

# FEDERAL REGISTER

VOLUME 34 • NUMBER 2

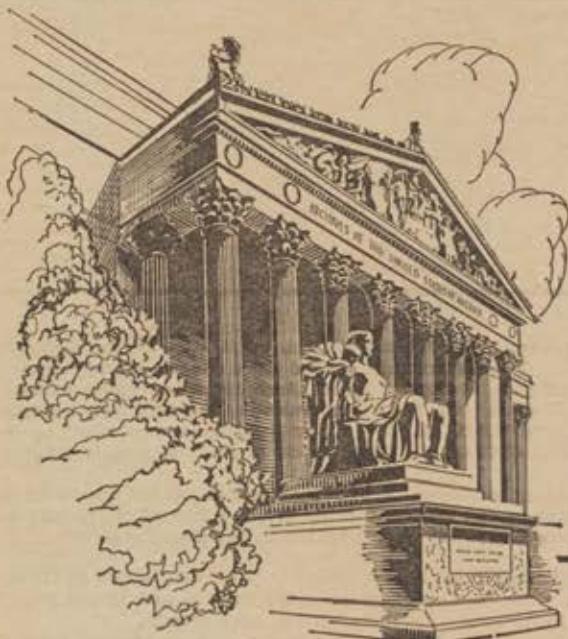
Friday, January 3, 1969 • Washington, D.C.

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Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the

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# Rules and Regulations

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Administration, Department of Transportation

#### SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9312; Amdt. 629]

#### PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

##### Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to amend low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

##### STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	To—	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums		
					2-engine or less	More than 2-engine, more than 65 knots	More than 2-engine, more than 65 knots
Lofall (VHF) Int.	PAE RBn.	Direct	3000	T-dn% C-dn	300-1 600-2	300-1 500-1	200-1½ 600-2
PAE VOR	PAE RBn.	Direct	3000	S-dn-16 A-dn*	500-1 800-2	500-1 800-2	500-1 800-2

Procedure turn E side of crs, 338° Outbnd, 158° Inbnd, 3000' within 10 miles of PAE RBn.  
Minimum altitude over facility on final approach crs, 2000'.

Crs and distance, facility to airport, 158°—7.9 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.9 miles after passing RBn, turn right, climbing to 3000' on crs 300° to intercept 090° bearing to PAE RBn, thence continue climb direct to PAE RBn and hold N of PAE RBn, 1-minute left turn holding pattern, crs, 338° Outbnd, 158° Inbnd.

\*Alternate minimums not authorized when control zone not effective.

\*\*Takeoff minimums 200-1½ authorized only for Runways 16 and 34.

MSA within 25 miles of facility: 000°—090°—7400'; 090°—180°—4800'; 180°—270°—4600'; 270°—360°—5200'.

City, Everett; State, Wash.; Airport name, Snohomish County (Paine Field); Elev., 603'; Fac. Class., HW; Ident., PAE; Procedure No. NDB (ADF) Runway 16, Amdt. 5; Eff. date, 16 Jan. 69; Sup. Amdt. No. ADF 1, Amdt 4; Dated, 6 Nov. 65

EPH VOR	MW LOM	Direct	2900	T-dn% C-dn	300-1 600-1	300-1 600-1	200-1½ 600-1½
Wilson Creek Int.	MW LOM	Direct	3200	S-dn-32R A-dn*	500-1 900-2	500-1 900-2	500-1 900-2

Procedure turn E side of crs, 141° Outbnd, 321° Inbnd, 2900' within 10 miles.

Minimum altitude over facility on final approach crs, 2500'.

Crs and distance, facility to airport, 321°—4.7 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing MW LOM, turn right, climb to 2900' direct to MW LOM.

AM CARRIER NOTE: Sliding scale not authorized. Visibility reduction not authorized.

NOTE: Use Ephrata altimeter setting when control zone not effective.

\*\*Takeoffs all runways: Climb direct to the MWH VOR, then continue on R 140° within 10 miles to cross the MWH VOR at or above: Southwestbound V-2, 2800'.

\*Alternate minimums not authorized when control zone not effective.

MSA within 25 miles of facility: 000°—090°—3000'; 090°—270°—3700'; 270°—360°—3900'.

City, Moses Lake; State, Wash.; Airport name, Grant County; Elev., 1186'; Fac. Class., MHW/LOM; Ident., MW; Procedure No. NDB (ADF) Runway 32R, Amdt. 3; Eff. date, 16 Jan. 69; Sup. Amdt. No. 2; Dated, 23 May 68

## RULES AND REGULATIONS

## STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	To—	Transition	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums		
						2-engine or less	More than 2-engine, more than 65 knots	More than 2-engine, 65 knots
EPH VOR, Wilson Creek Int.	MWH VOR	Direct	2900	T-dn%	300-1	300-1	200-1½	
	MWH VOR	Direct	3200	C-dn	600-1	600-1	600-1½	
				C-tl	600-2	600-2	600-2	
				S-d-32R	600-1	600-1	600-1	
				S-n-32R	600-2	600-2	600-2	
				A-dn*	900-2	900-2	900-2	
				II aircraft equipped to receive VOR and LOM or OM simultaneously and MW LOM/OM identified, the following minimums apply:				
				S-dn-32R*	400-1	400-1	400-1	

Procedure turn E side of crs, 140° Outbnd, 320° Inbnd, 2900' within 10 miles.

Minimum altitude over facility on final approach crs, 2500'; over LOM/OM, 2300'.

Crs and distance, facility to airport, 320°—6.1 miles; MW LOM/OM to airport, 321°—4.7 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing MW LOM/OM, or 6.1 miles after passing MWH VOR, turn right, climb to 2900' direct MWH VOR.

AIR CARRIER NOTE: Sliding scale for landing authorized to 3½ miles on 400-1 minimums only.

NOTE: Use Ephrata altimeter setting when control zone is not effective.

% Takeoffs all runways: Climb direct to the MWH VOR, then continue on R 140° within 10 miles to cross the MWH VOR at or above: Southwestbound V2, 2800'.

# Alternate minimums not authorized when control zone not effective.

\*400-½ authorized with operative HIRL or ALS, except for 4-engine turboprops.

MSA within 25 miles of facility: 000°—180°—3000'; 180°—270°—3700'; 270°—360°—3900'.

City, Moses Lake; State, Wash.; Airport name, Grant County; Elev., 1180'; Fac. Class., L-VOR; Ident., MWH; Procedure No. VOR Runway 32R, Amdt. 4; Eff. date, 16 Jan. 69; Sup. Amdt. No. 3; Dated, 23 May 68

2. By amending § 97.11 of Subpart B to delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Augusta, Ga.—Bush Field, NDB (ADF) Runway 17, Amdt. 3, 23 Dec. 1967 (established under Subpart C).

Augusta, Ga.—Bush Field, ADF 1, Amdt. 13, 6 Nov. 1965 (established under Subpart C).

Batesville, Ark.—Batesville Municipal, NDB (ADF)-1, Orig., 20 May 1967 (established under Subpart C).

Fayetteville, N.C.—Grannis Field, ADF 1, Amdt. 1, 19 Nov. 1966 (established under Subpart C).

Greenville, S.C.—Greenville Municipal Downtown, NDB (ADF) Runway 36, Amdt. 8, 21 Jan. 1967 (established under Subpart C).

Augusta, Ga.—Bush Field, VOR-1, Amdt. 7, 23 Dec. 1967 (established under Subpart C).

