of this section shall not be exempt from taxation under section 501(a) if it has engaged in a prohibited transaction after March 1, 1954.

(2) *Taxable years affected.* An organization described in section 501(c)(3) or (17) or section 401(a) shall be denied exemption from taxation under section 501(a) by reason of paragraph (1) only for taxable years after the taxable year during which it is notified by the Secretary or his delegate that it has engaged in a prohibited transaction, unless such organization entered into such prohibited transaction with the purpose of diverting corpus or income of the organization from its exempt purposes, and such transaction involved a substantial part of the corpus or income of such organization.

[Sec. 503(a) as amended by sec. 2, Act of July 14, 1960 (P.L. 86-667, 74 Stat. 535)]

PAR. 4. Section 1.503(a)-1 is amended by revising paragraphs (a) and (b). These amended provisions read as follows:

§ 1.503(a)-1 Denial of exemption to organizations engaged in prohibited transactions.

(a) The prohibited transactions enumerated in section 503(c) are in addition to and not in limitation of the restrictions contained in section 501(c)(3) or (17), or section 401(a). Even though an organization has not engaged in any of the prohibited transactions referred to in section 503(c), it still may not qualify for tax exemption in view of the general provisions of section 501(c)(3) or (17), or section 401(a). Thus, if a trustee or other fiduciary of the organization (whether or not he is also a creator of such organization) enters into a transaction with the organization, such transaction will be closely scrutinized in the light of the fiduciary principle requiring undivided loyalty to ascertain whether the organization is in fact being operated for the stated exempt purposes.

(b) An organization—

(1) Described in section 501(c)(3) which after July 1, 1950, has engaged in any prohibited transaction as defined in section 503(c), unless it is excepted by the provisions of section 503(b), or

(2) Described in section 401(a) which after March 1, 1954, has engaged in any prohibited transaction as defined in section 503(c) or which after December 31, 1962, has engaged in any prohibited transaction as defined in section 503(j); or

(3) Described in section 501(c)(17) which after December 31, 1959, has engaged in any prohibited transaction as defined in section 503(c),

shall not be exempt from taxation under section 501(a) for any taxable year subsequent to the taxable year in which there is mailed to it a notice in writing by the Commissioner that it has engaged in such prohibited transaction. Such notification by the Commissioner shall be by registered or certified mail to the last known address of the organization. However, notwithstanding the requirement of notification by the Commissioner, exemption shall be denied with respect to any taxable year if such organization during or prior to such taxable year commenced the prohibited transaction with the purpose of diverting income or corpus from its exempt purposes and such transaction involved a substantial part of the income or corpus of such organization. For the purpose of this section, the term "taxable year" means the established annual accounting period of the organization; or, if the organization has no such established annual accounting period, the "taxable year" of the organization means the calendar year.

PAR. 5. Section 1.503(b) is amended by revising the portion of paragraph (b) preceding subparagraph (1) and by adding a historical note at the end thereof. These amended and added provisions read as follows:

§ 1.503(b) Statutory provisions; requirements for exemption; organizations to which section 503 applies.

SEC. 503. *Requirements for exemption.* * * *

(b) *Organizations to which section applies.* This section shall apply to any organization described in section 501(c)(3) or (17) or section 401(a) except—

* * * * *

[Sec. 503(b) as amended by sec. 2(b), Act of July 14, 1960 (Pub. Law 86-667, 74 Stat. 535)]

PAR. 6. Section 1.503(c)-1 is amended by revising paragraph (a), by adding a new subdivision (vi) to paragraph (b)(2), by revising paragraph (b)(3), and the introductory clause and examples (5) and (6) of paragraph (c). These amended and added provisions read as follows:

§ 1.503(c)-1 Prohibited transactions.

(a) *In general.* The term "prohibited transaction" means any transaction set forth in section 503(c) engaged in by an organization described in section 501(c)(3) or (17), or section 401(a), other than those organizations excepted by section 503(b). Whether a transaction is a prohibited transaction depends on the facts and circumstances of the particular case. This section is intended to deny tax-exempt status to those organizations described in section 501(c)(3) or (17), or section 401(a), which engage in certain transactions which inure to the private advantage of (1) the creator of such organization (if it is a trust); (2) any substantial contributor to such organization; (3) a member of the family (as defined in section 267(c)(4)) of an individual who is such creator of or such substantial contributor to such organization; or (4) a corporation controlled, as set forth in section 503(c), by such creator or substantial contributor.

(b) *Loans as prohibited transactions under section 503(c)(1).* * * *

(2) *Effective dates.* * * *

(vi) January 1, 1960, for loans (including the purchase of debentures) made by supplemental unemployment benefit trusts, described in section 501(c)(17).

(3) *Certain exceptions to section 503(c)(1).* See section 503(h) and §§ 1.503(h)-1, 1.503(h)-2, and 1.503(h)-3 for special rules providing that certain obligations acquired by trusts described in section 401(a) or section 501(c)(17) shall not be treated as loans made without the receipt of adequate security for purposes of section 503(c)(1). See section 503(i) and § 1.503(i)-1 for an exception to the application of section 503(c)(1) for certain loans made by employees' trusts described in section 401(a).

(c) *Examples.* The following examples illustrate the operation of section 503(c)(1) with regard to organizations described in section 501(c)(3). The examples are also illustrative of the operation of section 503(c)(1) with respect to employees' trusts described in section 401(a), to the extent that section 503(h) or (i) is not applicable. In addition, the following examples are illustrative of the operation of section 503(c)(1) with respect to supplemental unemployment benefit trusts described in section 501(c)(17), to the extent that section 503(h) is not applicable.

* * * * *

Example (5). N Corporation, a substantial contributor to an exempt organization subject to section 503 borrows $50,000 on or after March 16, 1956, from the organization. If the loan is not adequately secured, the organization has committed a prohibited transaction at the time the loan was made. If the loan had been made on or before

March 15, 1956, and is continued after January 31, 1957, it must be adequately secured on February 1, 1957, or it will be considered a prohibited transaction on that date. However, if the exempt organization were an employee's trust, described in section 401(a), and the loan were made before March 1, 1954, repayable by its terms after December 31, 1955, it would not have to be adequately secured on February 1, 1957. Moreover, if the exempt organization were a supplemental unemployment benefit trust, described in section 501(c)(17), and the loan were made before January 1, 1960, repayable by its terms after December 31, 1959, it would not have to be adequately secured on January 1, 1960.

Example (6). An exempt organization subject to section 503 purchases a debenture issued by O Corporation, which is a substantial contributor to the organization. The organization purchases the debenture in an arm's length transaction from a third person on or after November 9, 1956. The purchase is considered as a loan by the organization to O Corporation. The loan must be adequately secured when it is made, or it is considered as a prohibited transaction at that time. If the organization purchased the debenture before November 9, 1956, and holds it after December 1, 1958, the debenture must be adequately secured on December 2, 1958, or it will then be considered as a prohibited transaction. However, if the organization were an employees' trust described in section 401(a), and if the debenture were purchased before March 1, 1954, and its maturity date is after December 31, 1955, the debenture does not have to be adequately secured. Moreover, if the organization were a supplemental unemployment benefit trust, described in section 501(c)(17), and if the debenture were purchased before January 1, 1960, and its maturity date is after December 31, 1959, the debenture does not have to be adequately secured.

PAR. 7. Section 1.503(d) is amended to read as follows:

§ 1.503(d) Statutory provisions; requirements for exemption; future status of organizations denied exemption.

SEC. 503. *Requirements for exemption.* * * *

(d) *Future status of organizations denied exemption.* Any organization described in section 501(c) (3) or (17) of section 401(a) which is denied exemption under section 501(a) by reason of subsection (a) of this section, with respect to any taxable year following the taxable year in which notice of denial of exemption was received, may, under regulations prescribed by the Secretary or his delegate, file claim for exemption, and if the Secretary or his delegate, pursuant to such regulations, is satisfied that such organization will not knowingly again engage in a prohibited transaction, such organization shall be exempt with respect to taxable years after the year in which such claim is filed.

[Sec. 503(d) as amended by sec. 2(c), Act of July 14, 1960 (Public Law 86-667, 74 Stat. 535)]

PAR. 8. Section 1.503(d)-1 is amended to read as follows:

§ 1.503(d)-1 Future status of organizations denied exemption.

(a) Any organization described in section 501(c) (3) or (17), or an employees' trust described in section 401(a), which is denied exemption under section 501(a) by reason of the provisions of section 503(a), may file, in any taxable year following the taxable year in which notice of denial was issued, a claim for exemption. In the case of organizations described in section 501(c) (3) or (17), the appropriate exemption application shall be used for this purpose, and shall be filed with the district director for the internal revenue district in which is located the principal place of business or principal office of the organization claiming exemption. In the case of an employees' trust described in section 401(a), the information described in § 1.404(a)-2 shall be submitted with a letter claiming exemption. An employees' trust described in section 401(a) shall submit this information to the district director with whom a request for a determination as to its qualification under section 401 and exemption under section 501 may be submitted under paragraph (1) of § 601.201 of this chapter (Statement of Procedural Rules). A claim for exemption must contain or have attached to it, in addition to the information generally required of such an organization claiming exemption as an organization described in section 501(c) (3) or (17), or section 401(a), a written declaration made under the penalties of perjury by a principal officer of such organization authorized to make such declaration that the organization will not knowingly again engage in a prohibited transaction. See § 1.501(a)-1 for proof of exemption requirements in general.

(b) If the Commissioner is satisfied that such organization will not knowingly again engage in a prohibited transaction and that the organization also satisfied all other requirements under section 501(c) (3) or (17), or section 401(a), the organization will be so notified in writing. In such case the organization will be exempt (subject to the provisions of sections 501(c) (3), (17), 401(a), 503, and 504 when applicable) with respect to the taxable years subsequent to the taxable year in which the claim prescribed in section 503(d) is filed. Section 503 contemplates that an organization denied exemption because of the terms of such section will be subject to taxation for at least one full taxable year. For the purpose of this section, the term "taxable year" means the established annual accounting period of the organization; or, if the organization has no such established annual accounting period, the "taxable year" of the organization means the calendar year.

PAR. 9. Section 1.503(h) is amended by revising the title of such section, the portion of paragraph (h) preceding subparagraph (1), and by amending the historical note at the end thereof. These amended provisions read as follows:

§ 1.503(h) Statutory provisions; requirements for exemption; special rules relating to lending by section 401(a) and section 501(c)(17) trusts to certain persons.

SEC. 503. *Requirements for exemption.* * * *

(h) *Special rules relating to lending by section 401(a) and section 501(c)(17) trusts to certain persons.* For purposes of subsection (c)(1), a bond, debenture, note, or certificate or other evidence of indebtedness (hereinafter in this subsection referred to as "obligation") acquired by a trust described in section 401(a) or section 501(c)(17) shall not be treated as a loan made without the receipt of adequate security if—

* * * * *

[Sec. 503(h) as added by sec. 30(a), Technical Amendments Act 1958 (72 Stat. 1629); amended by sec. 2(d), Act of July 14, 1960 (Public Law 86-667, 74 Stat. 535)]

PAR. 10. Section 1.503(h)-1 is amended by revising the title of such section and paragraph (a) (1) and (3) thereof. These amended provisions read as follows:

§ 1.503(h)-1 Certain loans by employees' trusts and supplemental unemployment benefit trusts.

(a) *In general.* (1) Section 503(h) provides that the acquisition by an employees' trust described in section 401(a), or a supplemental unemployment benefit trust described in section 501(c)(17), of a bond, debenture, note, or certificate or other evidence of indebtedness shall not be treated as a loan made without the receipt of adequate security for purposes of section 503(c)(1), relating to loans made without the receipt of adequate security and a reasonable rate of interest, if certain requirements are met. Those requirements are described in § 1.503(h)-2.

* * * * *

(3) The provisions of section 503(h) do not limit the effect of section 401(a) and § 1.401-2, relating to the use or diversion of corpus or income of an employees' trust, or the effect of the provisions of section 501(c)(17)(A)(i), relating to the diversion of the corpus or income of a supplemental unemployment benefit trust. Furthermore, the provisions of section 503(h) do not limit the effect of any of the provisions of section 503 other than section 503(c)(1). Thus, for example, although a loan made by an employees' trust described in section 401(a) meets all the requirements of section 503(h) and therefore is not treated as a loan made without the receipt of adequate security, an employees' trust making such a loan will lose its exempt status if the loan is not considered as made for the exclusive benefit of the employees or their beneficiaries. Similarly, a loan which meets the requirements of section 503(h) will constitute a prohibited transaction within the meaning of section 503(c)(6) if it results in a substantial diversion of the trust's income or corpus to a person described in section 503(c).

* * * * *

PAR. 11. Section 1.503(h)-2 is amended by revising paragraph (b) (1), (2)(ii) (*a*), and (iii)(*b*), (3) and (4) and paragraph (c) (1) and (2)(ii). These amended provisions read as follows:

§ 1.503(h)-2 Requirements.

* * * * *

(b) *Methods of acquisition*—(1) *In general.* The employees' trust described in section 401(a) or the supplemental unemployment benefit trust described in section 501(c)(17) must acquire the obligation on the market, by purchase from an underwriter, or by purchase from the

issuer, in the manner described in subparagraph (2), (3), or (4) of this paragraph.

(2) *On the market.* * * *

(ii) (*a*) If the obligation is listed on a national securities exchange registered with the Securities and Exchange Commission, it must be purchased through such an exchange or in an over-the-counter transaction at a price not greater than the price of the obligation prevailing on such an exchange at the time of the purchase by the employees' trust or supplemental unemployment benefit trust.

* * * * *

(iii) * * *

(*b*) For purposes of section 503(h), the offering price for the obligation at the time of the purchase means the price which accurately reflects the market value of the obligation. The offering price may be the price at which the last sale of the obligation to a person independent of the issuer was effected immediately before the trust's purchase of such obligation on the same day or may be the mean between the highest and lowest prices at which sales to persons independent of the issuer were effected on the same day or on the immediately preceding day or on the last day during which there were sales of such obligation or may be a price determined by any other method which accurately reflects the market value of the obligation. The offering price for an obligation must be a valid price for the amount of the obligations which the trust is purchasing. For example, if an employees' trust described in section 401(a) purchases 1,000 bonds of the employer corporation at the offering price established by current prices for a lot of 10 such bonds, such offering price may not be a valid price for 1,000 bonds and the purchase may therefore not meet the requirements of this subdivision. For a purchase of an obligation to qualify under this subdivision, there must be sufficient current prices quoted by persons independent of the issuer to establish accurately the current value of the obligation. Thus, if there are no current prices quoted by persons independent of the issuer, an over-the-counter transaction will not qualify under this subparagraph although the obligation was purchased in an arm's length transaction from a person independent of the issuer.

* * * * *

(3) *From an underwriter.* An obligation may be purchased from an underwriter if it is purchased at a price not greater than:

(i) The public offering price for the obligation as set forth in a prospectus or offering circular filed with the Securities and Exchange Commission, or

(ii) The price at which a substantial portion of the issue including such obligation is acquired by persons independent of the issuer,

whichever is the lesser price. For purposes of this subparagraph, a portion of the issue will be considered substantial if the purchases of such portion by persons independent of the issuer are sufficient to establish the fair market value of the obligations included in such issue. In determining whether the purchases are sufficient to establish the fair market value, all the surrounding facts and circumstances will be considered, including the number of independent purchasers, the aggregate amount purchased by each such independent purchaser, and the number of transactions. In the case of a large issue, purchases of a small percentage of the outstanding obligations may be considered purchases of a substantial portion of the issue; whereas, in the case of a small issue, purchases of a larger percentage of the outstanding obligations will ordinarily be required. The requirement in subdivision (ii) of this subparagraph contemplates purchase of the obligations by persons independent of the issuer contemporaneously with the purchase by the employees' trust or supplemental unemployment benefit trust. If a substantial portion has been purchased at different prices, the price of the portion may be based on the average of such prices, and if several substantial portions have been sold to persons independent of the issuer, the price of any of the substantial portions may be used for purposes of this subparagraph.

(4) *From the issuer.* An obligation may be purchased directly from the issuer at a price not greater than the price paid currently for a substantial portion of the same issue by persons independent of the issuer. This requirement contemplates purchase of a substantial portion of the same issue by persons independent of the issuer contemporaneously with the purchase by the employees' trust or supplemental unemployment benefit trust. For purposes of this subparagraph, a portion of the issue will be considered substantial if the purchases of such portion by persons independent of the issuer are sufficient to establish the fair market value of the obligations included in such issue. In determining whether the purchases are sufficient to establish the fair market value, all the surrounding facts and circumstances will be considered, including the number of independent purchasers, the aggregate amount purchased by each such independent purchaser, and the number of transactions. In the case of a large issue, purchases of a small percentage of the outstanding obligations may be considered purchases of a substantial portion of the issue; whereas, in the case of a small issue, purchases of a larger percentage of the outstanding obligations will ordinarily be required. The price paid for a substantial portion of the issue may be determined in the manner provided in subparagraph (3) of this paragraph.

(c) *Limitations on holdings of obligations.* (1) Immediately following acquisition of the obligation by the employees' trust or the supplemental unemployment benefit trust:

* * * * *

(2) * * *

(ii) For purposes of subparagraph (1) of this paragraph, the amounts of the obligations held by the trust and by persons independent of the issuer shall be computed on the basis of the face amount of the obligations.

PAR. 12. Section 1.503(h)–3 is revised to read as follows:

§ 1.503(h)–3 Effective dates.

(a) Section 503(h) and §§ 1.503(h)–1 and 1.503(h)–2 are effective in the case of an employees' trust described in section 401(a) for taxable years ending after March 15, 1956. Thus, if during a taxable year ending before March 16, 1956, an employees' trust made a loan which meets the requirements of section 503(h), such loan will not be treated as made without the receipt of adequate security and will not cause loss of exemption for taxable years ending after March 15, 1956, although such loan was not considered adequately secured when made.

(b)(1) In the case of obligations acquired by an employees' trust described in section 401(a) before September 2, 1958, which were held on that date, the requirements described in paragraphs (c) and (d) of § 1.503(h)–2 which were not satisfied immediately following the acquisition shall be treated as satisfied at that time if those requirements would have been satisfied had the obligations been acquired on September 2, 1958. For example, on January 3, 1955, an employees' trust described in section 401(a) purchased through the New York Stock Exchange unsecured debentures issued by the employer corporation. Under section 503(h) the acquisition of such debentures by the trust will not be treated for taxable years ending after March 15, 1956, as a loan made without the receipt of adequate security if the debentures were held by the employees' trust on September 2, 1958, and if the requirements of paragraphs (c) and (d) of § 1.503(h)–2 which were not met on January 3, 1955, were met on September 2, 1958, as if that date were the date of acquisition.

(2) In the case of obligations acquired before September 2, 1958, which were not held by the employees' trust described in section 401(a) on that date, only the requirement described in paragraph (b) of § 1.503(h)–2 must be satisfied for section 503(h) to be applicable to such acquisition. For example, if on December 5, 1956, an employees' trust lent money to the employer corporation by purchasing a debenture issued by the employer and if the trust sold the debenture on August 1, 1958, such loan would not be treated as made without the receipt of adequate security if the requirement described in paragraph (b) of § 1.503(h)–2 was met on December 5, 1956.

(c) Section 503(h) and §§ 1.503(h)–1 and 1.503(h)–2 are effective in the case of supplemental unemployment benefit trusts described in section 501(c)(17) with respect to loans made, renewed, or, in the case of demand loans, continued after December 31, 1959.

(d) See paragraph (b)(2) of § 1.503(c)–1 for the effective dates for the application of the definition of adequate security.

PAR. 13. Section 1.511 is amended by revising paragraph (a)(2)(A) and paragraph (b)(2), and by adding a historical note at the end thereof. These amended and added provisions read as follows:

§ 1.511 Statutory provisions; imposition of tax on unrelated business income of charitable, etc., organizations.

SEC. 511. *Imposition of tax on unrelated business income of charitable, etc., organizations—*

(a) *Charitable, etc., organizations taxable at corporation rates.* * * *

(2) *Organizations subject to tax—*

(A) *Organizations described in section 501(c)(2), (3), (5), (6), and (17), and section 401(a).* The taxes imposed by paragraph (1) shall apply in the case of any organization (other than a church, a convention or association of churches, or a trust described in subsection (b)) which is exempt, except as provided in this part, from taxation under this subtitle by reason of section 401(a) or of paragraph (3), (5), (6), or (17) of section 501(c). Such taxes shall also apply in the case of a corporation described in section 501(c)(2) if the income is payable to an organization which itself is subject to the taxes imposed by paragraph (1) or to a church or to a convention or association of churches.

* * * * *

(b) *Tax on charitable, etc., trusts.* * * *

(2) *Charitable, etc., trusts subject to tax.* The tax imposed by paragraph (1) shall apply in the case of any trust which is exempt, except as provided in this part, from taxation under this subtitle by reason of section 501(c)(3) or (17) or section 401(a) and which, if it were not for such exemption, would be subject to subchapter J (sec. 641 and following, relating to estates, trusts, beneficiaries, and decedents).

* * * * *

[Sec. 511 as amended by sec. 3, Act of July 14, 1960 (Pub. Law 86–667, 74 Stat. 535)]

PAR. 14. Section 1.511–2 is amended by revising paragraphs (a)(1) and (b). These amended provisions read as follows:

§ 1.511–2 Organizations subject to tax.

(a)(1) The taxes imposed by section 511(a)(1) apply in the case of any organization (other than a church, a convention or association of churches, or a trust described in section 511(b)(2)) which is exempt (except as provided in sections 511 through 515) from taxation under section 501(a) as an organization described in section 501(c)(3), (5), (6), or (17), or section 401(a). A corporation described in section 501(c)(2) exempt from taxation under section 501(a) holding property for an organization which itself is subject to the tax or for a church or a convention or association of churches, is also subject to the tax imposed by section 511(a)(1).

* * * * *

(b) The taxes imposed by section 511(b) apply in the case of any trust which is exempt (except as provided in sections 511 through 515) from taxation under section 501(a) as an organization described in section 501(c)(3) or (17), or section 401(a), and which, if it were not for such exemption, would be subject to the provisions of subchapter J, chapter 1, of the Code. In the case of a trust described in section 401(a), the tax imposed by section 511(b) and this section shall apply only for taxable years beginning after June 30, 1954. In the case of a trust described in section 501(c)(17), the tax imposed by section 511(b) and this section shall apply only for taxable years beginning after December 31, 1959. An organization which is considered as "trustee" of a stock bonus, pension, or profit-sharing plan described in section 401(a), or a supplemental unemployment benefit trust described in section 501(c)(17) (regardless of the form of such organization) is subject to the taxes imposed by section 511(b)(1) on its unrelated business income. However, if such an organization conducts a business which is a separate taxable entity on the basis of all the facts and circumstances, for example, as a corporation or an association taxable as a corporation, the business will be taxable as a feeder organization described in section 502.

PAR. 15. Paragraph (b) of § 1.513 is amended by revising paragraph (b)(2) and by adding a historical note at the end thereof. These amended and added provisions read as follows:

§ 1.513 Statutory provisions; unrelated trade or business.

SEC. 513. *Unrelated trade or business.* * * *

(b) *Special rule for trusts.* * * *

(2) A trust described in section 401(a), or section 501(c)(17), which is exempt from tax under section 501(a);

* * * * *

[Sec. 513(b)(2) as amended by sec. 4, Act of July 14, 1960 (Pub. Law 86–667, 74 Stat. 536)]

PAR. 16. Section 1.514(c) is amended by adding a new subparagraph (8) and a historical note. These amended and added provisions read as follows:

§ 1.514(c) Statutory provisions; business leases; business lease indebtedness.

SEC. 514. *Business leases.* * * *

(c) *Business lease indebtedness.* * * *

(8) *Trusts described in section 501(c)(17).*—

(A) In the case of a trust described in section 501(c)(17), or in the case of a corporation described in section 501(c)(2), all of the stock of which was acquired before January 1, 1960, by a trust described in section 501(c)(17), any indebtedness incurred by such trust or such corporation before January 1, 1960, in connection with real property which is leased before January 1, 1960, and any indebtedness incurred by such trust or such corporation or after such date necessary to carry out the terms of such lease, shall not be considered as an indebtedness with respect to such trust or such corporation for purposes of this subsection.

(B) In the application of paragraph (1), if a trust described in section 501(c)(17) forming part of a supplemental unemployment compensation benefit plan lends any money to another trust described in section 501(c)(17) forming part of the same plan, such loan shall not be treated as an indebtedness of the borrowing trust, except to the extent that the loaning trust—

(i) Incurs any indebtedness in order to make such loan;

(ii) Incurred indebtedness before the making of such loan which would not have been incurred but for the making of such loan; or

(iii) Incurred indebtedness after the making of such loan which would not have been incurred but for the making of such loan and which was reasonably foreseeable at the time of making such loan.

[Sec. 514(c) as amended by sec. 5, Act of July 14, 1960 (Pub. Law 86–667, 74 Stat. 536)]

PAR. 17. Section 1.514(c)–1 is amended by adding a new paragraph (j) at the end thereof. These added provisions read as follows:

§ 1.514(c)–1 Business lease indebtedness.

* * * * *

(j) *Certain trusts described in section 501(c)(17).* (1) In the case of a supplemental unemployment benefit trust described in section 501(c)(17), or in the case of a corporation described in section 501(c)(2) all of the stock of which was acquired before January 1, 1960, by such a trust, any indebtedness incurred by such trust or such corporation before such date, in connection with real property which is leased before such date, and any indebtedness incurred by such trust or such corporation on or after such date necessary to carry out the terms of such lease, shall not be considered as an indebtedness described in section 514(c) and in this section.

(2) If a supplemental unemployment benefit trust described in section 501(c)(17) lends any money to another such supplemental unemployment benefit trust forming part of the same plan, for the purpose of acquiring or improving real property, such loan will not be treated as an indebtedness of the borrowing trust except to the extent that the loaning trust—

(i) Incurs any indebtedness in order to make such loan;

(ii) Incurred indebtedness before the making of such loan which would not have been incurred but for the making of such loan; or

(iii) Incurred indebtedness after the making of such loan which would not have been incurred but for the making of such loan and which was reasonably foreseeable at the time of making such loan.

PAR. 18. Paragraph (a)(5) of § 1.6012–3 is amended to read as follows:

§ 1.6012–3 Returns by fiduciaries.

(a) *For estates and trusts.* * * *

(5) *Trusts with unrelated business income.* Every fiduciary for a trust, described in section 501(c)(3) or (17), or section 401(a), which is otherwise exempt from tax under section 501(a), and which is subject to the tax imposed on unrelated business taxable income by section 511(b)(1), shall make a return on Form 990–T for each taxable year if the trust has gross income, included in computing unrelated business taxable income for such taxable year, of $1,000 or more. The filing of a return of

unrelated business income does not relieve the fiduciary of such trust from the duty of filing other required returns.

* * * * *

PAR. 19. Paragraph (i) of § 1.6033–1 is amended to read as follows:

§ 1.6033–1 **Returns by exempt organizations.**

* * * * *

(i) *Unrelated business tax returns.* In addition to the foregoing requirements of this section, certain organizations otherwise exempt from tax under section 501(a) and described in section 501(c)(2), (3), (5), (6), or (17) or section 401(a) which are subject to tax on unrelated business taxable income are also required to file returns on Form 990–T. See paragraph (e) of § 1.6012–2 and paragraph (a)(5) of § 1.6012–3 for requirements with respect to such returns.

PAR. 20. Paragraph (b)(1) of § 1.6041–2 is amended to read as follows:

§ 1.6041–2 **Return of information as to payments to employees.**

* * * * *

(b) *Distributions under employees' trust or under supplemental unemployment benefit trust.* (1) Amounts which are distributed or made available to a beneficiary, and to which section 402 (relating to employees' trusts) or section 403 (relating to employee annuity plans) applies, shall be reported on Forms 1099 and 1096 to the extent such amounts are includible in the gross income of such beneficiary when the amounts so includible are $600 or more in any calendar year. In addition, every trust described in section 501(c)(17) which makes one or more payments (including separation and sick and accident benefits) totaling $600 or more in 1 year to an individual must file an annual information return on Form 1096, accompanied by a statement on Form 1099, for each such individual. Payments made by an employer or a person other than the trustee of the trust should not be considered in determining whether the $600 minimum has been paid by the trustee.

* * * * *

[F.R. Doc. 68–11064; Filed, Sept. 11, 1968; 8:50 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 213—OFFICIAL CORRESPONDENCE

PART 221—CONDITIONS APPLICABLE TO ALL CLASSES

PART 224—TREATMENT OF INCOMING POSTAL UNION MAIL

PART 225—ARTICLES MAILED ABROAD BY OR ON BEHALF OF SENDERS IN THE UNITED STATES

PART 232—INCOMING PARCELS

PART 241—AIR SERVICE

PART 247—RECALL AND CHANGE OF ADDRESS

PART 271—INQUIRIES AND COMPLAINTS

PART 273—POSTAGE REFUNDS

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

I. Section 213.1 is revised to show the addresses for international mail matters.

§ 213.1 **With the department.**

Correspondence relating to international postal service subjects should be addressed as follows:

Subject	*Address to—*
Negotiation of postal agreements, U.S.A. representation at international postal meetings, and high level policy matters relative to postal relations with other countries.	Special Assistant to the Postmaster General for International Affairs; Post Office Department, Washington, D.C. 20260.
Operational matters, including classification, admissibility, addressing, preparation, and packaging, size and weight, postage rates and fees, forms used, customs, forwarding, return, recall, undeliverable matter, special services, claims for indemnity, refunds of postage, and international reply coupons.	Classification and Special Services Division, Bureau of Operations, Post Office Department, Washington, D.C. 20260.
All matters concerning transportation of international civil and military mail by surface or air, including mode of transport, routing, containerization, conveyance rates, documentation, internal, terminal and transit charges, designation of U.S. exchange offices and related forms and reports. Also, matters relating to schedules and performance of U.S. and foreign flag carriers.	International Service Division, Bureau of Transportation, Post Office Department, Washington, D.C. 20260.
Investigations of losses, depredations, and security of international mail.	Mail Loss and Depredations Division, Bureau of Chief Postal Inspector, Post Office Department, Washington, D.C. 20260.
International money order system, including operational procedures, accounting, cashing and issuing.	Money Order Division, Bureau of Finance and Administration, Post Office Department, 1823 General Accounting Office Building, Washington, D.C. 20260.

