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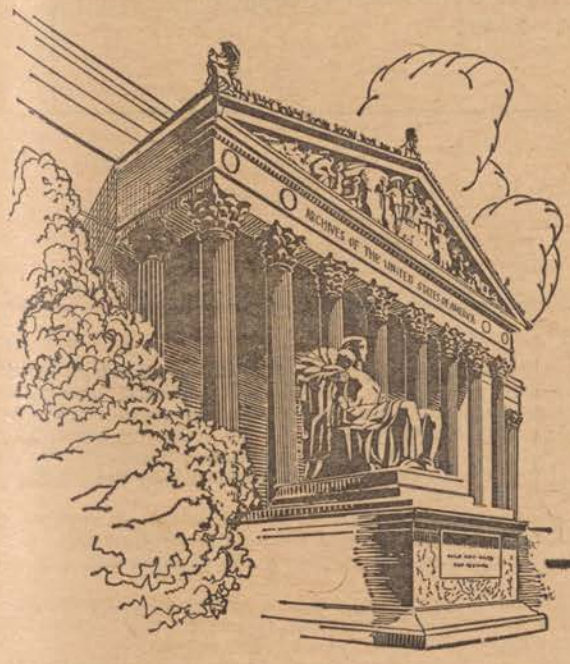

FEDERAL REGISTER

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List of CFR Parts Affected

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

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

Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3870

PROCLAMATION AMENDING PART 3 OF THE APPENDIX TO THE TARIFF SCHEDULES OF THE UNITED STATES WITH RESPECT TO THE IMPORTATION OF AGRICULTURAL COMMODITIES

By the President of the United States of America

A Proclamation

WHEREAS, pursuant to Section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), limitations have been imposed by Presidential proclamations on the quantities of certain dairy products which may be imported into the United States in any quota year; and

WHEREAS, in accordance with Section 102(3) of the Tariff Classification Act of 1962, the President by Proclamation No. 3548 of August 21, 1963, proclaimed the additional import restrictions set forth in Part 3 of the Appendix to the Tariff Schedules of the United States; and

WHEREAS the import restrictions on certain dairy products set forth in Part 3 of the Appendix to the Tariff Schedules of the United States as proclaimed by Proclamation No. 3548 have been amended by Proclamation No. 3558 of October 5, 1963, Proclamation No. 3562 of November 26, 1963, Proclamation No. 3597 of July 7, 1964, Section 88 of the Tariff Schedules Technical Amendments Act of 1965 (79 Stat. 950), Proclamation No. 3709 of March 31, 1966, Proclamation No. 3790 of June 30, 1967, Proclamation No. 3822 of December 16, 1967, and Proclamation No. 3856 of June 10, 1968; and

WHEREAS, pursuant to said Section 22, the Secretary of Agriculture has advised me there is reason to believe that the articles for which import restrictions are hereinafter proclaimed are being imported, and are practically certain to be imported, under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with the price support program now conducted by the Department of Agriculture for milk and butterfat, and to reduce substantially the amount of products processed in the United States from domestic milk and butterfat; and

WHEREAS, under the authority of Section 22, I have requested the United States Tariff Commission to make an investigation with respect to this matter; and

WHEREAS the Secretary of Agriculture has determined and reported to me that a condition exists which requires emergency treatment with respect to the articles for which import restrictions are hereinafter proclaimed and that the limitations, hereinafter set forth, on the quantities of such articles which may be imported in a quota year should be imposed without awaiting the recommendations of the United States Tariff Commission with respect to such action; and

WHEREAS I find and declare that the articles for which import restrictions are hereinafter proclaimed are being imported and are practically certain to be imported into the United States under such conditions and in such quantities as to render or tend to render ineffective or materially interfere with the price support program now conducted by the Department of Agriculture for milk and butterfat, and to reduce substantially the amount of products processed in the United States from domestic milk and butterfat; and that a condition exists with respect thereto which requires emergency treatment and that the limitations, hereinafter set forth, on the quantities of such articles which may be imported in a quota year should be imposed without awaiting the recommendations of the United States Tariff Commission with respect to such action; and

WHEREAS I find and declare that for the purpose of the first proviso of Section 22(b) of the Agricultural Adjustment Act, as amended, the representative period for imports of such articles is the calendar year 1967, except that the representative period for imports of the articles subject to the import quotas provided for in item 950.09B is the calendar years 1965 through 1967; and

WHEREAS I find and declare that the imposition of the import restrictions hereinafter proclaimed is necessary in order that the entry, or withdrawal from warehouse, for consumption of such articles will not render or tend to render ineffective or materially interfere with the price support program now conducted by the Department of Agriculture for milk and butterfat, or reduce substantially the amount of products processed in the United States from domestic milk and butterfat;

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, acting under and by virtue of the authority vested in me as President, and in conformity with the provisions of Section 22 of the Agricultural Adjustment Act, as amended, and the Tariff Classification Act of 1962, do hereby proclaim that Part 3 of the Appendix to the Tariff Schedules of the United States is amended as follows:

(1) headnote 3(a) is amended by adding a new subdivision as follows:

(iii) For the purposes of items 950.10A, 950.10B, and 950.10C of this part, the purchase price shall be determined by the District Director of Customs on the basis of the aggregate price received by the exporter, including all expenses incident to placing the merchandise in condition, packed ready for shipment to the United States, but excluding transportation, insurance, duty, and other charges incident to bringing the merchandise from the place of shipment from the country of exportation to the place of delivery in the United States.

(2) item 950.09 is redesignated 950.09A and a new item is inserted as follows:

950.09B	Cheese and substitutes for cheese containing, or processed from, Edam and Gouda cheese: For the 12-month period ending December 31, 1968	the quantity entered on or before the date of this proclamation, plus the following quantities:

Country of Origin	*Quota Quantity (In pounds)*
Denmark	514,000
Ireland	99,000
Netherlands	51,000
Norway	110,000
West Germany	154,000
Other	17,000

For each subsequent 12-month period, the following quantities:

Country of Origin	*Quota Quantity (In pounds)*
Denmark	1,714,000
Ireland	331,000
Netherlands	169,000
Norway	368,000
West Germany	513,000
Other	56,000

(3) items 950.10A, 950.10B, and 950.10C are added following item 950.10, which read as follows:

Swiss or Emmenthaler cheese with eye formation; Gruyere-process cheese; and cheese and substitutes for cheese containing, or processed from, such cheeses; all the foregoing, if shipped otherwise than in pursuance to a purchase, or if having a purchase price under 47 cents per pound (see headnote 3(a)(iii) of this part):

950.10A Swiss or Emmenthaler cheese with eye formation:
For the 12-month period ending December 31, 1968 — the quantity entered on or before the date of this proclamation, plus the following quantities:

Country of Origin	*Quota Quantity (In pounds)*
Austria	291,000
Denmark	183,000
Finland	553,000
Norway	110,000
Switzerland	60,000
West Germany	37,000
Other	47,000

For each subsequent 12-month period, the following quantities:

Country of Origin	*Quota Quantity (In pounds)*
Austria	972,000
Denmark	609,000
Finland	1,843,000
Norway	367,000
Switzerland	200,000
West Germany	124,000
Other	156,000

950.10B Other than Swiss or Emmenthaler with eye formation:
For the 12-month period ending December 31, 1968 — the quantity entered on or before the date of this proclamation, plus the following quantities:

Country of Origin	*Quota Quantity (In pounds)*
Austria	145,000
Denmark	36,000
Finland	455,000
Switzerland	3,000
West Germany	323,000
Other	25,000

For each subsequent 12-month period, the following quantities:

Country of Origin	*Quota Quantity (In pounds)*
Austria	483,000
Denmark	119,000
Finland	1,516,000
Switzerland	10,000
West Germany	1,078,000
Other	83,000

950.10C Cheeses and substitutes for cheese provided for in items 117.75 and 117.85, part 4C, schedule 1 (except cheese not containing cow's milk, whey cheese, and except articles within the scope of other import quotas provided for in this part); all the foregoing, if shipped otherwise than in pursuance to a purchase, or if having a purchase price under 47 cents per pound (see headnote 3(a)(iii) of this part):

For the 12-month period ending December 31, 1968 ---------- the quantity entered on or before the date of this proclamation, plus the following quantities:

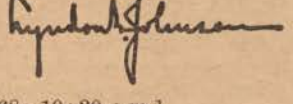
Country of Origin	*Quota Quantity (In pounds)*
Belgium	62,000
Denmark	2,690,000
Finland	337,000
France	279,000
Iceland	168,000
Ireland	45,000
Netherlands	17,000
Norway	67,000
Poland	619,000
Sweden	460,000
Switzerland	10,000
United Kingdom	82,000
West Germany	297,000
Other	116,000

For each subsequent 12-month period, the following quantities:

Country of Origin	*Quota Quantity (In pounds)*
Belgium	207,000
Denmark	8,966,000
Finland	1,124,000
France	931,000
Iceland	560,000
Ireland	151,000
Netherlands	56,000
Norway	222,000
Poland	2,064,000
Sweden	1,535,000
Switzerland	34,000
United Kingdom	274,000
West Germany	989,000
Other	388,000

The quotas established by this proclamation shall be applicable pending the report and recommendations of the Tariff Commission and action thereon by the President. Such quotas shall not be applicable to quantities of articles covered by this proclamation, which were exported to the United States, but not entered, prior to the date of this proclamation, to the extent such quantities are in excess of the quotas therefor. Notwithstanding headnote 3(a)(i), import licenses shall not be required for articles subject to the quotas provided for in this proclamation for the 12-month period ending December 31, 1968.

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



[F.R. Doc. 68-11805; Filed, Sept. 25, 1968; 10:20 a.m.]

Proclamation 3871

NATIONAL EMPLOY THE PHYSICALLY HANDICAPPED WEEK, 1968

By the President of the United States of America

A Proclamation

America's program of rehabilitation has brightened the hopes and lives of millions of our citizens who are handicapped by chronic illness or disability.

As a result of advanced medical knowledge, expanded treatment centers, and ingenious prosthetic devices, wounded veterans and disabled workers, children with defects from birth, and young persons injured in accidents can look forward to useful, productive lives.

The ultimate enrichment of the lives of our handicapped is the opportunity to work. Since World War II, over seven million handicapped have been hired by private industry, and nearly a quarter million have been hired by the Federal Government.

While these accomplishments are impressive, the goal of a job for every disabled person who seeks one has not yet been reached.

—Thousands of blind persons are unemployed.
—Many deaf men and women are in jobs far beneath their true capabilities.
—Epileptics remain the victims of public misinformation and misconception.
—Persons with cerebral palsy, multiple sclerosis, or muscular dystrophy have shockingly high unemployment rates.
—A disproportionate number of unemployed handicapped men and women are trapped in the urban slums and in the rural areas of our country.

The handicapped have come a long way. But all of us—and particularly those who have been spared crippling injury—must help in providing a still wider range of job opportunities for the handicapped.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, in accordance with the joint resolution of Congress approved August 11, 1945 (59 Stat. 530), designating the first full week of October of each year as National Employ the Physically Handicapped Week, do hereby call upon the people of our Nation to observe the week beginning October 6, 1968, for such purpose.

During that week I urge all the Governors of States, mayors of cities, and other public officials, as well as leaders of industry, educational and religious groups, labor, civic, veterans', agricultural, women's, scientific, professional, and fraternal organizations, and all other interested organizations and individuals, including the handicapped themselves, to participate in this observance.

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

Lyndon B. Johnson

[F.R. Doc. 68-11806; Filed, Sept. 25, 1968; 10:20 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

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

[Valencia Orange Reg. 258]

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

Limitation of Handling

§ 908.558 Valencia Orange Regulation 258.

(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 24, 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 27, 1968, through October 3, 1968, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 500,000 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 25, 1968.

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

[F.R. Doc. 68–11815; Filed, Sept. 25, 1968; 11:20 a.m.]

PART 925—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREG.

Expenses and Rate of Assessment

On September 7, 1968, notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 12745) regarding proposed expenses, and the related rate of assessment for the fiscal period July 1, 1968, through June 30, 1969, pursuant to the marketing agreement and Order No. 925 (7 CFR Part 925), regulating the handling of fresh prunes grown in designated counties in Idaho and in Malheur County, Oreg. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Idaho-Malheur County, Oreg., Fresh Prune Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 925.208 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Idaho-Malheur County, Oreg., Fresh Prune Marketing Committee during the fiscal period July 1, 1968, through June 30, 1969, will amount to $5,095.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 925.41, is fixed at $0.005 per one-half bushel or equivalent quantity of fresh prunes.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of fresh prunes grown in the designated production area are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable prunes handled during the aforesaid period; and (3) such period began on July 1, 1968, and said rate of assessment will automatically apply to all such prunes beginning with such date.

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

Dated: September 23, 1968.

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

[F.R. Doc. 68–11694; Filed, Sept. 25, 1968; 8:48 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1968 Crop Corn Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1968 Crop Corn Loan and Purchase Program

This annual crop year supplement, together with the General Regulations Governing Price Support for the 1964 and Subsequent Crops (Revision 1) (31 F.R. 5941), and any amendments thereto, and the 1966 and Subsequent Crops Corn Supplement (31 F.R. 10464), and any amendments thereto, contain the provisions for price support loans and purchases for the 1968 crop of corn.

Sec.
1421.2376 Availability.
1421.2377 Compliance requirements.
1421.2378 Warehouse charges.
1421.2379 Maturity of loans.
1421.2380 Delivery period.
1421.2381 Support rates, premiums, and discounts.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051 as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.2376 Availability.

A producer desiring a price support loan must request a loan on his eligible corn on or before June 30, 1969. To obtain price support through a sale to CCC, a producer must give the appropriate ASCS county office notice of his intent to sell his eligible corn to CCC on or before July 31, 1969: *Provided*, That in any area where it is determined by the State committee that producers may not be able to or cannot store corn safely on the farm for the full storage period because of insects, adverse climatic conditions, or other factors affecting the safe storage of corn, the final date for requesting price support on farm stored corn shall be such earlier dates as are established by the State committee. Public announcement of the final dates shall be made sufficiently in advance of such dates to allow producers a reasonable period of time to request price support.

§ 1421.2377 Compliance requirements.

To be eligible for a loan or purchase, a producer must qualify for a price support payment under the 1966–69 Feed Grain Program Regulations (31 F.R. 8339), and any amendments thereto, on corn of the 1968 crop produced on the farm on which the corn tendered for loan or purchase was produced except that such qualification is not necessary with respect to corn produced in an area of the United States in which the feed grain program is not in effect.

§ 1421.2378 Warehouse charges.

Subject to the provisions of § 1421.2369, the schedules of deductions set forth in this section shall apply to corn stored in an approved warehouse operating under the Uniform Grain Storage Agreement or operated by an Eastern common carrier.

(a) *Warehouses approved under the Uniform Grain Storage Agreement.*

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES FOR MATURITY DATE OF JULY 31, 1969

Storage start date: [1]	Deduction (cents per bushel)
Prior to Aug. 16, 1968	13
Aug. 16–Sept. 12, 1968	12
Sept. 13–Oct. 10, 1968	11
Oct. 11–Nov. 7, 1968	10
Nov. 8–Dec. 5, 1968	9
Dec. 6, 1968–Jan. 2, 1969	8
Jan. 3–Jan. 30, 1969	7
Jan. 31–Feb. 27, 1969	6
Feb. 28–Mar. 27, 1969	5
Mar. 28–April 24, 1969	4
April 25–May 22, 1969	3
May 23–June 19, 1969	2
June 20–July 31, 1969	1

[1] All dates inclusive.

(b) *Warehouses operated by Eastern common carriers.* (1) Eligible corn stored in the following approved Eastern common carrier warehouses may be placed under loan or offered for sale to CCC:

(i) Canadian National Railway Co., Portland Elevator, Warehouse Code 9–2101, Portland, Maine.

(ii) Pennsylvania Railroad Co., Canton Elevator, Warehouse Code 9–2151, Baltimore, Md.

(2) Schedule of deductions for storage changes:

Maturity date of July 31, 1969 [1]	Deduction (Cents per bushel) [2]
Prior to Aug. 16, 1968	18
Aug. 16–Sept. 4, 1968	17
Sept. 5–Sept. 24, 1968	16
Sept. 25–Oct. 14, 1968	15
Oct. 15–Nov. 3, 1968	14
Nov. 4–Nov. 23, 1968	13
Nov. 24–Dec. 13, 1968	12
Dec. 14, 1968–Jan. 2, 1969	11
Jan. 3–Jan. 22, 1969	10
Jan. 23–Feb. 11, 1969	9
Feb. 12–Mar. 3, 1969	8
Mar. 4–Mar. 23, 1969	7
Mar. 24–Apr. 12, 1969	6
Apr. 13–May 2, 1969	5
May 3–May 22, 1969	4
May 23–June 11, 1969	3
June 12–July 1, 1969	2
July 2–July 31, 1969	1

[1] Storage commence date, all dates inclusive.

[2] If producer presents evidence that elevation charges were prepaid, the storage deduction shall be reduced by 3 cents per bushel on corn stored in the Portland Elevator, and 2¼ cents per bushel on corn stored in the Canton Elevator.

§ 1421.2379 Maturity of loans.

Loans mature on demand but not later than July 31, 1969.

§ 1421.2380 Delivery period.

(a) *Regular delivery period.* The regular delivery period shall begin August 1, 1969.

(b) *Where producer may not be in a position to store corn safely.* In areas where it is determined by the State committee that some producers may not be in a position to store corn safely on the farm for the full storage period (for reasons set forth in § 1421.2376) the State committee may establish an earlier delivery period prior to maturity (in addition to the regular delivery period) during which any producer in such areas may voluntarily deliver corn which is under farm storage loan. Eligible corn not under loan may also be delivered to CCC for purchase in the early delivery period. Such earlier delivery period, if established, shall begin at least 30 days after the final date of availability of loans established by the State committee, but not before April 1, 1969. CCC will accept deliveries of corn during such early delivery period, provided the producer notifies the county office within the time specified by the county office that he wants to deliver the corn.

(c) *Where producers cannot store corn safely.* If the State committee determines that producers in an area cannot store corn safely on the farm for the full storage period (for reasons set forth in § 1421.2376), all farm-storage loans in such area shall be called. Producers having eligible corn not under loan who elect to make deliveries from farm-storage for purchase by CCC shall also be required to deliver during the delivery period for loans; except that individual producers may keep corn in farm storage until the regular loan maturity date if (1) such corn is shelled, (2) the producer has satisfactory storage facilities, and (3) the State committee approves. Any earlier delivery period established shall begin at least 30 days after the final date of availability of loans established by the State committee, and not before April 1, 1969.

§ 1421.2381 Support rates, premiums and discounts.

(a) *Application.* The support rate to be used to make a loan, and to settle a loan and a purchase, shall be the applicable basic county support rate established for the county in which the corn covered by the loan or purchase was produced. A farm storage loan shall be made at the basic county support rate adjusted only by the weed control discount, if applicable. A warehouse storage loan, a farm storage loan settlement and a purchase shall be made at the basic county support rate adjusted by the applicable premiums and discounts prescribed in paragraphs (c) and (d) of this section.

(b) *Basic county support rates.* Basic county support rates for corn grading No. 2 and containing from 15.1 through 15.5 percent moisture are as follows:

ALABAMA

County	Rate per bushel
All counties	$1.22

ARIZONA

All counties	$1.26

ARKANSAS

All counties	$1.17

CALIFORNIA

All counties	$1.26

COLORADO

County	Rate per bushel	County	Rate per bushel
Adams	$1.14	La Plata	$1.22
Alamosa	1.18	Larimer	1.13
Arapahoe	1.15	Las Animas	1.16
Archuleta	1.20	Lincoln	1.14
Baca	1.15	Logan	1.11
Bent	1.15	Mesa	1.23
Boulder	1.14	Moffat	1.23
Cheyenne	1.18	Montezuma	1.25
Conejos	1.18	Montrose	1.23
Costilla	1.18	Morgan	1.12
Crowley	1.15	Otero	1.16
Custer	1.17	Ouray	1.25
Delta	1.23	Phillips	1.11
Dolores	1.25	Pitkin	1.21
Douglas	1.16	Prowers	1.14
Eagle	1.21	Pueblo	1.16
Elbert	1.15	Rio Blanco	1.23
El Paso	1.16	Rio Grande	1.21
Fremont	1.17	Routt	1.20
Garfield	1.23	Saguache	1.19
Grand	1.17	San Miguel	1.25
Huerfano	1.17	Sedgwick	1.11
Jefferson	1.16	Washington	1.12
Kiowa	1.14	Weld	1.12
Kit Carson	1.12	Yuma	1.11

CONNECTICUT

County	Rate per bushel
All counties	$1.31

DELAWARE

County	Rate per bushel
All counties	$1.25

FLORIDA

County	Rate per bushel
All counties	$1.23

GEORGIA

County	Rate per bushel
All counties	$1.23

HAWAII

County	Rate per bushel
All counties	$1.57

IDAHO

County	Rate per bushel
All counties	$1.23

ILLINOIS

County	Rate per bushel	County	Rate per bushel
Adams	$1.08	Lee	$1.08
Alexander	1.12	Livingston	1.09
Bond	1.10	Logan	1.10
Boone	1.08	McDonough	1.08
Brown	1.09	McHenry	1.09
Bureau	1.08	McLean	1.09
Calhoun	1.09	Macon	1.09
Carroll	1.06	Macoupin	1.10
Cass	1.10	Madison	1.10
Champaign	1.08	Marion	1.10
Christian	1.10	Marshall	1.10
Clark	1.09	Mason	1.10
Clay	1.10	Massac	1.12
Clinton	1.10	Menard	1.10
Coles	1.08	Mercer	1.06
Cook	1.10	Monroe	1.11
Crawford	1.10	Montgomery	1.10
Cumberland	1.09	Morgan	1.10
De Kalb	1.09	Moultrie	1.08
De Witt	1.09	Ogle	1.07
Douglas	1.08	Peoria	1.09
Du Page	1.10	Perry	1.11
Edgar	1.08	Piatt	1.08
Edwards	1.11	Pike	1.09
Effingham	1.10	Pope	1.12
Fayette	1.10	Pulaski	1.12
Ford	1.08	Putnam	1.10
Franklin	1.11	Randolph	1.11
Fulton	1.09	Richland	1.11
Gallatin	1.12	Rock Island	1.06
Greene	1.10	St. Clair	1.11
Grundy	1.09	Saline	1.11
Hamilton	1.11	Sangamon	1.10
Hancock	1.07	Schuyler	1.09
Hardin	1.12	Scott	1.10
Henderson	1.07	Shelby	1.09
Henry	1.07	Stark	1.09
Iroquois	1.09	Stephenson	1.07
Jackson	1.11	Tazewell	1.10
Jasper	1.10	Union	1.11
Jefferson	1.10	Vermilion	1.08
Jersey	1.10	Wabash	1.11
Joe Daviess	1.06	Warren	1.08
Johnson	1.11	Washington	1.11
Kane	1.10	Wayne	1.10
Kankakee	1.09	White	1.11
Kendall	1.09	Whiteside	1.07
Knox	1.09	Will	1.10
Lake	1.10	Williamson	1.11
La Salle	1.09	Winnebago	1.07
Lawrence	1.11	Woodford	1.10

INDIANA

County	Rate per bushel	County	Rate per bushel
Adams	$1.07	Delaware	$1.08
Allen	1.07	Dubois	1.11
Bartholomew	1.10	Elkhart	1.08
Benton	1.08	Fayette	1.09
Blackford	1.08	Floyd	1.12
Boone	1.08	Fountain	1.07
Brown	1.10	Franklin	1.11
Carroll	1.08	Fulton	1.08
Cass	1.08	Gibson	1.12
Clark	1.12	Grant	1.08
Clay	1.08	Greene	1.10
Clinton	1.08	Hamilton	1.08
Crawford	1.12	Harrison	1.12
Daviess	1.11	Hancock	1.08
Dearborn	1.12	Hendricks	1.08
Decatur	1.10	Henry	1.08
De Kalb	1.07	Howard	1.08

INDIANA—Continued

County	Rate per bushel	County	Rate per bushel
Huntington	$1.07	Porter	$1.09
Jackson	1.11	Posey	1.12
Jasper	1.08	Pulaski	1.08
Jay	1.08	Putnam	1.08
Jefferson	1.12	Randolph	1.08
Jennings	1.11	Ripley	1.11
Johnson	1.09	Rush	1.09
Knox	1.11	St. Joseph	1.08
Kosciusko	1.08	Scott	1.12
Lagrange	1.07	Shelby	1.09
Lake	1.09	Spencer	1.12
La Porte	1.09	Starke	1.08
Lawrence	1.11	Steuben	1.07
Madison	1.08	Sullivan	1.09
Marion	1.08	Switzerland	1.12
Marshall	1.08	Tippecanoe	1.07
Martin	1.11	Tipton	1.08
Miami	1.08	Union	1.09
Monroe	1.10	Vanderburgh	1.12
Montgomery	1.07	Vermillion	1.07
Morgan	1.09	Vigo	1.08
Newton	1.08	Wabash	1.08
Noble	1.07	Warren	1.07
Ohio	1.12	Warrick	1.12
Orange	1.11	Washington	1.12
Owen	1.09	Wayne	1.08
Parke	1.07	Wells	1.07
Perry	1.12	White	1.08
Pike	1.11	Whitley	1.07

IOWA

County	Rate per bushel	County	Rate per bushel
Adair	$1.04	Jefferson	$1.05
Adams	1.05	Johnson	1.05
Allamakee	1.03	Jones	1.05
Appanoose	1.05	Keokuk	1.04
Audubon	1.03	Kossuth	.99
Benton	1.04	Lee	1.06
Black Hawk	1.02	Linn	1.04
Boone	1.02	Louisa	1.06
Bremer	1.02	Lucas	1.04
Buchanan	1.03	Lyon	1.00
Buena Vista	1.00	Madison	1.03
Butler	1.01	Mahaska	1.03
Calhoun	1.01	Marion	1.03
Carroll	1.02	Marshall	1.02
Cass	1.04	Mills	1.05
Cedar	1.06	Mitchell	1.00
Cerro Gordo	.99	Monona	1.03
Cherokee	1.01	Monroe	1.04
Chickasaw	1.01	Montgomery	1.05
Clarke	1.04	Muscatine	1.06
Clay	1.00	O'Brien	1.00
Clayton	1.04	Osceola	.99
Clinton	1.06	Page	1.05
Crawford	1.02	Palo Alto	.99
Dallas	1.03	Plymouth	1.02
Davis	1.05	Pocahontas	1.00
Decatur	1.05	Polk	1.03
Delaware	1.04	Pottawattamie	1.05
Des Moines	1.06	Poweshiek	1.03
Dickinson	.99	Ringgold	1.05
Dubuque	1.05	Sac	1.01
Emmet	.98	Scott	1.06
Fayette	1.03	Shelby	1.03
Floyd	1.00	Sioux	1.01
Franklin	1.00	Story	1.02
Fremont	1.05	Tama	1.03
Greene	1.02	Taylor	1.05
Grundy	1.02	Union	1.04
Guthrie	1.03	Van Buren	1.05
Hamilton	1.01	Wapello	1.04
Hancock	.99	Warren	1.03
Hardin	1.02	Washington	1.05
Harrison	1.04	Wayne	1.05
Henry	1.06	Webster	1.01
Howard	1.01	Winnebago	.99
Humboldt	1.00	Winneshiek	1.02
Ida	1.01	Woodbury	1.02
Iowa	1.04	Worth	.99
Jackson	1.06	Wright	1.00
Jasper	1.03		

KANSAS

County	Rate per bushel	County	Rate per bushel
Allen	$1.12	Atchison	$1.09
Anderson	1.11	Barber	1.13

KANSAS—Continued

County	Rate per bushel	County	Rate per bushel
Barton	$1.10	Lyon	$1.09
Bourbon	1.12	McPherson	1.09
Brown	1.07	Marion	1.09
Butler	1.11	Marshall	1.06
Chase	1.09	Meade	1.11
Chautauqua	1.14	Miami	1.11
Cherokee	1.14	Mitchell	1.07
Cheyenne	1.08	Montgomery	1.14
Clark	1.11	Morris	1.09
Clay	1.06	Morton	1.11
Cloud	1.06	Nemaha	1.07
Coffey	1.11	Neosho	1.13
Comanche	1.12	Ness	1.10
Cowley	1.13	Norton	1.06
Crawford	1.14	Osage	1.09
Decatur	1.07	Osborne	1.07
Dickinson	1.08	Ottawa	1.07
Doniphan	1.08	Pawnee	1.11
Douglas	1.09	Phillips	1.06
Edwards	1.11	Pottawatomie	1.07
Elk	1.13	Pratt	1.12
Ellis	1.09	Rawlins	1.08
Ellsworth	1.09	Reno	1.11
Finney	1.10	Republic	1.05
Ford	1.10	Rice	1.10
Franklin	1.10	Riley	1.06
Geary	1.08	Rooks	1.07
Gove	1.09	Rush	1.10
Graham	1.07	Russell	1.08
Grant	1.10	Saline	1.08
Gray	1.10	Scott	1.10
Greeley	1.10	Sedgwick	1.12
Greenwood	1.11	Seward	1.11
Hamilton	1.10	Shawnee	1.08
Harper	1.13	Sheridan	1.07
Harvey	1.11	Sherman	1.09
Haskell	1.10	Smith	1.05
Hodgeman	1.10	Stafford	1.11
Jackson	1.08	Stanton	1.10
Jefferson	1.09	Stevens	1.11
Jewell	1.05	Sumner	1.13
Johnson	1.10	Thomas	1.09
Kearny	1.10	Trego	1.09
Kingman	1.12	Wabaunsee	1.08
Kiowa	1.12	Wallace	1.09
Labette	1.14	Washington	1.06
Lane	1.10	Wichita	1.10
Leavenworth	1.10	Wilson	1.13
Lincoln	1.08	Woodson	1.12
Linn	1.12	Wyandotte	1.10
Logan	1.09		

KENTUCKY

County	Rate per bushel	County	Rate per bushel
Adair	$1.19	Estill	$1.20
Allen	1.19	Fayette	1.19
Anderson	1.18	Fleming	1.18
Ballard	1.15	Floyd	1.22
Barren	1.18	Franklin	1.17
Bath	1.20	Fulton	1.15
Bell	1.22	Gallatin	1.15
Boone	1.14	Garrard	1.20
Bourbon	1.19	Grant	1.16
Boyd	1.18	Graves	1.15
Boyle	1.19	Grayson	1.16
Bracken	1.16	Green	1.19
Breathitt	1.22	Greenup	1.17
Breckinridge	1.15	Hancock	1.15
Bullitt	1.16	Hardin	1.16
Butler	1.17	Harlan	1.22
Caldwell	1.17	Harrison	1.18
Calloway	1.16	Hart	1.18
Campbell	1.14	Henderson	1.15
Carlisle	1.15	Henry	1.16
Carroll	1.15	Hickman	1.15
Carter	1.19	Hopkins	1.17
Casey	1.19	Jackson	1.21
Christian	1.18	Jefferson	1.15
Clark	1.20	Jessamine	1.20
Clay	1.21	Johnson	1.21
Clinton	1.20	Kenton	1.14
Crittenden	1.15	Knott	1.22
Cumberland	1.19	Knox	1.21
Daviess	1.15	Larue	1.17
Edmondson	1.17	Laurel	1.21
Elliott	1.20	Lawrence	1.20

KENTUCKY—Continued

County	Rate per bushel	County	Rate per bushel
Lee	$1.21	Oldham	$1.15
Leslie	1.22	Owen	1.16
Letcher	1.22	Owsley	1.21
Lewis	1.16	Pendleton	1.16
Lincoln	1.20	Perry	1.22
Livingston	1.15	Pike	1.22
Logan	1.18	Powell	1.20
Lyon	1.17	Pulaski	1.20
McCracken	1.15	Robertson	1.18
McCreary	1.20	Rockcastle	1.20
McLean	1.16	Rowan	1.20
Madison	1.20	Russell	1.20
Magoffin	1.22	Scott	1.18
Marion	1.18	Shelby	1.16
Marshall	1.16	Simpson	1.19
Martin	1.21	Spencer	1.16
Mason	1.16	Taylor	1.18
Meade	1.15	Todd	1.18
Menifee	1.20	Trigg	1.18
Mercer	1.19	Trimble	1.15
Metcalfe	1.19	Union	1.15
Monroe	1.19	Warren	1.18
Montgomery	1.20	Washington	1.18
Morgan	1.21	Wayne	1.20
Muhlenburg	1.17	Webster	1.16
Nelson	1.17	Whitley	1.21
Nicholas	1.19	Wolfe	1.21
Ohio	1.16	Woodford	1.19

LOUISIANA

All parishes	$1.20

MAINE

All counties	$1.31

MARYLAND

All counties	$1.25

MASSACHUSETTS

All counties	$1.31

MICHIGAN

Allegan	$1.09	Manistee	$1.11
Arenac	1.11	Mason	1.11
Barry	1.08	Mecosta	1.10
Bay	1.10	Midland	1.09
Berrien	1.09	Missaukee	1.11
Branch	1.08	Monroe	1.10
Calhoun	1.08	Montcalm	1.09
Cass	1.09	Muskegon	1.11
Clare	1.10	Newaygo	1.10
Clinton	1.09	Oakland	1.10
Eaton	1.09	Oceana	1.11
Genesee	1.10	Ogemaw	1.11
Gladwin	1.10	Osceola	1.10
Gratiot	1.09	Ottawa	1.11
Hillsdale	1.08	Roscommon	1.11
Huron	1.10	Saginaw	1.09
Ingham	1.09	St. Clair	1.10
Ionia	1.09	St. Joseph	1.08
Iosco	1.11	Sanilac	1.10
Isabella	1.09	Shiawassee	1.09
Jackson	1.09	Tuscola	1.09
Kalamazoo	1.09	Van Buren	1.09
Kent	1.10	Washtenaw	1.10
Lake	1.11	Wayne	1.10
Lapeer	1.10	Wexford	1.11
Lenawee	1.09	All other counties	1.12
Livingston	1.10		
Macomb	1.10		

MINNESOTA

Aitkin	$1.01	Cottonwood	$0.98
Anoka	1.03	Crow Wing	1.00
Becker	.99	Dakota	1.04
Beltrami	.99	Dodge	1.01
Benton	1.01	Douglas	1.00
Big Stone	.97	Faribault	.98
Blue Earth	.99	Fillmore	1.02
Brown	.99	Freeborn	.99
Carlton	1.02	Goodhue	1.04
Carver	1.02	Grant	.99
Cass	1.00	Hennepin	1.02
Chippewa	.98	Houston	1.04
Chisago	1.03	Hubbard	.99
Clay	.98	Isanti	1.02
Clearwater	.99	Itasca	1.01
Cook	1.01	Jackson	.97
Kanabec	$1.02	Pope	$0.99
Kandiyohi	1.00	Ramsey	1.03
Kittson	.98	Red Lake	.98
Koochiching	1.01	Redwood	.99
Lac qui Parle	.97	Renville	1.00
Lake	1.01	Rice	1.02
Lake of the Woods	.99	Rock	.99
Le Sueur	1.01	Roseau	.98
Lincoln	.97	St. Louis	1.01
Lyon	.98	Scott	1.02
McLeod	1.01	Sherburne	1.01
Mahnomen	.98	Sibley	1.01
Marshall	.98	Stearns	1.01
Martin	.97	Steele	1.00
Meeker	1.01	Stevens	.98
Mille Lacs	1.01	Swift	.99
Morrison	1.00	Todd	1.00
Mower	1.01	Traverse	.97
Murray	.98	Wabasha	1.04
Nicollet	1.00	Wadena	1.00
Nobles	.98	Waseca	.99
Norman	.98	Washington	1.04
Olmsted	1.02	Watonwan	.98
Otter Tail	.99	Wilkin	.98
Pennington	.98	Winona	1.04
Pine	1.02	Wright	1.01
Pipestone	.98	Yellow Medicine	.98
Polk	.98		

MISSISSIPPI

All counties	$1.20

MISSOURI

Adair	$1.07	Laclede	$1.14
Andrew	1.08	Lafayette	1.10
Atchison	1.07	Lawrence	1.14
Audrain	1.10	Lewis	1.08
Barry	1.15	Lincoln	1.10
Barton	1.14	Linn	1.08
Bates	1.11	Livingston	1.08
Benton	1.12	McDonald	1.15
Bollinger	1.14	Macon	1.09
Boone	1.11	Madison	1.14
Buchanan	1.10	Maries	1.13
Butler	1.14	Marion	1.08
Caldwell	1.09	Mercer	1.06
Calloway	1.11	Miller	1.13
Camden	1.13	Mississippi	1.14
Cape Girardeau	1.13	Moniteau	1.12
Carroll	1.09	Monroe	1.09
Carter	1.15	Montgomery	1.11
Cass	1.11	Morgan	1.12
Cedar	1.13	New Madrid	1.14
Chariton	1.09	Newton	1.15
Christian	1.15	Nodaway	1.07
Clark	1.07	Oregon	1.15
Clay	1.11	Osage	1.12
Clinton	1.11	Ozark	1.15
Cole	1.12	Pemiscot	1.14
Cooper	1.11	Perry	1.13
Crawford	1.13	Pettis	1.11
Dade	1.14	Phelps	1.14
Dallas	1.14	Pike	1.09
Daviess	1.08	Platte	1.11
De Kalb	1.09	Polk	1.14
Dent	1.14	Pulaski	1.14
Douglas	1.15	Putnam	1.06
Dunklin	1.14	Ralls	1.09
Franklin	1.12	Randolph	1.09
Gasconade	1.12	Ray	1.10
Gentry	1.08	Reynolds	1.14
Greene	1.14	Ripley	1.15
Grundy	1.07	St. Charles	1.11
Harrison	1.06	St. Clair	1.12
Henry	1.11	St. Francois	1.13
Hickory	1.13	Ste. Genevieve	1.12
Holt	1.08	St. Louis	1.12
Howard	1.10	Saline	1.10
Howell	1.15	Schuyler	1.06
Iron	1.14	Scotland	1.06
Jackson	1.11	Scott	1.14
Jasper	1.14	Shannon	1.14
Jefferson	1.12	Shelby	1.09
Johnson	1.11	Stoddard	1.14
Knox	1.08	Stone	1.15
		Sullivan	1.07
Taney	$1.15	Wayne	$1.14
Texas	1.14	Webster	1.14
Vernon	1.12	Worth	1.07
Warren	1.11	Wright	1.14
Washington	1.13		

MONTANA

All counties	$1.14

NEBRASKA

Adams	$1.04	Jefferson	$1.05
Antelope	1.03	Johnson	1.05
Arthur	1.07	Kearney	1.04
Banner	1.10	Keith	1.08
Blaine	1.04	Keyapaha	1.03
Boone	1.04	Kimball	1.10
Box Butte	1.09	Knox	1.02
Boyd	1.01	Lancaster	1.04
Brown	1.03	Lincoln	1.06
Buffalo	1.04	Logan	1.06
Burt	1.05	Loup	1.04
Butler	1.04	McPherson	1.06
Cass	1.05	Madison	1.04
Cedar	1.03	Merrick	1.04
Chase	1.07	Morrill	1.10
Cherry	1.05	Nance	1.04
Cheyenne	1.09	Nemaha	1.05
Clay	1.04	Nuckolls	1.04
Colfax	1.04	Otoe	1.05
Cuming	1.04	Pawnee	1.06
Custer	1.05	Perkins	1.07
Dakota	1.03	Phelps	1.04
Dawes	1.09	Pierce	1.03
Dawson	1.04	Platte	1.04
Deuel	1.09	Polk	1.04
Dixon	1.03	Red Willow	1.06
Dodge	1.04	Richardson	1.06
Douglas	1.05	Rock	1.03
Dundy	1.07	Saline	1.04
Fillmore	1.04	Sarpy	1.05
Franklin	1.04	Saunders	1.04
Frontier	1.05	Scotts Bluff	1.10
Furnas	1.05	Seward	1.04
Gage	1.05	Sheridan	1.08
Garden	1.08	Sherman	1.04
Garfield	1.04	Sioux	1.10
Gosper	1.05	Stanton	1.04
Grant	1.06	Thayer	1.04
Greeley	1.04	Thomas	1.05
Hall	1.04	Thurston	1.04
Hamilton	1.04	Valley	1.04
Harlan	1.04	Washington	1.05
Hayes	1.07	Wayne	1.03
Hitchcock	1.07	Webster	1.04
Holt	1.02	Wheeler	1.04
Hooker	1.05	York	1.04
Howard	1.04		

NEVADA

All counties	$1.27

NEW HAMPSHIRE

All counties	$1.31

NEW JERSEY

All counties	$1.27

NEW MEXICO

All counties	$1.23

NEW YORK

All counties	$1.26

NORTH CAROLINA

All counties	$1.25

NORTH DAKOTA

All counties	$0.98

OHIO

Adams	$1.13	Carroll	$1.17
Allen	1.09	Champaign	1.10
Ashland	1.13	Clark	1.10
Ashtabula	1.20	Clermont	1.12
Athens	1.16	Clinton	1.11
Auglaize	1.09	Columbiana	1.20
Belmont	1.18	Coshocton	1.14
Brown	1.13	Crawford	1.10
Butler	1.10	Cuyahoga	1.16

OHIO—Continued

County	Rate per bushel	County	Rate per bushel
Darke	$1.08	Mercer	$1.08
Defiance	1.08	Miami	1.09
Delaware	1.10	Monroe	1.19
Erie	1.12	Montgomery	1.09
Fairfield	1.13	Morgan	1.16
Fayette	1.11	Morrow	1.11
Franklin	1.10	Muskingum	1.14
Fulton	1.10	Noble	1.17
Gallia	1.14	Ottawa	1.11
Geauga	1.18	Paulding	1.08
Greene	1.10	Perry	1.15
Guernsey	1.16	Pickaway	1.11
Hamilton	1.11	Pike	1.12
Hancock	1.10	Portage	1.18
Hardin	1.10	Preble	1.09
Harrison	1.18	Putnam	1.09
Henry	1.09	Richland	1.11
Highland	1.11	Ross	1.12
Hocking	1.14	Sandusky	1.11
Holmes	1.14	Scioto	1.13
Huron	1.12	Seneca	1.10
Jackson	1.13	Shelby	1.09
Jefferson	1.19	Stark	1.17
Knox	1.12	Summit	1.16
Lake	1.18	Trumbull	1.20
Lawrence	1.14	Tuscarawas	1.16
Licking	1.12	Union	1.10
Logan	1.10	Van Wert	1.08
Lorain	1.13	Vinton	1.14
Lucas	1.11	Warren	1.11
Madison	1.10	Washington	1.18
Mahoning	1.20	Wayne	1.15
Marion	1.10	Williams	1.09
Medina	1.15	Wood	1.12
Meigs	1.15	Wyandot	1.10

OKLAHOMA

All counties $1.17

OREGON

All counties $1.23

PENNSYLVANIA

All counties $1.26

RHODE ISLAND

All counties $1.31

SOUTH CAROLINA

All counties $1.25

SOUTH DAKOTA

Aurora	$0.98	Jackson	$1.03
Beadle	.97	Jerauld	.97
Bennett	1.04	Jones	1.02
Bon Homme	.99	Kingsbury	.97
Brookings	.97	Lake	.98
Brown	.97	Lawrence	1.04
Brule	.98	Lincoln	1.00
Buffalo	.98	Lyman	1.00
Butte	1.04	McCook	.99
Campbell	1.00	McPherson	.99
Charles Mix	.98	Marshall	.97
Clark	.97	Meade	1.03
Clay	1.01	Mellette	1.02
Codington	.97	Miner	.98
Corson	1.02	Minnehaha	.99
Custer	1.07	Moody	.98
Davison	.98	Pennington	1.04
Day	.97	Perkins	1.03
Deuel	97	Potter	1.01
Dewey	1.02	Roberts	.97
Douglas	.98	Sanborn	.98
Edmunds	.99	Shannon	1.06
Fall River	1.08	Spink	.97
Faulk	.99	Stanley	1.02
Grant	.97	Sully	1.00
Gregory	.99	Todd	1.02
Haakon	1.02	Tripp	1.00
Hamlin	.97	Turner	1.00
Hand	.98	Union	1.01
Hanson	.98	Walworth	1.01
Harding	1.04	Washabaugh	1.03
Hughes	1.00	Yankton	1.00
Hutchinson	.99	Zieback	1.03
Hyde	.99		

TENNESSEE

County	Rate per bushel	County	Rate per bushel
Anderson	$1.23	Lauderdale	$1.17
Bedford	1.20	Lawrence	1.19
Benton	1.19	Lewis	1.19
Bledsoe	1.21	Lincoln	1.19
Blount	1.24	Loudon	1.23
Bradley	1.22	McMinn	1.22
Campbell	1.23	McNairy	1.19
Cannon	1.21	Macon	1.20
Carroll	1.18	Madison	1.18
Carter	1.24	Marion	1.20
Cheatham	1.19	Marshall	1.21
Chester	1.18	Maury	1.19
Claiborne	1.23	Meigs	1.22
Clay	1.21	Monroe	1.23
Cocke	1.24	Montgomery	1.19
Coffee	1.20	Moore	1.21
Crockett	1.18	Morgan	1.22
Cumberland	1.22	Obion	1.17
Davidson	1.20	Overton	1.21
Decatur	1.19	Perry	1.19
De Kalb	1.21	Pickett	1.21
Dickson	1.19	Polk	1.22
Dyer	1.17	Putnam	1.21
Fayette	1.18	Rhea	1.22
Fentress	1.22	Rhoane	1.23
Franklin	1.19	Robertson	1.19
Gibson	1.17	Rutherford	1.20
Giles	1.19	Scott	1.22
Grainger	1.24	Sequatchie	1.21
Greene	1.24	Sevier	1.24
Grundy	1.21	Shelby	1.17
Hamblen	1.24	Smith	1.20
Hamilton	1.21	Stewart	1.19
Hancock	1.24	Sullivan	1.24
Hardeman	1.18	Sumner	1.20
Hardin	1.19	Tipton	1.17
Hawkins	1.24	Trousdale	1.20
Haywood	1.18	Unicoi	1.24
Henderson	1.18	Union	1.23
Henry	1.18	Van Buren	1.21
Hickman	1.19	Warren	1.21
Houston	1.19	Washington	1.24
Humphreys	1.19	Wayne	1.19
Jackson	1.21	Weakley	1.17
Jefferson	1.24	White	1.21
Johnson	1.24	Williamson	1.20
Knox	1.23	Wilson	1.20
Lake	1.17		

TEXAS

All counties $1.19

UTAH

All counties $1.26

VERMONT

All counties $1.31

VIRGINIA

All counties $1.25

WASHINGTON

All counties $1.21

WEST VIRGINIA

All counties $1.24

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	$1.09	Fond du Lac	$1.10
Ashland	1.09	Forest	1.11
Barron	1.07	Grant	1.08
Bayfield	1.08	Green	1.09
Brown	1.11	Green Lake	1.10
Buffalo	1.08	Iowa	1.10
Burnett	1.07	Iron	1.10
Calumet	1.11	Jackson	1.09
Chippewa	1.09	Jefferson	1.10
Clark	1.09	Juneau	1.09
Columbia	1.10	Kenosha	1.11
Crawford	1.07	Kewaunee	1.12
Dane	1.10	La Crosse	1.08
Dodge	1.10	Lafayette	1.09
Door	1.12	Langlade	1.11
Douglas	1.07	Lincoln	1.10
Dunn	1.09	Manitowoc	1.12
Eau Claire	1.09	Marathon	1.10
Florence	1.11	Marinette	1.11

WISCONSIN—Continued

County	Rate per bushel	County	Rate per bushel
Marquette	$1.10	St. Croix	1.08
Menominee	1.11	Sauk	1.10
Milwaukee	1.11	Sawyer	1.08
Monroe	1.09	Shawano	1.11
Oconto	1.11	Sheboygan	1.11
Oneida	1.11	Taylor	1.09
Outagamie	1.10	Trempealeau	1.08
Ozaukee	1.11	Vernon	1.07
Pepin	1.08	Vilas	1.11
Pierce	1.08	Walworth	1.10
Polk	1.07	Washburn	1.07
Portage	1.10	Washington	1.10
Price	1.09	Waukesha	1.10
Racine	1.11	Waupaca	1.11
Richland	1.09	Waushara	1.10
Rock	1.10	Winnebago	1.11
Rusk	1.08	Wood	1.09

WYOMING

All counties $1.14

(c) *Premiums.*

(1) *Moisture.*

	Cents per bushel
Percent:	
14.0 or less	+1½
14.1 through 14.5	+1
14.6 through 15.0	+ ½
15.1 through 15.5	0

(2) *Broken corn and foreign material.*

2.0 percent or less +1

(d) *Discounts.*

(1) *Class.*

Mixed −2

(2) *Test weight per bushel.*

Pounds:

53.0 through 53.9	−1
52.0 through 52.9	−2
51.0 through 51.9	−3
50.0 through 50.9	−4
49.0 through 49.9	−5

(3) *Total damage.*

Percent:

5.1 through 6.0	− ½
6.1 through 7.0	−1

(4) *Heat damage.*

0.21 through 0.50 percent − ½

(5) *Broken corn and foreign material.*

3.1 through 4.0 percent −1

(6) *Weed control laws.*

(Where required by § 1421.74) −10

(7) *Other.* Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of the corn such as (but not limited to) moisture, weevily, musty, sour, and rodent excreta. Such discounts will be established not later than the time delivery of corn to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at ASCS county offices approximately one month prior to the loan maturity date.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on September 20, 1968.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 68-11693; Filed, Sept. 25, 1968; 8:48 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

Miscellaneous Amendments

On May 16, 1968, notice was published in the FEDERAL REGISTER (33 F.R. 7240) of proposed amendments to the general regulations promulgated under the Commodity Exchange Act, as amended (7 U.S.C. 1 et seq.; Public Law 90-258; 17 CFR Part 1). These matters were the subject of a public oral hearing held in Washington, D.C., on June 4, 1968, and interested parties were afforded an opportunity to submit written data, views, or arguments in addition to or in lieu of testimony at such hearing.

