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Agencies in this issue—

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Atomic Energy Commission
Civil Aeronautics Board
Civil Rights Commission
Coast Guard
Consumer and Marketing Service
Engineers Corps
Federal Aviation Administration
Federal Communications Commission
Federal Highway Administration
Federal Maritime Commission
Federal Power Commission
Federal Reserve System
Fish and Wildlife Service
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Justice Department
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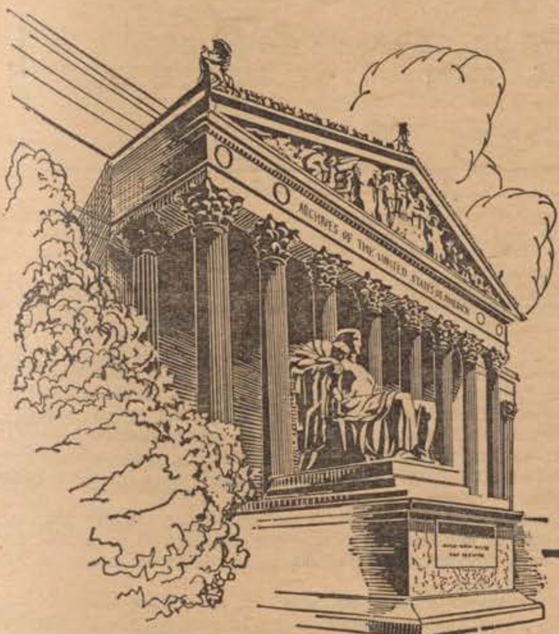

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[Revised Edition—1965]

This pamphlet contains typical legal references which require further citing. The official published volumes in which the citations may be found are shown alongside each reference—with suggestions as to the logical sequence to follow in using them. Additional finding aids, some especially useful in citing current legislation, also have been included. Examples are furnished at pertinent points and a list of references, with descriptions, is carried at the end.

This revised edition contains illustrations of principal finding aids and reflects the changes made in the new master table of statutes set out in the 1964 edition of the United States Code.

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SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 2]

PART 728—WHEAT

Subpart—Regulations Pertaining to Farm Acreage Allotments, Yields, Wheat Certificate Program for Crop Years 1968–69, and Wheat Diversion Program for the 1969 Crop Year

MISCELLANEOUS AMENDMENTS

The regulations pertaining to farm acreage allotments, yields, and wheat certificate program for crop years 1968–69, as amended, are hereby further amended as follows:

1. The title of this subpart is amended to read as set forth above.

2. The table of contents is amended by deleting the reference to "728.400–728.499 [Reserved]" and inserting the following:

WHEAT DIVERSION PROGRAM

Sec.
728.400 Wheat diversion program—general.
728.401 Requirements for eligibility.
728.402 Designation, use, and care of diverted acreage.
728.403 Approved conservation uses for diverted acreage.
728.404 Farm conserving base.
728.405 Permitted acreage of wheat.
728.406 Determination of payment rates.
728.407 Maximum diverted acres.
728.408 Notice of diversion payment rate.
728.409 Advance payment.
728.410 Determination of compliance.
728.411 Diversion payment.
728.412 Division of payment.
728.412–728.499 [Reserved]

§ 728.309 [Amended]

3. Section 728.309(a) is amended by deleting the word "and" immediately preceding "(3)," changing the period at the end thereof to a comma, and adding the following: "(4) and the Wheat Diversion Program for the 1969 crop year."

§ 728.310 [Amended]

4. Section 728.310(l) is amended by deleting the period at the end thereof and inserting the words "and for 1969 this percentage is 43."

5. New §§ 728.400 through 728.412 under a new center heading are inserted to read as follows:

WHEAT DIVERSION PROGRAM

§ 728.400 Wheat diversion program—general.

(a) A wheat diversion program will not be in effect for the 1968 crop year.

(b) Under the wheat diversion program for 1969, diversion payments are made to producers who divert acreage from the production of wheat to approved conservation uses and increase their average acreage of cropland devoted in 1959 and 1960 to designated soil conserving crops and practices, as provided in Part 792 of this chapter, as amended.

(c) If the operator of the farm elects to participate in the program, diversion payments and wheat marketing certificates shall be made available to the producers on such farm only if such producers divert from the production of wheat an acreage on the farm equal to the number of acres stated on Form ASCS–477, Intention to Participate and Payment Application (herein called "Form ASCS–477").

(d) For the wheat diversion program and in all instructions, forms, and documents in connection therewith, the words and phrases defined in § 728.310 shall have the meanings assigned to them therein unless the context or subject matter otherwise requires, except that "current year" shall mean the calendar year in which the crop of wheat with respect to which payment would be made under this subpart would normally be harvested.

§ 728.401 Requirements for eligibility.

(a) *General.* A person is eligible for the wheat diversion program if he is a producer on a farm which meets the requirements of paragraph (b) of this section and he fulfills the requirements of paragraph (c) of this section.

(b) *Farm requirements.* (1) A Form ASCS–477 must be filed for the farm by the operator in accordance with § 728.506, and the acreage which is intended to be diverted from the production of wheat for the farm for which the form is filed and the names of the producers entitled to share in the diversion and the proportionate share to each shall be shown thereon.

(2) A minimum acreage on the farm shall be diverted from the production of wheat equal to the number of acres determined by multiplying the farm wheat acreage allotment by the national diversion factor. This factor is determined by dividing the number of acres by which the national acreage allotment (less an acreage equal to the increased acreage allotted for 1966 pursuant to section 335 of the Act) is reduced below 55 million acres by the number of acres in the national acreage allotment (less an acreage equal to the increased acreage allotted for 1966 pursuant to section 335 of the Act). For 1969, the diversion factor has been determined to be 15 percent.

(3) An acreage equivalent in area to the acreage diverted from the production of wheat must be devoted to one or more of the approved conservation uses specified in Part 792 of this chapter, as amended, and the producer must comply with the limitations on use of such acreage specified in Part 792 of this chapter.

(4) In addition to the acreage referred to in subparagraph (3) of this paragraph, an acreage equal to the conserving base established for the farm under Part 792 of this chapter, as amended, must be devoted to one or more of the conservation uses also specified in such part. Acreage designated as diverted under any other Federal acreage reduction program shall not be counted toward maintaining the conserving base unless authorized in the regulations governing such program or Part 792 of this chapter, as amended.

(5) Land owned by the Federal Government which has been leased subject to restrictions prohibiting the production of wheat or requiring the use of land for other purposes, or prohibiting the receipt of Federal payments for diversion of such acreage will not be eligible for participation in the program. Any other land owned by the Federal Government which is being occupied without a lease, permit or other right of possession, or land in a national wildlife refuge shall not be eligible for participation in the program.

(6) Producers on a farm on which a new farm wheat allotment is established shall not be eligible for diversion payments under the program with respect to such farm but may earn marketing certificates by diverting the minimum acreage required in subparagraph (2) of this paragraph and complying with all other requirements of the program.

(7) No producer shall be eligible to receive wheat diversion payments with respect to any farm for any marketing year in which a marketing quota penalty is assessed for any commodity on such farm.

(c) *Producer requirements.* The producer must be a person who would have had an interest as a producer in the acreage diverted from wheat if wheat had been produced thereon and must meet all the requirements of § 728.501 (c).

§ 728.402 Designation, use, and care of diverted acreage.

The regulations governing the designation, use, and care of land diverted from the production of wheat are set forth in Part 792 of this chapter, as amended.

§ 728.403 Approved conservation uses for diverted acreage.

The approved conservation uses for designated diverted acreage are set forth in Part 792 of this chapter, as amended.

§ 728.404 Farm conserving base.

The regulations governing the establishment and maintenance of the farm conserving base, Part 792 of this chapter, as amended, shall be applicable to the program.

§ 728.405 **Permitted acreage of wheat.**

The acreage of wheat planted on the farm for harvest in the current year shall not exceed the permitted acreage for wheat as defined in § 728.504.

§ 728.406 **Determination of payment rates.**

(a) The wheat diversion payment rate per acre for the farm shall be obtained by multiplying the county diversion payment rate per bushel by the farm projected yield determined under § 728.502. No payment shall be made with respect to the minimum diversion acreage as determined under § 728.401(b)(2), and the county diversion payment rate per bushel for any additional diversion eligible for payment shall be 50 percent of the rates specified in § 728.516.

(b) Diversion payment rates for diverted acreage devoted to approved alternate crops will be announced in a later amendment to these regulations.

(c) The rate of diversion payment under the program with respect to land which is leased or rented on a cash-rent basis from the Federal, State, county or local government, or subdivisions thereof, if such land is not otherwise ineligible for participation in the program, shall be the smaller of (1) the average per acre payment rate for which the farm would have qualified if this provision for land cash rented from a governmental unit were not in effect, or (2) one-half the average per acre payment determined under subparagraph (1) of this paragraph plus the actual cash rent per acre of the land adjusted to take into account the quality of the acres actually diverted when campared with the total acres rented and the services performed and capital improvements made at the producer's expense which are in addition to rent: *Provided*, That for purposes of computing a payment rate under subparagraph (1) of this paragraph, the rate for a farm participating in this program and the feed grain program shall be the average rate for which the farm would have qualified under both of these programs.

§ 728.407 **Maximum diverted acres.**

The maximum number of acres which may be diverted from wheat on a farm shall be the larger of (a) the sum of the required minimum diversion determined in § 728.401(b)(2) and 50 percent of the farm allotment, or (b) 25 acres, but not to exceed the sum of the farm allotment and the required minimum diversion: *Provided*, That in the case of a farm which is participating in the CRP, CCP, or CAP, the total number of acres which may be diverted under this program, the upland cotton program, and the feed grain program, plus the acreage of all nonconserving crops on the farm other than approved crops on diverted acreage, shall in no event exceed the smallest number of acres of nonconserving crops permitted under the CRP, CCP, and CAP.

§ 728.408 **Notice of diversion payment rate.**

Refer to § 728.505.

§ 728.409 **Advance payment.**

Advance payment shall not be made available to participants in the wheat diversion program.

§ 728.410 **Determination of compliance.**

Compliance shall be determined in accordance with § 728.509.

§ 728.411 **Diversion payment.**

(a) Payments of any amounts due the producers on a farm shall be made after the farm operator certifies that the farm is in compliance with the requirements of the program by signing the appropriate space on Form ASCS-477 and the county committee determines that the producers and the farm are in compliance with such requirements. The signing of Form ASCS-477 by any producer or by the farm operator after May 1 of the year following the current year shall not be approved by the county committee unless prior approval of the State committee is obtained.

(b) Except as otherwise provided herein and in Part 791 of this chapter, as amended, no payment shall be made for a farm or to a producer when there is failure to comply fully with the requirements in this subpart. The total diverted acreage of wheat on the farm shall be determined by subtracting (1) the current year's wheat acreage on the farm, as defined in § 728.310, from (2) the sum of the current year's farm acreage allotment and the farm minimum diversion acreage determined under § 728.401(b)(2). The total diverted acreage on which payment shall be based shall be the smallest of:

(1) The total diverted acreage of wheat on the farm determined as provided above minus the minimum required diversion.

(2) The stated intention for diversion in excess of the minimum required diversion.

(3) The increased acreage devoted to approved conservation uses and substitute crops.

(4) The designated diverted acreage.

(5) If the farm is participating in the CRP, CCP, or CAP, the smallest number of acres of nonconserving crops permitted minus the acreage devoted to such crops other than approved crops on diverted acreage, and minus acreage diverted under the upland cotton program and the feed grain program.

(c) The amount of the earned diversion payment for the farm shall be computed by multiplying the total diverted acreage on which payment is based by the payment rate determined in accordance with § 728.406.

(d) The amount of the total earned diversion payment due each eligible producer under the program shall be determined by multiplying the total earned diversion payment for the farm by the producer's share of such payment.

(e) Notwithstanding any other provision of this subpart, if a producer declines, for personal reasons, to accept all or any part of his share of the payment computed for a farm in accordance with the provisions of this section, such payment or portion thereof shall not become available for any other producer on the farm.

(f) Diversion payments will be made by the issuance of negotiable Commodity Credit Corporation (CCC) sight drafts which may be redeemed in cash.

(g) In the event it is determined that a producer is not entitled to any diversion payment received such payment shall be refunded to the Commodity Credit Corporation. If for any reason no diversion payment is earned, interest shall be payable at the rate of 6 percent per annum on the total payment from the date the payment was issued until the date it is refunded. The provisions of the foregoing sentence with respect to the payment of interest shall not apply for 1969 if the producer earns wheat marketing certificates or a feed grain program payment on the same farm and in the same year to which the refund applies.

§ 728.412 **Division of payment.**

Payments made under this program for acreage diverted shall be divided among producers on an eligible farm in accordance with the regulations in Part 794 of this chapter.

§ 728.500 [Amended]

6. Section 728.500(a) is amended by inserting immediately following the first sentence thereof a new sentence to read as follows: "For 1969, producers shall also participate in the wheat diversion program to the extent provided herein."

§ 728.501 [Amended]

7. Section 728.501(b) is amended by deleting the period at the end of the first sentence and adding the following: "and, for 1969, all the regulations governing the wheat diversion program."

§ 728.502 [Amended]

8. Section 728.502(c) is amended by deleting the last sentence thereof and inserting the following: "For purposes of making this determination the harvested acreage of wheat on the farm shall not include wheat acreage which is utilized only by being gleaned by grazing after the date for beginning free grazing for diverted acreage as determined under Part 792 of this chapter, as amended."

§ 728.504 [Amended]

9. Section 728.504 is amended by deleting the period at the end of the first sentence and adding the following language: "minus any acreage the producers have agreed to divert from the production of wheat on the farm in excess of the minimum required diversion."

§ 728.505 [Amended]

10. Section 728.505 is amended by adding the following new sentence at the end thereof: "For 1969, the notice shall include the diversion payment rate for the farm."

§ 728.506 [Amended]

11. Section 728.506(d) is amended by deleting the last sentence thereof and inserting the following: "The operator shall also indicate if he intends to produce excess wheat. For 1968, he shall indicate if he requests the establishment of a barley base or an oats-rye base or, for 1969, he shall indicate the number of acres which is intended to be diverted from the production of wheat on the farm for which the form is filed and if he requests the establishment of an oats-rye base."

12. The title of § 728.507 is amended to read as follows:

§ 728.507 **Oats-rye base; barley base; substitution of feed grains for wheat and wheat for feed grains, oats and rye, and barley for 1968.**

* * * * *

13. A new § 728.507a is inserted to read as follows:

§ 728.507a **Oats-rye base; substitution of feed grains for wheat and wheat for feed grains and oats and rye for 1969.**

(a) *Oats-rye base.* (1) On a farm participating in the wheat certificate program, an oats-rye base shall be established for the farm upon a request by the farm operator in the same manner as provided in § 728.507(a).

(2) When an oats-rye base is established for the farm, 15 percent of the base shall be diverted from the production of oats and rye, an acreage equivalent in area to such diverted acreage must be devoted to one or more approved conservation uses specified in Part 792 of this chapter, and the producer must comply with the limitations on use of such acreage specified in Part 792 of this chapter.

(3) No diversion payment shall be made for oats and rye except under the provisions of paragraph (c) of this section.

(4) No price support payment shall be made for oats and rye.

(5) The permitted acreage of oats and rye shall be the final oats-rye base minus a minimum diversion of 15 per centum of such base, and the oats and rye acreage on the farm shall not exceed this permitted acreage.

(6) The oats-rye base will not be in effect if the total feed grain acreage exceeds the permitted acreage of feed grains.

(7) Upon request of the operator at any time, the oats-rye base will not be in effect for the farm.

(b) *Substitution.* Feed grain acreage in excess of the permitted acreage of feed grains shall be considered as wheat acreage and wheat acreage in excess of the permitted acreage of wheat shall be considered as feed grain acreage or oats-rye acreage: *Provided,* That if an oats-rye base is in effect for the farm, feed grain acreage in excess of the permitted acreage of feed grains shall not be considered as wheat acreage.

(c) *Diversion payment under substitution.* (1) If the acreage of feed grains exceeds the permitted acreage of feed grains, payment for diversion shall be made for the crop actually underplanted without regard to the stated intention for each commodity for a number of acres not to exceed the total acreage otherwise eligible for payment.

(2) If the acreage of wheat exceeds the permitted acreage of wheat, payment for diversion shall be made for the crops actually underplanted without regard to the stated intentions for each commodity for a number of acres not to exceed the total acreage eligible for payment.

(3) If more than one commodity is actually underplanted, the total acreage otherwise eligible for payment shall be credited first to the commodity with the largest applicable payment rate to the extent of the actual underplanted acreage of such commodity, and the remaining acreage, if any, otherwise eligible for payment shall be credited to other commodities in high to low payment rate order to the extent of the actual underplanting of such commodities: *Provided,* That total diversion payment for barley, corn and grain sorghums shall not be made for an acreage in excess of the total actual underplanted acreage of such crop.

(4) A diversion payment for oats and rye shall be made in lieu of a wheat diversion payment to the extent that an acreage of wheat in excess of the permitted acreage of wheat is considered as oats and rye acreage. The diversion payment rate applicable to diversion from oats and rye in this case shall be 50 per centum of the wheat diversion rate of payment approved for the farm.

(d) *Applicability.* This section shall be applicable only if the farm is in total compliance with all the requirements of the regulations governing the feed grain program with the exception that the acreage of wheat or feed grains may exceed the permitted acreage for the crop in accordance with this section. The provisions of this section are not applicable if excess wheat produced on this farm is stored under the provisions of § 728.513.

14. Section 728.509(a) is amended to read as follows:

§ 728.509 **Determination of compliance.**

(a) Determinations of the acreage of wheat and designated diverted acreage shall be made in accordance with Part 718 of this chapter, as amended.

* * * * *

§ 728.510 [Amended]

15. Section 728.510(b) is amended by adding a new sentence at the end thereof to read as follows: "A producer's share of export certificates shall be in the same proportion to the total of all available export certificates as the number of domestic marketing certificates he earned was to the total of all available domestic marketing certificates for the same crop year."

16. Section 728.510(c) is amended by inserting the words "a wheat diversion payment or" immediately preceding the words "a feed grain program payment" in the last sentence thereof.

17. Section 728.521 is amended by adding a new paragraph (c) to read as follows:

§ 728.521 **Successors-in-interest.**

* * * * *

(c) When any person who would have had an interest as producer (herein called "predecessor") leaves the farm after Form ASCS-477 has been filed and is succeeded on the farm by another producer (herein called "successor"), their share of the diversion payment shall be divided on a fair and equitable basis. If such persons are unable to agree to a division of the payment, the county committee shall determine the division, taking into consideration factors it deems pertinent. Notwithstanding the foregoing, if a tenant or sharecropper who would have had a share in the diversion payment leaves a farm after Form ASCS-477 has been filed for the farm, but before the final payment has been made and is not succeeded on the farm by another person, his name shall be included on Form ASCS-477 and the division of payment to which he is entitled shall be determined as provided in §728.412.

18. Section 728.522 is revised to read as follows:

§ 728.522 **Scheme or device and fraudulent representation.**

(a) A producer who is determined by the State committee, or the county committee with the approval of the State committee to have adopted any scheme or device which tends to defeat the purposes of the program shall not be entitled to receive diversion payments or wheat marketing certificates and shall refund any payments and return any certificates received by him, or, in the case of certificates, pay the value thereof, to the Commodity Credit Corporation.

(b) The making of a fraudulent representation by a person in the program documents or otherwise for the purpose of obtaining diversion payments or wheat marketing certificates shall render the person liable to refund any payments and return any certificates received by him with respect to which the fraudulent representation was made, or, in the case of certificates, pay the value thereof, to the Commodity Credit Corporation.

(c) The provisions of this section shall be applicable in addition to any liability under criminal and civil frauds statutes.

§ 728.523 [Amended]

19. Section 728.523(a) is amended by inserting the words "diversion payments and" immediately preceding the phrase "the value of wheat marketing certificates" therein.

20. Section 728.523(b) is amended by inserting the words "diversion payments and" immediately preceding the words "wheat marketing certificates" therein.

(Secs. 339(g), 375(b), 379j; 52 Stat. 66, 76 Stat. 624, 76 Stat. 630; 7 U.S.C. 1339(g), 1375(b), 1379j)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on November 1, 1968.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 68-13498; Filed, Nov. 6, 1968; 8:49 a.m.]

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

[966.306]

PART 966—TOMATOES GROWN IN FLORIDA

Limitation of Shipments

Notice of rule making with respect to a proposed limitation of shipments, to be effective under Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR Part 966) regulating the handling of tomatoes grown in the production area, was published in the October 16, 1968, FEDERAL REGISTER (33 F.R. 15343). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto not later than 10 days after its publication. Within the period specified, comments were filed by Reaves Brokerage Co., 910 South Pearl Expressway, Dallas, Tex. 75201; and the Florida Tomato Committee, Post Office Box 20155, Orlando, Fla. 32814.

After consideration of all relevant matters presented, including the comments filed and the proposal set forth in the aforesaid notice which was recommended by the Florida Tomato Committee, established pursuant to the said marketing agreement and order, and other available information, it is hereby found that the limitation of shipments regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective date of this section until 30 days after its publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of 1968 fall crop tomatoes grown in the production area will begin on or about the effective date specified herein; (2) to maximize benefits to producers, this regulation should apply to all such shipments; (3) compliance with this regulation will not require any special preparation by handlers which cannot be completed by the effective date; (4) reasonable time is permitted under the circumstances for such preparation in that the effective date hereof is extended from November 4, as originally proposed, to November 15, 1968; and (5) notice of the regulation has been given to producers and handlers in the production area and by publication in the FEDERAL REGISTER of October 16, 1968.

§ 966.306 Limitation of shipments.

During the period from November 15, 1968, through July 31, 1969, the following regulations shall be effective with respect to all varieties of tomatoes handled for shipment outside the regulation area as defined in § 966.4, except elongated types, commonly referred to as pear shaped or paste tomatoes and including, but not limited to, San Marzano, Red Top, and Roma varieties; cerasiform type tomatoes, commonly referred to as cherry tomatoes; and hydroponic tomatoes.

(a) *Minimum size.* No person shall handle any lot of tomatoes for shipment outside of the regulation area unless they are size 7 x 7 (over $2\frac{4}{32}$ inches in diameter to $2\frac{9}{32}$ inches maximum diameter) or larger: *Provided,* That not more than 10 percent, by count, of the tomatoes in any lot may be smaller than the specified minimum diameter.

(b) *Size classifications.* (1) No person shall handle for shipment outside the regulation area any tomatoes unless they are packed in one or more of the following ranges of diameters (expressed in terms of minimum and maximum). Measurement of minimum and maximum diameter shall be in accordance with the method prescribed in paragraph (c) of § 51.1860 of U.S. Standards for Grades of Fresh Tomatoes (§§ 51.1855 to 51.1877 of this title).

Size classification:	*Diameter (inches)*
7 x 7	Over $2\frac{4}{32}$ to $2\frac{9}{32}$, inclusive
6 x 7	Over $2\frac{9}{32}$ to $2\frac{17}{32}$, inclusive
6 x 6	Over $2\frac{17}{32}$ to $2\frac{28}{32}$, inclusive
5 x 6	Over $2\frac{28}{32}$

(2) Tomatoes shall be packed separately for each designated size range except that size 6 x 6 and larger may be commingled.

(3) To allow for variations incident to proper sizing, not more than a total of ten (10) percent, by count, of the tomatoes in any lot may be smaller than the specified minimum diameter or larger than the maximum diameter.

(c) *Containers.* (1) No person shall handle tomatoes for shipment outside the regulation area unless they are packed in a 20-pound, 40-pound, or 60-pound container with the following tolerances:

Container net weights	Minimum net weight	Maximum net weight
Pounds	*Pounds*	*Pounds*
20	20	$21\frac{1}{2}$
40	40	$41\frac{1}{2}$
60	60	62

(2) To allow for variations incident to proper packing, not more than a total of ten (10) percent of the aforesaid containers in any lot, by count, may exceed the specified maximum net weight specified for each such container.

(d) *Inspection.* No person shall handle for shipment outside the regulation area any tomatoes unless such tomatoes are inspected and certified pursuant to the provisions of § 966.60.

(e) *Truck shipments.* For purposes of the regulations in this part, the rule, § 966.140, relating to truck shipments of tomatoes grown in Florida, shall continue in effect.

(f) *Minimum quantity.* For purposes of the regulations in this part, each person subject thereto may handle, pursuant to § 966.53, up to, but not to exceed, 60 pounds of tomatoes per day without regard to the requirements of this part, but this exception shall not apply to any portion of a shipment of over 60 pounds of tomatoes.

(g) *Special pack requirements.* The tomato size classifications of paragraph (b) of this section and the container weight requirements of paragraph (c) of this section shall not be applicable to tomatoes packed in cupped trays, or when packed in consumer size containers, if such tomatoes are handled in accordance with the reporting requirements of paragraph (h) of this section.

(h) *Reporting requirements.* Each handler making shipments of tomatoes pursuant to paragraph (g) of this section shall report to the Committee on forms furnished by the Committee such information on these shipments as may be required by the Committee pursuant to § 966.80. Such reports shall be made within 10 days after shipment.

(i) *Definitions.* "Hydroponic Tomatoes" means tomatoes grown in solution without soil. "Consumer size containers" means tubes, trays, and other containers customarily packed for the retail trade in accordance with good commercial practice. Other terms used in this section have the same meaning as when used in Marketing Agreement No. 125, as amended, and this part.

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

Effective date: Dated November 4, 1968, to become effective November 15, 1968.

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

[F.R. Doc. 68-13499; Filed, Nov. 6, 1968; 8:49 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 32—SPECIFIC LICENSES TO MANUFACTURE, DISTRIBUTE, OR IMPORT EXEMPTED AND GENERALLY LICENSED ITEMS CONTAINING BYPRODUCT MATERIAL

Labeling Requirements for Luminous Aircraft Safety Devices Used Under General License

On June 5, 1968, the Atomic Energy Commission published in the FEDERAL REGISTER (33 F.R. 8350) a proposed amendment to its regulation 10 CFR Part 32, "Specific Licenses to Manufacture, Distribute, or Import Exempted and Generally Licensed Items Containing Byproduct Material", which would amend the labeling requirements for luminous aircraft safety devices used under the general license in § 31.7, 10 CFR Part 31, "General Licenses for Certain Quantities of Byproduct Material and Byproduct Material Contained in Certain Items". Such devices are required to be labeled in accordance with the requirements of § 32.54, 10 CFR Part 32.

The labeling which would be required by the proposed amendment to § 32.54 would omit specific reference to § 31.7 and, following similar amendment of of Agreement State regulations, could be appropriately used on luminous aircraft safety devices within either Agreement States or non-Agreement States.

Interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendment within 30 days after publication of the notice of proposed rule making in the FEDERAL REGISTER. After consideration of the comments received and other factors involved, the Commission has adopted the amendment set out below.

The text of the amendment adopted differs from the text of the proposed amendment published June 5, 1968, in that a requirement to specify a device serial number has been added, minimum labeling on each device has been specified, and the minimum content of a leaflet enclosed in or accompanying the container in which a device is shipped has been prescribed. Minor editorial changes have also been made.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment to title 10, Chapter I, Code of Federal Regulations, Part 32, is published as a document subject to codification effective thirty (30) days after publication in the FEDERAL REGISTER.

Section 32.54 of 10 CFR Part 32 is amended to read as follows:

§ 32.54 Same: labeling of devices.

(a) A person licensed under § 32.53 to manufacture, assemble, or import devices containing tritium or promethium-147 for distribution to persons generally licensed under § 31.7 of this chapter shall, except as provided in paragraph (b) of this section, affix to each device a label containing the radiation symbol prescribed by § 20.203(a) of this chapter, such other information as may be required by the Commission including disposal instructions when appropriate, and the following or a substantially similar statement which contains the information called for in the following statement: [1]

The receipt, possession, use, and transfer of this device, Model* ______________, Serial No.* ______, containing ____________________
____________________ (Identity and quantity of radioactive material) are subject to a general license or the equivalent and the regulations of the U.S. AEC or of a State with which the AEC has entered into an agreement for the exercise of regulatory authority. Do not remove this label.

CAUTION—RADIOACTIVE MATERIAL

____
(Name of manufacturer, assembler, or importer.) *

* The model, serial number, and name of manufacturer, assembler, or importer may be omitted from this label provided they are elsewhere specified in labeling affixed to the device.

(b) If the Commission determines that it is not feasible to affix a label to the device containing all the information called for in paragraph (a) of this section, it may waive the requirements of that paragraph and require in lieu thereof that:

(1) A label be affixed to the device identifying:

(i) The manufacturer, assembler, or importer, and

(ii) The type of radioactive material; and

(2) A leaflet bearing the following information be enclosed in or accompany the container in which the device is shipped:

(i) The name of the manufacturer, assembler, or importer,

(ii) The type and quantity of radioactive material,

(iii) The model number,

(iv) A statement that the receipt, possession, use, and transfer of the device are subject to a general license or the equivalent and the regulations of the U.S. AEC or of an Agreement State, and

(v) Such other information as may be required by the Commission, including disposal instructions when appropriate.

(Sec. 81, 68 Stat. 935; 42 U.S.C. 2111; sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 31st day of October 1968.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 68-13443; Filed, Nov. 6, 1968; 8:45 a.m.]

[1] Devices distributed prior to Jan. 1, 1969, may bear labels authorized by the regulations in effect on Jan. 1, 1968.

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 68-CE-71]

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

Designation of Transition Area

On pages 12055 and 12056 of the FEDERAL REGISTER dated August 24, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Wabash, Ind.

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

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change: The coordinates recited in the Wabash, Ind., Municipal Airport, transition area designation as "latitude 40°46′20″ N., longitude 85°48′10″ W." are changed to read "latitude 40°45′50″ N., longitude 85°48′05″ W.".

This amendment shall be effective 0901 G.m.t., January 9, 1969.

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

Issued in Kansas City, Mo., on October 21, 1968.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (33 F.R. 2137), the following transition area is added:

WABASH, IND.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Wabash Municipal Airport (latitude 40°45′50″ N., longitude 85°48′05″ W.); and within 2 miles each side of the Kokomo, Ind. VORTAC 040° radial, extending from the 5-mile radius area to 14 miles northeast of the VORTAC, excluding the portion that overlies the Peru, Ind. transition area.

[F.R. Doc. 68-13469; Filed, Nov. 6, 1968; 8:47 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 34-8429 Release IC-5519]

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

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

Pricing of Redeemable Securities for Distribution, Redemption and Repurchase and Time-Stamping of Orders by Dealers

On June 25, 1968, the Securities and Exchange Commission published notice (Investment Company Act Release No. 5413; Securities Exchange Release No. 8340) (in the FEDERAL REGISTER on June 29, 1968, at 33 F.R. 9557) that it had under consideration the adoption of Rule 22c-1 (17 CFR 270.22c-1) under the Investment Company Act of 1940 ("Investment Company Act") and the amendment of Rule 17a-3(a)(7) (17 CFR 240.17a-3(a)(7)) under the Securities Exchange Act of 1934 ("Securities Exchange Act") and invited all interested persons to submit their views and comments upon the proposal. The Commission has considered all the comments and suggestions received and has determined to adopt Rule 22c-1 (17 CFR 270.22c-1) under the Act in the form set forth below and to adopt the amendment of Rule 17a-3(a)(7) (17 CFR 240.17a-3(a)(7)) under the Securities Exchange Act as originally proposed.