NOTE: The corresponding Postal Manual section is 213.1.

§§ 221.3, 225.2, 232.4, 241.5, 247.6, 271.3, 273.2 [Amended]

II. In §§ 221.3(b)(5)(ii)(*b*), 225.2, 232.4(c), 241.5(b), 247.6 (a)(2) and (b), 271.3, and 273.2 change the name of the "International Service Division, Bureau of Transportation and International Services" to the "Classification and Special Services Division, Bureau of Operations."

NOTE: The corresponding Postal Manual sections are 221.325b(2), 225.2, 232.43, 241.52, 247.612, 247.62, 271.3, and 273.2, respectively.

III. In § 224.4, paragraph (a) is revised to show that the retention period applies to all international mail services.

§ 224.4 **Undeliverable articles.**

(a) *Retention period.* Post Offices will hold ordinary and registered articles at disposal of addressees for 30 days, except in the following cases:

(1) Articles bearing senders' requests for return within a specified time not exceeding 2 months.

(2) Articles bearing no time limit for their return, when there is good reason to believe they can be delivered to the addressee if held for a period not exceeding 2 months. These articles shall be marked "Specially held for delivery". Hold article subject to storage charges (see § 224.1(d)) beyond the initial 30-day retention period only if the addressee, or someone acting in his behalf, pays the storage charges due at the end of the first 30-day period. Thereafter, collect accumulated storage charges every 10 days.

(3) Articles positively known to be undeliverable, such as refused, or addressee moved and left no address. These shall be treated as undeliverable unless they bear the sender's request specified in subparagraph (1) of this paragraph.

* * * * *

NOTE: The corresponding Postal Manual section is 224.41.

IV. Section 225.1 is revised to clarify that when the domestic third-class rate is applicable, the single-piece third-class rate must be used to compute postage.

§ 225.1 **U.S. postage rates required.**

Pursuant to provisions of the Universal Postal Convention, U.S. postage must be paid to secure delivery of articles in excess of 200 pieces mailed in other countries by or on behalf of persons or firms whose residence or place of business is in the United States when the foreign postage on the articles is lower than comparable U.S. domestic postage. If the comparable rate is the domestic third-class rate, use the single-piece rate to compute postage on the mailing. The articles will be returned to origin unless applicable U.S. postage is paid for the total number of pieces. Even if the foreign postage is not lower, the same conditions apply when more than 5,000 pieces are mailed. These limitations apply to mailings made in such quantities within a 30-day period.

NOTE: The corresponding Postal Manual section is 225.1.

V. Section 241.1 is revised to show that weight limits, dimensions, and other conditions prescribed for surface mail do not apply to mail sent by air.

§ 241.1 Availability.

Postal union mail of any class may be sent by air, including direct sacks of prints described in § 222.4(f) of this chapter. Parcel post may be sent by air to the countries for which air parcel post rates are shown in the appendix of this subchapter.

NOTE: The corresponding Postal Manual section is 241.1

As the foregoing amendments relate to a proprietary function of the Government and do not affect substantive rights advance notice, public rule making procedures, or a delayed effective date are unnecessary.

(5 U.S.C. 301, 39 U.S.C. 501, 505)

TIMOTHY J. MAY,
General Counsel.

SEPTEMBER 6, 1968.

[F.R. Doc. 68-11023; Filed, Sept. 11, 1968; 8:46 a.m.]

PART 824—POSTAL DATA CENTERS

Processing and Control; Correction

In F.R. Doc. 68-8271 appearing at pages 10008-10009 in the daily issue of July 12, 1968, under § 824.4 change the words "paragraph (b)(5)" to "paragraph (c)(5)" and "paragraph (c)(1)" to paragraph "(d)(1)."

(5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

SEPTEMBER 4, 1968.

[F.R. Doc. 68-11024; Filed, Sept. 11, 1968; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 68-897]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Interpretive Ruling

SEPTEMBER 6, 1968.

Section 21.701(i), as adopted by the Commission in its Second Report and Order in Docket No. 15586, FCC 68-126, released February 15, 1968, precludes the filing or grant of applications for "new stations or frequency paths" in the 4 and 6 GHz common carrier bands (other than by power split techniques) for the purpose of serving CATV systems. Since the purpose of the rule is not to prohibit any and all changes to such existing or "grandfathered" facilities, the term "new stations or frequency paths" refers to new or changed facilities that will be used to render a new service to a CATV system. Where an application proposes to change a frequency, a station location or transmission path for the purpose of eliminating a technical problem or improving the quality or efficiency of service (without changing the nature of the service), the application will not normally be considered as within the prohibition of the rule if it does not cause an increased use of 4 or 6 GHz frequencies. However, the Commission reserves the right to review such proposed changes on a case-by-case basis and to hold otherwise if it appears that the application would contravene the basic policy represented by the rule.

Action by the Commission, September 5, 1968.[1]

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

[F.R. Doc. 68-11067; Filed, Sept. 11, 1968; 8:50 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Iroquois National Wildlife Refuge, N.Y.

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

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

The public hunting of ducks, geeese, coots, and gallinules on the Iroquois National Wildlife Refuge, N.Y., is permitted on the area designated by signs as open to hunting. This open area is delineated on maps available at the refuge headquarters, Basom, N.Y., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, coots, and gallinules subject to the following special conditions:

(1) Ducks, geese, coots, and gallinules may be hunted from the legal opening time until 12 noon on each Monday, Tuesday, Thursday, Friday, and Saturday during the period from the opening day of the waterfowl season through November 16, 1968.

(2) Hunting ducks, geese, coots, and gallinules is permitted only from designated hunting stands.

(3) A permit is required to hunt ducks, geese, coots, and gallinules; a daily permit may be obtained by applying in person at the New York State Conservation Department's Permit Station on the Tonawanda Game Management Area on the days when hunting is permitted.

(4) All ducks and geese killed on the refuge must be checked out either at the permit station on the Tonawanda Game Management Area, or at the refuge office.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 16, 1968.

THOMAS A. SCHRADER,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 29, 1968.

[F.R. Doc. 68-11014; Filed, Sept. 11, 1968; 8:45 a.m.]

PART 32—HUNTING

Montezuma National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

NEW YORK

MONTEZUMA NATIONAL WILDLIFE REFUGE

The public hunting of ducks, geese (except snow geese), brant, gallinules and coots on the Montezuma National Wildlife Refuge, N.Y., is permitted on the areas designated by the signs as open to waterfowl hunting. Hunting is permitted only during the regular waterfowl season and will terminate when the waters of the designated waterfowl hunting area freeze over or the end of the regular waterfowl season, whichever occurs first. This waterfowl hunting area known as the Storage Pool, comprises 1,340 acres and is delineated on maps available at refuge headquarters, Seneca Falls, N.Y., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese (except snow geese), brant, gallinules, and coots subject to the following special conditions:

(1) Hunting is limited to Tuesdays, Thursdays, and Saturdays.

(2) Hunters may apply for blind reservations for hunting through November 17 in advance of the hunt. Applications for reservations must be postmarked no

[1] Commissioners Hyde (Chairman), Bartley, Lee, Cox, Wadsworth and Johnson.

later than October 1. Selection of applications will be by public drawing.

Successful applicants must appear in person at the refuge hunter checking station prior to 1 hour before local shooting time on the date reserved. Unreserved and forfeited blinds will be awarded by lot on the morning of the hunt to hunters without reservations.

(3) The second and third Saturdays of the season will be reserved for the Young Waterfowler's Training Program Hunt. In addition, if required, the second and third Sundays. A brochure describing this program is also available.

(4) Hunting will be only from specified blinds.

(5) Hunters must provide a minimum of six duck decoys and will be limited to 10 shells each, with shot size no larger than No. 2.

(6) All hunting ends each hunting day at 12 o'clock noon.

(7) A user fee of $2 per blind will be charged.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1968.

THOMAS A. SCHRADER,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 68-11015; Filed, Sept. 11, 1968; 8:46 a.m.]

PART 32—HUNTING

Flint Hills National Wildlife Refuge, Kans.

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

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

Public hunting of deer with firearms on the Flint Hills National Wildlife Refuge, Kans., is permitted from December 13 through December 17, 1968, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 5,165 acres is delineated on maps available at refuge headquarters, Burlington, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special condition:

(1) Vehicle access shall be restricted to designated parking areas and existing roads.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 18, 1968.

LYLE A. STEMMERMAN,
Refuge Manager, Flint Hills National Wildlife Refuge, Burlington, Kans.

AUGUST 29, 1968.

[F.R. Doc. 68-11013; Filed, Sept. 11, 1968; 8:45 a.m.]

PART 32—HUNTING

Malheur National Wildlife Refuge, Oreg.

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

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

OREGON

MALHEUR NATIONAL WILDLIFE REFUGE

The public hunting of deer on the Malheur National Wildlife Refuge, Oreg., is permitted only on the area designated by signs as open to hunting. This open area, comprising 19,700 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting of deer is permitted in accordance with all applicable State regulations, subject to the following special conditions:

(1) Open season: September 14 through September 16, 1968.

(2) Weapons: Bow and arrow only may be used.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 16, 1968.

JOHN D. FINDLAY,
Regional Director, Bureau of Sport Fisheries and Wildlife, Portland, Oreg.

SEPTEMBER 6, 1968.

[F.R. Doc. 68-11016; Filed, Sept. 11, 1968; 8:46 a.m.]

PART 32—HUNTING

Bombay Hook National Wildlife Refuge, Del.; Correction

In F.R. Doc. 68-10009, appearing on page 11824 of the issue for Wednesday, August 21, 1968, the first paragraph is corrected to read as follows:

Public hunting of upland game on Bombay Hook National Wildlife Refuge, Del., is permitted during the regular State seasons on the Upland Game Hunting Area designated by signs as open to hunting. This open Upland Game Hunting Area, comprising 141 acres, is delineated on maps available at refuge headquarters, Smyrna, Del. 19977, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of upland game subject to the following special condition:

(1) No hawks (including vultures) nor owls may be taken.

THOMAS A. SCHRADER,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 29, 1968.

[F.R. Doc. 68-11012; Filed, Sept. 11, 1968; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Medical Expense Deduction

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

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

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 72, 79, 213, 401, and 405 of the Internal Revenue Code of 1954 to section 106 of the Social Security Amendments of 1965 (79 Stat. 336) and section 809(d)(2) of the Excise Tax Reduction Act of 1965 (79 Stat. 167), such regulations are amended as follows:

PARAGRAPH 1. Section 1.72 is amended by revising paragraph (5)(A)(i) of section 72(m), by adding a new paragraph (7) to section 72(m), by revising paragraph (1) (A) and (B) of section 72(n), by revising so much of paragraph (3) of section 72(n) as succeeds subparagraph (B) thereof, and by revising the historical note. These revised and added provisions read as follows:

§ 1.72 Statutory provisions; annuities; certain proceeds of endowment and life insurance contracts.

SEC. 72. *Annuities; certain proceeds of endowment and life insurance contracts.* * * *

(m) *Special rules applicable to employee annuities and distributions under employee plans.* * * *

(5) *Penalties applicable to certain amounts received by owner-employees.* (A) * * *

(i) To amounts (other than any amount received by an individual in his capacity as a policyholder of an annuity, endowment, or life insurance contract which is in the nature of a dividend or similar distribution) which are received from a qualified trust described in section 401(a) or under a plan described in section 403(a) and which are received by an individual, who is, or has been, an owner-employee, before such individual attains the age of 59½ years, for any reason other than the individual's becoming disabled (within the meaning of paragraph (7) of this subsection), but only to the extent that such amounts are attributable to contributions paid on behalf of such individual (whether or not paid by him) while he was an owner-employee,

* * * * *

(7) *Meaning of disabled.* For purposes of this section, an individual shall be considered to be disabled if he is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or to be of long-continued and indefinite duration. An individual shall not be considered to be disabled unless he furnishes proof of the existence thereof in such form and manner as the Secretary or his delegate may require.

(n) *Treatment of certain distributions with respect to contributions by self-employed individuals*—(1) *Application of subsection*—(A) *Distribution by employees' trust.* Subject to the provisions of subparagraph (C), this subsection shall apply to amounts distributed to a distributee, in the case of an employees' trust described in section 401(a) which is exempt from tax under section 501(a), if the total distributions payable to the distributee with respect to an employee are paid to the distributee within one taxable year of the distributee—

(i) On account of the employee's death,

(ii) After the employee has attained the age of 59½ years, or

(iii) After the employee has become disabled (within the meaning of subsection (m)(7)).

(B) *Annuity plans.* Subject to the provisions of subparagraph (C), this subsection shall apply to amounts paid to a payee, in the case of an annuity plan described in section 403(a), if the total amounts payable to the payee with respect to an employee are paid to the payee within one taxable year of the payee—

(i) On account of the employee's death,

(ii) After the employee has attained the age of 59½ years, or

(iii) After the employee has become disabled (within the meaning of subsection (m)(7)).

* * * * *

(3) *Determination of taxable income.* * * *

(B) * * *

In any case in which the preceding sentence results in an increase in taxable income for any taxable year, the resulting increase in the taxes imposed by section 1 or 3 for such taxable year shall not be reduced by any credit under part IV of subchapter A (other than sections 31 and 39 thereof) which, but for this sentence, would be allowable.

* * * * *

[Sec. 72 as amended by sec. 4 (a), (b), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 821); sec. 11(b), Rev. Act 1962 (76 Stat. 1005); sec. 232(b), Rev. Act 1964 (78 Stat. 110); sec. 809(d)(2), Excise Tax Reduction Act 1965 (79 Stat. 167); sec. 106 (d)(2), Social Security Amendments 1965 (79 Stat. 337)]

PAR. 2. Section 1.72–17 is amended by revising paragraph (b)(4) and paragraph (e)(1)(ii) and (3)(iii) and by adding a new paragraph (f). These revised and added provisions read as follows:

§ 1.72–17 Special rules applicable to owner-employees.

* * * * *

(b) *Certain amounts received before annuity starting date.* * * *

(4) Under section 401(d)(4), a qualified pension, profit-sharing, or annuity plan may not provide for distributions to an owner-employee before he reaches age 59½ years, except in the case of his earlier disability. Therefore, in the case of a distribution from a qualified plan to an individual for whom contributions have been made to the plan as an owner-employee, the annuity starting date cannot be prior to the time such individual attains the age 59½ years unless he is entitled to benefits before reaching such age because of his disability. For taxable years beginning after December 31, 1966, see section 72(m)(7) and paragraph (f) of this section for the meaning of disabled. For taxable years beginning before January 1, 1967, see section 213(g)(3) for the meaning of disabled.

* * * * *

(e) *Penalties applicable to certain amounts received by owner-employees.* (1) * * *

(ii) The amounts referred to in subdivision (i)(*a*) of this subparagraph do not include—

(*a*) Amounts received by reason of the owner-employee becoming disabled, or

(*b*) Amounts received by the owner-employee in his capacity as a policyholder of an annuity, endowment, or life insurance contract which are in the nature of a dividend or similar distribution.

Amounts attributable to contributions paid on behalf of an owner-employee and which are paid to a person other than the owner-employee before the owner-employee dies or reaches the age 59½ shall be considered received by the owner-employee for purposes of this paragraph. For taxable years beginning after December 31, 1966, see section 72(m)(7) and paragraph (f) of this section for the meaning of disabled. For taxable years beginning before January 1,

1967, see section 213(g)(3) for the meaning of disabled. For taxable years beginning after December 31, 1968, if an amount is not included in the amounts referred to in subdivision (i)(*a*) of this subparagraph solely by reason of the owner-employee becoming disabled and if a penalty would otherwise be applicable with respect to all or a portion of such amount, then for the taxable year in which such amount is received, there must be submitted with the owner-employee's income tax return a doctor's statement as to the impairment, and a statement by the owner-employee with respect to the effect of such impairment upon his substantial gainful activity and the date such impairment occurred. For taxable years which are subsequent to the first taxable year beginning after December 31, 1968, with respect to which the statements referred to in the preceding sentence are submitted, the owner-employee may, in lieu of such statements, submit a statement declaring the continued existence (without substantial diminution) of the impairment and its continued effect upon his substantial gainful activity.

* * * * *

(3) * * *

(iii) In any case in which the application of subdivision (i) or (ii) of this subparagraph results in an increase in taxable income for any taxable year, the resulting increase in taxes imposed by section 1 or 3 for such taxable year shall be reduced by the credits against tax provided by section 31 (tax withheld on wages) and section 39 (certain uses of gasoline and lubricating oil), but shall not be reduced by any other credits against tax.

* * * * *

(f) *Meaning of disabled.* (1) For taxable years beginning after December 31, 1966, section 72(m)(7) provides that an individual shall be considered to be disabled if he is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or to be of long-continued and indefinite duration. In determing whether an individual's impairment makes him unable to engage in any substantial gainful activity, primary consideration shall be given to the nature and severity of his impairment. Consideration shall also be given to other factors such as the individual's education, training, and work experience. The substantial gainful activity to which section 72(m)(7) refers is the activity, or a comparable activity, in which the individual customarily engaged prior to the arising of the disability (or prior to retirement if the individual was retired at the time the disability arose).

(2) Whether or not the impairment in a particular case constitutes a disability is to be determined with reference to all the facts in the case. The following are examples of impairments which would ordinarily be considered as preventing substantial gainful activity:

(i) Loss of use of two limbs;

(ii) Certain progressive diseases which have resulted in the physical loss or atrophy of a limb, such as diabetes, multiple sclerosis, or Buerger's disease;

(iii) Diseases of the heart, lungs, or blood vessels which have resulted in major loss of heart or lung reserve as evidenced by X-ray, electrocardiogram, or other objective findings, so that despite medical treatment breathlessness, pain, or fatigue is produced on slight exertion, such as walking several blocks, using public transportation, or doing small chores;

(iv) Cancer which is inoperable and progressive;

(v) Damage to the brain or brain abnormality which has resulted in severe loss of judgment, intellect, orientation, or memory;

(vi) Mental diseases (e.g. psychosis or severe psychoneurosis) requiring continued institutionalization or constant supervision of the individual;

(vii) Loss or diminution of vision to the extent that the affected individual has a central visual acuity of no better than 20/200 in the better eye after best correction, or has a limitation in the fields of vision such that the widest diameter of the visual fields subtends an angle no greater than 20 degrees;

(viii) Permanent and total loss of speech;

(ix) Total deafness uncorrectible by a hearing aid.

The existence of one or more of the impairments described in this subparagraph (or of an impairment of greater severity) will not, however, in and of itself always permit a finding that an individual is disabled as defined in section 72(m)(7). Any impairment, whether of lesser or greater severity, must be evaluated in terms of whether it does in fact prevent the individual from engaging in his customary or any comparable substantial gainful activity.

(3) In order to meet the requirements of section 72(m)(7), an impairment must be expected either to continue for a long and indefinite period or to result in death. Ordinarily, a terminal illness because of disease or injury would result in disability. Indefinite is used in the sense that it cannot reasonably be anticipated that the impairment will, in the foreseeable future, be so diminished as no longer to prevent substantial gainful activity. For example, an individual who suffers a bone fracture which prevents him from working for an extended period of time will not be considered disabled, if his recovery can be expected in the foreseeable future; if the fracture persistently fails to knit, the individual would ordinarily be considered disabled.

(4) An impairment which is remediable does not constitute a disability within the meaning of section 72(m)(7). An individual will not be deemed disabled if, with reasonable effort and safety to himself, the impairment can be diminished to the extent that the individual will not be prevented by the impairment from engaging in his customary or any comparable substantial gainful activity.

PAR. 3. Paragraph (b)(2) of § 1.72–18 is amended to read as follows:

§ 1.72–18 Treatment of certain total distributions with respect to self-employed individuals.

* * * * *

(b) *Distributions to which this section applies.* * * *

(2) This section shall apply—

(i) Only if the distribution or payment is made—

(*a*) On account of the employee's death at any time,

(*b*) After the employee has attained the age 59½ years, or

(*c*) After the employee has become disabled; and

(ii) Only to so much of the distribution or payment as is attributable to contributions made on behalf of an employee while he was a self-employed individual in the business with respect to which the plan was established. Any distribution or payment, or any portion thereof, which is not so attributable shall be subject to the rules of taxation which apply to any distribution or payment that is attributable to contributions on behalf of common-law employees.

For taxable years beginning after December 31, 1966, see section 72(m)(7) and paragraph (f) of § 1.72–17 for the meaning of disabled. For taxable years beginning before January 1, 1967, see section 213(g)(3) for the meaning of disabled. For taxable years beginning after December 31, 1968, if this section is applicable by reason of the distribution or payment being made after the employee has become disabled, then for the taxable year in which the amounts to which this section applies are distributed or paid, there shall be submitted with the recipient's income tax return a doctor's statement as to the nature and effect of the employee's impairment.

PAR. 4. Section 1.79 is amended by revising paragraph (1) of section 79(b) and by revising the historical note. These revised provisions read as follows:

§ 1.79 Statutory provisions; group-term life insurance purchased for employees.

SEC. 79. *Group-term life insurance purchased for employees.* * * *

(b) *Exceptions.* * * *

(1) The cost of group-term life insurance on the life of an individual which is provided under a policy carried directly or indirectly by an employer after such individual has terminated his employment with such employer and either has reached the retirement age with respect to such employer or is disabled (within the meaning of section 72(m)(7)),

* * * * *

[Sec. 79 as added by sec. 204(a)(1), Rev. Act 1964 (78 Stat. 36) and as amended by sec. 106(d)(3), Social Security Amendments 1965 (79 Stat. 337)]

PAR. 5. Paragraph (b)(4) of § 1.79–2 is amended to read as follows:

§ 1.79–2 Exceptions to the rule of inclusion.

* * * * *

(b) *Retired and disabled employers.* * * *

(4) *Disabled.* (i) For taxable years beginning after December 31, 1966, an individual is considered disabled for purposes of section 79(b)(1) and subparagraph (1) of this paragraph if he is disabled within the meaning of section 72(m)(7) and paragraph (f) of § 1.72–17. For taxable years beginning before January 1, 1967, an individual is considered disabled for purposes of section 79(b)(1) and subparagraph (1) of this paragraph if he is disabled within the meaning of section 213(g)(3), relating to the meaning of disabled, but the determination of the individual's status shall be made without regard to the provisions of section 213(g)(4), relating to the determination of status.

* * * * *

PAR. 6. Section 1.213 is amended by revising subsections (a) and (b) of section 213, by deleting subsection (c) of section 213, by revising subsection (e) of section 213, by deleting subsection (g) of section 213, and by revising the historical note. These amended provisions read as follows:

§ 1.213 Statutory provisions; medical, dental, etc., expenses.

SEC. 213. *Medical, dental, etc., expenses*—(a) *Allowance of deduction.* There shall be allowed as a deduction the following amounts, not compensated for by insurance or otherwise—

(1) The amount by which the amount of the expenses paid during the taxable year (reduced by any amount deductible under paragraph (2)) for medical care of the taxpayer, his spouse, and dependents (as defined in section 152) exceeds 3 percent of the adjusted gross income, and

(2) An amount (not in excess of $150) equal to one-half of the expenses paid during the taxable year for insurance which constitutes medical care for the taxpayer, his spouse, and dependents.

(b) *Limitation with respect to medicine and drugs.* Amounts paid during the taxable year for medicine and drugs which (but for this subsection) would be taken into account in computing the deduction under subsection (a) shall be taken into account only to the extent that the aggregate of such amounts exceeds 1 percent of the adjusted gross income.

(c) [Deleted]

* * * * *

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

(1) The term "medical care" means amounts paid—

(A) For the diagnosis, cure, mitigation, treatment, or prevention of disease, or for the purpose of affecting any structure or function of the body,

(B) For transportation primarily for and essential to medical care referred to in subparagraph (A), or

(C) For insurance (including amounts paid as premiums under part B of title XVIII of the Social Security Act, relating to supplementary medical insurance for the aged) covering medical care referred to in subparagraphs (A) and (B).

(2) In the case of an insurance contract under which amounts are payable for other than medical care referred to in subparagraphs (A) and (B) of paragraph (1)—

(A) No amount shall be treated as paid for insurance to which paragraph (1)(C) applies unless the charge for such insurance is either separately stated in the contract, or furnished to the policyholder by the insurance company in a separate statement,

(B) The amount taken into account as the amount paid for such insurance shall not exceed such charge, and

(C) No amount shall be treated as paid for such insurance if the amount specified in the contract (or furnished to the policyholder by the insurance company in a separate statement) as the charge for such insurance is unreasonably large in relation to the total charges under the contract.

(3) Subject to the limitations of paragraph (2), premiums paid during the taxable year by a taxpayer before he attains the age of 65 for insurance covering medical care (within the meaning of subparagraphs (A) and (B) of paragraph (1)) for the taxpayer, his spouse, or a dependent after the taxpayer attains the age of 65 shall be treated as expenses paid during the taxable year for insurance which constitutes medical care if premiums for such insurance are payable (on a level payment basis) under the contract for a period of 10 years or more or until the year in which the taxpayer attains the age of 65 (but in no case for a period of less than 5 years).

(4) The determination of whether an individual is married at any time during the taxable year shall be made in accordance with the provisions of section 6013 (d) (relating to determination of status as husband and wife).

* * * * *

(g) [Deleted]

[Sec. 213 as amended by secs. 16 and 17, Technical Amendments Act 1958 (72 Stat. 1613); sec. 3, Act of May 14, 1960 (Pub. Law 86–470, 74 Stat. 133); sec. 1, Act of Oct. 23, 1962 (Pub. Law 87–863, 76 Stat. 1141); sec. 211, Rev. Act 1964 (78 Stat. 49); sec. 106 (a), (b), (c), and (d)(1), Social Security Amendments 1965 (79 Stat. 336, 337)]

PAR. 7. Section 1.213–1 is amended by revising paragraphs (a)(2) and (4)(i), by adding a new subparagraph (5) to paragraph (a), by revising paragraph (b)(2)(ii), by adding a new example (3) to paragraph (b)(2)(iii), by revising paragraph (c), by revising paragraph (e)(1)(i), and by adding a new subparagraph (4) to paragraph (e). These revised and added provisions read as follows:

§ 1.213–1 Medical, dental, etc., expenses.

(a) *Allowance of deduction.* * * *

(2) Except as provided in subparagraphs (4)(i) and (5)(i) of this paragraph, only such medical expenses (including the allowable expenses for medicine and drugs) are deductible as exceed 3 percent of the adjusted gross income for the taxable year. For taxable years beginning after December 31, 1966, the amounts paid during the taxable year for insurance that constitute expenses paid for medical care shall, for purposes of computing total medical expenses, be reduced by the amount determined under subparagraph (5)(i) of this paragraph. For the amounts paid during the taxable year for medicine and drugs which may be taken into account in computing total medical expenses, see paragraph (b) of this section. For the maximum deduction allowable under section 213 in the case of certain taxable years, see paragraph (c) of this section. As to what constitutes "adjusted gross income", see section 62 and the regulations thereunder.

* * * * *

(4)(i) For taxable years beginning before January 1, 1967, where either the taxpayer or his spouse has attained the age of 65 before the close of the taxable year, the 3-percent limitation on the deduction for medical expenses does not apply with respect to expenses for medical care of the taxpayer or his spouse. Moreover, for taxable years beginning after December 31, 1959, and before January 1, 1967, the 3-percent limitation on the deduction for medical expenses does not apply to amounts paid for the medical care of a dependent (as defined in sec. 152) who is the mother or father of the taxpayer or his spouse and who has attained the age of 65 before the close of the taxpayer's taxable year. For taxable years beginning before January 1, 1964, and for taxable years beginning after December 31, 1966, all amounts paid by the taxpayer for medicine and drugs are subject to the 1-percent limitation provided by section 213(b). For taxable years beginning after December 31, 1963, and before January 1, 1967, the 1-percent limitation provided by section 213(b) does not apply, under certain circumstances, to amounts paid by the taxpayer for medicine and drugs for the taxpayer and his spouse or for a dependent (as defined in sec. 152) who is the mother or father of the taxpayer or of his spouse. (For additional provisions relating to the 1-percent limitation with respect to medicine and drugs, see paragraph (b) of this section.) For taxable years beginning before January 1, 1967, whether or not the 3-percent or 1-percent limitation applies, the total medical expenses deductible under section 213 are subject to the limitations described in section 213(c) and paragraph (c) of this section and, where applicable, to the limitations described in section 213(g) and § 1.213–2.

* * * * *

(5)(i) For taxable years beginning after December 31, 1966, there may be deducted without regard to the 3-percent limitation the lesser of—(*a*) One-half of the amounts paid during the taxable year for insurance which constitute expenses for medical care for the taxpayer, his spouse, and dependents; or (*b*) $150.

(ii) The application of subdivision (i) of this subparagraph may be illustrated by the following example:

Example. H and W made a joint return for the calendar year 1967. The adjusted gross income of H and W for 1967 was $10,000 and they paid in such year $370 for medical care of which amount $350 was paid for insurance which constitutes medical care for H and W. No part of the payment was for medicine and drugs or was compensated for by insurance or otherwise. The allowable deduction under section 213 for medical expenses paid in 1967 is $150, computed as follows:

(1) Lesser of $175 (one-half of amounts paid for insurance) or $150		$150
(2) Payments for medical care	$370	
(3) Less line 1	150	
(4) Medical expenses to be taken into account under 3-percent limitation (line 2 minus line 3)	$220	
(5) Less: 3 percent of $10,000 (adjusted gross income)	300	
(6) Excess allowable as a deduction for 1967 (excess of line 4 over line 5)		0
(7) Allowable medical expense deduction for 1967 (line 1 plus line 6)		$150

(b) *Limitation with repect to medicine and drugs.* * * *

(2) *Taxable years beginning after December 31, 1963.* * * *

(ii) The 1-percent limitation provided by section 213 does not apply to amounts paid by a taxpayer during a taxable year beginning after December 31, 1963, and before January 1, 1967, for medicine and drugs for the medical care of the taxpayer and his spouse if either has attained the age of 65 before the close of the taxable year. Moreover, for taxable years beginning after December 31, 1963, and before January 1, 1967, the 1-percent limitation with respect to medicine and drugs does not apply to amounts paid for the medical care of a dependent (as defined in sec. 152) who is the mother or father of the taxpayer or of his spouse and who has attained the age of 65 before the close of the taxpayer's taxable year. Amounts paid for medicine and drugs which are not subject to the limitation on medicine and drugs are added to other medical expenses of a taxpayer and his spouse or the dependent (as the case may be) for the purpose of computing the medical expense deduction.