Pursuant to the authority vested in the Secretary of Agriculture under the Commodity Exchange Act, as amended, and after careful consideration of all the oral and written views, comments and arguments presented by interested persons, and of all other relevant facts and information available, the general regulations promulgated under such act are hereby amended as follows:

1. Section 1.5 is revised to read as follows:

§ 1.5 Disclosure of information.

No officer or employee of the Department of Agriculture shall publish, divulge, or make known in any manner, any facts or information regarding the business of any person which may come to the knowledge of such officer or employee through any inspection or examination of the reports or records of, or through any information given by, any person pursuant to the act or rules and regulations in this chapter, except as permitted by section 8 of the Commodity Exchange Act, as amended (7 U.S.C. 12), the regulations of the Secretary of Agriculture in 7 CFR Part 1, and the regulations in Part 140 of this chapter.

2. Section 1.7 is revised to read as follows:

§ 1.7 Registration required of futures commission merchants.

No person shall engage as futures commission merchant in the solicitation or acceptance of orders for the purchase or sale of any commodity for future delivery, or involving any contracts of sale of any commodity for future delivery, on or subject to the rules of any contract market, unless such person shall have been registered as futures commission merchant under the Commodity Exchange Act by the Secretary of Agriculture and such registration shall not have expired, been suspended, or been revoked. Such registration shall be required of every person engaged as described in this subpart irrespective of whether accounting records relating to such orders and trades and contracts resulting therefrom are maintained by other futures commission merchants to whom such orders are transmitted for execution or clearance. Any person who states on his application for registration that he intends to operate or is operating under the provisions of § 1.31a shall, if registered, be authorized to operate only in accord with the provisions of that regulation.

3. Section 1.8 is revised to read as follows:

§ 1.8 Registration required of floor brokers.

No person shall act as floor broker in executing any orders for the purchase or sale of any commodity for future delivery, or involving any contracts of sale of any commodity for future delivery, on or subject to the rules of any contract market unless such person shall have been registered as floor broker under the Commodity Exchange Act by the Secretary of Agriculture and such registration shall not have expired, been suspended, or been revoked.

4. Section 1.11 is revised to read as follows:

§ 1.11 Registration fees; form of remittance.

Each application for registration, or renewal thereof, as futures commission merchant shall be accompanied by a fee of $30, plus a fee of $5 for each domestic branch office and for each office maintained by a correspondent or agent in the United States authorized to solicit or accept orders for the purchase or sale of any commodity for future delivery on behalf of the applicant, unless such correspondent or agent is registered as futures commission merchant. Each application for registration, or renewal thereof, as floor broker shall be accompanied by a fee of $15. Fees shall be remitted by money order, bank draft, or check, payable to the Commodity Exchange Authority, USDA. Applications and fees shall be forwarded to the Commodity Exchange Authority, U.S. Department of Agriculture, Washington, D.C. 20250, or its nearest Regional Office.

§ 1.12 [Revoked]

5. Section 1.12 is revoked.

6. Section 1.13 is revised to read as follows:

§ 1.13 Deposit of registration fee; fee not subject to refund after registration.

Upon receipt of an application for registration (or renewal thereof) the Commodity Exchange Authority will, if the application be approved, notify the registrant that he has been registered under the act as futures commission merchant or as floor broker. If registration is refused, the fee shall be returned to the applicant, but if the applicant is registered, the fee will not be subject to refund.

7. Section 1.14 is revised to read as follows:

§ 1.14 Deficiencies, inaccuracies, and changes, to be reported by futures commission merchants and floor brokers.

(a) Each registrant shall file promptly with the Commodity Exchange Authority a statement on Form 3-R to correct any deficiency or inaccuracy in the registrant's application for registration, or any supplemental statement thereto, and report any change which renders no longer accurate and current the information contained in any of the following items of such application or supplemental statement:

(1) *With respect to a futures commission merchant.* The following items of Form 1-R "Application for Registration as Futures Commission Merchant":

Item 2.—Address of principal office.

Item 3.—Books and records and whether or not the operation is conducted under § 1.31a.

Item 4.—Form of organization (see below, and § 1.15).

Item 5.—Partners (see below, and § 1.15).

Item 6.—Management, and ownership or control, of registrants which are corporations.

Item 9.—Addresses of branch offices and names of managers thereof.

Item 10.—Correspondents and agents authorized to solicit or accept commodity futures orders on behalf of the registrant, whether or not they maintain offices.

Item 13.—Action by any commodity or securities exchange or related clearing organization, a national securities association, the U.S. Securities and Exchange Commission, the securities commission or equivalent authority of any State for the regulation of brokers and dealers in securities, involving the registrant or any general partner of the registrant if it is a partnership, or any officer or holder of more than 10 per centum of the stock of the registrant if it is a corporation, or any person who participates in managing the business of the registrant or of any office of the registrant; conviction of the registrant or any such person of any felony in any Federal or State court; conviction of the registrant or any such person of any offense involving the handling of any commodity or securities account for any customer, in any Federal or State court; or debarment of the registrant or any such person by any agency of the United States from contracting with the United States.

Any change in the personnel of a partnership resulting from the death, withdrawal, or addition of a partner which, as a matter of law, does not create a new partnership, may be reported on Form 3-R, as provided in § 1.15. New domestic branch offices and new correspondents and agents who maintain offices in the United States and are authorized to solicit or accept commodity futures orders on behalf of the registrant, shall be reported promptly and fees shall be remitted as provided in § 1.11.

(2) *With respect to a floor broker.* The following items of Form 2-R "Application for Registration as Floor Broker":

Item 2.—Business address.

Item 5.—Names and addresses of clearing members through whom registrant clears commodity futures transactions for accounts which he controls or in which he has a financial interest.

Item 6.—Action involving the registrant by any commodity or securities exchange or

related clearing organization, a national securities association, The U.S. Securities and Exchange Commission, the securities commission or equivalent authority of any State for the regulation of brokers and dealers in securities; conviction of any felony in any Federal or State court; conviction of any offense involving the handling of any commodity or securities account for any customer, in any Federal or State court; or debarment by any agency of the United States from contracting with the United States.

(b) All statements on Form 3–R shall be prepared and filed in accord with the instructions appearing thereon.

8. The title of the center heading "Customers' Funds" preceding §§–1.20–1.30 is revised to read as follows: "Customers' Money, Securities, and Property."

9. Section 1.20 is revised to read as follows:

§ 1.20 Customers' money, securities, and property to be segregated and separately accounted for.

(a) All money, securities, and property received by a futures commission merchant to margin, guarantee, or secure the trades or contracts of commodity customers and all money accruing to such customers as the result of such trades or contracts shall be separately accounted for and be segregated as belonging to such customers. Such money, securities, and property, when deposited with any bank, trust company, clearing organization of a contract market, or another futures commission merchant, shall be deposited under an account name which will clearly show that they are customers' money, securities, and property, segregated as required by the Commodity Exchange Act. Each registrant shall obtain and retain in his files for the period provided in § 1.31, an acknowledgement from such bank, trust company, clearing organization of a contract market, or futures commission merchant, that it was informed that the money, securities, and property deposited therein are those of commodity customers and are being held in accord with the provisions of the Commodity Exchange Act. Under no circumstances shall any portion of commodity customers' money, securities, or property be obligated to the clearing organization of a contract market, or to any member of a contract market, a futures commission merchant, or any depository except to margin, guarantee, secure, transfer, adjust, or settle trades and contracts made on behalf of such commodity customers. Nor shall any such money, securities, or property be held, disposed of, or used as belonging to the depositing futures commission merchant or any person other than the customers of such futures commission merchant.

(b) All money, securities, and property received by a clearing organization of a contract market from a member of the clearing organization to margin, guarantee, or secure the trades or contracts of his customers and all money accruing to such customers as the result of trades and contracts so carried shall be separately accounted for and segregated as belonging to such customers, and such clearing organization shall not hold, use or dispose of such money, securities, and property except as belonging to such customers. Such money, securities, and property when deposited in a bank or trust company shall be deposited under an account name which will clearly show that they are the money, securities, and property of the customers of members, segregated as required by the Commodity Exchange Act. The clearing organization shall obtain and retain in its files for the period provided by § 1.31, an acknowledgment from such bank or trust company that it was informed that the money, securities, and property deposited therein are those of customers of its members and are being held in accord with the provisions of the Commodity Exchange Act.

10. Section 1.25 is revised to read as follows:

§ 1.25 Investment of customers' funds.

No futures commission merchant and no clearing organization of a contract market shall invest funds belonging to commodity customers except in obligations of the United States, in general obligations of any State or of any political subdivision thereof, or in obligations fully guaranteed as to principal and interest by the United States. Such investments shall be made through an account or accounts used for the deposit of customers' funds and proceeds from any sale of such obligations shall be redeposited in such account or accounts.

11. Section 1.26 is revised to read as follows:

§ 1.26 Deposit of obligations purchased with customers' funds.

(a) Each futures commission merchant who invests money belonging or accruing to commodity customers in obligations described in § 1.25, shall separately account for such obligations and segregate such obligations as belonging to such customers. Such obligations when deposited with a bank, trust company, clearing organization of a contract market, or another futures commission merchant, shall be deposited under an account name which will clearly show that they belong to commodity customers and are segregated as required by the Commodity Exchange Act. Each futures commission merchant upon opening such an account, shall obtain and retain in his files an acknowledgment from such bank, trust company, clearing organization of a contract market, or other futures commission merchant that it was informed that the obligations belong to commodity customers and are being held in accord with the provisions of the Commodity Exchange Act. Such acknowledgment shall be retained for the period of time specified in § 1.31. Such bank, trust company, clearing organization of a contract market, or other futures commission merchant shall allow inspection of such obligations at any reasonable time by representatives of the Commodity Exchange Authority.

(b) Each clearing organization of a contract market which invests money belonging or accruing to customers of its members in obligations described in § 1.25, shall separately account for such obligations and segregate such obligations as belonging to such customers. Such obligations when deposited with a bank or trust company, shall be deposited under an account name which will clearly show that they belong to commodity customers and are segregated as required by the Commodity Exchange Act. Each clearing organization upon opening such an account shall obtain and retain in its files an acknowledgment from such bank or trust company that it was informed that the obligations belong to commodity customers of members of the clearing organization and are being held in accord with the provisions of the Commodity Exchange Act. Such acknowledgment shall be retained for the period of time specified in § 1.31. Such bank or trust company shall allow inspection of such obligations at any reasonable time by representatives of the Commodity Exchange Authority.

12. Section 1.27 is revised to read as follows:

§ 1.27 Record of investments.

(a) Each futures commission merchant who invests money belonging or accruing to customers, and each clearing organization of a contract market which invests money belonging or accruing to customers of its members, shall keep a record showing the following:

(1) The date on which such investments were made,

(2) The name of the person through whom such investments were made,

(3) The amount of money so invested,

(4) A description of the obligations in which such investments were made,

(5) The identity of the depositories or other places where such obligations are segregated,

(6) The date on which such investments were liquidated or otherwise disposed of and the amount of money received on such disposition, if any, and

(7) The name of the person to or through whom such investments were disposed of.

(b) Each clearing organization of a contract market which receives documents from its members representing investment of customers' funds shall keep a record showing separately for each member the following:

(1) The date on which such documents were received from the member,

(2) A description of such documents, and

(3) The date on which such documents were returned to the member or the details of disposition by other means.

(c) Such records shall be retained in accord with § 1.31. No such investments shall be made except in obligations described in § 1.25.

13. Section 1.28 is revised to read as follows:

§ 1.28 Appraisal of obligations purchased with customers' funds.

Futures commission merchants who invest customers' money in obligations

described in § 1.25, shall include such obligations in segregated account at values which at no time shall be greater than current market value, determined as of the close of the market on the last preceding market day.

14. Section 1.29 is revised to read as follows:

§ 1.29 Increment or interest resulting from investment of customers' funds.

The investment of customers' funds in obligations described in § 1.25, shall not operate to prevent the futures commission merchant or clearing organization so investing such funds from receiving and retaining as its own any increment or interest resulting therefrom.

15. Section 1.36 is revised to read as follows:

§ 1.36 Record of securities and property received from customers.

(a) Each futures commission merchant shall maintain, as provided in § 1.31, a record of all securities and property received from customers in lieu of money to margin, guarantee, or secure the commodity trades and contracts of such customers. Such record shall show separately for each customer, a description of the securities or property received, the name and address of such customer, the dates when the securities or property were received, the identity of the depositories or other places where such securities or property are segregated, the dates of deposits and withdrawals from such depositories, and the dates of return of such securities or property to such customer, or other disposition thereof, together with the facts and circumstances of such other disposition. In the event any futures commission merchant deposits with the clearing organization of a contract market, directly or with a bank or trust company acting as custodian for such clearing organization, securities and/or property which belong to a particular customer, such futures commission merchant shall obtain written acknowledgment from such clearing organization that it was informed that such securities or property belong to a particular customer. Such acknowledgment shall be retained as provided in § 1.31.

(b) Each clearing organization of a contract market which receives from members securities or property belonging to particular customers of such members, in lieu of money to margin, guarantee, or secure the commodity trades and contracts of such customers, or receives notice that any such securities or property have been received by a bank or trust company acting as custodian for such clearing organization, shall maintain, as provided in § 1.31, a record which will show separately for each member, the dates when such securities or property were received, the identity of the depositories or other places where such securities or property are segregated, the dates such securities or property were returned to the member, or otherwise disposed of, together with the facts and circumstances of such other disposition including the authorization therefor.

The foregoing revisions reflect certain changes in the proposals set forth in the notice of rule making published on May 16, 1968. Nonsubstantive changes were made in the revisions of §§ 1.5, 1.14, 1.20, 1.25, 1.26, 1.27, 1.28, 1.29, and 1.36, for the purpose of clarifying the provisions thereof. Certain changes were made in the revision of § 1.26 for the purpose of making its provisions consistent with the other provisions of the regulations pertaining to the safeguarding of customers' money, securities, and property. Such changes do not impose any new requirements in addition to those set forth in the notice of rule making mentioned above. A provision was added to the revision of § 1.27 requiring that the records of investments of customers' money include the identity of the depositories or other places where the obligations representing such investments are segregated. Certain changes were made in the revision of § 1.5 for the purpose of making its provisions conform to other regulations, heretofore issued, pertaining to the disclosure of information. It does not appear that further notice and other public procedure with respect to these matters would make additional information available to the Department of Agriculture. Accordingly, it is found upon good cause that further notice and other public procedure is impracticable and unnecessary.

NOTE: The reporting and recordkeeping requirements herein have been approved by the Bureau of the Budget in accord with the Federal Reports Act of 1942 (44 U.S.C. ch. 12).

These amendments shall become effective thirty (30) days after publication in the FEDERAL REGISTER.

Issued: September 23, 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-11695; Filed, Sept. 25, 1968; 8:48 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter V—Federal Water Pollution Control Administration, Department of the Interior

PART 620—WATER QUALITY STANDARDS

Adoption, Identification, and Availability of State Standards

Pursuant to the authority of section 10(c) of the Federal Water Pollution Control Act, as amended, 33 U.S.C. 466g (c), the Secretary of the Interior hereby determines that the water quality standards adopted by the States listed, and contained in the documents identified in § 620.10, except as otherwise indicated, are consistent with paragraph (3) of section 10(c) of the Federal Water Pollution Control Act, as amended, and are such standards as protect the public health or welfare, enhance the quality of water and serve the purposes of the Federal Act; such standards shall hereafter be the standards applicable to the interstate waters for which adopted.

The documents containing such standards are incorporated herein and made a part hereof.

Section 620.10 is amended by adding the following:

DELAWARE RIVER BASIN COMMISSION

Water quality standards established by the Delaware River Basin Commission on June 23, 1967, for interstate waters subject to its jurisdiction, and which are contained in the document entitled "Water Quality Standards (as authorized by Resolution No. 67-9), June 23, 1967," together with appendixes and supporting documents, as amended; except for dissolved oxygen and temperature criteria for interstate waters classified for trout maintenance; and except for the Delaware River from the point designated R.M. 95.0 to the Philadelphia-Delaware County line.

ILLINOIS

Water quality standards established by Illinois for interstate waters subject to its jurisdiction and which are contained in the following documents:

1. "Rules and Regulations SWB-7, Water Quality Criteria, Interstate Waters Lake Michigan and Little Calumet River, Grand Calumet River and Wolf Lake," together with appendixes and supporting documents, dated September 6, 1966, and September 28, 1967, as amended;

2. "Rules and Regulations SWB-11, Water Quality Criteria, Interstate Waters Rock River, Fox River, Des Plaines River, Kankakee River and Certain Named Interstate Tributaries, Criteria—December 1, 1966, Implementation—August 25, 1967," together with appendixes and supporting documents, dated December 1, 1966, and August 25, 1967, as amended; except for dissolved oxygen and temperature criteria for interstate waters classified for fish and aquatic life;

3. "Rules and Regulations SWB-15, Water Quality Criteria, Chicago River and Calumet River Systems, June 28, 1967," together with appendixes and supporting documents, dated June 28, 1967, as amended; except for dissolved oxygen and temperature criteria for interstate waters classified for fish and aquatic life;

4. "Rules and Regulations SWB-8, Water Quality Criteria, Interstate Waters Illinois River and Lower Section of Des Plaines River, Criteria—December 1, 1966, Implementation—August 11, 1967," together with appendixes and supporting documents, dated December 1, 1966, and August 11, 1967, as amended; except for dissolved oxygen and temperature criteria for interstate waters classified for fish and aquatic life.

NEW HAMPSHIRE

Water quality standards established by New Hampshire on May 24, 1967, for interstate waters subject to its jurisdiction, and which are contained in the document entitled "Report on Water Quality Standards," together with appendixes and supporting documents, as amended; except for treatment time schedules for cities of Manchester, Concord, Rye, Durham, Plymouth, Dover, Portsmouth, and except for temperature criteria for all interstate waters classified as "B" and "C".

RHODE ISLAND

Water quality standards established by Rhode Island on June 27, 1967, for interstate waters subject to its jurisdiction, and which are contained in the document etitled "State of Rhode Island and providence Plantations, Water Quality Standards for Interstate Waters, June, 1967," together with appendixes and supporting documents, as amended; except for dissolved oxygen criteria for interstate waters classified as Class "C" and Class "SC", and except for the interstate waters within the jurisdiction of the Conference on the Pollution of the Blackstone and Ten Mile Rivers held pursuant to section 10(d) of the Federal Water Pollution Control Act, as amended.

(Sec. 1, 70 Stat. 506, as amended; 33 U.S.C. 466l)

Dated: September 20, 1968.

DAVID S. BLACK,
Under Secretary of the Interior.

NOTE: Incorporation by reference provisions in these regulations approved by the Director of the Federal Register on September 25, 1968.

[F.R. Doc. 68-11661; Filed, Sept. 25, 1968; 8:45 a.m.]

Title 23—HIGHWAYS AND VEHICLES

Chapter II—Vehicle and Highway Safety

SUBCHAPTER B—PROCEDURAL RULES

PART 217—APPLICATION FOR TEMPORARY EXEMPTIONS FROM MOTOR VEHICLE SAFETY STANDARDS FOR LIMITED PRODUCTION MOTOR VEHICLES

This amendment adds a new Part 217—"Application for Temporary Exemption from Motor Vehicle Safety Standards for Limited Production Motor Vehicles" to the regulations of the Federal Highway Administration.

On May 30, 1968, a notice was published in the FEDERAL REGISTER (33 F.R. 7889) establishing interim procedures for granting temporary exemptions from Federal motor vehicle safety standards to limited production motor vehicles pending adoption of permanent procedures. The purpose of this part is to establish permanent procedures for obtaining such exemptions.

Public Law 90-283 amended Title I of the National Traffic and Motor Vehicle Safety Act of 1966 (the Act) by adding a new section 123 which permits the Secretary of Transportation (the Secretary), based upon certain specified findings, to exempt temporarily a limited production motor vehicle from any Federal motor vehicle safety standard. A limited production motor vehicle is defined as a motor vehicle produced by a manufacturer whose total motor vehicle production, as determined by the Secretary, does not exceed 500 annually (The Secretary has delegated this authority to the Federal Highway Administrator (49 CFR 1.4(c))). Indetermining the total motor vehicle production of a manufacturer, the Administrator will consider the production of an affiliate of the petitioner. In addition, in the case of a request for an exemption from an importer, the Administrator will consider the total production of the foreign manufacturer rather than the total number of vehicles imported.

The information required to be filed with each petition for exemption is set forth in § 217.5. No formal proceeding is held directly on any petition for a temporary exemption prior to final disposition of the petition. In each case, a written grant or denial of the petition is forwarded to the petitioner. An important consideration in determining whether the grant of an exemption is consistent with the public interest and the objectives of the Act is the effect the exemption will have upon motor vehicle safety. A petitioner may request in writing to appear informally before an official of the National Highway Safety Bureau to discuss a petition for a temporary exemption or the denial of a petition.

The amendment to the Act provides that if a temporary exemption is granted, the "Secretary shall require, in such manner as he deems appropriate, the notification of the dealer and of the first purchaser of a limited production motor vehicle (not including the dealer of such manufacturer) that such vehicle has been exempted from certain motor vehicle safety standards, and the standard from which it is exempted." To implement this statutory requirement § 217.13 provides that the manufacturer shall permanently affix to each exempt limited production motor vehicle a label or tag which: (1) Is in the English language, (2) is not less than 12 point type, (3) is affixed at one of several locations indicated, and (4) contains at least the information specified in § 217.13. In addition, the manufacturer must securely affix to the windshield or side window of each of these motor vehicles a label in the English language containing the same information. This label may not be removed until the first purchase of the vehicle for purposes other than resale.

With the exception of § 217.13, this amendment relates to Federal Highway Administration procedures and practices so that notice and public procedure are not necessary and it may be made effective in less than 30 days after publication in the FEDERAL REGISTER. The interim procedures for temporary exemptions for limited production motor vehicles terminated on July 9, 1968. As a result of the termination of the interim procedures there are no procedures available by which manufacturers of limited production motor vehicles may petition for a temporary exemption from applicable Federal motor vehicle safety standards. Consequently, the Administrator concludes that with regard to § 217.13, notice and public procedure are impracticable and that good cause exists for making this amendment effective in less than 30 days after publication in the FEDERAL REGISTER.

This amendment is made under the authority of sections 119 and 123 of the National Traffic and Motor Vehicle Safety Act of 1966, as amended (Public Laws 89-563 and 90-283), and the delegation of authority in § 1.4(c) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.4(c)).

In consideration of the foregoing, Title 23 of the Code of Federal Regulations is amended by adding the following new Part 217—"Application for Temporary Exemptions from Motor Vehicle Safety Standards for Limited Production Motor Vehicles", effective upon publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on September 20, 1968.

JOHN R. JAMIESON,
Deputy Federal Highway Administrator.

Sec.

AUTHORITY: The provisions of this Part 217 issued under secs. 119, 123, National Traffic and Motor Vehicle Safety Act of 1966, as amended (Public Law 89-563, 90-283); delegation of authority in § 1.4(c) of the regulations of the Secretary of Transportation (49 CFR 1.4(c)).

§ 217.1 Applicability.

This part applies to the issue, amendment, and revocation of temporary exemptions from Federal motor vehicle safety standards for motor vehicles produced by manufacturers whose total motor vehicle production, as determined by the Administrator, does not exceed five hundred vehicles annually.

§ 217.3 Definitions.

"Act" means the National Traffic and Motor Vehicle Safety Act of 1966, as amended (15 U.S.C. 1381 et seq.).

"Affiliate" means any concern which, either directly or indirectly, controls, has the power to control, or is controlled by, another concern, or which another concern has the power to control. In determining whether a concern is independently owned and operated and whether or not it is an affiliate, consideration is given to all appropriate factors, including but not limited to common ownership, common management, and contractual relationships.

"Concern" means any business entity including but not limited to an individual, partnership, corporation, joint venture, association, or cooperative, whether or not organized for profit.

"Temporary exemption" means an exemption from any Federal motor vehicle safety standard which terminates 3 years after the date it is originally granted, or which, by its terms, terminates sooner, or which is sooner terminated for cause.

§ 217.5 Petition for exemption.

(a) Any manufacturer of limited production motor vehicles may petition the Federal Highway Administrator for a temporary exemption from any Federal motor vehicle safety standard.

(b) Each petition filed under this part must—

(1) Be submitted in duplicate to the Administrator, Federal Highway Administration, Washington, D.C. 20591;

(2) Set forth the full name and address of the applicant, the nature of its organization (individual, partnership, corporation, etc.) and the name of the State or county under the laws of which it is organized;

(3) Set forth the number, title, and text or substance of the standard from which the exemption is sought;

(4) State the total motor vehicle production for the 12-month period before the date of the petition and certify that the production will not exceed 500 vehicles for any 12-month period for which the exemption is sought;

(5) Set forth the name of each affiliate and describe its principal business activity;

(6) In the case of an affiliate engaged in the manufacture of motor vehicles, state with respect to that affiliate the motor vehicle production for the 12-month period before the date of petition and estimate the motor vehicle production for any 12-month period for which the exemption is sought;

(7) Set forth the information specified in § 217.7, if appropriate;

(8) Set forth the information required by § 217.9 (a) or (b);

(9) Set forth any information, views, or arguments available to the petitioner to support the exemption and the reasons why the granting of the petition would be consistent with the public interest and the objectives of the Act;

(10) Set forth the level of safety that will be provided as compared to the level of safety required by the standard from which the exemption is sought;

(11) With respect to each standard for which temporary exemption is sought, set forth (i) the length of time desired for such exemption, not to exceed 3 years, and the reasons therefor, (ii) any steps to be taken, while the exemption is in effect, to achieve full compliance, and (iii) the estimated date that full compliance will be achieved;

(12) Specify any part of the information and data submitted which petitioner requests be withheld from public disclosure and the reason for the request;

(13) Be signed by an officer of the petitioner and state his authority and area of responsibility.

§ 217.7 Information regarding officers and directors of petitioner.

The petitioner shall list the name of each officer and each director who owns or possesses shares of stock or any other interest, together with the number of shares or other degree of interest owned or possessed, in any concern the principal business of which is either—

(a) Manufacturing motor vehicles other than those manufactured by the petitioner; or

(b) Holding stock in or control of any manufacturer of motor vehicles other than those manufactured by the petitioner.

§ 217.9 Basis for petition.

(a) If the basis for the petition is substantial economic hardship, the petitioner must submit appropriate financial and engineering data describing in detail in what manner compliance with any Federal motor vehicle safety standard would cause substantial economic hardship.

(b) If the basis for the petition is facilitation of the development of motor vehicles using a propulsion system other than or supplementing an internal combustion engine, the petitioner must submit appropriate engineering drawings and data describing the system, particularly the manner in which the system differs from an internal combustion engine, and how the exemption sought will facilitate the development of vehicles using a propulsion system other than or supplementing an internal combustion engine.

§ 217.11 Grant or denial of exemption.

(a) No public hearing, argument or other formal proceeding is held directly on a petition filed under this part before its disposition by the Federal Highway Administration.

(b) The Federal Highway Administrator may grant or deny any petition for exemption.

(c) Whenever a petition for exemption is granted or denied, the Administrator notifies the petitioner in writing of the action taken.

§ 217.13 Label requirements.

(a) Each manufacturer to whom a temporary exemption has been granted shall permanently affix to each exempt limited production motor vehicle a label or tag, in the English language and in not less than 12 point type, which includes—

(1) Name of manufacturer;

(2) Place of manufacturer;

(3) Vehicle identification number;

(4) Month and year of manufacturer;

(5) Type of motor vehicle as defined in § 255.3(b) of the Federal motor vehicle safety standards (§ 255.3(b) of this chapter), such as passenger car, multipurpose passenger vehicle, truck, and so on; and

(6) The following statement:

The manufacturer certifies that this motor vehicle meets applicable Federal motor vehicle safety standards, as of the date of manufacture, except for (list the standards for which an exemption has been obtained) from which an exemption was obtained under FHWA Exemption No. _____.

The label or tag required by this paragraph must be located on the hinge pillar or the latch post of the driver's entry door.

(b) Each manufacturer to whom a temporary exemption has been granted shall submit the following information to the Director, National Highway Safety Bureau, within 30 days after receiving notification that the temporary exemption has been granted:

(1) The location on the motor vehicle at which the label or tag will be placed.

(2) A sample of the label or tag.

(3) The means by which the label or tag will be attached, e.g., weld, rivet, or adhesive.

(c) Each manufacturer to whom a temporary exemption has been granted shall affix securely to the windshield or side window of each exempt limited production motor vehicle a label in the English language containing the information required by paragraph (a) of this section. The label may not be removed until after the first purchase of the vehicle for purposes other than resale.

§ 217.15 Requests for informal appearance.

(a) A petitioner may request in writing to appear informally before an appropriate official of the National Highway Safety Bureau to discuss a petition for exemption or the denial of a petition. If the request is granted, a transcript or minutes of the meeting is made and kept.

(b) Each request for an appearance under this section shall be sent in writing to the Director, National Highway Safety Bureau, Washington, D.C. 20591.

§ 217.17 Docket.

(a) Information and data considered relevant to an exemption, including a petition for exemption, request for informal appearances, minutes or transcripts of an informal meeting, or a grant or denial of an exemption, are maintained in the Docket File Room, Room 512, Federal Highway Administration, Sixth and D Streets SW., Washington, D.C.

(b) Records contained in the docket are available for inspection, except material ordered withheld from the public under sections 112 and 113 of the Act (15 U.S.C. 1401, 1402) and section 552(b) of Title 5 of the United States Code, and copies thereof may be obtained, upon payment of a fee, as provided in Part 7 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 7). Any person may examine any docket material at the Docket File Room at any time during regular business hours.

§ 217.19 Termination of temporary exemptions.

The Federal Highway Administrator may terminate a temporary exemption if he determines—

(a) The temporary exemption is not consistent with the public interest and objectives of the Act; or

(b) The temporary exemption was granted on the basis of false, fraudulent, or misleading representations and information.

[F.R. Doc. 68-11681; Filed, Sept. 25, 1968; 8:47 a.m.]

Title 27—INTOXICATING LIQUORS

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 6973]

PART 5—LABELING AND ADVERTISING OF DISTILLED SPIRITS

Miscellaneous Amendments

Notice of public hearing to be held in Washington, D.C., beginning on April 1, 1968, with respect to several proposals to amend 27 CFR Part 5, Labeling and Advertising of Distilled Spirits, was published in the FEDERAL REGISTER on January 26, 1968 (33 F.R. 1017). At the conclusion of the hearing and after a thorough study of matters relevant to the issues the following conclusions have been reached:

Subject No. 1—Natural flavor components. Proposal: That an additional factor, based upon the number of "natural flavor components" in the product, be established for use, as a complement to proof of distillation, in distinguishing between classes and types of distilled spirits products.

Discussion: Three main factors contribute to the development of the taste, aroma, and characteristics generally attributed to whiskies, brandies, and rums; (a) the fermented material from which distilled, (b) the manner of distillation, and (c) the types of containers used for storing or aging. The present standards of identity rely on these criteria in distinguishing between types within classes and between classes of distilled spirits.

As to the second factor—manner of distillation—the regulatory controls are expressed in terms of proof of distillation, and various classes of distilled spirits, or types of spirits within the classes, are required to be distilled within specific ranges.

Current distillation proof limitations were prescribed over 30 years ago. Since then, improved distilling equipment and new processes and techniques have been introduced. Laboratory analyses and industry representations have demonstrated that as a result of these changes the proof of distillation no longer insures, in every instance, that a new distillate will possess the characteristics expected from distillation at the prescribed proofs.

Thus, the Treasury Department proposed that an additional factor, based on the number of "natural flavor components" in the product be established for use, under certain circumstances, as a complement to proof of distillation, in distinguishing between the various classes and types of distilled spirits. The notice of proposed rule making contained a table of proposed flavoring component standards. The standards proposed were developed with the primary intention that compliance therewith be readily determinable by inexpensive means.

Evidence was presented at the hearing that the flavoring components proposed do not include all of the flavoring components in the distillate. A number of flavoring components which are present in very minute quantities in the new distillate, but which contribute to the taste, aroma, and characteristics of the finished product, cannot be readily quantified even when they are susceptible to measurement. For this and a variety of other reasons, most of the witnesses who testified at the hearing expressed opposition to the proposal.

Conclusion: The proposal is not adopted.

Subject No. 2—Revised standard for vodka. Proposal: That a new definition of vodka be established which would include any neutral spirits, regardless of production method, which is without distinctive character and which contains less than 4 grams of natural flavor components per 100 liters at 100° proof.

Discussion: Present regulations prescribe two specific methods for the production of vodka but grant the Director, Alcohol and Tobacco Tax Division, authority to approve other methods of production which will result in a product equally without distinctive character, aroma, taste, or color. So long as the finished product offered to the consumer is without distinctive character, aroma, taste, or color, there appears no longer to be a need to prescribe specific production procedures or to require approval of additional production methods. The proposed new definition of vodka would relieve producers from these unnecessary requirements, but would not change the consumer concept of the product.

Conclusion: The proposal is adopted, modified to delete the proposed reference to natural flavor components.

Subject No. 3—Revised standard for gin. Proposal: That a single standard of identity be adopted for "gin", whether produced by distillation or compounding, in place of the present separate standards for "distilled gin" and "compound gin". When gins are made solely by distillation, they could continue to be labeled as "distilled".

Discussion: The regulatory distinction between "distilled gin" and "compound gin" was drawn shortly after repeal to differentiate the distilled products from those made by mixing flavors and essences with alcohol. Currently the production of gin by either compounding or distilling results in an end product which is indistinguishable as to taste, aroma, or other characteristics. Thus the use of the terms "compound" or "distilled" as a part of the designation is essentially a distinction without a difference.

The adoption of this proposal would enable producers to vary from existing methods in making gin, although rectification tax may be incurred in some of the processes.

Conclusion: The proposal is adopted with slight modification in the definitional language proposed. Importers will be given reasonable time to ascertain the precise methods of production abroad and to arrange for such label revision as may be necessary.

Subject No. 4—Establishment of a standard for "blended applejack." Proposal: That the class "brandy" be revised to add a new type designation for "blended apple brandy" or "blended applejack".

Discussion: A distiller petitioned for a new designation for a blend of apple brandy (applejack) and neutral spirits. The petitioner testified that such a product would have greater consumer acceptance than applejack. Analyses of samples of such a product show that it retains the basic taste, aroma, and characteristics of the applejack, but with less pronounced flavor. In order to adequately advise the consumer that this product is not the same as applejack which is not blended, it would be designated as "blended applejack" and the label would be required to disclose the percentage of neutral spirits in the product and the commodity from which the neutral spirits were distilled.

Conclusion: The proposal for a standard of identity for "blended applejack" is adopted. However, inasmuch as the product may contain neutral spirits from other than fruit, it is prescribed as a new class of distilled spirits rather than as a type within the brandy classification. Since the new product is not a type within the brandy classification, the proposed designation "blended apple brandy" is not adopted.

Subject No. 5—Deletion of the standard for "New England rum". Proposal: That the standard of identity for "New England rum" be deleted.

Discussion: New England rum is presently defined as any rum distilled in the United States at less than 160° proof. In addition to eliminating a geographical designation which could mislead the consumer into believing the rum was in fact produced in New England, the adoption of the proposal would enable distillers to mix rum produced in the United States at less than 160° proof with other rums and label the mixture as rum without a statement of composition.

Conclusion: The proposal is adopted.

Subject No. 6—Flavored brandy, flavored gin, flavored rum, flavored vodka, and flavored whisky. Proposal: That a new standard be established for flavored brandy, flavored gin, flavored rum, flavored vodka, and flavored whisky.

Discussion: Flavored gin, flavored rum, flavored vodka, flavored whisky, and especially flavored brandy, in recent years, have achieved such consumer acceptance that a standard was proposed in order to maintain product identity and quality. It was also proposed that the use of wine in these flavored distilled spirits be limited to 2½ percent by volume of the finished product. However, in the case of flavored brandies an additional 12½ percent by volume of wine might be used, without label disclosure, if the wine is derived from the particular fruit corresponding to the labeled flavor of the brandy.

Testimony on this proposal related primarily to the limitations on the use of wine in flavored brandies. Most flavored brandy producers use little or no wine,

whereas a few have used a high percentage of wine in their products. After careful consideration of this matter it has been concluded that the use of wine may be justified only as a flavoring ingredient. No significant evidence was submitted which would establish that the use of quantities of wine in any of these products in excess of the limitations proposed is required to adequately flavor the products. The manufacturer would not be precluded from using greater quantities of wines, but if he does so he must disclose such use on the label.

Conclusion: The proposal to establish a standard of identity for these products (including the proposed limitations on the undisclosed use of wine) is adopted.

Subject No. 7—Amendment of distilled spirits definition. Proposal: That the definition of "distilled spirits" be amended so as to exclude a mixture of wine and distilled spirits, bottled at 48° proof or less, if the mixture contains more than 50 percent wine on a proof gallon basis.

Discussion: Products containing not less than 5 percent distilled spirits and as much as 95 percent wine, to which have been added some flavoring materials, and bottled at 48° proof or less, are presently classified as distilled spirits. The packaging, labeling, and strip stamping of these specialties as distilled spirits, even though they are essentially wine products, may well deceive the consumer as to product identity. The proposed revision of the definition of "distilled spirits" would provide significant consumer protection by precluding the labeling of wine products as distilled spirits.

Conclusion: The proposal to redefine the term "distilled spirits" is adopted with slight modification in the definitional language proposed. Manufacturers of products not conforming to the new definition will be provided ample time to change their labels and thereafter may package and label such products as wine specialties.

Subject No. 8—Information on labels in regard to net contents, proof of distillation, qualifying words, and alcoholic ingredients. Proposals:

A. To require that all mandatory information be printed on labels in such a manner as to be generally parallel to the base on which the container rests as it is designed to be displayed (a similar provision is found in the Model State Regulation Pertaining to Packages adopted by the National Conference on Weights and Measures);

B. To require the alcoholic content (proof) to appear on the brand label of the product;

C. To prohibit net contents statements from being qualified by any descriptive term such as, "jumbo", "full", "giant";

D. To require the net contents to appear on the brand label except in the case of distilled spirits packaged in containers conforming to the standards of fill; and

E. To require that any statement, other than required information, on a label as to any of the alcoholic components of the product include the name and percentage of all the alcoholic components, except alcoholic coloring, flavoring, or blending ingredients used in minute quantities.