Section 22(c) of the Investment Company Act, by reference to section 22(a) of the Investment Company Act, authorizes the Commission to make rules and regulations applicable to principal underwriters of, and dealers in, the redeemable securities of registered investment companies "for the purpose of eliminating or reducing so far as reasonably practicable any dilution of the value of other outstanding securities of such company or any other result of such purchase, redemption, or sale which is unfair to holders of such other outstanding securities." Such rules and regulations are authorized with respect to, among other things, the time for computing the minimum price at which any redeemable security issued by an investment company may be purchased from such company and the maximum price at which such security may be sold to such company or at which such security may be surrendered to such company for redemption. Section 38(a) of the Investment Company Act authorizes the Commission to issue such rules as are necessary or appropriate to the exercise of the powers conferred upon the Commission in that Act.

One purpose of Rule 22c-1 (17 CFR 270.22c-1) is to eliminate or reduce so far as reasonably practicable any dilution of the value of outstanding redeemable securities of registered investment companies through (i) the sale of such securities at a price below their net asset value or (ii) the redemption or repurchase of such securities at a price above their net asset value. Dilution through the sale of redeemable securities at a price below their net asset value may occur, for example, through the practice of selling securities for a certain period of time at a price based upon a previously established net asset value. This practice permits a potential investor to take advantage of an upswing in the market and an accompanying increase in the net asset value of investment company shares by purchasing such shares at a price which does not reflect the increase. An investor may be encouraged to purchase securities in this manner by the practice of announcing the next sale price in advance of the time at which it becomes effective, thereby enabling the investor to time his purchase so as to obtain investment company securities at the lower of two known prices. Based upon its experience in the administration of the Investment Company Act, the Commission believes that such practices have the effect of diluting the value of outstanding redeemable securities of registered investment companies.

Another purpose of Rule 22c-1 (17 CFR 270.22c-1) is to eliminate or reduce so far as reasonably practicable other results, aside from dilution, which arise from the sale, redemption, or repurchase of securities of registered investment companies and which are unfair to the holders of such outstanding securities. The Commission believes that the practice of selling securities for a certain period of time, at a price based upon a previously established net asset value, encourages speculative trading practices which so compromise registered investment companies as to be unfair to the holders of their outstanding securities. This pricing practice allows speculators to buy large blocks of such securities under circumstances where the net asset value of the securities has increased but where the increase in value is not reflected in the price. The speculators hold such securities until the next net asset value is determined and then redeem them at large profits. These speculative trading practices can seriously interfere with the management of registered investment companies to the extent that (i) management may hesitate to invest what it believes to be speculators' money and (ii) management may have to effect untimely liquidations when speculators redeem their securities. Based upon its experience in the administration of the Investment Company Act, the Commission believes that such practices cause unfair results to the holders of outstanding securities of registered investment companies.

Rule 22c-1 (17 CFR 270.22c-1) prohibits any registered investment company issuing any redeemable security; any person designated in such issuer's prospectus as authorized to consummate transactions in any such security; and any principal underwriter of, or dealer in, any such security from selling, redeeming, or repurchasing any such security except at a price determined in accordance with the provisions of the rule (17 CFR 270.22c-1). The rule (17 CFR 270.22c-1) requires that the price be based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Current net asset value is defined by the rule to be that computed on each day during which the New York Stock Exchange is open for trading, not less frequently than once daily as of the time of the close of trading on such Exchange. The effect of the rule (17 CFR 270.22c-1) is to prohibit the practice of selling securities for a certain period of time at a price based on a previously established net asset value.

After consideration of the comments and suggestions received from interested persons, the Commission has determined to substitute a once daily pricing requirement for the twice daily pricing requirement originally proposed. However, the once daily pricing requirement is not intended to prohibit an investment company from pricing its redeemable securities more frequently if it so wishes. Furthermore, where an investment company believes that the once daily pricing requirement will be unduly burdensome, it can apply to the Commission for an appropriate exemption.

It also should be noted that Rule 31a-1(b)(1) (17 CFR 270.31a-1(b)(1)) under Company Act defines the term "current net asset value" for use in computing the current price of redeemable securities issued by registered investment companies for the purpose of distribution, redemption, and repurchase.

It also should be noted that Rule 31a-1(b)(1) (17 CFR 270.31a-1(b)(1)) under the Investment Company Act provides, in pertinent part, that every registered investment company shall maintain and keep current journals or other records of original entry containing an itemized daily record in detail of all sales and redemptions of its own securities. It is expected that registered investment companies will time-stamp, upon receipt, all orders with respect to sales, redemptions, and repurchases of their own securities.

Any person desiring a Commission order under section 6(c) of the Investment Company Act granting an exemption from the once daily pricing requirement of Rule 22c-1 (17 CFR 270.22c-1) before its effective date may file an application under that section of the Investment Company Act. Such application should of course be supported with factual data and legal arguments to enable the Commission to make the required finding that the exemption is necesary 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 Investment Company Act.

In order to implement Rule 22c-1 (17 CFR 270.22c-1) under the Investment Company Act, the Commission, as a companion measure, has determined to adopt an amendment of Rule 17a-3(a)(7) (17 CFR 240.17a-3(a)(7)) under the Securities Exchange Act to require dealers, when selling securities to, or buying securities from, a customer, other than a broker or dealer, to stamp on the memorandum of order the time of receipt. Brokers are already subject to such requirement under subparagraph (a)(6) of the Rule 17a-3 (17 CFR 240.17a-3(a)(6)).

The text of Rule 22c-1 (17 CFR 270.22c-1), adopted by the Commission pursuant to the authority granted to it in sections 22(c) and 38(a) of the Investment Company Act, is as follows:

§ 270.22c-1 Pricing of redeemable securities for distribution, redemption and repurchase.

(a) No registered investment company issuing any redeemable security, no person designated in such issuer's prospectus as authorized to consummate transactions in any such security, and no principal underwriter of, or dealer in, any such security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

(b) For the purposes of this section, the current net asset value of any such security shall be that computed on each day during which the New York Stock

Exchange is open for trading, not less frequently than once daily as of the time of the close of trading on such Exchange.

The test of the Commission action, pursuant to the authority granted to the Commission in sections 17(a) and 23(a) of the Securities Exchange Act, is as follows:

Section 240.17a-3(a)(7) under the Securities Exchange Act of 1934 is amended by deleting the period at the end of the sentence and adding "; and, in addition, where such purchase or sale is with a customer other than a broker or dealer, a memorandum for each order received, showing the time of receipt, the terms and conditions of the order, and the account in which it was entered." As so amended, the subparagraph reads:

§ 240.17a-3 Records to be made by certain exchange members, brokers and dealers.

(a) * * *

(7) A memorandum of each purchase and sale for the account of such member, broker, or dealer showing the price and, to the extent feasible, the time of execution; and, in addition, where such purchase or sale is with a customer other than a broker or dealer, a memorandum of each order received, showing the time of receipt, the terms and conditions of the order, and the account in which it was entered.

* * * * *

(Secs. 22(c), 38(a), 54 Stat. 823, 841, 15 U.S.C. 80a-22(c), 80a-37(a); secs. 17(a), 23(a), 48 Stat. 897, 901, 17 U.S.C. 78q, 78w)

In order that investment companies and broker-dealers may have a reasonable period of time to conform their present pricing practices and current prospectuses to the new requirements, Rule 22c-1 (17 CFR 270.22c-1) under the Investment Company Act and the amendment of Rule 17a-3(a)(7) (17 CFR 240.17a-3(a)(7)) under the Securities Exchange Act are declared effective at the commencement of business on January 13, 1969.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

OCTOBER 16, 1968.

[F.R. Doc. 68-13461; Filed, Nov. 6, 1968; 8:46 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. FDC-76]

PART 46—NUT PRODUCTS

Peanut Butter, Definition and Standard of Identity; Stay of Effective Date

In the matter of establishing a definition and standard of identity for peanut butter (21 CFR 46.1):

A final order in the above-identified matter was published in the FEDERAL REGISTER of July 24, 1968 (33 F.R. 10506), following documents and proceedings described therein.

Two food manufacturers have petitioned for judicial review in this matter pursuant to section 701(f)(1) of the Federal Food, Drug, and Cosmetic Act. Therefore, pursuant to the provisions of the act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120): *It is ordered*, That the effective date of § 46.1 *Peanut butter; identity; label statement of optional ingredients* be stayed pending completion of judicial review.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: October 31, 1968.

WINTON B. RANKIN,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 68-13485; Filed, Nov. 6, 1968; 8:47 a.m.]

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

2-Chloro-N-Isopropylacetanilide

A petition (PP 8F0672) was filed with the Food and Drug Administration by the Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, proposing the establishment of a tolerance of 0.1 part per million for negligible residues of the herbicide 2-chloro-*N*-isopropylacetanilide and its metabolites (calculated as 2-chloro-*N*-isopropylacetanilide) in or on the raw agricultural commodity corn grain.

Subsequently the petitioner amended the petition to propose additional tolerances for negligible residues of the herbicide and its metabolites in eggs; milk; and meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.02 part per mission.

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

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerances established by this order will protect the public health. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.211 is amended by revising the paragraph "0.1 part per million * * *" and by adding thereafter a new paragraph "0.02 part per million * * *," as follows:

§ 120.211 2-Chloro-N-isopropylacetanilide; tolerances for residues.

0.1 part per million (negligible residue) in or on corn grain, cottonseed, sweet corn (kernels plus cobs with husks removed).

0.02 part per million (negligible residue) in eggs; milk; meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep.

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

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

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

Dated: October 29, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-13486; Filed, Nov. 6, 1968; 8:47 a.m.]

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

Neodecanoic Acid

A petition (PP 9F0736) was filed with the Food and Drug Administration by the Esso Research & Engineering Co., Post Office Box 536, Linden, N.J. 07036, on behalf of the Enjay Chemical Co., New York, N.Y. 10020, proposing the establishment of a tolerance of 1 part per million for residues of the desiccant and defoliant neodecanoic acid (a mixture of 10-carbon trialkyl acetic acids (calculated as $C_9H_{19}COOH$)) in or on the raw agricultural commodity cottonseed.

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

Data in the petition and elsewhere available show that the use of feed items from treated cottonseed in compliance with the tolerance proposed will not result in residues of neodecanoic acid in milk, eggs, meat, or poultry. The usage is classified in the category specified in

§ 120.6(a)(3) and no tolerance with respect to milk, eggs, meat, or poultry is required.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerance established by this order will protect the public health. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 120 is amended by adding to Subpart C the following new section:

§ 120.248 Neodecanoic acid; tolerances for residues.

A tolerance of 1 part per million is established for negligible residues of the desiccant and defoliant neodecanoic acid (a mixture of 10-carbon trialkyl acetic acids (calculated as $C_9H_{19}COOH$)) in or on the raw agricultural commodity cottonseed.

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

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

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

Dated: October 31, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-13487; Filed, Nov. 6, 1968; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in the Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

BUQUINOLATE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by The Norwich Pharmacal Co., Post Office Box 191, Norwich, N.Y. 13815, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of buquinolate as an aid in the prevention of coccidiosis caused by the organism *E. brunetti*.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.291(a) is amended in the table by changing the text under "Indications for use" for items 1.1 and 1.2 to read as follows:

§ 121.291 Buquinolate.

* * * * *

(a) * * *

BUQUINOLATE IN ANIMAL FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1.1 Buquinolate	* * *	----------		* * *	As an aid in the prevention of coccidiosis caused by *E. tenella*, *E. maxima*, *E. necatrix*, *E. brunetti*, and *E. acervulina*.
1.2 Buquinolate	* * *	* * *	* * *	* * *	As an aid in the prevention of coccidiosis caused by *E. tenella*, *E. maxima*, *E. necatrix*, *E. brunetti*, and *E. acervulina*; growth promotion and feed efficiency; improving pigmentation.
1.3 Buquinolate	* * *	* * *	* * *	* * *	Do.
* * *	* * *	* * *	* * *	* * *	* * *

* * * * *

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

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

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 29, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-13483; Filed, Nov. 6, 1968; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

CELLOPHANE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 8B2222) filed by Eastman Chemical Products, Inc., Kingsport, Tenn. 37662, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of two additional optional substances, as set forth below, in the manufacture of food-packaging cellophane. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2507(c) is amended by alphabetically inserting in the list of substances two new items, as follows:

§ 121.2507 Cellophane.

* * * * *

(c) List of substances:

	Limitations (residue and limits of addition expressed as percent by weight of finished packaging cellophane)
* * *	* * *
Diisobutyl phthalate	Alone or in combination with other phthalates where total phthalates do not exceed 5 percent.
* * *	* * *
2,2,4-Trimethyl-1,3-pentanediol diisobutyrate	For use only in cellophane coatings and limited to use at a level not to exceed 10 percent by weight of the coating solids except when used as provided in § 121.2511.
* * *	* * *

* * * * *

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

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

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 29, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-13488; Filed, Nov. 6, 1968; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

RUBBER ARTICLES INTENDED FOR REPEATED USE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 8B2293) filed by E. I. du Pont de Nemours & Co., Inc., 1007 Market Street, Wilmington, Del. 19898, and other relevant material, concludes that § 121.2562 should be amended to change from 6 weight percent to 8 weight percent the specified maximum 1,4-hexadiene polymer content of ethylene-propylene-1,4-hexadiene copolymer elastomers employed in the formulation of rubber articles intended for repeated food-contact use. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2562(c)(4)(i) is amended by revising the item "Ethylene-propylene-1,4-hexadiene * * *" to read as follows:

§ 121.2562 Rubber articles intended for repeated use.

* * * * *

(c) * * *

(4) * * *

(i) *Elastomers.*

* * * * *

Ethylene-propylene-1,4-hexadiene copolymers containing no more than 8 weight percent of total polymer units derived from 1,4-hexadiene.

* * * * *

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

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

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 29, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-13490; Filed, Nov. 6, 1968; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

COMPONENTS OF PAPER AND PAPERBOARD IN CONTACT WITH DRY FOOD

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 8B2299) filed by American Cyanamid Co., Wayne, N.J. 07470, and other relevant material, concludes that the food additive regulations should be amended to provide for the use of partially stearoylated triethylenetetramine monoacetate as a component of paper and paperboard for use in contact with dry food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2571(b)(2) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2571 Components of paper and paperboard in contact with dry food.

* * * * *

(b) * * *

(2) * * *

List of substances	*Limitations*
* * *	* * *
Triethylenetetramine monoacetate, partially stearoylated.	------------

* * * * * *

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

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

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 29, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-13489; Filed, Nov. 6, 1968; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

VINYL CHLORIDE-LAURYL VINYL ETHER COPOLYMERS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 8B2241) filed by the Plastics Division, Allied Chemical Corp., Post Office Box 365, Morristown, N.J. 07960, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of certain vinyl chloride-lauryl vinyl ether copolymers as components of articles intended for food-contact use. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by adding to Subpart F the following new section:

§ 121.2608 Vinyl chloride-lauryl vinyl ether copolymers.

The vinyl chloride-lauryl vinyl ether copolymers identified in paragraph (a) of this section may be used as an article or as a component of an article intended for use in contact with food subject to the provisions of this section.

(a) *Identity*. For the purposes of this section vinyl chloride-lauryl vinyl ether copolymers consist of basic copolymers produced by the copolymerization of vinyl chloride and lauryl vinyl ether such that the finished copolymers contain not more than 3 weight-percent of polymer units derived from lauryl vinyl ether and meet the specifications and extractives limitations prescribed in paragraph (c) of this section.

(b) *Optional adjuvant substances.* The basic vinyl chloride-lauryl vinyl ether copolymers identified in paragraph (a) of this section may contain optional adjuvant substances required in the production of such basic copolymers. These optional adjuvant substances may include substances permitted for such use by regulations in this Part 121, substances generally recognized as safe in food, and substances used in accordance with a prior sanction or approval.

(c) *Specifications and limitations.* The vinyl chloride-lauryl vinyl ether basic copolymers meet the following specifications and extractives limitations:

(1) *Specifications.* (i) Total chlorine content is 53 to 56 percent as determined by any suitable analytical procedure of generally accepted applicability.

(ii) Inherent viscosity in cyclohexanone at 30° C. is not less than 0.60 deciliters per gram as determined by ASTM Method D 1243–60.

(2) *Extractives limitations.* The following extractives limitations are determined by the method described in paragraph (d) of this section:

(i) Total extractives do not exceed 0.03 weight-percent when extracted with water at 150° F. for 2 hours.

(ii) Total extractives do not exceed 0.60 weight-percent when extracted with n-heptane at 150° F. for 2 hours.

(d) *Analytical methods.* The analytical methods for determining total extractives are applicable to the basic copolymers in powder form having a particle size such that 100 percent will pass through a U.S. Standard Sieve No. 40 and such that not more than 10 percent will pass through a U.S. Standard Sieve No. 200.

(1) *Reagents*—(i) *Water.* All water used in these procedures shall be demineralized (deionized), freshly distilled water.

(ii) *n-Heptane.* Reagent grade, freshly distilled n-heptane shall be used.

(2) *Determination of total amount of extractives.* Place an accurately weighed sample of suitable size in a clean borosilicate flask, and for each gram of sample add 3 milliliters of solvent previously heated to 150° F. Maintain the temperature of the contents of the flask at 150° F. for 2 hours using a hot plate while also maintaining gentle mechanical agitation. Filter the contents of the flask rapidly through No. 42 Whatman filter paper with the aid of suction. Transfer the filtrate to flat glass dishes that are warmed on a hot plate and evaporate the solvent with the aid of a stream of filtered air. When the volume of the filtrate has been reduced to 10 to 15 milliliters, transfer the filtrate to tared 50-milliliter borosilicate glass beakers and complete evaporation to a constant weight in a 140° F. vacuum oven. Carry out a corresponding blank determination with each solvent. Determine the weight of the residue corrected for the solvent blank and calculate the result as percent of the initial weight of the resin sample taken for analysis.

(e) *Other specifications and limitations.* The vinyl chloride-lauryl vinyl ether copolymers identified in and complying with this section, when used as components of the food-contact surface of any article that is subject to a regulation in this Subpart F, shall comply with any specifications and limitations prescribed by such regulation for the article in the finished form in which it is to contact food.

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

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

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 29, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-13491; Filed, Nov. 6, 1968; 8:48 a.m.]

Title 23—HIGHWAYS AND VEHICLES

Chapter II—Vehicle and Highway Safety

PART 204—UNIFORM STANDARDS FOR STATE HIGHWAY SAFETY PROGRAMS

The purpose of this amendment is to add a new Part 204—Uniform Standards for State Highway Safety Programs—to Title 23, CFR. The new part will include all standards established under section 402(a) of title 23, United States Code.

The initial national uniform standards for State highway safety programs were issued on June 27, 1967, pursuant to section 402(a) of title 23, United States Code. Thereafter, they were reported to Congress in conformity with section 203 of title II of the Highway Safety Act of 1966, 80 Stat. 731, 736, and printed as House Document No. 138, 90th Congress, first session. These initial standards will be added to the new Part 204 within a short time.

The standards added by this amendment are minimum standards entitled Pedestrian Safety, Police Traffic Services, and Debris Hazard Control and Cleanup. They are designed to improve driver performance and pedestrian performance in order to reduce traffic accidents and resulting deaths, injuries and property damage. They were distributed to the States and other interested parties for comment. They have been developed in cooperation with the States, their political subdivisions, appropriate Federal departments and agencies, and other interested organizations, groups and individuals, as required by 23 U.S.C. 402(f), with all pertinent matter and comments received having been fully considered.

In accordance with 23 U.S.C. 404(b), these uniform standards for highway safety programs when proposed for issuance were presented to the National Highway Safety Advisory Committee for review. The review of the proposed standards by the Advisory Committee has been completed and its recommendations fully considered and adopted.

Explanatory material covering each standard, including a statement of background, and purpose follows hereafter, together with the recommendations of the National Highway Safety Advisory Committee.

HIGHWAY SAFETY PROGRAM STANDARD No. 14

PEDESTRIAN SAFETY

Introduction. The pedestrian accident problem, which affects all age groups of our society, is of serious proportions. This is particularly true as it relates to children, and to certain older persons. While the problem is both rural and urban in scope, it is more acute in urban areas where 60 percent of the nationwide pedestrain fatalities take place.

Background.

No safety program will be adequate that does not include requirements with respect to pedestrain education beginning at the elementary level, as well as signs and traffic signals specifically designed for pedestrain protection, construction of sidewalks as part of residential street construction, continuing enforcement of pedestrian traffic laws, and any other program that can be devised to keep both drivers and pedestrians aware that all the fatalities are not inside the cars.

Report No. 1700, House of Representatives, 89th Congress, Second session, July 15, 1966, page 10.

We can require the construction of sidewalks whenever we construct streets, and we can require that when residential housing development permits are granted, they require that the development be planned to include sidewalks and to eliminate steep grades and sharp curves.

Report No. 1700, House of Representatives, 89th Congress, second session, July 15, 1966, page 15.

Accident prevention investigations will include * * * the behavior of pedestrians.

Report No. 1302, U.S. Senate, 89th Congress, second session, June 23, 1966, page 15.

Purpose. To emphasize the need to recognize pedestrian safety as an integral, constant and important element in community planning and all aspects of highway transportation and to insure a continuing program to improve such safety by each State and its political subdivisions.

National Highway Safety Advisory Committee recommendations. 1. In the Introduction, to avoid misunderstanding and arbitrary limitations, the Committee recommended that the pedestrian accident problems be described as applying particularly "to certain older persons" rather than "to older persons whose sensory responses are less sharp."

2. The Committee recommended that because pedestrian injuries may be produced or aggravated by exterior features of a vehicle, the State-wide inventory of pedestrian-motor vehicle accidents include a requirement "where feasible, to determine and collect data on the extent to which exterior features produced or aggravated an injury."

3. The Committee also recommended specific identification in the inventory of "the color and shade of clothing worn by a pedestrian when injured or killed and the visibility conditions at the time." The Committee considered that lack of visibility has been established as a major contributing factor in the incidence of nighttime pedestrian accidents.

4. The Committee deleted the adjective "sensory" in describing the disabilities which should be determined in the inventory. This change is in keeping with the recommended alteration to the Introduction.

HIGHWAY SAFETY PROGRAM STANDARD No. 15

POLICE TRAFFIC SERVICES

Introduction. Enforcement agencies have a wide range of functions in traffic safety, ranging from accident prevention through selective enforcement of rules of the road and safe driving to accident investigation and other on-the-scene procedures to aid victims, determine accident causes, supervise debris removal, and restore traffic movement. Police departments are the only agencies patrolling on a 24-hour, every day of the year basis, to facilitate the movement of traffic on the streets and highways, and to protect the life and property of all citizens.

Background.

A major element of traffic control is the police force, be it city, county, or State. Few if any, jurisdictions have traffic police forces of adequate size and training. They must improve and expand; the policies and practices they enforce must be consistent, impartial, and uniformly applied to all street and highway users; and they must not be financially dependent upon a fee system, or any other system, official and informal, related to the adjudication of court proceedings involving motor vehicle laws. Their records should be open to the public.

Report No. 1700, House of Representatives, 89th Congress, second session, July 15, 1966, page 19.

Police training programs, including specialized studies in accident investigation, are established in 27 States. Similar training is needed in all States and Federal grants would be made available to support these programs.

Report No. 1302, U.S. Senate, 89th Congress, second session, June 23, 1966, pages 6 and 7.

Purpose. To reduce the deaths and injuries by improving police traffic services in all aspects of accident prevention programs and police traffic supervision, post accident procedures to aid crash victims and to bring those responsible for the accidents to justice.

National Highway Safety Advisory Committee recommendations. The Committee recommended adding a requirement for procedures for recognizing and reporting on maintenance deficiences as well as other hazard defects and conditions. In addition, the Committee recommended that all data on such defects and conditions be made readily available to the public. Also, the Committee did not feel that police officers should be expected or required to recognize and report on physical or mental conditions of drivers which preclude safe operation of their vehicles. The Committee cited the civil liability problem associated with such a requirement. In place of the language proposed, the Committee recommended that the procedures include recognizing and reporting on "the condition of drivers and operational condition of motor vehicles."

HIGHWAY SAFETY PROGRAM STANDARD No. 16

DEBRIS HAZARD CONTROL AND CLEANUP

Introduction. Needless hazards and delay occur, with attendant danger to highway users, where no mechanism is provided which will assure the prompt detection, timely reporting, and expeditious removal of disabled or damaged vehicles, and other articles and substances foreign to the highway environment. Hazardous substances, flammables, and exotic fuels, if not removed quickly, are threats to the public safety on the highway and in the surrounding area.

Likelihood of accidents increases where roadway lanes are blocked or restricted by debris, damaged, partially disabled, or abandoned vehicles. Accident debris, such as wrecked vehicles by attracting the attention of passing drivers, becomes a traffic impediment, often leads to multiple or chain reaction crashes and is a major cause of congestion—particularly on freeways.

Prompt restoration of the accident scene to a safe condition is essential to lessen the probability of additional hazards and dangers, to relieve congestion, and to assure resumption of traffic flow.

Background.

Techniques should be instituted to insure the fastest possible notification of an emergency—call boxes, aerial surveillance, patrols, closed-circuit TV, and any other feasible system. Control centers should be established, manned, and equipped to send to the emergency scene people and equipment capable of providing medical care, transportation of the injured, prompt assessment of all the elements involved in the accident, and restoration of traffic movement. We can no longer be content with procedures that are directed at sweeping up the highway and deciding in that short interval only who was at fault.

Report No. 1700, House of Representatives, 89th Congress, second session, July 15, 1966, page 20.

Adequate methods of traffic handling at the accident scene, and means for prompt removal of damaged vehicles and debris from the roadway are also needed.

Report No. 1302, U.S. Senate, 89th Congress, second session, June 23, 1966, page 15.

Purpose. To provide for the assignment of official responsibilities and for the planning, training, coordination, and communications necessary to assure the recognition, reporting, and prompt correction of conditions or incidents that constitute potential dangers; that incident sites are restored to a safe condition; and that traffic movement is expeditiously resumed.

National Highway Safety Advisory Committee recommendations. 1. With respect to the requirement that operational procedures be established and implemented for extricating trapped persons from wreckage, the Committee pointed out that the proposed language asking that this operation be done "quickly and without injury" prescribed too great a burden on rescue, salvage, or police personnel. In its place, the Committee recommended that the operation of extricating injured be done "with reasonable care * * * both to avoid injuries or aggravating existing injuries."

2. With respect to the requirement as to warning approaching drivers and detouring them, the Committee questioned the use of the word "safely" since perhaps it might do violence to accepted legal standards of care. In its place, the Committee recommended that this task be done "with reasonable care."

In consideration of the foregoing, Chapter II of Title 23, CFR is amended by adding a new Part 204, Uniform Standards for State Highway Safety Programs, as set forth below, effective November 2, 1968.

(Secs. 315, 401, 402, title 23, United States Code; sec. 6(a) (6) (B), Department of Transportation Act (Public Law 89-670, 80 Stat. 931))

Issued in Washington, D.C., on November 2, 1968.

JOHN E. ROBSON,
Acting Secretary of Transportation.

Subpart A [Reserved]

Subpart B—Standards

§ 204.4 Highway Safety Program Standards.

The Uniform Standards for State highway safety programs are set forth in this subpart.

HIGHWAY SAFETY PROGRAM STANDARD NUMBERS AND TITLES

14—Pedestrian Safety.
15—Police Traffic Services.
16—Debris Hazard Control and Cleanup.

HIGHWAY SAFETY PROGRAM STANDARD No. 14

PEDESTRIAN SAFETY

Every State in cooperation with its political subdivisions shall develop and implement a program to insure the safety of pedestrians of all ages. The program shall provide, as a minimum, that:

I. There is a continuing statewide inventory of pedestrian-motor vehicle accidents, identifying specifically:

A. The locations and times of all such accidents.

B. The age of all of the pedestrians injured or killed.

C. Where feasible, to determine whether the exterior features of the vehicle produced or aggravated an injury.

D. The color and shade of clothing worn by pedestrians when injured or killed, and the visibility conditions which prevailed at the time.

E. The extent to which alcohol is present in the blood of fatally injured pedestrians 16 years of age and older.

F. Where possible, to determine, the extent to which pedestrians involved in accidents have physical or mental disabilities.

II. There are established Statewide operational procedures for improving the protection of pedestrians through reduction of potential conflicts with vehicles:

A. By application of traffic engineering practices including pedestrian signals, signs, markings, parking regulations, and other pedestrian and vehicle traffic control devices.

B. By land-use planning in new and redevelopment areas for safe pedestrian movement.

C. By provision of pedestrian bridges, barriers, sidewalks and other means of physically separating pedestrian and vehicle pathways.

D. By provision of environmental illumination at high pedestrian volume and/or potentially hazardous pedestrian crossings.

III. There is established a Statewide program for familiarizing drivers with the pedestrian problem and with ways to avoid pedestrian collisions.

A. The program content shall include emphasis on:

(1) Behavior characteristics of the the three types of pedestrians most commonly involved in accidents with vehicles: (i) Children; (ii) persons under the influence of alcohol; (iii) the elderly;

(2) Accident avoidance techniques that take into account the hazardous conditions, and behavior characteristics displayed by each of the three high risk pedestrian groups listed in subparagraph (1).

B. Emphasis on this program content shall be included in:

(1) All driver education and training courses;

(2) Driver improvement courses;

(3) Driver license examinations.

IV. There are statewide programs for training and educating all members of the public as to safe pedestrian behavior on or near streets and highways.

A. For children, youths and adults enrolled in schools, beginning at the earliest possible age.

B. For the general population via the public media.

V. There is a statewide program for the protection of children walking to and from school, entering and leaving school buses, and in neighborhood play.

VI. There is a statewide program for establishment and enforcement of traffic regulations designed to achieve orderly pedestrian and vehicle movement and to reduce vehicle-pedestrian conflicts.

VII. This program shall be periodically evaluated by the States, and the National Highway Safety Bureau shall be provided with an evaluation summary.

Highway Safety Program Standard No. 15

POLICE TRAFFIC SERVICES

Every State in cooperation with its political subdivisions shall have a program to insure efficient and effective police services utilizing traffic patrols: To enforce traffic laws; to prevent accidents; to aid the injured; to document the particulars of individual accidents; to supervise accident cleanup and to restore safe and orderly traffic movement.

I. The program shall provide as a minimum that there are:

A. Uniform training procedures in all aspects for police supervision of vehicular and pedestrian traffic related to highway safety, including use of appropriate instructional materials and techniques for recruit, advanced, in-service, and special course training.

B. Periodic in-service training courses for uniformed and other police department employees assigned to traffic duties dealing with:

(1) Administration and management of police, vehicular and pedestrian traffic services.

(2) Analysis, interpretation and use of traffic records data.

(3) Insurance of prompt reliable postaccident response, including skilled aid to the injured.

(4) Accomplishing postaccident responsibilities.

C. Procedures for the selective assignment of trained police personnel to supervise vehicular and pedestrian traffic duties including enforcement patrols in hazardous or congested areas based on: time and location of

(1) Traffic volume.

(2) Accident experience.

(3) Traffic violation frequency.

(4) Emergency and service needs.

D. Procedures for investigating, recording and reporting accidents pertaining to:

(1) The human, vehicular, and highway causative factors in individual accidents.

(2) The human, vehicular, and highway causative factors of injuries and deaths, including failure to use safety belts.

(3) The efficiency of the postaccident response.