(iii) * * *

Example (3). Assume the same facts as example (2) except that the calendar year of the return is 1967 and the amounts paid for medical care were paid during 1967. The deduction allowable under section 213(a) for medical expenses paid in 1967 is $1,520, computed as follows:

Payments for doctors and hospitals:			
H	$400		
W	200		
C	200		
F	700		
		$1,500	
Payments for medicine and drugs:			
H	75		
W	100		
C	175		
F	150		
	$500		
Less: 1 percent of $12,000 (adjusted gross income)	120	380	
Medical expenses to be taken into account			$1,880
Less: 3 percent of $12,000 (adjusted gross income)			360
Allowable medical expense deduction for 1967			1,520

* * * * * * *

(c) *Maximum limitations.* (1) For taxable years beginning after December 31, 1966, there shall be no maximum limitation on the amount of the deduction allowable for payment of medical expenses.

(2) Except as provided in section 213(g) and § 1.213–2 (relating to maximum limitations with respect to certain aged and disabled individuals for taxable years beginning before January 1, 1967), for taxable years beginning after December 31, 1961, and before January 1, 1967, the maximum deduction allowable for medical expenses paid in any one taxable year is the lesser of:

(i) $5,000 multiplied by the number of exemptions allowed under section 151 (exclusive of exemptions allowed under section 151(c) for a taxpayer or spouse attaining the age of 65, or section 151(d) for a taxpayer who is blind or a spouse who is blind);

(ii) $10,000, if the taxpayer is single, not the head of a household (as defined in section 1(b)(2)) and not a surviving spouse (as defined in section 2(b)), or is married and files a separate return; or

(iii) $20,000 if the taxpayer is married and files a joint return with his spouse under section 6013, or is the head of a household (as defined in section 1(b)(2)), or a surviving spouse (as defined in section 2(b)).

(3) The application of subparagraph (2) of this paragraph may be illustrated by the following example:

Example. H and W made a joint return for the calendar year 1962 and were allowed five exemptions (exclusive of exemptions under sec. 151 (c) and (d)), one for each taxpayer and three for their dependents. The adjusted gross income of H and W in 1962 was $80,000. They paid during such year $26,000 for medical care, no part of which is compensated for by insurance or otherwise. The deduction allowable under section 213 for the calendar year 1962 is $20,000, computed as follows:

Payments for medical care in 1962	$26,000
Less: 3 percent of $80,000 (adjusted gross income)	2,400
Excess of medical expenses in 1962 over 3 percent of adjusted gross income	23,600
Allowable deduction for 1962 ($5,000 multiplied by five exemptions allowed under sec. 151 (b) and (e) but not in excess of $20,000)	20,000

(4) Except as provided in section 213(g) and § 1.213–2 (relating to certain aged and disabled individuals), for taxable years beginning before January 1, 1962, the maximum deduction allowable for medical expenses paid in any 1 taxable year is the lesser of:

(i) $2,500 multiplied by the number of exemptions allowed under section 151 (exclusive of exemptions allowed under section 151(c) for a taxpayer or spouse attaining the age of 65, or section 151(d) for a taxpayer who is blind or a spouse who is blind);

(ii) $5,000, if the taxpayer is single, not the head of a household (as defined in section 1(b)(2)) and not a surviving spouse (as defined in section 2(b)) or is married and files a separate return; or

(iii) $10,000, if the taxpayer is married and files a joint return with his spouse under section 6013, or is head of a household (as defined in section 1(b)(2)), or a surviving spouse (as defined in section 2(b)).

(5) For the maximum deduction allowable for taxable years beginning before January 1, 1967, if the taxpayer or his spouse is age 65 or over and is disabled, see § 1.213–2.

* * * * *

(e) *Definitions*—(1) *General.* (i) The term "medical care" includes the diagnosis, cure, mitigation, treatment, or prevention of disease. Expenses paid for "medical care" shall include those paid for the purpose of affecting any structure or function of the body or for transportation primarily for and essential to medical care. See subparagraph (4) of this paragraph for provisions relating to medical insurance.

* * * * *

(4) *Medical insurance.* (i)(*a*) For taxable years beginning after December 31, 1966, expenditures for insurance shall constitute expenses paid for medical care only to the extent that such amounts are paid for insurance covering expenses of medical care referred to in subparagraph (1) of this paragraph. In the case of an insurance contract under which amounts are payable for other than medical care (as, for example, a policy providing an indemnity for loss of income or for loss of life, limb, or sight)—

(*1*) No amount shall be treated as paid for insurance covering expenses of medical care referred to in subparagraph (1) of this paragraph unless the charge for such insurance is either separately stated in the contract or furnished to the policyholder by the insurer in a separate statement,

(*2*) The amount taken into account as the amount paid for such medical insurance shall not exceed such charge, and

(*3*) No amount shall be treated as paid for such medical insurance if the amount specified in the contract (or furnished to the policyholder by the insurer in a separate statement) as the charge for such insurance is unreasonably large in relation to the total charges under the contract.

For purposes of the preceding sentence, amounts will be considered payable for other than medical care under the contract if the contract provides for the waiver of premiums upon the occurrence of an event. In determining whether a

separately stated charge for insurance covering expenses of medical care is unreasonably large in relation to the total premium, the relationship of the coverages under the contract together with all of the facts and circumstances shall be considered. In determining whether a contract constitutes an "insurance" contract it is irrelevant whether the benefits are payable in cash or in services. For example, amounts paid for hospitalization insurance, for membership in an association furnishing cooperative or so-called free-choice medical service, or for group hospitalization and clinical care are expenses paid for medical care. Premiums paid under Part B, Title XVIII of the Social Security Act (42 U.S.C. 1395j–1395w), relating to supplementary medical insurance benefits for the aged, are amounts paid for insurance covering expenses of medical care. Taxes imposed by any governmental unit do not, however, constitute amounts paid for such medical insurance.

(b) For taxable years beginning after December 31, 1966, subject to the rules of (a) of this subdivision, premiums paid during a taxable year by a taxpayer under the age of 65 for insurance covering expenses of medical care for the taxpayer, his spouse, or a dependent after the taxpayer attains the age of 65 are to be treated as expenses paid during the taxable year for insurance covering expenses of medical care if the premiums for such insurance are payable (on a level payment basis) under the contract—

(1) For a period of 10 years or more, or

(2) Until the year in which the taxpayer attains the age of 65 (but in no case for a period of less than 5 years).

For purposes of this (b), premiums will be considered payable on a level payment basis if the total premium under the contract is payable in equal annual or more frequent installments. Thus, a total premium of $10,000 payable over a period of 10 years at $1,000 a year shall be considered payable on a level payment basis.

(ii) For taxable years beginning before January 1, 1967, expenses paid for medical care shall include amounts paid for accident or health insurance. In determining whether a contract constitutes an "insurance" contract it is irrelevant whether the benefits are payable in cash or in services. For example, amounts paid for hospitalization insurance, for membership in an association furnishing cooperative or so-called free-choice medical service, or for group hospitalization and clinical care are expenses paid for medical care.

* * * * *

PAR. 8. Section 1.213–2 is amended by revising so much of paragraph (a) as precedes subparagraph (1) thereof to read as follows:

§ 1.213–2 Maximum limitation on deduction if taxpayer or spouse is age 65 or over and is disabled.

(a) *In general.* The provisions of section 213(g) and this section shall have no application with respect to taxable years beginning after December 31, 1966. Section 213(g) provides that the limitation of section 213(c) on the amount of deduction allowable for medical expenses shall not apply in certain cases.

* * * * *

PAR. 9. Section 1.401 is amended by revising paragraph (4)(B) of section 401(d) and by revising the historical note. These revised provisions read as follows:

§ 1.401 Statutory provisions; qualified pension, profit-sharing, and stock bonus plans.

SEC. 401. *Qualified pension, profit-sharing, and stock bonus plans.* * * *

(d) *Additional requirements for qualification of trusts and plans benefiting owner-employees.* * * *

(4) * * *

(B) No benefits may be paid to any owner-employee, except in the case of his becoming disabled (within the meaning of section 72(m)(7)), prior to his attaining the age of 59½ years.

* * * * *

[Sec. 401 as amended by sec. 2, Self-Employed Individuals Tax Retirement Act, 1962 (76 Stat. 809); sec. 2 (a), Act of Oct. 23, 1962 (Pub. Law 87–863, 76 Stat. 1141); sec. 106 (d)(4), Social Security Amendments 1965 (79 Stat. 337)]

PAR. 10. Paragraph (m) of § 1.401–12 is amended by revising subparagraphs (1)(i) and (2)(ii) to read as follows:

§ 1.401–12 Requirements for qualification of trusts and plans benefiting owner-employees.

* * * * *

(m) *Distribution of benefits.* (1)(i) Section 401(d)(4)(B) requires that a qualified plan which provides contributions or benefits for any owner-employee must not provide for the payment of benefits to such owner-employee at any time before he has attained age 59½. An exception to the foregoing rule permits a qualified plan to provide for the distribution of benefits to an owner-employee prior to the time he attains age 59½ if he is disabled. For taxable years beginning after December 31, 1966, see section 72(m)(7) and paragraph (f) of § 1.72–17 for the meaning of disabled. For taxable years beginning before January 1, 1967, see section 213(g)(3) for the meaning of disabled. In general, both sections 72(m)(7) and 213(g)(3) provide that an individual is considered disabled if he is unable to engage in any substantial gainful activity because of a medically determinable physical or mental impairment which can be expected to result in death or to be of long-continued and indefinite duration. In addition, section 401(d)(4)(B) does not preclude the distribution of benefits to the estate or other beneficiary of a deceased owner-employee prior to the time the owner-employee would have attained age 59½ if he had lived.

* * * * *

(2) * * *

(ii) The provisions of subparagraph (1) of this paragraph do not preclude the establishment of a profit-sharing plan which provides for the distribution of all, or part, of participants' accounts after a fixed number of years. However, such a plan must not permit a distribution of any amount to any owner-employee prior to the time the owner-employee has attained age 59½ or becomes disabled within the meaning of section 72(m)(7) or section 213(g)(3), whichever is applicable. On the other hand, if a distribution would have been made under the plan to an owner-employee but for the fact that he had not attained age 59½, then the amount of such distribution (including any increment earned on such amount) must be distributed to such owner-employee at such time as he attains age 59½.

* * * * *

PAR. 11. Section 1.405 is amended by revising paragraph (1)(D)(ii) of section 405(b) and by revising the historical note. These revised provisions read as follows:

§ 1.405 Statutory provisions; qualified bond purchase plans.

SEC. 405. *Qualified bond purchase plans.* * * *

(b) *Bonds to which applicable*—(1) *Characteristics of bonds.* * * *

(D) * * *

(ii) Has become disabled (within the meaning of section 72(m)(7)); and

* * * * *

[Sec. 405 as added by sec. 5, Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 826) and as amended by sec. 106(d)(5), Social Security Amendments 1965 (79 Stat. 337)]

[F.R. Doc. 68–11065; Filed, Sept. 11, 1968; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

CAPE COD NATIONAL SEASHORE, MASS.

Hunting, Trapping, Fishing, Swimming, Camping, Aircraft, Boating, Pets, Horseback Riding, Indecent Exposure, and Alcoholic Beverages

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), and the Act of August 6, 1961 (75 Stat. 284; 16 U.S.C. 459b), 245 DM–1 (27 F.R. 6395), National Park Service Order No. 34 (41 F.R. 4255), Regional Director, Northeast Region Order No. 5 (31 F.R. 8135), as amended, it is proposed to revise § 7.67 of Title 36 of the Code of Federal Regulations as set forth below.

The purpose of this revision is to revoke regulations or portions of regulations concerning hunting, fishing, swimming and water skiing, camping and fires, sanitation, litter dogs, cats and other pets, horseback riding, and indecent exposure which are no longer needed in view of the provisions of Part 2 of Title 36; to restate certain regulations in a clearer and more accurate manner;

to designate Provincetown Airport as an authorized landing area as required by § 2.2, paragraph (a); and to add new regulations on vehicular travel on federally owned beaches and alcoholic beverages.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections to the Superintendent, Cape Cod National Seashore, South Wellfleet, Mass., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Section 7.67 is revised to read as follows:

§ 7.67 Cape Cod National Seashore.

(a) *Hunting.* The hunting of waterfowl, upland game or any other animal species is permitted: *Provided,* That a specific open season (less than year-round) has been established for that waterfowl, game or other species by the Commonwealth of Massachusetts and that the hunting is in accordance with all applicable State, Federal or local laws.

(b) *Trapping.* Except when authorized in writting by the Superintendent, trapping is prohibited.

(c) *Fishing.* Shellfishing is permitted only by permit from the town in which the shellfishing is done.

(d) *Commercial oversand vehicle operations.* (1) The operation of a passenger vehicle for hire on beaches or on designated oversand routes is permitted only pursuant to an oversand vehicle permit issued by the Superintendent. Each driver of such a passenger vehicle for hire who is engaged in carrying passengers for a fare on designated oversand routes must, in addition, have a guide permit issued by the Superintendent. As specified in § 6.3(d) of this chapter, fees will be charged for the issuance of these two permits.

(2) Failure to comply with the provisions of permits issued in connection with the operation of commercial vehicles for hire shall be grounds for immediate cancellation of the permit.

(e) *Private motor vehicle operation.* Operation of privately owned vehicles not-for-hire, including the various forms of vehicles used for travel over sand, such as but not limited to "beach buggies," on designated oversand routes of the seashore without a permit from the Superintendent is prohibited. Oversand operation by vehicles not-for-hire shall be only on designated and marked routes in areas specified for such operation on a map available for inspection at the Provincelands Ranger Station.

(f) *Vehicular travel on federally owned beaches.* (1) Riding on a fender, tailgate, roof or any other position outside of the vehicle while it is in motion is prohibited.

(2) Vehicles may not be parked in established tracks or routes or interfere with moving traffic.

(3) When two vehicles meet on the beach, the vehicle with the sand dune to his right shall yield.

(4) When two vehicles meet on the designated dune routes the vehicle yielding will pull out of the track and this driver shall back into the established track before resuming direction.

(5) When the process of freeing a vehicle which has been stuck results in ruts or holes, the area affected shall be left in good condition and the ruts or holes filled by the driver of such vehicle before it is removed from that area.

(6) The following equipment shall be carried in the vehicle at all times while on designated oversand vehicular routes: (i) Shovel, (ii) jack, (iii) tow rope or chain, (iv) board or similar support for jack.

(7) Vehicles will not be driven across a designated protected swimming beach at any time from June 1 through Labor Day.

(8) The oversand vehicle permit for a passenger vehicle-for-hire shall be carried in that vehicle at all times and must be displayed upon the request of any authorized person. An oversand vehicle permit for a vehicle not-for-hire (i) must be carried while such vehicle is on designated oversand vehicular routes and (ii) must be displayed while the vehicle is on such designated routes, upon the request of an authorized person.

(9) Except when all occupants of a vehicle are actively engaged in fishing on the beach, overnight parking of vehicles will be permitted only at designated locations for periods of up to 72 hours. Vehicles parked in such designated locations must be equipped with self-contained toilet facilities. Tents, trailers, and camping trailers are not permitted on the beach.

(10) Dune driving: Vehicular access to and from a beach shall be only over designated and marked routes. Driving outside of such designated routes ("dune driving") is prohibited.

(g) *Aircraft.* (1) Land based aircraft may land only at the Provincetown Airport approximately one-half mile south of Race Point Beach in the Provincelands area.

(2) Float equipped aircraft may land only on federally controlled coastal water in accordance with Federal, State and local laws and regulations.

(h) *Motorboats.* Motorboats are prohibited from all federally owned ponds and lakes within the seashore in Truro and Provincetown.

(i) *Alcoholic beverages.* By posting appropriate notices, the Superintendent may close delineated beach areas to the use or possession of alcoholic beverages.

STANLEY C. JOSEPH,
Superintendent,
Cape Cod National Seashore.

[F.R. Doc. 68-11022; Filed, Sept. 11, 1968; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 68-SO-60]

FEDERAL AIRWAY

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would extend VOR Federal airway No. 296 from Fort Mill, S.C., 1,200 feet AGL via the intersection of Fort Mill 093° T (095° M) and Fayetteville, N.C., 267° T (271° M) radials; 1,200 feet AGL Fayetteville. This would simplify air traffic control and flight planning by providing a numbered route for aircraft operating in accordance with instrument flight rules betwen Charlotte, N.C., and Fayetteville, N.C.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 26036, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

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

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

Issued in Washington, D.C., on September 5, 1968.

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

[F.R. Doc. 68-11043; Filed, Sept. 11, 1968; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-SO-73]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that

would alter the Kinston, N.C., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

The Kinston transition area described in § 71.181 (33 F.R. 2137) would be redesignated as:

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Stallings Field (latitude 35°19'36" N., longitude 77°37'02" W.); within 2 miles each side of the Kinston VORTAC 046° radial, extending from the 6-mile radius area to 8 miles northeast of the VORTAC; within 2 miles each side of the Kinston VORTAC 225° radial, extending from the 6-mile radius area to 11 miles southwest of the VORTAC.

Since the last alteration of the Kinston transition area, aircraft larger than the DC-3 type have begun utilizing Stallings Field. Current transition area criteria appropriate to this airport requires an increase in the basic radius circle from 5 to 6 miles.

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

Issued in East Point, Ga., on September 3, 1968.

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

[F.R. Doc. 68-11044; Filed, Sept. 11, 1968; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-CE-77]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Ludington, Mich.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

A new public use instrument approach procedure has been developed for the Mason County Airport at Ludington, Mich., utilizing a privately owned radio beacon as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Ludington, Mich. The new procedure will become effective concurrently with the designation of the transition area. The Chicago Air Route Traffic Control Center will control instrument approaches into and out of the Mason County Airport.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (33 F.R. 2137), the following transition area is added:

LUDINGTON, MICH.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Mason County Airport (latitude 43°57'-45" N., longitude 86°24'35" W.); and within 2 miles each side of the 055° bearing from Mason County Airport, extending from the 5-mile radius area to 8 miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles southeast and 8 miles northwest of the 055° bearing from Mason County Airport, extending from the airport to 12 miles northeast of the airport; and within 5 miles each side of the 235° bearing from Mason County Airport, extending from the airport to 12 miles southwest of the airport.

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

Issued at Kansas City, Mo., on August 22, 1968.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 68-11046; Filed, Sept. 11, 1968; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-CE-73]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Detroit Lakes, Minn.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

A new public use instrument approach procedure has been developed for the Detroit Lakes, Minn., Municipal Airport, utilizing a State-owned radio beacon located on the airport as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Detroit Lakes, Minn. The new procedure will become effective concurrently with the designation of the transition area. The Minneapolis Air Route Traffic Control Center will control instrument approaches to the Detroit Lakes, Minn., Municipal Airport, through the Fargo, N. Dak. control tower.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (33 F.R. 2137), the following transition area is added:

DETROIT LAKES, MINN.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Detroit Lakes Municipal Airport (latitude 46°49'35" N., longitude 95°53'10" W.); and within 2 miles each side of the 310° bearing from Detroit Lakes Municipal Airport, extending from the 6-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the 310° bearing

from Detroit Lakes Municipal Airport, extending from the airport to 12 miles northwest of the airport, excluding the portion that overlies the Fargo, N. Dak., transition area.

This amendment is proposed under the authority of section 397(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on August 26, 1968.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 68-11047; Filed, Sept. 11, 1968; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-CE-74]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Roseau, Minn.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

A new public use instrument approach procedure has been developed for the Roseau, Minn., Municipal Airport, utilizing a State-owned radio beacon located on the airport as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Roseau, Minn. The new procedure will become effective concurrently with the designation of the transition area. The Minneapolis Air Route Traffic Control Center, through the Hibbing, Minn., Flight Service Station which remotely controls the Baudette, Minn. VOR, will control instrument approaches into and out of Roseau Municipal Airport.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (33 F.R. 2137), the following transition area is added:

ROSEAU, MINN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Roseau Municipal Airport (latitude 48°51'10" N., longitude 95°41'45" W.); and within 2 miles each side of the 153° bearing from Roseau Municipal Airport, extending from the 5-mile radius area to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles southwest and 8 miles northeast of the 153° bearing from Roseau Municipal Airport, extending from the airport to 12 miles southeast of the airport.

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

Issued at Kansas City, Mo., on August 26, 1968.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 68-11048; Filed, Sept. 11, 1968; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-CE-76]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Grand Marais, Minn.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

A new public use instrument approach procedure has been developed for the Devils Track Airport, Grand Marais, Minn., utilizing a State-owned radio beacon as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Grand Marais, Minn. The new procedure will become effective concurrently with the designation of the transition area. The Minneapolis Air Route Traffic Control Center, through the Minnesota Flight Service Station, will control instrument approaches into and out of the Devils Track Airport.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (33 F.R. 2137), the following transition area is added:

GRAND MARAIS, MINN.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Devils Track Airport (latitude 47°49'40" N., longitude 90°22'45" W.); and within 2 miles each side of the 103° bearing from Devils Track Airport, extending from the 6-mile radius area to 8 miles east of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles south and 5 miles north of the 103° bearing from Devils Track Airport, extending from the airport to 12 miles east of the airport; and within 5 miles each side of the 273° bearing from Devils Track Airport, extending from the airport to 12 miles west of the airport.

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

Issued at Kansas City, Mo., on August 26, 1968.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 68-11049; Filed, Sept. 11, 1968; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-EA-89]

FEDERAL AIRWAY SEGMENT

Proposed Revocation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would revoke VOR Federal Airway No. 123 segment from Carmel, N.Y., to Westfield, Mass.

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

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

The FAA is considering revoking V–123 segment between Carmel and Westfield. Use of this segment is limited because of its confliction with arrival and departure traffic operating at Bradley International Airport. The frequent rerouting required adds to controller workload and frequency congestion.

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

Issued in Washington, D.C., on September 5, 1968.

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

[F.R. Doc. 68–11050; Filed, Sept. 11, 1968; 8:49 a.m.]

[14 CFR Parts 71, 75]

[Airspace Docket No. 68–AL–4]

FEDERAL AIRWAYS, JET ROUTE, REPORTING POINTS, CONTROL AREA, AND TRANSITION AREA

Proposed Alterations, Designations, and Extension

The Federal Aviation Administration is considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would alter and designate Federal aiwrays; extend a jet route, alter a control area, a transition area and designate reporting points along the Alaska, Aleutian Islands chain.

As parts of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicabiltiy of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adapted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

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

The Federal Aviation Administration proposes the following airspace actions:

1. Revoke Control 1484.

2. Realign Blue Federal airway No. 27 from the Kodiak, Alaska, RR; 45 miles 1,200 feet AGL; 68 miles 9,500 MSL; 1,200 feet AGL King Salmon, Alaska RR.

3. Extend Green Federal airway No. 8 from King Salmon, RR 2,000 feet AGL to Shemya, Alaska, RBN via Cold Bay, Alaska, RR; Cape Sarichef, Alaska RBN; Nikolski, Alaska, RBN; and Adak, Alaska, RBN.

4. Designate Green Federal airway No. 11 from Kodiak, Alaska, RR; 37 miles 1,200 feet AGL; 8,500 MSL Port Heiden, Alaska, RBN; 58 miles 8,500 feet MSL; thence 2,000 feet MSL via Cold Bay, RBN; Cape Sarichef, RBN; Nikolski, RBN; Adak, RBN; and Amchitka, Alaska, RBN; to Shemya RBN.

5. Realign VOR Federal airway No. 506 from Kodiak; 45 miles 1,200 feet AGL; 68 miles 9,500 MSL; 1,200 feet AGL King Salmon.

6. Extend VOR Federal airway No. 456 from King Salmon 2,000 feet AGL, Cold Bay.

7. Extend Jet Route No. 115 from King Salmon VORTAC to Shemya RBN via Cold Bay VORTAC; Nikolski RBN and Adak RBN.

8. Designate the following Alaskan low altitude reporting points:

a. Wide Bay INT; the intersection of the King Salmon RR 164° T (145° M) and the Port Heiden radio beacon 074° T (056° M) bearings.

b. Marlin INT; the intersection of the Cold Bay RR 041° T (024° M) and the Port Moller, Alaska, radio beacon 313° T (295° M) bearings.

c. Anvil INT; the intersection of the Amchitka radio beacon 006° T (360° M) and the Adak, Alaska, radio beacon 281° T (272° M) bearings.

d. Nikolski, Alaska, radio beacon.

e. Amchitka, Alaska, radio beacon.

f. Cape Sarichef, Alaska, radio beacon.

g. Designate the following Alaskan high altitude reporting points:

a. Anvil INT: The intersection of the Amchitka radio beacon 006° T (360° M) and the Adak radio beacon 281° T (272° M) bearings.

b. Nikolski, Alaska, radio beacon.

10. In the description of Control 1235, delete reference to "Control 1484."

11. In the description of the King Salmon 1,200-foot transition area, delete "to the southwest boundary airway Blue 27" and substitute therefor, "to a line 4 nm. south of and parallel to the King Salmon RR 130° T (111° M) bearing" and delete reference to "Control 1484."

The extension and realignment of existing Federal airways and jet route in conjunction with the proposed new Green airway No. 11 will provide for better utilization of the navigable airspace and the necessary controlled airspace for air traffic control service to be afforded aircraft operating in accordance with instrument flight rules between these terminals. It will also simplify flight planning procedures and the charting of information for the Alaskan Peninsula and Aleutian Islands area.

The proposed extension of VOR Federal airway No. V–456 from King Salmon to Adak and Green Federal airway No. 8 negates the need for Control 1484. The proposed realignment of Blue Federal airway No. 27 requires companion action of redescribing the King Salmon 1,200-foot transition area.

These amendments are proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510) and Executive Order 10854 (24 F.R. 9565).

Issued in Washington, D.C., on September 5, 1968.

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

[F.R. Doc. 68–11045; Filed, Sept. 11, 1968; 8:48 a.m.]

[14 CFR Part 93]

[Docket No. 9113; Notice 68–20A]

HIGH DENSITY TRAFFIC AIRPORTS

Notice of Public Hearing

By notice of proposed rule making 68–20, dated September 3, 1968 (33 F.R.

12580), the Federal Aviation Administration informed the public that it is considering amendments to Part 93 of the Federal Aviation Regulations that would prescribe special air traffic rules and other requirements for operations to or from airports designated in that part as high density traffic airports.

The notice also stated that a public hearing would be conducted by a designated official of the FAA to receive the oral or written statements of all interested persons on the regulatory proposals contained therein. Accordingly, Mr. George S. Moore, Associate Administrator for Operations, is designated as the FAA official who will preside over the hearing. Mr. Anthony W. Lalle, Associate General Counsel, regulations and codification, is designated as legal advisor to the presiding officer for the hearing.

The hearing will be held at 9:30 a.m., Wednesday, September 25, 1968, in the Auditorium on the Third Floor of the Department of Transportation Building, 800 Independence Avenue SW., Washington, D.C., for the purpose of providing an opportunity for interested persons to present their views on the proposals contained in NPRM 68–20. It will be conducted as an informal hearing as provided in the general rule making procedures in Part 11 of the Federal Aviation Regulations. Sections 556 and 557 of 5 U.S.C. (former sections 7 and 8 of the Administrative Procedure Act) do not apply.

The order for the presentation of statements is as follows:

(1) The presiding officer explains the purpose and objectives of the regulatory proposals contained in NPRM 68–20;

(2) Oral or written statements are presented by those persons who notify the FAA by September 18, 1968, that they wish to make such statements at the hearing; and

(3) After all initial oral or written statements have been completed, additional statements or rebuttal statements may be presented.

The order of presentation for each statement and the time allotted therefor is determined by the presiding officer. No cross examination of persons presenting statements at the hearing is permitted. However, where appropriate, questions may be addressed to any person who has made a statement if the question is signed by the person presenting the question and presented in writing to the presiding officer after the statements are completed.

A verbatim transcript of the hearing will be made by a reporter and any written statements presented by interested persons at the hearing will be made a part of the record of that hearing. Copies of the transcript may be obtained from the reporter.

Issued in Washington, D.C., on September 10, 1968.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 68-11149; Filed, Sept. 11, 1968; 9:27 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

TRANSFORMERS FROM JAPAN

Antidumping Proceeding Notice

SEPTEMBER 4, 1968.

On March 22, 1968, information was received indicating a possibility that transformers (of the type used in consumer electronic products) from Japan are being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.). This information is in proper form pursuant to §§ 53.26 and 53.27 of the Customs regulations (19 CFR 53.26, 53.27).

The information was submitted by Lincoln & Stewart, Washington, D.C., on behalf of the World Trade Committee, Parts Division, Electronic Industries Association.

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 53.29 of the Customs regulations (19 CFR 53.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the transformers for exportation to the United States are less than the prices of such or similar merchandise for home consumption in Japan.

This notice is published pursuant to § 53.30 of the Customs regulations (19 CFR 53.30).

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

[F.R. Doc. 68-10956; Filed, Sept. 11, 1968; 8:45 a.m.]

POST OFFICE DEPARTMENT

BUREAU OF OPERATIONS

Realignment of Functions

The following is an excerpt from Headquarters Circular No. 68-41 signed by the Deputy Postmaster General on August 5, 1968 relative to the above subject:

I. *Purpose.* To realign certain functions of the Bureau of Operations, and to revise the organizational structure of that Bureau.

II. *Actions.* A. The Service Analysis Branch and its people, functions, records, and files are transferred in their entirety from the Installations Management Division, under the Deputy Assistant Postmaster General for Field Operations to the Customer Relations Division, under the Deputy Assistant Postmaster General for Postmasters and Patron Relations. There is no change in branch name.

B. The Parcel Post Branch of the Customer Relations Division is abolished. Branch personnel will be transferred to other Bureau elements, but principally to the Distribution and Delivery Division. The functions are transferred as shown below, and the records and files will follow the functions which they support.

1. To Distribution and Delivery Division:

Handles matters pertaining to policies, procedures, and regulations governing the distribution and delivery of parcel post.

Conducts special studies, directs experimental projects, and coordinates with organizational elements having related responsibilities in implementing new concepts and improved methods in handling parcel post.

Reviews with the Space and Mechanization Requirements Division development of plans for handling parcel post in proposed new facilities, including the type and number of parcel sorters.