Augusta, Ga.—Daniel Field, VOR 1, Amdt. 4, 23 Nov. 1963 (established under Subpart C).

Bemidji, Minn.—Municipal, VOR 1, Amdt. 2, 28 Nov. 1964 (established under Subpart C).

Chatham, Mass.—Chatham Municipal, VOR 1, Amdt. 3, 7 Jan. 1967 (established under Subpart C).

Gulfport, Miss.—Gulfport Municipal, VOR Runway 22, Orig., 19 Sept. 1968 (established under Subpart C).

Imperial, Calif.—Imperial County, VOR 1, Amdt. 3, 23 Feb. 1963 (established under Subpart C).

Iowa City, Iowa—Iowa City Municipal, VOR 1, Amdt. 4, 28 May 1966 (established under Subpart C).

Kinston, N.C.—Stallings Field, VOR 1, Amdt. 3, 27 Aug. 1966 (established under Subpart C).

Mansfield, Mass.—Mansfield Municipal, VOR-1, Amdt. 3, 15 July 1967 (established under Subpart C).

White Sulphur Springs, W. Va.—Greenbrier, VOR 1, Amdt. 4, 18 Apr. 1964 (established under Subpart C).

3. By amending § 97.13 of Subpart B to amend terminal very high frequency omnirange (TerVOR) procedures as follows:

## STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE TERVOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	To—	Transition	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums		
						2-engine or less	More than 2-engine, more than 65 knots	More than 2-engine, 65 knots
Lofall Int.	PAE VOR	Direct	1700	T-dn%	300-1	300-1	200-1½	
PAE RBn	PAE VOR (final)	Direct	1100	C-dn	600-2	600-2	600-2	

Procedure turn E side crs, 334° Outbnd, 154° Inbnd, 1700' within 10 miles of PAE VOR.

Minimum altitude over facility on final approach crs, 1100'.

PAE VOR on airport. Crs and distance, breakoff point to approach end of Runway 16, 158°—1 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of PAE VOR, turn right, climb to 2000' on R 275° within 10 miles.

\*Alternate minimums not authorized when control zone not effective.

% Takeoff minimums 200-½ authorized only for Runways 16 and 34.

MSA within 25 miles of facility: 000°—090°—7100'; 90°—180°—6200'; 180°—270°—4800'; 270°—360°—4000'.

City, Everett; State, Wash.; Airport name, Snohomish County (Paine Field); Elev., 603'; Fac. Class., VOR; Ident., PAE; Procedure No. VOR Runway 16, Amdt. 4; Eff. date, 16 Jan. 69; Sup. Amdt. No. VOR-16, Amdt. 3; Dated, 6 Nov. 65

4. By amending § 97.13 of Subpart B to delete terminal very high frequency omnirange (TerVOR) procedures as follows:  
 Fayetteville, N.C.—Grannis Field, TerVOR-3, Amdt. 4, 21 May 1966 (established under Subpart C).

5. By amending § 97.15 of Subpart B to delete very high frequency omnirange-distance measuring equipment (VOR/DME) procedures as follows:

Decatur, Ark.—Crystal Lake, VOR/DME Runway 13, Orig., 29 Feb. 1968 (established under Subpart C).  
 Kinston, N.C.—Stallings Field, VOR/DME No. 1, Orig., 27 Aug. 1966 (established under Subpart C).

6. By amending § 97.15 of Subpart B to cancel very high frequency omnirange-distance measuring equipment (VOR/DME) procedures as follows:

Imperial, Calif.—Imperial County, VOR/DME No. 1, Orig., 8 Aug. 1964, canceled, effective 16 Jan. 1969.

7. By amending § 97.17 of Subpart B to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	To—	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums		
					2-engine or less	More than 2-engine, more than 65 knots	More than 2-engine, more than 65 knots
Lefall Int.	PAE LOM	Direct	3000	T-dn% C-dn S-dn-10% A-dn#	300-1 600-2 200-1½ 600-2	300-1 600-2 200-1½ 600-2	200-1½ 600-2 200-1½ 600-2
PAE VOR	PAE LOM	Direct	3000				

Procedure turn E side of crs 338° Outbnd, 158° Inbnd, 3000' within 10 miles of PAE LOM.

Minimum altitude at glide slope interception Inbnd, 2700'.

Altitude of glide slope and distance to approach end of runway at OM 2740°—7.9 miles; at MM 765°—0.5 mile.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.9 miles after passing PAE LOM, turn right, climb to 2000' on R 225° of PAE VOR within 10 miles, or when directed by ATC, turn right, climb to 3000', direct PAE LOM.

NOTE: Localizer useable only 60° on either side of front crs. False crs indications possible in other areas.

%Takeoff minimums 200-1½ authorized only for Runways 16 and 34.

\*400-1 required when glide slope not used, 400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights. 400-¾ authorized, except for 4-engine turbojet aircraft, with operative ALS.

§300-¾ when control zone not effective.

#Alternate minimums not authorized when control zone not effective.

City, Everett; State, Wash.; Airport name, Snohomish County (Paine Field); Elev., 603'; Fac. Class., ILS; Ident., I-PAE; Procedure No. ILS Runway 16, Amdt. 7; Eff. date, 16 Jan. 60; Sup. Amdt. No. ILS-16, Amdt. 6; Dated, 6 Nov. 65

EPH VOR	MW LOM	Direct	2900	T-dn% C-dn S-dn-32R*	300-1 600-1 200-1½	300-1 600-1 200-1½	200-1½ 600-1½ 200-1½
MWH VOR	MW LOM	Direct	2900				

Wilson Creek Int.	MW LOM	Direct	3200	A-dn#	700-2	700-2	700-2
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Procedure turn E side of crs, 141° Outbnd, 321° Inbnd, 2900' within 10 miles.

Altitude of glide slope and distance to approach end of runway at OM 2523°—4.7 miles; at MM 1402°—0.5 mile.

Minimum altitude at glide slope interception Inbnd, 2600'.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished 4.7 miles after passing OM, turn right, climb to 2900' direct MW LOM.

NOTE: Use Ephrata altimeter setting when control zone not effective.

%Takeoffs all runways: Climb direct to the MWH VOR, then continue on R 140° within 10 miles to cross the MWH VOR at or above; Southwestbound V2, 2800'.

\*400-1 required when glide slope inoperative. 400-¾ authorized with operative HIRL or ALS except for 4-engine turboprop aircraft.

#Alternate minimums not authorized when control zone not effective.

MSA within 25 miles of facility: 000°-090°—3000'; 090°-270°—3700'; 270°-360°—3900'.

City, Moses Lake; State, Wash.; Airport name, Grant County; Elev., 1180'; Fac. Class., ILS; Ident., I-MHW; Procedure No. ILS Runway 22R, Amdt. 4; Eff. date, 16 Jan. 69; Sup. Amdt. No. 2, Dated, 23 May 68

8. By amending § 97.17 of Subpart B to delete instrument landing system (ILS) procedures as follows:

Augusta, Ga.—Bush Field, ILS-35, Amdt. 12, 25 Dec. 1965 (established under Subpart C).

Fayetteville, N.C.—Grannis Field, ILS Runway 3, Amdt. 2, 18 Mar. 1967 (established under Subpart C).

Greenville, S.C.—Greenville Municipal Downtown, ILS-36, Amdt. 12, 21 Jan. 1967 (established under Subpart C).