Discussion: Adoption of these proposed changes would make it easier for the consumer to locate and better understand key items describing the contents of a container.

The quantity in a container is of great importance to the buyer and in the case of distilled spirits this includes both net contents and alcoholic content. Therefore, the alcoholic content of the product and the net contents (when not packaged in containers conforming to the standards of fill) should be shown on the brand (principal) display label in every instance. Qualifying adjectives or statements descriptive of the net contents, for example "giant size" or "full" quart, may deceive the consumer as to the actual contents and should be prohibited. In addition, the key items of information should be so placed on the label as to be readily apparent to the consumer without the need for him to search for them, and this would be accomplished by having the information appear generally parallel to the base on which the container rests as it is designed to be displayed, or to appear in some other equally conspicuous manner.

Cordials and liqueurs are not required to bear statements of composition. Thus, under present regulations, a manufacturer is able to show on the label of such a product any one or more of the alcoholic ingredients without disclosing the total composition. Such partial disclosures may be materially misleading to the consumer. Thus, if the manufacturer elects to show on the labels of these products any of the alcoholic ingredients, he should be required to show the kinds and percentages of all of the alcoholic ingredients (other than those used within the 2½ percent limitation for harmless coloring, flavoring, or blending materials); such a requirement need not apply, however, to the labeling of two or more products which are sold both separately and in combination, for example, T & B (Triple Sec and Brandy) where no other references are made to the alcoholic ingredients of either product.

Many labels now fully conform to these proposed new rules. The additional information on the brand label would not unduly restrict the bottler in creating new and artistic designs.

Conclusion: The proposals are adopted with slight modification. Bottlers will be granted a reasonable period of time to exhaust stocks of nonconforming labels.

Subject No. 9—Treatment of distilled spirits. Proposal: To add, as a counterpart to the present limitations on the addition of materials, a limitation on the extraction of materials.

Discussion: Extensive removal of constituents from distilled spirits in the preparation of a product for bottling may result in alteration of the class and type. In view of the increased treatment of distilled spirits products, primarily whisky, a need exists for a regulation to limit the removal of product characteristics generally attributed to the class or type by which the spirits are labeled. As to distilled spirits generally, it was proposed that the products after treatment must retain the taste, aroma and characteristics generally attributed to them.

In the case of straight whisky, however, it was proposed that the removal of all substances be prohibited, except for stabilization purposes as prescribed under section 5025(j) of the Internal Revenue Code. Industry presentations were convincing that in the case of straight whisky, the removal of as much as 15 percent of the fixed acids, or volatile acids, or esters, or soluble solids or higher alcohols, or 25 percent of the soluble color may be necessary in order to produce a stable product. Such treatment will not unduly affect the character of the straight whisky acquired during maturation.

Conclusion: The proposal to prescribe regulatory provisions governing the extraction of materials from distilled spirits is adopted with modifications.

Subject No. 10—Labeling of bulk imports. Proposal: To make optional label disclosure of the name and address of the person responsible for importation of the product when the name of the bottler and the place where bottled are shown.

Discussion: Imported bulk spirits are often both bottled and distributed by a person other than the person responsible for the importation. Under present regulations, the label must show the name and address of the person responsible for the importation, and in addition either (a) the name of the bottler and the place where bottled, or (b) that the distilled spirits were bottled in the United States for the person responsible for the importation, e.g. "imported by and bottled in the United States for _____." Compliance with the requirement for showing the name and address of the person responsible for the importation has proved unnecessarily burdensome in many instances, particularly where the identity of such person has become meaningless as a result of numerous transfers of the goods. The statute requires that the identity of the manufacturer, bottler, or importer be disclosed.

Conclusion: The proposal is adopted.

Subject No. 11—Age certificates for imported spirits. Proposal: To require age certificates for all imported whiskies and brandies.

Discussion: Under current regulations age certificates, issued by a duly authorized official of the appropriate foreign government, are required for imported whiskies and brandies only when the label of a product bears a statement of age. Although present regulations do not require such a certificate when a whisky or brandy does not bear an age statement, a certificate seems necessary even in such cases, in order to establish that the product meets the minimum age (4 years for whisky; 2 years for brandy) to be exempt from an age statement.

Conclusion: The proposal is adopted.

Subject No. 12—Label references to Government supervision. Proposal: To permit the label on domestic spirits to bear truthful statements that the spirits were distilled, barreled, warehoused, blended, proofed, or bottled, as the case may be, under the supervision of the U.S. Government.

Discussion: Under existing regulations, except for distilled spirits bottled in bond, domestically produced distilled spirits have not been permitted to bear a statement that such spirits have been distilled, blended, made, bottled, or sold, in accordance with any governmental authorization, law, or regulation. On the other hand, imported distilled spirits have been permitted by regulation to bear certain statement of this nature when such statements are specifically authorized or required by the foreign government involved.

No evidence is available of consumer misunderstanding of the statements, appearing on labels of imported spirits, relating to acts of manufacture performed in accordance with foreign regulations, and no evidence is available which would indicate that the consumer would be misled by similar statements with respect to domestic products.

Conclusion: The proposal is adopted. Uniform statements are prescribed in order to avoid possible consumer deception.

Accordingly, the following amendments to 27 CFR Part 5 are hereby adopted:

§ 5.10 [Amended]

PARAGRAPH 1. Section 5.10(e) is amended by striking out the period and adding at the end thereof ", except that this term shall not include mixtures containing wine, bottled at 48° proof or less, if the mixture contains more than 50 percent wine on a proof gallon basis."

§ 5.21 [Amended]

PAR. 2. Section 5.21 is amended by adding two new paragraphs (j) and (k) reading as follows:

(j) *Class 10; flavored brandy, flavored gin, flavored rum, flavored vodka, and flavored whisky.* "Flavored brandy", "flavored gin", "flavored rum", "flavored vodka", and "flavored whisky", are brandy, gin, rum, vodka, and whisky, respectively, to which have been added natural flavoring materials, with or without the addition of sugar, and bottled at not less than 70° proof. The name of the predominant flavor shall appear as a part of the designation. If the finished product contains more than 2½ percent by volume of wine, the kinds and percentages by volume of wine must be stated as a part of the designation, except that a flavored brandy may contain an additional 12½ percent by volume of wine, without label disclosure, if the additional wine is derived from the particular fruit corresponding to the labeled flavor of the product.

(k) *Class 11; blended applejack.* "Blended applejack" (applejack-a blend) is a mixture which contains at least 20 percent by volume of 100° proof apple brandy (applejack), aged for not less than 2 years, and not more than 80 percent of neutral spirits if such mixture at the time of bottling is not less than 80° proof.

PAR. 3. Section 5.21(a) is amended by revising subparagraph (1) to read as follows:

(1) "Vodka" is neutral spirits so distilled, or so treated after distillation with charcoal or other materials, as to be without distinctive character, aroma, taste, or color and bottled at not less than 80° proof.

PAR. 4. Section 5.21(c) is amended to read as follows:

(c) *Class 3; gin.* "Gin" is a product obtained by original distillation from mash, or by redistillation of distilled spirits, or by mixing neutral spirits, with or over juniper berries and other aromatics, or with or over extracts derived from infusions, percolations, or maceration of such materials, and includes mixtures of gin and neutral spirits. It shall derive its main characteristic flavor from juniper berries and be reduced at time of bottling to not less than 80° proof. Gin produced exclusively by original distillation or by redistillation may be further designated as "distilled". "Dry gin" (London dry gin), "Geneva gin" (Hollands gin), and "Old Tom gin" (Tom gin) are types of gin known under such designations.

PAR. 5. Section 5.21(e) is amended by deleting subparagraph (2).

PAR. 6. Section 5.21(g) is amended by inserting in subparagraph (6) ", except that this provision shall not apply to any product conforming to the standard of identity for blended applejack" after "have been added".

PAR. 7. Section 5.22 is amended by adding at the end thereof a new paragraph (d) reading as follows:

§ 5.22 Alteration of class and type; harmless coloring, flavoring and blending materials.

* * * * *

(d) The removal from any distilled spirits of any constituents to such an extent that the product does not possess the taste, aroma and characteristics generally attributed to that class or type of distilled spirits alters the class or type thereof, and the product shall be appropriately redesignated. In addition, in the case of straight whisky the removal of more than 15 percent of the fixed acids, or volatile acids, or esters, or soluble solids, or higher alcohols, or more than 25 percent of the soluble color, shall be deemed to alter the class or type thereof.

§ 5.32 [Amended]

PAR. 8. Section 5.32(a) is amended by inserting after subparagraph (3) the following two new subparagraphs:

(4) Alcoholic content, in accordance with § 5.36.

(5) In the case of distilled spirits packaged in containers for which no standard of fill is prescribed in § 5.73(a), net contents in accordance with § 5.37 (b) and (c).

PAR. 9. Section 5.32(b) is amended by inserting in subparagraph (1) "and/or bottler" after "address of importer".

PAR. 10. Section 5.32(c) is amended:

A. By striking out subparagraph (1); and

B. By revising subparagraph (2) to read as follows:

(2) In the case of distilled spirits packaged in containers conforming to the standards of fill prescribed in § 5.73(a), net contents in accordance with § 5.37 (a) and (d).

PAR. 11. Section 5.34(c) is amended to read as follows:

§ 5.34 Class and type.

* * * * *

(c) On labels of cordials and liqueurs, the alcoholic components of the product may, but need not, be stated.

* * * * *

PAR. 12. Section 5.35(b) is amended by revising subparagraph (2) to read as follows:

§ 5.35 Name and address.

* * * * *

(b) *"Imported by".* * * *

(2) On labels of imported distilled spirits bottled after importation by a person other than the person responsible for the importation there shall be stated:

(i) The name of the bottler and place where bottled, immediately preceded by the words "bottled by"; or

(ii) The name of the bottler and place where bottled, immediately preceded by the words "bottled by" and in conjunction therewith the name and address of the person responsible for the importation, in the manner prescribed in subparagraph (1) of this paragraph; or

(iii) The name and principal place of business in the United States of the person responsible for the importation, if the spirits are bottled for such person, immediately preceded by the phrase "imported by and bottled in the United States for" (or a similar appropriate phrase).

* * * * *

§ 5.37 [Amended]

PAR. 13. Section 5.37(d) is amended by inserting in the first sentence "of a container conforming to the standards of fill prescribed by § 5.73(a)" after "on any label".

PAR. 14. Section 5.37 is amended by adding a new paragraph (e) reading as follows:

(e) Words or phrases qualifying statements of net contents are prohibited.

§ 5.40 [Amended]

PAR. 15. Section 5.40(b) is amended by inserting in the first sentence "(except brand names) shall appear generally parallel to the base on which the container rests as it is designed to be displayed, or shall be otherwise equally conspicuous, and" after "on labels by §§ 5.30–5.41".

§ 5.41 [Amended]

PAR. 16. Section 5.41(b) is amended by inserting after the second sentence of subparagraph (1) the following new sentence, "The statements authorized by the Federal Government to appear on labels for domestic distilled spirits are 'Distilled (produced, barreled, warehoused, blended, or bottled, or any combination thereof, as the case may be) under United States (U.S.) Government supervision,' or in the case of distilled spirits bottled under section 5233, Internal Revenue Code (26 U.S.C. 5233), 'Bottled in bond under United States (U.S.) Government supervision'."

§ 5.46 [Amended]

PAR. 17. Section 5.46(b) is amended by striking out the first sentence and inserting in lieu thereof, "Scotch, Irish, and Canadian whiskies, imported in bottles, shall not be released from customs custody for consumption unless accompanied by a certificate issued by a duly authorized official of the appropriate foreign government certifying to the age of the youngest distilled spirits in the bottle."

PAR. 18. Section 5.46(c) is amended by striking out the first sentence and inserting in lieu thereof, "Brandy or cognac, imported in bottles, shall not be released from customs custody for consumption unless accompanied by a certificate issued by a duly authorized official of the appropriate foreign government certifying that the age of the youngest brandy or cognac in the bottle is not less than 2 years, or if age is stated on the label, that none of the distilled spirits are of an age less than that stated. If the label of any rum, imported in bottles, contains any statement of age, the rum shall not be released from customs custody for consumption unless accompanied by a certificate issued by a duly authorized official of the appropriate country, certifying to the age of the youngest rum in the bottle."

§ 5.51 [Amended]

PAR. 19. Section 5.51(b) is amended by striking out the first sentence and inserting in lieu thereof, "Scotch, Irish, and Canadian whiskies imported in bulk shall not be removed from the plant where bottled unless the bottler possesses a certificate for such spirits issued by a duly authorized official of the appropriate foreign government certifying to the age of the youngest distilled spirits."

PAR. 20. Section 5.51(c) is amended by striking out the first sentence and inserting in lieu thereof, "Brandy or cognac imported in bulk shall not be removed from the plant where bottled unless the bottler possesses a certificate for such spirits issued by a duly authorized official of the appropriate foreign government certifying that the age of the youngest brandy or cognac is not less than two years, or if age is stated on the label of the bottle, that none of the distilled spirits are of an age less than that stated. If the label on bottled rum, imported in bulk, bears a statement of age, the rum shall not be removed from the plant where bottled unless the bottler possesses a certificate for such spirits issued by a duly authorized official of the appropriate country, certifying to the age of the youngest rum."

The amendment of § 5.10(e) shall become effective July 1, 1972. This will afford industry ample time within which to effect necessary changes, at Federal and State levels, to redesignate certain products as wine specialties which are now marketed as distilled spirits products.

The amendments of §§ 5.32(c), 5.34 (c), 5.37(d), and 5.40(b), and the additions of new paragraph (j) to § 5.21, new subparagraphs (4) and (5) to § 5.32(a) and new paragraph (e) to § 5.37 relate to information appearing on labels of distilled spirits products, and in order to allow industry an opportunity to make conforming changes, such as obtaining new labels and disposing of obsolete inventories, these amendments shall become effective July 1, 1969.

All other amendments either relieve restrictions presently contained in the regulations, generally follow administrative rules now observed, or require very little trade adjustment, and, thus, they shall become effective on the 1st day of the month that begins not less than 60 days after the date of publication of this Treasury decision in the FEDERAL REGISTER.

(49 Stat. 981, as amended; 27 U.S.C. 205)

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

Approved: September 23, 1968.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 68-11684; Filed, Sept. 25, 1968; 8:47 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER J—BRIDGES

[CGFR 68-102]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Long Beach Harbor Entrance Channel, Calif.

1. The temporary retractable pontoon bridge across the Long Beach Harbor Entrance Channel, Long Beach, Calif., is closed to vehicular traffic and is soon to be dismantled and removed from the waterway. The drawspan is maintained in the open position at all times for the passage of navigation and the special regulations for the operation of the drawspan are no longer required. The purpose of this document is to revoke the requirements in 33 CFR 117.711(a) for the operation of the temporary retractable pontoon bridge across the Long Beach Harbor Entrance Channel.

2. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by 14 U.S.C. 632 and 49 CFR 1.4(a)(3), the text of 33 CFR 117.711(a) is revoked as of the date of publication of this document in the FEDERAL REGISTER:

§ 117.711 Los Angeles and Long Beach Harbors, California.

(a) [Revoked]

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g), 80 Stat. 941; 33 U.S.C. 499; 49 U.S.C. 1655(g) 49 CFR 1.4(a)(3)(v); 32 F.R. 5606)

Dated: September 18, 1968.

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

[F.R. Doc. 68-11676; Filed, Sept. 25, 1968; 8:46 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

Alamosa National Wildlife Refuge, Colo., etc.

The following special regulations are issued and are 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 the 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.

COLORADO

ALAMOSA NATIONAL WILDLIFE REFUGE

The public hunting of ducks and coots on the Alamosa National Wildlife Refuge Colo., is permitted from October 26 through November 27, 1968, and from December 14, 1968 through January 5, 1969, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 2,805 acres, is delineated on maps available at refuge headquarters, Alamosa, Colo., 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 and Federal regulations covering the hunting of ducks and coots, subject to the following special conditions:

(1) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead ducks.

(2) Boats—The use of boats is prohibited.

(3) Admittance—Entrance to the open area and parking of vehicles will be restricted to designated parking areas.

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 January 5, 1969.

MONTE VISTA NATIONAL WILDLIFE REFUGE

The public hunting of ducks and coots on the Monte Vista National Wildlife Refuge, Colo., is permitted from October 26 through November 27, 1968, and from December 14, 1968 through January 5, 1969, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 5,314 acres, is delineated on maps available at refuge headquarters, Monte Vista, Colo., 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 and Federal regulations covering the hunting of ducks and coots, subject to the following special conditions:

(1) Dogs—Not to exceed two dogs per hunter may be used only to retrieve wounded or dead ducks.

(2) Boats—The use of boats is prohibited.

(3) Admittance—Entrance to the open area and parking of vehicles will be restricted to designated parking areas.

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 January 5, 1969.

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

The public hunting of ducks, geese, and coots on the Flint Hills National Wildlife Refuge, Kans., is permitted as follows: Ducks and coots, from November 2 through December 1, 1968, inclusive; geese from October 12 through December 15, 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 and Federal regulations covering the hunting of ducks, geese, and coots subject to the following special conditions:

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

(2) Dogs—Not to exceed two per hunter, may be used only to retrieve wounded or dead ducks, geese, and coots.

(3) Blinds—Only temporary blinds, constructed above ground of natural vegetation are permitted.

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 16, 1968.

QUIVIRA NATIONAL WILDLIFE REFUGE

The public hunting of ducks, coots, gallinules, snipe, and mergansers on the Quivira National Wildlife Refuge, Kans., is permitted from November 2, through December 1, 1968, inclusive, and for geese from October 12, through December 15, 1968, inclusive, but only on the areas designated by signs as open to hunting. These open areas, comprising 7,030 acres, are delineated on maps available at refuge headquarters, Stafford, 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 and Federal regulations covering the hunting of waterfowl subject to the following special conditions:

(1) Blinds—Only temporary blinds, constructed above ground of natural vegetation, are permitted.

(2) Dogs—Not to exceed two per hunter, may be used only to retrieve wounded or dead birds.

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 15, 1968.

OKLAHOMA

TISHOMINGO NATIONAL WILDLIFE REFUGE

The public hunting of ducks, geese, and coots on the Tishomingo National Wildlife Refuge, Okla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,170 acres, is delineated on maps available at refuge headquarters, Tishomingo, Okla., 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 and Federal regulations covering the hunting of ducks, geese, and coots subject to the following special conditions:

(1) Ducks and coots may be hunted from one-half hour before sunrise to 12 noon on Tuesdays, Thursdays, Saturdays, Sundays, and National holidays from November 16, 1968 through November 30, 1968, and from December 14, 1968 through January 1, 1969, inclusive, excluding Zone 3. Geese may be hunted in Zone 3 from one-half hour before sunrise to 12 noon on Tuesdays, Thursdays, Saturdays, Sundays, and National holidays from October 19, 1968 through November 3, 1968, and from November 16, 1968 through January 5, 1969, inclusive.

(2) Each hunter shall be limited to six shells in possession when entering Zone 3, and 16 shells in possession when entering Zone 1 of the Management Unit.

(3) In Zone 3, 35 goose blinds are provided and hunters will be assigned to blinds by applying for a blind reservation. Temporary blinds may not be constructed in Zone 3. Eight duck blinds are provided in Zone 1 and hunters will be assigned to these blinds on a first-come first-choice basis. Construction of temporary blinds may be done in the pothole area in Zone 1. These blinds may be placed where desired after giving due consideration to safety and hunting opportunities of other sportsmen, but blinds must be at least 80 yards apart.

(4) Hunting of geese in Zone 3 is by application and actual blind assignment is determined by a punchboard. Hunters will be accepted into Zone 1 on a first-come first-choice basis. All hunters, upon entering or leaving the area, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

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 January 5, 1969.

WILLIAM T. KRUMMES,
Regional Director, Bureau of Sport Fisheries and Wildlife, Albuquerque, N. Mex.

SEPTEMBER 17, 1968.

[F.R. Doc. 68-11662; Filed, Sept. 25, 1968; 8:45 a.m.]

PART 32—HUNTING

Catahoula National Wildlife Refuge, La.

On page 12008 of the FEDERAL REGISTER of August 23, 1968, there was published a notice of a proposed amendment to § 32.21 of Title 50, Code of Federal Regulations. The purpose of this amendment is to provide public hunting of upland game on the Catahoula National Wildlife Refuge, La., as legislatively permitted.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received. The proposed amendment is hereby adopted without change.

Since this amendment benefits the public by relieving existing restrictions on hunting, it shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 10, 45 Stat. 1224, 16 U.S.C. 715i as amended; sec. 4, 80 Stat. 927, 16 U.S.C. 668dd)

Section 32.21 as amended by the following addition:

§ 32.21 List of open areas; upland game.

* * * * *

LOUISIANA

Catahoula National Wildlife Refuge.

* * * * *

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 20, 1968.

[F.R. Doc. 68-11663; Filed, Sept. 25, 1968; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 932]

OLIVES GROWN IN CALIFORNIA

Handling

Notice is hereby given that the Department is considering a proposed amendment, as hereinafter set forth, to the rules and regulations (Subpart—Rules and Regulations; 7 CFR 932.108—932.154); currently effective pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932; 33 F.R. 11265), regulating the handling of olives grown in California. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The amendment to the said rules and regulations was proposed by the Olive Administrative Committee, established under the said marketing agreement and order as the agency to administer the terms and provisions thereof.

The proposal is as follows:

A. Amend § 932.150(e) by adding thereto the following sentence:

§ 932.150 Changes in the percentage tolerances for canned whole ripe olives.

* * * * *

(e) * * * The provisions of this section shall terminate on August 31, 1969.

B. Amend paragraph (a) of § 932.151 to read as follows:

§ 932.151 Incoming regulations.

(a) *Inspection stations.* Natural condition olives shall be sampled and size-graded only at inspection stations which shall be a plant of a handler or other place having facilities for sampling and size-grading such olives: *Provided,* That such location and facilities are satisfactory to the Inspection Service and the committee: *Provided further,* That upon prior application to, and approval by the committee, a handler may have olives size-graded at an inspection station other than the one where the lot was sampled.

* * * * *

C. Amend paragraph (d)(2) of § 932.152 to read as follows:

§ 932.152 Outgoing regulations.

* * * * *

(d) * * *

(2) All such packaged olives shall be kept separate and apart from other packaged olives and shall be so identified by control cards or other means satisfactory to the Inspection Service and the committee that their identity is readily apparent. Such packaged olives may be reprocessed under supervision of the Inspection Service. Any such packaged olives that are not so reprocessed may be disposed of only in accordance with § 932.155.

D. Add a new § 932.155 reading as follows:

§ 932.155 Special purpose shipments.

(a) The disposition of packaged olives covered by § 932.152(d) which are not reprocessed in accordance therewith shall be in conformity with the applicable provisions of this section.

(1) Under supervision of the inspection service, such packaged olives may be disposed of for use in the production of olive oil or dumped.

(2) Such packaged olives may be disposed of to a charitable organization for use by such organization; and any handler who wishes to so dispose of olives shall first file a written application with, and obtain written approval thereof from, the committee. Each such application shall contain at least: (i) The name and address of the handler and the charitable organization; (ii) the physical location of the charitable organization's facilities; (iii) the quantity in cases, the variety, size, can size, and can code of the packaged olives; and (iv) a certification from the charitable organization that such olives will be used by the organization and will not be sold.

(b) Prior to approval of any such application, the committee shall make such investigation as it deems necessary to verify the information therein. The committee may deny any application if it finds that the required information is incomplete or incorrect, or has reason to believe that the intended receiver is not a charitable organization, or that the handler or the organization has disposed of packaged olives contrary to a previously approved application. The committee shall notify the applicant and the organization in writing of its approval, or denial, of the application. Any such approval shall continue in effect so long as the packaged olives covered thereby are disposed of consistent therewith. The committee shall notify the handler and the organization of each such termination of approval. The handler shall furnish the committee upon demand such evidence of disposition of the packaged olives covered by an approved application as may be satisfactory to the committee.

(c) In accord with the provisions of § 932.55(b), any handler may use processed olives in the production of packaged olives for repackaging, and ship packaged olives for repackaging, if the packaged olives grade U.S. Grade C, as defined in the then current U.S. Standards for Canned Ripe Olives, except for the requirement that the packaged olives possess a normal flavor: *Provided,* That the failure to possess a normal flavor is due only to excessive sodium chloride.

E. Add a new § 932.161 reading as follows:

§ 932.161 Reports.

(a) *Reports of olives received.* Each handler shall submit to the committee, on a form provided by the committee, for each week (Sunday through Saturday, or such other 7-day period for which the handler has submitted a request and received approval from the committee) and not later than the fourth day after the close of such week, a report showing by size designation and culls the respective quantities of each variety of olives received. In addition thereto, he shall also report the seasonal totals to date of the report.

(b) *Sales reports.* Each handler shall submit to the committee, on a form provided by the committee, for each month and not later than the 10th day of the following month, a report showing his total sales of packaged olives by States of destination. Sales shall be reported by States separately in following categories: (1) Whole and whole pitted canned ripe olives in consumer size containers; (2) whole and whole pitted canned ripe olives in institutional size containers; (3) chopped and minced canned ripe olives in all types of containers; and (4) halved and sliced canned ripe olives in all types of containers. The quantity in each category shall be reported in terms of the equivalent number of cases of 24 No. 300 (300 x 407) size cans.

(c) *Report of handler's utilization of limited size olives.* Each handler shall submit to the committee, on a form provided by the committee, upon completion of the handler's canning season, but not later than August 1st of each crop year, a report showing the quantities of limited canning size olives used in (1) whole and whole pitted style canned ripe olives; (2) halved; (3) sliced; (4) chopped and minced; (5) Spanish olives; (6) Sicilian style olives; (7) Greek style olives; (8) olive oil; (9) olives dumped; and (10) any other use (specify such use).

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

Dated: September 20, 1968.

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

[F.R. Doc. 68–11680; Filed, Sept. 25, 1968; 8:47 a.m.]

[7 CFR Part 1040]

[Docket No. AO–225–A21]

MILK IN SOUTHERN MICHIGAN MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Lansing, Mich., on August 6, 1968, pursuant to notice thereof issued on July 24, 1968 (33 F.R. 10747).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on August 29, 1968 (33 F.R. 12576; F.R. Doc. 68–10697) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (33 F.R. 12576; F.R. Doc. 68–10697) are hereby approved and adopted and are set forth in full herein subject to the following modifications:

1. Under the "Findings and Conclusions", the 17th paragraph and the first sentence of the 19th paragraph are revised.

The material issue on the record of the hearing relates to proposed revision of the basis of qualifying supply plants for pooling, including the method of computing the "call percentage."

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issue is based on evidence presented at the hearing and the record thereof:

The minimum delivery requirements for pooling supply plants should be revised.

Under normal circumstances, a supply plant that ships as fluid milk products to pool distributing plants 40 percent of its producer milk receipts during each of the months of October through March and 30 percent of such receipts during each of the other months of the year should be eligible for pooling. Supply plants which qualify as pool plants during October through March should be permitted to retain pool status during the next April through September provided any applicable "call percentage" is met.

Nine local cooperatives, representing 90 percent of the producers regularly supplying the Southern Michigan market, jointly proposed to revise supply plant shipping requirements as a basis for pooling. Under the proposals the minimum requirement of delivery to pool distributing plants would be 50 percent of producer receipts at the supply plant each month October through March and 40 percent of receipts each month April through September. Any plant qualified for pooling in each month October through March could remain qualified for the following April through September.

Proponents' main purpose is to insure that all suppliers of milk to pool distributing plants for fluid use shall furnish such milk on a reasonably proportionate basis if they are to share uniformly in the pool proceeds.

The basic minimum monthly supply plant shipping requirement for pool plant status should be 40 percent of receipts each month October through March and 30 percent each month April through September. This compares with a minimum 25 percent of monthly receipts for each month under the present order. Whenever the "call percentage" (later discussed) is higher than the minimum percentage required, it should become the minimum to be met. Any plant qualified for pooling each month October through March should be permitted automatic pool status in the following April–September period. These provisions would have the effect of increasing somewhat the basic shipping requirements and also would lengthen the fall-winter period of shipment as a basis for automatic pooling in the following spring and summer months.

The Southern Michigan market has experienced a steady, 3-year downtrend in milk production. Deliveries in 1966 were 6.66 percent below the previous year. Similarly, deliveries in 1967 were 5.52 percent below 1966 and deliveries during the first 5 months of 1968 were 5.64 percent below the comparable period of 1967. This trend is causing a greater use of supply plant milk to accommodate bottling needs, particularly from October through March.

The transfers to pool distributing plants made by supply plants during the past 12 months were indicated in the record. The percentage of total plant receipts transferred by Southern Michigan supply plants to pool distributing plants during the 12 months ended with June this year ranged from 18.44 percent in June to 40.21 percent last November. The average of monthly shipments October through March constituted approximately 36 percent of supply plant receipts. These data include the actual shipments made from supply plants but do not represent the total of supplies furnished bottling plants, particularly the amounts furnished by cooperatives which operate supply plants. Most of the Michigan cooperatives supply, in addition, large proportions of their member producer milk on a direct-ship basis and only supplement such deliveries with supply plant milk. It is on the combined shipments of not less than 50 percent of member producer milk (direct and through plants) that their supply plants currently are qualified for pooling.

Other factors also point to future increases in shipments from individual supply plants. These are the decrease in the number of supply plants, with larger shipments being made from those remaining, and the virtual disappearance of Grade B milk available for conversion to direct-ship Grade A in Michigan. Based on these circumstances and the lower production level of recent years (affecting both direct-ship and supply plant milk) in relation to Class I sales, producers provided an unchallenged estimate that more than 50 percent of "available" supply plant receipts will be needed in each month of the October–March period to satisfy the future bottling needs of distributing plants.

Although some increase in the minimum shipment requirement for supply plant pooling is appropriate, a minimum as high as proposed by producers is not needed to draw adequate quantities from such plants.

Producers' request contemplated that receipts available for shipment from any supply plant would be a net quantity after allowing for any use of milk for cottage cheese manufacture at the plant. Their support for a set-aside for milk used in cottage cheese was based on the fact that milk for such use returns to producers a price higher than the price for reserve milk. Such use, in the aggregate, is about 10 percent of Class I disposition.

No set-aside for this use at supply plants should be considered, however, in computing the amounts of milk available for shipment to bottling plants. While Class II use provides a slightly higher return to producers than Class III, or reserve milk, graded milk is not required for cottage cheese in this market. Regulated handlers not choosing to use graded milk may use ingredients, such as nonfat dry milk, shipped in from distant sources for this purpose.

To set aside graded milk at supply plants which could be used in higher-valued Class I use for its small extra value over the manufacturing price for use in cottage cheese also would be inconsistent with efficient utilization of market supplies which is an important factor underlying appropriate pooling requirements. It is reasonable to allow, however, as the present order does, for the plant operator's own packaged Class I sales, since he should not be required to give priority to the Class I needs of others over his own.

Also, the presence of a "call percentage" provision to require additional quantities shipped when direct-ship supplies are particularly short of Class I needs likewise lessens the necessity for a minimum performance standard as high as that proposed by producers. It is appropriate to have a more flexible arrangement in this market, while at the same time setting a minimum standard sufficient to discourage pool-riding by operators who may have little interest in giving full supply service to distributing plants and thus minimize the burden of milk handling upon regular suppliers.

Supply plant shipment requirements of not less than 40 percent of producer receipts in the October–March period and not less than 30 percent in the April–September period are reflective of the market's needs for additional supply plant milk. Such minimums will help insure that all suppliers provide for such

needs on a more nearly proportionate basis in order to share in the pool proceeds. Suppliers who are furnishing well over 50 percent of their total available milk now should not be placed in the position of furnishing even greater quantities while other supply plant operators continue to qualify plants on as little as 25 percent of plant receipts over a period of a few months of the year. Adoption of the new minimum standards will tend to spread the responsibility of meeting the needs of the Class I market among all who participate in the pool.

In consideration of the prevailing market utilization patterns, the minimum requirement of 40 percent shipment in October through March adopted is reasonably related to the basic 50 percent minimum for short production months in Ohio markets to the south and the basic 40 percent requirement in the Chicago Regional order for the short production months in that market (the latter percentage may be adjusted up or down in a range of 10 points depending on short-run supply conditions).

Producers further requested that the months of highest minimum delivery percentage be extended to October–March in lieu of October–January. This is reasonable in view of the relative consistency of monthly Class I utilization in relation to receipts. The spread between the lowest and highest month's Class I utilization is about nine percent, a narrower range than is the case in markets to the south and west. Consequently, the need for substantial supply plant shipments extends over a longer period of the year than in many other markets. It is appropriate, therefore, to apply the 40 percent minimum requirement October through March, with automatic qualification for the remainder of the year for plants pooling October through March. The minimum percentage for new plants entering the market in months other than October through March would be 10 percent less, or 30 percent of receipts.

Two cooperatives, one a bargaining association and the other a plant-operating association, proposed a system, or unit, basis for pooling qualification of a plant in the marketing area operated by one of such associations. This proposal should be adopted.

Both such cooperatives are long-time suppliers of the Southern Michigan market. One now has and the other in the past has had its own Class I outlets for member milk. The higher minimum delivery percentage adopted herein will make qualification of the plant on such basis greatly more difficult. To continue to maintain pool qualification for the plant it would be necessary for the cooperatives to transfer milk back and forth between them. Such transfers necessarily would occur within the same week as fluid needs fluctuate on a daily basis. This practice would involve, however, extra hauling cost to the proponent cooperatives and would tend to reduce net producer returns.

The order should not place undue burden upon the cooperatives to qualify the milk at this plant which, because of its location, is so important to the operations of both cooperatives and to handlers in the western side of the market. The plant involved is regarded as an essential outlet for reserve milk supplies of the bargaining cooperative and of such handlers. It is also a ready source of supply for any part of the Class I market when additional milk above direct-ship supplies is needed.

A provision which would permit qualification of the plant on the basis of the aggregate operations of the two cooperatives is reasonable to promote the orderly marketing of producer milk having long-term association with the Southern Michigan market. However, certain measures of identification of such a plant were suggested in the exceptions in order to relate qualification to the particular function served in the market. These measures were location in the marketing area and some demonstration of continuing market association. For this reason, the basis of qualification is revised to apply to a plant located in the marketing area which has met the delivery performance requirements for pooling for 12 consecutive months.

In view of the shortening supply situation in the market during the past 3 years, the plant's supply of milk should be encouraged to remain in the market. If not qualified for pooling, the cooperative would be forced to seek a distant market in Indiana or Ohio, in order to keep returns to members competitive with those of pooled producers. This would not provide the lowest cost outlet for the member producers and would not promote orderly marketing.

The bargaining cooperative disposes of 70–80 percent of its member milk for Class I use. When combined with member milk of the other cooperative, such Class I use represents in excess of 50 percent of aggregate member deliveries. This is sufficient to indicate their primary interest in this market for member milk and warrants a provision for pooling on the basis of joint performance.

As a measure of performance it is provided that together they must maintain in pool distributing plants at least 50 percent of their combined member milk at all times.

Plants could continue, as presently provided in the order, to meet the minimum performance percentage on a unit delivery, or system, basis under certain conditions in the interest of efficient handling of milk. For the same reason the order should continue to allow any operating cooperative to qualify its supply plant on the basis that the cooperative regularly furnishes pool distributing plants with at least 50 percent of its member producer milk either by direct delivery or from its plant.

Because of the expanded nature of the milkshed, the high degree of mobility of milk and the market choices available to supply plants, a corollary provision also should be included to make clear that a plant automatically qualified as a pool plant may be withdrawn from the market if the operator so chooses. Such plant could regain pool plant status at any time by meeting the minimum monthly shipping requirements. However, to regain status under unit pooling, or as the plant of a cooperative qualifying on the combined shipments of direct-ship and plant supplies under § 1040.16(b) (2) or (3), the minimum shipment requirements should be met for at least 6 consecutive months. This will help insure regularity of association of the plant with the market as a basis for sharing in the pool proceeds.

The "call percentage" applicable to supply plant shipments should be modified.

The nine proponent cooperatives proposed revision of the method of computing the "call percentage". Their purpose was to extend its application to each month of the year rather than to the months of August through March. Also, they would base computation of the percentage on the need for supply plant supplies at all pool distributing plants rather than on the needs at those pool distributing plants which mainly rely on supply plant milk rather than direct-ship milk.

In this market a few pool distributing plants depend heavily upon plant supply milk, but most such plants receive direct-ship producer milk to fulfill the major part of their supply needs. With the decrease in total production in recent years, however, these plants have become increasingly dependent on supply plant milk on a sporadic basis. This need has been enhanced further by the 5-day bottling week, with little bottling on Wednesdays and Sundays. In view of the relatively even utilization pattern throughout the year, the need for extra milk on a temporary basis may occur in any month and for any distributing plant.

The call percentage consequently should be updated to reflect the overall needs of the fluid market above minimum shipment requirements. The obligation to supply the fluid needs of the market should extend beyond the minimum requirements for pooling when the need arises.

The desired amount may be measured appropriately by computing the quantity over and above the sum of direct-ship deliveries and minimum required shipments from supply plants relative to Class I requirements of bottling plants, including a 15 percent reserve. In computing available milk at supply plants for this purpose, allowance would be made for the Class I packaged sales made directly from supply plants, but not for milk used to produce cottage cheese (Class II) as such plants for the reason, earlier stated, that nonfat dry milk may be substituted for producer milk in the manufacture of cottage cheese by regulated handlers.

The plus balance remaining would represent the added milk over minimum required shipments to be shipped by supply plants for pool plant status during the month.

Producers proposed to remove from the order the provision which permits a cooperative's supply plant to qualify for pooling by supplying at least 50 percent of the milk received at all pool distributing plants. Similarly, they would remove

the provision under which a cooperative may qualify a plant by furnishing at least two-thirds of its member producer milk by direct delivery to pool plants. Cooperatives are in position to qualify plants for pooling under the alternative methods provided. The provisions in question are not needed and therefore are deleted.

Apart from the change relating to plant identification, as described above, other changes from the recommended decision are made for the purpose of clarifying and simplifying order language.

A handler proposed adoption of a definition of "reload point", i.e., a transfer point for reloading milk from farm tank trucks to an over-the-road tanker. The purpose of proponent was to insure that a reload point is not regarded on the same basis as a supply plant under the location pricing or supply plant pooling provisions.

After review of the present order, it is concluded that no reference to reload point is necessary. The definitions of "supply plant" and "pool plant" are clear that they do not embrace reload points for location pricing or meeting plant pooling requirements. There was no indication in the record that an interpretative problem had arisen in this regard. Accordingly, a definition of reload point is not adopted.

Another handler proposed that any proprietary handler be afforded the opportunity to qualify a supply plant as a pool plant on the basis of direct-deliveries to pool distributing plants as well as shipments from the plant, in the same manner as cooperatives. This proposal should not be adopted.

A cooperative may qualify member milk attached to its supply plant on the basis of a combination of direct deliveries and plant shipments because of its particular function of making its supplies available to handlers generally, furnishing their needs in the amounts and at the times desired. Cooperatives are the marketing agents for members and are in position to control delivery of milk to handlers for its efficient allocation and utilization, or disposition of the milk to other outlets when handlers do not need the milk. This type of service is made widely available to proprietary handlers.

Contrarily, the proprietary handler does not have producers as "members" and does not have control over the disposition of their milk. Normally, his interest is not similar to that of the cooperative in providing supply service to the market generally. It should be noted, however, that to qualify a plant on the basis of combination shipments, the cooperatives must make a somewhat greater total commitment to supply the market than is required of proprietary handlers. Cooperatives must furnish at least 50 percent of their total member milk as compared to the lower 40–30 percent of producer milk commitment required of the proprietary plant.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

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) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) 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 marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be 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; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on Exceptions

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Southern Michigan Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Southern Michigan Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the Federal Register. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of Representative Period

The month of June 1968 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Southern Michigan marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on September 23, 1968.

Orville L. Freeman,
Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Southern Michigan Marketing Area

§ 1040.0 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 Southern Michigan 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;

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(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; and

(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.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Southern Michigan 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:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on August 29, 1968, and published in the FEDERAL REGISTER on September 5, 1968 (33 F.R. 12576; F.R. Doc. 68-10697) shall be and are the terms and provisions of this order, and are set forth in full herein subject to revisions of § 1040.16(b) (1) and (3) and § 1040.17.

1. In § 1040.16 paragraph (b) is revised to read as follows:

§ 1040.16 Pool plant.

* * * * *

(b) A supply plant which during the month meets one of the performance requirements specified in subparagraphs (1), (2), or (3) of this paragraph and any applicable call percentage: *Provided,* That all supply plants which are operated by one handler, or all the supply plants for which a handler is responsible for meeting the performance requirements of this paragraph (b) under a marketing agreement certified to the market administrator by both parties, may be considered as a unit for the purpose of meeting the performance requirements of subparagraphs (1), (2), or (3) of this paragraph upon written notice to the market administrator specifying the plants to be considered as a unit and the period during which such consideration shall apply. Such notice and notice of any change in designation, shall be furnished on or before the fifth working day following the month to which the notice applies. In any months of April through September a unit shall not contain any plant which was not qualified under this paragraph either individually or as a member of a unit during the previous October through March.

(1) A plant from which the milk moved during the month to a distributing plant(s) qualified under paragraph (a) of this section is not less than 40 percent or the call percentage, whichever is higher, in any month October through March, and 30 percent or the call percentage, whichever is higher, in any month April through September, of the following net quantity: subtract from the monthly receipts of Grade A milk at the plant (including receipts for which a cooperative association is the handler pursuant to § 1040.7(c)), (i) any receipts by transfer or diversion from another plant, and (ii) any milk utilized by the handler operating the plant qualifying pursuant to this paragraph for his own Class I disposition in consumer packages. If such plant has met the required percentage during each of the months of October through March, it shall remain qualified under this subparagraph for each of the following months of April through September during which it meets any announced call percentage.

(2) A plant operated by a cooperative association which supplies distributing plants qualified under paragraph (a) of this section, either by shipment from such supply plant or by direct delivery from the farm, (i) not less than one-half of its total member producer milk in the current month, or (ii) if such plant were qualified under this subparagraph in each of the preceding 13 months, not less than one-half of its total member producers' milk for the second through the 13th preceding months, except that in either case an announced call percentage exceeding 50 percent in the current month must be met.

(3) A plant located in the marketing area operated by a cooperative association, which plant has been a pool plant for 12 consecutive months but is not otherwise qualified under this paragraph, on meeting the following conditions:

(i) The cooperative has a marketing agreement with another cooperative whose members deliver at least 50 percent of their milk during the month directly to distributing plant(s) qualified under paragraph (a) of this section; and

(ii) The aggregate monthly quantity supplied by both such cooperatives to such distributing plants either by shipment from the cooperative's plant or by direct delivery from farms is not less than 50 percent or the call percentage, whichever is higher, of the combined total of their member producer milk deliveries during the month.

(4) On written request by the handler or cooperative for the nonpool status of any plant automatically qualified as a pool plant under this paragraph April through September, made to the market administrator prior to the beginning of any month during such period, the plant shall be a nonpool plant for such month and thereafter until it requalifies under subparagraph (1) of this paragraph on the basis of actual shipments therefrom. To requalify as a pool plant under subparagraph (2) or (3) of this paragraph or on a unit basis, such plant must first have met the shipping requirements of subparagraph (1) of this paragraph for 6 consecutive months.

2. Section 1040.17 is revised to read as follows:

§ 1040.17 Call percentage.

"Call percentage" means the monthly percentage computed by the market administrator as follows:

(a) Estimate the aggregate pounds of Class I milk utilization for the month, including an additional 15 percent thereof as an operating margin, at pool distributing plants;

(b) Subtract therefrom the estimated pounds of milk which will be received at pool distributing plants during the month directly from producers' farms and from cooperative associations pursuant to § 1040.7(c); and

(c) Divide any plus balance of estimated Class I milk remaining by the estimated receipts of producer milk for the month at the supply plants.