2. To Public Cooperation Branch, Customer Relations Division:

Contacts firms and institutions who mail large quantities of parcels and catalogs to promote presorting, plant loading, drop shipments, and other cooperative efforts for the most efficient and expeditious handling of parcel post, based on makeup, routing, and loading instructions of the Bureau of Transportation.

3. To Domestic Mail Classification Branch, Classification and Special Services Division.

Provides liaison with the Advisory Commission on Parcel Distribution Service required by Public Law 89-593.

Prescribes standards and regulations covering admissibility of matter to the parcel post mail, and application of rates; addressing, preparation, packaging and weight and size limitations for domestic parcel post; official Government parcel post; use of penalty and franking privileges; and acceptance of parcel post for the Armed Forces.

* * * * *

(5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

SEPTEMBER 6, 1968.

[F.R. Doc. 68-11025; Filed, Sept. 11, 1968; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Change of Location and Temporary Closing of Sacramento Land Office; Relocation of California State Office

SEPTEMBER 6, 1968.

Notice is hereby given that the Sacramento Land Office, Bureau of Land Management, Room 4201, 650 Capitol Mall, Sacramento, Calif., will be closed to the public from 10 a.m., September 27, 1968, until 10 a.m., October 1, 1968, to permit moving to a new location and mailing address at Room E-2807, Federal Office Building, 2800 Cottage Way, Sacramento, Calif. 95825.

In accordance with Title 43, Code of Federal Regulations, § 1821.2, applications, payments, and other documents received for filing during the closed period cited above shall be considered filed as of 10 a.m. on October 1, 1968.

Effective September 30, 1968, the office of the State Director, Bureau of Land Management, will be relocated at Room E-2820, Federal Office Building, 2800 Cottage Way, Sacramento, Calif. 95825.

J. R. PENNY,
State Director.

[F.R. Doc. 68-11018; Filed, Sept. 11, 1968; 8:46 a.m.]

MONTANA AND WYOMING

Establishment of Pryor Mountain Wild Horse Range

1. Pursuant to the Classification and Multiple Use Act of September 19, 1964 (74 Stat. 986, 43 U.S.C. 1411), R.S. 2478 (43 U.S.C. 1201), the Act of October 15, 1966 (80 Stat. 913; 16 U.S.C. 460t), and the provisions of 43 CFR Subpart 1727, I hereby designate the public lands in the following described area as the Pryor Mountain Wild Horse Range and establish the rules for management of said Range.

MONTANA PRINCIPAL MERIDIAN

CARBON COUNTY, MONT.

T. 8 S., R. 28 E.,
Sec. 19, E½E½;
Sec. 20, all;
Sec. 21, W½, W½E½;
Sec. 28, W½;
Sec. 29, all;
Sec. 30, E½E½;
Sec. 31 E½E½;
Sec. 32 all;
Sec. 33 W½, W½SE¼.

T. 9 S., R. 27 E.,
Sec. 1, all;
Sec. 2, all;
Sec. 11, all;
Sec. 12, all;
Sec. 13, all;
Sec. 14, all;
Sec. 23, NE¼, E½SE¼;
Sec. 24, all;
Sec. 25, W½, NE¼, N½SE¼, SE¼SE¼.
T. 9 S., R. 28 E.,
Sec. 4, W½, W½E½, E½SE¼, SE¼NE¼;
Secs. 5–36, all lying west of the Bighorn River.
T. 9 S., R. 29 E.,
Sec. 18, all lying west of the Bighorn River.
T. 10 S., R. 27 E.,
Sec. 1, lots 1 and 2.

SIXTH PRINCIPAL MERIDIAN

BIGHORN COUNTY, WYO.

T. 58 N., R. 95 W.,
Sec. 19, lot 1;
Sec. 20, N½;
Sec. 21, N½, SE¼, northeast diagonal ½ of SW¼;
Sec. 22, all;
Sec. 23, W½W½, E½NW¼, NE¼SW¼, N½SE¼;
Sec. 26, NW¼NW¼;
Sec. 27, N½;
Sec. 28, NE¼NE¼.

The area described aggregates approximately 32,000 acres.

The Pryor Mountain Wild Horse Range is a Class III natural environment area under the Bureau of Outdoor Recreation system of classification.

2. Subject to valid existing rights the area will be primarily administered for the protection and management of wild horses, wildlife, watershed, recreation, archeological, and scenic values.

3. The Pryor Mountain Wild Horse Range shall be in all respects subordinate to the Bighorn Canyon National Recreation Area established by the Act of October 15, 1966 (80 Stat. 913; 16 U.S.C. 460t), so far as it affects lands comprising any part of the Bighorn Canyon National Recreation Area. Wild horses within the area shall be managed by the Bureau of Land Management, in a manner that is compatible with the purposes for which the Bighorn Canyon National Recreation Area was established.

4. The Bureau of Land Management, for the public lands within the Range, and in cooperation with the National Park Service for the lands within the National Recreation Area, will develop and keep current a management plan for the Range which will provide for the management of the wild horses and their habitat within a balanced program which considers all public values and without impairment of the productivity of the land.

5. For purposes of management of the wild horses within the Range, the boundaries thereof shall conform to natural barriers and feasible fencing routes within the area described in paragraph 1 of this order. The lands are more particularly identified and delineated on plats or maps filed in the respective Land Offices. Lands which lie outside the meandering boundaries will be subject to existing domestic livestock grazing under the Taylor Grazing Act.

STEWART L. UDALL,
Secretary of the Interior.

SEPTEMBER 9, 1968.

[F.R. Doc. 68–11056; Filed, Sept. 11, 1968; 8:49 a.m.]

[U–6825]

UTAH

Proposed Modification of Ashley National Forest Boundary

SEPTEMBER 5, 1968.

The U.S. Department of Agriculture, Forest Service, has filed application Utah 6825 to modify the boundaries of the Ashley National Forest, which includes the proposed withdrawal of the following described lands from all forms of appropriation except the general mining and mineral leasing laws, subject to existing valid rights:

SALT LAKE MERIDIAN, UTAH

T. 1 N., R. 23 E.,
Sec. 17, lots 1 and 2.

The areas described aggregate 103.19 acres.

The Forest Service's proposed modification represents part of a boundary adjustment program with the Bureau of Land Management, whereby the above-described isolated tract of unreserved public land would be added to the Ashley National Forest, whereas 546.40 acres of public land and 9,726.88 acres of private lands would be eliminated from the Ashley National Forest.

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 of lots 1 and 2, sec. 17, T. 1 N., R. 23 E., SLM, may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 11505, Salt Lake City, Utah 84111.

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 justification of the withdrawal and will prepare a report for consideration of the Secretary. 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.

R. D. NIELSON,
State Director.

[F.R. Doc. 68–11019; Filed, Sept. 11, 1968; 8:46 a.m.]

Fish and Wildlife Service

[Docket No. S–440]

WAYNE HELMER VIUHKOLA

Notice of Loan Application

Wayne Helmer Viuhkola, 3005 Marine Drive, Astoria, Oreg. 97103, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 61.8-foot, registered length wood vessel to engage in the fishery for albacore and bottomfish.

Notice is hereby given pursuant to the provisions of Public Law 89–85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) 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.

RUSSELL T. NORRIS,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 68–11017; Filed, Sept. 11, 1968; 8:46 a.m.]

National Park Service

GRAND TETON NATIONAL PARK

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract authorizing the continued operation of public accommodations, facilities, and services at the Leek's Lodge site in Grand Teton National Park.

The present concessioner has performed its obligations under prior authorizations to the satisfaction of the National Park Service and, therefore, pursuant to the act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered

and evaluated must be submitted within thirty (30) days after the publication date of this notice.

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

Dated: September 5, 1968.

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

[F.R. Doc. 68-11020; Filed, Sept. 11, 1968; 8:46 a.m.]

GRAND TETON NATIONAL PARK

Notice of Intention of Issue Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Grand Teton National Park, proposes to issue a concession permit to George N. Clover, authorizing him to provide campfire fuel for the public at Grand Teton National Park, for a period of 1 year from January 1, 1969, through December 31, 1969.

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

Interested parties should contact the Superintendent, Grand Teton National Park, for information as to the requirements of the proposed permit.

Dated: August 20, 1968.

HOWARD H. CHAPMAN,
Superintendent.

[F.R. Doc. 68-11021; Filed, Sept. 11, 1968; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File 22(67)-7]

ETS. JEAN BAILLY & CIE.

Notice of Related Party Determination

By order dated January 30, 1963, the Bureau of International Programs, predecessor of the Bureau of International Commerce, U.S. Department of Commerce, entered an order against Yvon LeCoq, Lens, France, denying him all privileges of participating in any manner or capacity in exportations from the United States of commodities or technical data for an indefinite period. This order was published in the FEDERAL REGISTER on February 12, 1963 (28 F.R. 1350).

Section 382.1(b) of the Export Regulations provides in part that, to the extent necessary to prevent evasion of any order denying export privileges, said order may be made applicable to parties other than those named in the order with whom said named parties may then or thereafter be related by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or related services. It has been determined by the Office of Export Control that within the purview of said section Ets. Jean Bailly & Cie., 19 Rue Antoinette, Lyon, France, is a related party to said Yvon LeCoq. Under this determination the terms and restrictions of the order of January 30, 1963 are effective against said related party.

The above-named related party has been notified of this determination and has been advised that if it contends that the ruling is not justified it may make application to have the ruling reconsidered or terminated. Due notice will be given of any termination or change in this related party determination.

Dated: September 5, 1968.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 68-11055; Filed, Sept. 11, 1968; 8:49 a.m.]

Business and Defense Services Administration

UNIVERSITY OF MICHIGAN MEDICAL CENTER ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69-00100-33-46500. Applicant: University of Michigan Medical Center, 5534 Kresge Medical Building, Ann Arbor, Mich. 48104. Article: Ultramicrotome, Model LKE 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in connection with studies concerning epidermal development in the mammalian skin. The ultrathin sections needed for a particular experiment must be prepared in long series and must be cut in equal thickness for observation under the electron microscope. It is hoped to learn the exact sequence and time relationships of the development of epidermal ultrastructures and to correlate these findings with the completion of the keratinization process. Application received by Commissioner of Customs: August 9, 1968.

Docket No. 69-00112-33-7800. Applicant: New England Institute for Medical Research, Post Office Box 308, Ridgefield, Conn. 06877. Article: Manual spectrophotometer, Model PMQ-II. Manufacturer: Carl Zeiss, Inc., West Germany. Intended use of article: The article will be primarily used for educational purposes. Students will include undergraduates, graduate students, and postdoctoral fellows who will need to understand the functions of this type of spectrophotometer for their future professions in education and research. Specific demonstrations will be given by faculty members to undergraduates participating in undergraduate research programs. Application received by Commissioner of Customs: August 15, 1968.

Docket No. 69-00119-33-46040. Applicant: Tulane University, 6823 St. Charles Avenue, New Orleans, La. 70118. Article: Electron microscope, Model EM 300 and accessories. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used for studies on reproduction and aging in nematodes (gametogenesis, fertilization, egg shell formation, mobility of gametes, secretion of sex pheromones), physical relationship of parasites to host tissues, function of various cells and tissues of parasites as revealed by ultrastructural observations, and the basic morphology and recognition features of larval nematodes and cestodes in relation to species diagnosis and taxonomic interpretation. Application received by Commissioner of Customs: August 18, 1968.

Docket No. 69-00121-33-46040. Applicant: Massachusetts General Hospital, Surgical Research Laboratory of Ultrastructure, Fruit Street, Boston, Mass. 02114. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics, N.V.D., The Netherlands. Intended use of article: The article will be used for research programs that are concerned with morphology of cell systems at the tissue and macromolecular levels.

The proposed research programs and studies are as follows:

a. The ultrastructural morphology of lymphatic capillaries during the normal and the inflammatory states.

b. Studies on the precise nature in which these filaments are bound to the lymphatic endothelial plasma membrane.

c. Histochemical identification of substances associated with the cell surfaces of lymphatic endothelial cells will be studied at the ultrastructural level.

Application received by Commissioner of Customs: August 19, 1968.

Docket No. 69-00123-33-46040. Applicant: New York Medical College, Fifth Avenue and 106th Street, New York, N.Y. 10029. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used for biomedical research which includes the study of ultrathin sections of inflamed skin which are of exceedingly low contrast. Furthermore, investigations of mitochondris include the examination of negatively stained preparations, with their consequent demand on instrument flexibility. The total program of ultrastructural research is directed towards demonstration of biological organization at the molecular level and requires the utmost in resolution and general instrument capability available in an electron microscope. Application received by Commissioner of Customs: August 19, 1968.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-11002; Filed, Sept. 11, 1968; 8:45 a.m.]

UNIVERSITY OF MISSOURI—ROLLA ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69-00048-65-46070. Applicant: University of Missouri—Rolla, General Services Building, Purchasing Department, Rolla, Mo. 65401. Article: Scanning electron microscope, Model JSM. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used for secondary electron detection, transmission work, cathodotuminesence absorbed and back scattered work and for stereo-pairs on a wide range of inorganic, metal and polymeric surfaces. Application received by Commissioner of Customs: July 19, 1968.

Docket No. 69-00118-33-46500. Applicant: Howard University, Department of Pathology, 520 W Street NW., Washington, D.C. 20001. Article: Ultramicrotome, Model "OmU2". Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article will be used for sectioning sections of bone-containing tissue for electron microscopy. Research is part of an investigation concerning calcification and bone formation. Application received by Commissioner of Customs: August 18, 1968.

Docket No. 69-00127-33-46040. Applicant: University of California, San Francisco Medical Center, Third and Parnassus, San Francisco, Calif. 94122. Article: Electron microscope, Model HS-8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for the examination of thin sections of biological materials by students and staff of the Department of Anatomy. Part of the studies to be performed will involve examination of sections of tissue subjected to cytochemical reactions for the localization of enzymatic activity. Another of the uses will be the preparation of low magnification electron micrographs to serve as demonstrations of tissue fine structure for the class in cell and tissue structure given to first year medical students. Applications received by Commissioner of Customs: August 20, 1968.

Docket No. 69-00129-01-77040. Applicant: State University of New York at Albany, 1400 Washington Avenue, Albany, N.Y. 12203. Article: Mass spectrometer, Model MS 902. Manufacturer: Associated Electrical Industries, United Kingdom. Intended use of article: The article will be used to obtain mass spectra at both high and low resolution, and to help solve a wide variety of chemical and biological problems. In addition, it will be used in a research program aimed at understanding the mechanisms and laws governing the fragmentation of molecules on electron impact. Typical applications will include structure determination of a wide variety of natural products, including compounds showing significant mammalian toxicity, structure determination of a wide variety of organic and inorganic reaction products and intermediates, and studies of the decomposition of organic ions using "metastable" ions as a key technique. Application received by Commissioner of Customs: August 22, 1968.

Docket No. 69-00130-33-46040. Applicant: Yale School of Medicine, Section of Ophthalmology, 333 Cedar Street, New Haven, Conn. 06510. Article: Electron microscope, Model Elmiskop IA. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used in the following investigations:

1. The mechanism of active transport and permeability in the isolated cornea will be studied to correlate this with the hydration of the cornea in physiological and pathological conditions.

2. To investigate the fine structure of the anterior segment of the vertebrate eye including the nervous innervation of the iris, ciliary body, and trabecular meshwork.

3. Study of the fine structure of the dioptrics and nervous retinal structure of arthropod compound eyes.

Application received by Commissioner of Customs: August 22, 1968.

Docket No. 69-00131-01-77040. Applicant: Kent State University, Kent, Ohio 44240. Article: Mass spectrometer, Model MS 1201. Manufacture: AEI Laboratories, United Kingdom. Intended use of article: The article will be used for the following projects:

a. Measuring bond strength in connection with studies concerning the bonding in metal carbonyl and related compounds.

b. Research concerning differences in bonding of isothiocynate (-NCS) and isoselenocynate (-NCSe) ligands to hard acids.

c. Investigations of pyrolysis reaction of betaine derivatives.

d. Investigate potential correlation between ion-stability in the mass spectrometer with the stability of solvated ion intermediates during transformation in strong acid media.

e. Mass spectral studies on the mesembrine alkaloids to aid in interpreting the mass spectra of channaine or its cleavage products.

f. Study of pyrolytic decomposition of hydrocarbons using a flow system under wall-less conditions.

g. Study of reactions of oxygen with organic compounds in aqueous solutions under a broad variety of conditions.

Application received by Commissioner of Customs: August 22, 1968.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-11003; Filed, Sept. 11, 1968; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN CYANAMID CO.

Notice of Amended Filing of Petition Regarding Pesticides

Notice was given in the FEDERAL REGISTER of February 3, 1968 (33 F.R. 2575), that a petition (PP 8F0673) had been filed by the American Cyanamid Co., Agricultural Division, Post Office Box 400, Princeton, N.J. 08540, proposing the establishment of a tolerance of 0.5 part per million for residues of the insecticide phorate (*O,O*-diethyl *S*-(ethylthio) methyl phosphorodithioate) and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodity potatoes.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)) and § 120.9 of the pesticide procedural regulations (21 CFR 120.9), notice is given that said petition has been amended by proposing additional tolerances for residues of phorate and said metabolites in or on meat, fat, and meat byproducts of cattle at 0.05 part per million (negligible residue); and in milk at 0.02 part per million (negligible residue).

Dated: September 5, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-11072; Filed, Sept. 11, 1968; 8:51 a.m.]

AMOCO CHEMICALS CORP.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 9B2331) has been filed by Amoco Chemicals Corp., 130 East Randolph Drive, Chicago, Ill. 60601, proposing that the food additive regulations (21 CFR Part 121, Subpart F) be amended to provide for additional safe use of polyisobutylenes as components of food-contact articles.

Dated: September 5, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-11073; Filed, Sept. 11, 1968; 8:51 a.m.]

CHEVRON CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 9F0745) has been filed by Chevron Chemical Co., Ortho Division, 940 Hensley Street, Richmond, Calif. 94804, proposing the establishment of tolerances for negligible residues of an insecticide that is a mixture of 75 percent *m*-(1-methylbutyl) phenyl methylcarbamate and 25 percent *m*-(1-ethylpropyl) phenyl methylcarbamate in or on the raw agricultural commodities corn grain and corn fodder and forage at 0.05 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a paper chromatographic procedure in which the residues are extracted with hexane and cleaned up with column and thin layer chromatography. The extract is chromatographed on paper and, after drying, the paper is sprayed with an acetylcholinesterase solution. Identification and estimation of residues are determined by comparison of sizes and intensities of spots with those of standards.

Dated: August 30, 1968.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 68-11074; Filed, Sept. 11, 1968; 8:51 a.m.]

DIAMOND SHAMROCK CORP.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 9B2326) has been filed by Diamond Shamrock Corp., 300 Union Commerce Building, Cleveland, Ohio 44115, proposing the issuance of a food additive regulation (21 CFR Part 121, Subpart F) to provide for the safe use of polyvinyl fluoride resins as components of coatings for bulk food containers.

Dated: August 30, 1968.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 68-11075; Filed, Sept. 11, 1968; 8:51 a.m.]

E. I. DU PONT DE NEMOURS & CO.

Notice of Amended Filing of Petition Regarding Pesticides

Notice was given in the FEDERAL REGISTER of November 17, 1967 (32 F.R. 15849), that a petition (PP 8F0657) had been filed by E. I. du Pont de Nemours & Co., Wilmington, Del. 19898, proposing the establishment of tolerances for residues of the fungicide chloroneb (1,4-dichloro-2,5-dimethoxybenzene) and its metabolite 2,5-dichloro-4-methoxyphenol, calculated as chloroneb, in or on the raw agricultural commodities: Cotton forage and vines (forage) of beans and soybeans at 2 parts per million; and beans, cottonseed, soybeans, and sugar beets (roots and tops) at 0.1 part per million.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that said petition has been amended by proposing additional tolerances for residues of chloroneb and its metabolite 2,5-dichloro-4-methoxyphenol, calculated as chloroneb, in or on meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.2 part per million; and in milk at 0.05 part per million.

Dated: August 30, 1968.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 68-11076; Filed, Sept. 11, 1968; 8:51 a.m.]

MONSANTO CO.

Notice of Amended Filing of Petition Regarding Pesticides

Notice was given in the FEDERAL REGISTER of January 17, 1968 (33 F.R. 599), that a petition (PP 8F0672) had been filed by the Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, proposing the establishment of a tolerance of 0.1 part per million for negligible residues of the herbicide 2-chloro-*N*-isopropylacetanilide and its metabolites (calculated as 2-chloro-*N*-isopropylacetanilide) in or on the raw agricultural commodity corn grain.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)) and § 120.9 of the pesticide procedural regulations (21 CFR 120.9), notice is given that said petition has been amended by proposing additional tolerances for negligible residues of 2-chloro-*N*-isopropylacetanilide and said metabolites in milk and eggs and in or on meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.02 part per million.

Dated: August 30, 1968.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 68-11077; Filed, Sept. 11, 1968; 8:51 a.m.]

Office of the Secretary

OFFICE OF EDUCATION

Statement of Organization, Functions, and Delegations of Authority

Part 6-C (Office of Education) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (32 F.R. 10476, et seq., dated July 15, 1967) is hereby amended to reserve to the Secretary certain authority under the Cooperative Research Act (Item 20).

The organization, functions, and delegations of authority now read as follows:

6-C Delegations of authority.

* * * * *

20. Cooperative Research Act (Public Law 83–531 approved July 26, 1954, 68 Stat. 533, as amended; 20 U.S.C. 331–332b); except the function of the Secretary in section 2(c) relating to the transfer of funds to other Federal agencies.

* * * * *

Dated: September 3, 1968.

DONALD F. SIMPSON,
Assistant Secretary for Administration.

[F.R. Doc. 68–11071; Filed, Sept. 11, 1968; 8:50 a.m.]

Social and Rehabilitation Service

[Interim Policy Statement No. 23]

ASSISTANCE IN FORM OF INSTITUTIONAL SERVICES IN INTERMEDIATE CARE FACILITIES

Notice of Interim Policies and Requirements

Notice is hereby given that the regulations set forth below (made pursuant to section 1102 of the Social Security Act, 42 U.S.C. 1302) prescribe certain interim policies and requirements for Social and Rehabilitation Service programs which were approved, with binding effect on States, on August 16, 1968, by the Administrator, Social and Rehabilitation Service. Interested persons who wish to submit comments, suggestions, or objections pertaining thereto may present their views in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201, within a period of 30 days from the date of publication of these interim policies and requirements in the FEDERAL REGISTER. The final regulations will be codified in Title 45 of the Code of Federal Regulations.

Dated: August 16, 1968.

[SEAL] MARY E. SWITZER,
Administrator, Social and Rehabilitation Service.

Approved: September 6, 1968.

WILBUR J. COHEN,
Secretary.

1. *Subject.* Assistance in the Form of Institutional Services in Intermediate Care Facilities.

2. *Purpose.* To implement section 1121 of the Social Security Act.

3. *Regulations*—A. *State plan requirements.* Effective January 1, 1968, if a State plan under title I, X, XIV, or XVI includes benefits in the form of institutional services in intermediate care facilities, it must:

(1) Provide that such benefits will be provided only to individuals who

(a) Are entitled (or would, if not receiving institutional services in intermediate care facilities, be entitled) to receive assistance, under the State plan, in the form of money payments; and

(b) Because of their physical or mental condition (or both) require living accommodations and care which, as a practical matter, can be made available to them only through institutional facilities; and

(c) Do not have such an illness, disease, injury, or other condition as to require the degree of care and treatment which a hospital or skilled nursing home (as that term is employed in title XIX) is designed to provide.

(2) Provide that in determining financial eligibility for benefits in the form of institutional services in intermediate care facilities available income will be applied, first, for personal and incidental needs including clothing, and that any remaining income will be applied to the costs of care in the intermediate care facility.

(3) Provide methods of administration that include—

(a) Placing of responsibility, within the State agency, with one or more staff members who devote full time to direction and guidance of the agency's activities with respect to services in intermediate care facilities including arrangements for consultation and working relationships with the State standard-setting authority and State mental health agency;

(b) Provisions for evaluation by a physician of the individual's physical and mental condition and the kinds and amounts of care he requires; evaluation by the agency worker of the resources available in the home, family, and community; and participation by the recipient in determining where he is to receive care;

(c) Provisions that assure that such evaluations will be made immediately prior to authorization of the benefits originally, and that re-evaluations will be made as indicated by changes in the condition or circumstances of the recipient and, in no case, at intervals longer than quarterly.

(4) Effective July 1, 1969, provide for regular, periodic review and re-evaluation (by or on behalf of the State agency administering the plan and in addition to the activities described in paragraph 3 above) of recipients in intermediate care facilities to determine whether their current physical and mental conditions are such as to indicate continued placement in the intermediate care facility, whether the services actually rendered are adequate and responsible to the conditions and needs identified, and whether a change to other living arrangements, or other institutional facilities (including skilled nursing homes) is indicated. Such reviews must be conducted by or under the supervision of a physician and other appropriate medical and social service personnel not employed by or having a financial interest in the facility, and must be followed by appropriate action on the part of the State agency administering the plan.

(5) Describe the services that the agency will make available to applicants and recipients and provide for extending the full scope of such services to all applicants for and recipients of benefits in the form of institutional services in intermediate care facilities.

(6) Include copies of (a) the State's requirements for licensing of facilities, however described, that will qualify under the State plan for participation as intermediate care facilities; (b) any requirements imposed by the State in addition to licensing and to the definition of intermediate care facilities and the definition of the range or level of required services set forth herein; and (c) a description of the manner in which such requirements are applied and enforced including copies of agreements, if any, with the licensing authority for this purpose.

(7) Provide for and describe methods of determining amounts of vendor payments to intermediate care facilities which systematically relate amounts of the payments to the kinds, levels, and quantities of services provided to the recipients by the institutions and to the cost of providing such services.

B. *Other requirements.* Except when inconsistent with purposes of section 1121 of the Act or contrary to any provision therein, any modification, pursuant thereto, of an approved State plan shall be subject to the same conditions, limitations, rights, and obligations as obtain with respect to such approved State plan. Included specifically among such conditions and limitations are the provisions of titles I, X, XIV and XVI relating to payments to or care in behalf of any individual who is an inmate of a public institution (except as a patient in a medical institution).

C. *Federal financial participation.* Beginning with the effective date of approval of amendments to the State plan pursuant to section 1121 of the Act, Federal financial participation is available, under this section of the Act, in vendor payments for institutional services provided to individuals who are eligible under the respective State plan and who are residents in intermediate care facilities. The rate of participation is the same as for money payments under the respective title or, if the State so elects, at the rate of the Federal medical assistance percentage as defined in section 1905(b) of the Act.

D. *Definitions of terms.* For purposes of section 1121 of the Social Security Act, the following definitions apply:

Institutional services. The term, "institutional services", means those items and services furnished by the institution in connection with providing the required range or level of care and services as hereafter defined, and other services provided by or under the auspices of the institution which contribute to the health, comfort, and well-being of the residents thereof; except that the term institutional services does not include allowances for clothing and incidental expenses for which money payments to recipients are made under the plan, nor does it include medical care, in a form identifiable as such and separable from the routine services of the facility, for which vendor payments may be made under a State plan approved under title I, X, XIV, XVI, or XIX.

Distinct part of an institution. A "distinct part" of an institution is defined as a part which meets the definition of an intermediate care facility and the following conditions:

(1) *Identifiable unit.* The "distinct part" of the institution is an entire unit such as an entire ward or contiguous wards, wing, floor, or building. It consists of all beds and related facilities in the unit and houses all residents, except as hereafter provided, for whom payment is being made for intermediate care. It is clearly identified and is approved, in writing, by the agency applying the definition of intermediate care facility herein.

(2) *Staff.* Appropriate personnel are assigned and work regularly in the unit. Immediate supervision of staff is provided in the unit at all times by qualified personnel.

(3) *Shared facilities and services.* The distinct part may share such central services and facilities as management services, building maintenance and laundry, with other units.

(4) *Transfers between distinct parts.* In a facility having distinct parts devoted to skilled nursing home care and intermediate care, which facility has been determined by the appropriate State agency to be organized and staffed to provide services according to individual needs throughout the institution, the foregoing paragraphs shall not be construed to require transfer of an individual within the institution when in the opinion of the individual's physician such transfer might be harmful to the physical or mental health of the individual.

Intermediate care facility. An intermediate care facility is an institution or a distinct part thereof which

(1) Is licensed, under State law, to provide the residents thereof, on a regular basis, the

range or level of care and services which is suitable to the needs of individuals who

(a) Because of their physical or mental limitations or both, require living accommodations and care which, as a practical matter, can be made available to them only through institutional facilities, and

(b) Do not have such an illness, disease, injury, or other condition as to require the degree of care and treatment which a hospital or skilled nursing home (as that term is employed in title XIX) is designed to provide, but

(c) Which does not provide the degree of care required to be provided by a skilled nursing home furnishing services under a State plan approved under title XIX; and

(2) Meets such standards of safety and sanitation as are applicable to nursing homes under State law; except that

(3) In no case shall such term include an institution which does not regularly provide a level of care and service beyond room and board.

The term, "intermediate care facility", also incldes a Christian Science sanatorium operated, or listed and certified, by the First Chruch of Christ, Scientist, Boston, Mass., but only with respect to institutional services deemed appropriate by the State.

Range of level of care and services. The range or level of care and services suitable to the needs of the individuals described above are defined as including, as a minimum, the following items.

(1) *Admission, transfer, and discharge of residents.* The admission, transfer, and discharge of residents of the facility are conducted in accordance with written policies that include at least the following provisions.

(a) Only those persons are accepted into the facility whose needs can be met within the accommodations and services the facility provides;

(b) As changes occur in their physical or mental condition, necessitating service or care not regularly provided by the facility, residents are transferred promptly to hospitals, skilled nursing homes, or other appropriate facilities;

(c) The resident, his next of kin, and the responsible agency if any, are consulted in advance of the discharge of any resident, and casework services or other means are utilized to assured that adequate arrangements exist for meeting his needs through other resources.

(2) *Personal care and protective services.* The types and amounts of protection and personal service needed by each resident of the facility are a matter of record and are known to all staff members having personal contact with the resident. At least the following services are provided.

(a) There is, at all times, a responsible staff member on duty in the facility, and immediately accessible to all residents, to whom residents can report injuries, symptoms of illness, or emergencies, and who is immediately responsible for assuring that appropriate action is taken promptly.