E. Procedures for recognizing and reporting, to the appropriate agencies, hazardous highway defects and conditions, including:

(1) Condition of drivers;

(2) Operational condition of motor vehicles;

(3) Defective signs, signals, controls, construction and maintenance deficiencies.

a. Data listed in (3) above shall be readily available to the public.

F. Appropriate agreements by the State and its political subdivisions regarding primary responsibility and authority for police traffic supervision, and cooperative responsibilities where concurrent jurisdictional boundaries and problems exist, and appropriate participation of each law enforcement agency in the comprehensive highway safety program of the State and its political subdivisions.

II. The programs shall be periodically evaluated by the State, and the National Highway Safety Bureau shall be provided with an evaluation summary.

III. Nothing in this standard shall preclude the use of personnel other than police officers in carrying out the minimum requirements in accordance with laws and policies established by State and/or local governments.

Highway Safety Program Standard No. 16

DEBRIS HAZARD CONTROL AND CLEANUP

Each State in cooperation with its political subdivisions shall have a program which provides for rapid, orderly, and safe removal from the roadway of wreckage, spillage, and debris resulting from motor vehicle accidents, and for otherwise reducing the likelihood of secondary and chain-reaction collisions, and conditions hazardous to the public health and safety.

I. The program shall provide as a minimum that:

A. Operational procedures are established and implemented for:

(1) Enabling rescue and salvage equipment personnel to get to the scene of accidents rapidly and to operate effectively on arrival:

a. On heavily traveled freeways and other limited access roads;

b. In other types of locations where wreckage or spillage of hazardous materials on or adjacent to highways endangers the public health and safety;

(2) Extricating trapped persons from wreckage with reasonable care—both to avoid injury or aggravating existing injuries;

(3) Warning approaching drivers and detouring them with reasonable care past hazardous wreckage or spillage;

(4) Safe handling of spillage or potential spillage of materials that are:

a. Radioactive
b. Flammable
c. Poisonous
d. Explosive
e. Otherwise hazardous.

(5) Removing wreckage or spillage from roadways or otherwise causing the resumption of safe, orderly traffic flow.

B. Adequate numbers of rescue and salvage personnel are properly trained and retrained in the latest accident cleanup techniques.

C. A communications system is provided, adequately equipped and manned, to provide coordinated effort in incident detection, and the notification, dispatch, and response of appropriate services.

II. The program shall be periodically evaluated by the State, and the National Highway Safety Bureau shall be provided with an evaluation summary.

[F.R. Doc. 68-13479; Filed, Nov. 6, 1968; 8:47 a.m.]

Title 25—INDIANS

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

SUBCHAPTER M—FORESTRY

PART 141—GENERAL FOREST REGULATIONS

Timber Cutting Permits

NOVEMBER 1, 1968.

On page 11837 of the FEDERAL REGISTER of August 21, 1968, there was published a notice and text of a proposed amendment of Part 141 of Title 25, Code of Federal Regulations.

The purpose of the amendment is to permit exceptions in special circumstances to the requirement of sole beneficial interest in an allotment, before the Special Allotment Timber Cutting Permit may be used for cutting and selling of designated timber from such allotment.

Interested persons were given 30 days within which to submit comments, suggestions, or objections with respect to the proposed amendment. The one suggestion received was considered and has been included. The proposed amendment is hereby adopted and is set forth below. The amendment shall become effective at the beginning of the 30th calendar day following date of publication in the FEDERAL REGISTER.

F. M. HAVERLAND,
Acting Deputy Commissioner.

Section 141.19 is amended to read as follows:

§ 141.19 Timber cutting permits.

(a) Except as provided in § 141.20, all timber cutting that is not done under formal contract, pursuant to § 141.12, shall be done under timber cutting permit forms approved by the Secretary. Permits will be issued only with the consent of the Indian owner or the Secretary, for allotted lands, as authorized in § 141.13(b). Such consents to the issuance of cutting permits shall stipulate the minimum stumpage rates at which timber may be sold under permit.

(b) Free-use cutting permits may be issued for specified species and types of forest products by persons authorized under § 141.13 to execute timber contracts. Timber cut under this authority may be limited as to sale or exchange for other goods or services.

(c) An Indian having sole beneficial interest in an allotment may be issued an approved form of special permit to cut and sell designated timber from such allotment. The special permit shall include provision for payment by the Indian of administrative expenses pursuant to § 141.18. Unless waived by the Secretary, the permit shall also require the Indian to make a deposit with the Secretary to be returned to the Indian upon satisfactory completion of the permit or to be used by the Secretary in his discretion for planting or other work to offset damage to the land or the timber caused by the Indian's failure to comply with the provisions of the permit. As a condition to granting a special permit under authority of this paragraph, the Indian may be required to provide evidence acceptable to the Secretary that he has arranged a bona fide sale of the timber to be cut, on terms that will protect the Indian's interests. In special cases, the Secretary may authorize exceptions to the requirement of sole beneficial interest in an allotment.

(d) Permits to be valid must be approved by the Secretary. The stumpage value which may be cut in 1 calendar year by any individual under authority of paragraphs (a) and (b) of this section shall not exceed $500, but this limitation shall not apply to cutting under authority in paragraph (c) of this section. Essential departures from the fundamental requirements for issuance of special allotment timber cutting permits under authority of paragraph (c) of this section shall be made only with the approval of the Secretary.

[F.R. Doc. 68-13458; Filed, Nov. 6, 1968; 8:46 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Appendix to Subpart AA—Bureau of Narcotics and Dangerous Drugs

[Directive No. 6]

ABSENCE, INABILITY OR DISQUALIFICATION OF DIRECTOR

By virtue of the authority vested in me by § 0.133 of Title 28, Code of Federal Regulations, I hereby direct that in the case of my inability or disqualification to act in the office of Director, all duties and functions shall be performed by the Associate Director for Enforcement, or in the event of his absence, by the Associate Director for Regulatory and Scientific Programs.

In the event of my temporary absence, either the Associate Director for Enforcement or the Associate Director for Regulatory and Scientific Programs will be designated on each separate occasion to act in my stead.

Dated: October 24, 1968.

JOHN E. INGERSOLL,
Director.

[F.R. Doc. 68-13471; Filed, Nov. 6, 1968; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Subchapter B of this chapter is amended in the following respects:

PART 1452—PRIME CONTRACTS AND SUBCONTRACTS WITHIN THE SCOPE OF THE ACT

§ 1452.1 [Amended]

Section 1452.1(b) *Coverage after December 31, 1956* is amended by deleting "June 30, 1968" in the last sentence of the statutory provision (c)(1) set forth in subparagraph (1)(iii) and inserting in lieu thereof "June 30, 1971".

PART 1466—TERMINATION OF RENEGOTIATION

This part is amended in the following respects:

§ 1466.1 [Amended]

1. Section 1466.1 *Statutory provision* is amended by deleting "June 30, 1968" in the last sentence of the statutory provision (c)(1) set forth therein and inserting in lieu thereof "June 30, 1971".

§ 1466.2 [Amended]

2. Section 1466.2 *Definition of "termination date"* is amended by deleting "June 30, 1968" and inserting in lieu thereof "June 30, 1971".

PART 1467—MANDATORY EXEMPTION OF CONTRACTS AND SUBCONTRACTS FOR STANDARD COMMERCIAL ARTICLES OR SERVICES

This part is amended in the following respects:

1. The heading of Subpart B is changed to read "Subpart B—Fiscal Years Ending After June 30, 1956 And On or Before October 24, 1968".

2. A new Subpart C is added to read as follows:

Subpart C—Fiscal Years Ending After October 24, 1968

Sec.
1467.41 Statutory provisions.
1467.42 Application of exemption.
1467.43 "Below-floor" contractor not to apply for exemption.
1467.44 Procedure on self-application.
1467.45 Procedure when application is filed.
1467.46 Waiver of exemption.
1467.47 The term "article".
1467.48 Exemption of standard commercial articles.
1467.49 Report of Self-Exemption.
1467.50 Supplemental Report of Self-Exemption.
1467.51 Exemption of standard commercial classes of articles.
1467.52 The term "service".
1467.53 Exemption of standard commercial services.
1467.54 Exemption of like services.

Sec.
1467.55 Application for Commercial Exemption.
1467.56 Duty to furnish additional information.
1467.57 Effect of filing Application for Commercial Exemption.
1467.58 Grant of exemption.
1467.59 Accrual of exemption by failure of Board to act.
1467.60 Denial of exemption.
1467.61 Exemption not applicable to related subcontracts.

AUTHORITY: The provisions of this Subpart C issued under sec. 109, 65 Stat. 22; 50 U.S.C.A., App. sec. 1219.

Subpart C—Fiscal Years Ending After October 24, 1968

§ 1467.41 Statutory provision.

The regulations in this subpart apply only with respect to amounts received or accrued in fiscal years ending after October 24, 1968. Such regulations implement the provisions of section 106(e) of the act as amended by Public Law 90–634.

§ 1467.42 Application of exemption.

(a) *Effective date.* The exemption provided in section 106(e) of the act (as amended by Public Law 90–634), and the regulations contained in this subpart, are applicable only with respect to fiscal years ending after October 24, 1968. References in this subpart to section 106(e) of the act mean said section as so amended. The exemption applies to amounts received or accrued in any such fiscal year under prime contracts with the Departments and subcontracts, without regard to whether such prime contracts or subcontracts were made before or during such fiscal year.

(b) *Scope.* Section 106(e) of the act exempts amounts received or accrued under any contract or subcontract for any of the following:

(1) A standard commercial article;

(2) An article in a standard commercial class of articles;

(3) A standard commercial service;

(4) A service which is reasonably comparable with a standard commercial service (hereinafter in this subpart referred to as a "like service").

The exemption of Item 1 may be applied by a contractor himself, without application to the Board. With respect to Items 2, 3, and 4, a contractor must file an application with the Board in order to obtain exemption. A contractor shall not be entitled to claim exemption of receipts or accruals for any standard commercial services or like services, to which the 3-month period prescribed in section 106(e)(3)(B)(i) of the act is applicable, and in the same application to claim exemption of receipts or accruals for articles in one or more standard commercial classes of articles, to which the 6-month period prescribed in section 106(e)(3)(B)(ii) is applicable, unless the contractor consents and agrees that such 6-month period shall apply with respect to all the articles and services for which exemption is claimed in such application. In the absence of such consent and agreement, the contractor shall be required to file a separate application for exemption of those items to which the 3-month period applies, and a separate application for exemption of those items to which the 6-month period applies.

(c) *Effect.* (1) When a contractor files an application for exemption of amounts received or accrued in a fiscal year from the sale of a standard commercial service or a like service, such receipts or accruals are exempt for such fiscal year if within 3 months thereafter, or any longer agreed period, the Board grants, or fails to deny, such application.

(2) When a contractor files an application for exemption of amounts received or accrued in a fiscal year from sales of an article in a standard commercial class of articles, such receipts or accruals are exempt if within 6 months thereafter, or any longer agreed period, the Board grants, or fails to deny, such application.

(d) *Definition.* Section 106(e)(4) refers, in subparagraphs (B)(ii) and (F)(iii), to the sale of an article "for civilian industrial or commercial use" (see §§ 1467.48(c) and 1467.51(f)), and in subparagraphs (D)(i) and (E)(ii) to the performance of a service "for civilian industrial or commercial purposes" (see §§ 1467.53(c) and 1467.54(d)). Such transactions are referred to in the cited provisions of this subpart as a "commercial sale" or "commercial sales," and such terms mean a sale or sales not subject to renegotiation.

§ 1467.43 "Below-floor" contractor not to apply for exemption.

If the amounts received or accrued under prime contracts with the Departments and subcontracts during the fiscal year by the contractor and all related contractors, including receipts or accruals for which exemption may be obtained only by application to the Board under section 106(e)(3) of the act, aggregate less than the minimum amount for renegotiation prescribed in section 105(f)(1), the contractor shall not file the Application for Commercial Exemption described in § 1467.55. An Application for Commercial Exemption filed under such circumstances will be returned to the contractor without action by the Board thereon.

§ 1467.44 Procedure on self-application.

(a) Every contractor who, but for his self-application of the exemption provided in paragraph (1)(A) of section 106(e) of the act, would be required to file a Standard Form of Contractor's Report for a fiscal year pursuant to § 1470.3(a) of this subchapter, shall file a Report of Self-Exemption as provided in § 1467.49(a). The preceding sentence shall not apply to any contractor who files a Statement of Non-Applicability for a fiscal year pursuant to § 1470.3(b) of this subchapter.

(b) Any contractor who has filed a financial statement (Standard Form of Contractor's Report or Statement of Nonapplicability) or a Report of Self-Exemption shall file a Supplemental Report of Self-Exemption for such fiscal year as provided in § 1467.50 if the Board so requests.

(c) Neither the filing of a Report of Self-Exemption nor the filing of a Supplemental Report of Self-Exemption shall constitute the filing of a financial statement pursuant to section 105(e)(1) of the act and will not commence the running of the 1-year period of limitations prescribed in section 105(c).

§ 1467.45 Procedure when application is filed.

(a) Every contractor who claims that the exemption provided in paragraph (1)(B) or paragraph (2) of section 106(e) of the act is applicable to any of his receipts or accruals for a fiscal year shall file an Application for Commercial Exemption as provided in § 1467.55.

(b) When a contractor files an application, pursuant to section 106(e)(3) of the act, for exemption of some of his receipts or accruals for a fiscal year, the applicability of the exemption to such receipts or accruals will be determined by the Board before the Board takes action with respect to any other receipts or accruals of the contractor in such fiscal year.

(c) If, therefore, in addition to receipts or accruals for which a contractor has filed an Application for Commercial Exemption, the contractor in the same fiscal year has other renegotiable receipts or accruals, the contractor shall not be entitled to file a Standard Form of Contractor's Report or a Statement of Nonapplicability for such fiscal year (see § 1470.3 (a) and (b) of this subchapter) until the Board has completed its action upon the Application of Commercial Exemption. A Standard Form of Contractor's Report or a Statement of Nonapplicability filed before such time will be returned to the contractor, and will not constitute the filing of a financial statement under section 105(e)(1) of the act and will not commence the running of the 1-year period of limitations prescribed in section 105(c).

§ 1467.46 Waiver of exemption.

(a) *Scope.* Under section 106(e) of the act, a contractor may waive the exemption therein provided by including a statement to such effect in the Standard Form of Contractor's Report filed by him pursuant to section 105(e)(1). If the Board agrees to accept a waiver of the exemption from a contractor who has not included such waiver in its Standard Form of Contractor's Report, such waiver, when accepted, will be deemed a part of the Standard Form of Contractor's Report of such contractor with the same force and effect as if it had been set forth therein when such report was filed. The exemption may be waived with respect to the receipts or accruals of the contractor in the fiscal year from sales of any or all articles or services within the scope of section 106(e) of the act, either individually or by class. For this purpose, articles or services may be grouped into such product or service classes as the contractor uses regularly in his own accounting system.

(b) *Limitations.* (1) A waiver made in the Standard Form of Contractor's Report shall be effective only with respect to the fiscal year to which such report relates, and shall not be effective for any other year.

(2) The exemption may not be claimed with respect to receipts or accruals under certain prime contracts or subcontracts for an article or service, and waived with respect to receipts or accruals in the same fiscal year under other prime contracts or subcontracts for the same article or service.

(3) A waiver of the exemption, to be effective, must be unconditional. The contractor shall not be entitled to state in its Standard Form of Contractor's Report or in its Application for Commercial Exemption that, if the Board denies the exemption with respect to certain articles or services, or classes thereof, the exemption is waived with respect to any or all other articles or services, or classes thereof.

(4) No waiver for any fiscal year may be made without the permission of the Board for any receipts or accruals with respect to which the contractor has previously filed an Application for Commercial Exemption for such fiscal year.

(5) Once made, a waiver of this exemption may not be withdrawn except with the permission of the Board, but shall not preclude the contractor from claiming the exemption for any subsequent fiscal year.

§ 1467.47 **The term "article".**

(a) *Scope.* Section 106(e)(4)(A) of the act defines the term "article" to include any material, part, component, assembly, machinery, equipment, or other personal property. For the purposes of this exemption, the term "article" will be given a narrow meaning. Nevertheless, when two products differ only in dimensions or size, or in any nonfunctional respects such as color or markings, and are sold at the same price, it will be considered that such products are a single article. If such products are sold at different prices, each will be considered a separate article. Similarly, if the products differ in any respects other than those indicated above, each will be considered a separate article, even though both may sell coincidentally at the same price. In determining whether prices are the same or different, volume or other discounts will be disregarded.

(b) *Example.* If copper tubing is quoted and sold at a stated price per lineal foot, sales of such tubing are considered to be sales of a single article, although different customers may buy it in different lengths. On the other hand, and ignoring volume or other discounts, if 1-foot lengths of copper tubing are quoted and sold at one stated price, and 2-foot lengths are quoted and sold at a price other than exactly double, a difference in price exists and each such length of tubing is considered a separate article.

§ 1467.48 **Exemption of standard commercial articles.**

(a) *Scope.* Section 106(e)(1)(A) of the act exempts all "standard commercial articles," as that term is defined in section 106(e)(4)(B). This exemption is self-executing; it may be availed of by a contractor without application to the Board. However, the exemption does not apply and will not be allowed to a contractor in any fiscal year unless all the conditions prescribed in section 106(e)(4)(B) are met with respect to such fiscal year. These conditions are explained in the succeeding paragraphs of this section.

(b) *Stock of catalog sales.* (1) The first requisite of a standard commercial article, as provided in section 106(e)(4)(B)(i) of the act, is that the article must be customarily maintained in stock by the contractor, or must be offered for sale in accordance with a price schedule regularly maintained by the contractor.

(2) An article is "customarily maintained in stock" if it is customarily kept in continuing inventory on a maximum-minimum or other acceptable inventory basis, and if sales orders are customarily filled from such supply.

(3) The expression "offered for sale in accordance with a price schedule regularly maintained by the contractor" means that the prices and terms at which the article is customarily sold by the contractor are made available to customers generally, by either a catalog, a price list, or any other acceptable means. The price schedule need not state separately the price of every article, but may show the prices of certain basic articles and extra charges for other articles containing specific variations. The fact that seasonal or other general price adjustments are made in a price schedule does not necessarily mean that it is not regularly maintained. When the contractor customarily offers an article for sale in accordance with daily or other periodically published market quotations, such quotations will be considered to be a price schedule maintained by the contractor.

(c) *Price limitation.* (1) The second requisite of a standard commercial article, as provided in section 106(e)(4)(B)(ii) of the act, is that the price therefor shall be not in excess of the lowest price at which such article is sold in similar quantity by the contractor for civilian industrial or commercial use, except for any excess attributable to the cost of accelerated delivery or other significantly different circumstances. This limitation refers to commercial sales of the article by the contractor reasonably related in time to the sale for which exemption is claimed.

(2) A contractor may claim exemption for the sale of an article even though his commercial sales thereof did not include any sale in similar quantity. In a case where the contractor has not made a sale in similar quantity, he must establish that his price in the sale for which exemption is claimed is not in excess of the price that his established commercial pricing pattern, in sales actually made, indicates he would charge in a commercial sale of a similar quantity. For example, when a sale for which exemption is claimed is significantly larger in quantity than a contractor's commercial sales, the price of such sale must reflect a volume discount that is consistent with the pattern of volume discounts established by the contractor's commercial sales, even though no schedule of special discounts may previously have been established for sales of the size for which exemption is claimed.

(3) The contractor's price to the Government must be lower than his commercial price when the latter price includes a particular cost not involved in sales to the Government. For example, when sales to the Government are not subject to excise taxes, the price in a prime contract sale for which exemption is claimed must be lower than the contractor's commercial price for a similar quantity to the extent of the amount of excise tax payable on the commercial sale.

(4) The price in a sale for which exemption is claimed may exceed the contractor's commercial price for a similar quantity only when the excess is attributable to the cost of special requirements, such as accelerated delivery or other significantly different circumstances relating to the sale for which exemption is claimed. If the amount by which a contractor's price exceeds his commercial price for a similar quantity is unreasonable in relation to the special circumstances involved, the excess will not be considered attributable to such circumstances.

(d) *The 55 percent test.* (1) The third requisite of a standard commercial article, as provided in section 106(e)(4)(B)(iii) of the act, is that the nonrenegotiable receipts or accruals of the contractor from sales of the article must aggregate at least 55 percent of the contractor's total receipts or accruals from such sales in the fiscal year.

(2) In computing nonrenegotiable receipts or accruals for the purpose of subparagraph (1) of this paragraph, the contractor shall not include as nonrenegotiable the receipts or accruals which it considers to be exempt under this section. Also, the extent to which receipts or accruals under a prime contract or subcontract for new durable productive equipment are exempt by reason of section 106(c) of the act shall be disregarded; every such prime contract or subcontract shall, for such purpose, be considered wholly renegotiable.

§ 1467.49 **Report of Self-Exemption.**

(a) *Description.* A Report of Self-Exemption shall state that the contractor has self-applied the exemption provided in section 106(e)(1)(A) of the act to certain amounts received or accrued in a fiscal year from sales of certain articles, and shall set forth the following information:

(1) The fiscal year involved (stating beginning and ending dates if less than 12 months).

(2) Amount of gross sales reported by the contractor and all related contractors for Federal income tax purposes in such fiscal year. See § 1451.31 of this subchapter.

(3) Amount of renegotiable sales of the contractor and all related contractors in such fiscal year before contractor's self-application of the exemption.

(4) Amount of sales in the fiscal year to which the contractor has self-applied the exemption.

(5) A statement that all sales in the fiscal year of each article to which the contractor has self-applied the exemption were made in conformity with the price limitation prescribed in section 106(e)(4)(B)(ii) of the act. [This statement means that all such sales were made at a price or prices not in excess of the lowest price at which, in sales reasonably related thereto in time, the contractor sold such article in similar quantity for civilian industrial or commercial use, except for any excess attributable to the cost of accelerated delivery or other significantly different circumstances.]

(6) A full description of the methods used in segregating sales between renegotiable and nonrenegotiable.

(b) *Time for filing.* The Report of Self-Exemption for a fiscal year shall be filed as soon as practicable after the close of such fiscal year, but in no event later than the date upon which the contractor, but for such exemption, would be required to file a Standard Form of Contractor's Report with respect to such fiscal year.

§ 1467.50 Supplemental Report of Self-Exemption.

(a) *Description and schedule.* A Supplemental Report of Self-Exemption shall set forth a description of each standard commercial article to the sales of which in a fiscal year the contractor has self-applied the exemption provided in section 106(e)(1)(A) of the act. The report shall state whether during such fiscal year each article to which the exemption has been applied was customarily maintained in stock by the contractor, or was offered for sale in accordance with a price schedule regularly maintained by the contractor. Price lists and representative catalogs and brochures, if available, should accompany the report. The report shall set forth a schedule of sales showing the following with respect to the fiscal year under review:

Standard commercial article	Total sales	Sales self-exempted	Nonrenegotiable sales	
			Amount	Percent of total
(1)				
(2)				
(3)				
(4)				

If the new durable productive equipment exemption is applicable (see Part 1454 of this subchapter), the sales in the schedule should be stated before application of such exemption.

(b) *Certificate of pricing.* A supplemental Report of Self-Exemption shall include a Certificate of Pricing in substantially the following form, subject to variation as required:

We hereby certify that, except as explained below, all our sales of each article in the schedule submitted herewith were made at a price or prices not in excess of the lowest price at which, in sales reasonably related thereto in time, we sold such article in similar quantity for civilian industrial or commercial use.

EXCEPTIONS

(INCLUDE IF APPLICABLE; OTHERWISE, OMIT)

1. With respect to the article listed as Item ______ in the accompanying schedule, sales thereof in the amount of $______ were made at a price or prices higher than the lowest price referred to in the first paragraph of this certificate, because of the following significantly different circumstances relating to such sales: (State prices involved, and explain.)

2. With respect to the article listed as Item ______ in the accompanying schedule, to the extent of sales thereof in the amount of $______, we did not make any commercial sales in similar quantity and reasonably related thereto in time. However, such sales in the schedule were made at a price or prices not in excess of the price that our established commercial pricing pattern, in sales actually made, indicates we would have charged in a commercial sale of a similar quantity at that time. (Explain in detail, including references to price lists, etc.)

(c) *Time for filing.* The Supplemental Report of Self-Exemption for a fiscal year shall be filed not later than the date specified in the Board's request therefor (see § 1467.44 (b) and (c)).

§ 1467.51 Exemption of standard commercial classes of articles.

(a) *In general.* Section 106(e)(2) of the act exempts an article in "a standard commercial class of articles," as that term is defined in section 106(c)(4)(F). Under this provision, a group of articles may be exempted even though the contractor does not maintain sales records on the individual articles comprising the group and is thus unable to qualify any individual article in the group as a standard commercial article. This exemption is not self-executing; it may be obtained only by application to the Board, upon a showing that all the conditions prescribed in section 106(e)(4)(F) exist. If any of such conditions is not present, the group containing the articles for which exemption is sought does not constitute a standard commercial class of articles, and the exemption does not apply. The necessary conditions are explained in the succeeding paragraphs of this section.

(b) *Limitation to fiscal year.* This exemption, if granted, is effective only with respect to the fiscal year under review. If exemption is desired for any other year, separate application must be made therefor to the Board.

(c) *Stock or catalog sales.* Section 106(e)(4)(F)(i) of the act provides that at least one of the articles in a standard commercial class of articles must be customarily maintained in stock, or must be offered for sale in accordance with a price schedule regularly maintained by the contractor. For the purposes of this section, these terms shall have the meanings given to them in § 1467.48(b). The contractor will be required to identify the article or articles which are alleged to meet this requirement.

(d) *"Of the same kind."* (1) Section 106(e)(4)(F)(ii) of the act provides that all the articles in a standard commercial class of articles must be of the same kind. In determining whether articles are of the same kind, the Board will consider both their generic and their specific qualities or attributes. The articles need not be of identical specifications. The uses made or to be made of the respective articles will be taken into consideration, but such uses need not be identical.

(2) The term "of the same kind" will be fairly narrowly construed to exclude unreasonable variations. For example, an ultra-precision bearing manufactured to extremely close tolerances is not considered to be an article of the same kind as a bearing manufactured of the same materials but to much wider tolerances.

(3) The term "of the same kind" will also be construed to exclude obviously unlike articles which, for accounting or other purposes, are sometimes grouped together by the contractor in a single general classification. For example, ordinary commercial plate and armor plate are not considered to be articles of the same kind although both may be carried by the contractor under the single accounting classification of "plate."

(e) *"Same or substitute materials."* (1) Section 106(e)(4)(F)(ii) of the act provides that all the articles in a standard commercial class of articles must be manufactured of the same or substitute materials. This requirement may be satisfied without all such articles necessarily being of identical specifications.

(2) The term "same or substitute materials" will be construed to exclude materials having substantially different combinations of elements or ingredients and, consequently, different industrial or commercial use. For example, aluminum sheet made of an alloy containing 5 percent zinc is not an article manufactured of "the same or substitute materials" as aluminum sheet of the same dimensions but made from an alloy containing 4 percent copper and having significantly different performance characteristics, such as melting temperature, strength, etc. Because of these differences, and because one of these alloys is used predominantly in high-speed airplane construction and users are willing to pay a considerably higher price for it, these two types of aluminum sheet would also not be considered to be articles of the same kind under paragraph (d) of this section.

(f) *Price limitation.* Section 106(e)(4)(F)(iii) of the act provides that the price of each article in a standard commercial class of articles shall be not in excess of the lowest price at which such article is sold in similar quantity by the contractor for civilian industrial or commercial use, except for any excess attributable to the cost of accelerated delivery or other significantly different circumstances. This limitation refers to commercial sales of the article by the contractor reasonably related in time to the sale for which exemption is claimed. For the purposes of this section, such limitation shall have the meaning set forth in § 1467.48(c).

(g) *"Reasonably comparable" prices.* Section 106(e)(4)(F)(iv) of the act provides that all the articles in a standard commercial class of articles must be sold at reasonably comparable prices. As so used, the term "reasonably comparable" means that such differences as exist between the prices of such articles are attributable to measurable characteristics and, without resort to cost analyses, are explainable in terms of differentials shown in the contractor's established commercial pricing pattern for articles of the same kind. This does not include price differences which are not reflected in the contractor's commercial price schedules, even though such differences are alleged to be and can be proved to be consistent with the cost differences between the articles. The Board will disregard price differences which it considers to be of negligible importance.

Example. Assume that the contractor sells pipe in the following sizes only, listed in its catalog at the following prices:

Inside diameter	Wall thickness (price per linear foot)		
	0.15 in.	0.20 in.	0.25 in.
1 inch	$0.10	$0.14	$0.18
2 inches	.15	.21	.27
3 inches	.19	.27	.35

Assume also that all the pipe sizes are articles of the same kind and manufactured of the same materials.

(i) Assume further that the Army is the sole purchaser of the contractor's 2-inch pipe of 0.15-inch wall thickness, and that all the other articles listed are sold by the contractor in substantial quantities to commercial customers. It is evident that the price of the pipe bought by the Army is consistent with the relationships shown in the contractor's catalog for pipe of different diameters and different wall thicknesses, and hence is reasonably comparable with the prices of such other articles.

(ii) Assume now that the contractor customarily makes substantial commercial sales of all the articles listed above, and fills a special order from the Navy for 5-inch pipe. With no sales record to offer for pipe in diameters above 3 inches, the contractor would be unable to meet the statutory requirement unless it could show that its sales of pipe in diameters to and including 3 inches establish a pricing pattern from which it may properly be concluded that its price to the Navy for 5-inch pipe is reasonably comparable with its prices for the other pipe sizes.

(h) *The 55 percent test.* (1) Section 106(e)(4)(F)(v) of the act provides that at least 55 percent of the aggregate receipts or accruals of the contractor from sales in the fiscal year under review of all the articles in a standard commercial class of articles must be nonrenegotiable.

(2) In computing nonrenegotiable receipts or accruals for the purpose of subparagraph (1) of this paragraph, the receipts or accruals for which exemption is claimed in the Application for Commercial Exemption shall be considered renegotiable. Also, the extent to which a prime contract or subcontract for new durable productive equipment is exempt by reason of section 106(c) of the act is disregarded; every such prime contract or subcontract shall, for such purpose, be considered wholly renegotiable.

§ 1467.52 The term "service."

Section 106(e)(4)(C) of the act defines the term "service" to mean any processing or other operation performed by chemical, electrical, physical, or mechanical methods directly on materials owned by another person. For the purposes of this exemption, the term "service" will be given a narrow meaning. When two operations differ in nonessential respects only, and are sold at the same price, such operations will be considered a single service. If such operations are sold at different prices, each will be considered a separate service. Similarly, if the operations differ in any essential respect, each will be considered a separate service, even though coincidentally both may sell at the same price. In determining whether prices are the same or different, volume or other discounts will be disregarded.

§ 1467.53 Exemption of standard commercial services.

(a) *In general.* Section 106(e)(1)(B) of the act exempts a "standard commercial service," as that term is defined in section 106(e)(4)(D).

(b) *Interpretation.* This exemption is not limited to services performed on articles which qualify for exemption under section 106(e) of the act. A service may qualify as a standard commercial service even though it is performed on an article which does not itself qualify for exemption. For example, if a contractor produces aircraft parts and furnishes them to a subcontractor for plating, the subcontractor is not precluded from obtaining the exemption merely because the aircraft parts are not exempt under section 106(e) of the act. This exemption is not self-executing; it may be obtained only by application to the Board, upon a showing that both of the two conditions prescribed in section 106(e)(4)(D) are met. These conditions are explained in the succeeding paragraphs of this section.