9. By amending § 97.19 of Subpart B to amend radar procedures as follows:

## RULES AND REGULATIONS

## STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

From—	To—	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums		
					2-engine or less	More than 2-engine, more than 65 knots	More than 2-engine, 65 knots
Precision approach							
T-dn%		300-1	300-1		200-1		
C-dn		800-1	800-1		800-1		
S-dn-14/328		300-1	300-1		300-1		
A-dn		800-2	800-2		800-2		

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—

Runway 32: Climb direct to LMT VOR, thence turn left, climb to 7500' on R 256° LMT VOR within 10 miles. All maneuvering N of R 256°.

Runway 14: Climb to 7500' direct to LFA RBn or, when directed by ATC, climb direct to LMT VOR, turn right, climb to 7500' on R 256° LMT VOR within 10 miles.

All maneuvering N of R 256°.

% Takeoffs all runways: Climb via LMT ILS localizer SE crs/LMT VORTAC R 140° to 6000', then turn right heading 250° to intercept and proceed via LMT VOR R 162° to cross the LMT VOR at or above 7000'; westbound V-122, 6000'.

% 200-16 authorized only on Runway 14. 300-1 required Runway 32. 500-1 required Runways 7/25 and 18/36.

AIR CARRIER NOTE: Sliding scale for landing not authorized.

City, Klamath Falls; State, Oreg.; Airport name, Kingsley Field; Elev., 4062'; Facility, Klamath Falls Radar; Procedure No. Radar 1, Amdt. 2; Eff. date, 16 Jan. 69; Sup. Amdt. No. 1; Dated, 9 Nov. 67

10. By amending § 97.19 of Subpart B to delete radar procedures as follows:

Greenville, S.C.—Greenville Municipal Downtown, Radar 1, Amdt. 3, 1 May 1965 (established under Subpart C).

11. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency distance measuring equipment (VOR/DME) procedures as follows:

## STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	To—	Via	Minimum altitudes (feet)	Missed approach	
				MAP: 5.5 miles after passing Daniel Int.	
EMR NDB	AGS VORTAC	Direct	2000	Climbing right turn to 2000' direct to AGS VORTAC and hold; or, when directed by ATC, climb to 2000' on AGS R 158° to Shell Bluff Int.	
R 238°, AGS VORTAC (CW)	R 322°, AGS VORTAC	10-mile DME Arc	2000	Supplementary charting information: Hold NW, 1 minute, right turns, 142° Inbd.	
R 072°, AGS VORTAC (CCW)	R 322°, AGS VORTAC	10-mile DME Arc	2000	Final approach crs to center of landing area.	
10-mile DME Arc	AGS VORTAC (NOPT)	R 322°, AGS VORTAC	1700		

Procedure turn W side of crs, 322° Outbnd, 142° Inbd, 2000' within 10 miles of AGS VORTAC. FAF, Daniel Int/7.5-mile DME Fix. Final approach crs 142°. Distance FAF to MAP, 5.5 miles. Minimum altitude over AGS VORTAC, 1700'; over Daniel Int/7.5-mile DME Fix, 1700'. MSA: 000°-090°-2100'; 090°-180°-2900'; 180°-270°-2900'; 270°-360°-1900'.

#300-1 required on Runways 8/26.

## DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	720	1	575	720	1	575	720	1 1/2	575	720	2	575
A	Standard.	T 2-eng. or less—Standard.			T over 2-eng.—Standard.			T			#	

City, Augusta; State, Ga.; Airport name, Bush Field; Elev., 143'; Facility, AGS; Procedure No. VOR-1, Amdt. 8; Eff. date, 16 Jan. 69; Sup. Amdt. No. 7; Dated, 23 Dec. 67

## STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes					Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.3 miles after passing AGS VORTAC.		
EMR NDR R-238 AGS VORTAC (CW) R-072 AGS VORTAC (CCW) 30-mile DME Fix	AGS VORTAC R-322 AGS VORTAC R-322 AGS VORTAC AGS VORTAC (NOPT)	Direct 10-mile DME Arc 10-mile DME Arc R 322, AGS VORTAC	2000 2000 2000 1700	Climbing left turn to 2000' direct to AGS VORTAC and hold; or, when directed by ATC, climb to 2000' on AGS R 155° to Shell Bluff Int. Supplementary charting information: Hold NW, 1 minute, right turns, 142° Inbnd.		

Procedure turn W side of crs, 322° Outbnd, 142° Inbnd, 2000' within 10 miles of AGS VORTAC.

FAF, AGS VORTAC. Final approach crs, 136°. Distance FAF to MAP, 6.3 miles.

Minimum altitude over AGS VORTAC, 1700'.

MSA: 000°—090°—2100'; 090°—180°—2000'; 180°—270°—2900'; 270°—360°—1900'.

Notes: (1) Use AGS altimeter setting. (2) No weather reporting service.

\*Night operations not authorized on Runways 5/23.

## DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	
C*	1200	1	776	1200	1 1/4	776	1200	1 1/4	776	NA		
A	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.		—	Standard.		

City, Augusta, Ga.; Airport name, Daniel Field; Elev., 424'; Facility, AGS; Procedure No. VOR-1, Amdt. 5; Eff. date, 16 Jan. 69; Sup. Amdt. No. VOR 1, Amdt. 4; Dated, 23 Nov. 63

Terminal routes					Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: 5 miles after passing BJI VOR.		
				Climb to 3100' on R 131° within 10 miles, return to BJI VOR. Supplementary charting information: LRCO 122.1, 123.6. TDZ elevation, 1339'.		

Procedure turn S side of crs, 311° Outbnd, 131° Inbnd, 3100' within 10 miles of BJI VOR.

FAF, BJI VOR. Final approach crs, 131°. Distance FAF to MAP, 5 miles.

Minimum altitude over BJI VOR, 2900'.

MSA: 007°—180°—2900'; 180°—360°—3000'.

Note: Use Hibbing altimeter setting when Bemidji control zone not effective. Circling and straight-in MDA raised 400' when Bemidji control zone not effective except operators with approved weather reporting service.

\* Alternate minimums not authorized when control zone not effective.

## DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-13	1700	1	311	1700	1	311	1700	1	311	1700	1	311
O	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1740	1	351	1840	1	451	1840	1 1/4	451	1940	2	551
A	Standard. @			T 2-eng. or less—Standard.			T over 2-eng.		—	Standard.		

City, Bemidji, Minn.; Airport name, Municipal; Elev., 1339'; Facility, BJI; Procedure No. VOR Runway 13, Amdt. 3; Eff. date, 16 Jan. 69; Sup. Amdt. No. VOR 1, Amdt. 2; Dated, 28 Nov. 64

## RULES AND REGULATIONS

## STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes					Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 10 miles after passing HYA VOR.	
V-141	HYA VOR (NOPT)	Via radar vector to final approach crs.	1500 within 15 miles.	Make a climbing right turn to 1900', direct HYA VOR and hold.	
V-167	HYA VOR (NOPT)			Supplementary charting information: Hold S HYA VOR, 1 minute, right turns, 357° inbd. Final approach crs intercepts center of airport, 310° antenna 1.7 miles SW of airport. Depict 10-mile DME Fix HYA R 113° at missed approach point.	

Procedure turn not authorized.

FAF, HYA VOR. Final approach crs, 113°. Distance FAF to MAP, 10 miles.

Minimum altitude over HYA VOR, 1800'; over 6-mile DME Fix, 800'.