(b) Assistance is provided, as needed by individual residents, with routine activities of daily living such services as help in bathing, dressing, grooming, and management of personal affairs such as shopping.

(c) Continuous supervision is provided for residents whose mental condition is such that their personal safety requires such supervision.

(3) *Social services.* Services to assist residents in dealing with social and related problems are available to all residents through one or more caseworkers on the staff of the facility or through arrangements with an appropriate outside agency.

(4) *Activities.* Regularly available activities for all residents including social and recreational activities involving active participation by the residents, entertainment of appropriate frequency and character, and opportunities for participation in community activities as possible and appropriate.

(5) *Food service.* At least three meals a day, constituting a nutritionally adequate diet, are served in one or more dining areas separate from sleeping quarters, and tray service for residents temporarily unable to leave their rooms.

(6) *Special diets.* If the facility accepts or retains individuals in need of medically prescribed special diets, the menus for such diets are planned by a professionally qualified dietitian, or are reviewed and approved by the attending physican, and the facility provides supervision of the preparation and serving of the meals and their acceptance by the resident.

(7) *Health services.* Whether provided by the facility or from other sources, at least the following services to all residents:

(a) A registered professional nurse or a licensed practical nurse employed full time by the facility and on duty during the day shift;

(b) Continuing supervision by a physician who sees the resident at least quarterly;

(c) Under direction of the resident's physician and supervision by a registered professional nurse or a licensed practical nurse on the staff of the facility, guidance and assistance for each resident in carrying out his personal health program to assure that preventive measures, treatments, and medications prescribed by the physician are properly carried out and recorded;

(d) Arrangements for services of a physician in the event of an emergency when the resident's own physician cannot be reached;

(e) In the presence of minor illness and for temporary periods, bedside care under direction of the resident's physician including nursing service provided by, or supervised by, a registered professional nurse or a licensed practical nurse;

(f) An individual health record for each resident including

(1) The name, address, and telephone number of his physician;

(2) A record of the physician's findings and recommendations in the pre-admission evaluation of the individual's condition and in subsequent reevaluations and all orders and recommendations of the physician for care of the resident;

(3) All symptoms and other indications of illness or injury brought to the attention of the staff by the resident, or from other sources, including the date, time, and action taken regarding each.

(8) *Living accommodations.* Space and furnishings provide each resident clean, comfortable and reasonably private living accommodations with no more than four residents occupying a room, with individual storage facilities for clothing and personal articles, and with lounge, recreation and dining areas provided apart from sleeping quarters.

(9) *Administration and management.* The direction and management of the facility are such as to assure that the services required by the residents are so organized and administered that they are, in fact, available to the residents on a regular basis and that this is accomplished efficiently and with consideration for the objective of providing necessary care within a homelike atmosphere. Staff are employed by the facility sufficient in number and competence, as determined by the appropriate State agency, to meet the requirements of the residents.

[F.R. Doc. 68-11078; Filed, Sept. 11, 1968; 8:51 a.m.]

ATOMIC ENERGY COMMISSION

FAMILY HOUSING AT ATOMIC ENERGY COMMISSION INSTALLATION AT LOS ALAMOS, N. MEX.

Certificate of Need

For the Federal Housing Administration:

This certification is made in connection with family housing to be purchased or constructed for occupancy by essential, nontemporary persons employed at the installation named above and to be financed with mortgages insured under the authority contained in section 809 of the National Housing Act, as amended by Public Law 86-774 and Public Law 87-623, and any other law which may extend the authorities granted therein.

In accordance with the provisions of section 809 of the National Housing Act, as amended, the undersigned, as duly authorized designee of the Chairman, Atomic Energy Commission, hereby certifies that:

There is no present intention to substantially curtail the number of essential, nontemporary persons presently employed or to be employed in connection with the installation; and

Two hundred (200) units of family housing are required in the area of the installation to provide adequate family housing for such persons.

Pursuant to the agreement between the Atomic Energy Commission and the Federal Housing Administration, it is further agreed that the Commission will guarantee the General Insurance Fund from loss with respect to insured mortgage loans on the number of units set forth above.

R. E. HOLLINGSWORTH,
General Manager, Atomic Energy Commission, Washington, D.C. 20545.

SEPTEMBER 3, 1968.

[3]

CERTIFICATE

I, Woodford B. McCool, certify that I am the Secretary of the U.S. Atomic Energy Commission, that on July 24, 1963, the U.S. Atomic Energy Commission authorized the General Manager of said Commission to sign certificates of need for family housing at the U.S. Atomic Energy Commission Installation at Los Alamos, N. Mex., as the designee of the Chairman of the U.S. Atomic Energy Commission, and that R. E. Hollingsworth who signed the foregoing certificate of need is the General Manager of said U.S. Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary,
U.S. Atomic Energy Commission.

[F.R. Doc. 68-11053; Filed, Sept. 11, 1968; 8:52 a.m.]

[Docket No. 27-35]

LONG ISLAND NUCLEAR SERVICE CORP.

Notice of Issuance of Amendment to Byproduct, Source, and Special Nuclear Material License

Please take notice that the Atomic Energy Commission has issued Amendment

No. 8 to License No. 31–8360–1, as set forth below. This amendment provides for renewal of the license for a period of 1 year. The license amendment also deletes Mr. Lawrence R. Crevoiserat as an individual who may supervise and carry out operations for Long Island Nuclear Service Corp.

In addition, an application for license amendment dated April 24, 1968, requested authorization to perform operations at customers' sites involving the transfer of radioactive resins. The information incorporated in the record does not demonstrate that the applicant has adequate training and experience in the use and handling of radioactive material as requested. Accordingly, on the basis of the lack of training and experience of the applicant, the Commission has denied this application for license amendment.

The Commission has determined that prior public notice of proposed issuance of this amendment is not required since the amendment does not involve any hazard considerations different from those previously evaluated.

Within twenty (20) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may request a hearing and any person whose interest may be affected by the issuance of this license amendment or by the denial may file a petition for leave to intervene. Requests for a hearing and petitions for leave shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR Part 2). If a request for a hearing by the applicant or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order. Petitions to intervene or requests for public hearings may be filed with the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., September 6, 1968.

For the Atomic Energy Commission.

J. A. MCBRIDE,
Director,
Division of Materials Licensing.

[License No. 31–08360–01, Amdt. 8]

In accordance with application dated October 27, 1967 (received April 26, 1968), Byproduct, Source, and Special Nuclear Material License No. 31–08360–01 is amended as follows:

Conditions 2 and 3 are amended to read:

2. Except as specifically provided by this license, the licensee shall receive and possess byproduct, source, and special nuclear material in accordance with the radiological safety procedures and limitations contained in the application for license amendment dated October 27, 1967 (received Apr. 26, 1968).

3. Byproduct, source, and special nuclear material shall be received and handled by, or in the physical presence of, John D. LaGrua, Jr.

This license shall expire 1 year from the last day of the month in which this amendment is issued.

Date of issuance: September 6, 1968.

For the Atomic Energy Commission.

J. A. MCBRIDE,
Director,
Division of Materials Licensing.

[F.R. Doc. 68–11069; Filed, Sept. 11, 1968; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20085; Order 68–9–29]

ALLEGHENY AIRLINES, INC.

Order Providing for Further Proceedings

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

On August 7, 1968, Allegheny Airlines, Inc., filed an application pursuant to Subpart M of the Board's procedural regulations for amendment of its certificate of public convenience and necessity for Route 97 so as to authorize Allegheny to engage in nonstop air transportation between Philadelphia, Pa., on the one hand, and Cincinnati, Ohio, Columbus, Ohio, Dayton, Ohio, and Indianapolis, Ind., on the other hand.

Statements in support of hearing Allegheny's application under Subpart M were filed by the city and Chamber of Commerce of Dayton, the Greater Cincinnati Chamber of Commerce, the Columbus Area Chamber of Commerce, and the Ohio Department of Commerce. The Indianapolis Airport Authority and Chamber of Commerce support nonstop Indianapolis-Philadelphia service generally, but take no other present position. The city of Philadelphia and the Greater Philadelphia Chamber of Commerce jointly filed a statement supporting institution of a Subpart M proceeding but reserve their position for a later date.[1] Trans World Airlines filed a statement asking that the application be dismissed.

Upon consideration of the foregoing, we do not find that Allegheny's application is not in compliance with, or is inappropriate for processing under, the provisions of Subpart M. Accordingly, we order further proceedings pursuant to the provisions of Subpart M, §§ 302.1306–302.1310, with respect to Allegheny's application.

Accordingly, it is ordered, That:

1. The application of Allegheny Airlines, Inc., in Docket 20085 be and hereby is set for further proceedings pursuant to §§ 302.1306–302.1310 of the Board's procedural regulations.

2. The request of Trans World Airlines, Inc., to dismiss the application of Allegheny Airlines, Inc., be and hereby is denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68–11080; Filed, Sept. 11, 1968; 8:51 a.m.]

[1] The Philadelphia Chamber of Commerce queries whether it is yet considered a party to the proceeding; if not, it then requests to be made so. At this date we consider the Philadelphia Chamber of Commerce to be a party.

[Docket No. 19256; Order 68–9–17]

AVIATION SERVICES, INC.

Order To Show Cause Regarding Service Mail Rate

Issued under delegated authority September 6, 1968.

By notice of intent filed on November 17, 1967, pursuant to Part 298, the Postmaster General petitioned the Board to establish for Aviation Services, Inc. (Aviation), an air taxi operator, a final service mail rate of 23.9 cents per great circle aircraft mile for the transportation of mail by aircraft between Dodge City, Kans., and Pueblo, Colo. Subsequently, this final mail rate was established by Order E–26166, December 21, 1967.

On August 15, 1968, the Postmaster General filed a petition on behalf of Aviation stating that since the start of operations by Aviation the Post Office Department has added to its requirements for air taxi operators and there have been certain unanticipated cost increases in connection with the operation which make operation under the old rate economically unfeasible. Because of these increased costs, the Postmaster General petitions a new final service mail rate of 30.95 cents per great circle aircraft mile for the transportation of mail by aircraft between Dodge City, Kans., and Pueblo, Colo. The Postmaster General states that the proposed rate is acceptable to the Department and the carrier and represents a fair and reasonable rate of compensation for the performance of these services under the present requirements of the Department.

The Board finds it is in the public interest to determine, adjust, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the Postmaster General's petition and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

1. On and after August 15, 1968, the fair and reasonable final service mail rate to be paid in its entirety to Aviation Services, Inc., by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Dodge City, Kans., and Pueblo, Colo., shall be 30.95 cents per great circle aircraft mile.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f):

It is ordered, That:

1. Aviation Services, Inc., the Postmaster General, Frontier Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Aviation Services, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Aviation Services, Inc., the Postmaster General, and Frontier Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-11081; Filed, Sept. 11, 1968; 8:51 a.m.]

[Docket No. 20034; Order 68-9-24]

DRAKE MOTOR LINES, INC., AND SHULMAN, INC.

Order of Tentative Approval of Control Relationships

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of September 1968.

By joint application filed July 12, 1968, and supplemented on July 25, 1968, Drake Motor Lines, Inc. (Drake), an interstate common carrier, and Shulman, Inc. (Shulman), a domestic and international air freight forwarder and also a surface freight forwarder, request the Board to either disclaim jurisdiction over or approve Drake's acquisition of a portion of the motor common carrier authority contained in the certificate of public convenience and necessity No. MC-1121 issued by the Interstate Commerce Commission (ICC) to P. D. Coakley Motor Transportation, Inc. (Coakley). The portion in question authorizes the transportation as a common carrier by motor vehicle, of "general commodities" [1] between Boston, Mass., on the one hand,[2] and, on the other, points and places in Massachusetts, Connecticut, Rhode Island, and those points in that part of New York east of the Hudson River and south of a line beginning at Newburgh, N.Y., and extending east through Patterson, N.Y., to the New York-Connecticut State line, including New York City and points in Nassau County, N.Y.[3] Drake holds authority to transport over irregular routes such commodities as are dealt in by retail department stores between Philadelphia, Pa., on the one hand, and, on the other, Washington, D.C., and points in New Jersey, Delaware, Maryland, eastern Pennsylvania, and southeastern New York.

The applicants further request that contingent upon Board approval of Drake's acquisition of the Coakley certificate, Drake be given permission to merge the certificate and rights of Shulman, Inc. of Massachusetts (Shulman-Mass.), an intrastate common carrier, into Drake, whereupon Drake will apply to the Commonwealth of Massachusetts for a change of ownership. The Board approved the control of Shulman, an air freight forwarder and surface freight forwarder, by Shulman-Mass., an intrastate motor common carrier, and the control of Shulman-Mass. by Drake.[4]

Applicants contend that section 408 does not apply since the transaction does not involve the merger or consolidation of two air carriers, or an air carrier's attempt to control another air carrier or a person engaged in any phase of aeronautics.

In support of approval of Drake's acquisition of the Coakley certificate, applicants contend that no other air carrier will be adversely affected; that the public will be benefited by the improved service Drake will be able to provide in connection with Shulman's air freight forwarding service, particularly at Boston's International Airport; and that Drake will be able to provide pickup and delivery service over the area on its own account as well as on behalf of Shulman's air freight forwarding operations.[5]

No adverse comments or requests for a hearing have been received.

The request for disclaimer of jurisdiction is substantially the same as the request made by the same parties in Docket 17246, and rejected by the Board in Order E-23810, June 13, 1966. No reasons not heretofore considered and rejected by the Board have been advanced and, therefore, it is concluded that the request for a disclaimer should be denied.

However, the Board has concluded tentatively that Drake's acquisition of a portion of Coakley's authority, and of the certificate and rights pertaining to intrastate common carriage, does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation and does not result in creating a monopoly or restrain competition. Furthermore, no person disclosing a substantial interest is currently requesting a hearing and it is concluded that a hearing is not required in the public interest.

According to the ICC, with the acquisition of a portion of Coakley's motor carrier rights, Drake would be able to transport general commodities between the New York City area, and the Boston-southern New England area, and between Philadelphia and Boston areas with respect to commodities dealt in by retail department stores. In addition, it would enable Drake to perform collection and delivery service for Shulman in the

[1] Certain classifications of commodities are specifically excluded, such as "those of unusual value, classes A and B explosives, commodities in bulk," etc.

[2] A second description of the route varies only in that it lies "between points in Massachusetts within 15 miles of Boston," and also excepts the carriage of "household goods as defined by the Commission." The two route descriptions are identical in all other respects.

[3] The ICC approved the acquisition in Docket MC-F-9385 reported in 104 MCC 573.

[4] Shulman, Inc., Interlocking Relationships, 25 C.A.B. 723 (1957) and Order E-20793, May 6, 1964.

[5] It is not clear from the application whether applicants contend that if the acquisition is approved Shulman will be able to publish rates to points on Drake's system beyond the terminal zone or whether the acquisition will enable Drake to provide improved service for Shulman and other customers. It is sufficient to note that if Shulman contemplates publishing rates to points beyond the established terminal zone, it must first comply with Part 222 of the Board's economic regulations.

Boston area, extending beyond the commercial zone of Boston as far as such service is feasible.

In view of Drake's enlargement of its surface rights, the Board has reviewed Drake's continued control of Shulman and has decided that the control relationship does not pose issues like those now before the Board in the Motor Carrier-Air Freight Forwarder Investigation, Docket 16857. Drake's control over Shulman has existed for some years during which Drake possessed interstate motor carrier rights. Drake's present surface operations are not competitive with Shulman's air freight forwarding operations, and it does not appear that the limited expansion of Drake's motor carrier rights will create any new problems in this regard. To begin with, for the six months ending December 31, 1967, no city pair served by Drake under its expanded authority was listed in Shulman's top 10 domestic city pairs.[6] Moreover, the same was the case for the other nine leading air freight forwarders. Furthermore, information compiled in a staff study entitled, An Economic Study of Air Freight Forwarding, shows that in 1965 no city pair in Drake's expanded system appeared in the air freight forwarder industry's top 50 domestic city pairs.[7] According to Shulman, although it is one of the better known air freight forwarders in both Boston and New York, it handles less than 12 shipments a week between the two points. Although the proximity of cities like Boston and New York dampens the likelihood that surface and air forwarding operations will become competitive for the foreseeable future, the Board will maintain its power to reexamine the control situation if circumstances change.

Drake's proposed acquisition of Shulman-Mass.' intrastate surface carriage rights is essentially an internal rearrangement of rights held by the Shulman-held corporations (including Drake). The Board has heretofore approved the various control relationships and the contemplated reorganization does not appear to pose any substantive issues not heretofore considered by the Board. Consequently, the Board concludes tentatively that the proposed transfer of the certificate and rights held by Shulman-Mass. into Drake should be approved.

The Board also believes that any further expansion of the surface rights of Drake or any other company controlled by the Shulman interests may give rise to issues not now present. In its final order, the Board will condition its approval so as to make that approval effective only so long as Drake or 'any affiliated company's surface rights are not expanded beyond their present scope. The Board will also reserve jurisdiction generally over the control relationships subject to its approval.

[6] Form 244, schedule T-3.

[7] Table 50, page 188. Although the data are subject to some qualifications and are for a past period, there are no reasons to believe that they do not accurately portray the situation today.

In view of the foregoing, the Board tentatively concludes that it should approve without hearing under the third proviso of section 408(b) of the Act, (1) the acquisition by Drake of a portion of the operating rights of Coakley more fully described above, and (2) the merger of the certificate and operating rights of Shulman-Mass. into Drake. In accordance therewith, this order, constituting notice of the Board's tentative findings, will be published in the FEDERAL REGISTER and interested persons will be afforded an opportunity to file comments or request a hearing on the Board's tentative decision.

Accordingly, it is ordered:

1. That interested parties are hereby afforded a period of ten (10) days within which to file comments or request a hearing with respect to the Board's proposed action on the application in Docket 20034; and

2. That the Attorney General of the United States be furnished a copy of this order within 1 day of publication.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-11082; Filed, Sept. 11, 1968; 8:52 a.m.]

[Docket No. 18650; Order 68-9-18]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority September 6, 1968.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated June 17, 1968, names additional specific commodity rates, as set forth in the attachment hereto,[1] which reflect significant reductions from the general cargo rates.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act: *Provided*, That approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Agreement CAB 20125, R-35 through R-42, be approved, provided approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

[1] Filed as part of the original document.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

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

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-11083; Filed, Sept. 11, 1968; 8:52 a.m.]

[Docket No. 20109]

NORDSEEFLUG SYLTER LUFT-TRANSPORT GmbH

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on October 1, 1968, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue, Washington, D.C., before the undersigned.

Dated at Washington, D.C., September 6, 1968.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 68-11084; Filed, Sept. 11, 1968; 8:52 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. F-20]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the customer interest of the Federal Government in a telephone service rate increase proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d), authority is delegated to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government before the Florida Public Service Commission in a proceeding involving telephone rate increases by the Southern Bell Telephone Co. (Florida PSC Docket No. 9775-TP).

b. The Secretary of Defense may redelegate this authority to any officer, official or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: September 5, 1968.

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

[F.R. Doc. 68-11070; Filed, Sept. 11, 1968; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report 404]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

SEPTEMBER 9, 1968.

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

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 12.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

1327-C2-ML-69—Pacific Northwest Bell Telephone Co.; (KON911); C.P. to change the present classification of this station from Developmental Service to regular service; change base frequency from 152.540 MHz to 152.840 MHz and replace transmitters at existing locations location No. 2: Nob Hill Avenue North, and West Galer Street, Seattle, Wash., location No. 3: 96 Avenue NE., and Northeast 22d Street, Clyde Hill, Wash., location No. 5: 24th Avenue South and South 160th Street, Seattle, Wash., location No. 6: Northeast 91st Street and Roosevelt Way, NE., Seattle, Wash. and location No. 7: 85th Avenue South and South 130th Street, Seattle, Wash. Add five new base station locations to be identified as location No. 10: 3 miles south of Auburn, Wash., location No. 11: 220 Tacoma Avenue South, Tacoma, Wash., location No. 12: 6330 111th SW., Tacoma, Wash., location No. 13: In alley between Seventh and Ninth Avenues 115' north of Fir Street, Olympia, Wash. and location No. 14: 611 Sixth Street, Bremerton, Wash., to operate on 152.840 MHz and change antenna system for same.

1342-C2-AL-69—Grand Lake Radio, Inc.; (KKO347); Consent to Assignment of License from Grand Lake Radio, Inc., Assignor to The Redco Corp., Roy M. Teel and Lowry McKee doing business as Mobilfone, Assignee. (Two-way station at Paradise Point Resort Area, 5 miles north of Grove, Okla.)

1394-C2-P-69—William L. Eisele, trading as South Suburban Paging; (New); C.P. for a new two-way station. Location: 2915 Bernice Road, Lansing, Ill. base frequency: 158.700 MHz.

1395-C2-P-69—Pomona Radio Dispatch Corp.; (KMD992); C.P. to change antenna location from 840 Second Street, Pomona, Calif., to Kellogg Hill, west of Pomona, Calif. and replace transmitter operating on base frequency 454.35 MHz.

1396-C2-P-69—Pomona Radio Dispatch Corp.; (KMD992); C.P. to add a second base channel to operate on base frequency 454.125 MHz at station located 840 East Second Street, Pomona, Calif.

1397-C2-P-69—Northwestern Bell Telephone Co.; (KFL887); C.P. to make changes in input power operating on base frequency 152.54 MHz at station located 2.7 miles west-southwest of center of Grand Island, Nebr.

1398-C2-TC-69—Valley Mobile Communications, Inc.; (KMD690); Consent to transfer of control from Vincent Dreesman, Transferor to Clarence Gary, Transferee. (Two-way station at Lancaster, Calif.)

Application for renewal of Developmental radio (Air-To-Ground) ground station license expiring Sept. 10, 1968. Term: Sept. 10, 1968 to Sept. 10, 1969.

Illinois Bell Telephone Co.; KSC881.

MAJOR AMENDMENT

5817-C2-MP-68—Anserphone, Inc.; (KQK722); Change frequency from 152.24 MHz to 158.70 MHz. All other particulars are to remain the same as reported on public notice, Report No. 402-1 dated Aug. 28, 1968.

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

1297-C1-P-69—Northwestern Bell Telephone Co.; (KAS36); C.P. to add frequency 2176.8 MHz toward Bear River, Minn., and change the antenna system, station location: Approximately 4 miles north of Virginia, Minn.

1298-C1-P-69—Northwestern Bell Telephone Co.; (New); C.P. for a new fixed station to be located at junction Highway Nos. 22 and 916, Bear River, Minn., to operate on frequency 2126.8 MHz.

1299-C1-P-69—Illinois Bell Telephone Co.; (KSV70); C.P. to add frequency 2170.4 MHz toward Burnham, Ill., station location: Illinois Bell Road and 143d Street, Goodings Grove, Ill.

1300-C1-P-69—Illinois Bell Telephone Co.; (New); C.P. for a new fixed station to be located near Burnham Avenue and State Street, Burnham, Ill., to operate on frequency 2120.4 MHz.

1301-C1-P-69—Illinois Bell Telephone Co.; (KYC68); C.P. to add frequencies 11465 and 11625 MHz toward Joliet, Ill., at station located 1 mile southwest of Rockdale, Ill.

1302-C1-P-69—Illinois Bell Telephone Co.; (New); C.P. for a new fixed station. Frequencies: 10735.0 and 10895.0 MHz. Location: 1414 West Jefferson Street, Joliet, Ill.

1338-C1-P-69—Hawaiian Telephone Co.; (New); C.P. for a new fixed station to be located at summit of Mauna Kea, 18.6 miles northwest of Kamuela, Hawaii, to operate on frequency 2165.6 MHz.

1339-C1-P-69—Hawaiian Telephone Co.; (KUS23); C.P. to add frequency 2115.6 MHz toward summit of Mauna Kea, Hawaii, at station located 0.8 mile southwest of Kamuela Post Office, Kamuela, Hawaii.

1340-C1-P-69—American Telephone and Telegraph Co.; (KEA77); C.P. to add 3750 and 4150 MHz toward Netcong, N.J., at station located 0.8 mile north of Cherryville, N.J.

1341-C1-P-69—American Telephone and Telegraph Co.; (KEM46); C.P. to add 3710 and 4110 MHz toward Cherryville, N.J., at station located 2.6 miles south of Netcong, N.J.

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

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

APPENDIX—Continued

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—Continued

1343-C1-P-69—Twin Lakes Telephone Cooperative; (New); C.P. for a new fixed station. Frequencies: 6189.8 and 6308.4 MHz. Location: Adjacent to Telephone Building, corner of West Main and Magnolia Streets, Byrdstown, Tenn.

1344-C1-P-69—Twin Lakes Telephone Cooperative; (New); C.P. for a new fixed station. Location: 1.5 miles west-southwest of Fairview, Tenn. Frequencies: 5937.8, 5967.4, 6026.7, 6056.4, and 6145.3 MHz.

1345-C1-P-69—Twin Lakes Telephone Cooperative; (New); C.P. for a new fixed station. Frequencies: 6278.8 and 6397.4 MHz. Location: Southeast of intersection of State Highway No. 52 and Alvin York Highway, Jamestown, Tenn.

1346-C1-P-69—Twin Lakes Telephone Cooperative; (New); C.P. for a new fixed station. Frequencies: 6219.5, 6278.8, 6338.1 and 6397.4 MHz. Location: Corner of West Main and Daugherty in Livingston, Tenn.

1399-C1-MP-69—Southern Bell Telephone & Telegraph Co.; (KIU58); Modify C.P. to change point of communication from Titusville, Fla., to West Titusville, Fla., operating on frequencies 6256.5 and 6375.2 MHz.

1400-C1-P-69—Northwestern Bell Telephone Co.; (KAU66); C.P. to add 4030 MHz toward Collins, Iowa, at station located 604 Ninth Street, Des Moines, Iowa.

1401-C1-P-69—Northwestern Bell Telephone Co.; (KBK96); C.P. to add 4070 MHz toward Marshalltown, Iowa and 3930 MHz toward Des Moines, Iowa, at its station located 3 miles north and 0.5 mile west of Collins, Iowa.

1402-C1-P-69—Northwestern Bell Telephone Co.; (KBK95); C.P. to add 3810 MHz toward Lincoln, Iowa, and toward Collins, Iowa, at station located 0.5 mile west of Marshalltown, Iowa.

1403-C1-P-69—Northwestern Bell Telephone Co.; (KBD55); C.P. to add 3950 MHz toward Raymond, Iowa, at station located 403 Sycamore Street, Waterloo, Iowa.

1404-C1-P-69—Northwestern Bell Telephone Co.; (KAS83); C.P. to add 3990 MHz toward Vinton, Iowa, at station located 0.8 mile east of Raymond, Iowa.

1405-C1-P-69—Northwestern Bell Telephone Co.; (KBD56); C.P. to add 3850 MHz toward Waterloo, Iowa, at station located 1 mile north of Lincoln, Iowa.

1406-C1-P-69—Northwestern Bell Telephone Co.; (KBI53); C.P. to add 3950 MHz toward Cedar Rapids, Iowa, and toward Raymond, Iowa, at its station located 2 miles northeast of Vinton, Iowa.

1407-C1-P-69—Northwestern Bell Telephone Co.; (KBI54); C.P. to add 3830 MHz toward Solon, Iowa, and 3990 MHz toward Vinton, Iowa, at its station located 619 Third Avenue SE., Cedar Rapids, Iowa.

1408-C1-P-69—Northwestern Bell Telephone Co.; (KBI94); C.P. to add 3790 MHz toward West Branch and Cedar Rapids Iowa, at its station located 1.25 miles south of Solon, Iowa.

1409-C1-P-69—American Telephone and Telegraph Co.; (KZS63); Modification of C.P. to add 6078.6 and 10715 MHz toward Gambrills, Md., and rearrange antenna for existing facilities.

MAJOR AMENDMENTS

17-C1-P-69—Florida Telephone Corp.; (New); Correct coordinates, latitude 29°18'00" N.–longitude 81°38'20" W. to read latitude 29°08'00" N.–longitude 81°34'30" W. All other particulars remain same as reported in public notice dated July 15, 1968.

18-C1-P-69—Florida Telephone Corp.; (New); Correct coordinates, latitude 28°58'46" N.–longitude 81°38'18" W. to read latitude 28°55'38" N.–longitude 81°40'11" W. All other particulars to remain same as reported in public notice dated July 15, 1968.

POINT TO POINT MICROWAVE RADIO SERVICE: (NONTELEPHONE)

1391-C1-P-69—Service Electric Co.; (KGJ20); C.P. to add frequency 6175.0 MHz via power split toward existing receiving station at Hughesville, Pa., azimuth 357°00'. (Informative: Applicant proposes to provide the TV signal of station WOR-TV, New York City, N.Y., to Muncy TV Corp. in Hughesville, Pa.)

CORRECTION:

6306-C1-P-68—Brentwood Co.; (KTG34); Correct file number to read 6306-C1-P-68 not 6360-C1-P-68. All other particulars remain the same as reported in public notice dated July 24, 1968, report No. 393, page 7.

[F.R. Doc. 68-11066; Filed, Sept. 11, 1968; 8:50 a.m.]

[Docket No. 18317; FCC 68-914]

VISION CABLE COMPANY OF RHODE ISLAND, INC.

Memorandum Opinion and Order Designating Requests for Hearing on Stated Issues

In the matter of Vision Cable Company of Rhode Island, Inc., Docket No. 18317, SR-6723, SR-6723-R; Providence, Cranston, Warwick, West Warwick, Pawtucket, Central Falls, East Providence, North Providence, Woonsocket, Cumberland, Middletown, Newport, Johnston, Bristol, and Warren, R.I.; requests for special relief filed pursuant to § 74.1109 of the Commission's rules.

1. On December 21, 1967, the Commission issued a memorandum opinion and order holding in abeyance further action on the proposals of Vision Cable of Rhode Island, Inc., to operate its CATV systems in and around Providence, R.I., Vision Cable Company of Rhode Island, Inc. (FCC 67-1320), 10 FCC 2d 954.[1] The basis for the Commission's action, in brief, was to permit Channel 16 of Rhode Island, Inc., permittee of Station WNET, Providence, R.I., to fulfill its previous commitment to the Commission to have an operative station on the air within 6 months of grant of its then pending application. The application was granted January 26, 1968, and construction was to be completed by July 26, 1968.