(c) *Price limitation.* (1) The first requisite of a standard commercial service, as provided in section 106(e)(4)(D)(i) of the act, is that the price therefor shall be not in excess of the lowest price at which such service is performed under similar circumstances by the contractor for civilian industrial or commercial purposes. This limitation refers to commercial sales of the service by the contractor reasonably related in time to the sale for which exemption is claimed.

(2) A contractor may claim exemption for the sale of a service even though his commercial sales thereof did not include any sale made under similar circumstances. In a case where the contractor has not made a sale under similar circumstances, he must establish that his price in the sale for which exemption is claimed reflects adjustments appropriate to the differences in circumstances, including adjustments for any significantly different circumstances associated with sales to the Government.

(d) *The 55 percent test.* The second requisite of a standard commercial service, as provided in section 106(e)(4)(D)(ii) of the act, is that the nonrenegotiable receipts or accruals of the contractor from sales of the service must aggregate at least 55 percent of the contractor's total receipts or accruals from such sales in the fiscal year.

(e) *Limitation to fiscal year.* This exemption, if granted, is effective only with respect to the fiscal year under review. If exemption is desired for any other year, separate application must be made therefor to the Board.

§ 1467.54 Exemption of like services.

(a) *In general.* Section 106(e)(1)(B) of the act exempts a service which is "reasonably comparable with a standard commercial service," as that term is defined in section 106(e)(4)(E), and whether or not the contractor has waived the exemption with respect to such standard commercial service. The statute contemplates that such a service, although not itself a standard commercial service, is sufficiently like a standard commercial service to warrant similar treatment for renegotiation purposes. The exemption of such "like services" is not self-executing; it may be obtained only by application to the Board, upon a showing that all the conditions prescribed in section 106(e)(4)(B) exist. If any of such conditions is not present, the service is not reasonably comparable with a standard commercial service, and the exemption does not apply. The necessary conditions are explained in the succeeding paragraphs of this section.

(b) *Limitation to fiscal year.* (1) This exemption, if granted, is effective only with respect to the fiscal year under review. If exemption is desired for any other year, separate application must be made therefor to the Board.

(2) The standard commercial service selected for comparison must be one performed by the contractor himself in the fiscal year under review. The requirements of the statute cannot be satisfied by comparing like services with standard commercial services performed by other contractors in the fiscal year under review, or with standard commercial services performed by the contractor or by other contractors in any fiscal year other than the fiscal year under review.

(3) No standard commercial service may be used under this section as a basis to exempt more than one like service; exemption is not available under the act for two or more services on the ground that each is reasonably comparable with the same standard commercial service.

(c) *Qualitative requirements.* Section 106(e)(4)(E)(i) of the act provides that a like service must be of the same or similar kind, must be performed with the same or similar materials, and must have the same or a similar result as a standard commercial service from the performance of which the contractor has receipts or accruals in the fiscal year under review. In determining whether two services meet these requirements, the Board will consider both their generic and their specific characteristics. These requirements may be satisfied without the two services necessarily involving identical operations.

(d) *Price limitation.* Section 106(e)(4)(E)(ii) of the act provides that, to qualify as a like service, the price of such service shall be not in excess of the lowest price at which such service is performed under similar circumstances by the contractor for civilian industrial or commercial purposes. This limitation refers to commercial sales of the service by the contractor reasonably related in time to the sale for which exemption is claimed.

(e) *The 55 percent test.* Section 106(e)(4)(E)(iii) of the act provides that the receipts or accurals of the contractor from nonrenegotiable sales of a like service and the standard commercial service selected for comparison must aggregate at least 55 percent of the contractor's total receipts or accurals from sales of such services in the fiscal year.

§ 1467.55 Application for Commercial Exemption.

(a) *Form.* No printed form is prescribed for the filing of an application for exemption under section 106(e)(3) of the act. However, the information and data prescribed in paragraph (b) of this section will be known as the "Application for Commercial Exemption." This application shall be furnished in writing, shall be entitled "Application for Commercial Exemption," and shall consist of numbered paragraphs corresponding with the numbers in paragraph (c) of this section. Attention is called to the fact that the submission of this application is subject to the penalty provisions of section 105(e)(1) of the act.

(b) *Use.* Except as provided in § 1467.43, the Application for Commercial Exemption shall be filed by every contractor who claims exemption under section 106(e) of the act for any articles or services, except standard commercial articles (see § 1467.42(b)). A separate application must be filed by every contractor claiming the exemption; affiliated or related contractors may not file consolidated applications.

(c) *Contents.* The Application for Commercial Exemption shall contain the information and data prescribed in the following instructions:

(1) *Description of articles or services.* Set forth a description of the articles or services claimed to be exempt, including representative catalogs or brochures, if available. State clearly whether exemption is being claimed for (i) articles in a standard commercial class or classes of articles; (ii) standard commercial services; or (iii) like services—i.e., services which are reasonably comparable with a standard commercial service or services. If it is desired in a single application to claim exemption for any standard commercial services or like services, as well as for articles in one or more standard commercial classes of articles, a statement in substantially the following form must be included: "The contractor hereby consents and agrees that the 6-month period prescribed in section 106(e)(3)(B)(ii) of the act shall apply with respect to all the articles (or: all the articles and services) for which exemption is claimed in this application."

(2) *Standard commercial classes of articles.* With respect to articles in a standard commercial class of articles, identify at least one article in the class which either is customarily maintained in stock by the contractor or is offered for sale in accordance with a price schedule regularly maintained by the contractor, except that if all the articles in the class are listed in a price schedule furnished with the application, a statement to that effect will suffice; set forth information sufficient to establish that all the articles in the class are of the same kind, are manufactured of the same or substitute materials, and are sold at reasonably comparable prices; include or attach a Certificate of Pricing in substantially the form set forth in § 1467.50(b); and set forth a schedule showing the following with respect to the fiscal year under review:

Standard commercial class of articles	Total sales	Sales claimed to be exempt	Nonrenegotiable sales	
			Amount	Percent of total
(1)				
(2)				
(3)				
(4)				

If the new durable productive equipment exemption is applicable (see Part 1454 of this subchapter), the sales in the schedule should be stated before application of such exemption.

(3) *Standard commercial services.* With respect to each standard commercial service, state the total amount of sales of such service in the fiscal year under review, and the amount and percent of the nonrenegotiable sales thereof in such fiscal year. Include or attach a Certificate of Pricing in substantially the form set forth in § 1467.50(b), but modified to replace references to sales of articles for civilian industrial or commercial use with references to sales of services for civilian industrial or commercial purposes (see § 1467.53(c)).

(4) *Like services.* With respect to any like service, describe the standard commercial service with which such like service is claimed to be reasonably comparable; set forth information sufficient to establish that such services are of the same or a similar kind, are performed with the same or similar materials, and have the same or a similar result; include or attach a Certificate of Pricing in substantially the form set forth in § 1467.50(b), but modified to replace references to sales of articles for civilian industrial or commercial use with references to sales of services for civilian industrial or commercial purposes (see § 1467.53(c)); and set forth a schedule of sales showing the following with respect to the fiscal year under review:

Like service claimed to be exempt	Standard commercial service compared	Total sales		Renegotiable sales		Nonrenegotiable sales (like and standard combined)	
		Like	Standard	Like	Standard	Amount	Percent of total
(1)							
(2)							
(3)							
(4)							

(d) *Time for filing.* Except as provided in § 1467.43, every contractor who claims that the exemption provided in paragraph (1)(B) or paragraph (2) of section 106(e) of the act is applicable to any of his receipts or accruals in a fiscal year, under prime contracts with the Departments or subcontracts, shall file an Application for Commercial Exemption as soon as practicable after the close of such fiscal year, but in no event later than the date upon which the contractor is required to file the Standard Form of Contractor's Report with respect to such fiscal year. If the Application for Commercial Exemption is filed on or before the date upon which the contractor is required to file the Standard Form of Contractor's Report with respect to such fiscal year, the contractor shall not be required to file the Standard Form of Contractor's Report until the date prescribed in § 1470.3(d) of this subchapter for the filing thereof or until the 30th day after the Board sends to the contractor written notice of the action of the Board on the claim for exemption, whichever occurs later. If, as a result of such action of the Board, the renegotiable receipts or accruals of the contractor and all related contractors in such fiscal year aggregate less than the minimum amount for renegotiation prescribed in section 105(f)(1) of the act, the contractor shall not be required to file the Standard Form of Contractor's Report but shall be entitled, if he elects so to do, to file the Statement of Nonapplicability with respect to such fiscal year.

§ 1467.56 Duty to furnish additional information.

The filing of an Application for Commercial Exemption in accordance with the provisions of this section will not relieve any prime contractor or subcontractor of the duty to furnish any other information, records or data which are determined by the Board to be necessary to carry out its responsibilities under section 106(e) of the act.

§ 1467.57 Effect of filing application for commercial exemption.

(a) *In general.* When an Application for Commercial Exemption is filed, it will be considered that the contractor has filed the information and data prescribed in paragraph (3) of section 106(e) of the act, and the applicable 3-month or 6-month period prescribed in said paragraph will thereupon begin to run, except as provided in the succeeding paragraphs of this section.

(b) *When application is defective.* If, within sixty (60) days after the filing of an Application for Commercial Exemption, the Board sends to the contractor a written notice that such application is in the opinion of the Board incomplete or otherwise defective in any material respect, and that exception has been taken thereto in such respect, the filing of such application will not be considered to be the filing of the information and data prescribed in paragraph (3) of section 106(e) of the act, sufficient to start the running of the applicable 3-month or 6-month period prescribed in said paragraph, and such period will not begin to run until such defect has been corrected by the filing of the information or data specified in the notice of the Board. If the contractor fails to correct the defect within a reasonable time after such notice, the Board may deny the application of the contractor for exemption.

(c) *When additional information is required.* If, within sixty (60) days after the filing of an Application for Commercial Exemption, the Board sends to the contractor a written request to furnish specific additional information or data to support the claim for exemption, the filing of such application will not be considered to be a filing of information and data sufficient to start the running of the applicable 3-month or 6-month period prescribed in section 106(e)(3) of the act, and such period will not begin to run until a complete and satisfactory filing of the additional information or data so requested has been made. Any such additional information or data, when filed, will be deemed a part of the Application for Commercial Exemption. If such additional filing is complete and satisfactory, the Board as soon as possible thereafter will send to the contractor a written notice that the additional information and data is complete and satisfactory and that the applicable 3-month or 6-month period began to run on the date of such additional filing. If the contractor fails to furnish the aditional information or data within a reasonable time after the request therefor, the Board may deny the application of the contractor for the exemption.

(d) *When material misstatement occurs.* If the Application for Commercial Exemption filed by any contractor contains a misstatement of a material fact, the applicable 3-month or 6-month period prescribed in section 106(e)(3) of the act will not begin to run until such misstatement has been corrected, with or without any notice or request from the Board, and notwithstanding that the Board previously may have notified the contractor that such application has been accepted as complete and satisfactory.

§ 1467.58 Grant of exemption.

If, within the applicable 3-month or 6-month period prescribed in section 106(e)(3) of the act, computed in accordance with the provisions of § 1467.57, or within any longer period stipulated by mutual agreement, the Board determines that any article or service for which exemption has been claimed by the contractor in the Application for Commercial Exemption is an article or service to which the exemption applies, the Board will give written notice of such determination to the contractor and will advise the contractor that its sales of such article or service in the fiscal year under review are exempt under section 106(e) of the act. Except as provided in § 1467.57(d), such exemption shall be fixed and final.

§ 1467.59 Accrual of exemption by failure of Board to act.

If, within the applicable 3-month or 6-month period prescribed in section 106(e)(3) of the act, computed in accordance with the provisions of § 1467.57, or within any longer period stipulated by mutual agreement, the Board fails to determine that any article or service for which exemption has been claimed by the contractor in the Application for Commercial Exemption is not an article or service to which the exemption applies, the sales of such article or service in the fiscal year under review shall be exempt under section 106(e) of the act and, except as provided in § 1467.57(d), such exemption shall be fixed and final.

§ 1467.60 Denial of exemption.

If, within the applicable 3-month or 6-month period prescribed in section 106(e)(3) of the act, computed in accordance with the provisions of § 1467.57, or within any longer period stipulated by mutual agreement, the Board determines that any article or service for which exemption has been claimed by the contractor in the Application for Commercial Exemption is not an article or service to which the exemption applies, the Board will give written notice of such determination to the contractor and will advise the contractor that its sales of such article or service in the fiscal year under review are not exempt under section 106(e) of the act.

§ 1467.61 Exemption not applicable to related subcontracts.

The exemption provided in section 106(e) of the act is limited to prime contracts and subcontracts meeting the conditions prescribed in said subsection (e). The exemption is not derivative; it does not apply automatically to any other subcontract merely because of its relation to a prime contract or higher-tier subcontract that is within the exemption. W'th respect to any such other subcontract, the exemption, if claimed, must be independently established. Section 106(a)(7) of the act, which exempts subcontracts under certain exempt prime contracts or subcontracts, does not apply to subcontracts under prime contracts or subcontracts exempted under section 106(e) of the act (see § 1453.6 of this subchapter). Receipts or accruals of a broker or manufacturer's agent are not exempt under section 106(e) even though such amounts are referable to a prime contract or subcontract which is exempt thereunder (see § 1490.6(f) of this subchapter).

PART 1470—INFORMATION REQUIRED OF CONTRACTORS

Section 1470.3 *Filing of financial statement* is amended in the following respects:

1. Paragraphs (a) and (b) are amended by adding at the end thereof the following:

§ 1470.3 Filing of financial statement.

(a) * * * If the contractor has self-applied the exemption for standard commercial articles provided in section 106(e)(1)(A) of the act, he shall, upon request of the Board, file a Supplemental Report of Self-Exemption as provided in § 1467.50 of this subchapter. Such report shall be filed either before or with the filing of the Standard Form of Contractor's Report (see § 1467.50(c)).

(b) * * * When, but for the exemption for standard commercial articles provided in section 106(e)(1)(A) of the act, a contractor would be required to file the Standard Form of Contractor's Report pursuant to paragraph (a) of this section, such contractor shall file a Report of Self-Exemption as provided in § 1467.49 of this subchapter, unless within the time provided therefor he files a Statement of Nonapplicability pursuant to this paragraph (b). If, thereafter, the Board requests the contractor to file a Supplemental Report of Self-Exemption, he shall file such report not later than the date specified in such request.

* * * * *

(Sec. 109, 65 Stat. 22; 50 U.S.C.A., App. sec. 1219)

Dated: November 4, 1968.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 68-13473; Filed, Nov. 6, 1968; 8:47 a.m.]

PART 1455—PERMISSIVE EXEMPTIONS FROM RENEGOTIATION

"Stock Item" Exemption

Section 1455.6 *Subcontracts as to which it is not administratively feasible to segregate profits* is amended in the following respects:

1. Paragraph (b) is amended by deleting "July 1, 1968" from the heading and text, and inserting in lieu thereof "November 1, 1968".

2. A new paragraph (d) is added to read as follows:

(d) *Application for "stock item" exemption; amounts received or accrued after October 31, 1968.* (1) The provisions of paragraphs (b) and (c) of this section shall not apply to amounts received or accrued after October 31, 1968.

(2) Amounts received or accrued after October 31, 1968 will be exempted under this section only if, in the opinion of the Board, such amounts are received or accrued under a subcontract or group of subcontracts for materials (including maintenance, repair and operating supplies) customarily purchased for stock in the normal course of the purchaser's business and it is not administratively feasible to determine and segregate the profits attributable to such subcontract or group of subcontracts from the profits

attributable to activities not subject to renegotiation. A contractor who believes that a particular subcontract or group of subcontracts should be exempted under this provision may file an application with the Board. No printed form is prescribed for the filing of such an application, but it shall be in writing, shall be entitled "Application For Stock Item Exemption," and shall contain information and data in sufficient detail to support a conclusion that the materials involved are customarily purchased for stock in the normal course of the purchaser's business and that segregation is not administratively feasible with respect to the subcontract or group of subcontracts for which exemption is sought.

(3) An Application For Stock Item Exemption shall be filed not later than the date upon which the contractor is required to file the Standard Form of Contractor's Report with respect to the fiscal year.

(4) If, in addition to receipts or accruals for which the contractor has filed an Application For Stock Item Exemption, the contractor in the same fiscal year has other renegotiable receipts or accruals, the contractor shall not be entitled to file a Standard Form of Contractor's Report or a Statement of Nonapplicability for such fiscal year (see § 1470.3 (a) and (b) of this subchapter) until the Board has completed its action upon the Application For Stock Item Exemption. A Standard Form of Contractor's Report or a Statement of Nonapplicability filed before such time will be returned to the contractor, and will not constitute the filing of a financial statement under section 105(e)(1) of the act and will not commence the running of the 1-year period of limitations prescribed in section 105(c).

(Sec. 109, 65 Stat. 22; 50 U.S.C.A., App. sec. 1219)

Dated: November 4, 1968.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 68-13472; Filed, Nov. 6, 1968; 8:47 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 261—TRESPASS

Control of Unauthorized Livestock Use

Part 261 of Title 36, Code of Federal Regulations, is amended as follows:

1. Section 261.7 *Grazing uses restricted,* is revised to read as follows:

§ 261.7 Unauthorized livestock use.

The following acts are prohibited on all National Forest System lands or other lands under Forest Service control:

(a) The grazing upon or driving across such lands of any livestock not under grazing permit or grazing agreement, except such livestock as are specifically exempted from permit or agreement.

(b) The grazing of livestock within an area closed to the grazing of that kind of livestock.

(c) Allowing livestock not exempt from grazing permit or grazing agreement to drift onto and graze such lands without a permit or agreement.

(d) Refusal to remove unpermitted nonexempt livestock upon instructions from an authorized Forest officer.

2. Section 261.13, *Impounding of livestock,* is revised to read as follows:

§ 261.13 Impoundment and disposal of unauthorized livestock.

Unauthorized livestock on the National Forest System lands and on other lands under Forest Service control, which are not removed therefrom within the periods prescribed by this regulation, may be impounded and disposed of by a Forest officer as provided herein.

(a) When a Forest officer determines that unauthorized livestock use is occurring and has definite knowledge of the kind of unauthorized livestock, and knows the name and address of the owners, such livestock may be impounded any time 5 days after written notice of intent to impound unauthorized livestock is mailed by certified or registered mail or personally delivered to such owners.

(b) When a Forest officer determines that unauthorized livestock use is occurring but does not have complete knowledge of the kind of livestock, or if the name and address of the owner thereof are unknown, such livestock may be impounded any time 15 days after the date a notice of intent to impound unauthorized livestock is first published in a local newspaper and posted at the county courthouse and in one or more local post offices. The notice will identify the area or areas in which it will be effective.

(c) Unauthorized livestock on National Forest System lands and on other lands under Forest Service control, which are owned by persons given notice under paragraph (a) of this section, and any unauthorized livestock in areas for which a notice has been posted and published under paragraph (b) of this section, may be impounded without further notice any time within the twelve-month period immediately following the effective date of the notice or notices given under paragraphs (a) and (b) of this section.

(d) Following the impoundment of unauthorized livestock, a notice of sale of impounded livestock will be published in a local newspaper, and posted at the county courthouse and in one or more local post offices. The notice will describe the livestock and specify the date, time, and place of sale. The date set shall be at least 5 days after the publishment and posting of such notice.

(e) The owner may redeem the livestock any time before the date and time set for the sale by submitting proof of ownership and paying for all expenses incurred by the United States in gathering, impounding, and feeding or pasturing the livestock.

(f) If the livestock are not redeemed on or before the date and time fixed for their sale, they shall be sold at public sale to the highest bidder, providing his bid is at or above the minimum amount set by the Forest Service. If a bid at or above the minimum amount is not received, the livestock may be sold at private sale at or above the minimum amount, reoffered at public sale, condemned and destroyed, or otherwise disposed of. When livestock are sold pursuant to this regulation, the Forest officer making the sale shall furnish the purchaser a bill of sale or other written instrument evidencing the sale. Agreements may be made with State agencies whereby unbranded livestock or livestock of unknown ownership are released to the agency for disposition in accordance with State law.

§ 261.14 [Revoked]

3. Section 261.14, *Elements of damage in livestock trespass,* is revoked.

Effective date. This revision and revocation shall become effective on the date of its publication in the FEDERAL REGISTER.

(30 Stat. 35, as amended; 16 U.S.C. 551, 50 Stat. 526; 7 U.S.C. 1011(f), 80 Stat. 379; 5 U.S.C. 301)

Done at Washington, D.C., this 4th day of November 1968.

JOHN A. BAKER,
Assistant Secretary of Agriculture.

[F.R. Doc. 68-13501; Filed, Nov. 6, 1968; 8:49 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 209—ADMINISTRATIVE PROCEDURE

Shipping Safety Fairways and Anchorage Areas; Gulf of Mexico

Correction

In F.R. Doc. 68-12984 appearing at page 15797 in the issue of Friday, October 25, 1968, in § 209.135(d)(42) in the "latitude" column, the second line should read "30°13′27″".

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4532]

[New Mexico 3756]

NEW MEXICO

Addition to National Forest

Correction

In F.R. Doc. 68-12069 appearing at page 14883 in the issue of Friday, October 4, 1968, the seventh line under the center heading "New Mexico Principal Meridian" should read: "Sec. 13, NE¼NE¼, N½NW¼, S½N½, N½".

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 68]

RICE

Fee for Type Samples

Under the authority contained in sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624), notice is hereby given pursuant to the administrative procedure provision of 5 U.S.C. sec. 553, that the U.S. Department of Agriculture has under consideration a proposal to amend § 68.42 of the Part 68 regulations (7 CFR 68.42) to provide for the sale of rice type samples.

Statement of considerations. The Grain Division of the Consumer and Marketing Service is responsible for the inspection and certification of rice under the Agriculture Marketing Act of 1946 and the Part 68 regulations thereunder. To promote accurate and uniform inspection, sets of type samples, illustrating the lower limits for the milling degrees for rice, have been prepared by the Grain Division and distributed to the Federal and Federal-State inspection offices. The rice type samples provide inspectors with uniform standards for determining milling degrees and are considered useful by the rice trade.

Members of the trade have expressed interest in purchasing sets of the rice type samples and have stated that they are willing to pay the cost of preparing and mailing the sets. A study by the Grain Division shows that the cost is approximately $50 per set. The rice trade has indicated that this is considered to be a reasonable cost. If the proposal is adopted, type samples would be available for examination at, or could be purchased from the Grain Inspection Branch, Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782. Type samples would also be available for examination at selected field offices of the Grain Division. A list of the field offices may be obtained from the above address.

Accordingly, it is proposed that § 68.42 (7 CFR 68.42 of the Part 68 regulations be amended by inserting between the lines reading "Straw inspection: (see Hay inspection)" and "U.S. Grain in Canada:" the following:

Type samples, rice, milling degree____ [8] 50.00

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[8] Type samples will be available for examination at, or may be purchased from the Grain Inspection Branch, Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782. Type samples will also be available for examination at selected field offices of the Grain Division. A list of the field offices may be obtained from the above address.

The proposed amendment to provide for the sale of rice type samples has been discussed with various members of the rice trade. Opportunity is hereby afforded interested parties to submit written data, views, or arguments with respect to the proposed amendment of Part 68 of the regulations (7 CFR Part 68) to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions should be in duplicate and should be received by the Hearing Clerk not later than 30 days after this notice is published in the FEDERAL REGISTER. All 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)). Consideration will be given to the written data, views, or arguments received by the Hearing Clerk and to other information available to the U.S. Department of Agriculture before final determination is made with respect to this proposal.

(Secs. 203, 205, 60 Stat. 1097, 1090, as amended; 7 U.S.C. 1622, 1624)

Done in Washington, D.C., this 4th day of November 1968.

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

[F.R. Doc. 68-13500; Filed, Nov. 6, 1968; 8:49 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. AA-3702]

ALASKA

Notice of Proposed Classification of Lands for Multiple-Use Management

OCTOBER 25, 1968.

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411–18), and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple-use management, all of the public lands in the area described in paragraph 2.

Publication of this notice has the effect of segregating the described lands from appropriation under the settlement laws (48 U.S.C. 371–380, 461) and Native Allotment Act (48 U.S.C. 357–357b) and also the mining and mineral leasing laws. The lands will remain open to other applicable forms of appropriation and use. As used herein, "public lands" means any lands which are not withdrawn or reserved for a Federal use or purpose.

2. The public lands affected by this proposed classification are located east of the city of King Cove on the Alaska Peninsula in southwestern Alaska. They are described as follows and are shown on maps on file in the Anchorage District Office, 4700 East 72d Street, Anchorage, Alaska 99502, and the State Office, 555 Cordova Street, Anchorage, Alaska 99501.

Commencing at the northeast corner of U.S. Survey 2833, thence north approximately 162 chains to corner No. 2; thence east approximately 158 chains to corner No. 3; thence south approximately 200 chains to corner No. 4; thence west approximately 158 chains to corner No. 5; thence north approximately 38 chains back to the point of beginning.

Containing approximately 3,160 acres.

The above lands will probably be when surveyed:

T. 59 S., R. 85 W., S.M.,
Secs. 18 and 19, W½;
Sec. 30, NW¼.
T. 59 S., R. 86 W., S.M.,
Sec. 13;
Secs. 14 and 23, E½;
Sec. 24;
Sec. 25, N½;
Sec. 26, NE¼.

3. The purpose of this proposed classification is to afford protection to the Ram Creek Watershed to be the source of the domestic water supply for the city of King Cove.

Comments, opinions, and suggestions are encouraged from interested parties. All persons who wish to submit comments, suggestions, or objections in connection with the proposed classification, may present their views in writing to the Anchorage District Manager, Bureau of Land Management.

4. If the authorized officer determines that there is sufficient public interest, a public hearing will be held at a time and date to be announced.

BURTON W. SILCOCK,
State Director.

[F.R. Doc. 68-13451; Filed, Nov. 6, 1968; 8:45 a.m.]

[C-2904]

COLORADO

Notice of Termination of Classification of Public Lands

OCTOBER 29, 1968.

Notice of classification of lands, Serial No. C-2904 published in F.R. Doc. 68-12177 on page 14980 of the issue for Saturday, October 5, 1968, is hereby canceled so far as it affects the following described lands. The segregative effect, therefore, will terminate upon publication of this notice in the FEDERAL REGISTER, as provided by the regulations in 43 CFR 2411.2e(2) (ii):

SIXTH PRINCIPAL MERIDIAN, COLORADO

LARIMER COUNTY

T. 8 N., R. 69 W.,
Sec. 6, lots 6 and 7, E½SW¼.

The area described contains approximately 168.99 acres of public land.

E. I. ROWLAND,
State Director.

[F.R. Doc. 68-13452; Filed, Nov. 6, 1968; 8:45 a.m.]

[New Mexico 4830]

NEW MEXICO

Notice of Proposed Classification; Correction

OCTOBER 31, 1968.

In F.R. Doc. 68-12594 appearing on page 15454 of the FEDERAL REGISTER issue of Thursday, October 17, 1968, the following correction should be made:

Change "T. 1 N., R. 16 E., Sec 3, lots 1, 2, 3, S½NE¼, SE¼NE¼, E½SW¼, and SE¼;" to read "T. 1 N., R. 16 E., Sec. 3, lots 1, 2, 3, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;".

W. J. ANDERSON,
State Director.

[F.R. Doc. 68-13453; Filed, Nov. 6, 1968; 8:45 a.m.]

[OR 4061 (Wash.)]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Land

OCTOBER 29, 1968.

The Corps of Engineers, Department of the Army, has filed an application, Serial No. OR 4061 (Wash.), for the withdrawal of public land described below, from all forms of appropriation under the public land laws, subject to valid existing rights, including the mining and mineral leasing laws.

The applicant desires the use of the land as part of the Yakima Firing Center for military training.

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:

WILLAMETTE MERIDIAN

T. 15 N., R. 20 E.,
Sec. 30, that portion lying east of the easterly right-of-way line of the Proposed Interstate Highway 82.

The area described contains 573.47 acres.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 68-13454; Filed, Nov. 6, 1968; 8:45 a.m.]

[Wyoming 15395]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 31, 1968.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. Wyoming 15395, for the withdrawal of lands described below, from location and entry under the general mining laws, but not the mineral leasing laws, subject to valid existing rights.

The applicant wishes to assure tenure of the described lands which contain remaining relics of historical significance along the Lander Cut-Off of the Oregon Trail.

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.

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

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

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

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

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

BRIDGER NATIONAL FOREST

Lander Cut-Off of the Oregon Trail Historical Area

A strip of land 100 feet on each side of the centerline of the Lander Cut-Off of the Oregon Trail through the following subdivisions:

T. 29 N., R. 115 W.,
Sec. 19, lots 3 and 4, E½SW¼, and part of the W½SE¼ lying outside the Middle Fork-South Piney Roadside Zone withdrawal.

T. 29 N., R. 116 W.,
Sec. 6, lot 4;
Sec. 7, lot 2, W½NE¼, SE¼NE¼, and N½SE¼;
Sec. 8, W½SW¼, and part of the SE¼SW¼ lying outside the Greys River-LaBarge Creek Roadside Zone withdrawal;
Sec. 16, part of W½NW¼, N½SW¼, lying outside the Greys River-LaBarge Creek Roadside Zone withdrawal;
Sec. 17, part of E½NE¼, lying outside the Greys River-LaBarge Creek Roadside Zone withdrawal;
Sec. 24, SE¼SW¼ and SE¼;
Sec. 25, W½NE¼, E½NW¼, and part of the NE¼SW¼ and the NW¼SE¼ lying outside the Greys River-LaBarge Creek Roadside Zone withdrawal.

T. 29 N., R. 117 W., unsurveyed. When surveyed will probably be in:
Sec. 1, NE¼SW¼ and S½S½;
Sec. 10, SE¼SE¼;
Sec. 11, S½NE¼, SE¼NW¼, N½SW¼, SW¼SW¼, and E½SE¼;
Sec. 12, W½;
Sec. 13, NW¼NW¼;
Sec. 14, NW¼NW¼;
Sec. 15, N½NE¼, NE¼NW¼, and S½NW¼;
Sec. 16, SE¼NE¼, SW¼, and N½SE¼;
Sec. 17, S½S½;
Sec. 18, SE¼SE¼;
Sec. 19, NE¼, NE¼SW¼, S½SW¼, W½SE¼, according to approved Protraction Diagram No. 17, Wyoming.

T. 29 N., R. 118 W., unsurveyed. When surveyed will probably be in:
Sec. 4, W½E½, E½NW¼, and NE¼SW¼;
Sec. 9, W½E½, SE¼NW¼, and NE¼SW¼;
Sec. 14, S½NW¼, N½SW¼, SE¼SW¼, and W½SE¼;
Sec. 15, NW¼, N½SW¼, SE¼SW¼, S½SE¼, and NE¼SE¼;
Sec. 16, NE¼;
Sec. 23, NE¼, N½SE¼, and SE¼SE¼;
Sec. 24, that part of the S½SW¼ lying outside the Smiths Fork Administrative Site withdrawal;
Sec. 25, N½N½N½;
Sec. 26, NE¼NE¼, according to approved Protraction Diagram No. 17, Wyoming.