(d) The announcement of the call percentage shall be made on or before the 1st day of the month to which it applies and shall set forth the data on which the estimates of Class I utilization and producer milk supplies are based, together with appropriate explanatory comments on the computations involved; and

(e) The market administrator may reduce the call percentage at any time during the month if he determines that more milk than is needed for Class I use is being delivered to pool distributing plants. Any such reduction shall not result in a percentage requirement less than 40 in any month October through March.

[F.R. Doc. 68-11696; Filed, Sept. 25, 1968; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 51]

CANNED CARROTS

Identity Standard; Optional Use of Certain Calcium Salts

Notice is given that a petition has been filed by Libby, McNeill & Libby, 200 South Michigan Avenue, Chicago, Ill. 60604, proposing that the standard of identity for canned vegetables other than those specifically regulated (21 CFR 51.990) be amended to permit the optional addition to canned carrots of purified calcium chloride, calcium sulfate, calcium citrate, monocalcium phosphate, or any mixture of two or more such calcium salts, in a quantity reasonably necessary to firm the carrots, but in no case in a quantity such that the calcium contained in any such salt or mixture is more than 0.036 percent of the weight of the finished food.

Grounds given in the petition in support of the proposal are that canned carrots with the added calcium salt have more consumer appeal in regard to appearance and texture than the same food without the added calcium salt.

Accordingly, it is proposed that § 51.990 be amended by adding a new subdivision to paragraph (c) (6) and by revising paragraph (f) (7), as follows:

§ 51.990 **Canned vegetables other than those specifically regulated; identity; label statement of optional ingredients.**

* * * * *

(c) * * *

(6) * * *

(iv) In the case of carrots, purified calcium chloride, calcium sulfate, calcium citrate, monocalcium phosphate, or any mixture of two or more such calcium salts, in a quantity reasonably necessary to firm the carrots, but in no case in a quantity such that the calcium contained in any such salt or mixture is more than 0.036 percent by weight of the finished food.

* * * * *

(f) * * *

(7) If one or more of the optional ingredients specified in paragraph (c) (6) (i), (ii), and (iv) of this section are present, the label shall bear the statement "Trace of _____ added" or "With added trace of _____," the blank being filled in with the words "calcium salt" or "calcium salts," as the case may be, or with the name or names of the particular calcium salt or salts added.

* * * * *

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

Dated: September 17, 1968.

J. K. KIRK,
Associate Commissioner, for Compliance.

[F.R. Doc. 68-11697; Filed, Sept. 25, 1968; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 71, 75]

[Airspace Docket No. 68-SW-54]

FEDERAL AIRWAYS AND JET ROUTES

Proposed Alteration and Designation

The Federal Aviation Administration (FAA) is considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would alter and designate certain VOR Federal airways and jet routes in the Greater Houston, Tex., terminal area.

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, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this Notice may be changed in the light of comments received.

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

The FAA is considering the commissioning of a new VORTAC in the vicinity of Humble, Tex., at lat. 29°57'23" N., long. 95°20'43" W. Associated with the commissioning of this new navigational aid, the following airspace actions are proposed:

1. Realign V-15 segment from Houston with a 1,200-foot AGL floor via Navasota, Tex., to College Station, Tex.

2. Realign V-477 segment from Houston with a 1,200-foot AGL floor via Humble to Leona, Tex., including a 1,200-foot AGL west alternate from Houston to Leona via Navasota, and a 1,200-foot AGL east alternate from Humble to Leona via the intersection of Humble 358° T (350° M) and Leona 140° T (132° M) radials.

3. Designate V-70 north alternate segment from Palacios, Tex., to Sabine Pass, Tex., with a 1,200-foot AGL floor via Humble.

4. Realign V-20 north alternate segment from Palacios to Houston with a 1,200-foot AGL floor via the intersection of Palacios 035° T (026° M) and Houston 252° T (244° M) radials.

5. Extend V-198 airway from Houston to Jacksonville, Fla., with a 1,200-foot AGL floor via intersection of Houston 090° T (082° M) and Sabine Pass 265° T (258° M) radials; Sabine Pass; White Lake, La.; Tibby, La.; Harvey, La.; intersection of Harvey 073° T (067° M) and Brookley, Ala.; 240° T (236° M) radials; Brookley; 6 miles wide Navy Saufley, Fla.; 6 miles wide intersection Navy Saufley 047° T (043° M) and Crestview, Fla., 251° T (248° M) radials; 6 miles wide Crestview; Marianna, Fla.; Tallahassee, Fla.; Greenville, Fla.; 18 miles, 6 miles wide Taylor, Fla., including a 1,200-foot AGL north alternate segment from Eagle Lake, Tex., to Sabine Pass via Humble.

6. Realign V-13 segment from Houston to Lufkin, Tex., with a 1,200-foot AGL floor via Humble, including an east alternate with a 1,200-foot AGL floor from Houston to Lufkin via Daisetta, Tex., and a west alternate with a 1,200-foot AGL floor from Humble to Lufkin via the intersection of Humble 358° T (350° M) and Lufkin 219° T (211° M) radials.

7. Realign V-222 segment from Industry, Tex., to Lake Charles, La., with a 1,200-foot AGL floor via Humble and Beaumont, Tex., including a north alternate with a 1,200-foot AGL floor from Humble to Lake Charles, via Daisetta.

8. Revoke V-22 airway from Houston to Jacksonville this airway is replaced by the proposed extension of V-198.

9. Designate a new VOR Federal airway from Navasota with a 1,200-foot AGL floor to Sabine Pass, via Humble.

10. Realign Jet Route No. 86 segment from Austin, Tex., to Grand Isle, La., via Humble.

11. Realign Jet Route No. 15 segment from Austin direct to Humble.

12. Realign Jet Route No. 2 segment from San Antonio, Tex., to Lake Charles, via Humble.

13. Extend Jet Route No. 138 from San Antonio direct to Houston.

14. Realign Jet Route No. 29 segment from Houston to Lufkin via the intersection of Houston 348° T (340° M) and Lufkin 204° T (196° M) radials.

15. Realign Jet Route No. 101 segment from Lufkin direct to Humble.

16. Realign Jet Route No. 87 segment from Humble direct to Greater Southwest, Tex.

The new Houston Intercontinental Airport is scheduled to commence operation during January 1969. The above-proposed airspace actions associated with the proposed commissioning of the Humble VORTAC are designed to facilitate the movement of instrument flight rule air traffic into and from this new Houston Airport and the en route traffic in the Greater Houston terminal area.

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

Issued in Washington, D.C., on September 24, 1968.

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

[F.R. Doc. 68-11773; Filed, Sept. 25, 1968; 8:50 a.m.]

Office of the Secretary

[49 CFR Part 239]

[OST Docket No. 7; Notice 3A]

NORTH DAKOTA

Relocation of Standard Time Zone Boundary

On March 24, 1967, the Governor of North Dakota petitioned the Department of Transportation to amend § 239.5(a) of Title 49 of the Code of Federal Regulations, to move the boundary between the mountain standard time zone and the central standard time zone in an easterly direction to accommodate the historical pattern of time observation in North Dakota.

Section 239.5(a) describes the present boundary between the mountain standard time zone and the central standard time zone, in pertinent part, as follows:

Beginning on the boundary line between the United States and Canada at the intersection of the boundary line between North Dakota and Montana, thence south along the west border of North Dakota to the main line of the Chicago, Milwaukee, St. Paul & Pacific Railway at Montline, thence east and north of, and parallel with said Chicago, Milwaukee, St. Paul & Pacific Railway to the South Dakota State line, thence east along such State line to the main channel of the Missouri River.

The Governor's petition proposed that the boundary between the mountain standard and central standard time zones be moved east to include within the mountain standard time zone those North Dakota counties which have historically observed mountain standard time.

As a result of the petition, the General Counsel of the Department of Transportation, on August 9, 1967 (32 F.R. 11378), published a notice of proposed rule making requesting comments on the proposal contained in the Governor's petition.

The comments received in response to the notice indicated a strong general preference for mountain time in the 14 southwestern counties of the State, but were inadequate for determining precisely where the line should be drawn. As a result of several meetings on the subject, the matter was presented to the 14 southwestern counties as a separate time preference ballot along with the September 3, 1968, North Dakota primary election. The tabulation of ballots confirmed the strong preference for mountain time indicated by the response to the notice of proposed rule making. The only areas in which the preference was not clear cut occurred in certain areas immediately adjacent to the west side of the Missouri River.

Under the auspices of the Governor, representatives of the county commissioners of the counties adjacent to the west edge of the Missouri River met with representatives of the cities along that line. As a result of the meeting, a proposed line was drawn that took advantage, wherever possible, of the natural boundary of a river. The line thus drawn was unanimously recommended to the Department by the county commissioners.

Using the recommended line, mountain time would be observed within the area of North Dakota lying westerly and southerly of the following described line:

Commencing at the point where the Missouri River enters the State of North Dakota; thence southerly and easterly along the middle of said river to the midpoint of the confluence of the Missouri and Yellowstone Rivers; thence southerly and easterly along the middle of the Yellowstone River to a point where said line is intersected by the north boundary of T. 150 N., R. 104 W.; thence east to the northwest corner of T. 150 N., R. 102 W.; thence south to the southwest corner of T. 149 N., R. 102 W.; thence east to the northwest corner of T. 148 N., R. 102 W.; thence south to the northwest corner of T. 147 N., R. 102 W.; thence east to the southwest corner of T. 148 N., R. 101 W.; thence south to a point where said line intersects the midpoint of the Little Missouri; thence easterly and northerly along the middle of said river to the midpoint of its confluence with the Missouri River; thence southerly and easterly along the middle of the Missouri River to a point where said line is intersected by the northern boundary of Morton County; thence west along said boundary to the northwest corner of T. 140 N., R. 38 W.; thence south to the southwest corner of T. 140 N., R. 83 W.; thence east to the southeast corner of T. 140 N.; R. 83 W.; thence south to a point where said line intersects the midpoint of the Heart River; thence easterly and northerly along the middle of said river to a point where said line is intersected by the southern boundary of T. 139 N.; R. 82 W.; thence east to a point where said line again intersects the midpoint of the Heart River; thence southerly and easterly along said line to the midpoint of the confluence of the Heart and Missouri Rivers; thence southerly and easterly along the middle of the Missouri River to the midpoint of the Cannonball River; thence westerly and southerly along the middle of said river to a point where the west boundary of T. 131 N.; R. 84 W.; intersects the midpoint of said river; thence south to the southwest corner of T. 131 N.; R. 84 W.; thence east to the southwest corner of T. 131 N.; R. 80 W.; thence south to the South Dakota border.

As a result of this recommendation to the Department and the comments received on the original proposal, the Department is issuing this modified proposal for further comment. Before taking final action to adopt, deny, or modify the proposed boundary, the Department will consider any further comments of interested persons. Communications should identify the regulatory docket or notice number (see above) and be submitted in duplicate to: Docket Clerk: Office of the General Counsel; Department of Transportation; Washington, D.C. 20590.

The Department is appreciative of the efforts of State officials who have given much time and effort toward a solution of the problem. Considerable weight must be given to the local preferences as expressed in the vote and as reflected in the proposed line. The Department will, based on the vote and the comments received, attempt to resolve the matter so that, if the boundary is to be changed, the change may be made effective on the date set by law for the changeover from daylight saving time, October 27, 1968.

Communications received on or before October 21, 1968, and all other petitions and communications received before the date of this notice, will be considered by the Department before taking final action on the petition. All docketed comments will be available for examination by interested persons, both before and after the closing date for comments.

These proceedings will not concern adherence to or exemption from advanced (daylight saving) time during the summer months. The Uniform Time Act requires observance of advanced time within established time zones from the last Sunday in April to the last Sunday in October, but permits an individual State to exempt itself, by law, from observing advanced time within the State.

This proposal is issued under the authority of the Act of March 19, 1918, chapter 24, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260–267); section 6(e)(5) of the Department of Transportation Act (80 Stat. 939, 49 U.S.C. 1655); and 49 CFR, Part 5.

Issued in Washington, D.C., on September 23, 1968.

STANFORD G. ROSS,
General Counsel.

[F.R. Doc. 68–11705; Filed, Sept. 25, 1968; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 12782; FCC 68–959]

COMPETITION AND RESPONSIBILITY IN NETWORK TELEVISION BROADCASTING

Order for Oral Argument and To Invite Further Comment

1. The Commission's notice of proposed rule making herein was issued on March 22, 1965. The time for filing comments was extended from time to time until May 1, 1966. The delay was occasioned principally for two reasons: (1) To permit compilation and release of Part II of the Second Interim Report of the Office of Network Study (which summarized in detail the evidence and inferences from the record of the program inquiry on which the Commission's proposal was based) and (2) to allow time for the compilation and filing of a report relative to the subject matter herein by the Arthur D. Little Co., a research organization dealing with economic matters, at the instance and cost of the three national television networks.

2. The Little Report was filed on February 23, 1966 by the networks as a part of the record in this proceeding. Largely subsequent to that, formal comments were filed by 28 parties, including networks, stations, public groups, and others. A large number of letters were received from interested persons and placed in the public docket. The writers of most of these were informed that their letters would be associated with the files and their comments given appropriate consideration.

3. The Commission proposal, in general, would (1) restrict the direct financial and proprietary control exercised by networks over their evening programing in order to open up some prime time on each network for programs controlled by persons other than networks; (2) prohibit networks from engaging in domestic syndication and from distribution in foreign markets of programs which were produced by others; (3) prohibit networks from acquiring syndication and foreign distribution rights in network programs not produced by them and (4) require networks to divest themselves of

the present syndication and foreign distribution rights and interests of the types they would be prohibited from acquiring under the new rule.

4. Appended to the notice of proposed rule making were a number of tables setting forth statistical information as to financial and proprietary interests of networks in the programs which composed their schedules for a given week in November of each year from 1957 through 1964. Additional information has been obtained and compiled which bring these figures up through November 1967. Revised tables setting forth this information are being made public at the same time as this order.

5. In its notice of proposed rule making the Commission expressed the hope that in the comments it would be given the benefit of all relevant information and data. Also it invited comment, opinions and advice not only from network corporations, licensees, advertisers, program producers, and others in the industry but also public groups and interested members of the public. It was the Commission's desire and intention to proceed on as broad a base of cogent and relevant information as possible. It encouraged those commenting to suggest possible alternative courses of action to achieve the objectives sought by the Commission.

6. In the comments and in the Little Report much relevant information and data was submitted, both with regard to network control of the programs which compose their evening schedules and as to network rights and interests in domestic syndication and foreign distribution of network programs after their network run. The information so provided is, almost exclusively for the period ending in 1964.

7. As noted above, we have obtained and published information from the networks bringing the record up to date with regard to network financial and proprietary control of the programs composing their schedules. However, as above indicated, most of the information and data presently before us with regard to networks' rights and interests in domestic syndication and foreign distribution of new program series chosen for network exhibition, and concerning networks' interests in and shares of syndication and foreign distribution markets, has a cutoff date as of 1964.

8. There is no evidence before us, nor based on our general information, is there any reason to assume that the present situation in syndication and foreign distribution as regards both network rights and interests and network shares in these markets is essentially different now from what the record discloses it to have been at and prior to 1964. Hence, unless information and data is presented to us to establish the contrary, we shall assume that the situation is not materially altered. Therefore, in the additional comments and in the oral argument for which we provide in this order, the Commission seeks and would appreciate further comment and information and data, if appropriate and relevant, with regard to the situation in these areas in addition to added information and comment, if deemed appropriate, with regard to other aspects of the matter.

9. In view of some of the comments filed in this proceeding, we wish to specifically invite parties to address themselves in further comments and the oral argument to the counterproposal submitted by the Westinghouse Broadcasting Co. In general, this proposal would prohibit a television station in any of the top 50 markets in which there are three or more operating television stations from contracting with a network to carry any regularly scheduled network programs more than a total of 3 hours between 7 p.m. and 11 p.m. The full text of Westinghouse's proposed rule is set forth below as Appendix A.

10. Several parties have challenged the Commission's jurisdiction to promulgate rules of the type proposed in this proceeding. The Commission is of the view that it has jurisdiction to promulgate such rules and we have prepared a memorandum (Appendix B) which sets forth the case for jurisdiction in order to afford all parties an opportunity to address themselves to this matter in further comments and the oral argument.

11. *Therefore, it is orderd*, That oral argument be scheduled herein to begin at 10 a.m. on the 16th day of December 1968 in the Commission's offices in Washington, D.C. At that time all persons whether or not they have previously filed comments in this proceeding, who have, at least 10 days prior to that date, filed a notice in writing with the Secretary of the Commission stating their intention to participate will be heard as time permits. Not less than 30 days prior to the date of oral argument, interested persons including, but not limited to, those who previously have filed formal comments or submitted letters herein, may file comments and submit relevant information with regard to the subject matter herein. Not less than 10 days prior to the date of oral argument, comments in reply to new comments or information filed as provided above may be submitted to the Commission in writing. No extensions of time will be granted herein.

Adopted: September 20, 1968.

Released: September 20, 1968.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX A

RULE PROPOSED BY WESTINGHOUSE BROADCASTING CO.

No license shall be granted to a TV broadcast station allocated to serve any of the top 50 markets (as listed in FCC Public Notice No. 60894 released Dec. 18, 1964) in which there are three or more TV stations having any contract, arrangement, or understanding express or implied, with a national TV network organization which, except as herein provided, shall authorize, require or permit the station to broadcast any regularly scheduled commercial network programs more than a total of 3 hours between 7 p.m. and 11 p.m. local time; provided, however, such station, in the exercise of its judgment of the public interest, may from time to time make ad hoc contracts, arrangements, or understandings, expressed or implied, with a network organization to broadcast such network's programs in excess of 3 hours within such time segment of each day, provided such exceptions are limited to the following:

(i) Programs of public significance or of national importance, including appearances of governmental officials;

(ii) Programs (live or delayed) presenting qualified candidates for national office pursuant to section 315 of the Communications Act of 1934, as amended;

(iii) Live [Programs delayed for a period equal to the time zone differential shall be considered live] programs depicting important sporting, cultural, and political events, the origination and/or duration time of which is not within the control of the network when it is in the public interest to broadcast the event as a unit or scenes at the time that the event takes place;

(iv) News programs, including news, historical and controversial documentary type programs, prepared and produced solely by the network; and

(v) Such exceptions as the Commission may grant in the public interest upon request of a licensee.

APPENDIX B

MEMORANDUM CONCERNING JURISDICTION OF THE FEDERAL COMMUNICATIONS COMMISSION TO REGULATE NETWORK TELEVISION LICENSEES

The question dealt with in this memorandum is the extent of the authority, if any, of the Commission to regulate syndication and network program procurement and distribution practices of network television licensees within the context of the rules proposed in Docket No. 12782, which are summarized in the accompanying Order for Oral Argument and To Invite Further Comment. Several parties have contended that the Commission lacks power to adopt the proposed rules, on the theory that they constitute direct regulation of networks, a matter not put within the Commission's reach by Congress. The Commission recognizes that it generally has no common carrier or licensing authority over networks (except as they use radio channels). It may also not be authorized by the Communications Act to make rules generally regulating the manner in which networks conduct their business affairs. However, the question presented here is the different one of whether the Commission has authority to regulate those aspects of network operations which may impede the ability of individual nonowned affiliates and other licensees to operate in the public interest.

We believe that the Communications Act provides ample authority for the rules proposed by us or by the commenting parties. That the statute gives the Commission a comprehensive mandate to encourage the "larger and more effective use of radio in the public interest," if need be by making "special regulations applicable to radio stations engaged in chain broadcasting" (sections 4(i), 303 (g) and (i)), has long been clear. National Broadcasting Company v. United States, 319 U.S. 190 (1943). That the television networks are not only themselves "stations engaged in chain broadcasting," but also the key elements in such chain broadcasting, is also clear. Our authority to regulate chain broadcasting includes, in our view, the power to insure that networks furnishing substantial amounts of programing to substantial numbers of stations do not artificially impede the stations' access through chain broadcasting to an open flow

of programs from diverse sources or otherwise impair the stations' capacity to operate in the public interest.

Our authority has two bases. First, the television networks as licensees are stations engaged in chain broadcasting. Second, even if they were not themselves licensees, their tremendous impact upon chain broadcasting warrants regulation of their affiliates in terms of the sources of programs.

We thus cannot accept the argument that the networks are engaged in chain broadcasting only to the extent that their various owned stations simultaneously broadcast identical programs. It is urged that the networks are not engaged in chain broadcasting when they disseminate signals over the connecting lines for broadcast by the affiliates because, under the definition of "chain broadcasting" contained in section 3(p) of the Act, "it is the activity of broadcasting identical programs that constitutes 'chain broadcasting' under the Act" (Brief of Columbia Broadcasting System in Docket No. 12782, p. 6). To look only at the end broadcasts by the affiliates, disregarding the antecedent transmission and role of the network itself, would be to ignore both the technical and the realistic situation. Moreover, such a cramping construction of section 3(p) would be contrary to the wording of that section on its face, other provisions of the Act, the legislative history, and judicial authority.

Technically, the process of chain broadcasting generally begins in the studio of a network-owned station. The network studio is connected with the facilities of each of the owned or affiliated stations through communications lines leased from the telephone company by the network.[1] Whether the network program being disseminated is live, filmed, or on tape, the network transmits a signal which is fed both into the network station's transmitter for direct broadcast to the public served by that station and also into a coaxial cable running between the network studio and the central distribution facilities of the telephone company. The signal continues over the communications lines of the telephone company to each of the other stations owned by the network or on which it has arranged for carriage of the program, and is instantaneously relayed to the public through the broadcast facilities of such stations.

Thus, the signal disseminated by the network is broadcast directly by the network station involved and simultaneously is relayed by the network over leased connecting lines and is broadcast to the public by the connected stations. In addition to transmitting the original signal, it is the network which leases and pays for the connecting lines,[2] the network which sells the affiliates' time to network advertisers and procures clearances from the stations ordered, and the network which compensates the affiliated stations for the use of their time and facilities in ultimately relaying the signal to the public.

Section 3(p) of the Act defines "chain broadcasting" as the "simultaneous broadcasting of an identical program by two or more connected stations." Under any interpretation, then, both the network and its affiliates are engaged in chain broadcasting when the network station broadcasts the program. Moreover, section 3(p) should not be viewed in isolation, but rather in conjunction with other provisions of the Act. Under section 3(o), "broadcasting" is "the dissemination of radio communications intended to be received by the public, directly or by the intermediary of relay stations." And "radio communication" or "communication by radio" is defined in section 3(b) as "the transmission by radio [of] * * * pictures, and sounds of all kinds, including all instrumentalities, facilities, apparatus, and services (among other things, the receipt, forwarding, and delivery of communications) incidental to such transmission." By the plain terms of these sections it seems clear that the networks are engaged in chain broadcasting when they transmit the signal over the connecting lines and deliver it to the affiliates for relay to the public. For they are disseminating "radio communications" (which encompass the instrumentalities, facilities, apparatus, and services incidental to the transmission by the affiliate (section 3(b)) "intended to be received by the public" through the intermediary of connected relay stations (sections 3 (o) and (p)).

Indeed, section 202(b) of the Act specifically recognizes that the lease of common carrier lines of communication by the network to relay its signal to the affiliates is a "use * * * in chain broadcasting" even though this service is provided to the network itself and takes place prior to the activity of the affiliates in broadcasting the signal directly to the public section 202(b) provides:

> Charges or services, whenever referred to in this Act, include charges for, or services in connection with, the use of common carrier lines of communication, whether derived from wire or radio facilities, in chain broadcasting or incidental to radio communication of any kind.

Moreover, the legislative history of the 1960 amendment of section 202(b) to its present form (74 Stat. 888)[3] reflects the view of Congress that the common carriers are "providing circuits for network broadcasting of radio and television programs" and are "making chain broadcaster connections" (S. Rept. No. 691, 86th Cong., first sess., p. 2).[4] See also H.R. No. 2148, 86th Cong., second sess., p. 2.

This express legislative recognition that the network transmission to the affiliates is a part of chain broadcasting also accords with the longstanding administrative and judicial ruling that the "interstate communication of a broadcasting company begins at the microphone, passes over the wires to the transmitter, and then through the ether, constituting a continuous interstate communication which, because of its very nature, must be subject to federal regulation." Capital City Telephone Company, 3 FCC 189, 195; Ward, v. Northern Ohio Telephone Co., 300 F. 2d 816, 8191 (C.A. 6), cert. den. 371 U.S. 820; United States v. Southwestern Cable Co., 392 U.S. 157.[5]

In sum, it seems clear that the networks are engaged in chain broadcasting within the meaning of sections 3 (b), (o), and (p) and 303(1) of the Act, both when their various owned stations simultaneously broadcast identical programs and also to the extent that network owned stations disseminate signals over connecting lines for simultaneous broadcast by their affiliated stations.

Apart from the definitions contained in section 3 (b), (o), and (p) of the Act, it is clear from the legislative history of section 303(1) that Congress, in authorizing the Commission to "make special regulations applicable to radio stations engaged in chain broadcasting," intended to empower the Commission to regulate chain broadcasting by the various network organizations. The provision which is now section 303(1) of the Communications Act was carried over verbatim from section 4(h) of the Radio Act of 1927. In the Senate debates on the conference report on the bill which became the Radio Act of 1927, the following colloquy took place between Senator Broussard and Senator Dill, who was in charge of the bill (68 Cong. Rec. 2881):

> Mr. BROUSSARD. * * * I received this morning a telegram from Shreveport, La., signed by Mr. W. K. Henderson, who is a very wealthy man there, and who has a broadcasting station which he uses mostly to entertain his friends and to accommodate the public. I do not think he is making anything out of it. His telegram reads:
>
> *Shreveport, La.*
> Hon. EDWIN S. BROUSSARD,
> *U.S. Senate.*
>
> *January 31, 1927.*
>
> Our Shreveport Times this morning carried headlines of 35 stations to be chained together. Just as I wired you the other day, chain stations will monopolize and independent stations, such as we have at Shreveport, are practically done for. Hope you will give bill considerable study and stand for interest of others beyond Radio Corporation of America who control chain stations. Between American Telephone & Telegraph Co. and Radio Corporation of America and other interests the independents are through.
>
> W. K. HENDERSON,
> Owner, Radio Station KWKH.
>
> I should like to have the Senator from Washington cover the suggestion contained in telegram, and if the bill does actually make this impossible, to make that known to the Senate.
>
> Mr. DILL. I am very glad the Senator from Louisiana has asked the question. It gives me an opportunity to explain not only that but some things regarding what the Senator from Nevada said.
>
> In the first place, under this bill chain broadcasting today, concerning which the writer of the telegram is concerned, is absolutely without any regulation. We have no law today to handle this situation, and the various radio organizations including Radio Corporation of America and the

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[1] Although the network usually leases facilities to deliver the signal directly to the affiliate, an affiliate located away from the trunk network distribution lines of the telephone company sometimes makes its own arrangements to pick up the signal at the nearest test board or off-the-air from another affiliate. In rare instances, an affiliate may receive network programs by mail for delayed broadcast.

[2] For a description of how the NBC network orders connection service from AT&T and of how the network traffic department works closely with AT&T in arranging the routing of the signal to affiliates and the use of "play back networks" to take care of time differentials, see WSAZ, Inc. v. A.T. & T., 31 FCC 175, 178–181.

[3] Prior to the 1960 amendment section 202(b) read:

> "Charges or services, when referred to in this Act, include charges for, or services in connection with, the use of wires in chain broadcasting or incidental to radio communication of any kind."

[4] The Senate Commerce Committee Report states (S. Rept. No. 691, p. 2):

> "Since the enactment of the Communications Act, important technical innovations in the use of microwave and other high frequencies have led to an increasing use of point-to-point radio communications as a substitute for, and supplement to, the use of wires in chain broadcasting. Presently, such point-to-point radio is widely used by common carriers in providing circuits for network broadcasting of radio and television programs, studio to transmitter links, and remote pick-up and control circuits for various types of radio stations."

The Senate Report further states (ibid.):

> "The legislation will prevent unjust or unreasonable discrimination regardless of the electronic method used by common carriers in making chain broadcaster connections."

[5] Cf. also, Pacific Telatronics, Inc., FCC 64–1180, 4 Pike & Fischer Radio Regulation 145; Idaho Microwave, Inc. v. Federal Communications Commission, 352 F. 2d 729 (C.A.D.C.); California Interstate Telephone Co. v. Federal Communications Commission, 328 F. 2d 816 (C.A.D.C.).

American Telephone & Telegraph Company, are going ahead and building up the chain stations as they desire without let or hindrance and without any restrictions, because the Secretary of Commerce has no power to interfere with them. Unless this proposed legislation shall be enacted they will continue to do so, and they will be able by chain-broadcasting methods practically to obliterate the independent small stations, as the man who wrote the telegram suggests.

While the Commission would have power under the general terms of the bill, the bill specifically sets out as one of the special powers of the commission the right to make specific regulations for governing chain broadcasting. As to creating a monopoly of radio in this country, let me say that this bill absolutely protects the public, so far as it can protect them, by giving the commission full power to refuse a license to anyone who it believes will not serve the public interest, convenience, or necessity. It specifically provides that any corporation guilty of monopoly shall not only not receive a license but that its license may be revoked; and if after a corporation has received its license for a period of three years it is then discovered and found to be guilty of monopoly, its license will be revoked.

In addition to that—

Mr. HEFFLIN: Mr. President—

Mr. DILL: Just a moment. In addition to that, the bill contains a provision that no license may be transferred from one owner to another without the written consent of the commission and then the commission, of course, having the power to protect against monopoly, must give such protection.

I wish to state further that the only way by which monopolies in the radio business can secure control of radio here, even for a limited period of time, will be by the commission becoming servile to them. Power must be lodged somewhere, and I myself am unwilling to assume in advance that the commission proposed to be created will be servile to the desires and demands of great corporations of this country.

Our interpretation is therefore in full accord with that of the Senator who was in charge of the bill. Moreover, the legislative history set forth in National Broadcasting Company v. United States, 319 U.S. 190, 220–221 (1943), shows that section 303(1) was intended to confer broad authority to make regulations necessary in the interest of the listening public affected by chain broadcasting. It was originally proposed to give the Commission "complete authority * * * to control chain broadcasting" (Sen. Rep. No. 772, 69th Cong., first sess., p. 3) by provisions reading as follows:

(C) The commission, from time to time, as public convenience, interest, or necessity requires, shall—

(J) When stations are connected by wire for chain broadcasting, determine the power each station shall use and the wave lengths to be used during the time stations are so connected and so operated, and make all other regulations necessary in the interest of equitable radio service to the listeners in the communities or areas affected by chain broadcasting.

These powers are preserved by the language of the provision as enacted, which is "broader and more comprehensive than those it supplanted" (National Broadcasting Company v. United States, 319 U.S. at 221).

It is, of course, settled by the National Broadcasting Company case that section 303 (i) must also be read in light of the large public aims of the Communications Act and the Commission's comprehensive power to "encourage the larger and more effective use of radio in the public interest." In the oft-quoted words of the Supreme Court (319 U.S. at 217):

The avowed aim of the Communications Act of 1934 was to secure the maximum benefits of radio to all the people of the United States. To that end Congress endowed the Communications Commission with comprehensive powers to promote and realize the vast potentialities of radio. Section 303(g) provides that the Commission shall "generally encourage the larger and more effective use of radio in the public interest"; subsection (i) gives the Commission specific "authority to make special regulations applicable to radio stations engaged in chain broadcasting"; and subsection (r) empowers it to adopt "such rules and regulations and prescribe such restrictions and conditions not inconsistent with law, as may be necessary to carry out the provisions of this Act."

These provisions, individually and in the aggregate, preclude the notion that the Commission is empowered to deal only with the technical and engineering impediments to the "larger and more effective use of radio in the public interest. * * *"

Nothing in the Supreme Court's decision lends support to the contention that the Commission's authority to deal with network practices impeding the larger and more effective use of radio in the public interest is nevertheless limited to regulations governing the licensing of affiliated stations. To be sure the particular regulations considered by the Supreme Court in National Broadcasting had been formulated by the Commission in those terms, so that the Commission's authority was sustained in that context. But the rationale of the decision is far broader and contains no suggestion that this was the only means within the Commission's power for dealing with network impediments. Rather, the nature of the Commission's mandate was described as follows (319 U.S. at 219):

"Congress moved under the spur of a widespread fear that in the absence of governmental control the public interest might be subordinated to monopolistic domination in the broadcasting field." Federal Communications Commission v. Pottsville Broadcasting Co. 309 U.S. 134, 137. In the context of the developing problems to which it was directed, the Act gave the Commission not niggardly but expansive powers. It was given a comprehensive mandate to "encourage the larger and more effective use of radio in the public interest," if need be, by making "special regulations applicable to radio stations engaged in chain broadcasting." Section 303(g)(i).

Since the Communications Act "gave the Commission not niggardly but expansive powers" and a "comprehensive mandate 'to encourage the larger and more effective use of radio in the public interest,' if need be, by making 'special regulations applicable to radio stations engaged in chain broadcasting'" (National Broadcasting Co. v. United States, supra), it is quite unrealistic to insist that essential elements of the chain broadcasting process which affect the choice by hundreds of affiliates of substantial portions of their program service are beyond the purview of the statute and the agency created to administer it in the interest of the listening and viewing public. We believe that the statute fully authorizes the Commission to regulate network practices found to impede the larger and more effective use of radio and to see to it the television broadcast stations do not take substantial amounts of their programming from a limited number of organizations which unduly restrict the flow of competitive program material. National Broadcasting Co. v. United States, supra; Simmons v. Federal Communications Commission, 169 F. 2d 670 (C.A.D.C., cert. den. 335 U.S. 846; United States v. Southwestern Cable Co., 392 U.S. 157.

We further believe that such regulation may properly take any of the following forms, either separately or in combination:

(1) A rule providing that no network television licensee engaged in chain broadcasting (i.e., in the dissemination of radio communications to connected stations for simultaneous relay to the public) shall engage in the impeding practice.

(2) A rule providing that no license will be issued to a network organization which engages in the impeding practice.

(3) A rule providing that no license shall be issued to a broadcast station affiliated with a network which engages in the impeding practice.

(4) A rule providing that no licensee shall affiliate with a network which engages in the impeding practice.

It is asserted that the Commission is foreclosed from making regulations of the first type because it has never exercised authority to regulate network practices directly, has disclaimed such authority in statements to Congressional committees, and has supported legislative proposals which would have specifically conferred direct rulemaking or licensing authority over networks.[6] However, neither the Commission's prior statements nor the failure of Congress to act favorably on legislative proposals is determinative of the Commission's authority to regulate directly some aspects of network operation under the existing provisions of the Communications Act. Helvering v. Clifford, 309 U.S. 311, 337–338; United States v. Price, 361 U.S. 304, 310–313; American Trucking Associations v. United States, 344 U.S. 298, 314; Carter Mountain Transmission Corp. v. F.C.C., 321 F. 2d 359, 364 (C.A.D.C.), cert. den. 375 U.S. 951; United States v. Southwestern Cable Co., 392 U.S. 157. For the reasons already set forth at length, we think we have authority under the present statutory provisions.[7]

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[6] E.g., H.R. 5042 and 11340, 86th Cong.; S. 2400, 87th Cong. Reliance is also placed on the report of the Network Study Staff which, after referring to various Commission statements to congressional committees, concluded that there was doubt as to the Commission's authority. The Network Study Staff report noted, however, that a different appraisal was contained in a staff report of the Senate Interstate and Foreign Commerce Committee, which stated:

"It would appear that the Commission may already have power to regulate the networks directly if it finds it necessary to do so." See Report of the Network Study Staff, reprinted in H.R. Rept. No. 1297, 85th Cong., second sess., pp. 628–630, particularly p. 629.

[7] We note in this connection that previous disclaimers of authority were not made in the context of a formal decision or accompanied by analysis. We have not previously had occasion to discuss this question in full. In our Chain Broadcasting Report of 1941, we concluded that we had jurisdiction to issue the chain broadcasting regulations, both as an exercise of the licensing function and under the authority conferred by section 303(i), and that either basis alone was ample to support jurisdiction (Report, pp. 80–87). The Commission further recognized that the regulations might not "solve all questions of the public interest with respect to the network system of program distribution," stating (Report, p. 88): "For example, we have not dealt with the activities of the principal networks in the fields of electrical transcription and talent supply, although we recognize, as did the committee, that their activities in these fields 'raise problems which vitally concern the welfare of the industry and the listening public.' The problems in the network field are interdependent, and the steps now taken may perhaps operate as a partial solution of problems not directly dealt with at this time. Such problems may be examined again at some future time after the regulations here adopted have been given a fair trial."

Since there is authority to regulate network practices directly, there is no need to labor the questions of authority to act through network station licensing or through rules directed to the affiliates.* And what we have already said makes clear the legitimate applicability of rules to the processes of network program procurement for chain broadcasting distribution. These processes vitally affect the ability of owned and affiliated stations to operate in the public interest just as much as the processes of direct procurement by single stations. The values of networking do not include artificial impediments to a free flow of programs or undue centralization of control of program choices.

It is asserted, however, that the proposed rules go to an aspect of network operations—syndication—which is not a chain broadcasting activity. But the question at issue is not the Commission's jurisdiction to regulate program syndication (or, for that matter, buyers or advertisers), but rather the Commission's jurisdiction to determine what, if any, conditions on the grant of licenses for stations engaged in chain broadcasting are necessary to encourage the larger and more effective use of radio in the public interest. We think that the Commission clearly has authority to require that network licensees engaged in chain broadcasting shall not engage in domestic syndication, or foreign sales of programs produced by others, if we find that the coupling of these activities with chain broadcasting operations is an impediment to the larger and more effective use of radio. It cannot reasonably be asserted, in the light of the present economic and practical situation, that these activities of networks are so unrelated to their chain broadcasting operations or have so little potential impact on the operations of affiliated and other stations, as to be beyond the permissible area of Commission concern as a jurisdictional matter under the provisions and purposes of the Communications Act. It is not the purpose or function of this memorandum to consider the reasonableness of the proposed rules or the necessity for their possible adoption.

The Commission has long recognized that the chain broadcasting operations of the networks make an important contribution of the larger and more effective use of radio in the public interest and that network programs are of great value to the affiliated stations in providing a well-rounded community service. But the fact that there are important public benefits to be derived from chain broadcasting makes it all the more imperative that the Commission authorize licensees to engage in such operations under conditions designed to insure that the larger and more effective use of radio is not impeded in other respects. The Commission's power and duty to exercise its licensing functions under the public interest standard of the Communications Act, and to make special regulations applicable to stations engaged in chain broadcasting, cannot be avoided simply by describing the impeding activity of the licensee as a "business practice" or as a third-party relationship with a nonlicensee.

Finally, the regulatory proposals made in Docket 12782 do not in any way go to program content or infringe the constitutional and statutory guarantees of free speech. Freedom of speech from governmental interference under the First Amendment "does not sanction repression of that freedom by private interests" (Associated Press v. United States, 326 U.S. 1, 20) or preclude Commission action designed to encourage the development of independent and competitive program sources and the free flow of programing to the public. We believe that the rules raise no substantial free speech question.

[F.R. Doc. 68-11691; Filed, Sept. 25, 1968; 8:48 a.m.]

* It is urged that rules governing the licensing of affiliates would be inapproprate where the impeding practice concerned network relationships with third persons over which the affiliate has no control. However, the Commission's rules already provide that no license shall be issued to a station affiliated with a network which maintains more than one network (with certain exceptions). See, e.g., §§ 73.137 and 73.658(g). We see no relavent distinction, in terms of licensee control, between those rules and a rule providing, for example, that no license shall be issued to a station affiliated with a network which engages in program syndication, or which offers a prime schedule more than 50 percent composed of programing in which the network has a financial or proprietary interest, or which does not give notice of uncleared programs to other stations in the community of the affiliate (see Docket No. 16041, 30 F.R. 7666). At the same time, we recognize that rules of this nature might be more appropriately directed toward network television licensees.

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Sacramento 1799]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands; Correction

SEPTEMBER 20, 1968.

The notice of proposed withdrawal and reservation of lands, published on page 13041 of the FEDERAL REGISTER, issued Saturday, September 14, 1968 (F.R. Doc. 68-11173), is hereby corrected by adding the SE¼SW¼ sec. 30 to the lands described (except parcel lying east of State Highway described in Sacramento Serial No. 046100, Forest Exchange).

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

[F.R. Doc. 68-11674; Filed, Sept. 25, 1968; 8:46 a.m.]

COLORADO

Modification of Grazing Districts

Pursuant to the authority vested in the Secretary of the Interior by the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269), as amended:

The north boundary of Colorado Grazing District No. 7, Bureau of Land Management, is adjusted so as to transfer administrative responsibility for all public land within the following described legal subdivisions from Grazing District No. 7 (Grand Junction) to Grazing District No. 1 (Craig).

All vacant, unappropriated public land in:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 4 S., R. 95 W.,
Secs. 31 and 32.
T. 5 S., R. 94 W.,
Sec. 5, Lots 3 and 4, S½NW¼, N½SW¼, and SW¼SW¼;
Sec. 6;
Sec. 7, Lots 1 and 2, NW¼NE¼, and NE¼NW¼.
T. 5 S., R. 95 W.,
Secs. 1 to 3, inclusive;
Sec. 4, S½;
Secs. 5 and 6;
Sec. 7, Lots 1 to 6, inclusive, NE¼, and SE¼;
Secs. 8 to 11, inclusive;
Sec. 12, N½, SW¼, and NW¼SE¼;
Sec. 15, N½N½;
Sec. 16, N½;
Sec. 17, N½ and NW¼SW¼;
Sec. 18, NE¼ and N½SE¼.
T. 5 S., R. 96 W.,
Sec. 29, N½NW¼;
Sec. 30, N½N½.
T. 5 S., R. 97 W.,
Sec. 26, W½NE¼ and W½;
Sec. 31, Lots 7 to 9, inclusive, NE¼SW¼, and NE¼SE¼;
Sec. 35, NW¼NW¼.
T. 6 S., R. 97 W.,
Sec. 6, N½NW¼.
T. 5 S., R. 98 W.,
Sec. 4, E½SW¼ and SE¼;
Sec. 5, N½SW¼ and SE¼SW¼;
Sec. 6, N½SE¼;
Sec. 7, SW¼NE¼ and N½SE¼;
Sec. 8, NW¼NE¼;
Sec. 9, NW¼ and NE¼SE¼;
Sec. 10, W½;
Sec. 13, S½S½;
Sec. 14, SE¼SE¼;
Sec. 15, W½E½ and W½;
Sec. 22, E½E½;
Sec. 23, E½E½;
Sec. 24, NE¼, N½SE¼, SE¼SE¼;
Sec. 26, E½NW¼, E½NE¼.
T. 5 S., R. 99 W.,
Sec. 5;
Sec. 6, lots 8 to 10 inclusive, S½NE¼, SE¼NW¼, N½SE¼, and SE¼SE¼;
Sec. 7, NE¼NE¼;
Sec. 8, N½, NE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 15, W½NW¼;
Sec. 16, E½NE¼, NW¼NE¼, and NE¼NW¼.
T. 5 S., R. 101 W.,
Sec. 28, W½NE¼, NW¼;
Sec. 29, N½N½ and SE¼NE¼.
T. 5 S., R. 103 W.,
Sec. 26, N½ and N½SE¼;
Sec. 27, N½ and SW¼;
Sec. 28, E½;
Sec. 33, N½, W½SW¼, and NE¼SW¼;
Sec. 34, N½NW¼.
T. 6 S., R. 104 W.,
Sec. 30, Lot 1 and NE¼NW¼.
T. 6 S., R. 105 W.,
Sec. 25, Lots 8 to 11, inclusive;
Sec. 36, Lot 3.

The south boundary of Colorado Grazing District No. 1, Bureau of Land Management, is adjusted so as to transfer administrative responsibility for all public land within the following described legal subdivisions from Grazing District No. 1 (Craig) to Grazing District No. 7 (Grand Junction).