2. Subsequently, Vision Cable filed a petition to review our order in the U.S. Court of Appeals for the First Circuit (Vision Cable Company of Rhode Island, Inc. v. F.C.C., et al., Case No. 7078). Stations WPRI-TV and WNET were permitted intervention. On May 24, 1968, however, Channel 16 filed with the court a motion for leave to withdraw as intervenor on the ground that it has not completed, nor does it intend to complete, construction within the time alloted and that because of the CATV uncertainties it could not formulate further specific plans.

3. In footnote 69 of the second report and order, the Commission recognized that special relief might be appropriate in the case where there is Grade B overlap between two major markets. Thus in Midwest Television, Inc., 13 F.C.C. 2d 478 (1968), which involved the San Diego market, the 54th television market in the United States, we ordered a hearing to determine, inter alia, the effect of CATV penetration on the audience of potential San Diego UHF stations.[2] The concern underlying our actions in Midwest is equally applicable to the Providence market (14th) which is larger than the San Diego market (50th) and therefore may present a better potential for the development of UHF stations. We are concerned here with the potential impact of carriage—in the Providence market—of the Boston and Worcester signals upon the activation of UHF Channel 16. As indicated, the principal basis for our previous action was the expectation that Channel 16 would soon be on the air. It appears now that Channel 16 will not meet its commitment.[3] But this fact alone does not end our concern as to this proposal. We have focused again on the crucial public interest issue in light of the policies set forth in the second report and our experience, particularly the recent Midwest decision, supra. Our rules

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[1] Details of the proposed operation and pleadings filed in response thereto will be found in the cited opinion.

[2] Our jurisdiction to regulate CATV and order interim relief maintaining the status quo pending completion of the hearing was upheld by the Supreme Court in United States v. Southwestern Cable Co., ——U.S. ——, 88 S. Ct. 1994 (1968).

[3] Channel 16 has filed an application (BMPCT-6836) requesting additional time in which to construct television broadcast Station WNET, Channel 16, Providence, R.I. On July 31, 1968, the Commission sent a letter to Channel 16 advising the applicant that it was unable to find that applicant had been diligent in proceeding with the construction of the authorized facility and that a grant of the application would not be warranted. The applicant was advised that unless it informed the Commission within 30 days from the date of the letter that it desired to prosecute its application further (either by way of request for oral argument or for full evidentiary hearing) the application would be dismissed, the construction permit would be canceled and the call letters deleted. The applicant, in a letter dated Sept. 3, 1968 to the Commission, requested an evidentiary hearing on its application for an extension of time. This matter is presently pending before the Commission.

and policy as set out in the second report and order are based not only on the need for protection from CATV competition of existing UHF independent stations; they are founded as well on the public interest in preserving realistic potential for new UHF independent stations. Midwest Television, Inc., 13 F.C.C. 2d at 494–495. That potential is present here since Channel 16 will remain assigned to Providence for future use even if the present permittee ultimately chooses to forfeit its permit. In the light of our present policies, and particularly our recent decision in Midwest, supra, adopted June 26, 1968, we believe that a hearing is called for to determine whether the Vision Cable proposal would have a significantly dampening effect on future interest in UHF Channel 16. This issue will therefore be the subject of hearing.[4]

Accordingly, in view of the above, and pursuant to § 74.1109 of the Commission's rules: *It is ordered*, That this proceeding is hereby designated for hearing, at a time and place to be specified in a further order, upon the following issues:

1. To determine the present and proposed penetration and extent of CATV service, including television signals carried, in the market area.

2. To determine the effects of current and proposed CATV service in the Providence area upon existing, proposed and potential television broadcast stations in the market.

3. To determine the present policy and proposed future plans of Vision Cable Company of Rhode Island, Inc. with respect to the initiation of pay-TV operations based upon or in connection with its CATV operations.

4. To determine whether expansion of Vision Cable Company of Rhode Island, Inc.'s CATV system should be limited and, if so, the appropriate conditions thereof.

Vision Cable Company of Rhode Island, Inc., Providence TV, Inc., licensee of WPRI–TV, Channel 16, Inc., permittee of Channel 16, both Providence, Capital Communications Corp., licensee of WJZB–TV, Worcester, Mass., and New Boston Television, Inc., licensee of WSBK–TV, Boston, are made parties to the proceeding and to participate must comply with the applicable provisions of § 1.221 of the Commission's rules.

It is further ordered, That petitioner, Providence TV, Inc., has the burden of proceeding and the burden of proof with respect to Issues 1, 2, and 3, except that with respect to Issue 3 Vision Cable has the burden of proceeding. Issue 4 is conclusory.

It is further ordered, That the petition of WPRI–TV is granted to the extent indicated above and otherwise is denied.

It is further ordered, That the comments of WGAL Television, Inc. are granted to the extent indicated above and otherwise are denied.

Adopted: September 5, 1968.

Released: September 6, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[5]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 68–11068; Filed, Sept. 11, 1968; 8:50 a.m.]

[4] We had expected to act earlier upon this matter, in view of the pendency of an appeal in the Court of Appeals for the First Circuit; however, certain related and significant common carrier matters pertinent to this case resulted in an unavoidable delay.

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3909]

BSF CO.

Order Suspending Trading

SEPTEMBER 6, 1968.

The capital stock (66⅔ cents par value) and the 5¾ percent convertible subordinated debentures due 1969 of BSF Co. being listed and registered on the American Stock Exchange, and such capital stock being listed and registered on the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934; and all other securities of BSF Co. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in the said capital stock on such exchanges and in the debentures on the American Stock Exchange, and trading otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 7, 1968, through September 16, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68–11026; Filed, Sept. 11, 1968; 8:46 a.m.]

[812–2372]

EBASCO INDUSTRIES, INC., AND RITTER PFAUDLER CORP.

Notice of Filing of Application for Order Exempting Transactions

SEPTEMBER 6, 1968.

Notice is hereby given that Ebasco Industries, Inc. ("Ebasco"), 2 Rector Street, New York, N.Y. 10006, a New York corporation registered as a closed-end, nondiversified management investment company under the Investment Company Act of 1940 ("Act"), and Ritter Pfaudler Corp. ("Ritter Pfaudler"), 1100 Midtown Tower, Rochester, N.Y. 14604, a New York corporation (sometimes collectively referred to as "applicants"), have filed an application pursuant to sections 6(c) and 17(b) of the Act for an order of the Commission exempting from section 17(a) of the Act certain proposed transactions in which Ritter Pfaudler is to purchase from Ebasco certain shares of Common Stock, $5 par value ("Common Stock"), of Taylor Instrument Companies ("Taylor"), also a New York corporation. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Pursuant to two agreements dated August 9, 1968, Ebasco has agreed to sell to Ritter Pfaudler, subject to the issuance of any necessary order by the Commission under the Act, all shares of the Common stock of Taylor now owned by Ebasco. The average net realization to Ebasco (before income taxes) from such sales is estimated at approximately $71.80 per share. This computation reflects the price of $75 per share for 127,893 shares of Taylor Common Stock under the first agreement and 152,200 shares of such stock under the second agreement, less the estimated excess over cost to Ebasco of those shares being sold which were acquired by Ebasco after it became a 10 percent owner of the Taylor Common Stock which excess inures to the benefit of Taylor under section 16(b) of the Securities Exchange Act of 1934. The computation excludes the proceeds of 3,100 additional shares of such stock purchased by Ebasco on the day preceding the date of the agreements and which Ebasco is selling to Ritter Pfaudler under the first agreement at the actual cost thereof to Ebasco.

The 127,893 shares of Taylor Common Stock to be sold under the first agreement are to be taken from shares of such stock (a) purchased by Ebasco on July 15, 1968, in the transaction which placed Ebasco's ownership of Taylor Common Stock at 10 percent of the outstanding shares of such stock and (b) purchased by Ebasco subsequent to said transaction on July 15, 1968, including Taylor Common Stock received or to be received by Ebasco upon the conversion of all of the 4½ percent Convertible Subordinated Debentures of Taylor owned by Ebasco at the date of the agreement and purchased subsequent to said transaction on July 15, 1968. The 152,200 shares of Taylor Common Stock to be sold under the second agreement are to be taken from shares of such stock purchased by Ebasco prior to the transaction on July 15, 1968 which placed Ebasco's ownership of Taylor Common Stock at 10 percent of the outstanding shares of such stock. Under each of the two agreements, Ritter Pfaudler represents and warrants that it is purchasing the shares of Taylor

[5] Commissioner Bartley dissenting.

Common Stock for its own account for investment and not for distribution.

Ebasco now owns 283,193 shares, or approximately 17.3 percent of the total issued and outstanding Common Stock of Taylor, and Ritter Pfaudler now owns 184,623 shares, or approximately 11.6 percent, of such stock. Applicants became the two largest shareholders of Taylor at a time when Ebasco was seeking to acquire stock control of Taylor and had carried out a tender offer for Taylor Common Stock during the period July 10–26, 1968, whereas during the same period Ritter Pfaudler and Taylor agreed upon the merger of Taylor into Ritter Pfaudler, subject to shareholder approval, and Ritter Pfaudler with a view to such merger acquired most of its holdings of Taylor Common Stock.

Ritter Pfaudler states that the transactions contemplated in this application, when consummated, will result in ownership by Ritter Pfaudler of approximately 467,816 shares of Taylor Common Stock at a cost of approximately $33,018,000 financed through borrowings since June 30, 1968 of which $4 million is long-term and the balance is on the basis of 90-day notes. It is the intention of Ritter Pfaudler to replace these borrowings with long-term financing, the character and terms of which will be determined at a later day and prior to the expiration date of these notes.

Ebasco, the successor corporation to Electric Bond and Share Co. by change of name and to American & Foreign Power Co., Inc. by merger, is engaged in the business of construction, design and engineering in the chemical, utility, industrial, and institutional fields; in management consulting; in manufacturing operations in the United States and Latin America; and in public utility operations in certain Latin American countries. In addition, Ebasco has a substantial portfolio of marketable securities and owns a significant amount of U.S. dollar obligations of certain Latin American countries representing payments due for properties sold to those countries in recent years. As of December 31, 1967, Ebasco's total gross assets were approximately $700 million.

Ritter Pfaudler, formed in 1965 through the consolidation of Ritter Corp. and Pfaudler Permutit, Inc., is engaged in the business of manufacturing and producing medical and dental equipment and supplies, process equipment, waste and water treatment equipment, laboratory equipment, and supplies, and certain specialty chemicals. As of December 31, 1967, Ritter Pfaudler's consolidated assets amounted to approximately $142,800,000.

Taylor is a major supplier of instruments for industry, laboratories, the medical profession and the home. 85 percent of its business is accounted for by instruments and control systems for the process industries—chemical, petroleum, petrochemical, paper, food, textile, rubber, mining, metals, and others. The remaining 15 percent represents consumer products (barometers, compasses, thermometers, wind speed and direction instruments, etc.) and medical instruments (blood pressure and other diagnostic instruments). At July 31, 1967, Taylor had consolidated assets of $53,895,000.

Section 17(a) of the Act, as here pertinent, prohibits Ritter Pfaudler, as an affiliated person of an affiliated person (Taylor) of Ebasco, from purchasing any security or other property from Ebasco unless the Commission grants an exemption from such prohibition.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 17(b) of the Act provides that the Commission may grant an application and issue an order of exemption from the provisions of section 17(a) if evidence establishes that the terms of the proposed transactions, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, the proposed transactions are consistent with the policyof each registered investment company concerned as recited in its registration statement and reports filed under the Act, and the proposed transactions are consistent with general purposes of the Act.

In support of their application for an exemption from the provisions of section 17(a) of the Act pursuant to section 6(c), Ebasco and Ritter Pfaudler state that such an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy of the Act in that, among other things, the consummation of the proposed transactions will avoid a prolonged stalemate capable of adverse results to all three companies concerned and to their shareholders; no affiliations or other relationships exist between applicants other than the statutory affiliation under the Act arising by virtue of their ownership of Taylor common stock; and applicants have had competing interests in their negotiation leading to the agreements herein and such agreements could only be at arm's-length. Moreover, applicants state that the interests of the investors in Ebasco are served by a resolution profitable to them, the interests of the investors in Ritter Pfaudler are served by making it possible to carry out a merger which its management deems beneficial, and the interests of Taylor's shareholders are served through the resolution of a controversy which makes its future free from the hazards of a struggle for control.

Applicants Ritter Pfaudler and Ebasco further state that the proposed transactions should be exempted from the provisions of section 17(a) of the Act pursuant to the provisions of section 17(b) in that, among other things, the consideration to be paid by Ritter Pfaudler and to be received by Ebasco under the agreements is fair and reasonable both to Ebasco and to Ritter Pfaudler, and there is a complete absence of overreaching on the part of any person concerned. Ebasco represents that the proposed transactions are consistent with the policy of Ebasco as set forth in its registration statement and reports filed under the Act.

Notice if further given that any interested person may, not later than September 26, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the addresses stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68–11027; Filed, Sept. 11, 1968; 8:47 a.m.]

LEEDS SHOES, INC.

Order Suspending Trading

SEPTEMBER 6, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Leeds Shoes, Inc., Tampa, Fla., and all other securities of Leeds Shoes, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, That trading in such securities otherwise than on a national securities exchange be summarily suspended, this

order to be effective for the period September 7, 1968, through September 16, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-11028; Filed, Sept. 11, 1968; 8:47 a.m.]

[File No. 1-3468]

MOUNTAIN STATES DEVELOPMENT CO.

Order Suspending Trading

SEPTEMBER 6, 1968.

The common stock, 1 cent par value, of Mountain States Development Co. being listed and registered on the Salt Lake Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Mountain State Development Co. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Salt Lake Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 7, 1968, through September 16, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-11029; Filed, Sept. 11, 1968; 8:47 a.m.]

ROVER SHOE CO.

Order Suspending Trading

SEPTEMBER 6, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Rover Shoe Co., Bushnell, Fla., and stock purchase warrants of Rover Shoe Co. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, That trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 8, 1968, through September 17, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-11030; Filed, Sept. 11, 1968; 8:47 a.m.]

[File No. 1-2879]

ROYSTON COALITION MINES, LTD.

Order Suspending Trading

SEPTEMBER 6, 1968.

The capital stock 1 cent par value of Royston Coalition Mines, Ltd., being listed and registered on the Salt Lake Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Royston Coalition Mines, Ltd., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, That trading in such securities on the Salt Lake Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 8, 1968, through September 17, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-11031; Filed, Sept. 11, 1968; 8:47 a.m.]

STANWOOD OIL CORP.

Order Suspending Trading

SEPTEMBER 6, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Stanwood Oil Corp., Warren, Pa., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 6, 1968, through September 15, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-11032; Filed, Sept. 11, 1968; 8:47 a.m.]

TARIFF COMMISSION

SHEET GLASS

Report to the President

SEPTEMBER 9, 1968.

The U.S. Tariff Commission today sent to the President an annual report on developments in the trade in sheet glass. The report was submitted in accordance with section 351(d)(1) of the Trade Expansion Act of 1962, which provides as follows:

> So long as any increase in, or imposition of, any duty or other import restriction pursuant to this section or pursuant to section 7 of the Trade Agreements Extension Act of 1951 remains in effect, the Tariff Commission shall keep under review developments with respect to the industry concerned, and shall make annual reports to the President concerning such developments.

Under the escape-clause procedure of the Trade Agreements Extension Act of 1951, the President increased the rates of duty applicable to imported sheet glass, effective in June 1962. On January 11, 1967, the President terminated some of the increases in the rates that had been imposed and reduced others. Subsequently, pursuant to a Presidential proclamation dated October 11, 1967, the latter rates (i.e., the modified escape-action rates) were extended to the close of December 31, 1969.

The report issued today contains statistical data and other information on sheet glass, with emphasis on developments that have occurred since the Commission reported to the President last September.

Copies of the report are available upon request as long as the limited supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C. 20436.

By direction of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 68-11054; Filed, Sept. 11, 1968; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-4581 etc.]

AZTEC OIL & GAS CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service, and Petitions To Amend Certificates [1]

AUGUST 30, 1968.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 23, 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 all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to 18 CFR 2.56, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

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

GORDON M. GRANT,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-4581 E 8-5-68	Aztec Oil & Gas Co. (successor to Acoma Oil Corp. (Operator) et al.), 2000 First National Bank Bldg., Dallas, Tex. 75202.	El Paso Natural Gas Co., Hedges Well No. 1 et al., Blanco Mesaverde and Basin Dakota Pools, San Juan County, N. Mex.	[1] 14.0	15.025
G-4581 E 8-5-68	do	El Paso Natural Gas Co., Mark Maddox Unit No. 1 et al., Blanco Mesaverde Pool, San Juan County, N. Mex.	[1] 14.0	15.025
G-10799 C 8-16-68	Pan American Petroleum Corp. (Operator) et al., Post Office Box 591, Tulsa, Okla. 74102.	El Paso Natural Gas Co., West Kutz Field, San Juan County, N. Mex.	12.0	15.025
G-11759 E 8-9-68	Austin Brady (successor to Amerada Petroleum Corp.), Box 302, Garden City, Kans. 67846.	Cities Service Gas Co., Hugoton Field, Kearny County, Kans.	12.5	14.65
G-13883 E 8-5-68	Aztec Oil & Gas Co. (successor to Acoma Oil Corp. (Operator) et al.).	Southern Union Gathering Co., Blanco Mesaverde Pool, San Juan County, N. Mex.	[1] 14.0	15.025
G-14953 D 8-12-68	Hughes Seewald (Operator) et al., 701 First National Bank Bldg., Amarillo, Tex. 79101 (partial abandonment).	Colorado Interstate Gas Co., Keyes Field, Cimarron County, Okla.	Depleted	
CI61-576 E 8-15-68	Sun Oil Co. (Mid-Continent Division) (successor to The Hefner Co.) 1608 Walnut St., Philadelphia, Pa. 19103.	Cities Service Gas Co., Northeast Florence Field, Grant County, Okla.	[2] 14.0	14.65
CI62-1275 C 8-14-68	Humble Oil & Refining Co. (Operator) et al., Post Office Box 2180, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, Bryans Mill et al. Fields, Cass County, Tex.	18.0	14.65
CI64-859 E 8-19-68	Atoka, Inc. (Operator) et al. (successor to John Franks (Operator) et al.), 1009 Petroleum Tower, Shreveport, La. 71101.	Arkansas Louisiana Gas Co., Cheniere Field, Ouachita Parish, La.	18.333	15.025
CI65-377 E 8-14-68	Peabody Coal Co. (successor to Sentry Royalty Co.), c/o Charles S. Mulvaney, Secy., 301 North Memorial Dr., St. Louis, Mo. 63102.	Texas Gas Transmission Corp., Midland Field, Muhlenberg County, Ky.	15.0	15.025
CI65-1243 C 8-19-68	Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla. 74102.	El Paso Natural Gas Co., acreage in San Juan County, N. Mex.	13.0	15.025
CI66-122 E 8-14-68	Peabody Coal Co. (successor to Sentry Royalty Co.).	Texas Gas Transmission Corp., Midland Field, Muhlenberg County, Ky.	17.0	15.025
CI66-354 E 8-14-68	Peabody Coal Co., a Delaware corporation (successor to Peabody Coal Co., an Illinois corporation).	do	17.0	15.025
CI66-478 C 8-16-68	Thomas E. Berry et al., Post Office Box 488, Stillwater, Okla. 74074.	Arkansas Louisiana Gas Co., acreage in Haskell and Le Flore Counties, Okla.	15.0	14.65
CI67-349 C 8-15-68	Bruce Anderson	Panhandle Eastern Pipe Line Co., South Peek Field, Ellis County, Okla.	[2] 17.0	14.65
CI67-884 C 8-16-68	Reading & Bates Offshore Drilling Co. (Operator) et al., 11th Floor, Philtower Bldg., Tulsa, Okla. 74103.	Northern Natural Gas Co., West Six Mile Field, Beaver County, Okla.	[2] 17.0	14.65
CI68-1148 C 8-13-68	Appalachian Exploration & Development, Inc., c/o Boyd D. Taylor, Regional Counsel, Post Office Box 1473, Charleston, W. Va. 25325.	United Fuel Gas Co., acreage in Kanawha County, W. Va.	28.0	15.325
CI68-1148 C 8-19-68	do	do	28.0	15.325
CI68-1266 E 8-14-68	William P. Quan (successor to Franklin Supply Co.), 2900 Security Life Bldg., Denver, Colo. 80202.	El Paso Natural Gas Co., Aneth Area, White Mesa Unit, San Juan County, Utah.	17.7	15.025
CI68-1446 (G-12578) F 6-20-68 [4] 8-14-68 [5]	Southwest Oil Industries, Inc. (successor to Marathon Oil Co.), 801 First National Bldg., Oklahoma City, Okla. 73102.	Colorado Interstate Gas Co., Mocane Laverne Field, Beaver County, Okla.	17.015	14.65
CI68-1447 (G-18748) F 6-20-68 [4] 8-14-68 [5]	Southwest Oil Industries, Inc. (successor to Sinclair Oil & Gas Co.).	do	19.0	14.65
CI69-163 A 8-12-68	Bloomfield Royalty Corp., 1902 Houston Natural Gas Bldg., Houston, Tex. 77002.	El Paso Natural Gas Co., Gallegos Canyon Unit Area, San Juan County, N. Mex.	10.0	15.025
CI69-164 A 8-9-68	Calhoun County Bank, agent, Grantsville, W. Va. 26147.	Cabot Corp., Center District, Gilmer County, W. Va.	17.5	15.325
CI69-165 (G-5719) F 8-12-68	Offshore Exploration Corp. (successor to The California Co., a division of Chevron Oil Co.), Suite 701, 225 Baronne St., New Orleans, La. 70112.	Southern Natural Gas Co., Coquille Bay Field, Plaquemines Parish, La.	[3] 23.675	15.025
CI69-166 (CI68-741) F 8-12-68	Salmon Corp. (successor to Piney Point Petroleums), Suite 230, 823 South Detroit Ave., Tulsa, Okla. 74120	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Deckers Prairie Field, Montgomery County, Tex.	15.0	14.65
CI69-167 (CI64-808) F 8-9-68	Austin Brady (successor to W. B. Osborn, Jr. (Operator) et al.).	Cities Service Gas Co., Hugoton Field, Kearny County, Kans.	12.5	14.65

Filing code; A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI69-168 A 8-19-68	Woods Petroleum Corp., 4900 North Santa Fe, Oklahoma City, Okla. 73118.	Montana-Dakota Utilities Co., Recluse Gas Plant, Campbell County, Wyo.	15.384	15.025
CI69-169 B 8-16-68	Mobil Oil Corp., Post Office Box 2444, Houston, Tex. 77001.	Montana-Dakota Utilities Co., Indian Butte Field, Fremont County, Wyo.	Depleted	
CI69-170 B 8-16-68	Vesta Fuel Co., Well No. 5, c/o Walter C. Crane, agent, 212 East Pierpoint St., Harrisville, W. Va. 26362.	Consolidated Gas Supply Corp., Union District, Ritchie County, W. Va.	Uneconomical	
CI69-171 B 8-16-68	Texaco, Inc., Post Office Box 52332, Houston, Tex. 77052.	South Texas Natural Gas Gathering Co., Riviera Beach Field, Kleberg County, Tex.	Depleted	
CI69-172 A 8-19-68	Pan American Petroleum Corp	Transcontinental Gas Pipe Line Corp., South Marsh Island Block 48 Field, Offshore, Louisiana.	21.25	15.025
CI69-173 (CI64-1360) F 8-14-68	Sun Oil Co. (Mid-Continent Division) (successor to The Hefner Production Co. et al.).	Panhandle Eastern Pipe Line Co., East Alva Field, Woods County, Okla.	[3] 15.01	14.65
CI69-174 (CI67-70) F 8-15-68	Sun Oil Co. (Mid-Continent Division) (successor to The Hefner Production Co. (Operator) et al.).	Panhandle Eastern Pipe Line Co., Tangiers Field, Woodward County, Okla.	[9] 18.069	14.65
CI69-175 (CI64-1177) F 8-15-68	do	Cities Service Gas Co., Richfield Area, Morton County, Kans.	12.0	14.65
CI69-176 (CI64-1083) F 8-15-68	Sun Oil Co. (Mid-Continent Division) (successor to The Hefner Co. et al.).	Lone Star Gas Co., Southeast Doyle Field, Stephens County, Okla.	[10] 15.01	14.65
CI69-177 (CI62-1500) F 8-15-68	Sun Oil Co. (Mid-Continent Division) (successor to The Hefner Co.).	Cimarron Transmission Co., Enville Area, Love County, Okla.	[11] 15.8575	14.65
CI69-179 (CI62-268) F 8-15-68	Sun Oil Co. (Mid-Continent Division) (successor to The Hefner Co. (Operator) et al.).	Lone Star Gas Co., Fox-Graham, Nellie, and Cruce Areas, Stephens and Carter Counties, Okla.	[12] 16.01	14.65
CI69-180 B 8-19-68	Production Consultants Co. (Operator) et al.	Panhandle Eastern Pipe Line Co., The Valley Center Field, Dewey County, Okla.	([13])	
CI69-181 A 8-19-68	Pan American Petroleum Corp.	Transcontinental Gas Pipe Line Corp., Eugene Island Block 205 Field, Offshore, Louisiana.	21.25	15.025
CI69-183 A 8-19-68	do	Transcontinental Gas Pipe Line Corp., Eugene Island Block 208 Field, Offshore Louisiana.	21.25	15.025
CI69-184 A 8-19-68	do	Transcontinental Gas Pipe Line Corp., South Marsh Island Block Field, Offshore Louisiana.	21.25	15.025
CI69-186 A 8-20-68	Charles T. McCord, Jr., d.b.a. McCord Oil Co., 1705 Beck Bldg., Shreveport, La. 71101.	Arkansas Louisiana Gas Co., Vixen Field, Caldwell and Ouachita Parishes, La.	18.33	15.025
CI69-188 (G-19075) F 8-5-68	Aztec Oil & Gas Co. (successor to Acoma Oil Corp. et al.).[14]	El Paso Natural Gas Co., Blanco Mesaverde Pool, San Juan County, N. Mex.	[15] 14.0536	15.025
CI69-189 A 8-21-68	Westhoma Oil Co., 1670 Denver Club Bldg., Denver, Colo. 80202.	Northern Natural Gas Co., Guymon-Hugoton Field, Texas County, Okla.	[8] 17.0	14.65
CI69-190 A 8-21-68	Peerless Inc., 1670 Denver Club Bldg., Denver, Colo. 80202.	----do	[8] 17.0	14.65
CI69-191 (CI66-1215) F 8-15-68	Brooks Hall Oil Corp. (successor to Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co.), Liberty Bank Bldg., Oklahoma City, Okla. 73102.	Natural Gas Pipeline Co. of America, North Farnsworth Area, Ochiltree County, Tex.	[8] 17.0	14.65
CI69-192 A 8-19-68	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.	Phillips Petroleum Co., Gray-Wheeler Field, Gray County, Tex.	[16] 9.0	14.65

[1] Rate in effect subject to refund in Docket No. RI64-363.
[2] Rate in effect subject to refund in Docket No. RI65-431.
[3] Subject to upward and downward B.t.u. adjustment.
[4] Application previously noticed July 11, 1968, in Docket Nos. G-3173 et al. at a total initial rate of 17 cents per Mcf.
[5] Amendment to application filed to reflect a total initial rate of 17.015 cents per Mcf in lieu of 17 cents.
[6] Amendment to application filed to reflect a total initial rate of 19 cents per Mcf in lieu of 17 cents. Applicant has filed a revised billing statement and a motion to make the increased rate effective subject to refund in Docket No. RI66-162.
[7] Rate in effect subject to refund in Docket No. G-16682.
[8] Rate in effect subject to refund in Docket No. RI68-389.
[9] Rate in effect subject to refund in Docket No. RI68-390.
[10] Rate in effect subject to refund in Docket No. RI68-394.
[11] Rate in effect subject to refund in Docket No. RI68-392.
[12] Rate in effect subject to refund in Docket No. RI68-393.
[13] Reservoir depletion will not permit well to feed against Buyer's high-pressure line.
[14] Covered under Jay J. Harris (Operator) et al., FPC GRS No. 4.
[15] Rate in effect subject to refund in Docket No. RI64-667.
[16] Less 0.4466 cent for sour gas.

[F.R. Doc. 68-10930; Filed, Sept. 11, 1968; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1218]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

SEPTEMBER 6, 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 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 rules, 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. 32), filed August 23, 1968. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Alvin Altman, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juices, fruit beverages, and processed fruit*, except commodities in bulk, from Eustis and Umatilla, Fla., to points in Connecticut, Delaware, Indiana,

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Illinois, Kentucky, Maryland, Massachusetts, Missouri, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Philadelphia, Pa., or Washington, D.C.

No. MC 2860 (Sub-No. 33), filed August 23, 1968. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Alvin Altman, 1776 Broadway, New York N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass and plastic containers, paper containers, and materials and supplies* used in the manufacture thereof, from Mays Landing, N.J., to points in Illinois and Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Philadelphia, Pa., or Washington, D.C.

No. MC 26088 (Sub-No. 19), filed August 22, 1968. Applicant: THE SANDERS TRUCK TRANSPORTATION CO., INC., Post Office Box 68, Allendale, S.C. 29810. Applicant's representative: William Addams, Suite 527, 1776 Peachtree Street, NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick and clay tile*, from Augusta, Ga., to points in North Carolina. NOTE: Applicant states it will tack at Augusta, Ga., with its presently held authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Columbia, S.C.