MSA: 000°-060°—1400'; 090°-180°—1700'; 180°-270°—1700'; 270°-360°, 1600'.

NOTES: (1) Radar required. (2) Use Hyannis altimeter setting.

\*Use Otis altimeter setting and increase all circling MDA's 60' when HYA control zone not effective.

## DAY AND NIGHT MINIMUMS

Cond.	A			B			C		D	
	MDA	VIS	HAA	MDA	VIS	HAA	VIS		VIS	
C*	800	1	728	800	1	728	NA		NA	
VOR/DMR Minimums:										
	MDA	VIS	HAA	MDA	VIS	HAA	VIS		VIS	
C*	600	1	528	600	1	528	NA		NA	
A	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.			

City, Chatham; State, Mass.; Airport name, Chatham Municipal; Elev., 72'; Facility, HYA; Procedure No. VOR-1 Amdt. 4; Eff. date, 16 Jan. 69; Sup. Amdt. No. VOR 1, Amdt. 3; Dated, 7 Jan. 67

Terminal routes					Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: FAY VOR.	
				Climb to 2000', right turn direct to FAY VOR and hold.	
				Supplementary charting information: Hold SW, 1 minute, right turns, 045° inbd. Final approach crs intercepts runway centerline extended at 5200' from threshold. TDZ elevation, 180'.	

Procedure turn S side of crs, 237° Outbnd, 057° Inbnd, 1700' within 10 miles of FAY VOR.

Final approach crs, 057°.

MSA: 000°-060°—1600'; 090°-180°—1500'; 180°-270°—1700'; 270°-360°—1800'.

NOTE: Radar vectoring.

## DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-3	560	1/2	371	560	1/2	371	560	1/2	371	460	1	371
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	560	1	371	640	1	451	640	1 1/2	451	740	2	551
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Fayetteville; State, N.C.; Airport name, Fayetteville Municipal; Elev., 180'; Facility, FAY; Procedure No. VOR Runway 3, Amdt. 5; Eff. date, 16 Jan. 69; Sup. Amdt. No. TerVOR-3, Amdt. 4; Dated, 21 May 66

## STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes					Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: GPT VORTAC.		
R 339°, GPT VORTAC (CW)	R 045°, GPT VORTAC	7-mile DME Arc.	1800	Climb to 1600' via R 242° to Morris Int and hold or, when directed by ATC, climb to 1600' via R 180° to Hawkeye Int and hold.		
R 068°, GPT VORTAC (CCW)	R 045°, GPT VORTAC	7-mile DME Arc.	1800	Supplementary charting information: Morris holding; bld SW 062° Inbnd, 1 minute, right turns. Hawkeye holding; hold 8 300° Inbnd, 1 minute, right turns. TDZ elevation, 27°.		
7-mile DME Arc.	4-mile DME OPT R 045° (NOPT)	GPT R 045°	680	MSA: 090°-270°-1500'; 270°-090°-2600'.		

Procedure turn N side of crs, 045° Outbnd, 225° Inbnd, 1600' within 10 miles of GPT VORTAC.  
Final approach crs, 225°.

Minimum altitude over 4-mile DME GPT R 045°, 680'.

MSA: 090°-270°-1500'; 270°-090°-2600'.

\*Night operations authorized Runways 13/31 only.

@Alternate minimum not authorized when control zone not effective except for operators with approved weather reporting service.

#Use Mobile altimeter setting when control zone not effective and all MDA's increased 200' except for operators with approved weather service.

## DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-22*	680	1	633	680	1	633	680	1 1/2	633	680	1 1/2	633
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	680	1	632	680	1	632	680	1 1/2	632	680	2	632
VOR/DME Minimums:												
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-22*	460	1	433	460	1	433	460	1	433	460	1	433
A	Standard.	T 2-eng. or less—Standard.*			T over 2-eng.—Standard.*							

City, Gulfport; State, Miss.; Airport name, Gulfport Municipal; Elev., 28'; Facility, GPT; Procedure No. VOR Runway 22, Amdt. 1; Eff. date, 16 Jan. 60; Sup. Amdt. No. Orig.; Dated, 19 Sept. 68

Terminal routes					Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.7 miles after passing IPL VOR.		
IPL VOR R 074°/16-mile DME Fix	IPL VOR (NOPT)	Direct	1700	Climb to 3000', turn right to intercept and proceed northbound via IPL R 336° to 20 nautical miles.		

Supplementary charting information: Chart missed approach point as 5.7-mile DME. Chart 183' tower 3248/11,534.

Procedure turn not authorized. One-minute holding pattern, IPL VOR E, 254° Inbnd, right turn, 2000'.

FAF, IPL, VOR. Final approach crs, 313°. Distance FAF to MAP, 5.7 miles.

Minimum altitude over IPL VOR, 1700'.

MSA: 100°-190°-4700'; 100°-280°-6000'; 280°-100°-3400'.

## DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	
C	440	1	497	440	1	497	440	1 1/2	497	NA		
A	Standard.	T 2-eng. or less—Runways 32 and 14, 200-1.			T over 2-eng.—Runways 32 and 14, 200-1.							

City, Imperial; State, Calif.; Airport name, Imperial County; Elev., -57'; Facility, IPL; Procedure No. VOR-1, Amdt. 4; Eff. date, 16 Jan. 60; Sup. Amdt. No. VOR 1, Amdt. 3; Dated, 23 Feb. 63

## RULES AND REGULATIONS

## STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes						Missed approach		
From—	To—	Via			Minimum altitudes (feet)	MAP; 7.5 miles after passing IOW VORTAC.		
CID LOM.....	IOW VORTAC.....	Direct.....			2500	Climbing right turn to 2400' direct to IOW VORTAC.		
CID VORTAC.....	IOW VORTAC.....	Direct.....			2500			
R 073°, IOW VORTAC (OW) R 263°, IOW VORTAC (CCW).....	R 199°, IOW VORTAC (NOPT).....	7-mile Arc.....			2400	Supplementary charting information: Steel tower 1.3 miles NW of airport 935'. TDZ elevation 652'.		
R 199°, IOW VORTAC (NOPT).....	R 199°, IOW VORTAC (NOPT).....	7-mile Arc.....			2400			

Procedure turn W side of crs, 199° Outbnd, 019° Inbnd, 2400' within 10 miles of IOW VORTAC. FAF, IOW VORTAC. Final approach crs, 019°. Distance FAF to MAP, 7.5 miles.

Minimum altitude over IOW VORTAC, 2400'; over 4-mile DME Fix, 1200'.

MSA within 25 miles of IOW VORTAC: 060°-270°-2100'; 270°-060°-2200'.

NOTE: Use Cedar Rapids, Iowa, altimeter setting.

\*Plan IFR departures to avoid 935' tower 1.3 miles NW.

\*Standard alternate minimums authorized for air carriers with approved weather reporting service.

## DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D	
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS	
S-35.....	1200	1	548	1200	1	548	1200	1	548		NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA		
C.....	1300	1	639	1300	1	639	1300	1½	639		NA
DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT		
S-35.....	1100	1	448	1100	1	448	1100	1	448		NA
A.....	*Not authorized.			T 2-eng. or less—Standard.%			T over 2-eng.—Standard.%				

City, Iowa City; State, Iowa; Airport name, Iowa City Municipal; Elev., 661'; Facility, IOW; Procedure No. VOR Runway 35, Amdt. 5; Eff. date, 16 Jan. 69; Sup. Amdt. No. VOR 1, Amdt. 4; Dated, 28 May 66

Terminal routes						Missed approach		
From—	To—	Via			Minimum altitudes (feet)	MAP: 3.5 miles after passing ISO VORTAC.		
R 302°, ISO VORTAC (CW) R 130°, ISO VORTAC (CCW) 10-mile DME Arc.....	R 051°, ISO VORTAC.....	10-mile DME Arc.....			2200	Climbing right turn to 2000' direct to ISO VORTAC and hold.		
	R 051°, ISO VORTAC.....	10-mile DME Arc.....			2500			
	ISO VORTAC (NOPT).....	ISO R 051°.....			1100	Supplementary charting information: Hold NE, 1 minute, right turns, 205° Inbnd. TDZ elevation, 94'.		

Procedure turn N side of crs, 051° Outbnd, 231° Inbnd, 2000' within 10 miles of ISO VORTAC.

FAF, ISO VORTAC. Final approach crs, 231°. Distance FAF to MAP, 3.5 miles.

Minimum altitude over ISO VORTAC, 1100'.

MSA: 060°-180°-2500'; 180°-270°-1500'; 270°-360°-2200'.

NOTE: Use GSB AFB altimeter setting when control zone not effective.

\*Alternate minimum not authorized and circling and straight-in MDA increased 60' when control zone not effective.

## DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D	
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS	
S-22#.....	480	1	386	480	1	386	480	1	386		NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA		
C#.....	520	1	426	560	1	466	500	1½	466		NA
A.....	Standard.#	T 2-eng. or less—Standard.			T over 2-eng.—Standard.						

City, Kinston; State, N.C.; Airport name, Stallings Field; Elev., 94'; Facility, ISO; Procedure No. VOR Runway 22, Amdt. 4; Eff. date, 16 Jan. 69; Sup. Amdt. No. VOR 1, Amdt. 3; Dated, 27 Aug. 66

## RULES AND REGULATIONS

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### STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes		Via		Minimum altitudes (feet)	Missed approach
From—	To—				MAP: 10 miles after passing HTM VORTAC.
					Make climbing right turn to 2000' direct to HTM VOR and hold. Supplementary charting information: Hold SW HTM VOR, 1 minute, right turns, 000° Inbnd. Runways 4/22 unlighted. Depict 10-mile DME Fix HTM R 204° at missed approach point.

Procedure turn S side of crs. 084° Outbnd, 264° Inbnd, 1700' within 10 miles of HTM VOR.  
FAF, HTM VOR. Final approach crs. 264°. Distance FAF to MAP, 10 miles.  
Minimum altitude over HTM VOR, 1700'; over 6-mile DME Fix, 740'.  
MSA: 000°-090°—1800'; 090°-180°—1600'; 180°-270°—2200'; 270°-360°—2400'.  
NOTES: (1) Radar vectoring. (2) Use NAS South Weymouth altimeter setting.  
%Night operations Runways 14/32 only.

#### DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C%	740	1	616	740	1	616	740	134	616	NA	
VOR/DME Minimums:											
C%	540	1	416	580	1	456	580	134	456	NA	
A	Not authorized.			T 2-eng. or less—Standard.%			T over 2-eng.—Standard.%				

City, Mansfield; State, Mass.; Airport name, Mansfield Municipal; Elev., 124'; Facility, HTM; Procedure No. VOR-1, Amdt. 4; Eff. date, 16 Jan. 60; Sup. Amdt. No. 3; Dated, 15 July 67

Terminal routes		Via		Missed approach	
From—	To—			Minimum altitudes (feet)	
					MAP: 3.3 miles after passing Mastic Int.

Riverhead VOR..... Mastic Int..... Direct..... 1500 Right-climbing turn to 1500' to Mastic Int via RVH VOR R 166° and hold.\*  
Supplementary charting information: \*Hold S, 1 minute, right turns, 346° Inbnd. Radio tower 1.2 miles S of airport 238°.

Procedure turn not authorized. One minute holding pattern S of Mastic Int, 346° Inbnd, right turns, 1500'.  
FAF, Mastic Int. Final approach crs. 346°. Distance FAF to MAP, 3.3 miles.  
Minimum altitude over Mastic Int, 1500'.  
MSA: 000°-090°—1700'; 090°-180°—1600'; 180°-270°—1700'; 270°-360°—2100'.  
NOTES: (1) Use Long Island-MacArthur altimeter setting. (2) Dual VOR or VOR/DME receivers required.

#### DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D	
	MDA	VIS	HAA	MDA	VIS	HAA	VIS			VIS	VIS
C	600	1	519	600	1	519	NA			NA	NA
A	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.				

City, Shirley; State, N.Y.; Airport name, Brookhaven; Elev., 81'; Facility, RVH; Procedure No. VOR Runway 33, Amdt. Orig.; Eff. date, 16 Jan. 69

## RULES AND REGULATIONS

## STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes					Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 1.7 miles after passing SSU VOR.	
Covington Int.	SSU VOR.	Direct	5400	Climbing left turn to 5400', return to SSU VOR and hold.	
Natural Well Int.	SSU VOR.	Direct	5400	Supplementary charting information: Hold SE, 1 minute, right turns, 290° Inbnd.	
Frankford Int.	SSU VOR.	Direct	5400		
Zenith Int.	SSU VOR.	Direct	6000		

Procedure turn N side of crs, 119° Outbnd, 299° Inbnd, 5400' within 10 miles of SSU VOR. FAF, SSU VOR. Final approach crs, 299°. Distance FAF to MAP, 1.7 miles.

Minimum altitude over SSU VOR, 4300'.

MSA: 000°-090°—5600'; 090°-180°—5000'; 180°-270°—5400'; 270°-360°—5600'.

NOTE: Use Roanoke altimeter setting.

CAUTION: Precipitous terrain underlying this procedure. Turbulence of varying intensities may be encountered; airport surrounded by high ridges.

\*Night minimums not authorized.

%Climb visually over the airport to 3400'; thence, climb NW on SSU R 322° to 5400' before proceeding on crs.

## DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C*	3000	3	209	3000	3	209	3000	3	209	NA
A	Not authorized.	T 2-eng. or less—All runways ceiling 1600' visibility 1%.		T over 2-eng.—All runways ceiling 1600' visibility 1%.						

City, White Sulphur Springs; State, W. Va.; Airport name, Greenbrier; Elev., 1801'; Facility, SSU; Procedure No. VOR-1, Amdt. 5; Eff. date, 16 Jan. 69; Sup. Amdt. No. VOR-1 Amdt. 4; Dated, 18 Apr. 64

## STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and R.A. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes					Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: FYV R 284° 17-mile DME Fix.	
FYV VORTAC	20-mile DME Fix	R 284°	3000	Climbing left turn to 3000' via FYV R 284° to 20-mile DME Fix and hold.	
FYV VORTAC R 261° (CW)	FYV VORTAC R 284°	FYV 23-mile DME Arc	3000	Supplementary charting information: Hold W between 20-mile DME and 23-mile DME Fixes on FYV VORTAC R 284°—104° Inbnd, left turns.	
23-mile DME Arc	20-mile DME Fix (NOPT)	FYV, R 279°, lead radial, R 284°	2100		

Procedure turn S side of crs, 284° Outbnd, 104° Inbnd, 3000' within 5 miles of 20-mile DME Fix.

Final approach crs, 104°.

Minimum altitude over 20-mile DME Fix, 2100'.