All vacant, unappropriated public land in:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 5 S., R. 96 W.,
Sec. 10, S½NW¼, N½SW½, SE¼SW¼, NW¼SE¼, and S½SE¼;
Sec. 11, SW¼SW¼;
Sec. 12, SE¼SE¼;
Sec. 13, E½E½;
Sec. 14, W½NW¼, SW¼, and SW¼SE¼;
Sec. 15, NE¼, N½SE¼, and SE¼SE¼;
Sec. 21, NE¼SE¼ and S½SE¼;
Sec. 22, NE¼NE¼, S½N½, and S½;
Sec. 23;
Sec. 24, E½E½ and W½SW¼.
T. 5 S., R. 98 W.,
Sec. 9, SW¼SE¼;
Sec. 16, W½NE¼, W½NW¼, and SE¼NW¼;
Sec. 17, E½NE¼;
Sec. 25, SE¼SE¼, W½E½, and S½SW¼;
Sec. 36.
T. 6 S., R. 98 W.,
Sec. 1, E½E½;
Sec. 2, W½;
Sec. 10, E½;
Sec. 11, SW¼NE¼, NW¼, and SE¼;
Sec. 12, E½, SE¼NW¼, and SW¼;
Sec. 13, NW¼;
Sec. 14, E½;
Sec. 15, NE¼.
T. 4 S., R. 100 W.,
Sec. 32, NW¼SW¼ and S½S½;
Sec. 33, SW¼SW¼, E½SW¼, and W½SE¼.
T. 5 S., R. 100 W.,
Sec. 5, W½;
Sec. 6, E½;
Sec. 7, E½;
Sec. 18, E½, E½W½, and Lot 8.
T. 5 S., R. 101 W.,
Sec. 21, E½SE¼;
Sec. 22, S½;
Sec. 30, W½.
T. 5 S., R. 102 W.,
Sec. 18, S½S½;
Sec. 19, N½;
Sec. 20, N½;
Sec. 21, NW¼;
Sec. 22, E½, NW¼SW¼, and S½SW¼;
Sec. 25, SW¼NW¼ and S½;
Sec. 26, S½NW¼ and S½;
Sec. 35;
Sec. 36.
T. 5 S., R. 103 W.,
Sec. 23, SE¼SE¼;
Sec. 24, E½, SE¼NW¼, SW¼SW¼, and E½SW¼.
T. 6 S., R. 104 W.,
Sec. 4, E½;
Sec. 8, E½SE¼;
Sec. 9, E½, E½NW¼, and SW¼;
Sec. 16, N½;
Sec. 17, E½E½;
Sec. 19, SE¼SE¼;
Sec. 20, N½.

This transfer of jurisdiction will not affect the status or use of the public lands in any way and shall become effective upon publication of this notice in the FEDERAL REGISTER.

JOHN O. CROW,
Associate Director.

SEPTEMBER 20, 1968.

[F.R. Doc. 68-11655; Filed, Sept. 25, 1968; 8:45 a.m.]

[Serial No. I-2446]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 20, 1968.

The Department of Agriculture has filed an application, Serial Number I-2446 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for public purposes for the Conrad Campground Expansion site on the St. Joe 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 may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 334, Federal Building, 550 West Fort Street, Boise, Idaho 83702.

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

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

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

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

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

ST. JOE NATIONAL FOREST

Conrad Campground Expansion

T. 44 N., R. 8 E.,
Sec. 14, W½NE¼SW¼NE¼, E½NW¼SW¼NE¼, and N½SW¼NW¼SE¼.

The area described aggregates 15 acres in Shoshone County, Idaho.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 68-11675; Filed, Sept. 25, 1968; 8:46 a.m.]

[Serial No. N-1733]

NEVADA

Notice of Public Sale

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421-1427), 43 CFR Subpart 2243, a tract of land will be offered for sale to the highest bidder at a sale to be held at 10 a.m., local time on Wednesday, November 6, 1968, at the Winnemucca District Office, Bureau of Land Management, East Highway 40, Winnemucca, Nev. 89445. The land is described as follows:

MOUNT DIABLO MERIDIAN, NEVADA

T. 44 N., R. 37 E.,
Sec. 2, W½NW¼.

The area described contains 80 acres. The appraised value of the tract is $1,560, and the publication costs to be assessed are $12.

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

Bids may be made by the principal or his agent, either at the sale, or by mail. Bids must be for all the land in the parcel. A bid for less than the appraised value of the land is unacceptable. Bids sent by mail will be considered only if received by the Winnemucca District Office, Bureau of Land Management, Post Office Box 71, Winnemucca, Nev. 89445, prior to 4 p.m., on Tuesday, November 5, 1968. Bids made prior to the public auction must be in sealed envelopes, and accompanied by certified checks, postal money orders, bank drafts, or cashier's checks, payable to the Bureau of Land Management, for the full amount of the bid plus publication costs. The envelopes must be marked in the lower left-hand corner "Public Sale Bid, sale of 10 a.m., November 6, 1968."

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

If no bids are received for the sale tract on Wednesday, November 6, 1968, the tract will be reoffered on the first Wednesday of subsequent months at 10 a.m., beginning December 4, 1968.

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

The land described in this notice has been segregated from all forms of appropriation, including locations under the general mining laws, except for sale under this Act, from the date of the proposed classification decision. Inquiries concerning this sale should be addressed to the Land Office Manager, Bureau of Land Management, Room 3008 Federal Building, 300 Booth Street, Reno, Nev. 89502, or to the District Manager, Bureau of Land Management, Post Office Box 71, Winnemucca, Nev. 89445.

ROBERT T. WEBB,
Acting Manager,
Nevada Land Office.

[F.R. Doc. 68-11656; Filed, Sept. 25, 1968; 8:45 a.m.]

[Serial No. N-2542]

NEVADA

Notice of Public Sale

SEPTEMBER 20, 1968.

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421-1427), 43 CFR Subpart 2243, a tract of land will be offered for sale to the highest bidder at a sale to be held at 10 a.m., local time on Wednesday, November 6, 1968, at the Las Vegas District Office, Bureau of Land Management, 1859 North Decatur Boulevard, Las Vegas, Nev. 89108. The land is described as follows:

MOUNT DIABLO MERIDIAN, NEVADA

T. 21 S., R. 61 E.,
Sec. 30, SE¼SE¼NW¼NW¼.

The area described contains 2.5 acres. The appraised value of the tract is $8,500, and the publication costs to be assessed are $12.

The land will be sold subject to all valid existing rights, and to a reservation of a 30' wide right-of-way, for roadway and public utility purposes, to be located along the east and south boundaries of the tract. Reservations will be made to the United States for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All minerals are to be reserved to the United States and withdrawn from appropriation under the public land laws, including the general mining laws.

Bids may be made by the principal or his agent, either at the sale, or by mail. Bids must be for all the land in the parcel. A bid for less than the appraised value of the land is unacceptable. Bids sent by mail will be considered only if received by the Las Vegas District Office, Bureau of Land Management, 1859 North Decatur Boulevard, Las Vegas, Nev. 89108, prior to 4 p.m., on Tuesday, November 5, 1968. Bids made prior to the public auction must be in sealed envelopes, and accompanied by certified checks, postal money orders, bank drafts, or cashier's checks, payable to the Bureau of Land Management, for the full amount of the bid plus publication costs. The envelopes must be marked in the lower left-hand corner "Public Sale Bid, sale N-2542, November 6, 1968."

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

If no bids are received for the sale tract on Wednesday, November 6, 1968, the tract will be reoffered on the first Wednesday of subsequent months at 9 a.m., beginning December 4, 1968.

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

The land described in this notice has been segregated from all forms of appropriation, including locations under the general mining laws, except for sale under this Act, from the date of notation of the proposed classification decision. Inquiries concerning this sale should be addressed to the Land Office Manager, Bureau of Land Management, Room 3008 Federal Building, 300 Booth Street, Reno, Nev. 89502, or to the District Manager, Bureau of Land Management, 1859 North Decatur Boulevard, Las Vegas, Nev. 89108.

ROLLA E. CHANDLER,
Manager, Nevada Land Office.

[F.R. Doc. 68-11657; Filed, Sept. 25, 1968; 8:45 a.m.]

[OR 3773 (Wash.)]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Land

SEPTEMBER 17, 1968.

The Department of Agriculture, on behalf of the Forest Service, has filed application, OR 3773 (Wash.), for the withdrawal of the national forest land described below, from all forms of appropriation under the mining laws (30 U.S.C. Ch. 2), but not from leasing under the mineral leasing laws, subject to valid existing rights.

The applicant desires the South Fork Soleduck Recreation Area for public use.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street, Post Office Box 2965, Portland, Oreg. 97208.

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

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

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

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

The land involved in the application is:

OLYMPIC NATIONAL FOREST

WILLAMETTE MERIDIAN

South Fork Soleduck Recreation Area

T. 29 N., R. 10 W.,
secs. 1 and 2, a tract of land within lot 2 ($SW\frac{1}{4}NW\frac{1}{4}$ and $NW\frac{1}{4}SW\frac{1}{4}$), sec. 1, and lots 4 and 5 ($S\frac{1}{2}NE\frac{1}{4}$), $NE\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$, sec. 2, described as follows:

Beginning at Forks of the Soleduck River and South Fork Soleduck River in section 2, thence SE. along Soleduck River 4,050', thence 850' on a bearing of 278° S. to South Fork Soleduck Road No. 303, thence NW. along South Fork Soleduck Road No. 303 2,450', thence 300' N. along South Fork Soleduck River to point of beginning.

The area described aggregates approximately 50 acres.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 68-11658; Filed, Sept. 25, 1968; 8:45 a.m.]

[OR 3796 (Wash.)]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 17, 1968.

The Department of Agriculture, on behalf of the Forest Service, has filed application, OR 3796 (Wash.), for the withdrawal of the national forest lands described below, from all forms of appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, subject to valid existing rights.

The applicant desires the lands as an addition to the Spirit Lake Recreation Area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street, Post Office Box 2965, Portland, Oreg. 97208.

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

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

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

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

The lands involved in the application are:

GIFFORD PINCHOT NATIONAL FOREST

WILLAMETTE MERIDIAN

Spirit Lake Recreation Area Addition

T. 9 N., R. 5 E.,
Sec. 1, $E\frac{1}{2}$ excepting Exchange Surveys 278 and 279 and patented MS-781A.
T. 10 N., R. 5 E.,
Sec. 36, $E\frac{1}{2}$.
T. 9 N., R. 6 E.,
Sec. 6, $W\frac{1}{2}$ excepting Exchange Survey 278 and patented MS-781A;
Sec. 7, lots 3, 4, 5, 8, and 9, and $SE\frac{1}{4}NW\frac{1}{4}$.
T. 10 N., R. 6 E.,
Sec. 31, $W\frac{1}{2}$.

The areas described aggregate approximately 1,342.79 acres.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 68-11659; Filed, Sept. 25, 1968; 8:45 a.m.]

[Wyoming 15419]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 19, 1968.

The Bureau of Land Management, U.S. Department of the Interior, has filed an application, Serial No. Wyoming 15419, for the withdrawal of the public lands described below from all forms of appropriation under the public land laws, including the mining laws but not State Selections, the Recreation and Public Purposes Act, 1964 Public Sales Act and the Mineral Leasing Act, pursuant to authority of Executive Order 10355. The private lands in which the United States owns the mineral estate will be withdrawn from location and entry under the mining laws.

The applicant desires the land for protection of a planned National Girl Scout Center, which is to be developed for outdoor recreation and conservation activity for girl scouts.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 2120 Capitol Avenue, Cheyenne, Wyo. 82001.

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

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.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

VACANT PUBLIC LANDS

T. 46 N., R. 86 W.,
Sec. 6, lot 3.
T. 47 N., R. 86 W.,
Sec. 2, $W\frac{1}{2}SW\frac{1}{4}SW\frac{1}{4}$;
Sec. 3, $E\frac{1}{2}SE\frac{1}{4}$;
Sec. 9, $SE\frac{1}{4}NE\frac{1}{4}$;
Sec. 10, $NW\frac{1}{4}NE\frac{1}{4}$;
Sec. 15, $NW\frac{1}{4}SW\frac{1}{4}$;
Sec. 19, lot 4;
Sec. 21, $E\frac{1}{2}$;
Sec. 22, $W\frac{1}{2}NW\frac{1}{4}$;
Sec. 28, $S\frac{1}{2}NW\frac{1}{4}$ and $SW\frac{1}{4}$;
Sec. 29, $S\frac{1}{2}N\frac{1}{2}$ and $S\frac{1}{2}$;
Sec. 30, lots 1 to 4, inclusive, and $NE\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$, and $SE\frac{1}{4}$;
Sec. 31, lot 1, $NE\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$, and $W\frac{1}{2}SE\frac{1}{4}$;
Sec. 32, $NE\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$, and $E\frac{1}{2}SE\frac{1}{4}$;
Sec. 33, $N\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}$, and $W\frac{1}{2}SW\frac{1}{4}$.

T. 46 N., R. 87 W.,
Sec. 1, N½SE¼.
T. 47 N., R. 87 W.,
Sec. 22, NW¼NE¼, S½NE¼, SE¼NW¼, SE¼NE¼NW¼, SE¼SW¼NW¼, NE¼SW¼, S½SW¼, and SE¼;
Sec. 23, NE¼NE¼, S½NE¼, S½NW¼, and SE¼;
Sec. 24, NW¼SW¼, NE¼SE¼, and S½SE¼;
Sec. 25;
Sec. 26, N½N½ and SE¼;
Sec. 27, N½NE¼, SW¼NE¼, W½, NW¼SE¼, and S½SE¼;
Sec. 28, NE¼NE¼ and S½SW¼;
Sec. 33, E½NE¼, SW¼NE¼, and SW¼NW¼;
Sec. 34, NW¼;
Sec. 35, E½SE¼.

PATENTED LANDS WITH MINERAL ESTATE OWNED BY UNITED STATES

T. 46 N., R. 86 W.,
Sec. 5, lots 2 to 4, inclusive, and SW¼NE¼, SW¼, and W½SE¼;
Sec. 6, lots 2, 4, 5, and SE¼NW¼, SW¼NE¼, and NE¼SE¼.
T. 47 N., R. 86 W.,
Sec. 2, lot 4, SW¼SW¼NW¼, N½SW¼NW¼, and W½NW¼SW¼;
Sec. 3, lot 1, SE¼NE¼, SW¼SW¼, and W½SE¼;
Sec. 9, NE¼NE¼, E½SW¼, and E½SE¼;
Sec. 10, SW¼NE¼, and W½;
Sec. 15, NW¼NE¼, SW¼NW¼, and SW¼SW¼;
Sec. 22, W½SW¼;
Sec. 27, NW¼NW¼;
Sec. 28, N½N½;
Sec. 31, lots 2 to 4, inclusive, SE¼NW¼, NE¼SW¼, and E½SE¼;
Sec. 32, NW¼SW¼, S½SW¼, and SW¼SE¼.
T. 46 N., R. 87 W.,
Sec. 1, lots 1 to 4, inclusive, and S½N½;
Sec. 2, lots 1 to 4, inclusive, and S½N½.
T. 47 N., R. 87 W.,
Sec. 13, E½NW¼, N½SW¼, SW¼SW¼, NW¼SE¼, and S½SE¼;
Sec. 14, E½NE¼, SW¼NE¼, S½NW¼, W½SW¼, and SE¼;
Sec. 15, SE¼NE¼, NW¼SE¼, and E½SE¼;
Sec. 22, NE¼NE¼;
Sec. 23, NW¼NE¼ and N½NW¼;
Sec. 24, N½;
Sec. 26, S½N½ and SW¼;
Sec. 27, SE¼NE¼ and NE¼SE¼;
Sec. 34, E½;
Sec. 35, N½, SW¼, and W½SE¼.

The areas described aggregate a total of 11,612.68 acres of public and privately owned lands in which the United States owns the minerals.

ED PIERSON,
State Director.

[F.R. Doc. 68-11660; Filed, Sept. 25, 1968; 8:45 a.m.]

Office of the Secretary

DARIUS N. KEATON, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) Sold 1,000 shares Signal Oil & Gas Class A common stock.
(2) None.
(3) None.
(4) None.

This statement is made as of September 14, 1968.

Dated: September 12, 1968.

D. N. KEATON, Jr.

[F.R. Doc. 68-11664; Filed, Sept. 25, 1968; 8:45 a.m.]

EDGAR A. WEYMOUTH

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of September 25, 1968.

Dated: September 12, 1968.

E. A. WEYMOUTH.

[F.R. Doc. 68-11665; Filed, Sept. 25, 1968; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

COLORADO STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68-00576-33-46040. Applicant: Colorado State University, Fort Collins, Colo. 80521. Article: Electron microscope, Elmiskop IA. Manufacturer: Siemens & Halske, West Germany. Intended use of article: The article will be used for both high and low magnification microscopy of plastic embedded microorganisms. The organisms studied will be fixed by the most delicate fixative procedures incubated according to a number of cytochemical procedures for intracellular localization of specific enzymes, which include acid and alkaline phosphotase, lipase, succinic dehydrogenase, ATPase, peroxidase and B-glucuronadase. Application received by Commissioner of Customs: May 9, 1968. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The only known comparable domestic instrument is the Model EMU-4 electron microscope manufactured by the Radio Corporation of America (RCA). Effective September 1968, the RCA Model EMU-4 has been redesigned to increase certain performance capabilities, with a quoted delivery time of 60 days. However, since the applicant placed the order for the foreign article prior to May 9, 1968, the determination of scientific equivalency has been made with reference to the characteristics and specifications of the RCA Model EMU-4 relevant at that time. (1) The foreign article has a guaranteed resolution of 5 Angstroms, whereas the RCA Model EMU-4 had a guaranteed resolution of 8 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capabilities.) For the purposes for which the foreign article is intended to be used, the highest possible resolving power must be utilized. Therefore, the additional resolving capabilities of the foreign article are pertinent. (2) The foreign article provides accelerating voltages of 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU-4 provided only 50 and 100 kilovolt accelerating voltages. It has been experimentally established that the lower accelerating voltages of the foreign article offer optimum contrast for thin unstained biological specimens and that the voltage intermediate between 50 and 100 kilovolts affords optimum contrast for negatively stained specimens. The research program with which the foreign article is intended to be used involves experiments on both unstained and negatively stained specimens. Therefore, the additional accelerating voltages provided by the foreign article are pertinent.

For these reasons, we find that the RCA Model EMU-4 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-11672; Filed, Sept. 25, 1968; 8:46 a.m.]

STATE UNIVERSITY OF NEW YORK 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. 69–00132–33–46040. Applicant: State University of New York, Downstate Medical Center, 450 Clarkson Avenue, Brooklyn, N.Y. 11203. Article: Electron microscope, Model AEI EM6B. Manufacturer: Associated Electrical Industries, Ltd., U.K. Intended use of article: The article will be used in the following areas:

a. Teaching electron microscopy to students and staff at the institution.

b. Research in the normal structure of muscle terminations, adult nervous tissue, differentiating liver, nervous tissue and kidney, and growing oocytes.

c. Very high resolution studies will be made on the substructure of cellular membranes, the subunits of which are below the 10 Angstrom level.

d. Cellular organelles and cellular compartmentation will be studied on long ribbons of serial sections.

Application received by Commissioner of Customs: August 22, 1968.

Docket No. 69–00136–70–46040. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Mass. 02139. Article: Electron microscope, Model EM–100C. Manufacturer: N. V. Philips Electronics, The Netherlands. Intended use of article: The article will be used for instruction in the School of Engineering Sciences of both undergraduate and graduate students. Application received by Commissioner of Customs: August 26, 1968.

Docket No. 69–00137–33–46040. Applicant: University of California, Davis School of Veterinary Medicine, Davis, Calif. 95616. Article: Electron microscope, Model AEI EM6B. Manufacturer: GEC–AEI Electronics, Ltd., U.K. Intended use of article: The article will be used for biomedical research in the following areas:

a. Morphology and ultrastructure of animal viruses that produce disease and cancer in different kinds of animals.

b. Replication of animal viruses on the cellular level with emphasis on the sites and mode of virus reproduction.

c. Studies on feline and canine leukemia with special reference to the mode of transmission, cell types and sites of virus synthesis.

d. Effects of the beta-lysins and other cationic proteins on morphological alterations of bacteria.

e. Changes in the pulmonary system in response to toxic and physical factors.

f. Study of glomerular lesions in canine pyometra and associated renal disorders.

g. Ultrastructure of macrophages in cellular immunity and antibody production.

Application received by Commissioner of Customs: August 26, 1968.

Docket No. 69–00138–67–46040. Applicant: Wayne State University, Department of Metallurgy, Detroit, Mich. 48202. Article: Electron microscope, Model AEI EM6G. Manufacturer: GEC–AEI Electronics, Ltd., U.K. Intended use of article: The article will be used for research in the following areas; mechanism and kinetics of solid state transformations including martensitic reactions, precipitation reactions, and recovery and annealing processes. Also, dislocations and substructures will be studied in connection with research in the areas outlined. Application received by Commissioner of Customs: August 26, 1968.

Docket No. 69–00139–33–41400. Applicant: University of Hawaii Medical School, c/o Leahi Hospital, 3675 Kilaueau Avenue, Honolulu, Hawaii 96816. Article: Electric Microtome knife sharpener, Model "MN–61". Manufacturer: Sakura Finetechnical Co., Ltd., Japan. Intended use of article: The article will be used to maintain special histotechnical knives employed at the institution. Application received by Commissioner of Customs: August 26, 1968.

Docket No. 69–00140–33–46040. Applicant: Roswell Park Memorial Institute, New York State Department of Health, 666 Elm Street, Buffalo, N.Y. 14203. Article: Electron microscope, Model Elmiskop IA and accessories. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used for studying subunit structure of subcellular organelles of the cancer cells in search and identification of viral agents in human tissues. From these studies, the applicant hopes to gain information on the possible etiology, pathogenesis or mode of replication of viruses associated with lymphomas and correlate any fine structural changes with their functional (immunological) state. Application received by Commissioner of Customs: August 27, 1968.

Docket No. 69–00141–01–77030. Applicant: University of Illinois at Chicago Circle, 601 South Morgan Street, Chicago, Ill. 60680. Article: Nuclear induction spectrometer, HX series. Manufacturer: Brüker Physik, West Germany. Intended use of article: The article will be used to study complexes of platinum and rhodium with phosphorus ligands. It is hoped that experiments with these two model systems will provide a good deal of information not only about the systems themselves, but also concerning the number of applications that these techniques will have to transition metal chemistry. The initial experiments are geared at providing measurements of central-atom chemical shifts and coupling constants in widely varying phosphorus complexes of platinum and rhodium. Application received by Commissioner of Customs: August 27, 1968.

Docket No. 69–00148–33–46040. Applicant: University of Washington, Department of Neurological Surgery, Seattle, Wash. 98105. Article: Electron microscope, Model EM300 and accessories. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used by the applicant as an integral part of an expanding program of research in the nervous system with emphasis on epilepsy and related neurological conditions. Some of the areas to be studied are as follows:

1. Normal fine structure of synaptic complexes in various areas of the brain.

2. Variations in the ultrastructure of synapses using a spectrum of fixation and straining procedure.

3. Fine structural changes in synaptic regions after various acute experimental lesions producing degeneration.

4. The process of degeneration at a fine structural level in cerebral cortex and brain stem nuclei.

Application received by Commissioner of Customs: August 30, 1968.

Docket No. 69–00150–00–46040. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Mass. 02139. Article: Large angle goniometer stage for JEM–7 electron microscope. Manufacturer: Japan Electron Optics Laboratory Ltd., Japan. Intended use of article: The article will be used as an accessory to an existing JEM–7 electron microscope. Application received by Commissioner of Customs: September 3, 1968.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–11673; Filed, Sept. 25, 1968; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ATLAS CHEMICAL INDUSTRIES, INC.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Atlas Chemical Industries, Inc., Wilmington, Del. 19899, has withdrawn its petition (FAP 8B2248), notice of which was published in the FEDERAL REGISTER of January 26, 1968 (33 F.R. 1026), proposing an amendment to § 121.2576 *Cross-linked polyester resins* to provide for the safe use of vinylcyclohexene dioxide as an optional component in cross-linked polyester resins intended for food-contact use.

Dated: September 17, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-11699; Filed, Sept. 25, 1968; 8:49 a.m.]

GEIGY CHEMICAL CORP.

Notice of Amended Filing of Petition Regarding Pesticides

Notice was given in the FEDERAL REGISTER of August 5, 1967 (32 F.R. 11389), that a petition (PP 7F0620) had been filed by the Geigy Chemical Corp., Ardsley, N.Y. 10502, proposing the establishment of tolerances for residues of the herbicide atrazine (2-chloro-4-ethylamino-6-isopropylamino-*s*-triazine) in or on the raw agricultural commodities: Perennial rye grass at 15 parts per million; pineapple (forage and fodder) at 10 parts per million; wheat (straw, forage, and hay) at 5 parts per million; and macadamia nuts, pineapple (fruit), sugarcane (cane, forage, and fodder), and wheat (grain) at 0.25 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)) 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 atrazine in or on meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.1 part per million; and in milk at 0.05 part per million.

Dated: September 17, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-11700; Filed, Sept. 25, 1968; 8:49 a.m.]

INTERNATIONAL MINERALS & CHEMICAL CORP.

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 9F0751) has been filed by Markel and Hill, Munsey Building, Washington, D.C. 20004, on behalf of International Minerals & Chemical Corp., Skokie, Ill., proposing the establishment of an exemption from the requirement of a tolerance (21 CFR 120.1011) for residues of an insecticide containing viable spores of the micro-organism *Bacillus thuringiensis* Berliner in or on the raw agricultural commodities citrus, cucumbers, eggplants, okra, and peppers.

The analytical method proposed in the petition for determining residues of viable spores of *Bacillus thuringiensis* Berliner is a spore-count assay that consists of a standard plate-count procedure using a heat-treated suspension (60° C. for 60 minutes) of the material to be tested.

Dated: September 17, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-11701; Filed, Sept. 25, 1968; 8:49 a.m.]

THOMPSON-HAYWARD CHEMICAL CO.

Notice of Amended Filing of Petition Regarding Pesticides

Notice was given in the FEDERAL REGISTER of March 2, 1968 (33 F.R. 4116), that a petition (PP 8F0700) had been filed by the Thompson-Hayward Chemical Co., Post Office Box 2383, Kansas City, Mo. 66110, proposing the establishment of a tolerance for negligible residues of the fungicide triphenyltin hydroxide in or on the raw agricultural commodity peanuts at 0.05 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)) 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 triphenyltin hydroxide in or on meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.05 part per million.

Dated: September 17, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-11702; Filed, Sept. 25, 1968; 8:49 a.m.]

VIOMYCIN SULFATE FOR INTRAMUSCULAR INJECTION

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following viomycin sulfate preparations for intramuscular use:

1. Vinactane Sulfate; 1 gram and 5 grams of viomycin (present as the sulfate) per vial; marketed by CIBA Pharmaceutical Co., 556 Morris Avenue, Summit, N.J. 07901.

2. Viocin Sulfate; 1 gram and 5 grams of viomycin (present as the sulfate) per vial; marketed by Charles Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017.

3. Viomycin Sulfate; equivalent to 1 gram and 5 grams of viomycin per vial; marketed by Parke, Davis & Co., Joseph Campau at the River, Detroit, Mich. 48232.

The Food and Drug Administration concurs in the conclusions of the Academy that this drug is bacteriostatic against Mycobacterium tuberculosis and, when given with one or more other effective antituberculous agents, is suitable for treatment of active adult tuberculosis after failure of treatment with primary drugs.

Preparations containing this drug are subject to the antibiotic certification procedures pursuant to section 507 of the Federal Food, Drug, and Cosmetic Act. Batches of the drug for which certification is requested should be labeled in accord with the labeling information in this announcement. All suppliers are requested to submit, within 60 days from the date of publication of this announcement, supplements to their antibiotic form 5 or 6 applications to provide for revised labeling. Those parts of the labeling indicated below should be substantially as follows:

ACTION

Bacteriostasis against *Mycobacterium tuberculosis.*

INDICATIONS

Failure after adequate treatment with primary drugs (i.e. isoniazid, streptomycin, aminosalicylic acid) in any form of active adult tuberculosis. Viomycin should be given with one or more other effective antituberculous agents.

CONTRAINDICATION

Known hypersensitivity to viomycin.

WARNING

Viomycin should be used only when close observation of the patient is possible and when laboratory facilities are available.

Viomycin should be discontinued if hypersensitivity develops, as manifested by fever or rash.

Progressive renal insufficiency may require discontinuation of therapy.

Vertigo, tinnitus, or hearing loss appearing with viomycin therapy indicates eighth nerve damage which may require discontinuance of therapy.

USE IN CHILDREN: Safe use of this drug in children has not been established. Because of its potential toxicity, the use of viomycin in children should be avoided unless crucial to therapy.

PRECAUTIONS

Pretreatment examinations should include in vitro susceptibility tests of recent cultures of *M. tuberculosis* from the patient, as measured against viomycin and other antituberculous drugs.

Periodic determinations of renal function prior to and every 1 to 2 weeks during therapy (include serum Na, K, Cl, Ca, P, and Co_2) as well as tests of vestibular and audiometric function for evidence of eighth cranial nerve damage should be performed.

ADVERSE REACTIONS

Toxic manifestations involve the following:

1. Labyrinth: Vertigo; tinnitus (low pitch); and hearing loss.

2. Kidney: Nitrogen retention; decreased blood bicarbonate; decreased creatinine clearance; hematuria; proteinuria; cylindruria; and renal loss of K, Ca, and Cl (as also reflected in ECG changes), with resultant lowering of serum values.

Hypersensitivity reactions, including rash, eosinophilia, drug fever, and laryngeal edema.

DOSAGE AND ADMINISTRATION

Viomycin sulfate is to be administered by the intramuscular route only. Usual dosage of viomycin (calculated as the base) is 2.0 grams, given in divided doses at 12-hour intervals twice a week. The total duration of treatment with viomycin may be limited by toxicity, drug resistance, or relapse.

Viomycin should be administered in combination with one or more antituberculous drugs to which the patient's organisms have been shown to be susceptible.

The firms listed above have been mailed a copy of the NAS–NRC report together with a copy of the labeling conditions contained in this announcement. Any manufacturer, packer, or distributor of a drug of composition and labeling similar to the drug listed in this announcement or any other interested person may obtain a copy of the NAS–NRC report by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

Any interested person may submit written comments regarding this announcement within 30 days after its publication in the FEDERAL REGISTER. Comments should be addressed to the Special Assistant for Drug Efficacy Study Implementation, Bureau of Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: September 19, 1968.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[F.R. Doc. 68–11703; Filed, Sept. 25, 1968; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 68–108]

PORTION OF DELAWARE RIVER, CHESTER, PA.

Closure to Navigation During Launching of "S.S. American Leader"

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by 49 CFR 1.4 (32 F.R. 5606) and Executive Order 10173 as amended by Executive Orders 10277, 10352, and 11249, I hereby affirm for publication in the FEDERAL REGISTER the order of J. J. McClelland, Captain, U.S. Coast Guard, Acting Commander, 3d Coast Guard District, who has exercised authority as District Commander, such order reading as follows:

PORTION OF DELAWARE RIVER, CHESTER, PA.

Under the authority of Title II of the Espionage Act of June 15, 1917, 40 Stat. 220, 50 U.S.C. 191 and Executive Order 10173 as amended, I declare that from 5 p.m., e.d.t., on Thursday, September 26, 1968, until completion of the launching at 7 p.m., e.d.t., Thursday, September 26, 1968, the following area is a security zone and I order that it be closed to any person or vessel due to the launching of hull No. 643, the S.S. *American Leader:*

The waters of the Delaware River, Chester, Pa., within the coordinates of latitude 39°50'55" N., longitude 75°20'46" W., at the shoreline of Chester, Pa., thence southeasterly to latitude 39°50'34" N., longitude 75°20'33" W., thence northeasterly to latitude 39°50'45" N., longitude 75°19'29" W., thence north to latitude 39°51'22" N., longitude 75°19'32" W.

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

The Captain of the Port, Philadelphia, Pa., shall enforce this order.

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

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

"If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this chapter, or obstructs or interferes with the exercise of any power conferred by this chapter, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the Customs Revenue Laws; and the person guilty of such failure, obstruction, or interference shall be punished by imprisonment for not more than 10 years and may, in the discretion of the court, be fined not more than $10,000.

"If any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this chapter, knowingly obstructs or interferes with the exercise of any power conferred by this chapter, he shall be punished by imprisonment for not more than 10 years and may, at the discretion of the court, be fined not more than $10,000."

Dated: September 20, 1968.

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

[F.R. Doc. 68–11671; Filed, Sept. 25, 1968; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 19170]

AEROLINEAS EL SALVADOR, S.A.

Notice of Hearing

In the matter of the application of Aerolineas El Salvador, S.A., for the renewal of its foreign air carrier permit, authorizing the foreign air transportation of persons, property, and mail between a point or points in El Salvador and the terminal point, Miami, Fla.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on October 2, 1968, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., September 20, 1968.

[SEAL] LESLIE G. DONAHUE,
Hearing Examiner.

[F.R. Doc. 68–11685; Filed, Sept. 25, 1968; 8:47 a.m.]

[Docket No. 20263; Order 68–9–97]

AIR CARRIER DISCUSSIONS

Order Regarding Common Fare Arrangement With Stopover Privileges in Conjunction With Service to Hawaii

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of September 1968.

By tariff filings initially marked to become effective September 16, 18, and 22, 1968, Pan American World Airways, Inc., jointly with American Airlines, Inc., and Trans World Airlines, Inc., Northwest Airlines, Inc., and United Air Lines, Inc., respectively, proposed round-trip economy class group inclusive tour-basing fares between selected Mainland points, on the one hand, and Honolulu and Hilo, Hawaii, on the other. In addition, Pan American proposed for October 5, 1968, effectiveness a tariff which would meet the Northwest proposal from the Pacific northwest. A complaint and a letter of protest were filed against the joint proposal of Pan American, American, and Trans World Airlines, Inc., and complaints have also been lodged against the United pro-

posal.[1] No complaints have been received with respect to Northwest, or to Pan American's filing for October 5 effectiveness.

The complaints and protest letter against the Pan American and United proposals variously allege, inter alia, that the Pan American proposal is defective because travel can be accomplished individually within the Continental United States; that the United proposal violates normal rate making principles by introducing charter principles into individually ticketed services and that the Pan American and the United proposals are each unlawful in that they do not provide common faring and a stopover at all points between the Hilo and Honolulu Gateways to the State of Hawaii. In this regard, it is contended that the authority granted by the Board for temporary service at Hilo required such common faring as a condition to the operating authority and that the absence of common fares is in derogation of the carriers' agreement and the Board's order of approval thereof. Further, it is asserted that the basis for this requirement was to strengthen the economy of the State by getting the tourists to the neighbor Islands and by lessening the impact of the direct Hilo service upon Aloha Airlines, Inc., and Hawaiian Airlines, Inc.

In view of the various complaints filed against the proposed tariffs, the carriers have deferred the effective date of their respective proposals until October 27, 1968. No complaints were directed to the Northwest or to the Pan American proposals for group inclusive tour from the Pacific northwest gateway. Those proposals provide the common fare and stopover stipulation. However, there is a competitive relationship as among the proposals of each of the carriers and accordingly the effectiveness of the Northwest and Pan American tariffs providing service over the Pacific northwest gateway was also deferred.

In the Hilo-Mainland Temporary Service Investigation, Docket 17615 it was found that the public interest required that direct service to Hilo be on the basis that there be established a common fare plan that allows stopovers at the point of entry and any intermediate point, with or without a nominal stopover charge, whether entry or departure from the state is at Honolulu or Hilo (mimeo page 34). It was further determined that the certificates be withheld until after a common fare be filed embodying these essentials (mimeo page 43). Pursuant to authorized discussions, the Hawaiian and Pacific trunk carriers entered into an agreement for common fares which was approved by the Board as consistent with its requirements in the Hilo case. Neither the Board's grant of authority, the intercarrier agreement, nor the approval thereof specified whether the common fare requirement should extend to all promotional fares.

Nevertheless, the Board is of the view that common faring provisions applicable to the group inclusive fares would be desirable. The Board, therefore, urges that this matter be considered by the carriers, including the matter of the division of revenues of the joint fares.

In connection with the establishment of service to Hilo, the Board authorized air carrier discussions among United, Aloha, Hawaiian, Northwest, and Pan American to consider common fare arrangements with stopover privileges, provided such discussions would not consider Hawaii/Mainland fare levels. (Order E–25441, dated July 21, 1967.) Subsequently by Order E–25739, September 26, 1967, the Board approved the carrier agreement reached at such discussions and provided for amended certificates of authority to be issued to Northwest, Pan American, and United for temporary service at Hilo. It appears that carrier discussions may provide procedures under which the carriers concerned can establish joint fares which will provide the common fare and stopover privileges to these promotional fares and thus provide to the public, to the outer Island/Hawaiian points and to the Hawaiian carriers the benefits and protection which has been established for normal fares to Hawaii. We will therefore authorize such discussions. The carriers, however, are not authorized to discuss the level of the group inclusive tour-basing fares.[2] The Board notes that the relative impact upon the local vis-a-vis the trunk carrier of the agreed revenue division is different when applied to reduced promotional fares as compared with normal fares. The authority for discussion, accordingly, will include the opportunity for the carriers to discuss this matter.

The Board further notes that American and Trans World have an interest in this matter, inasmuch as they would participate jointly with Pan American in its proposal. The order will, therefore, authorize the participation in the discussion by any scheduled carrier which considers it may desire to participate in these joint round-trip group inclusive excursion fares. In addition, the order will contain the usual provisions with respect to notice of meeting, the opportunity for the presence of Board observers, the maintenance of minutes, and filing with the Board and the requirement that the agreements be approved prior to becoming effective.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 412, and 414 thereof:

It is ordered, That:

1. Aloha Airlines, Inc., Hawaiian Airlines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., and United Air Lines, Inc., and such other scheduled U.S. carriers as may wish to participate with the named carriers in joint fares to Hawaii, may engage in meetings for a period of 30 days from the date of this order, to discuss common fare arrangements with stopover privileges in conjunction with service to Hawaii: *Provided, however*, These discussions shall not consider the Hawaii-Mainland fare levels;

2. A notice of any meeting called pursuant to this order shall be filed with the Board in this Docket at least two calendar days prior to such meeting;

3. The Civil Aeronautics Board reserves the right to have one or more observers in attendance at these meetings which shall be held in Washington, D.C.;

4. Complete and accurate minutes shall be kept of all discussions by the carriers, and a true copy thereof filed with the Board not later than 15 days after the conclusion of each meeting;

5. Any agreement or agreements reached as a result of such discussions shall be filed with the Board in accordance with section 412 of the Act, and approved by the Board prior to being placed into effect;

6. This order shall be served upon Aloha Airlines, Inc., Hawaiian Airlines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., United Air Lines, Inc., American Airlines, Inc., and Trans World Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68–11686; Filed, Sept. 25, 1968; 8:47 a.m.]

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[1] United filed a complaint in Docket 20111 against the Pan American proposal and a communication on behalf of Aloha Airlines, Inc., and Hawaiian Airlines, Inc., protesting the Pan American fare as unlawful has been received.

A telegraphic complaint on behalf of Overseas National Airways, Inc., and Trans International Airlines, Inc., Docket 20179, was filed against the United proposal. Subsequently separate written complaints were submitted by each of these carriers. Aloha and Hawaiian, by a joint complaint in Docket 20181 have also complained against the United proposal.

The order herein considers matters involved in the foregoing complaints and the tariffs relating thereto.

[2] Thus while the authority herein will permit discussion of common fares to other Hawaiian points and stopover privileges in conjunction therewith, this authority will not extend to carrier discussions concerning modification of the proposed or existing tariffs, except to the extent that modification of tariffs would be required to extend the common fare with stopover privileges to other Hawaiian points.

[Docket Nos. 19680, 20267; Order 68–9–110]

EASTERN AIR LINES, INC.

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of September 1968.

Application of Eastern Air Lines, Inc., for exemption pursuant to section 416(b) of the Federal Aviation Act of 1958, as amended, to remove Restriction 7 on Eastern's Route 6, and Restriction 9 on Eastern's Route 10, Docket 19680; Twin Cities-Milwaukee Southeast Points Investigation, Docket 20267.

Eastern Air Lines, Inc. (Eastern), currently holds certificate authority on

Routes 6 and 10 between Minneapolis/St. Paul and Milwaukee, on the one hand, and points in Florida, on the other, via numerous intermediate points and subject to long-haul restrictions.[1] On March 4 1968, Eastern filed an application requesting exemption relief from restrictions on its operations between Twin Cities/Milwaukee and numerous points southeast thereof in order to permit the carrier to provide improved service in the Twin Cities/Milwaukee-Southeast markets.[2]

In support of its application Eastern states that the circumstances have changed since the existing conditions were imposed on its authority; that Northwest Airlines, Inc., which has unrestricted authority in the Twin Cities/Milwaukee-Atlanta/Tampa/Miami markets, has not provided adequate service; that traffic is greater today than when the conditions were imposed; [3] and that Eastern's competitive service proposals will be economic. The carrier also contends that long-haul restrictions have prevented development of the Twin Cities/Milwaukee - Indianapolis/Cincinnati/Louisville intermediate markets by preventing turnaround service; and that there is no longer any need to protect United Air Lines, Inc., successor to Capital Airlines, Inc., in the Twin Cities-Milwaukee-Chicago markets.

Answers in support of Eastern's application have been filed by interested civic parties.[4] Opposing answers have been filed by Delta, Lake Central, North Central, Northwest, Ozark, and United. The answers in opposition variously contend that the exemption application does not meet the requirements of section 416(b) of the Act; that the need for additional service in the markets has not been shown; and that grant of Eastern's exemption application would hamper existing Board proceedings.[5]

Upon consideration of the pleadings and all the relevant facts, we have decided to defer action on Eastern's exemption application. We have decided, however, to institute an investigation to consider the need for additional service between Minneapolis/St. Paul and Milwaukee, on the one hand, and Atlanta, Tampa, and Miami, on the other. For the first three quarters of 1967, Twin Cities/Milwaukee exchanged 20,820, 25,130 and 66,590 passengers, respectively, with Atlanta, Tampa, and Miami. Although Northwest is authorized to provide nonstop service in these markets, its existing service is operated essentially via Chicago. Excluding Chicago will further the Board's effort to consider Chicago bypass routes which are designed to reduce congestion at Chicago and take steps in the direction of developing Twin Cities and Milwaukee as air traffic hubs in their own right. These circumstances warrant consideration of the need for additional authority in these markets. In order to focus the proceeding upon the six Twin Cities/Milwaukee-Southeast markets, we will require that flights operated pursuant to an award in this proceeding serve Twin Cities or Milwaukee and at least one of the southeast points and that any authority awarded herein to a carrier not now holding on-segment authority will be in the form of a separate segment.

Accordingly, it is ordered, That:

1. The application of Eastern Air Lines, Inc., for an exemption, Docket 19680, be and it hereby is deferred;

2. An investigation, designated the Twin Cities-Milwaukee Southeast Points Investigation, be and it hereby is instituted in Docket 20267 pursuant to sections 204(a) and 401(g) of the Federal Aviation Act of 1958, as amended, to determine whether the public convenience and necessity require and the Board should order, the alteration, amendment, or modification of air carrier certificates so as to authorize additional service between Minneapolis/St. Paul and Milwaukee, on the one hand, and Atlanta, Tampa, and Miami, on the other hand, subject to the following conditions:

(a) Any authority awarded in this proceeding to a carrier not now holding on-segment authority shall be in the form of a separate segment or segments;

(b) Flights operated pursuant to such authority shall serve Minneapolis/St. Paul or Milwaukee and at least one of the designated southeast points;

3. Motions to consolidate applications and motions or petitions seeking reconsideration or modification of this order shall be filed no later than 20 days after the service date of this order and answers to such pleadings shall be filed no later than 10 days thereafter;

4. This proceeding shall be set down for hearing before an examiner of the Board at a time and place hereafter designated; and

5. A copy of this order shall be served upon the cities of Minneapolis, St. Paul, Milwaukee, Atlanta, Tampa, and Miami and upon Delta Air Lines, Inc., Eastern Air Lines, Inc., and Northwest Airlines, Inc., who are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-11687; Filed, Sept. 25, 1968; 8:47 a.m.]