No. MC 31389 (Sub-No. 101), filed August 14, 1968. Applicant: McLEAN TRUCKING COMPANY, a corporation, 617 Waughtown Street, Post Office Box 213, Winston-Salem, N.C. Applicant's representative: James W. Lawson, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular 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 the Ford Motor Co. at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with applicant's presently authorized operations to and from Louisville, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 37896 (Sub-No. 21), filed August 9, 1968. Applicant: YOUNGBLOOD TRUCK LINES, INC., Post Office Box 38, Fletcher, N.C. 28732. Applicant's representative: H. Charles Ephraim, 1411 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment; (Route 1) Between Atlanta, Ga., and Akron, Ohio, from Atlanta over U.S. Highway 41 to junction Tennessee Highway 153 (also from Atlanta over Interstate Highway 75 to junction Tennessee Highway 153), thence over Tennessee Highway 153 to junction U.S. Highway 27, thence over U.S. Highway 27 to Lexington, Ky., thence over Interstate Highway 75 to Cincinnati, Ohio, thence over Interstate Highway 71 to junction Interstate Highway 80S, and thence over Interstate Highway 80S to Akron, and return over the same route, serving in connection with Route 1 above, to, and from the following intermediate and off-route points: (a) All intermediate and off-route points in Georgia on and north of a line beginning at the Alabama-Georgia State line and extending along Georgia Highway 20 to junction U.S. Highway 41, thence along U.S. Highway 41 to Atlanta, Ga., thence along U.S. Highway 29 to Athens, Ga., and thence along U.S. Highway 78 to the Georgia-South Carolina State line; and (b) Cincinnati, Columbus, Dayton, Hamilton, Miamisburg, Middletown, Norwood, Springfield, Troy, and West Carrolton, Ohio, and Lexington, Ky.. all restricted to the transportation of traffic moving from, to, or through Georgia points specified in (a), or Wilmington, N.C., or those points in North Carolina on and west of U.S. Highway 1, or points in South Carolina, or Lowland, Tenn.

(Route 2) Between Atlanta, Ga., and Chicago, Ill., from Atlanta over U.S. Highway 41 to Chattanooga, Tenn. (also from Atlanta over Interstate Highway 75 to Chattanooga, Tenn.), thence over U.S. Highway 41 to Nashville, Tenn. (also from Chattanooga over Interstate Highway 24 to Nashville, Tenn.), thence over U.S. Highway 41 to Chicago, and return over the same route, serving in connection with Route 2 above, to, and from the following intermediate and off-route points in Georgia on and north of a line beginning at the Alabama-Georgia State line and extending along Georgia Highway 20 to junction U.S. Highway 41, thence along U.S. Highway 41 to Atlanta, Ga., thence along U.S. Highway 29 to Athens, Ga., and thence along U.S. Highway 78 to the Georgia-South Carolina State line. (Route 3) Between Atlanta, Ga., and Indianapolis, Ind., from Atlanta over U.S. Highway 41 to Chattanooga, Tenn. (also from Atlanta over Interstate Highway 75 to Chattanooga, Tenn.), thence over U.S. Highway 41 to Nashville, Tenn. (also over Interstate Highway 24 to Nashville, Tenn.), thence over U.S. Highway 31W to Louisville, Ky. (also over Interstate Highway 65 to Louisville, Ky.), thence over Interstate Highway 65 to Indianapolis, and return over the same route, serving in connection with Route 3 above, to, and from the following intermediate and off-route points: (a) All intermediate and off-route points in Georgia on and north of a line beginning at the Alabama-Georgia State line and extending along Georgia Highway 20 to junction U.S. Highway 41, thence along U.S. Highway 41 to Atlanta, Ga., thence along U.S. Highway 29 to Athens, Ga., and thence along U.S. Highway 78 to the Georgia-South Carolina State line; and

(b) The intermediate point of Louisville, Ky., restricted to the transportation of traffic moving from, to, or through Georgia points as specified in (a), or Wilmington, N.C., or those points in North Carolina on and west of U.S. Highway 1, or points in South Carolina, or Lowland, Tenn. NOTE: Applicant states that it is already certificated in No. MC 37896 and subs thereunder to perform all service here involved, and the sole purpose of this application is to enable Applicant to use alternate routes in providing the service. Applicant further states that pursuant to the authority already held by it Applicant may serve all of the intermediate and off-route points specified. If a hearing is deemed necessary, applicant requests it be held at Asheville, N.C.

No. MC 41255 (Sub-No. 73) filed August 26, 1968. Applicant: GLOSSON MOTOR LINES, INC., Hargrave Road, Lexington, N.C. 27292. Applicant's representative: Edward G. Villalon, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Ronda, N.C., to points in Delaware, Maryland, Pennsylvania, New Jersey, New York, Rhode Island, Massachusetts, Connecticut, Maine, Vermont, New Hampshire, and the District of Columbia. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Greensboro, N.C.

No. MC 82063 (Sub-No. 20), filed August 20, 1968. Applicant: KLIPSCH HAULING CO., a corporation, 119 East Loughborough, St. Louis, Mo. 63111. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcined clay residue*, dry, in bulk, from Owensville, Mo., to Venice, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 83835 (Sub-No. 57), filed August 21, 1968. Applicant: WALES TRUCKING COMPANY, a corporation, Post Office Box 6186, Dallas, Tex. 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooling towers and parts* therefor, from Glasgow, Mo., to points in Iowa, Kentucky, Michigan, Minnesota, Ohio, New Jersey, New York, Pennsylvania, Tennessee, West Virginia, Wisconsin, and Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Dallas, Tex.

No. MC 87928 (Sub-No. 45), filed August 21, 1968. Applicant: AUTOMOBILE TRANSPORT, INC., 36555 Michigan Avenue, Post Office Box 805, Wayne, Mich. 48186. Applicant's representative: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common*

carrier, by motor vehicle, over irregular routes, transporting: (1) *Automobiles, trucks, and buses* as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in secondary movements, in truckaway and driveaway service, from points in New York, New Jersey, and Massachusetts, to points in Maine and New Hampshire, restricted to traffic originating at plantsites of Ford Motor Co. and having an immediately prior movement by rail; (2) *farm-type tractors* moving in mixed shipments with automobiles and trucks, and *parts and accessories thereof*, moving at the same time and with the tractors of which they are a part and on which they are to be installed, from points in New York, New Jersey, and Massachusetts, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, and Pennsylvania, restricted to traffic originating at plantsites of Ford Motor Co. and having an immediately prior movement by rail. NOTE: Applicant presently holds initial authority on automobiles, trucks, and buses from various Ford plantsites to all of the States above described and holds secondary authority within all such States except Maine and New Hampshire. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Detroit, Mich.

No. MC 103993 (Sub-No. 333), filed August 22, 1968. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings, parts, materials, and supplies* used in the erection thereof, from points in Le Sueur County, Minn., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, New Hampshire, New Jersey, New York, and North Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 103993 (Sub-No. 334), filed August 23, 1968. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Robert G. Tessar (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel buildings;* (2) *building sections, panels, materials, parts, and accessories*, from points in Mahoning and Trumbull Counties, Ohio, to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Youngstown, Ohio.

No. MC 103993 (Sub-No. 335), filed August 23, 1968. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and buildings, in sections, on wheeled undercarriages with hitchball or pintle connectors, from points in Lancaster County, S.C., to points in the United States excluding Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 103993 (Sub-No. 336), filed August 26, 1968. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, mounted on wheeled undercarriages with hitchball connector, from points in Vilas County, Wis., to points in the United States including Alaska (but except Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 106400 (Sub-No. 70), filed August 22, 1968. Applicant: KAW TRANSPORT COMPANY, a corporation, Post Office Box 8525, Sugar Creek, Mo. 64054. Applicant's representatives: Harold D. Holwick, Post Office Box 8525, Sugar Creek, Mo. 64054, and Robert L. Hawkins, Jr., 312 East Capitol Avenue, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, except those requiring heat in transit to maintain liquid form, in bulk, in tank vehicles, from the Williams Brothers Pipe Line Co. terminal at or near Wathena, Kans., to points in Missouri and Kansas. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 108194 (Sub-No. 12), filed August 26, 1968. Applicant: WILLIAM B. MEYER, INCORPORATED, 30 Moffitt Street, Stratford, Conn. 06497. Applicant's representative: Paul J. Goldstein, 109 Church Street, New Haven, Conn. 06510. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Bridgeport, Conn., and points within 20 miles of Bridgeport, Conn., on the one hand, and, on the other, points in Connecticut, restricted to shipments having an immediately prior or subsequent line-haul movement beyond said points by rail, motor, water, or air. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Haven or Hartford, Conn.

No. MC 111045 (Sub-No. 64), filed August 26, 1968. Applicant: REDWING CARRIERS, INC., Post Office Box 426, Tampa, Fla. 33601. Applicant's representative: J. V. McCoy, Post Office Box 426, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum sulphate* (liquid alum), in bulk, in tank vehicles, from Port St. Joe, Fla., to Brewton, Ala. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Washington, D.C.

No. MC 111729 (Sub-No. 270), filed August 20, 1968. Applicant: AMERICAN COURIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. 11361. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Commonwealth Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, and audit and accounting media of all kinds, and advertising material* moving therewith; (a) between New York, N.Y., on the one hand, and, on the other, points in New Castle County, Del.; points in Bucks, Delaware, Montgomery, and Philadelphia Counties, Pa. (except Philadelphia, Pa.); (b) between Philadelphia, Pa., on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y. (except Manhasset, N.Y.); and points in Bergen and Morris Counties, N.J. (except Carlstadt, N.J.); (c) between Columbus, Ohio, on the one hand, and, on the other, points in Indiana (except Marion County, Ind.) and points in Kentucky (except Ashland, Ky.); (d) between Dallas, Tex., on the one hand, and, on the other, points in Oklahoma, Arkansas, and Memphis, Tenn.; (e) between points in Hillsboro County, N.H., on the one hand, and, on the other, Washington, D.C., Springfield and Reston, Va.; (2) *engineering drafts*, between points in Hillsboro County, N.H., on the one hand, and, on the other, Washington, D.C., Springfield and Reston, Va.

(3) *Drugs, narcotics, pharmaceuticals, and drug products*, between Columbus, Ohio, on the one hand, and, on the other, points in Indiana and points in Kentucky; (4) *exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature* moving therewith (excluding motion picture film used primarily for commercial theater and television exhibition); (a) between Richmond, Va., an the one hand, and, on the other, points in South Carolina; (b) between Columbus, Ohio, on the one hand, and, on the other, points in Indiana and points in Kentucky (except Louisville, Ky.); and (c) between Atlanta, Ga., and Jacksonville, Fla.; (5) *proofs, cuts, copy, artwork and materials related thereto*, used in preparing advertising, restricted against the transportation of packages or articles weighing in the aggregate more than 90 pounds from one consignor to one consignee on any one day; (a) between Fort Wayne, Ind., on the one hand, and, on the other, Louisville, Ky.; Pittsburgh, Pa.; Buffalo and Rochester, N.Y.; Chicago, Ill.; Milwaukee, Wis.; and points in Ohio and Michigan; (b) having an immediately prior or subsequent movement by air, between: (1) Points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Iowa, Kansas,

Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, Washington, D.C., commercial zone; and (6) *radiopharmaceuticals, radioactive drugs, and medical isotopes*, having an immediately prior or subsequent movement by air; (a) between New Orleans, La., on the one hand, and, on the other, points in Mississippi on and south of U.S. Highway 80; points in Mobile and Baldwin Counties, Ala.; and Pensacola, Fla.; (b) between Jackson, Miss., on the one hand, and, on the other, points in Mississippi. NOTE: Applicant states that tacking would take place in conjunction with its presently held common carrier authority. Applicant presently has contract carrier authority in MC 112750 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 113267 (Sub-No. 202), filed August 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: *Bags and wrapping paper*, from Crossett, Ark., to points in Iowa and Minnesota. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114457 (Sub-No. 71), filed August 26, 1968. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: James C. Hardman, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper articles, containers, closures, and parts and accessories* for containers, between points in Minnesota, on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Ohio, Tennessee, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115841 (Sub-No. 337), filed August 22, 1968. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, 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: *Foods and foodstuffs* (except in bulk); (1) from the plantsites or warehouses of the Welch Grape Juice Co., Inc., at or near North East, Pa., and Westfield, N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia, and Washington, D.C.; (2) *materials and supplies used in the operations of a food processing plant on return*. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or New York, N.Y., or Washington, D.C.

No. MC 115931 (Sub-No. 20), filed August 21, 1968. Applicant: TIM M. BABCOCK, doing business as BABCOCK TRANSPORTATION CO., Box 1961, 910 Wyoming Avenue, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building stone*, from the plantsite of Montana Marble, Inc., at or near Dryhead, Carbon County, Mont., to points in Montana, Idaho, Washington, Oregon, Colorado, Utah, Wyoming, North Dakota, South Dakota, Minnesota, Wisconsin, Nebraska, Iowa, Nevada, and California. NOTE: If a hearing is deemed necessary, applicant requests it be held at Billings or Helena, Mont.

No. MC 116282 (Sub-No. 19), filed August 20, 1968. Applicant: NEIL'S BAKERY PRODUCTS TRANSPORTATION CO., a corporation, 246 Broad Street, Auburn, Maine. Applicant's representative: Mary E. Kelley, 10 Tremont Street, Boston, Mass. 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, (1) from Middleton, Belmont, and Boston, Mass., to Bellows Falls and Montpelier, Vt.; and (2) from Belmont and Boston, Mass., to Portsmouth, N.H.; Bangor, Fryeburg, Lewiston, and Portland, Maine, and *containers and returned bakery products*, on return, under contract with Pepperidge Farm, Inc., Norwalk, Conn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 116544 (Sub-No. 98), filed August 21, 1968. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Street, Post Office Box 636, Carthage, Mo. 64836. Applicant's representative: Robert Wilson (same address as above). 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 in tank vehicles), from Dodge City, Kans., to points in Georgia, Florida, Alabama, North Carolina, South Carolina, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa or Jacksonville, Fla.

No. MC 117119 (Sub-No. 411), filed August 21, 1968. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. 72728. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from Sumter, S.C., to Modesto, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 118263 (Sub-No. 6), filed August 22, 1968. Applicant: COLDWAY CARRIERS, INC., Post Office Box 38, Clarksville, Ind. 47131. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs in vehicles equipped with mechanical refrigeration*, from the plantsites of Oscar Ewing, Inc., doing business as Food Specialties of Kentucky, in Jefferson County, Ky., to points in Ohio, Tennessee, Georgia, Florida, Alabama, Michigan, Indiana, Illinois, Missouri, Iowa, Minesota, and Wisconsin. NOTE: Applicant states it now holds authority to transport vegetable oil cream substitutes and half and half dairy products from and to same points which authority is now being sought. Applicant holds contract authority in MC–111069 and subs therefore, dual operations may be involved. Applicant also states it has an application pending in MC–118263 Sub 1, to convert its existing contract carrier authority to common carrier authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 119522 (Sub-No. 13), filed August 26, 1968. Applicant: McLAIN TRUCKING, INC., 2526 North Broadway, Muncie, Ind. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. 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, and commodities in bulk), between the plantsites and warehouses of Continental Steel Corp. at or near Kokomo, Ind., on the one hand, and, on the other, points in the United States on and east of U.S. Highway 85, restricted to traffic originating at or destined to the plantsite and warehouses of Continental Steel Corp. at Kokomo, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 119531 (Sub-No. 91), filed August 22, 1968. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molded plastic containers, and plastic shapes and plastic forms, and metal and fiber containers*, from Addison, Ill., to points in Iowa, Missouri, and Wisconsin; and (2) *materials and supplies used in the manufacture of the above commodities*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 119531 (Sub-No. 92), filed August 21, 1968. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, and paper products;* (1) from Anderson, Ind., to points in Kentucky; and (2) from Louisville, Ky., to points in Illinois, Indiana, and Ohio. NOTE: Applicant states a possible tack would exist at Cleveland, Ohio, to serve points in New York and Pennsylvania. MC 119531. Sub-No. 7. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 123048 (Sub-No. 140), filed August 21, 1968. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53401. Applicant's representatives: Paul Gartzke, 121 West Doty Street, Madison, Wis. 53703, and C. Ernest Carter, Post Office Box A, Racine, Wis. 53401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric power drives*, from Glenbeulah, Wis., to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis., or Chicago, Ill.

No. MC 123408 (Sub-No. 19), filed August 23, 1968. Applicant: FOOD HAULERS, INC., 600 York Street, Elizabeth, N.J. 07207. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses and, in connection therewith, *equipment, materials, and supplies* used in the manufacture, production, distribution, and sale of such commodities (except commodities in bulk), between Baltimore, Md., points in Union, Essex, Middlesex, Hudson, and Passaic Counties, N.J.; New York, N.Y., commercial zone; Providence, R.I.; points in Montgomery County, N.Y.; Pittsburgh, Pa.; Buffalo, N.Y.; and Boston, Mass., under contract with Lever Brothers Co., New York, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124078 (Sub-No. 341), filed August 16, 1968. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acrylic paints, adhesive, black asphalt, liquid asphalt, coal tar pitch emulsion, tile grout, vinyl concrete patcher, latex concrete patcher, patching plaster, cold weather additive, cement mix, lime, sand, rock, stone, and advertising materials*, from the plantsite of Quikrete-Handi Crete Co., a division of Packaged Cement Products Co., at or near Lithonia, Ga., to points in Florida, Alabama, Tennessee, North Carolina, South Carolina, and Georgia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 126428 (Sub-No. 2), filed August 22, 1968. Applicant: ZIBERT TRANSPORT CO., a corporation, 2828 Market Street, Peru, Ill. 61354. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum, petroleum products, and road oil*, from Linnewood, Iowa, and Whiting, Ind., to points in Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 129623 (Sub-No. 2), filed August 16, 1968. Applicant: FRANK E. HUGHES, doing business as HUGHES MOVING & STORAGE COMPANY, 6454 Stringfield Road NW., Huntsville, Ala. 35810. Applicant's representative: John P. Carlton, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between Huntsville, and Redstone Arsenal, Ala., on the one hand, and, on the other, points within a 150-mile radius of Huntsville, Ala., restricted to shipments having prior or subsequent movement beyond said point in containers, and further restricted to pickup and delivery service incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments under contract between applicant and Redstone Arsenal, Ala. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 129938 (Sub-No. 1), filed August 23, 1968. Applicant: WHITE SQUIRREL TRUCKING, INC., Rural Route No. 5, Olney, Ill. 62450. Applicant's representative: Robert T. Lawley, 308 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfinished lumber*, from points in Illinois south of U.S. Highway 40, to points in Lake and Porter Counties, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

No. MC 133073 (Sub-No. 1), filed August 21, 1968. Applicant: HALE TRUCKING CO., INC., 160 Lafayette Street, Jersey City, N.J. 07304. Applicant's representative: Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bedding, beds, bed frames, and sleeping equipment*, from the plantsite of Simmons Co., Elizabeth, N.J., to points in Orange, Nassau, Rockland, and Westchester Counties, N.Y.; and points in Suffolk County, N.Y., east of New York Highway 111; and points in Connecticut east and south of Connecticut Highway 33, restricted to residence and home deliveries, under a continuing contract with Simmons Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 133106, filed August 19, 1968. Applicant: NATIONAL CARRIERS, INC., 301 Central Avenue, Box 18071, Kansas City, Kans. Applicant's representatives: Duane W. Acklie and Richard A. Peterson, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouse;* (1) from the plantsite, warehouses, and storage facilities used by National Beef Packing Co. at or near Liberal, Kans., to points in the United States (except Wyoming, North Dakota, South Dakota, Montana, Hawaii, and Alaska); and (2) from the plantsite, warehouses, and storage facilities used by National Beef Packing Co. at Kansas City, Kans., to points in the United States (except Wyoming, North Dakota, South Dakota, Montana, Hawaii, Alaska, Mississippi, Louisiana, Arkansas, and Memphis, Tenn.), under contract with National Beef Packing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133110 (Sub-No. 1), filed August 23, 1968. Applicant: BARRON TRUCKING COMPANY, INC., Route 31 North, Washington, N.J. 07882. Applicant's representative: Herman B. J. Weckstein, 60 Park Place, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sauerkraut, pickles, and tomatoes*, fresh packed, not canned, in refrigerated vehicles, from North Norwich, N.Y., to points in the United States, excluding Hawaii and Alaska, under contract with Rea-D-Pack Foods, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Binghamton, N.Y., or Washington, D.C.

No. MC 133111 (Sub-No. 1), filed August 21, 1968. Applicant: J O T TRANSPORT, INC., 7990 National Highway, Pennsauken, N.J. 08110. Applicant's representative: Charles E. Creager, 5507 Sarril Road, Baltimore, Md. 21206. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except classes A and B explosives, household goods, as defined by the Commission, and commodities in bulk, between Pennsauken, N.J., on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia, and Virginia under contract with Malloy Warehouse & Distribution Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133112, filed August 23, 1968. Applicant: VEON TRANSPORTATION COMPANY, a corporation, Fifth Street Extension, Box 326, Darlington, Pa. 16115. Applicant's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal and clay*, from points in Beaver and Lawrence Counties, Pa., to points in Ohio and West Virginia under contract with Ralph A. Veon, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 133125, filed August 21, 1968. Applicant: J. B. J. TRUCKING CORP., 21 Fir Drive, New Hyde Park, N.Y. 11040. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stereos, radio, television receiving sets, and component parts thereof*, between points in Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, New York, N.Y., points in Westchester, Rockland, and Orange Counties, N.Y., and Newark Airport, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

MOTOR CARRIERS OF PASSENGERS

No. MC 107583 (Sub-No. 43) (Amendment), filed August 18, 1968, published FEDERAL REGISTER issue September 5, 1968, amended August 28, 1968, and republished as amended, this issue. Applicant: SALEM TRANSPORTATION CO., INC., 1222 Jerome Avenue, Bronx, N.Y. 10452. Applicant's representative: George H. Rosen, 265 Broadway, Monticello, N.Y. 12701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Parcels, packages, newspapers, Government papers* relating to passenger travel, and *tickets*, in the same vehicle with passengers, between points in McGuire Air Force Base, Fort Dix, Wrightstown, and North Hanover Township, Burlington County, N.J.; New York, N.Y.; Newark, N.J.; and Philadelphia, Pa. NOTE: The purpose of this republication is to redescribe the commodities and territorial scope. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or New York, N.Y.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130067, filed August 21, 1968. Applicant: DONALD FERRONE, FRANCIS FERRONE, and FANNIE FERRONE, a partnership, doing business as MODERN TRAVEL SERVICE, 530 South Michigan Avenue, Chicago, Ill. 60605. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. For a license (BMC 5) to engage in operations as a *broker* at Chicago, Ill., in arranging for the transportation, in interstate or foreign commerce, of *passengers and their baggage*, both as individuals and in groups, in bus tours beginning and ending at points in Cook County, Ill., and extending to points in the United States, except Hawaii.

FREIGHT FORWARDER OF PROPERTY

No. FF-352 North American International, Inc., Freight Forwarder Application, filed August 21, 1968. Applicant: NORTH AMERICAN INTERNATIONAL, INC., Post Office Box 201, New Haven, Ind. 46774. Applicant's representative: Martin A. Weissert, Post Office Box 988, Fort Wayne, Ind. Authority sought under Part IV of the Interstate Commerce Act as a freight forwarder in interstate or foreign commerce, through the use of facilities of common carriers by railroad, express, water carrier, air, and motor vehicle in the transportation of *household goods*, as defined by the Commission in 17 M.C.C. 467, between points in the United States, including Alaska and Hawaii.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 33641 (Sub-No. 75), filed August 16, 1968. Applicant: IML FREIGHT, INC., Post Office Box 2277, Salt Lake City, Utah 84110. Applicant's representative: Edward J. Hegarty, Shell Building, 100 Bush Street, San Francisco, Calif. 94104. 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 (other than citrus fruits and agricultural commodities), commodities requiring special equipment (other than those requiring refrigeration or specialized handling or rigging because of size and weight), and those injurious or contaminating to other lading, between Denver, Colo., and junction U.S. Highways 66 and 95, near Needles, Calif.; from Denver over U.S. Highway 285 to Monte Vista, Colo., thence over U.S. Highway 160 to Durango, Colo., thence over U.S. Highway 550 to Ship Rock, N. Mex., thence over New Mexico Highway 504 to junction U.S. Highway 164, thence over U.S. Highway 164 to junction U.S. Highway 89, thence over combined U.S. Highways 164 and 89 to Flagstaff, Ariz., thence over U.S. Highway 66 to junction U.S. Highway 95, and return over the same route, as an alternate route for operating convenience only, in connection with carrier's presently authorized operations, serving no intermediate points, and serving the junction of U.S. Highway 66 and 94 or near Needles, Calif., for purposes of joinder only.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-10966; Filed, Sept. 11, 1968; 8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 9, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41433—*Clay, kaolin, or pyrophyllite from Alabama.* Filed by O. W. South, Jr., agent (No. A6045), for and on behalf of interested rail carriers. Rates on clay, kaolin, or pyrophyllite, in carloads, from Letohatchie and Montgomery, Ala., to specified points in trunkline and New England territories.

Grounds for relief—Rate relationship.

Tariff—Supplement 32 to Southern Freight Association, agent, tariff ICC S-751.

FSA No. 41434—*Brick and related articles from and to points in Missouri.* Filed by Southwestern Freight Bureau, agent (No. B-9105), for and on behalf of interested rail carriers. Rates on brick and related articles, as described in the application, in carloads, between Bixby, Buick, and Viburnum, Mo., on the one hand, and points in Arkansas, Illinois, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, and Texas, on the other.

Grounds for relief—Short-line distance formula.

Tariff—Supplement 46 to Southwestern Freight Bureau, agent, tariff ICC 4698.

FSA No. 41435—*Chlorine to points in southern territory.* Filed by Southwestern Freight Bureau, agent (No. B-9104), for and on behalf of interested rail carriers. Rates on chlorine in tank carloads, from Plaquemine and Taft, La., to Doctortown and Rosser, Ga.

Grounds for relief—Market competition.

Tariff—Supplement 124 to Southwestern Freight Bureau, agent, tariff ICC 4668.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-11059; Filed, Sept. 11, 1968; 8:49 a.m.]

[Notice 1217]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 6, 1968.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 98234 (Sub-No. 6) (Republication), filed January 6, 1966, published in the FEDERAL REGISTER issue of January 27, 1966, and republished this issue. Applicant: LOM THOMPSON, doing business as THOMPSON TRUCK LINES, Fourth and Ross Streets, El Centro, Calif. Applicant's representative: Warren N. Grossman, 740 Roosevelt Building, 727 West Seventh Street, Los Angeles, Calif. By application filed January 6, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes

of, (1) general commodities, between Los Angeles, Riverside, and Indio, Calif., on the one hand, and, on the other, Blythe, Calif., and points in California within 25 miles of Blythe; (2) liquors, beverages, between Azusa, Claremont, and Ontario, Calif., on the one hand, and, on the other, Blythe, Calif., and points in California within 25 miles of Blythe; (3) cement, hydraulic, masonry, mortar, natural or portland, in sacks, and blocks, building, hollow, or briquettes, slag or cinders and portland cement combined, between Corona, Calif., on the one hand, and, on the other, Blythe, Calif., and points in California within 25 miles of Blythe; (4) general commodities, between the Los Angeles territory, hereinafter described, and the cities, towns, or communities of Buena Park, Fullerton, and Bellflower, Calif., on the one hand, and, on the other, points on U.S. Highways 60 and 99 and California Highway 111 between Beaumont, Calif., and the Imperial County line and all that portion of Imperial County, Calif., which lies west of the main All American Canal to Coachella Valley, Calif.

Applicant states that the foregoing authority sought in paragraphs (1) through (4) inclusive is to be restricted against the transportation of the following commodities: (a) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10–C of Minimum Rate Tariff No. 4–A; (b) automobiles, trucks, and buses, new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxies, freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses, and bus chassis; (c) liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids, in bulk, in tank vehicles, tank trailers, tank semitrailers, or a combination of such highway vehicles; (d) commodities when transported in bulk in dump trucks or in hopper-type vehicles and, (e) commodities when transported in motor vehicles equipped for mechanical mixing in transit. Los Angeles territory includes that area embraced by the following boundary: Beginning at the intersection of Sunset Boulevard and Alternate U.S. Highway 101; thence northeasterly on Sunset Boulevard to California Highway 7; northerly along California Highway 7 to California Highway 118; northeasterly along California Highway 118 through and including the city of San Fernando; continuing northeasterly and southeasterly along California Highway 118 to and including the city of Pasadena; easterly along Foothill Boulevard from the intersection of Foothill Boulevard and Michillinda Avenue to Valenica Way; northerly on Valenica Way to Hillcrest Boulevard; easterly and northeasterly along Hillcrest Boulevard to Grand Avenue; easterly and southerly along Grand Avenue to Greystone Avenue, easterly on Greystone Avenue to Oak Park Lane; easterly on Oak Park Lane and the prolongation thereof to the west side of the Sawpit Wash; southerly along the Sawpit Wash to the north side of the Pacific Electric Railway right-of-way; easterly along the north side of the Pacific Electric Railway right-of-way to Buena Vista Street; south and southerly on Buena Vista Street to its intersection with Meridian Street; due south along an imaginary line to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Beverly Boulevard; southeasterly on Beverly Boulevard to Painter Avenue in the city of Whittier; southerly on Painter Avenue to Telegraph Road; westerly on Telegraph Road to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Imperial Highway; westerly on Imperial Highway to California Highway 19; southerly along California Highway 19 to Alternate U.S. Highway 101 at Ximeno Street, southerly along Ximeno and its prolongation to the Pacific Ocean; westerly and northerly along the shoreline of the Pacific Ocean to a point directly south of the intersection of Sunset Boulevard and Alternate U.S. Highway 101; thence northerly along an imaginary line to the point of beginning.

NOTE: Applicant states that it presently operates in interstate or foreign commerce within California under certificate of registration No. MC–98234 (Sub-No. 4). Applicant states that the sole purpose of this application is to convert such registered authority to an independent interstate certificate. Applicant states that no new territory or commodity authorization is sought. Applicant states that the possible necessity for the conversion of applicant's authority rests in the propriety of applicant's present operations into Mexico, such activity being the subject of proceedings presently before the Commission in Nos. MC–C–4875 and MC–98234 (Sub-No. 4). The application was referred to Examiner Dallas B. Russell for hearing and the recommendation of an appropriate order thereon. Hearing was held on April 4, 5, 6, and 7, 1966, at San Francisco and Los Angeles, Calif. A report and order of the Commission, Division 1, decided February 2, 1968, and served February 23, 1968, as amended finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *general commodities* (except classes A and B explosives, commodities of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and motor vehicles).