The areas described aggregate approximately 442 acres.

ROBERT E. WILBER,
Acting State Director.

[F.R. Doc. 68-13455; Filed, Nov. 6, 1968; 8:45 a.m.]

[Wyoming 15857]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 31, 1968.

The Bureau of Land Management, U.S. Department of the Interior, has filed an application, Serial No. Wyoming 15857, for the withdrawal of the lands described below from appropriation under the public land laws, except the Recreation and Public Purposes Act, and from the mining laws, but not from leasing under the Mineral Leasing Act, pursuant to authority of Executive Order 10355.

The applicant desires the land to preserve those segments of the Oregon Trail which have great historical value.

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

T. 29 N., R. 87 W.,
Sec. 25, S½S½;
Sec. 26, SE¼;
Sec. 35, N½NE¼.

T. 29 N., R. 89 W.,
Sec. 13, SW¼ and S½N½;
Sec. 18, lots 6 and 7, E½SW¼, and SE¼;
Sec. 19, lots 1, 2, 3, 5, 6, 7, and 8, and NE¼SW¼.

T. 28 N., R. 97 W.,
Sec. 5.

T. 29 N., R. 97 W.,
Sec. 22, SW¼SW¼;
Sec. 27, NW¼ and SW¼NE¼;
Sec. 28, N½;
Sec. 34, SE¼, E½SW¼, and SW¼SW¼.

T. 27 N., R. 101 W.,
Sec. 4, SW¼ and S½NW¼;
Sec. 5, SE¼ and S½NE¼.

The areas described aggregate approximately 3,326.64 acres.

ROBERT E. WILBER,
Acting State Director.

[F.R. Doc. 68-13456; Filed, Nov. 6, 1968; 8:46 a.m.]

Fish and Wildlife Service

[Docket No. A-471]

JAY W. STEVENS

Notice of Loan Application

NOVEMBER 1, 1968.

Jay W. Stevens, Box 17, Yakutat, Alaska 99689, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 37.5-foot registered length wood vessel to engage in the fishery for salmon.

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

RUSSELL T. NORRIS,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 68-13457; Filed, Nov. 6, 1968; 8:46 a.m.]

Office of the Secretary

GEORGE EVERETT MILLICAN

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 October 8, 1968.

Dated: October 31, 1968.

GEORGE EVERETT MILLICAN.

[F.R. Doc. 68-13459; Filed, Nov. 6, 1968; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

GEIGY CHEMICAL CORP.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 9B2353) has been filed by Geigy Chemical Corp., Ardsley, N.Y. 10502, proposing that § 121.2566 *Antioxidants and/or stabilizer for polymers* (21 CFR 121.2566) be amended to remove the limitation on 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate so that it may be used in olefin polymers that contact foods generally rather than just nonfatty foods.

Dated: October 29, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-13492; Filed, Nov. 6, 1968; 8:48 a.m.]

SALT INSTITUTE

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 9A2352) has been filed by the Salt Institute, 206 North Washington Street, Alexandria, Va. 22314, proposing that § 121.1032 *Yellow prussiate of soda* (21 CFR 121.1032) be amended to provide for the safe use of yellow prussiate of soda as an anticaking agent in all forms of dry salt for human consumption at a level not in excess of 13 parts per million expressed as anhydrous sodium ferrocyanide.

Dated: October 29, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-13493; Filed, Nov. 6, 1968; 8:48 a.m.]

UNION CARBIDE CORP.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 9B2350) has been filed by Union Carbide Corp., Post Office Box 65, Tarrytown, N.Y. 10591, proposing that § 121.2541 *Emulsifiers and/or surface-active agents* (21 CFR 121.2541) be amended to provide for the safe use of α-alkyl (C_{11}–C_{15})-*omega*-hydroxypoly(oxyethylene) as emulsifiers and/or surface-active agents in the manufacture of food-contact articles.

Dated: October 29, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-13494; Filed, Nov. 6, 1968; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-221]

DELTA STEAMSHIP LINES, INC.

Withdrawal of Application

In F.R. Doc. 68-13363 appearing in the FEDERAL REGISTER issue of November 2, 1968 (33 F.R. 16127), notice was given of the application of Delta Steamship Lines, Inc., for written permission under section 805(a), Merchant Marine Act, 1936, as amended, for its owned vessel, either the "Del Sud" or the "Delta Brazil," to load a cargo of crossties as more fully stated therein.

Notice is hereby given that the said application was withdrawn by Delta Steamship Lines, Inc., by its letter dated November 5, 1968.

Dated: November 5, 1968.

By order of the Maritime Subsidy Board/Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 68-13534; Filed, Nov. 6, 1968; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 68-56]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval Notice

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations, and materials used on vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by various laws and regulations in 46 CFR Chapter I to be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all concerned that certain approvals were granted, as described in this document during the period from August 3, 1967, to August 17, 1967 (List No. 31-67). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50, inclusive. For certain types of equipment, installations, and materials, specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications).

2. The statutory authorities for granting approvals of equipment and the delegation of authority to the Commandant, U.S. Coast Guard, are set forth with the specific specifications governing the item and are set forth in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications). The general authorities regarding approvals are set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 in title 46, United States Code, section 1333 in title 43, United States Code, section 198 in title 50, United States Code, and section 632 in title 14, United States Code, while the implementing regulations requiring such equipment are in 46 CFR Chapter I or 33 CFR Chapter I. The delegation of authority for the Commandant, U.S. Coast Guard, to take appropriate actions with respect to approvals is set forth in 49 CFR 1.4(a)(2).

3. In this document are listed the approvals which shall be in effect for a period of 5 years from the dates issued unless sooner canceled or suspended by proper authority.

LIFE PRESERVERS: REPAIRING AND CLEANING

Approval No. 160.006/27/0, vacuum sterilizing cleaning processes for kapok and fibrous glass life preservers as outlined in Vacuum Sterilizing Co. letter dated June 20, 1967, and U.S.C.G. Specification Subpart 160.006, where buoyancy fillers are not removed from envelope covers during cleaning process, issued to Vacuum Sterilizing Co., 1354 York Street, San Francisco, Calif. 94110, effective August 17, 1967.

GAS MASKS, SELF-CONTAINED BREATHING APPARATUS, AND SUPPLIED AIR RESPIRATORS

Approval No. 160.011/32/0, SurvivAir No. 9030-00, one-half hour self-contained compressed-air breathing apparatus, at least one extra fully charged cylinder of breathing air to be included as a part of the complete unit, Bureau of Mines approval No. 13D–12 only for use with BM 13D–12 facepiece and BM 13D–12 pressure regulator and assembly, assembly dwg. No. 9030–00, Rev. C dated July 6, 1962, manufactured by SurvivAir, Division of U.S. Divers Co., 3323 West Warner Avenue, Santa Ana, Calif. 92704, effective August 15, 1967. (It is an extension of approval No. 160.011/32/0 dated Oct. 4, 1962.)

SEA ANCHORS, LIFEBOAT

Approval No. 160.019/6/0, Type 2–A Sea Anchor, U.S.C.G. dwg. No. MMI–562 and specification dated November 1, 1943, revised August 24, 1944, manufactured by Eveready Canvas Corp., 270 Water Street, New York, N.Y. 10038, effective August 3, 1967. (It supersedes and reinstates approval No. 160.019/6/0 terminated July 31, 1967, and shows change of address of manufacturer.)

Approval No. 160.019/11/0, Type JF lifeboat sea anchor, U.S.C.G. dwg. No. MMI–562 and specification dated November 1, 1943, revised August 24, 1944, manufactured by Samuel Fassman Co., 2776 Atlantic Avenue, Brooklyn, N.Y. 11207, effective August 14, 1967. (It is an extension of approval No. 160.019/11/0 dated Oct. 11, 1962.)

WATER, EMERGENCY DRINKING (IN HERMETICALLY SEALED CONTAINERS)

Approval No. 160.026/18/1, container for emergency drinking water, dwg. No. B–104, dated September 17, 1952, manufactured by H & M Packing Corp., 913 Ruberta Avenue, Glendale, Calif. 91201, effective August 14, 1967. (It is an extension of approval No. 160.026/18/1 dated Nov. 21, 1962.)

LIFEBOATS

Approval No. 160.035/204/4, 20.0′ x 6.0′ x 2.5′ steel, oar-propelled lifeboat, 16-person capacity, identified by construction and arrangement dwg. No. 20–1, Rev. G dated June 27, 1967, manufactured by Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, N.J. 07727, effective August 11, 1967. (If mechanical disengaging apparatus is fitted, it shall be of an approved type and the installation in this particular lifeboat shall be approved by the Commandant. It supersedes approval No. 160.035/204/3 dated July 12, 1966, to show change in capacity.)

Approval No. 160.035/208/5, 12.0′ x 4.42′ x 1.92′ steel, oar-propelled lifeboat, six-person capacity, identified by construction and arrangement dwg. No. 12–1, Rev. J dated July 7, 1967 (approved for six-person capacity as replacement in kind for an existing lifeboat requiring six-person capacity; and approved for use on vessels in Great Lakes, Bays, Sounds, and Lakes, and River service, as well as for use on certain coastwise tank barges), manufactured by Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, N.J. 07727, effective August 10, 1967. (If mechanical disengaging apparatus is fitted, it shall be of an approved type and the installation in this particular lifeboat shall be approved by the Commandant. It supersedes approval No. 160.035/208/4 dated Aug. 10, 1966, to show change in capacity.)

Approval No. 160.035/271/2, 22.0′ x 6.75′ x 2.92′ steel, oar-propelled lifeboat, 25-person capacity, identified by construction and arrangement dwg. No. 22–1B, Rev. D dated July 7, 1967, manufactured by Marine Safety Equipment Corp., Foot of Paynter's Road Farmingdale, N.J. 07727, effective August 14, 1967. (It supersedes approval No. 160.035/271/1 dated Dec. 17, 1964, to show change in construction.)

Approval No. 160.035/274/3, 22.0′ x 6.75′ x 2.92′ aluminum, oar-propelled lifeboat, 25-person capacity, identified by construction and arrangement dwg. No. 22–1C, Rev. G dated July 6, 1967, manufactured by Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, N.J. 07727, effective August 14, 1967. (It supersedes approval No. 160.035/274/2 dated Dec. 8, 1966.)

Approval No. 160.035/285/2, 18.0′ x 5.75′ x 2.42′ aluminum, oar-propelled lifeboat, 12-person capacity, identified by construction and arrangement dwg. No. 18–4, Rev. C dated June 26, 1967 (approved for 16-person capacity as a replacement in kind for an existing lifeboat requiring 16-person capacity), manufactured by Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, N.J. 07727, effective August 10, 1967. (If mechanical disengaging apparatus is fitted, it shall be an approved type and installed in accordance with drawings approved by the Commandant. It supersedes approval No. 160.035/285/1 dated Mar. 25, 1963, to show change in address and construction.)

Approval No. 160.035/350/2, 180′ x 6.0′ x 2.5′ steel, oar-propelled lifeboat, 13-person capacity, identified by construction and arrangement dwg. No. 18–5, alteration E dated June 26, 1967, manufactured by Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, N.J. 07727, effective August 14, 1967. (If mechanical disengaging apparatus is fitted, it shall be of an approved type and the installation in this particular lifeboat shall be approved by the Commandant. It supersedes approval No. 160.035/350/1 dated Dec. 19, 1966, to show change in capacity.)

Approval No. 160.035/397/5, 24.0′ x 8.0′ x 3.5′ fibrous glass reinforced plastic (FRP), motor-propelled lifeboat, without radio cabin or searchlight (Class 1), 37-person capacity, identified by general arrangement dwg. No. P–24–ID Rev. J dated July 29, 1967, manufactured by Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, N.J. 07727, effective August 9, 1967. (It supersedes approval No. 160.035/397/4 dated June 30, 1967, to show change in construction.)

KITS, FIRST-AID

Approval No. 160.041/4/0, first-aid kit, Model No. H–24, dwg. No. H–24–K, revised July 11, 1952, manufactured by A. E. Halperin Co., Inc., 75–87 Northampton Street, Boston, Mass. 02118, effective August 14, 1967. (It is an extension of approval No. 160.041/4/0 dated Oct. 11, 1962.)

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No 160.047/318/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047 (formerly ZEBCO Division), manufactured by Brunswick Corp, Consumer Division, Eminence, Ky. 40019, effective August 15, 1967. (It supersedes approval No. 160.047/318/0 dated Aug. 15, 1966, to show change in name of manufacturer.)

Approval No. 160.047/319/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047 (formerly ZEBCO Division), manufactured by Brunswick Corp., Consumer Division, Eminence, Ky. 40019, effective August 15, 1967. (It supersedes approval No. 160.047/319/0 dated Aug. 15, 1966, to show change in name of manufacturer.)

Approval No. 160.047/320/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047 (formerly ZEBCO Division), manufactured by Brunswick Corp., Consumer Division, Eminence, Ky. 40019, effective August 15, 1967. (It supersedes approval No. 160.047/320/0 dated Aug. 15, 1966, to show change in name of manufacturer.)

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/26/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i) (formerly ZEBCO Division), manufactured by Brunswick Corp., Consumer Division, Eminence, Ky. 40019, effective August 15, 1967. (It supersedes approval No. 160.-048/26/0 dated Aug. 15, 1966, to show change in name of manufacturer.)

Approval No. 160.048/88/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048–4(c)(1)(i), manufactured by Liberty Cork Co., 123 Whitehead Avenue, South River, N.J. 08882, effective August 9, 1967. (It reinstates and supersedes approval No. 160.-048/88/0 terminated Apr. 10, 1967.)

INFLATABLE LIFE RAFTS

Approval No. 160.051/13/1, four-person inflatable life raft, identified by general arrangement dwg. SPC–MM–4002, Rev. 5 dated June 6, 1967, and drawing list SPC–MM–4, revised June 6, 1967, manufactured by Switlik Parachute Co., Inc., Post Office Box 1328, Trenton, N.J. 08607, effective August 16, 1967. (Raft packed with "Limited Service Equipment" of 46

CFR 160.051-7(d). It supersedes approval No. 160.051/13/0 dated June 23, 1964, to show change in design.)

Approval No. 160.051/15/2, eight-person inflatable life raft, identified by general arrangement dwg. SPC-MM-8002, Rev. 6 dated June 7, 1967, and drawing list SPC-MM-8 revised June 6, 1967, manufactured by Switlik Parachute Co., Inc., Post Office Box 1328, Trenton, N.J. 08607, effective August 16, 1967. (It supersedes approval No. 160.051/15/1 dated May 25, 1965, to show change in design.)

Approval No. 160.051/16/2, 10-person inflatable life raft, identified by general arrangement dwg. SPC-MM-10002, Rev. 6 dated June 7, 1967, and drawing list SPC-MM-10, revised June 6, 1967, manufactured by Switlik Parachute Co., Inc., Post Office Box 1328, Trenton, N.J. 08607, effective August 16, 1967. (It supersedes approval No. 160.051/16/1 dated Apr. 26, 1965, to show change in design.)

Approval No. 160.051/18/2, 15-person inflatable life raft, identified by general arrangement dwg. SPC-MM-15002, Rev. 5 dated June 6, 1967, and drawing list SPC-MM-15, revised June 6, 1967, manufactured by Switlik Parachute Co., Inc., Post Office Box 1328, Trenton, N.J. 08607, effective August 16, 1967. (It supersedes approval No. 160.051/18/1 dated Apr. 26, 1965, to show change in design.)

Approval No. 160.051/19/2, 20-person inflatable life raft, identified by general arrangement dwg. SPC-MM-20002, Rev. 5 dated June 7, 1967, and drawing list SPC-MM-20, revised June 6, 1967, manufactured by Switlik Parachute Co., Inc., Post Office Box 1328, Trenton, N.J. 08607, effective August 16, 1967. (It supersedes approval No. 160.051/19/1 dated Apr. 26, 1965, to show change in design.)

Approval No. 160.051/20/2, 25-person inflatable life raft, identified by general arrangement dwg. SPC-MM-25002, Rev. 6 dated June 6, 1967, and drawing list SPC-MM-25, revised June 6, 1967, manufactured by Switlik Parachute Co., Inc., Post Office Box 1328, Trenton, N.J. 08607, effective August 16, 1967. (It supersedes approval No. 160.051/20/1 dated July 8, 1965, to show change in design.)

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Type II, Model LV, adult unicellular plastic foam buoyant vest, dwg. Nos. 1 and 2, revision 1 dated September 24, 1962, and Bill of Materials dated October 23, 1965 (formerly ZEBCO Division), manufactured by Brunswick Corp., Consumer Division, Eminence, Ky. 40019, effective August 15, 1967. (It supersedes approval No. 160.052/174/0 dated November 22, 1965, to show change in name of manufacturer.)

Approval No. 160.052/175/0, Type II, Model LVCM, child medium unicellular plastic foam buoyant vest, dwg. Nos. 1 and 3, revision 1 dated September 24, 1962, and Bill of Materials dated October 23, 1965 (formerly ZEBCO Division), manufactured by Brunswick Corp., Consumer Division, Eminence, Ky. 40019, effective August 15, 1967. (It supersedes approval No. 160.052/175/0 dated Nov. 22, 1965, to show change in name of manufacturer.)

Approval No. 160.052/176/0, Type II, Model LVCS, child small unicellular plastic foam buoyant vest, dwg. No. 1, revision 1 dated September 24, 1962, dwg. No. 4, revision 2 dated February 16, 1965, and Bill of Materials dated October 23, 1965 (formerly ZEBCO Division), manufactured by Brunswick Corp., Consumer Division, Eminence, Ky. 40019, effective August 15, 1967. (It supersedes approval No. 160.052/176/0 dated Nov. 22, 1965, to show change in name of manufacturer.)

Approval No. 160.052/351/0, Type II, Model BVA, adult vinyl-dip coated unicellular plastic foam buoyant vest, dwg. No. 1001, Rev. 1 dated December 23, 1966, manufactured by Texas Water Crafters, Post Office Drawer 539, Wichita Falls, Tex. 76307, for Consumer Division (formerly ZEBCO Division), Brunswick Corp., Post Office Box 270, 6101 East Apache Street, Tulsa, Okla. 74101, effective August 15, 1967. (It supersedes approval No. 160.052/351/0 dated May 26, 1967, to show change in name of distributor.)

KITS, FIRST-AID, FOR INFLATABLE LIFE RAFTS

Approval No. 160.054/3/1, Model 500 first-aid kit for inflatable life rafts, dwg. No. 1099 A-VP, Rev. 2 dated October 26, 1962, manufactured by Davis Emergency Equipment Co., Inc., 45 Halleck Street, Newark, N.J. 07104, effective August 17, 1967. (It is an extension of approval No. 160.054/3/1 dated Nov. 28. 1962.)

BOILERS (HEATING)

Approval No. 162.003/21/1, Model MSCH, size 28-260, waste heat boiler, boat recovery silencer type, fitted with spark arrester, steel construction, dwg. Nos. B-476A revised July 24, 1952, and B-743 revised July 24, 1952, maximum design pressure 30 p.s.i., approval limited to bare boiler (formerly The Maxim Silencer Co., Hartford, Conn.), manufactured by AMF Beaird, Inc., MAXIM Sales, Post Office Box 1115, Shreveport, La. 71102, effective August 17, 1967. (It is an extension of approval No. 162.003/21/1 dated Oct. 11, 1962, and change of name and address of manufacturer.)

BROMOTRIFLUOROMETHANE-TYPE FIRE EXTINGUISHING SYSTEMS

Approval No. 162.035/1/0, Kidde Bromotrifluoromethane ($CBrF_3$) fire extinguishing systems for hydrofoil craft typical installation dwg. No. L-98754-A dated February 28, 1962, Rev. A dated July 25, 1962, manufactured by Walter Kidde & Co., Inc., Belleville, N.J. 07109, effective August 15, 1967. (It is an extension of approval No. 162.035/1/0 dated Oct. 4, 1962.)

INCOMBUSTIBLE MATERIALS

Approval No. 164.009/10/2, fiberglas insulation Type TW-MC, glass wool insulation type incombustible material identical to that described in National Bureau of Standards Test Report No. TG-3610-1493, FP2569, dated November 10, 1947, and National Bureau of Standards Test Report No. TG10210-1624: FP2806, dated August 9, 1949, modified by Owens-Corning Fiberglas Corp. letter dated July 9, 1952, approved in a 2 pounds to 3½ pounds per cubic foot density, manufactured by Owens-Corning Fiberglas Corp., Toledo, Ohio 43601, effective August 15, 1967. (It is an extension of Approval No. 164.009/10/2 dated Oct. 11, 1962.)

Dated: October 30, 1968.

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

[F.R. Doc. 68-13496; Filed, Nov. 6, 1968; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-327, 50-328]

TENNESSEE VALLEY AUTHORITY

Notice of Receipt of Applications for Construction Permits and Facility Licenses

Tennessee Valley Authority, Knoxville, Tenn. 37902, has filed an application dated October 14, 1968, pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, for authorization to construct and operate two pressurized water nuclear power reactors on its approximately 525-acre site in southeastern Tennessee on the west shore of Chickamauga Lake approximately 12 miles northeast of Chattanooga, Tenn.

The proposed nuclear power reactors, designated by the applicant as the Sequoyah Nuclear Plant Units 1 and 2 are each designed for initial operation at approximately 3,411 megawatts thermal with a gross electrical output of approximately 1,171 megawatts.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 31st day of October 1968.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director, Division of Reactor Licensing.

[F.R. Doc. 68-13444; Filed, Nov. 6, 1968; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20374]

AIR ATLANTIC, LTD.

Notice of Postponement of Prehearing Conference

Pursuant to the request of Air Atlantic, Ltd., to which Bureau Counsel does not object, the prehearing conference presently scheduled to be held in this proceeding on November 4, 1968, is hereby postponed to December 2, 1968, commencing at 10 a.m. on that date in Room 211, Universal Building, Washington, D.C.

Dated at Washington, D.C., November 1, 1968.

[SEAL] E. ROBERT SEAVER, *Hearing Examiner.*

[F.R. Doc. 68-13495; Filed, Nov. 6, 1968; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 412]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

NOVEMBER 4, 1968.

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

File No., applicant, call sign, and nature of application

754–C2–P–69—Intermountain Mobilfone, Inc.; (New); C.P. for a new two-way station to operate on base frequency 152.03 MHz and repeater frequency 75.62 MHz at location No. 1: 14 miles southeast of Idaho Falls, Idaho, and to operate on control frequency 72.38 MHz at location No. 2: 2065 Turnbull Drive, Idaho Falls, Idaho (754–C2–P–69).

2422–C2–P–69—Chapman Radio & Television; (KIE366); C.P. to add second channel to operate on base frequency 152.06 MHz at station located at 13th Street and 19th Avenue South, Birmingham, Ala.

2423–C2–P–69—Industrial Communications of Pecos, Inc.; (KKJ454); C.P. to relocate base facilities to 1.7 miles north of Highway No. 80, 10 miles northeast of Pecos, Tex. Location No. 1: Replace transmitters operating on frequencies 152.03 and 152.21 MHz; change repeater frequencies to 459.25 and 459.35 MHz; replace transmitters and change the antenna system; change control frequencies to 454.25 and 454.35 MHz; replace transmitters and change the antenna system for control facilities at location No. 2: Pecos, Tex.

2424–C2–P–69—Autophone of San Antonio; (New); C.P. for a new one-way station to be located at 700 East Hildebrand, San Antonio, Tex., to operate on base frequency 152.24 MHz.

2425–C2–P–69—Tel-Page, Inc.; (New); C.P. for a new one-way station to operate on base frequencies 152.24 and 158.70 MHz at location No. 1: Wells Fargo Building, 44 Montgomery Street, San Francisco, Calif.; location No. 2: San Bruno Peak, near South San Francisco, Calif.; and location No. 3: 5170 Grizzly Peak Boulevard, Oakland Hills, Calif.

2426–C2–P–69—Boston Two-Way Radio Service; (New); C.P. for a new one-way station to operate on base frequency 152.24 MHz at location No. 1: New England Baptist Hospital, 91 Parker Hill Avenue, Boston, Mass.; location No. 2: Nobscot Mountain, Framingham, Mass.; location No. 3: Zion Hill, Woburn, Mass.; and location No. 4: 3 Conrad Street, Braintree, Mass.

2434–C2–P–69—Monroe Radiotelephone Co.; (New); C.P. for a new one-way station to be located approximately 1.5 miles east of junction Highways Nos. 15 and 84, Laurel, Miss., to operate on base frequency 152.24 MHz.

2435–C2–P–69—Hawaiian Telephone Co.; (KUA222); C.P. to change the antenna systems operating on frequency 152.66 MHz at location No. 1: 2.5 miles east of Huehue, Hawaii; location No. 2: Kealakekua, 0.5 mile north of Captain Cook, Hawaii; location No. 3: Kulani Cone, 19.7 miles south-southwest of Hilo, Hawaii; and location No. 4: 1.2 miles southeast of Ookala, Hawaii.

2430–C2–P–69—Advanced Communications Co.; (KLF495); C.P. to establish two-way facilities at a new site described as location No. 2: 3201 Landover Street, Alexandria, Va., to operate on base frequency 152.15 MHz.

2555–C2–P–69—Cleveland Mobile Telephone, Inc.; (New); C.P. for a new one-way station to be located at 12701 Shaker Boulevard, Cleveland, Ohio, to operate on frequencies 152.24 and 158.70 MHz.

2556–C2–P–69—Tracy Mobilphone; (KMM630); C.P. to relocate control facilities at location No. 2: to 2171 Ralph Avenue, Stockton, Calif., operating on frequency 75.42 MHz.

2557–C2–MP–69—General Telephone Co. of the Southwest, Inc.; (KON912); Modification of C.P. to change the antenna system located at Casino Road and Highway No. 99, Everett, Wash., operating on frequencies 152.69 and 152.78 MHz.

MAJOR AMENDMENT

2149–C2–P–68—New Orleans Mobilfone; (New); Change proposed base frequency to 158.70 MHz and change the antenna and transmitter. All other particulars same as reported on public notice of Nov. 6, 1967, Report No. 360.

2579–C2–P–69—Mobilfone, Inc.; (KMB309); C.P. to establish control facilities to operate on 75.42 MHz at location No. 3: John Poole Building, Mount Wilson, Calif.

2582–C2–P–69—West Jersey Telephone Co.; (New); C.P. for a new one-way station to be located at 3.2 miles south of Belvidere, N.J., to operate on frequency 158.10 MHz.

2585–C2–P–69—Chattanooga Mobilphone Co.; (New); C.P. for a new one-way station to be located at 1 mile west of Chattanooga, Tenn., to operate on frequency 152.24 MHz.

2586–C2–P–69—Services Unlimited, Inc.; (New); C.P. for a new one-way station to be located at the Wachovia Building, Winston-Salem, N.C., to operate on frequencies 152.24 and 158.70 MHz.

2587–C2–P–69—Colgan Communications; (New); Inc.; C.P. for a new two-way station to be located at 18 Osborn Road, West Harwich, Mass., to operate on frequency 152.15 MHz.

2588–C2–P–69—Polito Communications, Inc.; (New); C.P. for a new two-way station to be located at 101 Walnut Street, Rochester, N.Y., to operate on frequency 152.03 MHz.

2589–C2–P–69—Contact; (KGC223); C.P. for additional transmitters to operate on frequencies 35.22 and 43.22 MHz, at station located at 12 South 12th Street, Philadelphia, Pa.

601–C2–R–68—Bell Telephone Co. of Nevada; (KOA610); Renewal of license expiring: July 1, 1968 (timely filed) Term: July 1, 1968, to July 1, 1973.

CORRECTION

2395–C2–P–69—Murray Cohen; (New); Correct location to read: 1 Strawberry Hill Court, Stamford, Conn. All other terms same as reported in public notice dated Oct. 28, 1968, Report No. 411.

RURAL RADIO SERVICE

2427–C1–P/ML–69—The Mountain States Telephone & Telegraph Co.; (KZS83); C.P. and modification of license to replace transmitter operating on frequency 157.86 MHz communicating with Station KOF327, Riverton, Wyo., at station located at 11.7 miles northeast of Crowheart, Wyo.

RURAL RADIO SERVICE—Continued

2428-C1-ML-69—The Mountain States Telephone & Telegraph Co.; (KSV92); Modification of license to change frequency from 157.83 to 157.77 MHz communicating with station KPQ20, Casper, Wyo. Subscriber and location: Teton Exploration Drilling Co., 8.7 miles west of Midwest, Wyo.

2429-C1-ML-69—The Mountain States Telephone & Telegraph Co.; (KPQ20); Modification of license to add a new point of communication: Teton Exploration Drilling Co., Midwest, Wyo. (KPQ20) on frequency 152.51 MHz. All other terms of the existing license to remain the same.

Renewals of licenses expiring November 1, 1968. Term: November 1, 1968, to November 1, 1973.

Licensee	*Call sign*
Atlas Utilities Co	KIO30
Do	KIO31
Bell Telephone Co. of Nevada	KPV74
Do	KPV75
Perrytex Communications Co	KLU33
Do	KLW28
Poka-Lambro Rural Telephone Co-operative, Inc.	KLF22
Radio Communications, Inc	KGN23

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

2436-C1-P-69—South Central Bell Telephone Co.; (KJJ61); C.P. to add frequency 6286.2 MHz toward Bowling Green, Ky., at station located approximately 3.8 miles northeast of Smiths Grove, Ky.

2558-C1-P-69—The Mountain States Telephone & Telegraph Co.; (KPC71); C.P. to add frequencies 3970 and 4130 MHz toward Tuba City, Ariz., at station located at Mount Elden, 3.7 miles northeast of Flagstaff, Ariz.

2580-C1-P-69—The Mountain States Telephone & Telegraph Co.; (KPN70); C.P. to add frequencies 10795 and 11035 MHz toward Boise Bench, Idaho, at station located at 619 Bannock Street, Boise, Idaho.

2581-C1-P-69—The Mountain States Telephone & Telegraph Co.; (New); C.P. for a new fixed station to be located on East Amity Road, 2.25 miles southeast of Boise, Idaho, to operate on frequencies 11245 and 11485 MHz toward Boise, Idaho (KPN70).

MAJOR AMENDMENT

2173-C1-P-69—Standard Telephone Co.; (New); Correct geographic coordinates to latitude 34°56'59" N.—longitude 83°45'29" W.

2174-C1-P-69—Standard Telephone Co.; (New); Correct geographic coordinates to latitude 34°52'28" N.—longitude 83°48'40" W. All other particulars same as reported in public notice dated Oct. 21, 1968, Report No. 410.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

2591-C1-P-69—Upper Peninsula Microwave, Inc.; (KYO50); C.P. to add frequencies 6177.5 and 6197.2 MHz toward Grayling, Mich. (existing station), on azimuth of 03°49'. Location: Harrison, Mich. (Informative: Applicant proposes to relocate its present off-air pickup of the signals of Stations WNEM (TV) and WJRT-TV from KQM44, Grayling, Mich., to KYO50, Harrison, Mich. NOTE: Applicant has requested waiver of section 21.701(i).)

2592-C1-P-69—Mountain Microwave Corp.; (KZA46); C.P. to add frequencies 5960.0, 6005.0, and 6050.0 MHz, via power split, toward new point of communiaction at Valentine, Nebr. (lat. 42°53'25" N.— long. 100°33'23" W.), on azimuth 112°02'. Location: 7.5 miles northeast of Vetal, S. Dak. (Informative: Applicant proposes to provide the TV signals of Stations KWGN-TV, KOA-TV, and KBTV, all of Denver, Colo., to a CATV system to be operated by Midcontinent Broadcasting Co.)