[1] Condition 7 on Eastern's Route 6 requires that flights scheduled to serve Milwaukee or Twin Cities shall also serve Cincinnati and shall originate or terminate at Charlotte/Greensboro-High Point-Winston-Salem, or Raleigh-Durham, N.C., or a point south thereof. Condition 9 on Eastern's Route 10 requires that flights serving Milwaukee or Twin Cities and operating over Route 10, shall originate or terminate at Nashville, Tenn., or a point south thereof and shall serve at least two intermediate points between Nashville, Tenn., and Millwaukee, Wis.

[2] Eastern requests exemption authority to provide nonstop service between Twin Cities-Atlanta/Miami; nonstop and one-stop service between Milwaukee and Atlanta; one-stop service between Milwaukee and Miami; and one-stop service between Twin Cities/Milwaukee and Tampa. The carrier also seeks exemption authority to improve service in the Twin Cities/Milwaukee-Charlotte/Columbia-Raleigh-Durham markets to provide turnaround service in the Twin Cities/Milwaukee - Indianapolis/Cincinnati/Louisville markets; and to make possible single-plane service to Puerto Rico and the Bahamas from Twin Cities/Milwaukee.

[3] Chicago-Milwaukee-Twin Cities Case, 29 C.A.B. 901 (1959).

[4] Greater Cincinnati Chamber of Commerce and Kenton County Airport Board; Louisville and Jefferson County Air Board and Louisville Area Chamber of Commerce; Charlotte, N.C.; Government of the U.S. Virgin Islands; Commonwealth of Puerto Rico; Greater West Palm Beach Chamber of Commerce; Chicago South Chamber of Commerce; Jacksonville Area Chamber of Commerce; city of Atlanta, Atlanta Freight Bureau and Atlanta Chamber of Commerce; Indianapolis Airport Authority and Indianapolis Chamber of Commerce; Minneapolis-St. Paul Metropolitan Airports Commission; State of Wisconsin; Milwaukee County, and Air Service Division of Milwaukee Association of Commerce; Tampa Bay Area Parties; and Greater Miami Traffic Association.

[5] E.g., Twin Cities-Milwaukee Long-Haul Investigation, Docket 19097; Milwaukee Short-Haul Investigation, Docket 19692; and North Carolina Points Service Investigation, Docket 19617.

[Docket No. 18884]

PACIFIC NORTHWEST-CALIFORNIA INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 24, 1968, at 10 a.m., e.d.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Robert L. Park.

In order to facilitate the conduct of the conference, interested parties are instructed to submit to the examiner and other parties on or before October 15, 1968, (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., September 20, 1968.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 68-11688; Filed, Sept. 25, 1968; 8:47 a.m.]

[Docket No. 20174; Order 68-9-88]

VERCOA AIR SERVICE, INC.

Order To Show Cause

Issued under delegated authority, September 20, 1968.

Vercoa Air Service, Inc. (Vercoa), is an air taxi operator providing services pursuant to Part 298 of the Board's economic regulations. By Order 68-9-87, September 20, 1968, the Board approved Agreement CAB 20381 between Allegheny Airlines, Inc., and Vercoa. This agreement contemplates that Vercoa will discharge Allegheny's certificate obligation to serve Danville, Ill., through the operation of small aircraft between Danville, Ill., and Chicago (O'Hare), Ill. Vercoa expects to initiate service with Beech 99 turboprop type aircraft.

No service mail rate is currently in effect for this service by Vercoa. By petition filed September 3, 1968, Vercoa requested the establishment of final service mail rates for transportation of priority and nonpriority mail by air.[1] On September 12, 1968, the Postmaster General filed an answer in support of Vercoa's petition, subject to the qualification that Vercoa's services should be made subject to the entire provisions of Order E–25610, as amended, and of Order E–17255, as amended. In this way the rates for Vercoa's services would be the same as those paid to Allegheny under Board orders, either as now prevailing or as subsequently amended.

The rate for the transportation of priority mail applicable to service by Allegheny was established by the Board in the Domestic Service Mail Rate Investigation, Order E–25610, August 28, 1967. This rate is the same as that requested in Vercoa's petition. Therefore, we propose to establish a service rate for the air transportation of priority mail by Vercoa at the same level as that established in Order E–25610, and the terms and provisions of that order shall be applicable to Vercoa in the same manner as they were applicable to Allegheny in providing mail services between Danville, Ill., and Chicago, Ill.

However, in the case of rates for the air transportation of nonpriority mail, an open-rate situation has existed since April 6, 1967, when the Post Office petitioned for the establishment of new nonpriority mail rates in Docket 18381. The rates currently being paid air carriers (including Allegheny) for the transportation of nonpriority mail are those established by Order E–17255, July 31, 1961, in the Nonpriority Mail Rate Case, and these rates are subject to such retroactive adjustment to April 6, 1967, as the final decision in Docket 18381 may provide. Since it is the expressed intention of the Post Office Department and Vercoa that Vercoa will receive the same compensation as Allegheny would for the same services, we propose to establish a temporary service rate for nonpriority mail for Vercoa at the level established in Order E–17255, as amended, and the terms and provisions of that order shall be applicable to Vercoa in the same manner as they were applicable to Allegheny in providing mail service between Danville, Ill., and Chicago, Ill. We will also make Vercoa a party to the proceedings in Docket 18381 and the temporary nonpriority mail rate established herein shall be subject to such retroactive adjustment as may be ordered in that proceeding.

Under the circumstances, the Board finds it in the public interest to fix and determine the fair and reasonable rates of compensation to be paid to Vercoa Air Service, Inc., by the Postmaster General for the air transportation of mail, and the facilities used and useful therefor, and the services connected therewith, between Danville and Chicago. Upon consideration of the petition, the answer of the Postmaster General, and other matters officially noticed, the Board proposes to issue an order[2] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Vercoa Air Service, Inc., pursuant to section 406 of the Act, for the transportation of priority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Danville, Ill., and Chicago, Ill., shall be the rate established by the Board in Order E–25610, August 28, 1967, and shall be subject to the other provisions of that order;

2. The fair and reasonable temporary service mail rate to be paid to Vercoa Air Service, Inc., pursuant to section 406 of the Act for the transportation of nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Danville, Ill., and Chicago, Ill., shall be the rates established by the Board in Order E–17255, July 31, 1961, as amended, subject to such retroactive adjustment as may be made in Docket 18381; and

3. The service mail rates here fixed and determined are to be paid in their entirety by the Postmaster General.

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 and 14 CFR 385.14(f):

It is ordered, That:

1. All interested persons and particularly Vercoa Air Service, Inc., the Postmaster General, and Allegheny Airlines, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the rates specified above, as the fair and reasonable rates of compensation to be paid to Vercoa Air Service, Inc., for the transportation of priority and nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and if there is any objection to the rates or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after the date of 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 an 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 rates specified herein;

4. If answer is filed presenting issues for hearing the issues involved in determining the fair and reasonable final rates 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);

5. Vercoa Air Service, Inc., is hereby made a party in Docket 18381; and

6. This order shall be served upon Vercoa Air Service, Inc., the Postmaster General, and Allegheny Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68–11690; Filed, Sept. 25, 1968; 8:48 a.m.]

[1] The petition proposed the following rates:
Priority mail by air: 24 cents per ton-mile plus 9.36 cents per pound at Danville and 2.34 cents per pound at Chicago.
Nonpriority mail by air: 15.115 cents per ton-mile plus 3.32 cents per pound at Danville and 1.660 cents per pound at Chicago.

[2] As this order to show cause does not constitute a final action and 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). The provisions of that part dealing with petitions for Board review will be applicable to any final action which may be taken by the staff in this matter under authority delegated in § 385.14(g).

CIVIL SERVICE COMMISSION

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Secretary, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68–11678; Filed, Sept. 25, 1968; 8:47 a.m.]

POST OFFICE DEPARTMENT

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Post Office Department to fill by noncareer executive assignment in the excepted service the position of Assistant to the Executive Assistant to the Postmaster General, GS–301–16, Office of the Postmaster General.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68–11679; Filed, Sept. 25, 1968; 8:47 a.m.]

[Report No. 406]

FEDERAL COMMUNICATIONS COMMISSION

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

SEPTEMBER 23, 1968.

Pursuant to §§ 1.227(b)(3) and 21.26(b) of the Commission's rules, and application, in order to be considered with any domestic public radio services application appearing on the list set forth 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 cutoff 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 § 21.27 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.

[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 cutoff 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

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

1481-C2-P-69—Mobile Radio Communications, Inc.; (KAA275); C.P. to replace base transmitter operating on 152.03 MHz and reused present base transmitter as a standby to operate on same frequency.

1482-C2-P-69—Mobile Radio Communications, Inc.; (KBM508); C.P. to relocate facilities from 70th and Flint Road, Shawnee Village, Kans., to 901-923 Main Street, Kansas City, Mo.; replace base transmitter operating on frequency 152.15 MHz and retain the present transmitter as a standby to operate on 152.15 MHz (upon completion of construction Station KBM508 will be consolidated with Station KAA275).

1483-C2-P-69—Page Boy, Inc.; (KAA285); C.P. to add a third base channel to operate on frequency 152.06 MHz at station located 463 North Fairview Avenue, St. Paul, Minn.

1534-C2-P-69—Answer, Inc. of San Antonio; (KKG559); C.P. to replace transmitter operating on base frequency 152.06 MHz at location No. 2: 8332 Fredericksburg Road, San Antonio, Tex.

1536-C2-MP-69—Imperial Communications Corp.; (KMA262); Modification of C.P. to correct coordinates and replace transmitter at location No. 1: Mount Soledad, San Diego, Calif., operating on frequency 152.18 MHz and change antenna for the 152.18 MHz facilities at location No. 2: 4285 Eastridge Drive, La Mesa, Calif.

1535-C2-P-69—Imperial Communications Corp.; (KMA262); C.P. to replace transmitter operating on base frequency 152.12 MHz at location No. 1: Mount Soledad, San Diego, Calif.

1533-C2-P-69—Mobilfone, Inc.; (KMB309); C.P. to add transmitter to operate on 43.22 MHz at location No. 1: Union Bank Square, Fifth and Figeroa Street, Los Angeles, Calif., location No. 3: John Poole Building, Mount Wilson, Calif., and location No. 6: LaHabra Heights, 1518 Skyline Road, LaHabra, Calif., and change antenna system operating on 43.58 MHz at above locations. Add a new site to be identified as location No. 7: 2555 Briercrest Road, Los Angeles, Calif., to operate on 43.22 MHz and 43.58 MHz.

1550-C2-P-69—Relay Communications Corp.; (New); C.P. for a new (two-way) station. Base frequency: 152.09 MHz. Location: ITT World Communications Park, Southampton, N.Y.

1551-C2-P-69—Telephone Answering Service of Owensboro, Inc.; (KIN649); C.P. to replace transmitter operating on frequency 152.09 MHz at station located approximately 50' north of intersection of Leitchfield Road and 19th Street, Owensboro, Ky.

1552-C2-P-69—Chapman Radio & Television Co.; (KIE953); C.P. to add a transmitter to operate on authorized frequency 35.58 MHz at station located Forsyth and Marietta Streets, Atlanta, Ga.

Renewal of License expiring July 1, 1968. Term: July 1, 1968, to July 1, 1973.

Licensee and Call Sign

The Ohio Bell Telephone Co. (This renewal was timely filed); KFJ891.

RURAL RADIO SERVICE

1532-C1-ML-69—Empire Communications Co. (KPJ20); Modification of license to add frequencies 158.49, 158.52, 158.58, 158.58, and 158.64 MHz, increase number of units to (30) and for authority to communicate with applicant authorized stations, as follows: Stations KFL533, KFL534, KFL955, KFQ921, KOP306, KOP309, and KOP312. Location: In any temporary fixed location within the territory of the grantee.

Renewals of Licenses expiring November 1, 1968. Term: November 1, 1968, to November 1, 1973.

Licensee	*Call sign*
Am-Tex Dispatch Service	KVH99
Ark-La-Tex Mobile Radio Service	KKK93
Perry R. Bass	KLD67
Canaveral Communications	KJJ25
Caprock Radio Dispatch	KLP87
Central Ohio Radiotelephone, Inc.	KQO56
Charlotte Message Center	KJG88
Do	KJG89
Commercial Communications Co.	KXP26
Do	KZI34
Contact, Inc	KLC45
Contact of New Mexico	KSW21
Contact of Texas	KSW24
Empire Communications Co	KPJ20
Fresno Mobile Radio, Inc	KMX39
Do	KNG54
Do	KNJ79
Hanford Mobile Radio, Inc	KNG51
David R. Williams, d.b.a. Industrial Communications	KZA88
Madera Radio Dispatch	KMX46
Do	KMX47
Communications Industries, Inc., d.b.a. Mobilfone	KKU93
Mobilfone Communications, Inc.	KLS65
P. L. Woodbury, d.b.a. Mobilfone of Kansas	KAK29
Morgan City Mobilephone	KVU82
The Mountain States Telephone and Telegraph Co	KLV21
Do	KBI21
Do	KOB20
Do	KOB21
Do	KOQ76
Do	KOQ77
Do	KPR53
Do	KPR54
Do	KPS91
Do	KPV99
Do	KPX64
Do	KPX65
Do	KPY37
Do	KPY76
Do	KPZ94
Do	KYS24
Do	KZS59
Communications Industries, Inc., d.b.a. New Orleans Mobilfone	KKB33
Northern Mobile Telephone Co	KQO48
Radio Mobile Phones, Inc	KLS66
Radio Paging Service	KLU49
Radio Telephone Company of Gainesville	KZI78
Riggs Radio Dispatch	KNL93

Licensee	Call sign
Sarasota's Telephone Answering Service, Inc	KJA96
Somerset Telephone Co	KCD77
Do	KCE39
Do	KCE40
Do	KCK74
Do	KCK75
South Georgia Communications Co	KJK60
Do	KYO27
Southern Bell Telephone and Telegraph Co	KIN59
Do	KIN91
Do	KIO25
Do	KIO33
Do	KIO34
Do	KIO60
Southern Bell Telephone and Telegraph Co	KIW74
Do	KIY32
Do	KJA61
Do	KJE56
Do	KJE57
Do	KJJ63
Do	KJJ64
Do	KKT56
Do	KTQ62
Do	KVD91
Do	KVD92
Do	KYN55
Do	KYN92
Do	KZS49

Renewals of Licenses expiring November 1, 1968. Term: November 1, 1968, to November 1, 1973.

Licensee	Call sign
Southwestern Bell Telephone Co	KLT65
Do	KLT66
West Jersey Telephone Co	KEL63
Western California Telephone Co	KVI58
Wisconsin Telephone Co	KSP54
Do	KSP55
Do	KSP56

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)

1537–C1–P–69—The Pacific Telephone & Telegraph Co.; (KMQ36); C.P. to add frequencies 6286.2, 6345.5, and 6404.8 MHz toward San Francisco, Calif., at station located 1587 Franklin Street, Oakland, Calif.

1538–C1–P–69—The Pacific Telephone & Telegraph Co.; (KNB53); C.P. to add frequencies 6034.2, 6093.5, and 6152.8 MHz toward Sierra Morena, Calif., and toward Oakland, Calif., at station located 99 Moultrie Street, San Francisco, Calif.

1539–C1–P–69—The Pacific Telephone & Telegraph Co.; (New); C.P. for a new fixed station to be located at Sierra Morena, 3 miles southwest of Woodside, Calif., to operate on frequencies 6286.2, 6345.5, and 6404.8 MHz.

1540–C1–P–69—The Pacific Telephone & Telegraph Co.; (New); C.P. for a new fixed station to be located at 3175 Spring Street, Redwood City, Calif., to operate on frequencies 6034.2, 6093.5, and 6152.8 MHz.

1553–C1–P–69—Pacific Northwest Bell Telephone Co.; (KPZ30); C.P. to add frequency 2173.5 MHz via reflector to Pelton Dam, Oreg., at station located 9.7 miles south-southeast of Maupin, Oreg.

1554–C1–P–69—Pacific Northwest Bell Telephone Co.; (New); C.P. for a new fixed station. Frequency: 2123.5 MHz. Location: 6.8 miles north-northwest of Madras, Oreg.

MAJOR AMENDMENT

947–C1–P–69—General Telephone Company of The Southwest; (KLG25); Major amendment: Change frequency toward Hall, Tex., from 6112.2 MHz to 6412.2 MHz. Correction: Operating frequencies 6411.2 MHz and 6234.3 MHz toward Hall, Tex., should read 6412.2 and 6234.3 MHz. All other particulars same as reported in public notice dated Aug. 26, 1968.

CORRECTION

1344–C1–P–69—Twin Lakes Telephone Cooperative Corp.; (New); Entry should include frequency 6086.0 MHz. All other particulars remain the same as reported on public notice dated Sept. 9, 1968, Report No. 404, page 5.

285–C1–P–69—South Central Bell Telephone Co.; (KIV66); Correct entry to read add frequencies 11365 and 11605 MHz toward Paintsville, Ky. All other particulars remain same as reported on public notice No. 398, dated July 29, 1968.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

1325–C1–ML–69—Southwest Texas Transmission Co.; (KKY46); Modification of license to add audio subchannel to Del Rio, Tex., at station located Las Moras, 3 miles northeast of Brackettville, Tex.

1555–C1–TC–(3)–69—Alabama Microwave, Inc.; Consent to transfer of control from Rowley United Pension Fund Transferor to Frank K. Spain, d.b.a. as Microwave Service Co., Transferee. Stations: KJW67—Rogersville, Ala., KJJ57—Capshaw Mountain, Ala., KRR71—Decatur, Ala.

1556–C1–TC–(34)–69—Western Microwave, Inc.; Consent to transfer of control from KUTV, Inc., Bob Magness and Betsy Magness, Transferors, to American Tele-Communications, Inc. Transferee (all 34 Stations).

1557–C1–TC–(35)–69—Mountain Microwave Corp.; Same as above except (all 35 Stations).

1558–C1–TC–(7)–69—Wyoming Microwave Corp.; Same as above except (all 7 Stations).

1559–C1–TC–(10)–69—Sierra Microwave, Inc.; Same as above except (all 10 Stations).

6683–C1–P–68—Pacific Telatronics, Inc.; (KTG38); C.P. to add frequency 6367.7 MHz toward Red Bluff, Calif., azimuth 143°00′. (Informative: Applicant proposes to provide the TV signal of station KBHK–TV of San Francisco, to Finer Living of Red Bluff, Inc., Red Bluff, Calif. Applicant has request waiver of section 21.701(l).)

MAJOR AMENDMENT

191–C1–P–69—West Texas Microwave Co.; (KTQ81); Change Informative to include: Applicant proposes to provide the TV signal of station KDTV–TV of Fort Worth-Dallas, Tex., to Big Spring Cable TV, Inc., Big Spring, Tex.

3329–C1–P–68—Frank K. Spain, d.b.a. Microwave Service Co.; (New); Change frequencies 5975.0 and 6034.0 MHz to frequencies 6064.0 MHz and 6123.0 MHz on azimuth 37°00′.

3330–C1–P–68—Frank K. Spain, d.b.a. Microwave Service Co.; (New); Change frequencies 6286.0 and 6405.0 MHz to frequencies 5945.0 and 5975.0 MHz on azimuth 00°40′.

3331–C1–P–68—Frank K. Spain, d.b.a. Microwave Service Co.; (New); Change frequencies 5945.0, 6004.0, 6064.0, and 6123.1 MHz to 10715, 10875, 11035, and 11155 MHz on azimuth 354°15′. Change transmitter type to Jerrold, JMT–1013A10, emission designator 26000F9. All other particulars same as reported on public notice dated Jan. 15, 1968.

[F.R. Doc. 68–11692; Filed, Sept. 25, 1968; 8:48 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES PRODUCED OR MANUFACTURED IN MEXICO

Level of Restraint

SEPTEMBER 23, 1968.

On August 21, 1968, there was published in the FEDERAL REGISTER (33 F.R. 11865) a letter dated August 15, 1968, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs which implemented a decision by the Government of Mexico to exercise its rights under paragraph 5 of the bilateral cotton textile agreement of June 2, 1967. That paragraph permits the Government of Mexico, within the aggregate limit for an agreement year, to exceed any specific category limit by not more than 5 percent. This provision was applied for the agreement year which began on May 1, 1967 and extended through April 30, 1968, with respect to cotton textiles in Category 27. Upon further review, it has been determined that the right should have been exercised with respect to cotton textiles in Category 26 rather than in Category 27.

Accordingly, there is published below a letter of September 20, 1968, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, amending the directive of June 13, 1967, as further amended by the directive of August 15, 1968, to provide for an increase in the specific level of restraint for Category

26 and for rescission of the increase in the level for Category 27.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury
Washington, D.C. 20226.

SEPTEMBER 20, 1968.

DEAR MR. COMMISSIONER: This directive further amends but does not cancel the directive issued to you on June 13, 1967, from the Chairman of the President's Cabinet Textile Advisory Committee, establishing levels for the entry into the United States for consumption, and withdrawal from warehouse for consumption, of cotton textiles and cotton textile products produced or manufactured in Mexico. Under the terms of the Long-Term Arrangement Regarding Internatonal Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of June 2, 1967, between the Governments of the United States and Mexico, and in accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, the specific levels of restraint provided in the directive of June 13, 1967, as amended, for entry into the United States for consumption or withdrawal from warehouse for consumption, of cotton textiles in Categories 26 and 27; produced or manufactured in Mexico, for the period beginning May 1, 1967 and extending through April 30, 1968, are hereby amended as follows, to be effective as soon as possible:

Category	*12-month level of restraint*
26----------square yards [1]----	7,800,000
27----------do [1]----------	2,000,000

The levels set forth in the directive of June 13, 1967, as amended hereby, have not been adjusted to reflect entries or withdrawals from warehouse made on or after May 1, 1967.

The actions taken with respect to the Government of Mexico and with respect to imports of cotton textiles and cotton textile products from Mexico have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965–66). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

C. R. SMITH,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 68-11683; Filed, Sept. 25, 1968; 8:47 a.m.]

[1] Of the total amount for Categories 26 and 27, not more than 5,850,000 square yards shall be in duck; T.S.U.S.A. Nos.:
320.--01 through 04, 06, 08
321.--01 through 04, 06, 08
322.--01 through 04, 06, 08
326.--01 through 04, 06, 08
327.--01 through 04, 06, 08
328.--01 through 04, 06, 08

FEDERAL POWER COMMISSION

[Docket No. G-2584, etc.]

MOBIL OIL CORP. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

SEPTEMBER 18, 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 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 October 11, 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 § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, 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-2584 (CI61-1366) (CI62-25) (CI66-700) C 8-26-68 [1]	Mobil Oil Corp., Post Office Box 2444, Houston, Tex. 77001.	Montana-Dakota Utilities Co., Big Horn Area, Big Horn and Washakie Counties, Wyo.	13.6154	15.025
G-3216 C 8-30-68	Pan American Petroleum Corp. (Operator) et al., Post Office Box 591, Tulsa, Okla. 74102.	United Fuel Gas Co., South Pecan Lake et al., Fields, Cameron Parish, La.	21.25	15.025
G-4057 D 9-3-68	Fair Oil Co. (Operator) et al., Post Office Box 689, Tyler, Tex. 75701.	Mississippi River Transmission Corp., Woodlawn Field, Harrison County, Tex.	Depleted	----------
G-4684 E 7-10-68 [2]	Sun Oil Co. (Southwest Division) (successor to the Hefner Production Co.,) 1608 Walnut St., Philadelphia, Pa. 19103.	Colorado Interstate Gas Co., Keyes Field, Cimarron County, Okla.	[3] 17.015	14.65
G-7241 C 9-3-68	Aztec Oil & Gas Co., 2000 First National Bank Bldg., Dallas, Tex. 75202.	El Paso Natural Gas Co., Blanco-Mesa Verde Field, San Juan County, N. Mex.	13.0551	15.025
G-9489 E 8-12-68	Estate of Russell Maguire (Operator) et al. (successor to Russell Maguire), 4200 First National Bank Bldg., Dallas, Tex. 75202.	Texas Eastern Transmission Corp., Alco-Mag Field, Harris County, Tex.	[4] 16.2	14.65
G-11264 E 8-12-68	do	Cities Service Gas Co., Whiterock Field, Noble County, Okla.	11.0	14.65
G-11276 E 8-12-68	Estate of Russell Maguire (Operator) et al. (successor to Russell Maguire et al.).	Texas Eastern Transmission Corp., Barb-Mag Field, Fort Bend County, Tex.	[5] 16.4	14.65
G-19627 E 8-12-68	Estate of Russell Maguire (Operator) et al. (successor to Russell Maguire, Trustee and Operator).	Valley Gas Transmission, Inc., Good Friday Field, Duval County, Tex.	[6] 15.0	14.65
G-19837 E 8-12-68	Estate of Russell Maguire (Operator) et al. (successor to Russell Maguire (Operator) et al.).	Colorado Interstate Gas Co., Mocane Field, Beaver County, Okla.	[7] 19.0	14.65
CI61-159 E 8-12-68	Estate of Russell Maguire (Operator) et al. (successor to Russell Maguire et al.).	Natural Gas Pipeline Co. of America, Gladys-Mag Field, Jack County, Tex.	14.0	14.65
CI61-427 C&D 8-26-68	Austral Oil Co., Inc., 2700 Humble Bldg., Houston, Tex. 77002.	Natural Gas Pipeline Co. of America, Northeast Thompsonville Area, Webb and Jim Hogg Counties, Tex.	16.0	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
CI61-530 E 8-12-68	Estate of Russell Maguire (Operator) et al. (successor to Russell Maguire (Operator) et al.).	South Texas Natural Gas Gathering Co., McAllen (Hansen Sand) Field, Hidalgo County, Tex.	15.0	14.65
CI62-378 [8] B 7-31-68	Samedan Oil Corp. (Operator) et al., Post Office Box 909, Ardmore, Okla. 73401.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Northwest Chalkley Field, Calcasieu Parish, La.	Depleted	----------
CI62-570 E 8-12-68	Estate of Russell Maguire (Operator) et al. (successor to Russell Maguire (Operator) et al.).	Oklahoma Natural Gas Gathering Corp., Ringwood Field, Major County, Okla.	[9] 12.0	14.65
CI62-1305 [10] E 8-12-68	Estate of Russell Maguire (Operator) et al. (successor to Russell Maguire, agent (Operator) et al.).	Colorado Interstate Gas Co., Mocane Field, Beaver County, Okla.	[11] 17.0	14.65
CI63-277 E 8-12-68	Estate of Russell Maguire (Operator) et al. (successor to Russell Maguire (Operator) et al.).	Panhandle Eastern Pipe Line Co., Floris, Southeast Field, Beaver County, Okla.	17.0	14.65
CI63-454 E 8-29-68	Charlie Hurd and L. E. Reinhardt, d.b.a. Madison Oil Co. (successor to Blanco Oil Co.), 210 First National Bldg., Wichita Falls, Tex. 76301.	Equitable Gas Co., acreage in Clay County, W. Va.	25.0	15.325
CI64-85 E 8-26-68	Hugh K. Spencer (successor to J. C. Dicks), West Union, W. Va. 26456.	Consolidated Gas Supply Corp., McClellan District, Doddridge County, W. Va.	25.0	15.325
CI64-933 E 8-12-68	Estate of Russell Maguire (Operator) et al. (successor to Russell Maguire et al.).	Natural Gas Pipeline Col. of America, Ann-Mag Field, Brooks County, Tex.	16.0	14.65
CI64-1106 E 8-26-68	Webber Associates (successor to Commercial Coal & Coke Co.), c/o Jack E. Webber, Operator, R.F.D. No. 1, Morgansville, W. Va. 26406.	Consolidated Gas Supply Corp., Elk District, Harrison County, W. Va.	20.0	15.325
CI65-302 E 8-26-68	Car-Tex Producing Co. (successor to John Russ (Operator) et al.), c/o James M. Noonan, partner, Post Office Box 555, Carthage, Tex. 75633.	Arkansas Louisiana Gas Co., Bethany Field, Panola County, Tex.	11.34	14.65
CI67-350 C 9-3-68	Beard Oil Co., 2000 Classen Blvd., Suite 200-S, 2000 Classen Center, Oklahoma City, Okla. 73106.	Panhandle Eastern Pipe Line Co., South Peek Field, Ellis County, Okla.	[12] 17.0	14.65
CI67-1631 D 6-17-68	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	Natural Gas Pipeline Co. of America, Erick Field, Beckham County, Okla.	[13]	----------
CI67-1650 C 8-30-68	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., South Peek Field, Roger Mills County, Okla.	[12] 15.75	14.65
CI68-1038 C 9-3-68	Tenneco Oil Co., Post Office Box 2511, Houston, Tex. 77001.	El Paso Natural Gas Co., San Juan Basin, San Juan County, N. Mex.	12.0	15.025
CI69-220 A 8-28-68	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017.	Pacific Lighting Service & Supply Co., Parcel 402, Santa Barbara Channel Area, Offshore Santa Barbara County, Calif.	[14] 27.0 [15] 28.0	14.73
CI69-221 A 8-23-68	Harold Milam, 645 Petroleum Club Bldg., Denver, Colo. 80202.	Phillips Petroleum Co., acreage in Hutchinson County, Tex.	12.0	14.65
CI69-222 A 8-26-68	Anadarko Production Co., Post Office Box 9317, Fort Worth, Tex. 76107.	Phillips Petroleum Co., Panhandle West Field, Hutchinson County, Tex.	[16] 13.0	14.65
CI69-224 A 8-29-68	Orville Jones et al., d.b.a. C. C. Paxton Lease, Spencer, W. Va. 25276.	Pennzoil United, Inc., Walton Field, Roane County, W. Va.	15.0	15.325
CI69-225 (G-5446) F 8-26-68	Webber Associates (successor to Commercial Coal & Coke Co.).	Consolidated Gas Supply Corp., Clark District, Harrison County, W. Va.	20.0	15.325
CI69-226 A 8-29-68	Western Oil & Minerals Corp., c/o Burr & Cooley, attorneys, 152 Petroleum Center Bldg., Farmington, N. Mex. 87401.	El Paso Natural Gas Co., acreage in Rio Arriba County, N. Mex.	12.0	15.025
CI69-227 A 8-29-68	Roy G. Hildreth, Spencer, W. Va. 25276.	Equitable Gas Co., Glenville District, Gilmer County, W. Va.	16.0	15.325
CI69-228 A 8-30-68	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	Transwestern Pipeline Co., North Gruver Field, Hansford County, Tex.	[17] 18.95	14.65
CI69-229 A 8-30-68	Edwin G. Ward, d.b.a. PE-MAC Co. 905 Ross Ave., Alice, Tex. 78332.	Banquete Gas Co., a division of Crestmont Oil & Gas Co., Spartan Field, San Patricio County, Tex.	11.0	14.65
CI69-230 A 8-30-68	Arapahoe Production Co. et al., Post Office Box 556, Littleton, Color. 80120.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper and Beaver Counties, Okla.	[12] 17.0	14.65
CI69-231 A 9-3-68	Pan American Petroleum Corp	United Gas Pipe Line Co. and Southern Natural Gas Co., East Cameron Area, Offshore Louisiana.	21.25	15.025
CI69-232 A 9-3-68	The Offshore Co., Post Office Box 2765, Houston, Tex. 77001.	Sea Robin Pipeline Co., Block 222, Ship Shoal Area, Offshore Louisiana.	21.25	15.025
CI69-233 B 9-3-68	C. H. Lyons, Sr. et al., 1500 Beck Bldg., Shreveport, La. 71101.	Texas Gas Transmission Corp., Carthage Field, Panola County, Tex.	[18]	----------
CI69-234 B 9-3-68	C. H. Lyons, Sr. et al	Southern Natural Gas Co., Spider Field, De Sota Parish, La.	Depleted	----------
CI69-235 B 9-3-68	Lyons & Logan (Operator) et al., 1500 Beck Bldg., Shreveport, La. 71101.	Arkansas Louisiana Gas Co., south Hallsville Field, Harrison, Panola, and Rusk Counties, Tex.	[19]	----------

See footnotes at end of table.

[1] Applicant and the gas purchaser have amended their contract on file with the Commission as Applicant's FPC Gas Rate Schedule No. 212 pursuant to which sales are authorized in Docket No. G-2584 so as to include those sales authorized in Docket Nos. CI62-25, CI61-1366, and CI66-700 to be made pursuant to Applicant's FPC Gas Rate Schedule Nos. 270, 271, and 383. No new sales of gas are proposed.
[2] Application erroneously noticed Aug. 13, 1968, at a total initial rate of 15 cents per Mcf (including 3.12 cents B.t.u. adjustment).
[3] Rate in effect subject to refund in Docket No. RI68-391. Price includes tax reimbursement and B.t.u adjustment.
[4] Includes 0.5-cent per Mcf pipeline amortization charge. Rate in effect subject to refund in Docket No. RI67-109.
[5] Includes 0.5-cent per Mcf pipeline amortization charge.
[6] Rate in effect subject to refund in Docket No. RI65-279.
[7] Includes 2-cent upward B.t.u. adjustment. Rate in effect subject to refund in Docket No. RI62-454.
[8] No permanent certificate issued; temporary authorization granted only.
[9] Rate in effect subject to refund in Docket No. RI66-271.
[10] Pending—temporary authorization granted only.
[11] Subject to upward B.t.u. adjustment.
[12] Subject to upward and downward B.t.u. adjustment.
[13] Deletes 160 acres (only as to the Erick Formation) which does not qualify for connection in accordance with the terms of the basic contract.
[14] Casinghead gas.
[15] Nonassociated gas.
[16] Less .4466-cent per Mcf for sour gas.
[17] Includes 1.95-cents upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[18] Wells were sold to Oil & Gas Property Management, Inc.
[19] Well has ceased to produce.

[F.R. Doc. 68-11594; Filed, Sept. 25, 1968; 8:45 a.m.]

[Docket Nos. CP69-67—CP69-70]

EL PASO NATURAL GAS CO. AND NORTHWEST PIPELINE CORP.

Order Consolidating Proceedings and Noticing Applications

SEPTEMBER 23, 1968.

Take notice that on September 13, 1968, El Paso Natural Gas Co. (El Paso), Post Office Box 1492, El Paso, Tex. 79999, filed at Docket No. CP69-67 an application for permission and approval under section 7(b) of the Natural Gas Act to abandon, through divestiture to Northwest Pipeline Corp. (Northwest), the operating properties acquired by El Paso through its merger with Pacific Northwest Pipeline Corp. (Pacific) on December 31, 1959, and all additions to such properties made since the merger. As reflected in the application, the facilities generally constitute that portion of El Paso's pipeline system presently extending from the San Juan Basin, through the States of Colorado, Utah, Wyoming, Idaho, Oregon, and Washington, to a point of termination at the international boundary near Sumas, Wash. The application also requests a certificate of public convenience and necessity under section 7(c) of the Act authorizing the construction, at an estimated cost of $70,155, and operation of minor metering facilities and the delivery, on an exchange basis, of natural gas to Northwest under certain agreements described below.

Also take notice that on the same date, Northwest, Post Office Box 1087, Colo-

rado Springs, Colo. 80901, filed at Docket No. CP69–68 an application pursuant to section 7(c) of the Act for a certificate of public convenience and necessity authorizing the acquisition and operation of the facilities and properties for which El Paso seeks permission and approval to abandon and, in conjunction with such operation, to enter into and perform under certain agreements described below.

Also take notice that on the same date, Northwest filed at Docket No. CP69–69 an application pursuant to section 3 of the Act for authorization to continue the importation of natural gas now being imported by El Paso at two points situated on the international boundary near, respectively, Sumas, Wash., and Kingsgate, British Columbia; and at Docket No. CP69–70 an application for a Presidential Permit pursuant to Executive Order No. 10485 to continue the maintenance and operation of import facilities at the Sumas point now maintained and operated by El Paso.

Applicants state that the applications are interdependent and that each stems from the mandate of the U.S. Supreme Court in Cascade Natural Gas Corporation v. El Paso Natural Gas Company, et al., 386 U.S. 129 (1966), and the decree of the U.S. District Court for the District of Utah, Central Division, issued on August 29, 1968, requiring divestiture by El Paso to Northwest of the facilities and properties acquired by El Paso through its merger with Pacific, together with certain additional properties and facilities.

The applications show that the facilities and properties to be divested include 2,849 miles of main and branch transmission lines ranging in size from 2⅜" O.D. to 30" O.D.; 1,015 miles of field gathering lines, ranging in size from 2⅜" O.D. to 34" O.D.; main and branch line compressor units and stations having rated capacity of 130,396 horsepower; four (4) gas dehydration plants having an aggregate daily inlet capacity of 420,000 Mcf of gas; two (2) liquid hydrocarbon extraction plants having an aggregate daily inlet capacity of 550,000 Mcf of gas; all natural gas facilities appurtenant thereto and required in the operation of the Northwest Division; and certain other properties, including notes of Belco Petroleum Corp. payable to El Paso, El Paso's rights under a contract with Mobil Oil Corp., and El Paso's one-third (⅓) interest in the Jackson Prairie Field Storage located near Chehalis, Wash. The estimated net book value of the properties and facilities to be divested at December 31, 1968, is $223,233,000.

The reserves which El Paso proposes to transfer to Northwest, in accordance with the divestiture decree, constitute all reserves now held by El Paso in the San Juan Basin and elsewhere as a result of the acquisition of Pacific, all contracts negotiated since January 1, 1957, for the purchase of Canadian gas, all other gas supplies connected to the facilities to be divested and located north of the San Juan Basin and a portion of the San Juan Basin reserves acquired by El Paso since January 1, 1957.

The applications further state that financial arrangements necessary to effectuate the divestiture by El Paso and the acquisition by Northwest, who will become a wholly owned subsidiary of Colorado Interstate Corp. (Colorado Interstate), are generally as follows:

(1) Northwest will issue and deliver to El Paso preferred stock having an involuntary liquidation value of $100 million, subject to adjustment to reflect any change in El Paso's net equity in the assets between April 30, 1968, and the closing date, which stock will be convertible into common stock of Colorado Interstate after five (5) years from the date of issue;

(2) Northwest will issue and deliver to Colorado Interstate common stock in exchange for $5 million in cash and common shares of Colorado Interstate sufficient to satisfy the conversion requirements of Northwest's preferred stock; and

(3) Northwest will assume and become liable for the indebtedness of El Paso in an amount equal to El Paso's basis for Federal income tax purposes in the assets to be divested, determined as of the date of closing.

The applications also state that the bond and debenture indebtedness (tax basis) to be assumed by Northwest is estimated to be approximately $158 million as of December 31, 1968.

The applications recite that three (3) supplemental agreements will be entered upon in furtherance of the divestiture decree. These include the Sumas Exchange Agreement, which will provide for the delivery by El Paso to Northwest of up to 100,000 Mcf of gas per day, such gas to be purchased by El Paso from Northwest and delivered to Northwest at a point near Sumas, Wash., in exchange for a like quantity of gas to be delivered by Northwest to El Paso near Ignacio, Colo., said agreement to terminate on June 30, 1969; the San Juan Gathering Agreement, which will provide for the interconnection and mutual utilization of Northwest's and El Paso's gathering systems in the San Juan Basin, said agreement to continue for a primary term continuing through December 31, 1976; and the X–4 transportation Agreement, pursuant to which Northwest will undertake to continue transportation and delivery of remaining makeup volumes of gas due from El Paso to Colorado Interstate under El Paso's Rate Schedule X–4, said agreement to terminate on December 31, 1968. In addition, El Paso and Northwest propose to negotiate an agreement to enable Northwest to dispose of temporary excess volumes of gas which will become available to Northwest upon divestiture.

Northwest states that it proposes to continue to make all of the sales and render all of the services now performed by El Paso's Northwest Division and, in conjunction therewith, proposes to adopt and incorporate, as its FPC Gas Tariff, Original Volume Nos. 3 and 4 of El Paso's existing FPC Gas Tariff.

These applications apparently supersede the presently outstanding applications of Pacific in Docket No. G–13018 of El Paso in Docket Nos. G–13019[1] and CP66–27, and of Northwest in Docket Nos. CP66–28, CP66–29, and CP66–30. The applicants should file to withdraw those applications at an appropriate time.

Because the applications of El Paso in Docket No. CP69–67 and of Northwest in Docket Nos. CP69–68, CP69–69, and CP69–70 are interdependent, they should be consolidated and heard together.

The Commission orders:

(A) The applications of El Paso in Docket No. CP69–67 and of Northwest in Docket Nos. CP69–68, CP69–69, and CP69–70 are hereby consolidated.

(B) This order shall constitute public notice of the applications filed in Docket Nos. CP69–67, CP69–68, CP69–69, and CP69–70.

(C) Pursuant to the provisions of §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10) all protests, petitions to intervene or notices of intervention must (in the absence of extraordinary circumstances and for good cause shown) be filed by October 14, 1968. Those filing petitions to intervene and notices of intervention shall state whether they object to any of the applications and shall state generally what issues they intend to raise in these proceedings.

(D) Pursuant to the provisions of § 1.18 of the Commission's rules of practice and procedure, a prehearing conference before a duly designated presiding examiner shall commence at 10 a.m., e.s.t., on November 7, 1968, in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D.C. 20426, for the purpose of effectuating the expeditious disposition of these consolidated proceedings. The purpose of such conference shall be to consider all matters at issue in the above dockets, the manner in which evidence shall be presented, to fix dates for the filing of evidence and the commencement of hearings, and to consider any and all matters which might contribute to an expeditious disposition of these consolidated proceedings. The applicants, the Commission Staff, and all persons who have been permitted to intervene by the Commission shall be entitled to participate in that conference. All persons filing timely petitions or notices will be permitted to participate in that conference if the Commission as of that date has not acted upon the petitions. Persons filing late petitions to intervene which are not acted upon by the Commission prior to the prehearing conference will be permitted to participate subject to further determination by the Commission.

[1] The Commission's order granting the application in Docket No. G–13019 and disposing of the application in Docket No. G–13018 (22 FPC 1091 (1959)) was vacated by an order entered on June 28, 1962, by the U.S. Court of Appeals for the District of Columbia pursuant to the decision in California v. F.P.C., 369 U.S. 482 (1962).

(E) 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 on a date to be fixed by the presiding examiner in accordance with paragraph (D) above, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 68-11704; Filed, Sept. 25, 1968; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

GOLDEN AGE MINES, LTD.

Order Suspending Trading

SEPTEMBER 20, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Golden Age Mines, Ltd., 250 University Avenue, Toronto, Canada, 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 23, 1968, through October 2, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-11668; Filed, Sept. 25, 1968; 8:46 a.m.]

[812-2384]

MASSACHUSETTS INVESTORS TRUST

Notice of Filing of Application for Exemption

SEPTEMBER 20, 1968.

Notice is hereby given that Massachusetts Investors Trust ("Applicant"), 200 Berkeley Street, Boston, Mass. 02116, a common law trust existing under the laws of Massachusetts and registered under the Investment Company Act of 1940, 15 U.S.C. sec. 80a-1 et seq. ("Act"), as an open-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting from the provisions of section 22(d) of the Act a transaction in which Applicant's redeemable securities will be issued at a price other than the current public offering price in exchange for substantially all the assets of Ralmar Investment Corp. ("Ralmar"), a personal holding company organized and existing under the laws of Ohio. All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations which are summarized below.

Shares of Applicant are offered to the public on a continuous basis at net asset value plus a varying sales charge dependent on the amount purchased. As of August 22, 1968, the assets of Applicant amounted to $2,336,263,197.

Pursuant to an agreement between Applicant and Ralmar, assets owned by Ralmar with a value of $2,590,373 on August 22, 1968 will be transferred to Applicant in exchange for shares of Applicant's stock. The number of shares to be issued to Ralmar is to be determined by dividing the aggregate market value of the assets of Ralmar to be transferred to Applicant by Applicant's net asset value per share, both to be determined as of the last business day preceding the closing of the transfer of assets and to be adjusted, if necessary, to lessen the potential tax effect on the shareholders of Applicant of the sale by Applicant of appreciated securities acquired from Ralmar. If the transaction described in the agreement had taken place on August 22, 1968, when the net asset value per share of Applicant's stock was $16.90, Ralmar would have received 153,276 shares of Applicant's stock. The shares of Applicant received by Ralmar are to be distributed to the Ralmar shareholders on the liquidation of Ralmar.