(a) Between Los Angeles, Riverside, and Indio, Calif., on the one hand, and, on the other, Blythe, Calif., and points in California within 25 miles of Blythe; (b) between Los Angeles, Buena Park, Fullerton, and Bellflower, Calif., on the one hand, and, on the other, Beaumont, Calif., and those points in that part of California on and within a boundary line beginning at the junction of Interstate Highway 10 and U.S. Highway 60, at or near Beaumont, Calif., thence east along U.S. Highway 60 (Interstate Highway 10) to its junction with California Highway 111 at or near Coachella, Calif., thence southerly along California Highway 111 to its junction with California Highway 115 at or near Calipatria, Calif., thence south along California Highway 115 to its junction with California Highway 98, thence south along an imaginary line drawn from the junction of California Highway 115 and California Highway 98 to the international boundary line between the United States and Mexico, thence west along the international boundary line between the United States and Mexico to its junction with the Imperial-San Diego County line, thence north along the Imperial-San Diego County line to its junction with California Highway 86, thence north along California Highway 86 to its junction with California Highway 111, thence north along California Highway 111 to its junction with U.S. Highway 60 (Interstate Highway 10), thence westerly along U.S. Highway 60 (Interstate Highway 10) to the point of beginning.

(2) *Alcoholic beverages* between Azusa, Claremont, and Ontario, Calif., on the one hand, and, on the other, Blythe, Calif., and points in California within 25 miles of Blythe. (3) *cement*, in bags, and concrete blocks between Corona, Calif., on the one hand, and, on the other, Blythe, Calif., and points in California within 25 miles of Blythe, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 99745 (Sub-No. 3) (Republication), filed September 29, 1965, published in the FEDERAL REGISTER issue of October 28, 1965, and republished this issue. Applicant: IMPERIAL TRUCK LINES, INC., 101 North Avenue 18, Los Angeles, Calif. Applicant's representative: Warren N. Grossman, 740 Roosevelt Building, 727 West Seventh Street, Los Angeles, Calif. By application filed September 29, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes of (A) General commodities, restricted against the transportation of the commodities set forth in the note below, between the following described points and areas within the State of California;

(1) between the Los Angeles basin region, on the one hand, and, on the other, Coachella Valley territory and Imperial Valley territory including Winterhaven and points on U.S. Highway 80 between Winterhaven and Imperial Valley territory and points on U.S. Highway 99 and California Highway 111 between Imperial Valley and Coachella Valley territories; (2) between points in the Imperial Valley territory; (3) between points in Coachella Valley territory; (4) between points on U.S. Highway 80 between Winterhaven and Imperial Valley territory, including Winterhaven, and points on U.S. Highway 99 and California Highway 111 between Imperial Valley and the Coachella Valley territory.

(5) Between points in Coachella Valley territory, on the one hand, and, on the other, points on U.S. Highways 80 and 99 and California Highway 111 and points in Imperial Valley territory; (6) between points in Imperial Valley territory, on the one hand, and, on the other, points on U.S. Highways 80 and 99 and California Highway 111. (7) Between the Los Angeles basin region, on the one hand, and, on the other, the San Diego territory, and points on and within a distance of 10 miles laterally on either side of U.S. Highways 101 and 395 between the northerly boundary of San Diego County and the northerly boundary of the San Diego territory; and (8) Between the San Diego territory and points on and within a distance of 10 miles laterally on either side of U.S. Highways 101 and 395, between the northerly boundary of San Diego County and the northerly boundary of the San Diego territory, on the one hand, and, on the other, points in Coachella Valley territory, and Imperial Valley territory, including Winterhaven and points on U.S. Highway 80 between Winterhaven and Imperial Valley territory and points on U.S. Highway 99 and California Highway 111 between Imperial Valley territory and Coachella Valley territory, and (B) vegetables, fresh, not cold-pack or frozen, between Santa Maria, Guadalupe, Oceano, and Lompoc, Calif., on the one hand, and, on the other, Los Angeles, Calif.

NOTE: The Los Angeles basin region includes that area embraced by the following boundary. Beginning at the intersection of the westerly boundary of the city of Los Angeles and the Pacific Ocean, thence northerly and easterly along the boundary of the city of Los Angeles to its point of first intersection with the boundary of the Angeles National Forest; thence along the southerly boundary of the Angeles National Forest, and southerly boundary of the San Bernardino National Forest to the point of first intersection of the southerly boundary of the San Bernardino National Forest and the San Bernardino-Riverside County line, thence westerly along the San Bernardino-Riverside County line to a point on said line distant 5 miles east from the junction of said county line and U.S. Highway 91, thence southwesterly along a line parallel to and distant 5 miles from U.S. Highway 91, California Highway 55, and the prolongation of California Highway 55 to its junction with the Pacific Ocean. Thence westerly and northerly along the coast line of the Pacific Ocean to the point of beginning. The Coachella Valley territory includes the area on and within 10 miles laterally on either side of U.S. Highway 99 and California Highway 111 between the junction of said highways approximately 5.6 miles east of Cabazon and the junction of each of said highways and the southerly boundary of Riverside County, but not including any points or places in Morongo Valley.

The Imperial Valley Territory includes that area bounded on the south by the international boundary line; on the east by the East High Line Canal to the point at which it intersects the main line of the Southern Pacific 4 miles east of Niland; on the north by the main line (transcontinental route) of Southern Pacific Co.; and on the west by a series of imaginary lines drawn from Southern Pacific station of Wister to Kane Springs on U.S. Highway 99; thence south to Plaster City on U.S. Highway 80; thence south to the international boundary line. The San Diego territory includes that area embraced by the following imaginary line starting at the northerly junction of U.S. Highways 101E and 101W (4 miles north of La Jolla); thence, easterly to Miramar on California Highway 305; thence southeasterly to Lakeside on the El Cajon-Famona Highway; thence southerly to Bostonia on U.S. Highway 80; thence southeasterly to California Highway 94; thence due south to the international boundary line, west to the Pacific Ocean and north along the coast to point of beginning. Applicant states that no service shall be performed between any two points both of which are located within San Diego County, and no service shall be performed to or from any points located within the boundary of the U.S. Navy Ammunition Depot in the vicinity of Fallbrook, Calif., in (A) (1) through (8) above. Applicant further states no authority is sought to engage in the transportation of the following described commodities: (1) Used household goods and personal effects, uncrated; (2) automobiles, trucks, and buses, namely, new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxiis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis.

(3) Livestock; (4) liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids, in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles; (5) commodities when transported in bulk, in dump trucks or in hopper-type trucks; (6) commodities when transported in motor vehicles equipped for mechanical mixing in transit; and (7) newspapers, newspaper supplements, sections, or inserts (not waste or scrap). The application was referred to Examiner Dallas B. Russell for hearing and the recommendation of an appropriate order thereon. Hearing was held on April 4, 5, 6, and 7, 1966, at San Francisco and Los Angeles, Calif. A report and order of the Commission, Division 1, decided February 2, 1968, and served February 23, 1968, as amended, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting, *general commodities* (except commodities of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and motor vehicles), between those points in that part of California on and within a boundary line beginning at the junction of Alternate U.S. Highway 101 and California Highway 27 at the shoreline of the Pacific Ocean, thence north along California Highway 27 to its junction with California Highway 118 at Chatsworth, Calif., thence easterly along California Highway 118 to its junction with U.S. Highway 66 at or near Pasadena, Calif., thence east along U.S. Highway 66 to its junction with U.S. Highway 395 (Interstate Highway 15) at San Bernardino, Calif., thence south along U.S. Highway 395 (Interstate Highway 15) to its junction with U.S. Highway 99 (Interstate Highway 10), thence easterly along U.S. Highway 99 (Interstate Highway 10) to its junction with California Highway 111 at or near Coachella, Calif., thence southerly along California Highway 111 to its junction with California Highway 115 at or near Calipatria, Calif., thence south along California Highway 115 to its junction with U.S. Highway 80 (Interstate Highway 8) at or near Holtville, Calif., thence east along U.S. Highway 80 (Interstate Highway 8) to its junction with the international boundary between the United States and Mexico, thence west along the international boundary line between the United States and Mexico to the shoreline of the Pacific Ocean, thence northwesterly along the shoreline of the Pacific Ocean to the point of beginning. Restricted against service (1) between points in San Diego County, Calif., and

(2) At the U.S. Navy Ammunition Depot at or near Fallbrook, Calif. The authority granted herein, to the extent it authorizes the transportation of dangerous explosives, shall be limited in point of time, to a period expiring 5 years from the date of the certificate issued herein, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. An order of the Commission, Division 1, acting as an Appellate Division, dated July 24, 1968, served August 1, 1968, requires that the report and order of February 2, 1968, be modified as follows: (1) By adding to the grant of authority after the commodity description the words, "between Desert Hot Springs, Yucaipa, Calif., and", and (2) by deleting from the grant of authority the words "* * * with the international boundary line between the United States and Mexico." and substituting in lieu thereof

the words "* * * with the California-Arizona State line, thence west along the California-Arizona State line to its junction with the international boundary line between the United States and Mexico, * * *". Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 110420 (Sub-No. 563) (Republication), filed February 9, 1968, published in the FEDERAL REGISTER issue of February 22, 1968, and republished this issue. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Allan B. Torhorst, Post Office Box 339, Burlington, Wis. 53105. By application filed February 9, 1968, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, over irregular routes, of liquid chemicals, in bulk, from Janesville, Wis., to points in Colorado, Idaho, Montana, Utah, and points in Nebraska on and west of U.S. Highway 281. A report and order of the Commission, Review Board No. 5, served August 26, 1968, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of liquid chemicals, in bulk, in tank vehicles, from Janesville, Wis., to points in Colorado, Idaho, Montana, Utah, Wyoming, and points in Nebraska on and west of U.S. Highway 281; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act, and the Commission's rules and regulations thereunder; that, unless otherwise ordered, an appropriate certificate should be issued after the lapse of 30 days from the date of republication in the FEDERAL REGISTER of a statement of the application therein as now in effect amended to cover transportation from Janesville, Wis., to points in Wyoming. Because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 123922 (Sub-No. 10), filed August 30, 1968. Applicant: CHARTER BULK SERVICE, INC., 80 Doremus Avenue, Newark, N.J. 07105. Applicant's representative: John R. Sims, Jr., 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from Adams, Mass., to points in Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont.

HEARING: September 19, 1968, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James A. McKiel.

NOTICE OF FILING OF PETITIONS

MC 29886 (Sub-No. 59) (Notice of filing of petition to amend certificate), filed July 30, 1968. Petitioner: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46621. Petitioner's representative: Paul E. LaRose, Vice President, Dallas & Mavis Forwarding Co., Inc., 4000 West Sample Street, South Bend, Ind. 46621. Petitioner presently holds a certificate in Nos. MC–29886 (Sub-No. 15), MC 29886 (Sub-No. 52), MC 29886 (Sub-No. 59), MC 29886 (Sub-No. 60), and MC 29886 (Sub-No. 79) issued March 12, 1953, June 25, 1951, October 29, 1954, August 18, 1952, and April 18, 1956, respectively, authorizing operations as a common carrier, over irregular routes, in the transportation of specified commodities from (a) Warren Township, Macomb County, Mich., or (b) points in Warren Township, Macomb County, Mich., to points in certain States. By the instant petitions, petitioner states it now seeks to have the above described certificates amended to authorize service from Warren, Mich., in lieu of Warren Township, Macomb County, Mich., for the reason that Warren Township was annexed in its entirety by the city of Warren. Any person or persons desiring to participate, may file an original and six copies of his written representations, views or arguments in support of, or against the petitions within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OF PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 31439 (Sub-No. 5), filed August 19, 1968. Applicant: MAGNA GARFIELD TRUCK LINE, a corporation, 1030 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: William S. Richards, 1610 Walker Bank Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (1) from Salt Lake City, Utah to Garfield, Utah, over U.S. Highway 91 to Junction with U.S. Highway 50 thence over U.S. Highway 50 to Garfield, and return over the same route, including all intermediate points and the off-route point of Bacchus, and (2) from Salt Lake City, Utah, to West Jordan, South Jordan, Riverton, Buffdale, Herriman and Bingham, Utah, over U.S. Highway 91 and State and county roads and return, including all intermediate points, except that no service is authorized on U.S. Highway 91 between 33d South and Sandy, Utah, including Midvale, Utah. NOTE: This is a matter directly related to MC–F–10218, published in the FEDERAL REGISTER issue of August 21, 1968. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 61788 (Sub-No. 26), filed June 23, 1968. Applicant: GEORGIA-FLORIDA-ALABAMA TRANSPORTATION CO., a corporation, Post Office Box 1327, Dothan, Ala. 35203. Applicant's representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35023. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: A. Regular routes, (1) *General commodities* (a) between Mobile, and Montgomery, Ala.: From Montgomery over U.S. Highway 331 to Brantley; thence over U.S. Highway 29 to Brewton; thence over U.S. Highway 31 to Mobile and return over the same route, serving all intermediate points except those between Dozier and Andalusia on U.S. Highway 29; (b) between Stapleton, and Foley, Ala., over Alabama Highway 59, serving all intermediate points; (c) between Enterprise, and Opp, Ala.: From Enterprise, Ala., over U.S. Highway 84 to Elba, Ala.; thence over Alabama Highway 189 to Perry, Ala.; thence over Alabama Highway 134 to Opp and return over the same route, serving all intermediate points; (d) between Montgomery, and Troy, Ala., over U.S. Highway 231, serving all intermediate points; (e) between Montgomery, and Rockford, Ala., over U.S. Highway 231, serving all intermediate points; (f) between Rockford, and Wetumpka, Ala.; from Wetumpka over Alabama Highway 9 to its intersection with Alabama Highway 22; thence over Alabama Highway 22 to Rockford, serving all intermediate points; (g) between Brantley, and Samson, Ala.: From Brantley over Alabama Highway 189 to Elba; thence over Alabama Highway 87 to Samson and return over the same route; (h) between Enterprise, and Geneva, Ala., over Alabama Highway 27; (i) between Slocomb, and Florala, Ala., from Slocomb, Ala., over Alabama Highway 52 to Samson, Ala.; thence over Alabama Highway 54 to Florala, and return over the same route; (j) between Samson, and Opp, Ala., over Alabama Highway 52; (k) between Opp, and Andalusia, Ala., over U.S. Highway 84; (l) between Brantley, and Elba, Ala., over Alabama Highway 189; and (m) between Tallassee, and Birmingham, Ala.; (1) from Birmingham over U.S. Highway 280 to Socapatoy; thence over Alabama Highway 9 to Central; thence over unnumbered county road via Eclectic to Kent; and; (2) from Kent to Tallassee over Alabama Highway 229 and return over the same route, serving all intermediate points except those between

Goodwater and Birmingham on U.S. Highway 280.

(2) *General commodities* (except those injurious to other lading and high explosives), (a) between Montgomery and Florala, Ala., from Montgomery over U.S. Highway 31 to McKenzie; thence over Alabama Highway 55 via Andalusia to Florala and return over the same route, serving all intermediate points, and serving Greenville, Ala., as an off-route point; (b) between Florala, and Andalusia, Ala., from Florala over U.S. Highway 331 to Opp; thence over U.S. Highway 84 to Andalusia, serving all intermediate points; (c) between Montgomery, and Bay Minette, Ala., over U.S. Highway 31, serving all intermediate points. (3) *General commodities* (except liquid commodities in bulk in tank vehicles); (a) between Ada, and Orion, Ala., over Alabama Highway 94, serving all intermediate points; (b) between Luverne, and Troy, Ala., over U.S. Highway 29, serving all intermediate points; (c) between Elba, and Troy, Ala., over Alabama Highway 87, serving all intermediate points; (d) between Opp, and Enterprise, Ala., over Alabama Highway 134, serving all intermediate points; (e) between Elba, and Enterprise, Ala., over U.S. Highway 84, serving all intermediate points; (f) between Luverne, and Greenville, Ala., over Alabama Highway 10, serving all intermediate points; (g) between Andalusia, and Evergreen, Ala., over U.S. Highway 84, serving all intermediate points. (4) *General commodities*, (a) between Curtis, and Brantley, Ala., from Brantley over Alabama Highway 9 to junction with Alabama Highway 141, thence over Alabama Highway 141 to Curtis and return over the same route, for operating convenience only; (b) between Elba and Brantley, Ala.; (1) from Elba over Alabama Highway 189 to junction with U.S. Highway 331, approximately 2 miles south of Brantley, thence over U.S. Highway 331 to Brantley and return over same route.

(2) From Elba over U.S. Highway 84 to Danley thence over Alabama Highway 141 to Junction to U.S. Highway 331, thence over U.S. Highway 331 to Brantley and return over same route for operating convenience only; (c) between Highland Home, and Davenport, Ala., over Alabama Highway 97. (5) *General commodities* (except high explosives, commodities requiring special equipment, commodities injurious to other lading, and liquid commodities in bulk in tank vehicles) between Montgomery, Ala., and Birmingham, Ala., over U.S. Highway 31, for operating convenience only. (B) Irregular routes: (6) *Cotton and cottonseed*, between points in Alabama. (7) *Sand, gravel, coal, cement, lime, brick, concrete pipe, and heavy machinery* (weighing not less than 10,000 pounds) between points in Randolph, Clay, Talladega, Shelby, Chilton, Autauga, Lowndes, Montgomery, Crenshaw, Pike, Bullock, Russell, Macon, Lee, Chambers, Tallapoosa, Coosa, Elmore, Barbour, and Dallas Counties, Ala. (8) *Fertilizer and feed stuffs*, from Montgomery, Ala., to points in Coosa, Elmore, Macon, and Tallapoosa Counties, Ala. (9) *Livestock*, between Montgomery, Ala., on the one hand, and, on the other, points in Coosa, Elmore, Macon, and Tallapoosa Counties, Ala. (10) *Coal*, from Montgomery, Marvel, and Boothton, Ala., to points in Elmore, Coosa, and Tallapoosa Counties, Ala. (11) *Lumber, hardware, groceries, and new furniture*, from Montgomery, Ala., to Eclectic, Ala. (12) *General grocery items, hardware, drygoods, and farm implements*, between points in Elmore and Montgomery Counties, Ala., on the one hand, and, on the other, points in Chilton, Coosa, Tallapoosa, Talladega, Shelby, Chambers, Lee, Macon, Bullock, Pike, Crenshaw, Lowndes, Dallas, and Autauga Counties, Ala.

(13) *Farm products, feed, fertilizer, lime, cement, livestock, cotton* (in bales), *cottonseed, and household goods* (in truckloads only minimum 1,000 pounds) between points in Pike, Barbour, Dale, Coffee, Covington, and Crenshaw Counties, Ala., on the one hand, and, on the other, points in Alabama lying on and south of a line beginning at the intersection of Alabama Highway 22 and the Alabama-Georgia State line near Rock Mills, Ala., thence along Alabama Highway 22 to its intersection with Alabama State Highway 5, and all points south and east of Alabama State Highway 5 commencing at its intersection with Alabama Highway 22 at Safford, Ala., and continuing to the intersection of Alabama Highway 5 and U.S. Highway 43, approximately 5 miles north of Thomasville, Ala., and all points east of a line along U.S. Highway 43 to Mobile, Ala. (14) *Cotton* (baled), *fertilizer, peanuts, corn and peas* between points in Alabama, south of U.S. Highway 78 in truckloads only minimum 8,000 pounds, restricted against service to Dothan, Ala., and/or Camp Rucker. (15) *Household goods* (a) between Andalusia, Ala., on the one hand, and, on the other, points in Alabama south of U.S. Highway 278 in truckloads only minimum 2,000 pounds, (b) between Troy, Ala., and points in Alabama. (16) *Fertilizer*, from Troy, Ala., to points in Coffee, Dale, Barbour, Bullock, Montgomery, Butler, Crenshaw, Covington and Pike Counties, Ala., for farm delivery only. NOTE: Applicant states that it proposes to tack each and all of the above routes with its present regular routes authorized under certificate MC 61788 and subs thereunder subject to the following restriction: "The authority hereinabove sought will not be tacked to provide single line service between (a) Atlanta and Birmingham or (b) Atlanta and Montgomery, but without prejudice to subsequent grants or acquisitions of authority that would authorize such service". Applicant further states that it is the purpose and intention of this application to certificate the certificate of registration issued under certificate MC 120358 and subs to Caton Transfer Co., Inc., and to tack such authority with the regular route operating authority of the applicant under certificate MC 61788 and subs thereunder. Common control may be involved. This application is a matter directly related to Docket No. MC-F-10169, published FEDERAL REGISTER issue of July 3, 1968. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-10239. Authority sought for purchase by McLAREN TRUCK LINES, INC., 1807 Prairieton Road, Terre Haute, Ind. 47808, of the operating rights of BILLY BYBEE AND DONALD M. WRIGHT, doing business as CLINTON CARTAGE CO., Universal, Ind., and for acquisition by A. W. McLAREN, Rural Route No. 3, Terre Haute, Ind., of control of such rights through the purchase. Applicants' attorney and representative: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind., and James P. Savage, 755 Blackman, Clinton, Ind. Operating rights sought to be transferred: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commisison, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, and except malt beverages, as a *common carrier*, over regular routes, between Terre Haute, Ind., and Dana, Ind., serving all intermediate points, and the off-route points of Universal, Ind., between Terre Haute, Ind., and Clinton, Ind., serving all intermediate points except those on U.S. Highways 40 to 150, and serving the off-route point of the site of the Wabash Station of the Public Service Co. of Indiana, Inc., with restrictions. Vendee is authorized to operate as a *common carrier* in Indiana and Illinois. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10241. Authority sought for purchase by REUBEN ARRIS FOWLER, doing business as R. A. FOWLER, Post Office Box 119, Haynesville, La. 71083, of a portion of the operating rights of ALMA E. BONNETTE AND JANE B. MOORE (CHARLES N. WOOTEN, Trustee in Bankruptcy), doing business as D. C. BONNET TRUCKING COMPANY, Post Office Box 339, New Iberia, La. Applicants' attorney and representative: Jerry Prestridge, Post Office Box 1148, Austin, Tex. 78767, and Charles N. Wooten, Post Office Box 3029, Lafayette, La. 70501. Operating rights sought to be transferred: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum

and their products and byproducts, and *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines including the stringing and picking up thereof, except in connection with main lines, as a *common carrier*, over irregular routes, between points in Louisiana and Mississippi; *machinery, equipment, materials, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and byproducts, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way, between points in Louisiana and Mississippi; and *earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities into or from holes or wells, between points in Louisiana and Mississippi. Vendee is authorized to operate as a *common carrier* in Arkansas, Louisiana, and Texas. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10242. Authority sought for purchase by FLEET TRANSPORT COMPANY, 934 44th Avenue North, Post Office Box 7645, Nashville, Tenn. 37209, of a portion of the operating rights of SOUTHERN TANK LINES, INC., 510 West Broadway, Post Office Box 1047, Louisville, Ky. 40201, and for acquisition by FLEET MANAGEMENT COMPANY, and, in turn by CALVIN HOUGHLAND and J. G. PAGE, JR., all also of Nashville, Tenn., of control of such rights through the purchase. Applicants' attorney: R. J. Reynolds, Jr., 604–09 Healey Building, Atlanta, Ga. 30303. Operating rights sought to be transferred: *Petroleum and petroleum products*, in bulk, in tank vehicles, as a *common carrier*, over irregular routes, from Nashville, Tenn., to Fort Campbell, Ky. Vendee is authorized to operate as a *common carrier* in Georgia, Tennessee, Alabama, North Carolina, Florida, South Carolina, Louisiana, Arkansas, Oklahoma, Virginia, Delaware, Kentucky, Maryland, Ohio, Indiana, Pennsylvania, West Virginia, Mississippi, New York, Michigan, Illinois, Connecticut, Massachusetts, New Jersey, Texas, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC–F–10240. Authority sought for purchase by THE SHORT LINE, INC., 27 Savin Street, Providence, R.I., of the operating rights of THAMES VALLEY TRANSPORTATION, INC., 385 Central Avenue, Norwich, Conn. 06360, and for acquisition by GEORGE M. SAGE, also of Providence, R.I., of control of such rights through the purchase. Applicants' attorney: S. Harrison Kahn, 733 Investment Building, Washington, D.C. 20005. Operating rights sought to be transferred: Passengers and their baggage, and express and newspapers in the same vehicle with passengers, as a *common carrier*, over regular routes, between New London, Conn., and Worcester, Mass., serving all intermediate points, with restriction, between Colchester, Conn., and Norwich, Conn., serving all intermediate points; passengers and their baggage, and express and newspapers in the same vehicle with passengers, and baggage of passengers in a separate vehicle, between New London, Conn., and the U.S. Naval Submarine Base at or near Groton, Conn., serving no intermediate points; passengers and their baggage, and express and newspapers in the same vehicle with passengers, during the season extending from May 15 to September 15, both inclusive of each year, between Norwich, Conn., and Misquamicut Beach, R.I., serving all intermediate points between Westerly and Misquamicut Beach, including Westerly; passengers and their baggage, restricted to traffic originating and terminating at the points indicated, in special operations on round trip sightseeing or pleasure tours, over irregular routes, from Norwich and New London, Conn., to certain specified points in New York, and points in that part of Massachusetts west of the Connecticut River.

Passengers and their baggage, restricted to traffic originating in the territory indicated, in special operations, from points in New London County, Conn., to points in Maine, Delaware, Maryland, Virginia, and the District of Columbia; passengers and their baggage, restricted to traffic originating in the territory indicated, in charter operations, from points in New London County, Conn., to points in Maine, Delaware, Maryland, Virginia, New York, New Jersey, Pennsylvania, Massachusetts, Rhode Island, Vermont, New Hampshire, and the District of Columbia; passengers and their baggage in special operations; between certain specified points in Connecticut, on the one hand, and, on the other, LaGuardia and Kennedy International Airports, New York, N.Y., and Newark Airport, Newark, N.J., between Old Saybrook, Conn., on the one hand, and, on the other, LaGuardia and Kennedy International Airports, New York, N.Y., and Newark Airport, Newark, N.J., with restrictions; passengers and their baggage, in special operations, in round-trip service, beginning and ending at points in New London County, Conn., and extending to the site of the New York World's Fair, in New York, N.Y., with restriction, beginning and ending at points in New London County, Conn., and extending to the Aqueduct Race Track and Yonkers Raceway, New York, N.Y., and Belmont Park Race Track and Roosevelt Raceway, Nassau County, N.Y., with restriction, beginning and ending at points in New London County, Conn., and extending to Yankee Stadium and Shea Stadium, New York, N.Y., and passengers and their baggage, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at Westerly, R.I., certain specified points in Connecticut, and extending to points in New Hampshire, Vermont, New York, Massachusetts, Rhode Island, New Jersey, Pennsylvania, Ohio, Michigan, Indiana, Illinois, Missouri, Arkansas, Mississippi, Alabama, Louisiana, Kentucky, Tennessee, West Virginia, South Carolina, North Carolina, Georgia, and Florida, beginning and ending at certain specified points in Connecticut, and Westerly, R.I., and extending to points in Maine, Delaware, Maryland, Virginia, and the District of Columbia, with restrictions. Vendee is authorized to operate as a *common carrier* in points in the United States (except Hawaii). Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68–11060; Filed, Sept. 11, 1968; 8:49 a.m.]

[Notice 206]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 9, 1968.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 C.F.R. Part 179:

No. MC–FC–70789. By application filed September 5, 1968, C. A. T., INC., Main Street, Post Office Box 171, Taylorsville, Calif. 95983, seeks temporary authority to lease the operating rights of ROBERT N. COLE, doing business as R. N. COLE TRUCKING, Post Office Box 1163, Quincy, Calif. 95971, under section 210a(b). The transfer to C. A. T., INC., of the operating rights of ROBERT N. COLE, doing business as R. N. COLE TRUCKING, is presently pending.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68–11061; Filed, Sept. 11, 1968; 8:49 a.m.]

[Notice 207]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 9, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of

the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–70620. By order of August 29, 1968, the Transfer Board approved the transfer to John Stelmaszek and Pasquale Ciampi, a partnership, New Milford, Conn., of certificate Nos. MC–113863 and MC–113863 (Sub-No. 2), issued July 16, 1963, and July 1, 1965, respectively, to The Edward P. Hayes & Sons Co., a corporation, Rocky Hill, Conn., authorizing the transportation of: Passengers and their baggage and express, mail, and newspapers, between Hartford and Granby, Conn., and between Westfield, Mass., and Hoskins, Conn., serving intermediate points on the highways specified. Thomas W. Murrett and Reubin Kaninsky, 410 Asylum Street, Hartford, Conn. 06103; attorney for applicants.

No. MC–FC–70705. By order of August 28, 1968, the Transfer Board approved the transfer to Brothers Transportation, Inc., Los Angeles, Calif., of the operating rights in certificate No. MC–111230 issued January 20, 1968, to Wilbur C. Winegar, doing business as City Transfer & Storage Co., Bell, Calif., authorizing the transportation of: General commodities, with the usual exceptions, between points in California. Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif. 90212; attorney for applicants.

No. MC–FC–70733. By order of August 28, 1968, the Transfer Board approved the transfer to Madison Coal & Oil, Inc., Madison, Wis., of those portions of the operating rights in certificates Nos. MC–119012 (Sub-No. 1) and MC–119012 (Sub-No. 2) issued February 12, 1960, and March 11, 1964, respectively, to River Terminals Transport, Inc., Aurora, Ind., authorizing the transportation of dry bulk commodities (not including cement), in bulk, in dump trucks, or other similar type self-unloading equipment, from river terminals at Madison, Ind., to points as specified in Indiana, Ohio, and Kentucky; and pig iron and ferroalloys, in dump vehicles or other similar type self-unloading equipment, from river terminals at Madison, Ind., to points as specified in Indiana, Ohio, Kentucky. Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. 46204; attorney for applicants.

No. MC–FC–70740. By order of August 28, 1968, the Transfer Board approved the transfer to Dennis L. Page and Thurmon E. Taylor, a partnership, doing business as Page & Taylor Transfer & Storage Co., Post Office Box 416, Peterstown, W. Va. 24963, of the operating rights in certificate No. MC–33131 issued September 17, 1962, to O. H. Frazier, Post Office Box 236, Peterstown, W. Va. 24963, authorizing the transportation of household goods between points in Monroe County, W. Va., and Giles County, Va., on the one hand, and, on the other, points in Virginia and West Virginia.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68–11062; Filed, Sept. 11, 1968; 8:50 a.m.]

[Notice 682]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

Correction

In F.R. Doc. 68–10714 appearing at page 12606 in the issue of Thursday, September 5, 1968, under the center heading "Motor Carriers of Property," in the 15th line of the second paragraph, after "York," the following should be inserted: "North Carolina, Ohio, Pennsylvania,".

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