[F.R. Doc. 68-13497; Filed, Nov. 6, 1968; 8:48 a.m.]

COMMISSION ON CIVIL RIGHTS

TEXAS

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Civil Rights Act of 1957, 71 Stat. 634, as amended, that a public hearing of the U.S. Commission on Civil Rights will commence on December 9, 1968, to be held at Our Lady of the Lake College, San Antonio, Tex. The purpose of the hearing is to collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution because of race, color, religion, or national origin which affect the administration of justice or the educational opportunities or economic security of Spanish-surnamed persons residing in San Antonio, Tex., other parts of the State of Texas, and the States of California, New Mexico, Arizona, and Colorado; to appraise the laws and policies of the Federal Government with respect to denials of equal protection of the laws under the Constitution because of race, color, religion, or national origin as they affect the administration of justice or the educational opportunities or economic security of Spanish-surnamed persons in the above areas, and to disseminate information with respect to denials of equal protection of the laws because of race, color, religion, or national origin in the fields of housing, employment, education, administration of justice, and related areas.

Dated at Washington, D.C., November 7, 1968.

JOHN A. HANNAH,
Chairman.

[F.R. Doc. 68-13358; Filed, Nov. 6, 1968; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

NORTH ATLANTIC MEDITERRANEAN FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Burton H. White, Burlingham, Underwood, Wright, White & Lord, 25 Broadway, New York, N.Y. 10004.

Agreement No. 9548-1, between the members of the North Atlantic Mediterranean Freight Conference, modifies Article 8.1 of the basic agreement to provide that (1) members may agree to limited absorptions or other rate adjustments to equalize disadvantages to shippers at particular loading or discharge ports within the Conference range at which a member line's vessels do not call; and (2) the Federal Maritime Commission be advised of the commodity, tonnage, inland rate differential, amount paid, place of origin/destination and loading/discharging port in respect to each absorption made.

Dated: November 4, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68-13502; Filed, Nov. 6, 1968; 8:49 a.m.]

NORTH ATLANTIC WESTBOUND FREIGHT ASSOCIATION

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Ronald A. Capone, Kirlin, Campbell & Keating, The Farragut Building, 900 17th Street NW., Washington, D.C. 20006.

Agreement 5850-8, between the member lines of the North Atlantic Westbound Freight Association deletes the provisions of Article 8 of the basic agreement and substitutes the following provisions in lieu thereof:

Decisions may be made by members by correspondence or by telephone as well as at meetings.

All decisions concerning interpretations of, or amendments to, the text of this Agreement can be made only by unanimous vote of all the members entitled to vote. Except as otherwise provided in this Agreement, all other decisions may be made by a majority vote of not less than three quarters of all members entitled to vote.

Members may vote through their duly authorized representative who, at meetings, may be present either in person or by proxy; such proxy shall be appointed, and his name made known to the Chairman, before the commencement of the meeting at which the proxy proposes to vote.

At meetings 80 percent of the members entitled to vote being present in person shall form a quorum.

Dated: November 4, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68-13503; Filed, Nov. 6, 1968; 8:49 a.m.]

TRANS-PACIFIC PASSENGER CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Ronald C. Lord, Secretary, Trans-Pacific Passenger Conference, 2 Pine Street, San Francisco, Calif. 94111.

Agreement 131-250, between the regular member lines of the Trans-Pacific Passenger Conference, would modify Article E and its six "by-laws" of the basic agreement. Essentially the subject matter governs the Conference's relations with its passenger travel agents. It is contemplated that broad authority for the Conference's actions will be set forth in Article E and its six bylaws, and specifically implemented in accordance with the details of the "annexed" rules of each. It is the intention of the Conference that modifications of Article E and its bylaws will be subject to the filing and approval requirements of section 15 of the Shipping Act, 1916, but that alterations in the annexed rules will not.

Substantively, Agreement 131-250 provides for the following:

(1) Article E: that Conference lines shall sell their transportation services through travel agencies appointed by the Conference, and that these agencies will be regulated by the regular member lines;

(2) Bylaw E-1: that the Conference shall appoint travel agents in accordance with the attached rules. No sale, or transfer of agency ownership, or change in agency officers, or agency location may occur without the Conference Secretary's approval;

(3) Bylaw E-2: that every applicant for Conference agency appointment and every appointed agent shall meet and maintain the standards set forth in the annexed rules;

(4) Bylaw E-3: relates to the annual agency fees required of each agent and to their bonding requirements;

(5) Bylaw E-4: relates to agents responsibility for "documents, remittances", and "accounts";

(6) Bylaw E-5: is not new material inasmuch as this provision was approved unconditionally by the Commission on September 20, 1968, as Agreements 131-247 and 131-248. In substance this provision, formerly Article D(c) and Bylaw D-3(a), provided that the maximum rates of commission payable to travel agents, and the rules and regulations governing the rates of commission, would be decided by two-thirds of the regular membership until such time as the regular membership amounted to seven or more members when three-quarters vote would control.

(7) Bylaw E-6: would permit cancellation of agency appointments for cause after an opportunity for hearing.

Dated: November 4, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68-13504; Filed, Nov. 6, 1968; 8:49 a.m.]

[Independent Ocean Freight Forwarder License 157]

INTERNATIONAL TRAFFIC CO. AND INTERNATIONAL BAGGAGE FORWARDING CO.

Revocation of License

By letter dated October 11, 1968, International Traffic Co., International Baggage Forwarding Co. (Alexander K. Sapiro doing business as), Los Angeles, Calif., has voluntarily requested the cancellation of its independent ocean freight forwarder license No. 157 to be effective October 15, 1968.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1, § 6.03:

It is ordered, That the Independent Ocean Freight Forwarder License No. 157 of International Traffic Co., International Baggage Forwarding Co., be and is hereby revoked, effective October 15, 1968.

It is further ordered, That this cancellation is without prejudice to reapplication at a later date.

It is further ordered, That Independent Ocean Freight Forwarder License No. 157 be returned to the Commission for cancellation.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon the licensee.

LEROY F. FULLER,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 68-13505; Filed, Nov. 6, 1968; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP69-119]

NORTHERN NATURAL GAS CO.

Notice of Application

OCTOBER 30, 1968.

Take notice that on October 24, 1968, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP69-119 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities and the delivery of 1,500 Mcf of natural gas per day to High Plains Natural Gas Co. (High Plains), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests authorization to construct and operate a side tap and measuring station in Ellis County, Okla., to enable it to deliver up to 1,500 Mcf of natural gas per day to High Plains. Applicant states that the supply of gas is required by High Plains as a supplemental supply of gas for its present customers located in the Panhandle area of Oklahoma. The facilities proposed herein are estimated to cost $5,300 which cost is to be paid by High Plains.

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

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-13447; Filed, Nov. 6, 1968; 8:45 a.m.]

[Docket No. CP69-118]

TRANSWESTERN PIPELINE CO.

Notice of Application

OCTOBER 30, 1968.

Take notice that on October 24, 1968, Transwestern Pipeline Co. (Applicant), First City National Bank Building, Houston, Tex. 77002, filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to leave in service, for emergency use only, certain facilities heretofore installed pursuant to § 157.22(a) of the Commission's regulations under the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant has installed facilities consisting of:

(a) A dual 10-inch measuring and regulating station located in Valencia County, N. Mex.

(b) 0.6 mile of 12¾-inch pipeline from the measuring station to a point on Applicant's 30-inch mainline approximately 5.1 miles upstream of Compressor Station No. 6, in Valencia County, N. Mex.

Applicant states that it constructed the above-mentioned facilities to meet an emergency situation due to an explosion and fire at Applicant's Compressor Station No. 8 near Corona, N. Mex. Applicant seeks to retain said facilities to avoid future curtailments of service to customers in the event of emergencies.

Total cost of said facilities is estimated to be $98,440.

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

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-13448; Filed, Nov. 6, 1968; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

AMERICAN BANKSHARES CORP.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of American Bankshares Corp., Milwaukee, Wis., for approval of action to become a bank holding company through the acquisition of 80 percent or more of the voting shares of the Hampton State Bank, Milwaukee, Wis.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by American Bankshares Corp., Milwaukee, Wis., for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of 80 percent or more of the voting shares of Hampton State Bank, Milwaukee, Wis. Applicant currently owns over 99 percent of the voting shares of American City Bank & Trust Co., Milwaukee, Wis.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Banking for the State of Wisconsin and requested his views and recommendation. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on June 14, 1968 (33 F.R. 8755), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such time shall be extended by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

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

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-13449; Filed, Nov. 6, 1968; 8:45 a.m.]

CHARTER NEW YORK CORP.

Order Denying Application Under Bank Holding Company Act

In the matter of the application of Charter New York Corp., New York, N.Y., for approval of acquisition of all of the voting shares of Central Trust Company Rochester, N.Y., Rochester, N.Y.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842 (a)(3)), and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Charter New York Corp., New York, N.Y., for the Board's prior approval of the acquisition of all of the outstanding voting shares of Central Trust Company Rochester, N.Y., Rochester, N.Y.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the New York State Superintendent of Banks and requested his views and recommendation.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Chicago.

[2] Voting for this action: Chairman Martin and Governors Robertson, Mitchell, Maisel, and Brimmer. Absent and not voting: Governors Daane and Sherrill.

The New York State Banking Board advised the Board of its action, consistent with a recommendation made to it by the Superintendent, approving an application, filed pursuant to the New York Banking Law, with respect to the same transaction.

Notice of receipt of the application was published in the FEDERAL REGISTER on April 24, 1968 (33 F.R. 6263), which provided an opportunity for interested persons to submit comments and views with respect to the proposed acquisition. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is denied.

Dated at Washington, D.C., this 28th day of October 1968.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 68-13450; Filed, Nov. 6, 1968; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2389]

BROAD STREET INVESTING CORP.

Notice of Filing of Application for Exemption

NOVEMBER 1, 1968.

Notice is hereby given that Broad Street Investing Corp. ("applicant"), 65 Broadway, New York, N.Y. 10006, a Maryland corporation registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act requesting 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 described in the prospectus, in exchange for the assets of The John Hauck Co. ("Hauck").

All interested persons are referred to the application on file with the Commission for a statement of the applicant's representations which are summarized below.

Hauck, an Ohio corporation, is an investment company, all of the outstanding stock of which is owned of record and beneficially by 37 persons, and is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Prior to 1927 Hauck was engaged in the brewing and soft-drink manufacturing business and in or prior to that year sold or otherwise disposed of substantially all of its assets and business. Since that date it has been engaged primarily in the business of investing and reinvesting its funds. Pursuant to an agreement between applicant and Hauck substantially all of the cash and securities owned by Hauck, with a value of approximately $10,800,000 as of September 30, 1968, will be transferred to applicant in exchange for shares of its capital stock. The number of shares of applicant's stock to be issued is to be determined by dividing the aggregate market value (with certain adjustments as set forth in detail in the application) of the assets of Hauck to be transferred to applicant by the net asset value per share of the applicant, both to be determined as of valuation time, as defined in the agreement. If the valuation under the agreement had taken place on September 30, 1968, Hauck would have received 661,189 shares of applicant's stock. The exchange contemplated by the agreement would be prohibited by section 22(d) as being a sale of a redeemable security by a registered investment company at a price other than a current offering price described in the prospectus, unless exempted by an order under section 6(c) of the Act.

When received by Hauck the shares of the applicant, which are registered under the Securities Act of 1933, are to be distributed to the Hauck stockholders on the liquidation of Hauck. Applicant has been advised by the management of Hauck that the stockholders of Hauck have no present intention of redeeming or otherwise transferring any of applicant's shares following the proposed transaction.

No affiliation exists between Hauck or its officers, directors or stockholders and applicant, its officers or directors, and the agreement was negotiated at arm's length by the two companies. Applicant's Board of Directors approved the agreement as being in the best interests of its shareholders, taking all relevant considerations into account, including, among other things, the fact that securities will be obtained without the payment of brokerage commissions.

Section 22(d) of the Act provides that registered investment companies issuing redeemable securities may sell their shares only at the current public offering price as described in the prospectus. Section 6(c) permits the Commission, upon application, to exempt such a transaction 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 contends that the proposed offering of its stock will comply with the provisions of the Act, other than section 22(d) and submits that the granting of the application would be in accordance with the established practice of the Commission, is necessary and 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.

Notice is further given that any interested person may, no later than November 18, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-13462; Filed, Nov. 6, 1968; 8:46 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

NOVEMBER 1, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, 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

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of New York. Dissenting Statements of Governors Mitchell, Daane, and Sherrill also filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Martin and Governors Robertson, Maisel, and Brimmer. Voting against this action: Governors Mitchell, Daane, and Sherrill.

exchange be summarily suspended, this order to be effective for the period November 3, 1968, through November 12, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-13464; Filed, Nov. 6, 1968; 8:46 a.m.]

[File No. 0-1567]

DUMONT CORP.

Order Suspending Trading

NOVEMBER 1, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the class A and class B Common Stock of Dumont Corp., 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 12:30 p.m., e.s.t., November 1, 1968, through November 10, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-13465; Filed, Nov. 6, 1968; 8:46 a.m.]

[812-2388]

EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES AND SEPARATE ACCOUNT A OF EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES

Notice of Application for Exemption

NOVEMBER 1, 1968.

Notice is hereby given that The Equitable Life Assurance Society of the United States ("Equitable"), a mutual life insurance company organized under the laws of the State of New York, and Separate Account A of Equitable ("Account A") (herein collectively called "Applicants"), 1285 Avenue of the Americas, New York, N.Y. 10019, have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of exemption to the extent noted below from the provisions of sections 15(a), 16(a), 17(f), 22(d), 22(e), 27(a)(1), 27(a)(3), 27(c)(1), 27(c)(2), and 32(a)(2) of the Act and Rule 17f-2 thereunder. Equitable established Account A on August 1, 1968, pursuant to the provisions of section 227 of the New York Insurance Law to afford a medium for equity investments for certain variable annuity contracts ("Contracts") and supplementary agreements to provide annuities ("Supplementary Agreements") and other agreements issued by Equitable. The Contracts are designed to provide fixed and variable retirement benefits pursuant to pension and profit-sharing plans and trusts which qualify under the Self-Employed Individuals Tax Retirement Act of 1962, or section 401(a) of the Internal Revenue Code ("Code"), or pursuant to annuity purchase plans described in section 403(a) of the Code or which are pursuant to section 403(b) of the Code for employees of public schools and of certain organizations described in section 501(c)(3) of the Code. The Supplementary Agreements are designed to provide funds to increase retirement benefits available under certain life insurance and annuity contracts issued by the Equitable in connection with corporate employee pension and profit-sharing plans and trusts qualified under section 401(a) of the Code. Account A is an open-end, diversified management investment company registered under the Act.

Sections 15(a), 16(a), and 32(a)(2), in substance, require shareholder approval of the investment advisory agreement, the election of directors by shareholders, and shareholder ratification of the selection of an independent public accountant, respectively. The rules and regulations of Account A provide for an annual meeting of the persons holding Contracts and Supplementary Agreements to be held on the second Tuesday of May of each year. The election of the members of the committee of Account A and the ratification of the selection of the independent public accountants and, if the holders of more than 50 percent of all votes entitled to be cast are present or represented at such meeting, the approval of the investment advisory agreement between Equitable and Account A, will be matters to be considered by such persons at the annual meeting to be held in May 1969. If the holders of the above specified proportion of votes are not present or represented, the investment advisory agreement will be submitted for approval at the first meeting at which such proportion of votes is present or represented. Applicants request an exemption from these provisions of the Act so that Account A may operate without such election, approval and ratification by persons having voting rights until action is taken with respect to these matters by the holders of Contracts and Supplementary Agreements as provided by the Rules and Regulations of Account A.

Section 17(f) provides, in pertinent part, that a registered investment company may maintain its securities and other investments in its own custody in accordance with such rules, regulations, and orders as may be adopted by the Commission in the interest of investors. Rule 17f-2 requires, in pertinent part, that such assets be placed in a bank or other company whose facilities are supervised by Federal or State authorities, and that access to the securities be limited to certain specified persons. The application states that the vault maintained by Equitable is comparable to the vaults in most banks and that Equitable keeps therein securities and other investments of a value in excess of $5 billion. Furthermore, as required by Equitable's bylaws, the finance committee of the board of directors has prescribed rules and requirements to govern the custody, safekeeping, and control of all securities owned or held by the Equitable. In this connection, Equitable is subject to extensive supervision and regulation by the Insurance Department of the State of New York which conducts periodic examinations of the functions, physical facilities and all other aspect of Equitable's business. Accordingly, Applicants request exemption from the provisions of section 17(f) of the Act and Rule 17f-2 thereunder to permit custody of the securities and similar investments of Account A to be held by Equitable in Equitable's own vault. Applicants also request an exemption from the provisions of section 17(f) and Rule 17f-2 to the extent necessary to permit representatives of the Insurance Department of the State of New York and authorized by the finance committee of Equitable's board of directors to have access to the vault and to securities therein of Account A.

Section 22(d) provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus. This section has been construed as prohibiting variations in the sales load except on a uniform basis.

The contracts will provide for a scale of reducing sales load (and of administrative expenses) during the first Contract year varying with the age group into which the particular Contract purchaser falls when the Contract is issued. Of the amounts paid during the first year by Contract purchasers falling into the lowest age group (0-54 years), 20 percent and 7 percent are applicable to sales load and administrative expenses, respectively; for the next older age group (55-59 years) 14 percent and 5 percent are applicable, respectively; and for the oldest age group (60 years and over) 11 percent and 4 percent are applicable, respectively. The application states that the lower percentages applicable for sales expense deduction in the first year of Contracts for older purchasers reflects the fact that contracts issued at higher ages have fewer years to retirement; and that this shorter accumulation period results in a higher payment by the purchaser in the first contract year than would be the case for a contract issued at lower ages providing the same retirement benefits. In order to reduce the effect of such shorter accumulation period, the Contracts will provide for the reducing sales load mentioned.

The Contracts also provide for deductions from payments made by any purchaser (regardless of age) during the second through the 10th year of 5 percent and 2 percent of such payments for sales load and administrative expenses, respectively; and during the 11th year and subsequently until retirement of 2 percent and 5 percent for sales load and administrative expenses, respectively.

Applicants request exemption from section 22(d) to the extent necessary to permit deductions for sales load in accordance with the provisions of the Contracts.

The Contract also permits the owner, upon retirement, to use the value of any fixed accumulation under the Contract to purchase a variable annuity without the imposition of an additional sales charge and at the same annuity purchase rate. The application states that the same sales charge is deducted when premium payments are received whether such payments are allocated to fixed or variable accumulation under the Contract. Applicants represent that the imposition of any additional sales charge, at retirement, in the event the value of any fixed accumulation is used to purchase a variable annuity, would be discriminatory, because some annuitants would be subjected to a higher total sales charge (for which Equitable has no commensurate sales expense) than others who would have made the same dollar amount of premium payments.

The Supplementary Agreements provide for contributions to be allocated for fixed or variable accumulation, but do not subject such contributions to any sales charge. Instead, a deduction for sales expenses will be made from the premiums paid under the life insurance and annuity contracts which the Supplemental Agreements will augment. Applicants consider it inappropriate to impose an additional sales charge on those contributions allocated to Account A, and they request exemption from section 22(d) so as to permit those contributions to be made to Account A without deductions for sales charges.

Sections 22(e) and 27(c)(1) provide respectively, in pertinent part, that (1) a registered investment company may not suspend the right of redemption or postpone the date of payment upon redemption of any redeemable security in accordance with its terms for more than 7 days after the tender of such security for redemption, and (2) a registered investment company issuing periodic payment plan certificates may not sell such certificates unless such certificates are redeemable securities.

Applicants represent that, generally speaking, the amounts of the variable annuity payments under a Contract are based on the annuitant's sex and age at retirement, using mortality tables which take account of the average mortality experience to be expected among the group of lives receiving benefits under the contracts. Applicants state that the right to redeem Contracts after retirement for cash would alter the average mortality experience of the continuing group and would operate to reduce the dollar amount of annuity payments which could be made to the continuing group. Applicants, therefore, request exemption from sections 22(e) and 27(c)(1) to eliminate the right of redemption once an annuity has been provided at retirement.

Sections 27(a) (1) and (3), in pertinent part, prohibit the issuance of periodic payment plan certificates by a registered investment company if (1) the sales load exceeds 9 percent of the total payments to be made thereon or (2) the amounts deducted as sales load from the first 12 monthly payments are not proportionately alike or the amounts deducted for sales load from subsequent payments are not proportionately alike.

The application indicates that if a Contract, under which the maximum first year deductions apply, is not redeemed until payments are made for 4 or more years, the overall average sales load will not exceed 9 percent. The Equitable represents that no Contract will be issued with a retirement date earlier than 4 years from the date of issue. However, although the Contracts specify a retirement date, it may be deferred or accelerated, or the contract may be redeemed before such date, at the option of the contract owner thereby incurring an overall average sale load in excess of 9 percent. In this connection, the application states that there is no fixed period of years over which the sales load can be computed and no fixed total purchase price. Applicants request exemption from section 27(a)(1) so that the deductions for sales charges may be made as provided in the Contracts.

Although the sales load deduction applicable to the Contracts is the same within each issue age group, the scale of such deductions in the first year is not proportionately equal for all issue ages. Furthermore, the deductions for the second through the 10th years are not proportionately equal to the sales load deductions for the 11th and each subsequent year. Applicants request exemption from section 27(a)(3) so as to permit the issuance of the Contracts with the scale of deductions provided therein. Applicants state that their scale of sales loads meets the major objective of section 27(a)(3) which is intended to mitigate the losses resulting from a concentration of sales load deductions in the early months of the operation of a periodic payment plan.

Section 27(c)(2) prohibits a registered investment company or a depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are deposited with a bank as trustee or custodian and held under an indenture or agreement containing, in substance, the provisions required by section 26(a) (2) and (3) for trust indentures of a unit investment trust.

Applicants represent that the dangers against which sections 27(c)(2) and 26(a) are directed are not present here in view of the manner in which the Contracts and the Supplementary Agreements will be administered and in view of the fact that Equitable is subject to the supervision and regulation of the Insurance Department of the State of New York. Under the New York law, Equitable cannot abandon its obligations to Contract owners or annuitants until they have been fully discharged, and therefore, the possibility of abandonment or default is remote. In this connection, although the terms of the Contracts and the Supplementary Agreements will legally insulate the reserves and other contract liabilities with respect to Account A from liabilities arising out of any other business Equitable may conduct, Equitable's considerable assets will be available to protect against any loss in the event of any misfeasance or mishandling of payments. In the foregoing circumstances, Applicants submit that compliance with the requirements of section 27(c)(2) is not necessary for the protection of investors and, therefore, the Applicants request that an exemption from section 27(c)(2) be granted. Applicants have consented to the requested exemption being subject to the condition that the charges under the contracts for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, and that the Commission shall reserve jurisdiction for such purpose.

Section 6(c) authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is hereby given that any interested person may, not later than November 15, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or, in case of an attorney at law (by certificate), shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-13463; Filed, Nov. 6, 1968; 8:46 a.m.]

PARAMOUNT GENERAL CORP.

Order Suspending Trading

NOVEMBER 1, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Paramount General Corp., Los Angeles, Calif., and all other securities of Paramount General Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 4, 1968 through November 9, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-13466; Filed, Nov. 6, 1968; 8:46 a.m.]

TOP NOTCH URANIUM AND MINING CORP.

Order Suspending Trading

NOVEMBER 1, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Top Notch Uranium and Mining Corp. (a Utah corporation) and all other securities of Top Notch Uranium and Mining Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 4, 1968, through November 13, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-13467; Filed, Nov. 6, 1968; 8:46 a.m.]

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

NOVEMBER 1, 1968.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 3, 1968, through November 12, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-13468; Filed, Nov. 6, 1968; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

DISTRIBUTION SERVICES INVESTMENT CORP.

Notice of Issuance of Small Business Investment Company License

On October 15, 1968, a notice of application for a license as a small business investment company was published in the FEDERAL REGISTER (33 F.R. 15315) stating that an application had been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations Governing Small Business Investment Companies (33 F.R. 326) for a license as a small business investment company by Distribution Services Investment Corp., 1725 K Street NW., Washington, D.C. 20006.

Interested parties were given to the close of business, October 25, 1968, to submit their written comments to SBA. No comments were received.

Notice is hereby given that pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information and facts with regard thereto, SBA has issued License No. 03/04-0103 to Distribution Services Investment Corp. to operate as a small business investment company.

Dated: October 28, 1968.

GLENN R. BROWN,
Associate Administrator for Investment.

[F.R. Doc. 68-13460; Filed, Nov. 6, 1968; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1234]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

NOVEMBER 1, 1968.

The following applications are governed by Special Rule 1.247 [1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rules, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

[1] Copies of special rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 2900 (Sub-No. 165), filed October 24, 1968. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32203. Applicant's representative: Larry D. Knox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, household goods as defined by the Commission, and commodities requiring the use of special equipment), between Elizabeth, La., on the one hand, and, on the other, points in Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Tennessee, Missouri, Illinois, Wisconsin, Michigan, Indiana, Kentucky, Ohio, Virginia, Pennsylvania, Delaware, Maryland, New Jersey, New York, West Virginia, Connecticut, Rhode Island, Massachusetts, and Oakdale, La. NOTE: Applicant states it intends to tack at Oakdale, La. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New Orleans, La.

No. MC 6078 (Sub-No. 63), filed October 17, 1968. Applicant: D. F. BAST, INC., 1425 North Maxwell Street, Allentown, Pa. 18103. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel and equipment* transported on the same vehicle with structural steel used in the erection of structural steel, from the plantsites of The Belmont Iron Works at Eddystone and Royersford, Pa., to points in Connecticut, Rhode Island, Massachusetts, Vermont, Maine, New Hampshire, New York, New Jersey, Delaware, Maryland, Virginia, District of Columbia, Ohio, Pennsylvania, and West Virginia, and *returned shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 24583 (Sub-No. 14) (Correction), filed August 28, 1968, published in the FEDERAL REGISTER issue of September 19, 1968, corrected and republished as corrected this issue. Applicant: RODNEY STEWART AND TROY STEWART, a partnership, doing business as FRED STEWART COMPANY, 129 South Clay Street, Magnolia, Ark. 71753. 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: (1) *Expanded plastics*, (a) from points in Hamilton Township, Lawrence County, Ohio, and Pevely, Mo., to points in Columbia County, Ark., and, (b) from points in Hamilton Township, Lawrence County, Ohio, to Cape Girardeau and Pevely, Mo.; (2) *expanded plastic products, laminated with wood or metal*, from Cape Girardeau, Mo., to points in Columbia County, Ark.; and, (3) *expanded plastics*, from points in Columbia County, Ark., to points in Louisiana, Texas, Mississippi, New Mexico, Oklahoma, Kansas, Missouri, Tennessee, Kentucky, Alabama, Georgia, Florida, and Ohio. NOTE: The purpose of this republication is to show that Hamilton Township is located in Lawrence County, Ohio, and not in Lorain County, as was shown erroneously in previous issue. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex., or Little Rock, Ark.

No. MC 28478 (Sub-No. 35), filed September 19, 1968. Applicant: GREAT LAKES EXPRESS CO., a corporation, 172 Davenport Street, Saginaw, Mich. 48605. Applicant's representative: Tex Eames, 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) serving Norwalk, Elyria, Sandusky, and Lorain, Ohio, in connection with applicant's presently authorized regular route operations between Toledo, and Cleveland, Ohio; (2) serving Wellington, Fostoria, and Tiffin, Ohio, in connection with applicant's presently authorized regular route operations between Toledo and Akron, Ohio; (3) serving Wooster, Ashland, Mansfield, Rittman, and Dover, Ohio, in connection with applicant's presently authorized regular route operations between Toledo and Canton, Ohio; and (4) between Cleveland and Youngstown, Ohio, serving intermediate and off-route points within 10 miles of Youngstown; from Cleveland over U.S. Highway 422 to Youngstown, and return over the same route. NOTE: Applicant states that it presently holds in MCC–28478 Sub 10 all of the authority described in paragraphs (1), (2), (3), and (4) above. However, a question has been raised as to portion of such authority insofar as such authority permits an outbound service from the specific points listed in paragraphs (1), (2), and (3) above. The purpose of this application is simply to clarify and make certain the applicant's outbound authority. Applicant further states its proofs will be directed to showing a need for service between the points described in paragraphs (1), (2), (3), and (4) above, on the one hand, and, on the other, applicant's authorized points in the states of Illinois, Indiana, Pennsylvania, Michigan, and New York. If a hearing is deemed necessary, applicant requests it be held at Cleveland or Columbus, Ohio.

No. MC 29079 (Sub-No. 50), filed October 16, 1968. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union Street, Kokomo, Ind. 46901. Applicant's representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, closures, and devices* used in the shipping thereof, from Huntington, W. Va., to Louisville, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 33641 (Sub-No. 77), filed October 28, 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 irregular routes, transporting: *Silver bullion*, from Garfield, Utah, to Bridgeport, Conn., Newark, N.J., Attleboro, Mass., and Philadelphia, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 39300 (Sub-No. 6), filed October 16, 1968. Applicant: MIDDLE STATES MOTOR FREIGHT, INC., 5723 Este Avenue, Cincinnati, Ohio 45232. Applicant's representative: Robert H. Kinker, Box 464, 711 McClure Building, Frankfort, Ky. 40601. 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 Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with applicant's authority to and from Louisville, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 41404 (Sub-No. 78) (Correction), filed September 28, 1968, published in FEDERAL REGISTER issue of October 17, 1968, and republished as corrected this issue. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, Post Office Box 440, Fulton Highway, Martin, Tenn. 38237. Applicant's representative: Tom D. Copeland (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, in tank vehicles, from the plantsite of Reelfoot Packing Co. at Union City, Tenn., and storage facilities of Reelfoot Packing Co. at Humboldt, Tenn., to Chicago, Ill., and its commercial zone, and, Detroit, Mich., and its commercial zone. NOTE: The purpose of this republication is to show the correct spelling of carrier as Argo-Collier Truck Lines Corp. in lieu of Arco-Collier Trunk Lines Corp. as previously published. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis or Nashville, Tenn., Chicago, Ill., or Jackson, Tenn.

No. MC 44592 (Sub-No. 28), filed October 15, 1968. Applicant: MIDDLE ATLANTIC TRANSPORTATION CO., INC., 976 West Main Street, New Britain, Conn. 06050. 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 regular routes, transporting: *General commodities*, except articles of unusual value, classes A and B explosives, commodities in bulk, commodities injurious or contaminating to other lading, and household goods as defined by the Commission, between Detroit, Mich., and the international boundary line between the United States and Canada, located at Port Huron, Mich., over Interstate Highway 94 (also from Detroit over U.S. Highway 25 to junction Interstate Highway 94 and thence over Interstate Highway 94 to the international boundary line between the United States and Canada, located at Port Huron), and return over the same route. Restriction: (1) No service is authorized at intermediate or off-route points, or at Port Huron, Mich., and (2) service is limited to the transportation of shipments moving to, from, or through points in the United States located east of the Niagara River. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Detroit, Mich.