NOTES: (1) Use Fayetteville, Ark., altimeter setting. (2) Approach from holding pattern authorized, cross 23-mile DME Fix Inbnd, 3000'.

## DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS		VIS			VIS
S-13	1780	1	600	NA			NA			NA
	MDA	VIS	HAA							
C	1840	1	660	NA			NA			NA
A	Not authorized.	T 2-eng. or less—Standard.		T over 2-eng.—Standard.						

City, Decatur; State, Ark.; Airport name, Crystal Lake; Elev., 1180'; Facility, FYV VORTAC; Procedure No. VOR/DME Runway 13, Amdt. 1; Eff. date, 16 Jan. 69; Sup. Amdt. No. Orig.; Dated, 29 Feb. 68.

## STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME—Continued

From—	To—	Via	Minimum altitudes (feet)	Missed approach
ISO VORTAC, R 130°, ISO VORTAC (CW), R 30°, ISO VORTAC (CCW), 10-mile DME Arc.	10-mile DME Fix, R 230° ISO VORTAC, R 230° ISO VORTAC, 10-mile DME Fix (NOPT)	ISO R 230°, 15-mile DME Arc, 15-mile DME Arc, ISO R 230°	2000 2000 2000 1900	Climb to 2000' direct to ISO VORTAC and hold. Supplementary charting information: Hold NE, 1 minute, right turns, 206° Inbnd. Final approach crs intercepts runway centerline extended at 3000' from threshold. TDZ elevation, 94'.

Procedure turn S side of crs, 230° Outbnd, 050° Inbnd, 2000' within 10 miles of 10-mile DME Fix.  
Final approach crs, 050°.

Minimum altitude over 10-mile DME Fix, 1900'.

MSA: 000°-180°—2500'; 180°-270°—1500'; 270°-360°—2200'.

NOTE: Use GSB AFB altimeter setting when control zone not effective.

#Alternate minimum not authorized and circling and straight-in MDA increased 60' when control zone not effective.

## DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D	
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS	
S-4#	640	1	546	640	1	546	640	1	546	NA	
C#	640	1	546	640	1	546	640	1½	546	NA	
A	Standard.#	T 2-eng. or less—Standard.			T over 2-eng.—Standard.						

City, Kinston; State, N.C.; Airport name, Stallings Field; Elev., 94'; Facility, ISO; Procedure No. VOR/DME Runway 4, Amdt. 1; Eff. date, 16 Jan. 69; Sup. Amdt. No. VOR/DME No. 1, Orig.; Dated, 27 Aug. 66

12. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

## STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	To—	Via	Minimum altitudes (feet)	Missed approach
R 242° GPT VORTAC (CCW), Henderson Int., 7-mile DME Arc.	R 208° GPT VORTAC, Edgewater Int (NOPT), 2-mile DME GPT R 208° (NOPT)	7-mile DME Arc, Direct, GPT R 208°	1800 1800 660	Climb to 2500' via R 339° to Mouse Int and hold or, when directed by ATC, climbing left turn to 1600' direct to GPT VORTAC and hold. Supplementary charting information: Mouse holding; hold NW 150° Inbnd, 1 minute, right turns. GPT holding; hold NW 140° Inbnd, 1 minute right turns. TDZ elevation, 28'.

Procedure turn E side of crs, 208° Outbnd, 028° Inbnd, 1600' within 10 miles of GPT VORTAC.

Final approach crs, 028°.

Minimum altitude over 2-mile DME, GPT R 208°, 660'.

MSA: 000°-270°—1500'; 270°-090°—2500'.

\*Night operations authorized Runways 13/31 only.

#Alternate minimum not authorized when control zone not effective except for operators with approved weather reporting service.

†Use Mobile altimeter setting when control zone not effective and all MDA's increased 200' except for operators with approved weather reporting service.

## DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D	
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS
S-4#	660	1	632	660	1	632	660	1½	632	660	1½
C#	680	1	652	680	1	652	680	1½	652	680	2
VOR/DME Minimums:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS
A	Standard.#	T 2-eng. or less—Standard.*			T over 2-eng.—Standard.*						

City, Gulfport; State, Miss.; Airport name, Gulfport Municipal; Elev., 28'; Facility, GPT; Procedure No. VOR Runway 4, Amdt. 1; Eff. date, 16 Jan. 69; Sup. Amdt. No. Orig.; Dated, 19 Sept. 68

## RULES AND REGULATIONS

## STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: GPT VORTAC.	
R 242°, GPT VORTAC (CW) R 058°, GPT VORTAC (CCW)	R 320°, GPT VORTAC (NOPT) R 320°, GPT VORTAC (NOPT)	7-mile DME Arc	1800	Climbing right turn to 1600' via R 242° to Morris Int and hold or, when directed by ATC, climb to 1600'; proceed to Hawkeye Int via R 180° and hold.	
		7-mile DME Arc	1800	Supplementary charting information: Morris holding; hold SW 062° Inbnd, 1 minute, right turns, Hawkeye holding; hold S 360° Inbnd, 1 minute, right turns. TDZ elevation, 24'.	

Procedure turn W side of crs, 320° Outbnd, 140° Inbnd, 1600' within 10 miles of GPT VORTAC.

Final approach crs, 140°.

MSA: 090°-270°—1500'; 270°-090°—2600'.

\*Night operations authorized Runways 13/31 only.

†Alternate minimums not authorized when control zone not effective except for operators with approved weather reporting service.

#Use Mobile altimeter setting when control zone not effective and all MDA's increased 200' except for operators with approved weather reporting service.

## DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-13#	460	3/4	436	460	3/4	436	460	3/4	436	460	1	436
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*#	680	1	652	680	1	652	680	1 1/2	652	680	2	652
A	Standard.	⑧	T 2-eng. or less—Standard.*							T over 2-eng.—Standard.*		

City, Gulfport; State, Miss.; Airport name, Gulfport Municipal; Elev., 28'; Facility, GPT; Procedure No. VOR Runway 13, Amdt. 5; Eff. date, 16 Jan. 69; Sup. Amdt. No. 4; Dated, 19 Sept. 68

Terminal routes				Missed approach			
From—	To—	Via	Minimum altitudes (feet)	MAP: GPT VORTAC.			
R 088°, GPT VORTAC (CW) R 242°, GPT VORTAC (CCW) 7-mile DME Arc	R 124°, GPT VORTAC R 124°, GPT VORTAC 4-mile DME GPT R 124° (NOPT)	7-mile DME Arc 7-mile DME Arc GPT R 124°	1800 1800 480	Climbing left turn to 1600' via R 242° to Morris Int and hold or, when directed by ATC, climb to 2500' R 330° to Mouse Int, and hold.		Supplementary charting information: Morris holding; hold SW 062° Inbnd, 1 minute, right turns. Mouse holding; hold NW 159° Inbnd, 1 minute, right turns, TDZ elevation, 25'.	

Procedure turn N side of crs, 124° Outbnd, 304° Inbnd, 1600' within 10 miles of GPT VORTAC.

Final approach crs, 124°.

Minimum altitude over 4-mile DME GPT R 124°, 480'.

MSA: 090°-270°—1500'; 270°-090°—2600'.

Note: Inoperative table does not apply to HIRL Runway 31.

\*Night operations authorized Runways 13/31 only.

†Alternate minimums not authorized when control zone not effective except operators with approved weather reporting service.

#Use Mobile altimeter setting when control zone not effective and all MDA's increased 200' except for operators with approved weather reporting service.

## DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-31#	480	1	455	480	1	455	480	1	455	480	1	455
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*#	680	1	652	680	1	652	680	1 1/2	652	680	2	652
VOR/DME Minimums:												
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
B-31#	420	1	395	420	1	395	420	1	395	420	1	395
A	Standard.	⑧	T 2-eng. or less—Standard.*							T over 2-eng.—Standard.*		

City, Gulfport; State, Miss.; Airport name, Gulfport Municipal; Elev., 28'; Facility, GPT; Procedure No. VOR Runway 31, Amdt. 1; Eff. date, 16 Jan. 69; Sup. Amdt. No. Orig.; Dated, 19 Sept. 68

## RULES AND REGULATIONS

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### STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	
				MAP: 9.6 miles after passing APE VORTAC.

Procedure turn E side of crs, 322° Outbnd, 142° Inbnd, 3000' within 10 miles of APE VORTAC. FAF, APE VORTAC. Final approach crs, 142°. Distance FAF to MAP, 9.6 miles. Minimum altitude over APE VORTAC, 2000'; over 6-mile DME Fix, 1830'. MSA: 000°-060°—2500'; 090°-150°—2600'; 180°-220°—2600'; 270°-300°—2600'.

NOTES: (1) Radar vectoring. (2) Use CMH altimeter setting.

#### DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	1820	1	940		NA			NA			NA	
	DME Minimums:											
	MDA	VIS	HAA									
C.....	1520	1	640		NA			NA			NA	
A.....	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Newark; State, Ohio; Airport name, Licking County; Elev., 880'; Facility, APE; Procedure No. VOR-1, Amdt. 1; Eff. date, 16 Jan. 69; Sup. Amdt. No. Orig.; Dated, 30 May 68

Terminal routes				Missed approach			
From—	To—	Via	Minimum altitudes (feet)	MAP: 8.1 miles after passing SBD VOR.			
ONT VOR.....	SBD VOR.....		Direct.....		5000	Left-climbing turn to 3500' direct to ONT VOR.	
POM VOR.....	SBD VOR.....		Direct.....		5000	Supplementary charting information: Final approach crs to midpoint of Runways 5/23.	
RAL VOR.....	SBD VOR.....		Direct.....		5000		

Procedure turn S side of crs, 121° Outbnd, 301° Inbnd, 4200' within 10 miles of SBD VOR. FAF, SBD VOR. Final approach crs, 271°. Distance FAF to MAP, 8.1 miles. Minimum altitude over SBD VOR, 3300'.

MSA: 035°-125°—12,600'; 125°-215°—6700'; 215°-305°—11,100'; 305°-035°—9600'.

NOTES: (1) Radar vectoring. (2) Use Norton AFB altimeter setting. (3) Delay up to 30 minutes may occur during periods of air defense activity. %4FR departure procedures: Runway 5, turn right and proceed direct to ONT VOR.

#### DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	2160	1	727	2160	1	727			NA		NA	
A.....	Not authorized.			T 2-eng. or less—Standard.%			T over 2-eng.—Standard.%					

City, Rialto; State, Calif.; Airport name, Rialto Municipal (Miro Field); Elev., 1433'; Facility, SBD; Procedure No. VOR-1, Amdt. 1; Eff. date, 16 Jan. 69; Sup. Amdt. No. Orig.; Dated, 19 Dec. 68

## RULES AND REGULATIONS

13. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

## STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	Terminal routes			Via	Minimum altitudes (feet)	Missed approach
	To—					
AGS VORTAC	EMR NDB		Direct		2000	
Trenton Int.	EMR NDB (NOPT)		Direct		1700	Climb to 2000' direct to AG LOM; or when directed by ATC, climbing right turn to 2000' direct to EMR NDB and hold.
Mallard Int.	EMR NDB (NOPT)		Direct		1700	
Clarice Int.	EMR NDB (NOPT)		Direct		1700	
Langley Int.	EMR NDB		Direct		2900	
Shell Bluff Int.	EMR NDB		Direct		2000	Supplementary charting information: AG LOM hold S, 1 minute, left turns, 349° Inbnd. EMR NDB hold NW, 1 minute, right turns, 167° Inbnd. TDZ elevation, 145'.

Procedure turn W side of crs, 347° Outbnd, 167° Inbnd, 2000' within 10 miles of EMR NDB.

FAF, EMR NDB. Final approach crs, 167°. Distance FAF to MAP, 4.9 miles.

Minimum altitude over EMR NDB, 1700'.

MSA: 000°-180°-2900'; 180°-270°-2900'; 270°-360°-2900'.

#300-1 required on Runways 8/26.

## DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-17	700	1	555	700	1	555	700	1	555	700	14	555
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	720	1	575	720	1	575	720	14	575	720	2	575
A	Standard.	T 2-eng. or less—Standard.#			T over 2-eng.—Standard.#			T over 2-eng.—Standard.#				

City, Augusta; State, Ga.; Airport name, Bush Field; Elev., 145'; Facility, EMR; Procedure No. NDB (ADF) Runway 17, Amdt. 4; Eff. date, 16 Jan. 69; Sup. Amdt. No. 3; Dated, 23 Dec. 67

From—	Terminal routes			Via	Minimum altitudes (feet)	Missed approach
	To—					
AGS VORTAC	AG LOM		Direct		2000	
EMR NDB	AG LOM		Direct		2000	Climb to 2000' to AGS VORTAC via R 141° and hold; or, when directed by ATC, climbing left turn to 2000' direct to AG LOM and hold.
Langley Int.	AG LOM		Direct		2900	
Blythe Int.	AG LOM		Direct		2000	
Mallard Int.	AG LOM		Direct		2000	Supplementary charting information: AGS VORTAC hold NW, 1 minute, right turns, 141° Inbnd. AG LOM hold S, 1 minute, left turns, 349° Inbnd. TDZ elevation, 135'.
Clarice Int.	AG LOM		Direct		2000	
Shell Bluff Int.	AG LOM (NOPT)		Direct		1500	
Trenton Int.	AG LOM		Direct		2000	
Granite Int.	AG LOM		Direct		2900	

Procedure turn W side of crs, 180° Outbnd, 349° Inbnd, 1600' within 10 miles of AG LOM.

FAF, AG LOM. Final approach crs, 349°. Distance FAF to MAP, 4.5 miles.

Minimum altitude over AG LOM, 1500'.

MSA: 000°-360°-2900'; 090°-180°-2000'; 180°-360°-2900'.

#300-1 required on Runways 8/26.

## DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-35	640	34	505	640	34	505	640	34	505	640	1	505
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	720	1	575	720	1	575	720	14	575	720	2	575
A	Standard.	T 2-eng. or less—Standard.#			T over 2-eng.—Standard.#			T over 2-eng.—Standard.#				

City, Augusta; State, Ga.; Airport name, Bush Field; Elev., 145'; Facility, AG; Procedure No. NDB (ADF) Runway 35, Amdt. 14; Eff. date, 16 Jan. 69; Sup. Amdt. No. ADF 1, Amdt. 13; Dated, 6 Nov. 68

## RULES AND REGULATIONS

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### STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes					Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: BVX NDB.		
ARG VORTAC.....	BVX NDB.....	Direct.....	2500		Climbing right turn to 2300' direct BVX NDB and hold. Supplementary charting information: Hold E of BVX NDB on bearings 100°-280° Inbnd, right turns, 1 minute.	

Procedure turn N side of crs, 100° Outbnd, 280° Inbnd, 2300' within 10 miles of BVX NDB.