Applicant represents that there is no connection between Applicant and Ralmar and that no officer or shareholder of Ralmar is affiliated with Applicant. Applicant represents that its management considers the proposed acquisition of substantially all of the assets of Ralmar in exchange solely for Applicant's shares to be at a fair price, arrived at by arms-length bargaining.

Section 22(d) of the Act provides that registered open-end investment companies may sell their shares only at the current public offering price as described in the prospectus. Since the basis at which Applicant will issue its shares in exchange for the assets of Ralmar will be without a sales charge and will therefore be different from the public offering price described in the prospectus, an exemption from section 22(d) of the Act is necessary in order that the exchange may be consummated. Section 6(c) permits the Commission, upon application, to exempt a transaction from the provisions of section 22(d) if it finds 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 and provisions of the Act.

Applicant submits that the granting of the application is 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 and that the proposed acquisition will be beneficial to the shareholders of Applicant for the reasons that:

(1) Those expenses of Applicant which do not rise proportionately with an increase in portfolio size will be spread over a larger number of shares and therefore will amount to a smaller amount per share to the benefit of existing shareholders;

(2) The proposed acquisition will enable Applicant to acquire for its own portfolio at one time substantial additions to its existing portfolio securities without affecting the market in said securities; and

(3) The transfer of securities pursuant to the proposed acquisition will cause Applicant less expense than the purchase of such securities in the open market for the reason that said transfer will not be subject to brokers' commissions.

Notice is further given that any interested person may, not later than October 10, 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, if any, 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, Washinton, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service by affidavit (or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon the 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 the matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL DUBOIS, *Secretary.*

[F.R. Doc. 68-11669; Filed, Sept. 25, 1968; 8:46 a.m.]

[File No. 94D-33]

MOUNTAIN STATES DEVELOPMENT CO.

Order Temporarily Suspending Exemption; Statement of Reasons Therefor and Notice of Opportunity for Hearing

SEPTEMBER 20, 1968.

I. Mountain States Development Co. (issuer), a Utah corporation, 216 Kearns

Building, Salt Lake City, Utah 84101, on October 23, 1967, filed with the Commission a notification on Form 1–F and sales material relating to a proposed assessment of 10 cents per share on 2,982,915 shares of its outstanding stock for an aggregate of $298,291.50, and thereafter filed various amendments thereto, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation F promulgated thereunder.

II. The Commission has reason to believe from information reported to it by its staff that:

A. The sales material used in connection with the offering contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to the following:

1. The failure to disclose the fact that certain stockholders, who were also holders of notes of the issuer, were to be permitted to return notes to the corporation in lieu of payments of the assessment on shares of stock held by them;

2. The statement of the purposes for which the proceeds from the assessment and from any delinquent assessments sales were to be used and the statement concerning the priority of the use of such proceeds were not accurate;

3. The failure to disclose the specific date that payment was due in satisfaction of the stock assessment without forfeiture and sale of said stock;

4. The failure to state that Mr. Sam Manchel, controlling power of Laser Power Industries, Inc., Mountain States' newly acquired subsidiary, died prior to the date of the filing of the sales material used in connection with the assessment.

5. The failure in respect of a lawsuit naming Laser Power Industries, Inc. as defendant to reflect that Leon Fromkess and Sam Manchel have each indemnified issuer for only one-third of the costs of any settlement thereof, or judgment therein, and any settlement of such lawsuit or judgment therein would leave one-third of the amount thereof to be paid by Laser Power Industries, Inc.;

6. The failure to reflect that the business of Laser Power Industries, Inc. is solely that of a manufacturer of batteries and is totally unrelated to the laser field of research and development as such term is commonly understood and has no connection whatever with light application by stimulated emission of radiation;

7. The failure to reflect the keen competition which Laser Power Industries, Inc. will encounter from large and well established manufacturers of batteries;

8. The failure to reflect minimum monthly royalty payments due by Laser Power Industries, Inc., to Electro-Acid Corp. for use of necessary patents and the failure to reflect whether or not such minimum royalty payments are current;

9. The failure to include a discussion relating to the voting control which will be in the hands of management and other affiliated persons if in fact stock is issued under notes described in Exhibit A of said sales material and further failure to call attention to the fact that stockholders generally will not be able to exercise an effective voice in the control of management;

10. The failure to reflect the issuance by the issuer on October 2, 1967, of a note for $25,000 in favor of R. C. Gardner and Associates for the purchase of various assets of R. C. Gardner and Associates and the further failure to reflect the option contained in such note to convert and exchange all or any part of the unpaid balance of the note for capital stock of the issuer on the basis of 9 cents per share plus the amount of any assessment which may be levied prior to the date of the conversion of such option to be exercised prior to October 2, 1969; and

11. The failure to reflect the intention of the holders of convertible notes aggregating $530,000 to convert such notes into common stock of the issuer immediately after the levying of the assessment.

B. The terms and conditions of Regulation F have not been complied with in that:

1. Use has been made of sales material prior to the expiration of the waiting period prescribed by Rule 654;

2. Use has been made of sales material which failed to comply with the requirements of Regulation F; and

3. The amount of the assessments, plus the aggregate sale price of all securities of the issuer sold in violation of section 5(a) of the Securities Act of 1933, as amended, exceeded $300,000 contrary to the provisions of Rule 651.

C. The offering has been made and would be made in violation of section 17 of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation F be temporarily suspended:

It is ordered, Pursuant to Rule 656 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation F be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68–11670; Filed, Sept. 25, 1968; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30, Des Moines, Iowa, Disaster 1]

MANAGER, DISASTER BRANCH OFFICE, WATERLOO, IOWA

Rescission

Notice is hereby given that Delegation of Authority No. 30, Disaster 1, 33 F.R. 11866, is hereby rescinded in its entirety.

Effective date: September 6, 1968.

CONRAD E. LAWLOR, *Regional Director, Des Moines, Iowa.*

[F.R. Doc. 68–11666; Filed, Sept. 25, 1968; 8:46 a.m.]

[License No. 10/10–0122]

PEP CAPITAL, INC.

Notice of Judgment Canceling License

Pep Capital, Inc., an Oklahoma corporation of 3022 Northwest Expressway, Oklahoma City, Okla., was licensed on July 15, 1963, by the Small Business Administration to operate solely as a small business investment company under the Small Business Investment Act of 1958, as amended.

On July 23, 1968, the U.S. District Court for the Western District of Oklahoma entered a judgment in Civil Action No. 67–131 (United States of America vs. Pep Capital, Inc., et al.) by which it ordered said License No. 10/10–0122, canceled as of July 1968.

Dated: September 19, 1968.

For the Small Business Administration.

GLENN R. BROWN, *Associate Administrator for Investment.*

[F.R. Doc. 68–11667; Filed, Sept. 25, 1968; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1222]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

SEPTEMBER 20, 1968.

The following applications are governed by Special Rule 1.247 [1] of the Com-

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

mission'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 531 (Sub-No. 243), filed September 9, 1968. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14048, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Vicksburg, Miss., to points in Texas. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 730 (Sub-No. 300), filed September 1, 1968. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. 94604. Applicant's representative: Alfred G. Krebs (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of the American Can Co., located about 2¼ miles west of Halsey, Oreg., as an off-route point in connection with carrier's otherwise authorized regular-route operations. NOTE: Applicant has pending an application seeking to operate as a contract carrier under MC 133094, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or San Francisco, Calif.

No. MC 2202 (Sub-No. 356), filed September 4, 1968. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representatives: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036, and Douglas Faris, Post Office Box 471, Akron, Ohio 44309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Tyler and Texarkana, Tex.; from Tyler over Texas Highway 155 to junction U.S. Highway 59 near Linden, Tex., thence over U.S. Highway 59 to Texarkana and return over the same routes, as an alternate route serving no intermediate points and serving Texarkana for the purpose of joinder only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 2860 (Sub-No. 36), filed September 5, 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: *Canned, preserved and prepared foodstuffs* (except commodities in bulk), from Camp Hill, Pa., to points in Connecticut, Massachusetts, New Jersey, New York, Rhode Island, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Washington, D.C., or Philadelphia, Pa.

No. MC 3252 (Sub-No. 50), filed September 12, 1968. Applicant: PAUL E. MERRILL, doing business as MERRILL TRANSPORT CO., 1037 Forrest Avenue, Portland, Maine 04104. Applicant's representative: Francis E. Barrett, Jr., Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Compressed used motor vehicles*, and (2) *used engines and transmissions*, from points in Maine (except those in Aroostook County) and New Hampshire, to Everett, Mass. NOTE: Applicant has filed concurrently herewith, a petition to dismiss the application. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Portland, Maine.

No. MC 11220 (Sub-No. 111), filed September 9, 1968. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, Tenn. 38102. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. 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 commodities requiring special equipment, between Kansas City, Mo., and St. Louis, Mo., over Interstate Highway 70, as an alternate route for operating convenience only, in connection with applicant's regular-route operations in MC 11220 and Subs, serving no intermediate points and serving St. Louis, Mo., and points in its commercial zone for purposes of joinder only. Restriction: Applicant states that the above-proposed authority is restricted against the transportation of any traffic moving between a point in Missouri and a point in Illinois. NOTE: Applicant states it intends to tack the proposed authority with its present authority at St. Louis, Mo. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or St. Louis, Mo.

No. MC 16903 (Sub-No. 29) (Correction), filed August 12, 1968, published in the FEDERAL REGISTER issue of August 29, 1968, corrected and republished as corrected this issue. Applicant: MOON FREIGHT LINES, INC., 120 West Grimes Lane, Bloomington, Ind. 47402. Applicant's representatives: Ferdinand Born and Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. NOTE: The purpose of this republication is to show that Wyoming is a county in Pennsylvania, in the territorial description in (4) above, in lieu of showing it as the State of Wyoming, as was shown in the original publication. The remainder of the caption remains the same. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 30204 (Sub-No. 27), filed September 4, 1968. Applicant: HEMINGWAY TRANSPORT INC., 438 Dartmouth Street, New Bedford, Mass. 02740. Applicant's representative: Carroll B. Jackson, 5600 Midlothian Turnpike, Richmond, Va. 23225. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the plantsite of Moore Business Forms, Inc., at or near Thurmont, Md., as an off-route point in connection with applicant's present authority. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 30844 (Sub-No. 260), filed September 5, 1968. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware*, from Parkersburg, W. Va., to Broken Bow, Columbus, and Holdrege, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Waterloo, Iowa, or Washington, D.C.

No. MC 42487 (Sub-No. 698), filed September 3, 1968. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. R. Oldenburg, 7101 South Cicero Avenue, Post Office Box 5138, Chicago, Ill. 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those requiring armored vehicles or armed guards, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plantsite of the Shiloh Co. at or near Martel, Ohio, as an off-route point in connection with applicant's presently authorized regular route operations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus or Cleveland, Ohio.

No. MC 50069 (Sub-No. 407), filed September 9, 1968. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood, Oregon, Ohio 43616. 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: *Liquid honing oil*, in bulk, in tank vehicles, from Indianapolis, Ind., to Kenosha, Wis. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 57778 (Sub-No. 11), filed September 9, 1968. Applicant: MICHIGAN REFRIGERATED TRUCKING SERVICE, INC., 6134 West Jefferson, Detroit, Mich. 48209. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich. 48021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and cold storage facilities utilized by Wilson & Co., Inc., at or near Logansport, Ind., to points in Michigan, restricted to the transportation of Wilson & Co., Inc., traffic originating at the above-specified plantsite and cold storage facilities and destined to the above-specified destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., Chicago, Ill., or Lansing, Mich.

No. MC 64932 (Sub-No. 456), filed September 9, 1968. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from El Dorado, Ark., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, Oklahoma, South Carolina, Tennessee, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 67691 (Sub-No. 4) (Amendment), filed May 17, 1966, published FEDERAL REGISTER issue of June 9, 1966, and June 20, 1968, and republished as amended this issue. Applicant: VALLEY FILM SERVICE, INC., 518 South Main Avenue, San Antonio, Tex. Applicant's representative: David A. Sutherlund, 1120 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), having a prior or subsequent movement by air, between airports located in Bexar and Harris Counties, Tex., and points in Texas over the routes described as follows: (1) From San Antonio, Tex., over U.S. Highway 81, to Corpus Christi, Tex., and return over the same route; (2) from Beeville, Tex., over Texas Highway 202, to Refugio, Tex., thence over Texas Highway 774 to junction Texas Highways 774 and 35, and thence over Texas Highway 35 to junction Texas Highway 35 and U.S. Highway 181, and return over the same route; (3) from Corpus Christi, Tex., over Texas Highway 44, to Alice, Tex., and return over the same route; (4) from Alice, Tex., over Texas Highway 665, to Driscoll, Tex., and return over the same route; (5) from Alice, Tex., over U.S. Highway 281, to Pharr, Tex., and return over the same route; (6) from Houston, Tex., over U.S. Highway 59, to Victoria, Tex., and thence over U.S. Highway 77 to Brownsville, Tex., and return over the same route; (7) from San Manuel, Tex., over Texas Highway 186, to Raymondville, Tex., and return over the same route; (8) from junction Texas Highways 681 and 107, over Texas Highway 107 to junction Texas Highway 107 and U.S. Highway 77, and return over the same route; (9) from junction Texas Highways 681 and 107, over Texas Highway 681 to McAllen, Tex., and return over the same route; (10) from McAllen, Tex., over U.S. Highway 83, to Harlingen, Tex., and return over the same route; and (11) from San Antonio, Tex., over U.S. Highway 281 to Alice, Tex., and return over the same route serving all intermediate points and points in the following counties as off-route points: Bexar, Wilson, De Witt, Lavaca, Wharton, Fort Bend, Harris, Brazoria, Matagorda, Jackson, Victoria, Goliad, Karnes, Bee, Refugio, San Patricio, Jim Wells, Nueces, Kleberg, Kenedy, Brooks, Hidalgo, Willacy, and Cameron Counties, Tex. NOTE: Common control may be involved. The purpose of this republication is to show in (1) above U.S. Highway 181 in lieu of U.S. Highway 281 previously published and to add Route (11) above. If a hearing is deemed necessary, applicant requests it be held at San Antonio, Tex.

No. MC 71460 (Sub-No. 8), filed September 3, 1968. Applicant: SOUTHERN FORWARDING CO., a corporation, 728 Alston Street, Memphis, Tenn. 38126. Applicant's representative: James N. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of the Ford Motor Co., located at the intersection of Westport Road and Murphy Lane, near Louisville (Jefferson County), Ky., as an off-route point in connection with applicant's regular route authority. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Memphis, Tenn.

No. MC 92983 (Sub-No. 531), filed September 9, 1968. Applicant: ELDON MILLER, INC., Post Office Box 2508, Kansas City, Mo. 64142. Applicant's representative: Eldon Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from El Dorado, Ark., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, Oklahoma, South Carolina, Tennessee, and Texas. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Kansas City, Mo.

No. MC 93003 (Sub-No. 53), filed September 3, 1968. Applicant: CARROLL TRUCKING COMPANY, 4901 U.S. Route 60, Post Office Box 5468, Huntington, W. Va. 25703. Applicant's representative:

Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from Huntington, W. Va., to points in Connecticut, Delaware, Georgia (except Atlanta, Brunswick, and Woodbine), Idaho, Illinois, Indiana, Maryland, Massachusetts, New Jersey, New York, Michigan (on and south of Michigan Highway 21), North Carolina, North Dakota, Rhode Island, South Carolina, Tennessee, Utah, Washington, and Nebraska. NOTES Applicant intends to tack the authority here sought at Huntington, W. Va., with its presently held authority serving points in Kentucky, West Virginia, Pennsylvania, and Ohio. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio.

No. MC 94201 (Sub-No. 62), filed September 6, 1968. Applicant: BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, East Gadsden, Ala. 35900. 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: *Sodium hypochlorite solution; bleach, cleaning, scouring and/or washing compounds;* soap; textile softeners; fabric sizing; steel wool; pot scourers; and chemicals in containers, from the plantsite warehouse and storage facilities of the Purex Corp., Ltd., and the plantsite warehouse and storage facilities of the Clorox Corp., both located at or near Atlanta, Ga., to points in Alabama, Florida, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 94350 (Sub-No. 196), filed September 8, 1968. Applicant: TRANSIT HOMES, INC., Haywood Road, Post Office Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Post Office Box 1628, Greenville, S.C. 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles and/or *portable buildings* traveling on their own or removable undercarriages, and, *undercarriages*, on return, from points in Warren County, Miss., to points in the United States (excluding Alaska and Hawaii). NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 100623 (Sub-No. 14), filed August 30, 1968. Applicant: HOURLY MESSENGERS, INC., 1710–44 Wood Street, Philadelphia, Pa. 19103. Applicant's representative: V. Baker Smith, 123 South Board Street, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Parcels and packages* (except (1) money; bullion; narcotics (except medical supplies the principal ingredients of which are not a narcotic); securities; evidences of indebtedness; checks, choses in action, and other valuables; valuable papers and documents; and (2) commercial papers, documents, written instruments and business records as are used in the business of banks and banking institutions), no single parcel or package to exceed 50 pounds in weight nor 108 inches in length and girth combined, and the maximum weight for all parcels and packages from a single shipper to a single consignee on any day not to exceed 100 pounds, restricted against transportation from department stores, mail-order houses, premium redemption companies, and other retail stores, between an area in Pennsylvania within the following territory including the boundary line communities as follows: Starting from a point on the Pennsylvania-Delaware State line where the Pennsylvania-Delaware State line meets the Delaware River; thence northwest along the Pennsylvania-Delaware State line to the intersection with Ridge Avenue (U.S. 13 Bypass); thence northeast along Ridge Avenue to Linwood, Pa.; thence north on Pennsylvania Highway 452 to the intersection with U.S. Highway 1; thence northeast on U.S. Route 1 to Rosetree; thence northwest on Providence Road through Edgmont and White Horse to Sugartown; thence north on Sugartown Road to intersection with U.S. Highway 202.

Thence east on U.S. Highway 202 to intersection with Devon Road and continuing on Devon Road to intersection with Sugartown Road; thence east on Sugartown Road to Strafford; thence west on U.S. Highway 30 to intersection with Valley Forge Road; thence north on Valley Forge Road; thence north on Valley Forge Road to New Centerville; thence east on U.S. Highway 202 (Swedesford Road) to Interstate Highway 76 (Schuylkill Expressway); thence south on Interstate Highway 76 to intersection with U.S. Highway 1 (City Line Avenue); thence east from the Schuylkill River along the Philadelphia-Montgomery County border to Stenton Avenue; thence south on Stenton Avenue to intersection with U.S. Highway 309 (Bethlehem Pike); thence north on U.S. Highway 309 (Bethlehem Pike) through Erdenheim, Flourtown, Whitemarsh, and Fort Washington to Cedar Hill Road; thence northeast on Cedar Hill Road and Chestnut Lane to County Line Road (Montgomery County-Bucks County border); thence southeast on County Line Road to Newtown Road; thence northeast on Newtown Road to Johnsville; thence southeast on Pennsylvania Highway 132 (Street Road) through Davisville and Southampton to intersection with Gravel Hill Road; thence northeast on Gravel Hill Road to Churchville; thence southeast on Bristol Road to Buck Road; thence southwest on Buck Road to Pennsylvania Highway 213 (Feasterville and Bridgetown Pike); thence northeast on Pennsylvania Highway 213 (Feasterville and Bridgetown Pike) through Bridgetown to Bucktoe; thence northeast on Langhorne-Yardley Road through Woodside and Yardley to the Delaware River; thence along the Delaware River to the point of beginning, on the one hand, and, on the other, points in Atlantic County, N.J. NOTE: Applicant also holds contract carrier authority under MC 102799, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 100666 (Sub-No. 122), filed September 6, 1968. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition roofing, siding, and building board*, from the plantsite of the Celotex Corp. at Birmingham, Ala., to points in Arkansas. NOTE: Applicant states that it could tack at points in Arkansas with presently held authority under MC 100666 (Sub-No. 1) to serve points in Kansas, Louisiana, Missouri, Oklahoma, and Texas. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 100666 (Sub-No. 123), filed September 6, 1968. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, agricultural implements, farm machinery, and parts and attachments thereof*, from Thibodaux, La., to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 103490 (Sub-No. 60), filed September 6, 1968. Applicant: PROVAN TRANSPORT CORP., 210 Mill Street, Newburgh, N.Y. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, from Rosendale, N.Y., and points within 2 miles thereof, to points in Pennsylvania. NOTE: Applicant holds contract carrier authority under MC 125709, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 104881 (Sub-No. 4), filed September 5, 1968. Applicant: ROSS C. GAY, doing business as GAY TRUCK LINE, Post Office Box 54, Falkner, Miss. 38629. Applicant's representative: James N. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities, in bulk, and those requiring special equipment, between Walnut, Miss., and Middleton, Tenn.; from Walnut over Mississippi Highway 15 to the Tennessee State line, thence over Tennessee Highway 125 to Middleton, and return over the same route serving all intermediate points. NOTE: Applicant states it intends to tack

with its present authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 106400 (Sub-No. 71), filed September 6, 1968. Applicant: KAW TRANSPORT COMPANY, a corporation, Post Office Box 8525, Sugar Creek, Mo. 64054. Applicant's representative: 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: *Chemicals*, in bulk, in tank vehicles, from St. Joseph, Mo., to points in Kansas, Iowa, Nebraska, Colorado, and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 106943 (Sub-No. 98), filed September 5, 1968. Applicant: EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind. 47801. Applicant's representative: John E. Lesow, 3737 North Meridian Street, Indianapolis, Ind. 46208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except classes A and B explosives, livestock, grain, petroleum products in bulk, household goods as defined by the Commission, and commodities requiring special equipment, serving the plantsite of the R. R. Donnelley & Sons Co. at or near Dwight, Ill., as an off-route point in connection with applicant's present authority to and from Chicago. NOTE: Applicant states that it intends to tack with its present authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 106943 (Sub-No. 99), filed September 5, 1968. Applicant: EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind. 47801. Applicant's representatives: Lesow and Lesh, 3737 North Meridian Street, Indianapolis, Ind. 16208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except classes A and B explosives, livestock, grain, petroleum products in bulk, household goods as defined by the Commission, and commodities requiring special equipment, serving the plantsite of the Arrow Co. (Division of Cluett, Peabody & Co., Inc.), at or near Elysburg, Pa., as an off-route point in connection with carrier's regular route to and from Harrisburg, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 107295 (Sub-No. 130), filed September 3, 1968. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wire; nails; staples; fencing; gates; posts; pipe; fence and post fittings or fixtures; steel, flat, rods, bars, sheets and shapes; and wire mesh*, from Kokomo, Ind., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Indianapolis, Ind., or Columbus, Ohio.

No. MC 107295 (Sub-No. 131), filed September 3, 1968. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representatives: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842, and Mack Stephenson, 301 Building, 301 North Second Street, Springfield, Ill. 62702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sheet metal products; and epuipment, materials, and supplies used in the installation of sheet metal products*, from Woodbury Heights, N.J., to points in Alabama, Arkansas, Colorado, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Carolina, Oklahoma, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107544 (Sub-No. 79), filed September 9, 1968. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, Post Office Box 580, Marion, Va. 24354. Applicant's representative: Harry C. Ames, Jr., Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash*, in bulk, from Nitro, W. Va., to points in Ohio and Pennsylvania. NOTE: Applicant holds contract carrier authority under Document No. MC 113959 and Sub No. 2, therefore, dual options may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109564 (Sub-No. 10), filed September 9, 1968. Applicant: LYONS TRANSPORTATION LINES, INC., 1701 Parade Street, Erie, Pa. 16503. Applicant's representatives: John P. McMahon and A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (1) between Cleveland and Marietta, Ohio, over U.S. Highway 21, serving all intermediate points; (2) between Cleveland and Cincinnati, Ohio, from Cleveland over U.S. Highway 21 to junction Interstate Highway 80S at Norton, Ohio, thence westward over Interstate Highway 80S to junction Interstate Highway 71, thence southwestward over Interstate Highway 71 through Columbus to junction Interstate Highway 275, thence westward over Interstate Highway 275 to junction Interstate Highway 75, thence southward over Interstate Highway 75 to Cincinnati, and return over the same routes, serving all intermediate points; (3) between Cleveland and Dayton, Ohio, from Cleveland to Columbus as specified in No. (2), above, thence westward over Interstate Highway 70 to junction Interstate Highway 75, thence south over Interstate Highway 75 to Dayton, and return over the same routes, serving all intermediate points.

(4) Between Cleveland and Dayton, Ohio, from Cleveland to junction Interstate Highways 80S and 71 as specified in No. (2), above, thence southward over Interstate Highway 71 to junction U.S. Highway 36 near Berkshire, Ohio, thence westward over U.S. Highway 36 through Delaware, Ohio, to junction Ohio Highway 4 at Marysville, Ohio, thence southward over Ohio Highway 4 to Dayton, and return over the same routes, serving all intermediate points; (5) between Cleveland and Dayton, Ohio, from Cleveland to Delaware, Ohio, as specified in No. (4), above, thence south over U.S. Highway 42 to junction Interstate Highway 70 near Lafayette, Ohio, thence west over Interstate Highway 78 to junction Ohio Highway 4 near Medway, Ohio, thence south over Ohio Highway 4 to Dayton, and return over the same routes, serving all intermediate points; (6) between Cleveland and Cincinnati, Ohio, from Cleveland over U.S. Highway 21 to junction U.S. Highway 224 at Norton, Ohio, thence westward over U.S. Highway 224 through New Haven, Ohio, to junction Interstate Highway 75 at Findlay, Ohio, thence southward over Interstate Highway 75 to Cincinnati, and return over the same routes, serving all intermediate points; (7) between Cleveland and Shelby, Ohio, from Cleveland to junction Ohio Highway 61 at New Haven, Ohio, over the routes set forth in No. (6), above, thence southward over Ohio Highway 61 to Shelby, and return over the same routes, serving all intermediate points; and

(8) Between Cleveland and Toledo, Ohio, from Cleveland over U.S. Highway 21 to junction with Ohio Turnpike near West Richfield, Ohio (Interstate Highways 80 and 90), thence westward over Ohio Turnpike (Interstate Highways 80 and 90) to junction Interstate Highway 280, thence northward over Interstate Highway 280 to junction Ohio Highway 51, thence northwestward over Ohio Highway 51 to Toledo, and return over the same routes, serving all intermediate points. NOTE: Service is authorized from and to all points in Ohio except those within 25 miles of Cleveland as off-route points in connection with Nos. (1) through (8) above. Restriction: Service over routes Nos. (1) through (8) above, is restricted to traffic moving from, to, or through Cleveland, Ohio, and is further restricted against service to any commercial zone point located outside of Ohio. NOTE: The instant application is filed concurrently with a petition to reopen MC-F 9690. Applicant seeks to convert the certificate of registration of Beiter Line Corp., under MC 496 (Sub-No. 4) to

a regular route certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 110525 (Sub-No. 878), filed September 3, 1968. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as applicant), and Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash*, in bulk, from Nitro, W. Va., to points in Ohio and Pennsylvania. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 879), filed September 3, 1968. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as applicant), and Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from Solvay, N.Y., to points in Ohio and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 880), filed September 3, 1968. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Edwin H. van Deusen (same address as above), and Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from El Dorado, Ark., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, Oklahoma, South Carolina, Tennessee, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111320 (Sub-No. 51), filed September 9, 1968. Applicant: CURTIS KEAL TRANSPORT COMPANY, INC., 2001 Barlow Road, Hudson, Ohio 44236. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid and food processing, handling and packaging machinery, equipment, materials and supplies*, which because of size, weight or bulk, require special equipment or special handling; and (2) *commodities named in number (1) above*, which do not require special equipment or special handling, only when moving as part of the same shipment and in the same vehicle with commodities named in number (1) above, which because of size, weight, or bulk, do require special equipment or special handling, between points in the United States (excluding Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111401 (Sub-No. 266), filed September 9, 1968. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from points in Robertson County, Tenn., to points in Alabama, Arkansas, Georgia, Kentucky, Indiana, Illinois, Michigan, Missouri, Mississippi, North Carolina, Ohio, South Carolina, Tennessee; and Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Birmingham, Ala.

No. MC 111545 (Sub-No. 109), filed August 26, 1968. Applicant: HOME TRANSPORTATION COMPANY, INC., Post Office Box 6426, Station A, Marietta, Ga. 30060. Applicant's representative: Robert E. Born, 1425 Franklin Road SE., Marietta, Ga. 30060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Joists and trusses, floor and ceiling, and structural steel, and materials and supplies, and accessories used in the installation thereof*, between Dubuque, Iowa, on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (2) *buildings*, complete, knocked down or in sections, between Monticello, Iowa, on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant indicates tacking possibilities with its Sub 94 at Dubuque or Monticello, Iowa, enabling service to points in Indiana, Iowa, Arkansas, Kentucky, Ohio, Tennessee, and those in the Lower Peninsula of Michigan, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin. Applicant states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Dubuque, Iowa, or Chicago, Ill.

No. MC 112617 (Sub-No. 252), filed September 4, 1968. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville, Ky. 40205. Applicant's representative: Leonard A. Jaskiewicz, 600 Madison Building, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Starch of all kinds, blends of starch, corn products, and products made of corn*, between points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin, having a prior rail movement. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 113170 (Sub-No. 5) (Amendment), filed December 20, 1967, published in the FEDERAL REGISTER issue of January 11, 1968, amended and republished as amended this issue. Applicant: PEET FRATE LINE, INC., 1315 South Route 47, Woodstock, Ill. 60098. Applicant's representative: Beverley S. Simms, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious, or contaminating to other lading), between points in Illinois within points 50 miles of Marengo, Ill., including Marengo, on the one hand, and, on the other, points in Illinois; Palmyra, Wis.; points in Walworth County, Wis.; and, in Racine and Kenosha Counties, Wis., on and west of U.S. Highway 45. NOTE: The purpose of this republication is to define the tacking information. Applicant states the proposed authority will be tacked with its presently held regular route authority to perform services between Woodstock and Chicago, Ill., except that part of the Chicago commercial zone located in Indiana. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Madison, Wis.

No. MC 113267 (Sub-No. 204), filed September 9, 1968. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris, 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: *Prepared foods; beverage preparations, dry; condensed milk; milk or cream substitutes, processed from vegetable products; dessert preparations, other than frozen; diapers, paper or cellulose; milk beverage, flavored, liquid; evaporated milk; fruit juice drink, noncarbonated; beverages, flavored; coffee, extract of (instant); cocoa, with sugar; potatoes, cooked and powdered, other than frozen; milk or dry milk solids, powdered; beverage preparations, dry, malt; milk and cocoa compounds; lemon peel, frozen; citrus fruit juice powdered; milk malted; milk beverage, flavored, liquid; mince meat; milk or dry milk solids, powdered; citrus fruit juice powder; pie preparations, other than frozen; dessert preparations, other than frozen; milk or dry milk solids, powdered; plastic articles; potatoes, cooked, flaked, or sliced, other than frozen; milk or dry milk solids, powdered; milk food; dry*

cheese; and biscuits, from Memphis, Tenn., to points in Mississippi. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 113267 (Sub-No. 205), filed September 9, 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: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses* as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from South St. Paul, Minn., to points in Louisiana, Mississippi, Alabama, Florida, Georgia, North Carolina, South Carolina, Kentucky, and Tennessee. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113325 (Sub-No. 126), filed September 9, 1968. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh Street, St. Louis, Mo. 63104. Applicant's representative: T. M. Tahan (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry chemicals,* in bulk, from El Dorado, Ark., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, Oklahoma, South Carolina, Tennessee, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113509 (Sub-No. 4), filed September 9, 1968. Applicant: DANTE GENTILINI TRUCKING, INC., 10821 Prairie Avenue, Chicago, Ill. 60628. Applicant's representative: Philip A. Lee, 110 South Dearborn Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Perlite, vermiculite and plaster,* in bags, *expanded polystyrene boards, shapes or forms, and glass wool;* (1) from Chicago, Ill., to points in that part of Iowa on and east of U.S. Highway 69; and those in that part of Wisconsin south of a line beginning at Port Washington, Wis., and extending along Wisconsin Highway 33 to junction Wisconsin Highway 60, thence over Wisconsin Highway 60 to the Wisconsin-Iowa State line; and, (2) from Milwaukee, Wis., to Chicago, Ill., under contract with Zonolite Division W. R. Grace & Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114364 (Sub-No. 177), filed September 5, 1968. Applicant: WRIGHT MOTOR LINES, INC., Post Office Box 1191, 1401 North Little Street, Cushing, Okla. 74023. Applicant's representative: Rodger Spahr (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Oleomargarine, table sauces, table spreads, salad dressing, salad oils, vegetable oils, cooking oils, shortening, lard, tallow, and animal fats,* in containers; (a) from Sherman, Tex., to points in Arkansas, Colorado, Illinois, Kansas, Missouri, Nebraska, Oklahoma, and Wyoming; (b) from Jacksonville, Ill., to points in Arkansas, Colorado, Kansas, Missouri, Nebraska, Oklahoma, Texas, and Wyoming; and (2) *containers, advertising materials, supplies, machinery, materials, and ingredients* used in the manufacturing, packing, and distribution of commodities named in (1) above between Sherman, Tex., and Jacksonville, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 114364 (Sub-No. 178), filed September 3, 1968. Applicant: WRIGHT MOTOR LINES, INC., Post Office Box 1191, 1401 North Little Street, Cushing, Okla. 74023. Applicant's representative: Rodger Spahr (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* from points in Oregon and Washington to Kennewick, Wash., for storage in-transit and reshipment to destinations otherwise authorized. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 114457 (Sub-No. 72), filed September 5, 1968. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representatives: Singer and Hardman, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dairy products and byproducts, and such materials, supplies, and equipment* as are incidental to the production, packaging and sale of dairy products and byproducts, from points in Minnesota to points in Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114533 (Sub-No. 169), filed September 3, 1968. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Warren W. Wallin, 330 South Jefferson Street, Chicago, Ill. 60606. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Audit media and business records,* between Rolling Meadows, Ill., on the one hand, and, on the other, points in Indiana, Michigan, Wisconsin, and Missouri. NOTE: Common control may be involved. Applicant has pending an application for authority to conduct operations as a contract carrier in permit No. MC 128616, therefor, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 115840 (Sub-No. 36), filed September 10, 1968. Applicant: COLONIAL FAST FREIGHT LINES, 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: (1) *Iron and steel;* (2) *iron and steel articles; and* (3) *pipe, pipe fittings, and gaskets* (except in bulk), from points in Alabama to points in Texas and Louisiana west of the Mississippi River. NOTE: Applicant states it intends to tack authority sought with that presently held in MC 115840 and Sub 19 over Birmingham, Ala. Gateway, wherein applicant is authorized to serve points in Florida, Georgia, Tennessee, Mississippi, Louisiana east of Mississippi River, Alabama, Arkansas, and points on Mississippi and Tennessee Rivers on and south of Kentucky-Tennessee State line. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 115946 (Sub-No. 48), filed September 11, 1968. Applicant: GAY TRUCKING COMPANY, a corporation, Post Office Box 7055, Savannah, Ga. 31408. Applicant's representative: B. M. Shirley, Jr., Post Office Box 612, Winston-Salem, N.C. 27102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid latex,* in bulk, from Savannah, Ga., to Minneapolis, Minn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or New York, N.Y.

No. MC 116045 (Sub-No. 33), filed September 3, 1968. Applicant: NEUMAN TRANSIT CO., INC., Post Office Box 38, Rawlins, Wyo. 82301. Applicant's representative: Leslie R. Kehl, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Uranium concentrate,* in drums, (1) from points in Fremont County, Wyo., to Rawlins, Wyo.; and (2) from points in Carbon County, Wyo., to Medicine Bow and Rawlins, Wyo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Casper, Wyo.

No. MC 116073 (Sub-No. 83), filed September 9, 1968. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main, Post Office Box 601, Moorhead, Minn. 56560. Applicant's representative: John G. McLaughlin, 624 Pacific Building, Portland, Oreg. 97204. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, *sectional buildings, vacation trailers, and pickup campers,* in initial movements, from points in Oregon to points in the United States (except Hawaii), except trailers and sectional buildings, from Bend, Oreg., to points in Alaska, Washington, California, Idaho, and Nevada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 117589 (Sub-No. 7) (amendment), filed July 24, 1968, published in FEDERAL REGISTER issue August 15, 1968, amended and republished as amended, this issue. Applicant: CLARKS'S FROZEN EXPRESS, INC., 2535 Airport Way South, Seattle, Wash. 98134. Applicant's

representative: George R. LaBissoniere, 920 Logan Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses* as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk; and (2) *pizza crust and products*, from Greeley, Colorado Springs, and Denver, Colo., to points in Oregon, Washington, Idaho, and Montana. NOTE: The purpose of this republication is to broaden the territorial scope by adding Montana as a destination State. Applicant has a contract carrier application pending under MC 129247 Sub-No. 1. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 118535 (Sub-No. 40), filed September 11, 1968. Applicant: JIM TIONA, JR., 803 West Ohio Street, Butler, Mo. 64730. Applicant's representative: Carll V. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, *fertilizer and fertilizer materials*, liquid or dry, in bags or in bulk, from the plantsite of Sinclair Petrochemicals, Inc., at or near Fort Madison, Iowa, to points in Arkansas, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 118831 (Sub-No. 57), filed September 9, 1968. Applicant: CENTRAL TRANSPORT INCORPORATED, Uhwarrie Road, Post Office Box 5044, High Point, N.C. Applicant's representatives: E. Stephen Heisley, Transportation Building, Washington, D.C., and Richard E. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and chemicals*, in bulk, in tank or hopper-type vehicles, from points in Hertford County, N.C., to points in Delaware, Georgia, Maryland, New Jersey, North Carolina, Pennsylvania, South Carolina, Virginia, and West Virginia. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Washington, D.C.

No. MC 119164 (Sub-No. 26), filed September 5, 1968. Applicant: J-E-M TRANSPORTATION CO., INC., Post Office Box 1315, 509 Liberty Street, Syracuse, N.Y. Applicant's representative: Robert V. Gianniny, 900 Midtown Tower, Rochester, N.Y. 14604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from Solvay, N.Y., to points in Ohio and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119192 (Sub-No. 4), filed September 5, 1968. Applicant: EASTERN DELIVERY SERVICE, INC., 400 Hackensack Avenue, Hackensack, N.J. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities as are dealt in by department stores, and in connection therewith materials, supplies, and equipment used in the conduct of such business*, from New York, N.Y., to points in New Jersey and Connecticut, and (2) *returned shipments* in the opposite direction; under contract with Federated Department Stores, Inc., Bloomingdale Brothers Division. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 119641 (Sub-No. 72), filed September 5, 1968. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, Fowler, Ind. 47944. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the plantsites, shipping points, and warehouses of Continental Steel Corp., at or near Kokomo, Ind., on the one hand, and, on the other, points in the continental United States on and east of U.S. Highway 85. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 119702 (Sub-No. 33), filed September 5, 1968. Applicant: STAHLY CARTAGE CO., a corporation, Post Office Box 486, 130A Hillsboro Avenue, Edwardsville, Ill. 62025. Applicant's representative: Wendell C. Wohlford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles; *fertilizer and fertilizer materials*, liquid or dry, in bags or bulk, from the plantsite of Sinclair Petrochemicals, Inc., at or near Fort Madison, Iowa, to points in Arkansas, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 119726 (Sub-No. 14), filed September 4, 1968. Applicant: N. A. B. TRUCKING CO., INC., 1007 East 27th Street, Indianapolis, Ind. 46205. Applicant's representative: James L. Beattey, 130 East Washington Street, No. 1021, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers and accessories thereof, and materials used in manufacturing and shipping thereof*, between the plantsite of Owens-Illinois at Alton, Ill., and points in Mississippi. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 119767 (Sub-No. 214), filed September 3, 1968. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Allan B. Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and canned meats*, from Clinton, Iowa, to St. Louis, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119777 (Sub-No. 114), filed September 3, 1968. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, Ky. 42431. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Playground equipment, basketball goals and blackboards, toys, movie screens, velocipedes, snowshoes, rope, lawn furniture, porch swings, tables and chairs, boards, chalk or bulletin, and parts thereof*, from Jamestown, Linesville, and Greenville, Pa., to points in the United States (except Alaska and Hawaii). NOTE: Applicant holds contract carrier authority under MC 126970 (Sub-No. 1) and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 119974 (Sub-No. 22), filed September 12, 1968. Applicant: L. C. L. TRANSIT COMPANY, a corporation, 520 North Roosevelt Street, Green Bay, Wis. 54305. Applicant's representative: Charles E. Dye (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Description in Motor Carriers Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk); (1) from the plantsite and/or warehouse facilities of I. D. Packing Co., Des Moines, Iowa, to Austin, Minn., restricted to shipment originating at the plantsite and/or warehouse facilities of the I. D. Packing Co., Des Moines, Iowa; and, (2) from the plantside and/or warehouse facilities of Geo. A. Hormel & Co., Austin, Minn., to points in Indiana, restricted to shipments originating at the plantsite and/or warehouse facilities of Geo. A. Hormel & Co., Austin, Minn. NOTE: If a hearing is deemed necessary applicant requests it be held at Minneapolis, Minn., or Des Moines, Iowa.

No. MC 121281 (Sub-No. 3), filed September 6, 1968. Applicant: BIG MAC TRUCKING CO., a corporation, 2002 Ganyard Drive, Houston, Tex. 77043. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building,

Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Eagle Pass, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Antonio, Houston, or Dallas, Tex.

No. MC 123075 (Sub-No. 18), filed September 3, 1968. Applicant: HARVEY D. SHUPE, HOWARD YOST, and CHARLES MYLANDER, a partnership, doing business as SHUPE & YOST, Post Office Box 1123, Greeley, Colo. 80631. Applicant's representative: Herbert M. Boyle, 946 Metropolitan Building, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products;* (1) from plantsite of Hardy Salt Co., at or near Lake Points, Utah, to points in Idaho, Montana, Arizona, and New Mexico, under contract with Hardy Salt Co. and Leslie Salt Co.; and (2) from plantsite of Solar Salt Co. in Tooele County, Utah, to points in Idaho, Montana, Arizona, and New Mexico, under contract with Solar Salt Co. and VWR United Corp., doing business as Bonanza Salt Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 124078 (Sub-No. 343), filed September 4, 1968. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from Solvay, N.Y., to points in Ohio and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124078 (Sub-No. 344), filed September 4, 1968. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash*, in bulk, from Nitro, W. Va., to points in Ohio and Pennsylvania. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124078 (Sub-No. 345), filed September 6, 1968. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Anhydrous ammonia*, in bulk, in tank vehicles, (2) *fertilizer and fertilizer materials*, liquid or dry, in bags or in bulk, from the plantsite of Sinclair Petrochemicals, Inc., at or near Fort Madison, Iowa, to points in Arkansas, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124154 (Sub-No. 22), filed September 5, 1968. Applicant: WINGATE TRUCKING COMPANY, INC., Post Office Box 1312, Albany, Ga. 31702. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground clay and fuller's earth*, from points in Grady County, Ga., to points in Kentucky, Ohio, Michigan, Indiana, Missouri, Texas, Oklahoma, Kansas, Iowa, Illinois, Georgia, Minnesota, Wisconsin, North Carolina, Virginia, West Virginia, District of Columbia, Maryland, New Jersey, Delaware, New York, Connecticut, Rhode Island, Massachusetts, Arkansas, Nebraska, Pennsylvania, and points in Alabama on and north of U.S. Highway 80. NOTE: Applicant presently holds comparable authority from Grady County, Ga., to points in Florida, Mississippi, Louisiana, Tennessee, South Carolina, and that part of Alabama south of U.S. Highway 80. Applicant further states this authority would be used, in conjunction with the sought authority herein for purposes of multiple deliveries, only. Applicant is also authorized to operate as a contract carrier under MC 117504 Sub-No. 1, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Atlanta, Ga.