No. MC 50069 (Sub-No. 412), filed October 16, 1968. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, 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: *Coal tar pitch*, in bulk, in tank vehicles, from Wooster and Smithville, Ohio, to points in Illinois, Indiana, Michigan, and Wisconsin. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52460 (Sub-No. 94), filed October 25, 1968. Applicant: HUGH BREEDING, INC., 1420 West 35th Street, Post Office Box 9515, Tulsa, Okla. 74107. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from Enid, Okla., to points in Illinois on and south of U.S. Highway 24, and *empty containers*, on return. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at (1) Oklahoma City, Okla.; (2) Tulsa, Okla.; and (3) Kansas City, Mo.

No. MC 59609 (Sub-No. 8), filed October 9, 1968. Applicant: HARRY CROW & SON, INC., 1808, 52d Street, Kenosha, Wis. 53140. Applicant's representative: Gordon Crow (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro Alloy including manganese and chrome ore*, between Milwaukee, Wis., and Chicago and North Chicago, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kenosha, Milwaukee or Madison, Wis. or Chicago, Ill.

No. MC 61403 (Sub-No. 184), filed October 14, 1968. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. 37662. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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 61403 (Sub-No. 186), filed October 18, 1968. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. 37662. Applicant's representatives: W. C. Mitchell, 140 Cedar Street, New York, N.Y. 10006, and Charles E. Cox (same address as applicant). 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, Georgia, South Carolina, North Carolina, Kentucky, Virginia, Indiana, Illinois, Missouri, Arkansas, Michigan, Mississippi, Ohio, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 61592 (Sub-No. 128), filed October 14, 1968. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: R. Connor Wiggins, Jr., 909, 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hardboard and composition board*, between Memphis, and Covington, Tenn., on the one hand, and, on the other, points in North Dakota, South Dakota, Wisconsin, Iowa, Ohio, Indiana, Michigan, Minnesota, Kansas, Nebraska, Illinois, Missouri, Mississippi, Alabama, Georgia, Florida, and Louisiana; and (2) *flooring*, from Covington, Tenn., to points in North Dakota, South Dakota, Wisconsin, Iowa, Ohio, Indiana, Michigan, Minnesota, Kansas, Nebraska, Illinois, Missouri, Mississippi, Alabama, Georgia, Florida, and Louisiana, restricted to traffic originating at the named origins and destined to the named destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 61592 (Sub-No. 129), filed October 21, 1968. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: R. Connor Wiggins, Jr., 909, 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laminated flakeboard and flakeboard, building board, vinyl film, dimensional lumber, hardboard, wall board, insulation board, plywood, and equipment, supplies, and accessories* used in the manufacture, distribution, and installation of the commodities named, between Wright City and Union, Mo., and points in the United States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 78786 (Sub-No. 274) (Correction), filed October 3, 1968, published FEDERAL REGISTER, issue of October 31, 1968, and republished as corrected this issue. Applicant: PACIFIC MOTOR TRUCKING COMPANY, a corporation, 9 Main Street, San Francisco, Calif. 94105. Applicant's representative: W. A. Gregory, Room 845, 65 Market Street, San Francisco, Calif. 94105. 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 described in *Practices of Motor Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, serving the plant site of American Can Co., located 425 feet outside the commercial zone of Halsey, Oreg., as an off-route point in connection with carrier's authorized regular-route authority. NOTE: Common control may be involved. The purpose of this correction is to correct the location of the American Can Co. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Eugene, Oreg.

No. MC 85255 (Sub-No. 33), filed October 16, 1968. Applicant: PUGET SOUND TRUCK LINES, INC., Pier 62, Seattle, Wash. 98101. Applicant's representative: Clyde H. MacIver, 2112 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned seafoods*, from Semiahmoo, Wash., to Bellingham, Wash. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 89684 (Sub-No. 67), filed October 18, 1968. Applicant: WYCOFF COMPANY, INCORPORATED, 560 South Second West Street, Salt Lake City, Utah 84101. Applicant's representative: Harry D. Pugsley, El Paso Natural Gas Building, 315 East Second South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Films and articles associated with the exhibition of motion pictures*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 766 and 769, between Wendover, Utah, and Elko, Nev., over U.S. Highway 40, serving the intermediate point of Wells, Nev. NOTE: Applicant states it intends to tack at Wendover, Utah. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 94201 (Sub-No. 64), filed October 15, 1968. Applicant: BOWMAN TRANSPORTATION, INC., Post Office Box 2188, East Gadsden, Ala. Applicant's representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between the Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., on the one hand, and, on the other, points within 65 miles of Birmingham, Ala., including Birmingham. NOTE: Applicant states it proposes to tack the sought authority with existing authority at points within 65-mile radius of Birmingham and with authority proposed in the Bowman Sub 56 application, if approved, to points within a 65-mile radius of Birmingham. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich. or Washington, D.C.

No. MC 94265 (Sub-No. 211), filed October 18, 1968. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's representative: Wilmer B. Hill, 529 Transportation Building, Washington, D.C. 20006. 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 Austin, Minn., to points in Maryland, Delaware, New Jersey, New York, Pennsylvania, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, and points in West Virginia on and north of U.S. Highway 60. Restriction: Restricted to traffic originating at the plantsite and warehouse facilities of Geo. A. Hormel & Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Minneapolis, Minn., or Chicago, Ill.

No. MC 94265 (Sub-No. 212), filed October 21, 1968. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's representative: Wilmer B. Hill, 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine, table sauces, table spreads, salad dressings, salad oils, vegetable oils, cooking oils, shortening, lard, tallow, and animal fats*, in containers, in vehicles equipped with mechanical refrigeration, from the plantsite of Anderson, Clayton & Co. Foods Division at or near Jacksonville, Ill., to points in West Virginia, Virginia, North Carolina, South Carolina, Maryland, and Washington, D.C. Restriction: Restricted to traffic originating at the plantsite of Anderson, Clayton & Co. Foods Division. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 98749 (Sub-No. 25), filed October 17, 1968. Applicant: DURWARD L. BELL, doing business as BELL TRANSPORT COMPANY, Post Office Box 2362, Longview, Tex. 75601. Applicant's representative: Joe T. Lanham, 1102 Perry Brooks Building, Austin, Tex. 78701. 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, and Texas. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 101010 (Sub-No. 25), filed October 18, 1968. Applicant: ERIE LACKAWANNA RAILWAY COMPANY, a corporation, 101 Prospect Avenue, Cleveland, Ohio 44115. Applicant's representative: J. T. Clark, 1336 Midland Building, Cleveland, Ohio 44115. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except commodities in bulk, household goods as defined by the Commission, and commodities of unusual value, in substituted motor-for-rail service, (1) between Marion and Lima, Ohio, over U.S. Highway 30S, from Marion to Lima, and return serving the on-route intermediate station of Kenton, Ohio; also serving the off-route intermediate points which are also stations on applicant's line, namely Westminster, Harrod, Alger, McGuffey, Foraker, Hepburn, De Cliff, and Espyville, Ohio; (2) between Marion and Mansfield, Ohio, over U.S. Highway 30S: From Marion to Ontario, Ohio, thence east on State Highway 430 to Mansfield and return over the same route, serving all intermediate on-route points which are stations on applicant's railroad, namely Caledonia, Galion, and Ontario, Ohio; also serving the off-route intermediate station of Martel, Ohio, which is on applicant's line of railroad; and

(3) Between Marion and Dayton, Ohio, over State Highway 36, thence west on U.S. Highway 36 to junction U.S. Highway 68, thence south on U.S. Highway 68 to junction U.S. Highway 40, thence west on U.S. Highway 40 to junction Interstate Highway 70, thence west on Interstate Highway 70 to junction State Highway 444, thence south on State Highway 444 to junction State Highway 4, thence west on State Highway 4 to Dayton, Ohio, returning over the same route, serving all intermediate on route points which are stations on applicant's railroad, namely Urbana, Sugar Hill Grove, Fairborn, and Wright, Ohio; also serving the off-route intermediate points which are stations on applicant's railroad, namely Green Camp, Richwood, Clarborn, Broadway, Peoria, Maitland, Glen Echo, Durbin, Pottersburg, North Lewisburg, Mingo, Kings Creek, and Bowlusville, Ohio. Restriction: (1) The service to be performed by carrier shall be limited to service which is auxiliary to, or supplemental of rail service; (2) carrier shall not serve or interchange traffic at any point not a station on its rail lines; and (3) shipments transported by carrier by motor vehicle shall be limited to those which it receives from or delivers to, its rail lines under a through bill of lading covering, in addition to a motor carrier movement by carrier, an immediately prior or immediately subsequent movement by rail. NOTE: Applicant states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Lima or Marion, Ohio.

No. MC 103378 (Sub-No. 335), filed October 23, 1968. Applicant: PETROLEUM CARRIER CORPORATION, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in tank trucks, from Brunswick, Ga., to points in Arkansas, Louisiana, and Mississippi. NOTE. Applicant indicates it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 104896 (Sub-No. 30), filed October 10, 1968. Applicant: WOMELDORF, INC., Post Office Box 232, Lewistown, Pa. 17044. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Articles* distributed or dealt in by food distribution centers or by wholesale and retail grocery stores or food supply houses, from the plantsites and facilities of Fostoria Distribution Services Co. at or near Fostoria, Ohio, to points in Kentucky, New York, Ohio, Pennsylvania, and West Virginia; and (2) *equipment, materials, and supplies* used in the packaging, storing and handling of the articles referred to in (1) above, from Kentucky, New York, Ohio, Pennsylvania, and West Virginia, to the plantsites and facilities of Fostoria Distribution Services Co. at or near Fostoria, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106398 (Sub-No. 372), filed October 14, 1968. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles and *portable buildings*, equipped with a hitchball connector, from points in Henry County, Tenn., to points in the United States (except Alaska and Hawaii). NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 106398 (Sub-No. 373) filed October 17, 1968. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles and buildings, in sections, equipped with hitchball connector, from points in Weakley County, Tenn., to points in the United States (except Alaska and Hawaii). NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 106398 (Sub-No. 374), filed October 21, 1968. Applicant: NATIONAL

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TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles; and (2) *buildings*, in sections equipped with hitchball connector, from points in Creek County, Okla., to points in the United States (except Alaska and Hawaii). NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla.

No. MC 106644 (Sub-No. 91), filed October 21, 1968. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Post Office Box 17050, Chattonoochee Street, Atlanta, Ga. 30321. Applicant's representative: Guy H. Postell, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardboard sheets and boards*, from the plantsite of U.S. Plywood-Champion Papers, Inc., at or near Catawba, S.C., to points in Minnesota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 107064 (Sub-No. 70), filed October 17, 1968. Applicant: STEERE TANK LINES, INC., Post Office Box 2998, 2808 Fairmount Street, Dallas, Tex. 75221. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock feedstuffs*, in bulk, from points in Texas to points in Oklahoma, Arkansas, Texas, and Louisiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 107295 (Sub-No. 130) (Amendment), filed September 3, 1968, published in the FEDERAL REGISTER issue of September 26, 1968, amended and republished as amended this issue. 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: (1) *Iron and steel articles*, from the plant or warehouse sites of Continental Steel Corp., located in Howard County, Ind., to points in the United States on and east of U.S. Highway 85; and, (2) *materials, equipment, and supplies* used in the manufacture and processing of iron and steel articles, on return. Restriction: Restricted to traffic originating at or destined to the named origins and destinations in (1) and (2) above, and restricted against the transportation of commodities in bulk. NOTE: The purpose of this republication is to change the commodity and territorial descriptions. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Indianapolis, Ind., or Columbus, Ohio.

No. MC 107496 (Sub-No. 685), filed October 17, 1968. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same as address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, from Indianapolis, Ind., to points in Ohio, Michigan, Illinois, and Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 107496 (Sub-No. 686), filed October 21, 1968. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, (a) from the plantsite of Hill Chemicals, Inc., located at or near Borger, Tex., to points in Colorado, Kansas, Oklahoma, and Texas, restricted to the transportation of shipments which originate at the facilities of the Hill Chemicals, Inc., plant located at or near Borger, Tex., and destined to points in the named destination States; (b) from the terminal located on the ammonia pipeline of Mid-America Pipeline Co., located at or near Conway, Kans., to points in Colorado, Kansas, Missouri, and Nebraska, restricted to the transportation of shipments which originate at the facilities of the Mid-America Pipeline Co., located at or near Conway, Kans., and destined to points in the named destination States; (c) from the terminal located on the ammonia pipeline of Mid-America Pipeline Co., located at or near Greenwood, Nebr., to points in Colorado, Iowa, Kansas, Missouri, Nebraska, South Dakota, and Wyoming, restricted to the transportation of shipments which originate at the facilities of the Mid-America Pipeline Co., located at or near Greenwood, Nebr., and destined to points in the named destination States; (d) from the terminals located on the ammonia pipeline of Mid-America Pipeline Co., located at or near Whiting, Early, and Garner, Iowa, to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin restricted to the transportation of shipments which originate at the facilities of the Mid-America Pipeline Co., located at or near Whiting, Early, and Garner, Iowa, and destined to points in the named destination States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 108068 (Sub-No. 68), filed October 18, 1968. Applicant: U.S.A.C. TRANSPORT, INC., 306 South State Street, Dover, Del., Mail: Post Office Box G, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, Post Office Box G, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Antennas, accessories, parts, equipment, materials, and supplies* used in the manufacture, transportation, and installation thereof, between Sherburne, and Norwich, N.Y., and Philadelphia, Pa., on the one hand, and, on the other, points in the United States (excluding Alaska and Hawaii). NOTE: Applicant states it holds authority under its lead docket MC 108068 to transport articles requiring specialized handling or rigging between points in Pennsylvania and New York and 12 States and the District of Columbia, which can also be tacked to Sub-No. 39 and Sub-No. 52. To the extent that commodity description sought would require special handling or rigging may be duplicative. Applicant further states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 108380 (Sub-No. 75), filed October 21, 1968. Applicant: JOHNSTON'S FUEL LINERS, INC., 808 Birch Street, Post Office Box 100, Newcastle, Wyo. 82701. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from points in Powder River County, Mont., to points in Nebraska, South Dakota and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Cheyenne, Wyo.

No. MC 109478 (Sub-No. 112), filed October 18, 1968. Applicant: WORSTER MOTOR LINES, INC., Gay Road, North East, Pa. 16428. Applicant's representative: William W. Knox, 23 West 10th Street, Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and food products, and materials and supplies* used or useful in the preparation, serving, or consumption of food and food products, *including premiums and advertising materials and supplies, and containers or racks* used in the transportation of these commodities, from the plantsite and warehouse facilities of American Sugar Co. in Mantua Township at or near Pitman, N.J., to points in New York State west of a line beginning at Lake Ontario and extending along New York Highway 13 to Junction U.S. Highway 11 near Pulaski, N.Y., and thence along U.S. Highway 11 to the New York-Pennsylvania State line, and also to points in Erie, Crawford, McKean, and Warren Counties, Pa. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 109637 (Sub-No. 349), filed October 14, 1968. Applicant: SOUTHERN TANK LINES, INC., Post Office Box 1047, 4107 Bells Lane, Louisville, Ky. 40201. Applicant's representative: Harris G. Andrews (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and blends thereof*, in bulk, from Louisville, Ky., to points in Kansas. NOTE: Applicant states at the present time, applicant holds no authority to which the authority sought might be tacked, however, it much prefers to avoid the encumbrance of a no-tacking provision, if that is possible. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 109692 (Sub-No. 21), filed October 21, 1968. Applicant: GRAIN BELT TRANSPORTATION COMPANY, a corporation, 51 Central Avenue, Kansas City, Kans. 66118. Applicant's representative: Warren H. Sapp, 450 Professional Building, 1103 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer, fertilizer materials and ingredients; urea and urea products*, dry, in bulk or in packages, from points in the Kansas City, Mo.-Kans., commercial zone to points in Iowa and Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 110098 (Sub-No. 94), filed October 25, 1968. Applicant: ZERO REFRIGERATED LINES, a corporation, 815 Merida Street, Box 7249, Station A, San Antonio, Tex. 78207. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Oleomargine, 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; and (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 San Antonio, Tex.

No. MC 110525 (Sub-No. 883), filed October 15, 1968. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as above), also 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: *Anhydrous hydrogen chloride*, in bulk, from the plantsite of the Dow Chemical Co. at or near Plaquemine, La., to Houston and Texas City, Tex. NOTE: Applicant states that tacking is not intended. If a hearing is deemed necessary, applicant did not specify location.

No. MC 111401 (Sub-No. 269), filed October 25, 1968. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Formaldehyde*, in bulk, in tank vehicles, from Vicksburg, Miss., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 112822 (Sub-No. 87), filed October 15, 1968. Applicant: EARL BRAY, 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: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Williams Brothers Pipe Line Terminal at or near Wathena, Kans., to points in Iowa, Kansas, Missouri, and Nebraska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 112822 (Sub-No. 88), filed October 21, 1968. Applicant: EARL BRAY, INC., Post Office Box 1191, 1401 North Little Street, Cushing, Okla. 74023. Applicant's representative: Rodger Spahr (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, (a) from the plantsite of Hill Chemicals, Inc., located at or near Borger, Tex., to points in Colorado, Kansas, Oklahoma, and Texas, restricted to the transportation of shipments which originate at the facilities of the Hill Chemicals, Inc., plant located at or near Borger, Tex., and destined to points in the named destination States; (b) from the terminal located on the ammonia pipeline of Mid-America Pipeline Co. located at or near Conway, Kans., to points in Colorado, Kansas, Missouri, and Nebraska, restricted to the transportation of shipments which originate at the facilities of the Mid-America Pipeline Co. located at or near Conway, Kans., and destined to points in the named destination States; (c) from the terminal located on the ammonia pipeline of Mid-America Pipeline Co. located at or near Greenwood, Nebr., to points in Colorado, Iowa, Kansas, Missouri, Nebraska, South Dakota, and Wyoming, restricted to transportation of shipments which originate at the facilities of the Mid-America Pipeline Co. located at or near Greenwood, Nebr., and destined to points in the named destination States; and (d) from the terminals located on the ammonia pipeline of Mid-America Pipeline Co. located at or near Whiting, Early, and Garner, Iowa, to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, restricted to the transportation of shipments which originate at the facilities of the Mid-America Pipeline Co. located at or near Whiting, Early, and Garner, Iowa, and destined to points in the named destination States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 112851 (Sub-No. 6), filed October 18, 1968. Applicant: GEORGE B. REYNOLDS, doing business as REYNOLDS TRUCKING COMPANY, Rural Route No. 1, Crawfordsville, Ind. 47933. 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: *Clay products*, (1) from Brazil, Ind., to points in Louisiana, Kansas, and Oklahoma; (2) from Crawfordsville, Ind., to points in New Jersey, West Virginia, Oklahoma, and Louisiana; and, (3) from Darlington, Pa., to points in Indiana. NOTE: Applicant states tacking would be possible from Darlington, Pa., through Crawfordsville, Ind., to points in Illinois, Kentucky, and Wisconsin; under Sub 2, from Darlington, Pa., through Clay County, Ind., to points in Tennessee, Wisconsin, and Missouri (except St. Louis, and St. Louis commercial zone); under Sub 4, from Darlington, Pa., through Brazil, Ind., to points in Iowa; under Sub 5, from Darlington, Pa., through Crawfordsville, Ind., to points in Kansas, Minnesota, and Arkansas. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 113267 (Sub-No. 206), filed October 17, 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, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities utilized by Oscar Mayer & Co., Inc., at Madison, Wis., to points Kentucky, Tennessee, Alabama, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina, restricted to the transportation of traffic originating at the described plantsite and storage facilities and destined to points in the above-named States. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Madison. Wis.. or Chicago. Ill.

No. MC 113678 (Sub-No. 333), filed October 21, 1968. Applicant: CURTIS, INC., 770 East 51st Avenue, Post Office Box 16004, Stockyard Station, Denver, Colo. 80216. Applicant's representatives: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *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 Fremont and Scottsbluff, Nebr., and Huron, S. Dak., to points in Kentucky, Maine, New Hampshire, Vermont, New York, Massachusetts, Rhode Island, Connecticut, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia; and (2) *foodstuffs and 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 Austin, Minn., to points in Maine, New Hampshire, Vermont, New York, Massachusetts, Rhode Island, Connecticut, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 114123 (Sub-No. 34), filed October 18, 1968. Applicant: HERMAN R. EWELL, INC., East Earl, Pa. 17519. Applicant's representative: John M. Musselman, 400 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and food ingredients requiring refrigeration, and canned goods*, from the plantsite of Zausner Foods Corp., located at New Holland, Pa., to points in Delaware, Maryland, New Jersey, New York, Ohio, West Virginia, Virginia, and the District of Columbia; *materials and supplies* used in the preparation and distribution of foodstuffs and canned goods from points in Delaware, Maryland, New Jersey, New York, Ohio, West Virginia, Virginia, and the District of Columbia, to the plantsite of Zausner Foods Corp. located at New Holland, Pa. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 114211 (Sub-No. 116), filed October 14, 1968. Applicant: WARREN TRANSPORT, INC., 305 Whitney Road, Post Office Box 420, Waterloo, Iowa 50704. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plantsites, shipping points and warehouses of Continental Steel Corp., located in Howard County, Ind., to points in the continental United States on and east of U.S. Highway 85; and (2) *materials, equipment, and supplies* used in the manufacture and processing of iron and steel articles, from the above-named destinations to the plantsites, shipping points, and warehouses of continental Steel Corp., located in Howard County, Ind., restricted to the transportation of traffic originating at or destined to the named origins and destinations and further restricted against the transportation of commodities in bulk. NOTE: No duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 114364 (Sub-No. 186), filed October 17, 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 above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities produced, milled, dealt in or marketed by milling companies*, other than is bulk, restricted against frozen foods, from Arkansas City, Kans., to points in Arizona, Arkansas, Colorado, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, South Carolina, Tennessee, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 114533 (Sub-No. 174), filed October 22, 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: *Proofs, cuts, copy, and other graphic arts material*, between Evanston, Ill., on the one hand, and, on the other, Crawfordsville, Indianapolis, and Lafayette, Ind.; Kalamazoo, Mich.; Menasha, Racine, and Milwaukee, Wis.; Troy, Hannibal, and St. Louis, Mo. NOTE: Applicant has a pending contract carrier application under MC 128616. If a hearing is deemed necessary, applicant requests it be held at Chicago or Evanston, Ill., or Washington, D.C.

No. MC 115311 (Sub-No. 94), filed October 21, 1968. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from Mobile, Ala., and Pensacola, Fla., to points in Arkansas, Tennessee, North Carolina, South Carolina, Georgia, Florida, Louisiana, Mississippi, Alabama, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala., or Pensacola, Fla.

No. MC 115491 (Sub-No. 113), filed October 21, 1968. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Post Office Box 67, Auburndale, Fla. 33823. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products*, from Waycross, Ga., to Tampa, Fla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa or Jacksonville, Fla.

No. MC 115840 (Sub-No. 37), filed October 21, 1968. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Construction and industrial machinery*; (2) *commodities*, which because of size or weight require the use of special equipment or handling; (3) *commodities*, other than those which because of size or weight require the use of special equipment or handling when moving in truckloads with the commodities named in items (1) and (2) above; (4) *parts*, when transported with the commodities named in (1), (2), and (3) above, between the plantsite and facilities of West Virginia Pulp and Paper Co., at or near Wickliffe, Ky., on the one hand, and, on the other, points in Virginia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Missouri, Arkansas, Alabama, Mississippi, Louisiana, and Texas. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 116077 (Sub-No. 251), filed October 14, 1968. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Isopropyl percarbonate*, unstabilized, from Lake Charles, La., and points within 5 miles thereof, to points in the United States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Baton Rouge, La.

No. MC 116325 (Sub-No. 57), filed October 21, 1968. Applicant: JENNINGS BOND, doing business as BOND ENTERPRISES, Post Office Box 8, Lutesville, Mo. 63762. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plant or warehouse sites of Continental Steel Corp., located in Howard County, Ind., to points in the United States on and east of U.S. Highway 85; and (2) *materials, equipments, and supplies* used in the manufacture and processing of iron and steel articles, from points in the United States on and east of U.S. Highway 85, to the plant or warehouse sites of Continental Steel Corp., located in Howard County, Ind., restricted to traffic originating at or destined to the named origins and destinations in (1) and (2) above, and restricted against the transportation of commodities in bulk. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 116544 (Sub-No. 100), filed October 24, 1968. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Avenue, Post Office Box 636, Carthage, Mo. 64836. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), (a) from Grand Island, Nebr., Omaha, Nebr., and Sioux City, Iowa, to points in North Carolina and South Carolina; and, (b) from Grand Island, Nebr., to points in Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha or Lincoln, Nebr.

No. MC 116763 (Sub-No. 140), filed October 21, 1968. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay products*, except bulk, from Olmsted, Ill., and Paris, Tenn., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 116763 (Sub-No. 141), filed October 21, 1968. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, (1) from Belledeau, Lafayette, New Iberia, and St. Francisville, La., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, and Wisconsin; and (2) from Belledeau and St. Francisville, La., to points in New York, New Jersey, Pennsylvania, Maryland, Delaware, West Virginia, Virginia, Michigan, Ohio, Indiana, Illinois, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, and the District of Columbia. NOTE: Applicant states that it has no authority which it intends to tack. It further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 117416 (Sub-No. 32), filed October 23, 1968. Applicant: NEWMAN AND PEMBERTON CORPORATION, 2007 University Avenue NW., Knoxville, Tenn. 37921. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Minerals and earth concentrates*, in containers, from points in Pickens County, Ga., to points in Illinois, Indiana, Kentucky, Michigan, Ohio, Tennessee, West Virginia, and St. Louis, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 117589 (Sub-No. 8), filed October 21, 1968. Applicant: CLARK'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: *Seafood* when moving in vans, containers, or trailers owned or operated by the shipper or consignee, between points in Clatsop, Columbia, and Multonomah Counties, Oreg., and points in Washington west of the Cascade Mountain Range on the one hand, and, on the other, ocean ports in Clatsop, Columbia, and Multonomah Counties, Oreg. and points in Washington west of the Cascade Mountain Range, restricted to shipments having a prior or subsequent movement by water. NOTE: Applicant holds contract authority under MC 129247, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 117765 (Sub-No. 71), filed October 18, 1968. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth Street, Post Office Box 75267, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets, carpeting, carpet remnants, and padding*, (1) from Davis and Pawhuska, Okla., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Tennessee, Texas, Utah, Wisconsin, and Wyoming; and (2) from Anadarko, Okla., to points in Arkansas, Illinois, Indiana, Louisiana, Missouri (Kansas City, St. Louis, and Springfield, Mo., and that part of Missouri south and east of U.S. Highway 66), Tennessee, Texas, and Wisconsin (that part south of a line beginning at Sheboygan, Wis., and extending along Wisconsin Highway 23 through Fond du Lac, Ripon, Endeavor, Wisconsin Dells, and Spring Green, Wis., to Mineral Point, Wis., and thence along U.S. Highway 151 to the Wisconsin-Iowa State line near Dubuque, Iowa). NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 119226 (Sub-No. 71), filed October 17, 1968. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, Ind. 46227. Applicant's representative: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and blends* thereof, in bulk, in tank vehicles, from Louisville, Ky., to points in Kansas. NOTE: No duplicating authority being sought. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 119641 (Sub-No. 75), filed October 21, 1968. Applicant: RINGLE EXPRESS, INC., 420 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: *Hardboard and composition board*, between Memphis and Covington, Tenn., on the one hand, and, on the other, points in Illinois, Indiana, and the southern peninsula of Michigan restricted to traffic originating at the named origins, and destined to the named destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 119654 (Sub-No. 10), filed October 13, 1968. Applicant: HI-WAY DISPATCH, INC., 26th Street and Bypass, Marion, Ind. 46952. 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: *Glass containers, caps, covers, and tops for glass containers, and paper cartons*, from Dolton, Ill., to points in Indiana, Michigan, on and south of Interstate Highway 196, and Frankenmuth, Mich., Ohio, on and west of U.S. Highway 25 and Curtice, Ohio, and points in Wisconsin bounded as follows: By Lake Michigan on the east, running from the Wisconsin-Illinois State line to Manitowoc; thence on and south of U.S. Highway 141 from Manitowoc to Green Bay; thence on and east of U.S. Highway 41 from Green Bay to Fond du Lac; thence on and west of U.S. Highway 151 from Fond du Lac to Madison; thence on and east of U.S. Highway 51 from Madison to the Wisconsin-Illinois State line at Beloit, and thence along the Wisconsin State line to Lake Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119710 (Sub-No. 15), filed October 15, 1968. Applicant: JOHN L. SHUPE AND IVAN D. SHUPE, a partnership, doing business as SHUPE BROS., Post Office Box 929, Greeley, Colo. 80631. Applicant's representative: Paul F. Sullivan, Suite 913, Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt and salt products, and pepper;* and (2) *materials and supplies used* in the agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries when shipped in mixed loads with salt and salt products, from Saltair, Utah, to points in Montana and in San Juan County, N. Mex., restricted to service performed under a continuing contract with Morton Salt Co., a division of Morton International, Inc. NOTE: Applicant states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 119726 (Sub-No. 17), filed October 24, 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: *Paper and paper products*, from Cantonment, Fla., to points in Arkansas, Georgia, Kentucky, Illinois, Indiana, Iowa, Louisiana, Mississippi, Michigan, Missouri, Minnesota, Ohio, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pensacola, Fla., or Gulfport, Miss.

No. MC 119777 (Sub-No. 120), filed October 21, 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: (1) *Fencing, fencing parts and accessories*, from Fort Worth, Tex.; Oklahoma City, Okla.; Dallas, Tex.; New Orleans, La.; Mobile and Birmingham, Ala., to points in Tennessee, Kentucky, Arkansas, and Mississippi; and, (2) *guard rail, guard rail post, accessories, and component parts*, from Indianapolis, Ind., and Pittsburgh, Pa., to points in Tennessee, Alabama, Arkansas, Mississippi, Louisiana, Missouri, and Kentucky. NOTE: Applicant is also authorized to conduct operations as a contract carrier in permit No. MC 126970 and Subs, therefor, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis or Nashville, Tenn.

No. MC 119777 (Sub-No. 121), filed October 23, 1968. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box 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: *Pallets, skids, bases, boxes, wood frames, crating, veneer, baskets, oak treads, oak risers, oak sills, oak molding, cardboard cartons, nails, and lumber*, between points in Roane County, Tenn., on the one hand, and, on the other, points in Alabama, Georgia, Florida, South Carolina, North Carolina, Delaware, Maryland, Virginia, West Virginia, Kentucky, Missouri, Iowa, Wisconsin, Illinois, Indiana, Michigan, Ohio, Pennsylvania, New York, New Jersey, and the District of Columbia. NOTE: Applicant states it does not seek duplicating authority. Applicant is also authorized to conduct operations as a contract carrier in permit No. MC 126970 and Subs, therefor, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Knoxville, Tenn.

No. MC 119789 (Sub-No. 27), filed October 17, 1968. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6, Opelousas, La. 70570. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and bottled foodstuffs*, from St. Francisville and Belledeau, La., to points in Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Rhode Island, Connecticut, Massachusetts, Tennessee, Kentucky, West Virginia, Ohio, Indiana, Michigan, Illinois, Wisconsin, and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 119988 (Sub-No. 19), filed October 16, 1968. Applicant: GREAT WESTERN TRUCKING CO., INC., 811½ North Timberline Drive, Post Office Box 1384, Lufkin, Tex. 75902. Applicant's representative: Mert Starnes, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paperboard*, on cylinders, from Evadale, Tex., to Yuma, Ariz., serving the plantsite of Arical Paper Products Co. at Yuma, Ariz. NOTE: If a hearing is deemed necessary, applicant requests it be held at Austin or Houston, Tex.

No. MC 123819 (Sub-No. 19), filed October 21, 1968. Applicant: ACE FREIGHT LINE, INC., 261 East Webster, Memphis, Tenn. 38102. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from El Dorado, Ark., to points in Alabama, Louisiana, Mississippi, Tennessee, Florida, Georgia, Kentucky, South Carolina, Texas, and Oklahoma. NOTE: Applicant states it intends to tack the sought authority over Memphis, Tenn., to authority held in MC–123819 (Sub-No. 8) to serve Illinois and Missouri. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 123922 (Sub-No. 13), filed October 16, 1968. Applicant: CHARTER BULK SERVICE, INC., 80 Doremus Avenue, Newark, N.J. 07105. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feldspar and silica sand*, in bulk, from Middletown, Conn., to points in Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island; and (2) *feldspar and mica*, in bags, from Middletown, Conn., to Waltham, Mass., Troy, N.H., South Boundbrook, Elizabeth, Kearny, Perth Amboy, and Jersey City, N.J., Comstock, Brooklyn, and Skaneateles, N.Y., and Easton, Philadelphia and York, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 124078 (Sub-No. 348), filed October 16, 1968. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from points in Davidson and Montgomery Counties, Tenn., to points in Kentucky and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 124078 (Sub-No. 349), filed Octobed 17, 1968. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 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 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 St. Louis, Mo.

No. MC 124154 (Sub-No. 24), filed October 17, 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: *Agricultural chemicals* (except in bulk), in packages and containers, from St. Louis, Mo., to Ocilla, Ga. NOTE: Applicant holds contract authority under MC–117504, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 124679 (Sub-No. 17), filed October 21, 1968. Applicant: C. R. ENGLAND & SONS, INC., 228 West Fifth South, Salt Lake City, Utah 84101. Applicant's representative: Daniel B. Johnson, 716 Perpetual Building, 1111 E Street NW., Washington, D.C. 20004 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products, and commodities used by packinghouses* (except in bulk) as described in appendix I, paragraphs A and B to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 272 in vehicles equipped with mechanical refrigeration, (1) from Camden, Blackwood, and Thorofare, N.J., and Philadelphia, Pa., to points in New York, Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, Vermont, and points in Erie County, Pa.; and, (2) from points in Massachusetts to Philadelphia, Pa., and Thorofare, N.J. NOTE: Applicant has pending in MC 128813 (Sub-Nos. 2 and 4) applications for contract carrier authority, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 124692 (Sub-No. 56), filed October 24, 1968. Applicant: SAMMONS TRUCKING, a corporation, Post Office Box 933, Missoula, Mont. 59801. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between the plantsites and warehouses of Continental Steel Corp. at or near Kokomo, Ind., on the one hand, and, on the other, points in the United States on and east of U.S. Highway 85, restricted to traffic originating at or destined to the plantsites and warehouses of Continental Steel Corp. at Kokomo, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 124705 (Sub-No. 3) (Correction), filed August 19, 1968, published FEDERAL REGISTER issue of September 6, 1968, corrected and republished in part, this issue. Applicant: SWAN MESSENGER SERVICE, INC., Post Office Box 3, East Brunswick, N.J. 08816. Applicant's representative: William J. Augello, 36 West 44th Street, New York, N.Y. NOTE: The purpose of this partial republication is to reflect applicant's correct name in lieu of that erroneously shown in previous publication. The rest of the application remains the same.

No. MC 124813 (Sub-No. 57), filed October 18, 1968. Applicant: UMTHUM TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and feed supplements*, in bulk, in tank vehicles, from the plantsite of Farmland Industries, Inc., at or near Fremont, Nebr., to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Missouri, Minnesota, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin. NOTE: Applicant holds contract authority under MC 118468 Sub 16, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Kansas City, Mo.

No. MC 126428 (Sub-No. 3), filed October 24, 1968. Applicant: ZIBERT TRANSPORT CO., a corporation, 2828 Market Street, Peru, Ill. 61354. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials, plastic pellets, granules, and cubes*, in bulk, in tank and/or hopper type vehicles, from Henry, Ill., to points in Arkansas, Indiana, Iowa, Kansas, Kentucky, Ohio, Michigan, Minnesota, Missouri, Pennsylvania, Nebraska, Tennessee, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126555 (Sub-No. 11), filed October 14, 1968. Applicant: UNIVERSAL TRANSPORT, INC., Post Office Box 268, Rapid City, S. Dak. 57701. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Industrial sand products*, from Pringle, S. Dak., to points in Montana, Wyoming, North Dakota, Nebraska, Kansas, Colorado, and Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rapid City, S. Dak.

No. MC 126625 (Sub-No. 5), filed October 18, 1968. Applicant: MURPHY SURF-AIR TRUCKING COMPANY, INC., Blue Grass Field, Lexington, Ky. 40505. 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 Hancock, Daviess, Webster, McCracken, Marshall, Livingston, Lyon, Crittenden, Caldwell, Union, Hopkins, Henderson, McLean, Muhlenburg, Ohio, Breckinridge, Green, Meade, Hardin, Bullitt, Warren, Taylor and Grayson Counties, Ky., and points in Vandenburg, Warrick, Spencer, Perry, Harrison, and Clark Counties, Ind., on the one hand, and, on the other, Blue Grass Field, Lexington, Ky.; Greater Cincinnati Airport, near Erlanger, Ky.; Standiford Field, Louisville, Ky.; Dress Memorial Airport, Evansville, Ind.; Weir-Cook Airport, Indianapolis, Ind.; James Cox Municipal Airport, Vandalin, Ohio; O'Hare Field, Chicago, Ill.; Owensboro-Daviess County Airport, near Owensboro, Ky.; Bowling Green-Warren County Municipal Airport near Bowling Green, Ky.; and Barkley Field, near Paducah, Ky. Restriction: Restricted to shipments having an immediately prior or immediately subsequent movement by air. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville or Frankfort, Ky.

No. MC 127215 (Sub-No. 43), filed October 18, 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: *Fertilizer, fertilizer material, and ingredients; urea, and urea products;* dry in bulk or in packages, from Sikeston, Mo., to points in Illinois, Arkansas, Indiana, Kentucky, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Kansas City, Mo.

No. MC 127480 (Sub-No. 3), filed October 21, 1968. Applicant: LAMPERT TRUCKING INC., 41 Ruth Boulevard, Commack, N.Y. 11725. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and piece goods*, between Garden City Park, N.Y., on the one hand, and, on the other, points in the New York, N.Y., commercial zone as defined by the Commission, under contract with Sidney Gould Co., Ltd. and restricted to transportation from their premises located at 120 Old Broadway, Garden City Park, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 127505 (Sub-No. 18), filed October 15, 1968. Applicant: RALPH BOELK, doing business as R. H. BOELK TRUCK LINES, 1201 14th Avenue, Mendota, Ill. 61342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter*, from Dwight, Ill., to Chicago, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127557 (Sub-No. 11), filed October 21, 1968. Applicant: COMMERCIAL TRANSPORTATION, INC., 833 Warner Street SW., Atlanta, Ga. 30310. Applicant's representative: Virgil H. Smith, 431 Title Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, (a) from Evansville, Ind., to points in Georgia; and (b) from Cumberland, Md., to Atlanta, Ga., and Jackson and Miami, Fla. NOTE: Common control may be involved. Applicant states it doesn't intend to tack. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 127616 (Sub-No. 16), filed October 16, 1968. Applicant: HANSON M. SAVAGE, doing business as SAVAGE TRUCKING COMPANY, Box 105, Chester Depot, Vt. 05144. Applicant's representative: Martin Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, from points in Vermont to points in New York on and north of Interstate Highway 90 and east of Interstate Highway 81, and Lawrence, Mass. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 127705 (Sub-No. 19), filed October 17, 1968. Applicant: KREVDA BROS. EXPRESS, INC., Post Office Box 68, Gas City, Ind. 46933. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden storage cabinets and accessories* thereto, from Cincinnati, Ohio, to points in Indiana, Kentucky, Michigan, New York, Pennsylvania, New Jersey, Connecticut, Massachusetts, Rhode Island, Delaware, Virginia, Maryland, West Virginia, and the District of Columbia. NOTE: Applicant holds contract authority under MC 123934 Sub 10, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Indianapolis, Ind., or Washington, D.C.

No. MC 127952 (Sub-No. 6), filed October 24, 1968. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Street, South Gate, Calif. Applicant's representative: Warren N. Grossman, 825 City National Bank Building, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal cans and can ends on pallets*, from points in Los Angeles and Orange County, Calif., to the port of entry on the international boundary line between the United States and Mexico, located at or near Tecate, Calif., under contract with Cerveceria Cuauhtemoc, S.A. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 128759 (Sub-No. 3) filed October 18, 1968. Applicant: RICHARDS MOTOR SERVICE, INC., 5040 West 39th Street, Cicero, Ill. 60650. Applicant's representative: Philip A. Lee, 110 South Dearborn Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous am-*

monia, 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., Gary or Hammond, Ind.

No. MC 129415 (Sub-No. 5), filed September 16, 1968. Applicant: OVERLAND TRANSPORTATION, INC., 325 South Virginia, Liberal, Kans. 67901. Applicant's representative: C. Zimmerman, 503 Schweiter Building, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, (a) from Holcomb and Tice, Kans., to points in Colorado, New Mexico, Oklahoma, and Texas; (b) from points in that area of Colorado bounded on the north by U.S. Highway 50, Colorado Highway 96 on the south, Colorado Highway 71 on the west and Colorado Highway 207 on the east, including points located on the designated highways; and (c) from points in that area of Colorado bounded on the north by U.S. Highway 50, Colorado Highway 196 on the south, U.S. Highway 385 on the west and Colorado Highway 196 on the west including points located on the designated highways. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 129593 (Sub-No. 5), filed October 22, 1968. Applicant: TIGELAAR & DEWEERD, INC., 5367 South School Street, Hudsonville, Mich. 48426. Applicant's representative: Rodger T. Ederer, 117 West Allegan, Lansing, Mich. 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry foods and feeds*, from Chicago, Ill., to points in Kent, Ottawa, and Allegan Counties, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing or Grand Rapids, Mich., or Chicago, Ill.

No. MC 129639 (Sub-No. 2), filed October 24, 1968. Applicant: TRIANGLE TRANSPORTS, INC., 901 North Mission, Sapulpa, Okla. Applicant's representative: Charles C. Kelley, 519 North West Ninth, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feed, feed ingredients, fertilizer and agricultural chemicals, and veterinary pharmaceuticals*, from points in Kansas, Arkansas, and Texas, to points in Rogers, Washington, Nowata, Tulsa, Wagoner, Craig, and Creek Counties, Okla.; and (2) *terminal tackle*, from Houston, Tex., to Tulsa, Okla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., Little Rock, Ark., or Kansas City, Mo.

No. MC 129710 (Sub-No. 2), filed October 16, 1968. Applicant: TERMINAL WAREHOUSE SERVICES, INC., Post Office Box 186, Port of Vicksburg, Vicksburg, Miss. 39180. Applicant's representative: William G. Beanland, First National Bank Building, Vicksburg, Miss. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard*, not corrugated, in rolls, from the plant of International Paper Co. at Redwood, Miss., to the public terminal at the Port of Vicksburg, Vicksburg, Miss., under contract with International Paper Co., Redwood, Miss. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 129965 (Sub-No. 1), filed October 14, 1968. Applicant: CORKREN AND COMPANY, INC., Brilliant, Ala. 35548. Applicant's representative: John Self, Post Office Box 597, Hamilton, Ala. 35570. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, from Brilliant, Ala., to Birmingham, Selma, and Sheffield, Ala., Jacksonville and Ocala, Fla., Aberdeen and Jackson, Miss., and Columbia, Memphis, Mount Pleasant, and New Johnsonville, Tenn., under contract with Marion Coke Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., Atlanta, Ga., or Nashville, Tenn.

No. MC 133069 (Sub-No. 1), filed October 21, 1968. Applicant: LEO FOURNIER, doing business as LEO FOURNIER'S TRANSPORT, 36 Canada Street, Swanton, Vt. 05488. Applicant's representative: Daniel J. Lynch, 8 Congress Street, St. Albans, Vt. 05478. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy feed ingredients*, in bulk by dump vehicle, from the ports of entry on the international boundary line between the United States and Canada, located at or near Highgate Springs, Vt., and Fort Covington, N.Y., to St. Albans, Vt., and Canton, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Albans or Montpelier, Vt.

No. MC 133097 (Sub-No. 2), filed October 25, 1968. Applicant: P. N. WERKING, INC., 10900 Bond Road, Adelphi, Md. 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: *Paper, paper tissues, sheets, and wax paper*, from Napanock, N.Y., to points in California, Oregon, and Washington, under contract with Roundout Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133159 (Correction), filed September 9, 1968, published FEDERAL REGISTER, issue of September 26, 1968, and republished in part, as corrected, this issue. Applicant: JOHN H. MOORE, doing business as MOORE'S FEED MILL, Pontotoc, Miss. 38863. Applicant's representative: James E. Best, Pontotoc, Miss. 38863. NOTE: The purpose of this correction is to add the name of John H. Moore to the above-numbered publication. This was inadvertently omitted from previous publication.

No. MC 133231 (Sub-No. 1), filed October 21, 1968. Applicant: ROBERT A. BRINKER, INC., 21 Diaz Street, Iselin, N.J. 08830. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles and supplies*, between Cherry Hill, N.J., on the one hand, and, on the other, Philadelphia, Pa., and points in New York, N.Y., Nassau and Suffolk Counties, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 133242 (Sub-No. 1), filed October 18, 1968. Applicant: C. AND V. CORPORATION, 10345 Rainbow Lane, Indianapolis, Ind. Applicant's representative: Warren C. Moberly, 1212 Fletcher Trust Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Continuous flow dryers* in towaway and truckaway movements, from Indianapolis, Ind., to points in Illinois, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin, under contract with Farm Fans, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 133245, filed October 16, 1968. Applicant: JIMMIE STANFILL, Box 209, Route 3, Fort Smith, Ark. 72901. Applicant's representative: Don A. Smith, Post Office Box 43, Fort Smith, Ark. 72901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, crushed and ground sandstone, crushed and ground limestone, coated and lightweight aggregates, dry batch concrete, crushed and ground flintstone, crushed and ground quartz, granite, bricks, concrete blocks and concrete products*, between Springdale, Ark., and Fort Smith, Ark., on the one hand, and on the other, points in that part of Oklahoma on and East of U.S. Highway 75, under contract with Arkhola Sand & Gravel Co., a corporation. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., Tulsa or Oklahoma City, Okla.

No. MC 133249, filed October 23, 1968. Applicant: PIONEER TRUCKING COMPANY, INC., 2939 North Pulaski Road, Chicago, Ill. 60641. Applicant's representative: Themis N. Anastos, 120 West Madison Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Adhesives and raw materials* necessary to their manufacture, between points in the Chicago, Ill., commercial zone and the plantsite of H. B. Fuller Co., located at Palatine, Ill., under contract with H. B. Fuller Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 133253 (Sub-No. 1), filed September 13, 1968. Applicant WILLIAM LOUIS DAMON, Tse Bonito, N. Mex., care of Window Rock, Ariz. 86515. Applicant's representative: William T. MacPherson, Legal Department, The Navajo Tribe, Window Rock, Ariz. 86515. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities, including household goods*, but excluding commodities of unusual value, classes A and B explosives, and petroleum products, in bulk, (1) from Gallup, N. Mex., to all points in an area located in Utah, Colorado, Arizona, and New Mexico known as the "Navajo Country", and return; (2) between points in (1) above, on the one hand, and, on the other, Zuni, Zuni Agency, Ramah, Canoncito, Albuquerque, Fort Wingate, Crownpoint, Shiprock, Farmington, and Cuba, N. Mex., Ignacio, Colo., and Flagstaff and Snowflake, Ariz.; and (3) between the points specified in (2) above and Gallup, N. Mex., over irregular or regular routes as required. NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or Albuquerque, N. Mex.

MOTOR CARRIERS OF PASSENGERS

No. MC 96007 (Sub-No. 26), filed October 16, 1968. Applicant: KENNETH HUDSON, INC., doing business as HUDSON BUS LINES, a corporation, 70 Union Street, Medford, Mass. 02155. Applicant's representative: Frank Daniels, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in special operations, beginning and ending at Quincy and Milton, Mass., and extending to Rockingham Race Track at Salem, N.H., during the racing season. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 114535 (Sub-No. 3), filed September 30, 1968. Applicant: ZANETTI BUS & FAST EXPRESS, INC., 1000 Clark Street, Rock Springs, Wyo. 82901. Applicant's representative: Edwin V. Magagna, 18 K Street, Post Office Box 488, Rock Springs, Wyo. 82901. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (A) *Passengers and their baggage, and express, newspapers and mail in the same vehicle*, (1) between Casper, Wyo., and Muddy Gap, Wyo. (being junction U.S. Highway 220 and 287), over U.S. Highway 220, serving all intermediate points; (2) between Casper, Wyo., and Medicine Bow, Wyo., from Casper over U.S. Highway 220 to junction U.S. Highway 487, thence over U.S. Highway 487 to Medicine Bow, and return over the same route, serving all intermediate points; and, (B) Irregular routes: *Passengers and their baggage, and express, newspapers and mail in the same vehicle with passengers*, in charter operations, beginning and ending at points in the above route and points in Natrona County, Wyo., and extending to points in the United States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rawlins, Rock Springs, or Casper, Wyo.

No. MC 129768 (Sub-No. 4) filed, October 21, 1968. Applicant: EDWARD S. JOHNSON, doing business as JOHNSON'S LIMOUSINE SERVICE, Post Office Box 215, Frederica, Del. 19946. Applicant's representative: Edward S. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, transporting not more than 11 passengers in any one vehicle, in special operations, between points in Delaware, on the one hand, and, on the other, Philadelphia, Pa., Baltimore, Md., Washington, D.C., and New York, N.Y. NOTE: If a hearing is deemed necessary applicant requests it be held at Washington, D.C., or Wilmington, Del.

APPLICATION FOR WATER CARRIER

No. W-104 (Sub-No. 19), UNION BARGE LINE CORPORATION, extension—TAMPA (2), filed October 24, 1968. Applicant: UNION BARGE LINE CORPORATION, Oliver Plaza, Pittsburgh, Pa. 15222. Applicant's representative: Peter Greene, Commonwealth Building, 1625 K Street NW., Washington, D.C. 20006. Application of Union Barge Line Corporation filed October 24, 1968, for a revised certificate authorizing extension of its operations as a common carrier by water in interstate or foreign commerce, by non-self-propelled vessels with the use of separate towing vessels in the transportation of *general commodities*, and by towing vessels in the performance of general towage, between ports and points along the Allegheny, Monongahela, and Ohio Rivers, the Licking River between Ryland Lakes, Ky., and the confluence of the Licking and the Ohio Rivers, the Kanawha, and Wolf Rivers, and the Mississippi River south of its confluence with the Missouri River, and along the Missouri River below and including Kansas City, Kans., on the one hand, and, on the other, Tampa, Fla.

APPLICATIONS FOR BROKERAGE LICENSE MOTOR CARRIERS OF PASSENGERS

No. MC 130073, filed October 11, 1968. Applicant: HILAND TOURS, INC., 4862 Woodward Avenue, Detroit, Mich. 48201. Applicant's representative: Robert D. Welchli, 2650 Guardian Building, Detroit, Mich. 48226. For a license (BMC5) to engage in operations as a *broker* at Detroit, Mich., in arranging for transportation by motor vehicle in interstate and foreign commerce, of individual passengers and groups of passengers and their baggage on all-inclusive trips, with bus transportation, hotel reservations, meals and sightseeing provided, between points in the United States.

No. MC 130074, filed October 14, 1968. Applicant: JOE SALISBURY, doing business as MAGIC CARPET TRAVELS, 230 Shoshone Street East, Twin Falls, Idaho 83301. Applicant's representative: Kenneth G. Bergquist, Post Office Box 1775, Boise, Idaho 83701. For a license (BMC 5) to engage in operations as a *broker* at Twin Falls, Idaho, in arranging for transportation by motor vehicle, on interstate or foreign commerce, of *passengers and their baggage* in round trip all expense tours beginning and ending at points in Idaho and extending to points in the United States including Alaska and Hawaii.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 111401 (Sub-No. 268), filed October 24, 1968. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Enid, Okla. 73701. Applicant's representative: Alvin L. Hamilton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, (1) from the plantsite of Hill Chemicals, Inc., located at or near Borger, Tex., to points in Colorado, Kansas, Oklahoma, and Texas restricted to the transportation of shipments which originate at the facilities of the Hill Chemicals, Inc., plant located at or near Borger, Tex., and destined to points in the named destination States; (2) from the terminal located on the ammonia pipeline of Mid-America Pipeline Co., located at or near Conway, Kans., to points in Colorado, Kansas, Missouri, and Nebraska restricted to the transportation of shipments which originate at the facilities of the Mid-America Pipeline Co., located at or near Conway, Kans., and destined to points in the named destination States; (3) from the terminal located on the ammonia pipeline of Mid-America Pipeline Co., located at or near Greenwood, Nebr., to points in Colorado, Iowa, Kansas, Missouri, Nebraska, South Dakota, and Wyoming, restricted to the transportation of shipments which originate at the facilities of the Mid-America Pipeline Co., located at or near Greenwood, Nebr., and destined to points in the named destination States; and (4) from the terminals located on the ammonia pipeline of Mid-America Pipeline Co., located at or near Whiting, Early, and Garner, Iowa, to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, and Wisconsin restricted to the transportation of shipments which originate at the facilities of the Mid-America Pipeline Co., located at or near Whiting, Early, and Garner, Iowa, and destined to points in the named destination States. NOTE: Applicant states that no duplicating authority is being sought, and possible duplication may exist under applicant's basic certificate.

No. MC 127355 (Sub-No. 2), filed October 18, 1968. Applicant: M & N GRAIN COMPANY, a corporation, 902 East Wooter, Nevada, Mo. 64772. Applicant's representative: Donald J. Quinn, Suite 900, 1012 Baltimore Street, Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fish meal*, from Mobile, Ala., Pensacola, Fla., Gulfport and Pascagoula, Miss., and Freeport and Port Arthur, Tex., to points in Arkansas, Kansas, Mississippi (except on traffic originating at Gulfport and Pascagoula), Missouri, Oklahoma, points in Tennessee on and west of Interstate Highway 65 and points in Texas (except traffic originating at Freeport or Port

Arthur), and (2) *phosphate rock*, from New Orleans, La., to points in Arkansas, Kansas, Mississippi, Missouri, Oklahoma, points in Tennessee on and west of Interstate Highway 65, and points in Texas, under contract with H. J. Baker & Bro. Inc., New York, N.Y.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 68-13415; Filed, Nov. 6, 1968; 8:45 a.m.]

[Notice 726]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 4, 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 32358 (Sub-No. 7 TA), filed October 31, 1968. Applicant: LOUIE FRANCO RODRIGUEZ, doing business as SWEET TRUCKING COMPANY, 22500 South Alameda, Long Beach, Calif. 90810. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, roofing, and building materials* on roller bed trucking equipment, from Santa Ana, Wilmington, Long Beach, and Los Angeles, Calif., to Lake Havasu City, Mojave County, Ariz., for 180 days. Supporting shipper: Robert M. Carmichael, Post Office Box 27, Lake Havasu City, Ariz. 86403; Ralph E. Adams, General Contractor, Post Office Box 38, Lake Havasu City, Ariz. 86403. Send protests to: Robert G. Harrison, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 33641 (Sub-No. 78 TA), filed October 30, 1968. Applicant: IML FREIGHT, INC., Post Office Box 2277–2175 South 3270, Salt Lake City, Utah 84110, West Station. Applicant's representative: Edward J. Hegarty, 100 Bush Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silver bullion*, from Garfield, Utah, to Bridgeport, Conn., Newark, N.J.; Attleboro, Mass.; and Philadelphia, Pa., for 180 days. Supporting shipper: Kennecott Copper Corp., Metal Mining Division, 161 East 42d Street, New York, N.Y. 10017. Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 51146 (Sub-No. 109 TA), filed October 30, 1968. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54303. Applicant's representative: D. F. Martin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood products, built-up wood products, compressed wood products, and products* produced or distributed by manufacturers or distributors of said products, from Algoma, Wis., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, 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. *Returned and rejected shipments, and equipment, materials and supplies* used in the manufacture and distribution of the above-described commodities, from the above-named destination points to Algoma, Wis., for 180 days. Supporting shipper: U.S. Plywood-Champion Papers, Inc., Knightsbridge Drive, Hamilton, Ohio 45011 (Klaus H. Permer, Manager, Commercial Carrier Section, Corporate Traffic Department). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Well Street, Room 807, Milwaukee, Wis. 53203.

No. MC 66562 (Sub-No. 2320 TA), filed October 30, 1968. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. 10017. Applicant's representative: John H. Engle, 2413 Broadway, Kansas City, Mo. 64108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Tupelo, Miss., and Nashville, Tenn., serving the intermediate point of Jackson, Tenn., from Tupelo, over U.S. Highway 45 to intersection of Interstate Highway 40, thence over Interstate Highway 40 to Nashville, and return over the same route. Restrictions: The service to be performed shall be limited to that which is auxiliary to or supplemental of express service of the Railway Express Agency, Inc. Shipments transported shall be limited to those moving on through bills of lading or express receipts. Permission to tack requested: Applicant requests that the authority for the proposed operations, if granted, be construed as an extension to be joined, tacked, and combined with REA's existing authority in MC 66562 and subs thereunder, thereby negating the restrictions against tacking or joinder customarily placed upon temporary authority, for 180 days. Supporting shippers: There are approximately (11) statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, N.Y. 10007.

No. MC 111397 (Sub-No. 85 TA), filed October 31, 1968. Applicant: DAVIS TRANSPORT, INC., 1345 South Fourth Street, Paducah, Ky. 42001. Applicant's representative: Herbert S. Melton, Jr., Suite 234, Katterjohn Building, Box 1284, Avondale Station, Paducah, Ky. 42001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uranium hexafluoride*, in bulk, in steel containers, from Metropolis, Ill., to Atomic Energy Commission's plantsites at Oak Ridge, Tenn., and at or near Sargents, Ohio, and *empty steel cylinders*, on return, for 180 days. Supporting shipper: Allied Chemical Corp., 40 Rector Street, New York, N.Y. 10006. Send protests to: William W. Garland, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 390 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 114312 (Sub-No. 11 TA), filed October 31, 1968. Applicant: ABBOTT TRUCKING, INC., Route 3, Box 74, Delta, Ohio 43515. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 42315. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients, and grain products*, in bags and in bulk, from Toledo, Ohio, to points in Indiana and Michigan, for 180 days. Supporting shipper: The Andersons, Post Office Box 119, Maumee, Ohio 43537. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 123091 (Sub-No. 6 TA), filed October 31, 1968. Applicant: NICK STRIMBU, INC., 3500 Parkway Road, Brookfield, Ohio 44403. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical wrought steel conduit pipe and electrical wrought steel conduit pipe fittings*, from Wheatland, Pa., to points in Arizona, for 180 days. Supporting shipper: Wheatland Tube Co., Independence Square, Public

Ledger Building, Philadelphia, Pa. 19106. Send protests to: G. J. Baccei, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 133262 TA, filed October 30, 1968. Applicant: CURTIS HENKES, 510 East Iowa Street, Monona, Iowa 52159. 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: *Sand, gravel, a stone and asphalt mix*, in dump vehicles, from Prairie du Chien, Wis., to points in Allamakee, Clayton, Fayette, and Winneshiek Counties, Iowa, for 180 days. Supporting shippers: Prairie Sand & Gravel Co., Prairie du Chien, Wis.; Waukon Concrete, Inc., Bartley Needham, plant manager, 507 Second Street NW., Waukon, Iowa 52172. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-13480; Filed, Nov. 6, 1968; 8:47 a.m.]

[Notice 242]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 4, 1968.

Synopses of orders entered pursuant to Section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70732. By order entered October 29, 1968, the Transfer Board, on reconsideration, approved the transfer to Surf-Air Trucking, Inc., Newark, N.J., of the operating rights in certificate No. MC-2644 issued August 23, 1960, to Overbrook Freight, Inc., Paterson, N.J., authorizing the transportation of: General commodities, with the usual exceptions, between New York, N.Y., on the one hand, and, on the other, specified points in New Jersey. Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306, practitioner for transferee, John M. Zachara, Post Office Box Z, Paterson, N.J. 07509, practitioner for transferor.

No. MC-FC-70802. By order of October 29, 1968, the Transfer Board approved the transfer to Laguna Beach Van and Storage, a corporation, Laguna Beach, Calif., of the operating rights in certificate No. MC-15427 issued October 18, 1965, to Edith M. Jester, Charles H. Jester, Jr., and Lois B. Taylor, a partnership, doing business as Laguna Beach Van & Storage Co., Laguna Beach, Calif., authorizing the transportation of 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 Laguna Beach, Calif., and Irvine, Calif., and points within 10 miles thereof. G. L. Taylor, 580 Broadway, Laguna Beach, Calif. 92651, representative for applicants.

No. MC-FC-70807. By order of October 29, 1968, the Transfer Board approved the transfer to Charles B. Shealy and M. R. Chapman, a partnership, doing business as Shealy & Chapman Transportation Co., Route 1, Box 299, Chapin, S.C., of the operating rights in certificate No. MC-116731 (Sub-No. 2) issued September 2, 1958, to Charles A. Porter, Newberry, S.C., authorizing the transportation of lumber, except plywood and veneer, from points in South Carolina, to points in Florida, Georgia, Tennessee, and North Carolina (except from Newberry, S.C., to points in Alexander, Buncombe, Caldwell, Cleveland, Cumberland, Forsyth, Gaston, Guilford, Iredell, McDowell, Mecklenburg, Rowan, Surry, Union, and Wilkes Counties, N.C.).

No. MC-FC-70839. By order of October 28, 1968, the Transfer Board approved the transfer to Blue Fleet Transportation, Inc., Jersey City, N.J., of that portion of the operating rights in certificate No. MC-125767 issued March 20, 1964, to Middlesex Motor Lines, Inc., Elizabeth, N.J., authorizing the transportation, over irregular routes, of general commodities, except those of unusual value, classes A and B explosives, livestock, furniture, household goods, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Union County, N.J., on the one hand, and, on the other, New York, N.Y. Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306, representative for transferee, James J. Farrell, 201 Montague Place, South Orange, N.J. 07079, representative for transferor.

No. MC-FC-70864. By order of October 29, 1968, the Transfer Board approved the transfer to John R. Bradley, doing business as Fitzpatrick's Movers, Milford, Mass., of the operating rights in certificate No. MC-90035 issued July 21, 1949, to Lawrence C. Carr, doing business as Stewart T. Allen Co., Hyde Park, Mass., authorizing the transportation of household goods as defined by the Commission between Boston, Mass., points within 15 miles of the State House, Boston, Mass., on the one hand, and, on the other, points in Connecticut, Rhode Island, and New Hampshire. Joseph A. Kline, 185 Devonshire Street, Boston, Mass. 02110, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-13481; Filed, Nov. 6, 1968; 8:47 a.m.]

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