No. MC 124353 (Sub-No. 2), filed September 11, 1968. Applicant: B AND S HAULERS INCORPORATED, Box 216, Highway 441, Sylva, N.C. 28779. Applicant's representative: Robert R. Williams, Jr., 4 South Pack Square, Post Office Box 7316, Asheville, N.C. 28807. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, limestone and agricultural ammonium nitrate and nitrate of soda*, in bags, from Savannah and Augusta, Ga., and Columbia, S.C., to points in Buncombe, Henderson, Madison, Transylvania, Haywood, Jackson, Swain, Macon, Graham, Clay and Cherokee Counties, N.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Asheville or Charlotte, N.C., or Columbia, S.C.

No. MC 124642 (Sub-No. 1), filed September 11, 1968. Applicant: S. A. LEICESTER, Waverly, Va. 23890. Applicant's representative. Jno. C. Goddin, Post Office Box 1636, Richmond, Va. 23213. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips and sawdust*, from points in Virginia to Roanoke Rapids, N.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 125474 (Sub-No. 20), filed September 6, 1968. Applicant: BULK HAULERS, INC., Post Office Box 3201, Wilmington, N.C. 28401. Applicant's representative: John C. Bradley, 618 Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish products*, from points in Brunswick and New Hanover Counties, N.C., to points in Georgia, Maryland, South Carolina, Tennessee, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Washington, D.C.

No. MC 125550 (Sub-No. 5), filed September 5, 1968. Applicant: THE HELLER COMPANY, a corporation, 200 Chestnut Avenue, Altoona, Pa. 16603. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical fixtures, metal housewares and houseware products, and metal utility buildings*, knocked down, from Altoona, Pa., to points in Ohio, Indiana, Illinois, and Michigan, and *materials* used in the manufacture of the above-specified commodities, on return, under contract with Stanley Electric Manufacturing Co. of Altoona, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 125708 (Sub-No. 97), filed August 16, 1968. Applicant: HUGH MAJOR, 150 Sinclair, South Roxana, Ill. 62087. Applicant's representative: (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles;* (1) from the plantsites of Beall Tool Division, Unit Rail Anchor Corp. at East Alton, Ill., to South Bend and Evansville, Ind., and Louisville, Ky.; (2) from points in Indiana and Ohio to plantsites of Beall Tool Division, Unit Rail Anchor Corp. at East Alton, Ill.; (3) from Centralia, Ill., to points in Wisconsin, Indiana, Minnesota, Iowa, Kentucky, Ohio, and Tennessee (except Shelby County); (4) from Carlinville, Ill., to points in Wisconsin, Indiana, Minnesota, Ohio, Iowa, Kentucky, Arkansas, Nebraska, and Tennessee (except Shelby County); (5) from Flora, Ill., to points in Wisconsin, Indiana, Iowa, Nebraska, Tennessee (except Shelby County), and Ohio; (6) from Warren, Ohio, and points in that part of Ohio south of U.S. Highway 40, points in Oklahoma, and St. Louis and Louisiana, Mo., to Louisiana, Mo. (except from points in Missouri), and to Centralia, Carlinville, Flora, and Olney, Ill.; (7) from points in Michigan, Pennsylvania, Mississippi, Louisiana, and Oklahoma, to Sparta, Carlinville, Centralia, and Irvington, Ill., and Louisiana, Mo. (except sheet steel from points in Michigan and Pennsylvania to Sparta, Carlinville, Centralia, and Irvington, Ill.).

(8) From Centralia, Ill., to points in Kansas, New Jersey, New York, Oklahoma, Pennsylvania, Texas, and Michigan; (9) from Sparta, Ill., to points in Pennsylvania, Texas, and Michigan; (10) from Carlinville, Ill., to points in Kansas, Michigan, New York, Oklahoma, Pennsylvania, Texas, and Jefferson County, Ala.; (11) from Irvington, Ill., to points in Louisiana, Michigan, New Jersey, New York, Texas, Virginia, and West Virginia; (12) between Louisiana, Mo., and

points in Illinois; (13) from points in Illinois to points in Missouri (except Louisiana, Mo., and points in that part of Missouri east of U.S. Highway 67 extending from Crystal City to the Missouri-Arkansas State line); (14) from Greenville, Ill., to points in Alabama, Arkansas, Georgia, Indiana, Iowa, Kentucky, Maryland, Michigan, Missouri, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, and Wisconsin; (15) from points in Missouri, New York, Ohio, and Pennsylvania to Greenville, Ill.; (16) from Springdale, Ark., to Collinsville, Ill.; (17) from Kansas City, Mo., to Collinsville, Ill.; (18) from Greenville, Ill., to points in Louisiana, Mississippi, New York, North Carolina, North Dakota, South Carolina, South Dakota, and Virginia; (19) from points in Indiana (except points in Indiana located within the Chicago, Ill., commercial zone, as defined by the Commission), North Carolina, North Dakota, South Dakota, Virginia, and West Virginia, to Greenville, Ill.; (20) from points in Scioto County, Ohio, to points in Missouri (except St. Louis, and points in the Louisiana, Mo., commercial zone, as defined by the Commission); (21) from Flora, Ill., to points in Michigan, New York, Texas, Virginia, and West Virginia; (22) from Irvington and Sparta, Ill., and points within 5 miles thereof, to points in Indiana, Iowa, Kentucky, Minnesota, Nebraska, Ohio, Tennessee, and Wisconsin.

(23) From Chester and Alton, Ill., to Flora, Irvington, and Sparta, Ill., and points within 5 miles of Irvington and Sparta; (24) from Greenville, Ill., to points in New Jersey, Minnesota, and Florida; (25) from points in Minnesota, Kentucky (except that part of Kentucky north of U.S. Highway 460), Tennessee, Florida, and that part of Indiana, in the Chicago, Ill., commercial zone, as defined by the Commission, to Greenville, Ill.; (26) from Fairbury and Forrest, Ill., to points in Alabama, Florida, Georgia, Maryland, Michigan, North Carolina, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, South Carolina, and Mississippi; (27) from Louisiana, Mo., to points in Arkansas, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Nebraska, New York, Ohio, Pennsylvania, Tennessee, Texas, and Wisconsin; (28) from Centralia, Ill., to points in Virginia and West Virginia; (29) from Chester and Alton, Ill., to Centralia and Carlinville, Ill.; and (30) from St. Louis, Mo., to the plantsites and storage facilities of the Valley Steel Products Co. located at or near Mount Clare and Carlinville, Ill. NOTE: Applicant states it seeks no duplicating authority, and that the purpose of this application is to clarify and standardize the commodity description for shippers convenience. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 126045 (Sub-No. 15), filed September 4, 1968. Applicant: ALTER TRUCKING AND TERMINAL CORPORATION, Post Office Box 3122, Davenport, Iowa 52808. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Silica sand*, from Clayton, Iowa, to points in Illinois and Minnesota; (2) *molding sand*, bonded from Aurora, Ill., to points in Iowa; and, (3) *salt*, from the plantsites and storage facilities of Cargill, Inc., located in Scott County, Iowa, to points in Iowa, that part of Illinois on and north of U.S. Highway 36 and points in that part of Wisconsin on and south of U.S. Highway 16 and on and west of U.S. Highway 51. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Minneapolis, Minn.

No. MC 126287 (Sub-No. 2), filed August 28, 1968. Applicant: WICKER TRANSFER, INC., 1224 Water Avenue, Selma, Ala. 36701. Applicant's representative: John P. Barlton, 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 Selma, Ala., and Craig Air Force Base, Ala., on the one hand, and, on the other, points in Autauga, Bibb, Bullock, Butler, Chilton, Choctaw, Clarke, Conecuh, Coosa, Crenshaw, Dallas, Elmore, Greene, Hale, Lowndes, Macon, Marengo, Monroe, Montgomery, Perry, Pike, Shelby, Sumter, Talladega, Tallapoosa, Tuscaloosa, and Wilcox Counties, Ala., restricted to shipments having a prior or subsequent out of State line haul movement by rail, motor, water, or air. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 126473 (Sub-No. 4), filed September 3, 1968. Applicant: HAROLD DICKEY TRANSPORT, INC., Packwood, Iowa 52580. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plantsite and storage facilities of Apple River Chemical Co., at or near East Dubuque and Niota, Ill., to points in Iowa, Illinois, Minnesota, Missouri, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 126473 (Sub-No. 5), filed September 3, 1968. Applicant: HAROLD DICKEY TRANSPORT, INC., Packwood, Iowa 52580. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plantsite and storage facilities of Central Farmers Fertilizer Co., located at or near Palmyra, Mo., in Marion County, to points in Illinois and Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, Chicago, Ill., or Jefferson City, Mo.

No. MC 126473 (Sub-No. 6), filed September 9, 1968. Applicant: HAROLD DICKEY TRANSPORT, INC., Packwood, Iowa 52580. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk in tank vehicles; *fertilizer and fertilizer materials*, liquid or dry, in bags or in bulk, from the plantsite of Sinclair Petrochemicals, Inc., at or near Fort Madison, Iowa, to points in Arkansas, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 126822 (Sub-No. 27), filed September 5, 1968. Applicant: PASSAIC GRAIN AND WHOLESALE COMPANY, INC., Post Office Box 23, Passaic, Mo. Applicant's representative: Carll V. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk in tank vehicles; *fertilizer and fertilizer materials*, liquid or dry, in bags or in bulk, from the plantsite of Sinclair Petrochemicals, Inc., at or near Fort Madison, Iowa, to points in Arkansas, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 127196 (Sub-No. 9), filed September 9, 1968. Applicant: ZERBIN L. KLINE AND JAMES L. KLINE, a partnership, doing business as KLINE TRUCKING, Rural Delivery No. 1, Millville, Pa. 17846. Applicant's representatives: Robert H. Griswold and S. Berne Smith, 100 Pine Street, Post Office Box 432, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, and component parts* used in the manufacture and assembly of mobile buildings (except commodities in bulk and those which, because of size or weight, require the use of special equipment), (1) between Millville, Pa., on the one hand, and, on the other, points in Arkansas, California, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Missouri, Texas, and Ocala, Fla., and (2) from points in Delaware, Maryland, Michigan, New Jersey, New York, North Carolina, Ohio, Virginia, and West Virginia to Millville, Pa. NOTE: Applicant indicates tacking possibilities. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 127215 (Sub-No. 42), filed September 3, 1968. Applicant: KENDRICK CARTAGE CO., a corporation, Post Office Box 63, Salem, Ill. 62881. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Anhydrous ammonia*, in bulk, in tank vehicles, and (2) *fertilizer and fertilizer materials*, liquid or dry, in bags or in bulk, from the plantsite of Sinclair Petrochemicals, Inc., at or near Fort Madison, Iowa, to points in

Arkansas, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127274 (Sub-No. 17), filed September 8, 1968. Applicant: SHERWOOD TRUCKING, INC., 1517 Hoyt Avenue, Post Office Box 2189, Muncie, Ind. 47302. Applicant's representative: James D. Collins, 802 Board of Trade Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) from the plantsite and/or cold storage facilities utilized by Wilson & Co., Inc. at or near Logansport, Ind., to points in Alabama, Mississippi, Louisiana, and Tennessee restricted to the transportation of Wilson & Co., Inc., traffic originating at the above specified plantsite and/or cold storage facilities and destined to the above specified destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127853 (Sub-No. 1), filed September 10, 1968. Applicant: COMMERCE CONSULTANTS CORPORATION, 850 Charles Street, Gloucester City, N.J. Applicant's representative: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk or those requiring special equipment, from points in Delaware, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia to the warehouse of John Jeffrey Corp. in Gloucester City, N.J., under contract with John Jeffrey Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 127910 (Sub-No. 1), filed September 3, 1968. Applicant: C. B. W. TRANSPORT SERVICE, INC., Post Office Box 48, Hedge Road, Wood River, Ill. 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: (1) *Anhydrous ammonia*, in bulk, in tank vehicles, and (2) *fertilizer and fertilizer materials*, liquid or dry, in bags or in bulk, from the plantsite of Sinclair Petrochemicals, Inc., at or near Fort Madison, Iowa, to points in Arkansas, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin. NOTE: Applicant holds contract carrier authority under MC 115975 (Sub-No. 1) and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago or Springfield, Ill., or Washington, D.C.

No. MC 128356 (Sub-No. 4), filed September 5, 1968. Applicant: DOWNINGTOWN TRAILER CARRIERS, INC., 410 South Brandywine Avenue, Downingtown, Pa. 19335. Applicant's representative: Paul Ribner, 400 Penn Square Building, Juniper and Filbert Streets, Philadelphia, Pa. 19107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials used in construction of trailers*, excluding house trailers and excluding trailers designed to be drawn by passenger automobiles, from Camden, N.J., Wickliffe, Dayton, and Kenton, Ohio, Lynchburg, Va., Huntington, W. Va., Baltimore, Md., Warrenton, Mo., Chicago, Ill., Detroit and Wyandotte, Mich., and Muncie, Ind., to the plantsites of Gindy Manufacturing Corp., in Lebanon, Pa., Eagle, Pa., and Honeybrook, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 128902 (Sub-No. 2), filed September 6, 1968. Applicant: SCHOENEGGE, INC., Route 20 East, Box 525, Norwalk, Ohio 44857. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Truck cab assemblies*, from the plantsite of Superior Coach Co., at Norwalk, Ohio, to Mount Clemans, Mich., (2) *experimental truck cabs and stampings*, from Mount Clemans, Mich., to the plantsite of Superior Coach Co., at Norwalk, Ohio, (3) *truck cab assemblies, tools, and fixtures*, between the plantsite of Superior Coach Co., at Norwalk, Ohio, and Detroit, Mich., and (4) *primer*, in drums from Flint, Mich., to the plantsite of Superior Coach Co. at Norwalk, Ohio, under contract with Superior Coach Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 129107 (Sub-No. 2), filed September 6, 1968. Applicant: R. H. HARDING CO., INC., 100 Centre Drive, Rochester, N.Y. 14623. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles, used pickup trucks, used panel trucks, used Jeeps, and used station wagons*, in truckaway service, between Rochester, N.Y., and Butler, Ebensburg, Gibsonia, and Manheim, Pa., and Bordentown, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rochester, N.Y.

No. MC 129251 (Sub-No. 1), filed September 3, 1968. Applicant: GLENN DENHAM, Route 3, Box 368, Gulfport, Miss. Applicant's representative: Rubel L. Phillips, 717 Deposit Guaranty Bank Building, Post Office Box 22533, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles, pickup trucks, and Jeeps*, from Baton Rouge, La., to points in Alabama, Arkansas, Mississippi, Missouri, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Baton Rouge or New Orleans, La.

No. MC 129444 (Sub-No. 4), filed September 9, 1968. Applicant: KNOBLOCH TRUCKING CO., INC., 122 Verdi Street, Farmingdale, N.Y. Applicant's representatives: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006, and Douglas Miller, Meadowbrook Bank Building, Malvern, N.Y. 11565. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food products, animal feeds and materials used in the manufacture, sale, and distribution of such commodities* (except commodities in bulk), between Hillside and Jersey City, N.J., on the one hand, and points in Queens, Nassau, and Suffolk Counties, N.Y., on the other, under contract with Kraft Foods Division of National Dairy Products Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 129897 (Amendment), filed May 8, 1968, published FEDERAL REGISTER issue of May 23, 1968, amended September 14, 1968, and republished as amended this issue. Applicant: M.S.B.P., Inc., 2604 Avenue G, Council Bluffs, Iowa. Applicant's representative: 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: (1) *Hide trimmings, tails, and glue stock*, from points in Iowa, Illinois, Nebraska, Missouri, Kansas, Minnesota, Colorado, South Dakota, and Wisconsin, to Chicago, Ill., Milwaukee and Oak Creek, Wis., Gowanda and Johnstown, N.Y., Woburn, Mass., and Mead, Nebr.; (2) *fish meal and tankage*, from Chicago, Ill., Milwaukee and Oak Creek, Wis., Gowanda and Johnstown, N.Y., Woburn, Mass., and Menomonee, Mich., to points in Iowa, Nebraska, Missouri, Kansas, Minnesota, Colorado, Wyoming, and Wisconsin; (3) *dry organic fertilizer*, from Mead, Nebr., to points in Colorado, South Dakota, Missouri, Kansas, Iowa, Illinois, Minnesota, Wisconsin, and Wyoming; and (4) *ingredients and materials* used in the manufacture of dry organic fertilizer, from points in Colorado, South Dakota, Missouri, Kansas, Iowa, Illinois, Minnesota, Wisconsin, and Wyoming, to Mead, Nebr., under continuing contract with Mid-States By-Products Co., Mead, Nebr. NOTE: The purpose of this republication is to substitute Mead, Nebr., in lieu of Omaha, Nebr., as previously published. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 129946 (Sub-No. 2), filed September 9, 1968. Applicant: JOHN HOWARD McCONNEL, doing business as McCONNEL TRUCK LINE, General Delivery, Durango, Colo. 81301. Applicant's representative: Jerry R. Murphy, 708 LaVeta, NE., Albuquerque, N. Mex. 87108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feeds* from Cheraw and Durango, Colo., to points in San Juan County, N. Mex.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Durango, Colo., or Albuquerque, N. Mex.

No. MC 133021 (Sub-No. 2), filed September 9, 1968. Applicant: JOHN L. WILSON, doing business as J. W. TRUCKING, 407 West Maple Avenue, Sterling, Va. Applicant's representative: Charles E. Creager, 5507 Sarril Road, Baltimore, Md. 21206. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned fruit juices*, from Round Hill, Va., to Baltimore, Md., and Washington, D.C., and (2) *sugar* (except in bulk), *frozen juices, concentrates, and containers*, from Baltimore, Md., to Round Hill, Va., and (3) *sugar, frozen juices, and concentrates*, from Washington, D.C., to Round Hill, Va., under a continuing contract with Hill High Food Products, Inc., of Round Hill, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133129, filed August 28, 1968. Applicant: CANANDAIGUA EXPRESS, INC., West Main Street, Shortsville, N.Y. 14548. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities*, as defined by the Commission, between points in Ontario County, on the one hand, and, on the other, points in Monroe, Ontario, Wayne, and Yates Counties, N.Y., and (2) *household goods*, as defined by the Commission, (a) between points in Ontario County, on the one hand, and, on the other, points in Albany, Broome, Cayuga, Chautauqua, Chemung, Franklin, Erie, Livingston, Monroe, Onondaga, Ontario, Rensselaer, Seneca, Schuyler, Steuben, Ulster, Wayne, and Yates Counties, N.Y., (b) between points in Cayuga County, on the one hand, and, on the other, points in Monroe County, N.Y., (c) between points in Steuben County, on the one hand, and, on the other, points in Cayuga, Livingston, Monroe, Seneca, and Yates Counties, N.Y. NOTE: The purpose of this instant application is to convert certificate of registration in MC-85791 Sub 1 into a certificate of public convenience and necessity. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Rochester, Buffalo, or Syracuse, N.Y.

No. MC 133130 (Amendment), filed August 29, 1968, published in the FEDERAL REGISTER issue of September 19, 1968, and republished as amended, this issue. Applicant: H. J. GARRISON, 5432 South Park Avenue, Tacoma, Wash. 98408. Applicant's representative: John A. Rorem, 2624 South 38th Street, Tacoma, Wash. 98408. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cedar products* consisting of shakes, shingles, ridge, and shim stock, (1) from ports of entry on the international boundary between the United States and Canada, located at Blaine and Sumas, Wash., and (2) from points in Clallam, Jefferson, Grays Harbor, and Whatcom Counties, Wash.; to points in California. NOTE: The purpose of this republication is to redescribe the territorial description. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 133131, filed August 28, 1968. Applicant: T. T. MOREE, Post Office Box 243, Ferriday, La. 71334. Applicant's representatives: Phineas Stevens and Harold D. Miller, Jr., 700 Petroleum Building, Post Office Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, from points in Concordia Parish, La., Adams County, Miss.; and Newellton and Jonesville, La., to New Orleans, La., under contracts with Rogers Brothers Lumber Co., Inc., Dunegan Lumber Co. and Mitchell Lumber Co., (2) *iron and steel articles, agricultural twine, and rope*, from New Orleans, La., to Natchez, Miss., (3) *heaters*, from Florence, Ala., to Natchez, Miss., (4) *asphalt roofing products*, from Stephens, Ark., to Natchez, Miss., (5) *ranges*, from Cleveland, Tenn., to Natchez, Miss., and (6) *bolts, galvanized roofing, and wire products*, from Birmingham, Ala., to Natchez, Miss., under contracts with Natchez Steel & Pipe, Inc., and Feltus Bros. Hardware Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., Baton Rouge, or New Orleans, La.

No. MC 133133, filed August 30, 1968. Applicant: FULLER MOTOR DELIVERY CO., a corporation, 820 Plum Street, Cincinanti, Ohio 45202. Applicant's representative: David A. Caldwell, 900 Tri-State Building, Cincinnati, Ohio 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such bulk commodities* as are transported in dump trucks, between Lawrenceburg and Richmond, Ind., points in Hamilton County, Ohio, and those in that part of Kentucky within 12 miles of the southern limits of Cincinnati, Ohio. (2) *Cements* from points in Clark County, Ind., to points in Hamilton, Clermont, Butler, and Warren Counties, Ohio, and Boone, Kenton, and Campbell Counties, Ky. (3) *Concrete brick, concrete block, and cinder block* from points in Hamilton County, Ohio, to points in Dearborn, Ohio, and Switzerland County, Ind., and Boone, Kenton, and Campbell Counties, Ky. (4) *Building contractors' supplies*, not including machinery, heavy equipment, and such articles as become part of finished construction, between points in Ohio and Kentucky and those in that part of Indiana on and south of U.S. Highway 40. (5) *Salt in bulk or in bags* from points in Hamilton County, Ohio, to points in Kentucky, points in Bartholomew, Blackford, Boone, Brown, Clark, Dearborn, Decatur, Delaware, Fayette, Floyd, Franklin, Grant, Hamilton, Hancock, Hendricks, Henry, Howard, Jackson, Jay, Jefferson, Jennings, Johnson, Lawrence, Madison, Marion, Monroe, Morgan, Ohio, Randolph, Ripley, Rush, Scott, Shelby, Switzerland, Tipton, Union, Washington, and Wayne Counties, Ind., points in Adams, Brown, Butler, Clark, Clermont, Clinton, Darke, Fayette, Franklin, Greene, Hamilton, Highland, Madison, Miami, Montgomery, Pickaway, Pike, Ross, Scioto, and Warren Counties, Ohio, points in Boone, Cabell, Jackson, Kanawha, Lincoln, Logan, Mason, Putnam, Wayne, and Wood Counties, W. Va. (6) *Salt, in bulk or in bags* from: Points in Scioto County, Ohio, to points in Ohio, Kentucky, and West Virginia. (7) *Salt, in bulk or in bags* from points in Washington County, Ohio, to points in Ohio and points in West Virginia on and west of U.S. Highway 219. (8) *Salt, in bulk or in bags* from the site of Kentucky Asphalt Salts Terminal in Jefferson County, Ky., to points in Indiana on and south of Indiana Highway 28, and points in Brown, Butler, Clermont, Clinton, Greene, Hamilton, Highland, Montgomery, Preble, and Warren Counties, Ohio. NOTE: Applicant presently holds motor contract carrier authority under MC 74857 and Subs corresponding to the authority applied for herein. The purpose of this application is to convert such authority to motor common carrier authority and applicant will surrender such permits upon issuance of a corresponding certificate. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Louisville, Ky.

No. MC 133134, filed August 29, 1968. Applicant: WALTER VATTER, doing business as VATTER TRUCKING CO., 1640 Cooper Street, Cincinnati, Ohio 45223. Applicant's representative: James W. Muldoon, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail department stores, and materials, equipment, and supplies* used in the conduct of such business, between Middletown, Union Township, Clermont County, Cincinnati, Ohio, points in Boone County, Ky., and Lexington, Ky., under a continuing contract with the McAlpin Co., restricted against (1) commodities in bulk, (2) household appliances weighing not in excess of 2,500 pounds, air conditioning and refrigeration units and materials and supplies used in the installation thereof, between Cincinnati, Ohio, and points in Indiana, Kentucky, and Ohio within 25 miles of Cincinnati, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus or Cincinnati, Ohio.

No. MC 133138, filed September 3, 1968. Applicant: INTER-ISLAND GARMENT CARRIERS, INC., 18 Stegman Court, Jersey City, N.J. 07305. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel, and materials, equipment, and supplies* used or useful in the manufacturing of wearing apparel, between Farmingdale, N.Y., on the one hand, and, on the other, New York, N.Y. NOTE: Common control 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 133141, filed September 3, 1968. Applicant: ALKIRE TRUCKING, INC., Post Office Box 461, Buckhannon, W. Va. 26201. Applicant's representative: Denzil S. Alkier (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber products, lumber, chips and sawdust, pallets, brick, wedges, railroad ties, and laminated flooring*, between points in West Virginia, on the one hand, and, on the other, points in Virginia, North Carolina, Maryland, Ohio, Pennsylvania, Tennessee, Kentucky, and Davenport and Fort Madison, Iowa, Chicago, Ill., Atlanta, Ga., and the international boundary line at or near Buffalo, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Clarksburg or Charleston, W. Va.

No. MC 133149, filed September 5, 1968. Applicant: CLAIR ROBISON, 520 West Bridge Street, Brownstown, Ind. 47220. Applicant's representative: Charles H. Sturgeon, 500 South Main Street, Akron, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Refrigerators, refrigeration, cooling, heating and electrical equipment, appliances, and parts, materials, and supplies* used in the manufacture, repair, and distribution of such commodities; (1) between Salem, Ind., and Dayton and Columbus, Ohio; and (2) between Salem, Ind., and Louisville, Ky., under contract with The B. F. Goodrich Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., Louisville, Ky., or Columbus, Ohio.

No. MC 133159, filed September 9, 1968. Applicant: MOORE'S FEED MILL, Highway 9 West, Pontotoc, Miss. 38863. Applicant's representative: James E. Best, Pontotoc, Miss. 38863. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed*, from Memphis, Tenn., to points in Lee, Pontotoc, Union, Prentiss, and Itawamba Counties, Miss., under contract with The Quaker Oats Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 133160, filed September 12, 1968. Applicant: W. A. BEAMON AND J. R. LASSITER, a partnership, doing business as BEAMON AND LASSITER, 5748 Southern Boulevard, Virginia Beach, Va. 23462. Applicant's representative: Jno. C. Goodin, Post Office Box 1636, Richmond, Va. 23213. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* having an immediate prior or subsequent movement by aircraft, except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, between Norfolk, Va., on the one hand, and, on the other, points in Nansemond County, Va., on and south of U.S. Highway 58, Southampton and Nansemond Counties, Va., on and east of U.S. Highway 258, Northampton County, N.C., on and east of U.S. Highway 258, Hertford, Bertie, and Martin Counties, N.C., on and east of U.S. Highway 13; Lewiston, N.C., points in Martin, Washington, Tyrrell, and Dare Counties, N.C., on and north of U.S. Highway 64, Gates, Chowan, Perquimans, Pasquotank, Camden, and Currituck Counties, N.C., and Elizabeth City, N.C., and Isle of Wight County, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Norfolk, or Richmond, Va.

MOTOR CARRIERS OF PASSENGERS

No. MC 94818 (Sub-No. 7), filed July 8, 1968. Applicant: BROOKS BUS LINE, INC., 220 South Fifth Street, Paducah, Ky. 42001. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich. 48021. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) Regular routes: (1) *Passengers and their baggage, newspapers, and express* in the same vehicle with passengers; (a) between Fulton, Ky., and Detroit, Mich.; from Fulton over U.S. Highway 45 to Norris City, Ill., thence over Illinois Highway 1 to Marshall, Ill.; thence over U.S. Highway 40 to Indianapolis, Ind., thence over U.S. Highway 36 to junction with Indiana Highway 9, thence over Indiana Highway 9 to Huntington, Ind., thence over U.S. Highway 24 to Fort Wayne, Ind., thence over U.S. Highway 27 to Coldwater, Mich.; thence over U.S. Highway 27 to junction Michigan Highway 60; thence over Michigan Highway 60 to Jackson, Mich., thence over U.S. Highway I–94 to Ann Arbor, Mich.; thence over Michigan Highway 14 to Detroit, Mich., and return over the same routes serving all intermediate points between Fulton, Ky., and Marshall, Ill., including Fulton, Ky., and Marshall, Ill., and those between Jackson and Detroit, Mich., including Jackson; (b) between Gordon and Trimble, Ill., from Gordon over Illinois Highway 33 to Robinson, Ill.; thence over unnumbered highway in a northeasterly direction to its junction with Illinois Highway 1 at Trimble, Ill., and return over the same routes serving all intermediate points. (B) Irregular routes: (2) *Passengers and their baggage*, in charter or special operations, from points on the routes described in (a) and (b) above to points in the United States and return. NOTE: Applicant states it presently has authority between the same points containing certain restrictions against service to intermediate points. The purpose of the instant application is to remove the restriction on intermediate points between Brookport and Marshall, Ill. If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill., Paducah or Frankfort, Ky.

No. MC 101746 (Sub-No. 5), filed August 30, 1968. Applicant: CLARENCE CAMPBELL CRISER, MARY ELIZABETH CRISER, AND THOMAS MONTGOMERY CRISER, a partnership, doing business as INDEPENDENT LIVERY, Hot Springs, Va. 24445. Applicant's representative: Erwin S. Solomon, Box R, Hot Springs, Va. 24445. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Passengers and their baggage* in the same vehicle with passengers, between Hot Springs, Va., on the one hand, and, on the other, points in Maryland, Pennsylvania, Delaware, New Jersey, New York, West Virginia, Ohio, Kentucky, North Carolina, South Carolina, Connecticut, Massachusetts, Indiana, Rhode Island, Georgia, Florida, Illinois, Tennessee, and the District of Columbia; and (2) *passengers and their baggage* in the same vehicle with passengers having an immediately prior movement by aircraft, from Ingalls Field, approximately 3 air miles southeast of Hot Springs, Va., to points in Maryland, Pennslyvania, Delaware, New Jersey, New York, West Virginia, Ohio, Kentucky, North Carolina, South Carolina, Connecticut, Massachusetts, Indiana, Rhode Island, Georgia, Flordia, Illinois, Tennessee, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Roanoke or Richmond, Va.

No. MC 129948 (Sub-No. 2), filed September 11, 1968. Applicant: WHITE PINE TRANSIT CO., INC., 410 East Midland Avenue, Ironwood, Mich. 49938. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers; (1) between Iron Belt, Wis., and White Pine, Mich., from Iron Belt over Wisconsin Highway 77 to junction U.S. Highway 51, thence north on U.S. Highway 51 to junction with U.S. Highway 2, thence east on U.S. Highway 2 to junction Michigan Highway 28, thence east on Michigan Highway 28 to junction Michigan Highway 64, thence north on Michigan Highway 64 to White Pine, and return over the same route, serving all intermediate points; (2) between Mercer, Wis., and Wakefield, Mich., from Mercer over U.S. Highway 51 to junction U.S. Highway 2, thence east on U.S. Highway 2 to Wakefield, and return over the same route, serving all intermediate points; and (3) between Ashland, Wis., and Ironwood, Mich., over U.S. Highway 2, serving all intermediate points. Restriction: The service sought herein, parts (1), (2), and (3), is restricted to the transportation of passengers who are picked up or discharged at the White Pine Copper Co. site at White Pine, Mich., or at the site of Munsingwear, Inc., at Ashland, Wis., or the plantsites of Simpson Electric Co. at Mercer, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Duluth, Minn.

FREIGHT FORWARDERS OF PROPERTY

SEPTEMBER 9, 1968.

No. FF–353, Asiatic Forwarders, Inc., Freight Forwarder Application, filed September 4, 1968. Applicant: ASIATIC FORWARDERS, INC., 335 Valencia Street, San Francisco, Calif. 94103. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South,

Washington, D.C. 20006. Authority sought under Part IV of the Interstate Commerce Act as a freight forwarder in interstate or foreign commerce, in the transportation of (1) *household goods*, as defined by the Commission in 17 M.C.C. 467, (2) *used automobiles and* (3) *unaccompanied baggage*, between points in the United States, including Alaska and Hawaii.

SEPTEMBER 16, 1968.

No. FF-354, Republic Household Goods Shipping Co. Freight Forwarder Application, filed September 6, 1968. Applicant: REPUBLIC HOUSEHOLD GOODS SHIPPING CO., a corporation, 9219 Harford Road, Baltimore, Md. 21234. Applicant's representative: Elliott Bunce, Suite 618, Perpetual Building, 1111 E Street NW., Washington, D.C. 20004. Authority sought under Part IV of the Interstate Commerce Act as a *freight forwarder* in interstate or foreign commerce, through the facilities of common carriers by rail and motor vehicles, in the transportation of *used household goods, and uncrated new furniture, store displays, and bar room fixtures*, between points in the United States.

WATER CARRIER OF PROPERTY

No. W-630 (Sub-No. 32), A. L. MECHLING BARGE LINES INC., Extension—New Orleans to Tampa, filed September 11, 1968. Applicant: A. L. MECHLING BARGE LINES INC., 51 North Desplaines Street, Joliet, Ill. 60431. Applicant's representatives: S. S. Eisen, 140 Cedar Street, New York, N.Y. 10006 and J. Richard Hommrich (same address as applicant). Authority sought under Part III of the Interstate Commerce Act, for a revised certificate to include operation as a *common carrier* by water, in interstate or foreign commerce, (1) by non-self-propelled vessels with the use of separate towing vessels, in the transportation of *general commodities*; and, (2) by towing vessels in the performance of general towage, between the Port of Tampa, Fla., on the one hand, and, on the other, the Port of New Orleans, La. NOTE: Applicant states it intends to tack the above proposed authority with its present authority in W-630 and subs.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130070, filed September 5, 1968. Applicant: COLUMBUS ASSOCIATES, INC., 15-17 Stoughton Street, Dorchester District, Boston, Mass. 02125. Applicant's representative: Mary E. Kelley, 10 Tremont Street, Boston, Mass. 02108. For a license (BMC-5) to engage in operations as a *broker*, at Boston, Mass., in arranging for transportation in interstate or foreign commerce of *passengers and their baggage*, both as individuals and groups, in special operations, between points in the United States.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 33641 (Sub-No. 76), filed September 6, 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, and those requiring special equipment), (1) between St. Louis, Mo., and Louisville, Ky., from St. Louis over U.S. Highway 460 to junction Illinois Highway 13, thence over Illinois Highway 13 to junction Illinois Highway 152, thence over Illinois Highway 152 to junction U.S. Highway 51, thence over U.S. Highway 51 to junction Illinois Highway 14, thence over Illinois Highway 14 to junction U.S. Highway 460, thence over U.S. Highway 460 to Louisville, and return over the same route, as an alternate route in connection with applicant's otherwise authorized regular routes, serving no intermediate points, and (2) between Salem, Ill., and Louisville, Ky., from Salem over Illinois Highway 37 to junction U.S. Highway 460, thence over U.S. Highway 460 to Louisville, and return over the same route, as an alternate route in connection with applicant's otherwise authorized regular routes, serving no intermediate points or Salem, Ill., but with the right to join this route at Salem, Ill.

No. MC 125562 (Sub-No. 5), filed September 6, 1968. Applicant: EDWIN S. LEHMAN AND DENNIS D. LEHMAN, a partnership, doing business as LEHMAN TRUCKING CO., Box 103, Kidron, Ohio 44636. Applicant's representative: Sheldon M. Gisser, 540 Leader Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum truck body kits*, knocked down, and *cabs and fabricated parts* for construction machinery, in shipper-owned trailers, from Kidron, Ohio, to points in Minnesota and Nebraska, and (2) *damaged or defective shipments and materials and supplies* used in the manufacture of the commodities described in (1) above, on return, under contract with Kidron Body Co.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-11637; Filed, Sept. 25, 1968; 8:45 a.m.]

[Notice 696]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 23, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Sub-No. 357 TA), filed September 16, 1968. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Akron, Ohio 44309. Applicant's representative: Douglas Faris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the plant site of the Grinnell Corp. near Henderson, Tenn., as an off-route point, in connection with applicant's regular route operations in MC-2202 and Subs thereunder, for 120 days. Supporting shipper: Grinnell Corp., Providence, R.I. 02901. NOTE: Applicant states it proposes to tack with its presently held authority in MC 2202 and subs thereunder and will effect interchange at all points. Send protests to: G. J. Baccei, District Supervisor, Interstate Commerce Commission, Room 181, Federal Office Building, Cleveland, Ohio 44199.

No. MC 30092 (Sub-No. 16 TA), filed September 18, 1968. Applicant: HERRETT TRUCKING COMPANY, INC., Post Office Box 539, Sunnyside, Wash. 98944. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden shakes, shingles and trim*, from points in Oregon and Washington, to points in California, Arizona, and Nevada, for 180 days. Supporting shippers: The Levaque Co., Inc., Concrete, Wash. 98237; B & B Shake Co., Concrete, Wash. 98237; Newton Cedar Products, Post Office Box 921, Forks, Wash. 98331; M & B Shake Co., Box 43, Quinault, Wash. 98575; Cutrite Cedar Products, Post Office Box 208, Port Angeles, Wash. 98362; International Paper Co., Long-Bell Division, Box 308, Veneta, Oreg. 97487; Trim Products Co., 14330 Bessemer Street, Van Nuys, Calif. 91401. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, Oreg. 97204.

No. MC 69116 (Sub-No. 117 TA), filed September 16, 1968. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205

West Wacker Drive, Chicago, Ill. 60606. Applicant's representative: J. S. Ruscetta (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except dangerous explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, loose bulk commodities, those requiring special equipment and those injurious or contaminating to other lading, serving the site of the Grinnell Corp. at or near Henderson, Tenn., as an off-route point in connection with applicant's regular-route operations, for 180 days. Supporting shipper: G. L. Hoch, General Traffic Manager, Grinnell Corp., 260 West Exchange, Providence, R.I. 02901. NOTE: Applicant advises that it intends to tack the authority here applied for to other authority held by it, or to interline with other carriers. Send protests to: Andrew J. Montgomery, District Supervisor, Interstate Commerce Commission, U.S. Courthouse and Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 113678 (Sub-No. 326 TA), filed September 18, 1968. Applicant: CURTIS, INC., 770 East 51st Avenue, Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representative: Oscar Mandel (same address as above). Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Those commodities normally used by and dealt in by restaurants and restaurant supply house, and foodstuffs*, between points in Colorado, on the one hand, and, on the other, points in Oklahoma, Texas, Louisiana, Mississippi, and Alabama, for 150 days. Supporting shippers: Foster Frosty Foods, 1421 Onieda, Denver, Colo. 80220; National Marketing & Leasing Corp. (NM&L), and M/S Development, Inc. (M/S), 890 Federal Boulevard, Denver, Colo. 80219; Waters Distributing Co., 2636 Walnut Street, Denver, Colo. 80219; Puritan Pie Co., 2800 Walnut Street, Denver, Colo. 80219; World Foods Corp., Post Office Box 11188, Highland Station, Denver, Colo. 80211; Mapelli Bros., 1624 Market Street, Denver, Colo. 80202. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo. 80202.

No. MC 125420 (Sub-No. 18 TA), filed September 18, 1968. Applicant: MERCURY TANKLINES LIMITED, Post Office Box 5858, Edmonton, Alberta, Canada. Applicant's representative: Jos. F. Meglen, 2822 Third Avenue North, Billings, Mont. 59101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages*, from Schenley, Pa., to the international boundary line between the United States and Canada at ports of entry at or near Sweetgrass, Mont., and Portal, N. Dak., for 180 days. Supporting shipper: National Distillers Products Co., 99 Park Avenue, New York, N.Y. 10016. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 126625 (Sub-No. 4 TA), filed September 18, 1968. Applicant: MURPHY SURF-AIR TRUCKING COMPANY, INC., Blue Grass Field, Lexington, Ky. 40504. Applicant's representative: Herbert D. Liebman, 403 West Main Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Fayette, Montgomery, and Garrard Counties, Ky., on the one hand, and, on the other, Weir-Cook Airport, Indianapolis, Ind., and James Cox Municipal Airport, Vandalia, Ohio, restricted to shipments having an immediately prior or subsequent movement by air, for 180 days. Supporting shipper: Thomas Price, Traffic Manager, Cowden Manufacturing Co., 300 New Circle Road, NW., Lexington, Ky. 40505. Send protests to: District Supervisor R. W. Schneiter, Interstate Commerce Commission, 203 Featherston Building, 177 North Upper Street, Lexington, Ky. 40507.

No. MC 127634 (Sub-No. 1 TA), filed September 18, 1968. Applicant: JAMES J. GAMBRELL, doing business as GAMBRELL MOBILE HOME TRAILER TOWING, 1820–1825 Fairview Avenue, Augusta, Ga. 30904. Applicant's representative: Ariel Vincent Conlin, Suite 626 Fulton National Bank Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes* in initial movements, from Sparta, Ga., to points in Mississippi, Florida, North Carolina, South Carolina, Alabama, and Tennessee, for 180 days. Supporting shipper: Hancock Coach Co., Inc., Post Office Box 399, Sparta, Ga. 31087. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 127519 (Sub-No. 1 TA), filed September 18, 1968. Applicant: KLAUS GRUBER, 2955 Huntington Circle, Brookfield, Wis. 53005. Applicant's representative: Klaus Gruber (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete brick, concrete slabs, concrete veneer stone, and concrete panels*, from Brookfield, Wis., to Dubuque, Iowa, for 180 days. Supporting shipper: Split Rock Products, Inc., 13160 West Burleigh Street, Brookfield, Wis. 53005. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 127557 (Sub-No. 10 TA), filed September 18, 1968. Applicant: COMMERCIAL TRANSPORTATION, INC., 833 Warner Street SW., Atlanta, Ga. 30310. Applicant's representative: Virgil H. Smith, Suite 431, Title Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Cumberland, Md., to Atlanta, Ga.; Jacksonville and Miami, Fla., for 120 days. Supporting shipper: The Cumberland Brewing Co., Cumberland, Md. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 127844 (Sub-No. 3 TA), filed September 18, 1968. Applicant: L. B. BARNHILL AND I. S. JOHNSON, JR., a partnership, doing business as B & J TRANSPORTATION, Route 4, Box 48 X–A, Sumter, S.C. 29150. Applicant's representative: Henry P. Willimon, Post Office Box 1075, Greenville, S.C. 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* (crated) from Mullins, S.C., to points in the New York, N.Y., commercial zone, for 180 days. Supporting shipper: Schoolfield Industries, Mullins, S.C. 29574. Send protests to: Arthur B. Abercrombie, District Supervisor, Bureau of Operations, 601A Federal Building, 901 Sumter Street, Columbia, S.C. 29201.

No. MC 128878 (Sub-No. 7 TA), filed September 18, 1968. Applicant: SERVICE TRUCK LINE, INC., Post Office Box 961, Shreveport, La. 71102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate, fertilizer compounds, fertilizer materials, and blends thereof*, from Beaumont, Tex., to points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas, for 180 days. Supporting shipper: Mobil Chemical Co., a division of Mobil Oil Corp., 401 East Main Street, Richmond, Va. 23208. Send protests to: District Supervisor W. R. Atkins, Bureau of Operations, Interstate Commerce Commission, T–4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 133107 (Sub-No. 1 TA), filed September 17, 1968. Applicant: TENOPIR TRUCKING, INC., 200 Granville, Beatrice, Nebr. 68310. Applicant's representative: C. E. Danley, Box 362, Beatrice, Nebr. 68310. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Grain bins, silos, steel buildings, wet grain tanks, and silo unloaders*, from the plantsite of Martin Steel Corp. of Mansfield, Ohio, to points in Iowa, and Missouri within 125 miles of Beatrice, Nebr., and points in Kansas and Nebraska, for the account of Farm Automation, Inc., for 150 days. Supporting shipper: Farm Automation, Inc., Highway 77, Beatrice, Nebr. 68310. Send protests to: District Supervisor Max H. Johnston, Bureau of Operations, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68508.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68–11682; Filed, Sept. 25, 1968; 8:47 a.m.]

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