Final approach crs, 280°.

Minimum altitude over BVX NDB, 1140'.

MSA: 000°-180°—2000'; 180°-360°—2600'.

Note: Use Walnut Ridge, Ark., altimeter setting.

#### DAY AND NIGHT MINIMUMS

Cond.	A			B			C		D	
	MDA	VIS	HAA	MDA	VIS	HAA	VIS		VIS	
O.....	1140	1	677	1140	1	677	NA		NA	
A.....	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.			

City, Batesville; State, Ark.; Airport name, Batesville Municipal; Elev., 463'; Facility, BVX; Procedure No. NDB (ADF)-1, Amdt. 1; Eff. date, 16 Jan. 69; Sup. Amdt. No. Orig.; Dated, 20 May 67

Terminal routes					Missed approach		
From—	To—	Via	Minimum altitudes (feet)	MAP: 1.6 miles after passing BYN NDB			
Egerton Int.....	BYN NDB.....	Direct.....	2400		Climb to 2300' on 249° bearing from BYN NDB, turn left and return to BYN NDB.		
Antwerp Int.....	BYN NDB.....	Direct.....	2300				
McClure Int.....	BYN NDB.....	Direct.....	2300				
Gerald Int.....	BYN NDB.....	Direct.....	2300		Supplementary charting information: Hold NE of BYN NDB, right turn, 1 minute, 249° Inbnd. TDZ elevation, 731'.		

Procedure turn N side of crs, 000° Outbnd, 240° Inbnd, 2300' within 10 miles of BYN NDB.

FAF, BYN NDB. Final approach crs, 240°. Distance FAF to MAP, 1.6 miles.

Minimum altitude over BYN NDB, 1500'.

MSA: 090°-270°—2600'; 270°-090°—2200'.

Note: Use Toledo, Ohio, altimeter setting.

#### DAY AND NIGHT MINIMUMS

Cond.	A			B			C		D	
	MDA	VIS	HAT	MDA	VIS	HAT	VIS		VIS	
S-25.....	1240	1	509	1240	1	509	NA		NA	
	MDA	VIS	HAA	MDA	VIS	HAA				
O.....	1280	1	549	1280	1	549	NA		NA	
A.....	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.			

City, Bryan; State, Ohio; Airport name, Williams County; Elev., 731'; Facility, BYN; Procedure No. NDB (ADF) Runway 25, Amdt. Orig.; Eff. date, 16 Jan. 69

## RULES AND REGULATIONS

## STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes		Via		Minimum altitudes (feet)		Missed approach	
From—	To—	MAP: 5.1 miles after passing GR LOM.					
FAY VOR Rowland Int.	GR LOM GR LOM (NOPT)	Direct	Direct	1700	1700	Climb to 2000', right turn direct to FAY VOR and hold.	
						Supplementary charting information: Hold SW, 1 minute, right turns, 045° Inbnd. TDZ elevation, 180'.	

Procedure turn E side of crs, 215° Outbnd, 035° Inbnd, 1700' within 10 miles of GR LOM. FAF, GR LOM. Final approach crs, 035°. Distance FAF to MAP, 5.1 miles. Minimum altitude over GR LOM, 1700'.

MSA: 000°-090°—1700'; 090°-180°—1500'; 180°-270°—1700'; 270°-360°—1800'.

NOTE: Radar vectoring.

## DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-3	540	3/4	351	540	3/4	351	540	3/4	351	540	1	351
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	560	1	371	640	1	451	640	1 1/2	451	740	2	551
A	Standard.	T 2-eng. or less—Standard.			T over 2-eng.—Standard.							

City, Fayetteville; State, N.C.; Airport name, Fayetteville Municipal; Elev., 189'; Facility, GR; Procedure No. NDB (ADF) Runway 3, Amdt. 2; Eff. date, 16 Jan. 69; Sup. Amdt. No. ADF 1, Amdt. 1; Dated, 19 Nov. 66

Terminal routes		Via		Minimum altitudes (feet)		Missed approach	
From—	To—	MAP: 3.6 miles after passing GR LOM.					
Tigerville Int. Princeton Int.	GR LOM GR LOM	Direct	Direct	3200	2500	Climb to 4000' on 002° bearing from LOM to Tigerville Int and hold.	
						Supplementary charting information: Hold S, 1 minute, right turns, 011° Inbnd. TDZ elevation, 1916'.	

Procedure turn E side of crs, 182° Outbnd, 002° Inbnd, 2200' within 10 miles of GR LOM. FAF, GR LOM. Final approach crs, 002°. Distance FAF to MAP, 3.6 miles. Minimum altitude over GR LOM, 2200'.

MSA: 000°-090°—5500'; 090°-180°—2100'; 180°-270°—2700'; 270°-360°—6000'.

NOTE: ASR.

\*Alternate minimum not authorized when control tower not operating.

## DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-36	1360	1	344	1360	1	344	1360	1	344	1360	1	344
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1560	1	513	1560	1	513	1560	1 1/2	513	1600	2	553
A	Standard.*	T 2-eng. or less—Standard.			T over 2-eng.—Standard.							

City, Greenville; State, S.C.; Airport name, Greenville Municipal Downtown; Elev., 1047'; Facility, GR; Procedure No. NDB (ADF) Runway 36, Amdt. 9; Eff. date, 16 Jan. 69; Sup. Amdt. No. 8; Dated, 21 Jan. 67

## RULES AND REGULATIONS

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### STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes					Missed approach	
From—	To—	Via	Minimum altitudes (feet)	MAP: PTG NDB.		
Rose Hill Int.	PTG NDB	Direct	5000			
Yuma Int.	PTG NDB	Direct	5000	Climb to 5000' on 030° crs from PTG NDB, turn right return to PTG NDB and hold.		

Supplementary charting information: Hold SW, 1 minute, right turns, 030° Inbnd.

Procedure turn E side of crs, 210° Outbnd, 030° Inbnd, 4800' within 10 miles of NDB.  
 Final approach crs, 030°.  
 MSA: 000°-090°—3300'; 090°-180°—4500'; 180°-270°—4600'; 270°-360°—4800'.  
 NOTE: Use Tri-City altimeter setting.  
 CAUTION: Precipitous terrain underlying this procedure. Turbulence of varying intensities may be encountered.  
 % Takeoff: Climb clear of clouds to 2464' in the immediate vicinity of the airport in order to depart the PTG NDB climbing on 210° crs to 4000' within 10 miles. Continue climb in holding pattern SW of PTG NDB, 1 minute, right turns, 030° Inbnd to depart the facility at 6500' or above.

#### DAY AND NIGHT MINIMUMS

Cond.	A			B			C		D	
	MDA	VIS	HAA	MDA	VIS	HAA	VIS		VIS	
C	3360	2½	1496	3360	2½	1496	NA		NA	
A	Not authorized.			T 2-eng. or less—600-2.5%			T over 2-eng.—600-2.5%			

City, Pennington Gap; State, Va.; Airport name, Lee County; Elev., 1864'; Facility, PTG; Procedure No. NDB (ADF)-1, Amdt. Orig.; Eff. date, 16 Jan. 69

Terminal routes					Missed approach		
From—	To—	Via	Minimum altitudes (feet)	MAP: 1.7 miles after passing PIC NDB.			
Riverhead VOR	Peconic NDB	Direct	1500	Climbing right turn to 1300' direct to PIC NDB and hold.			

Supplementary charting information: Hold W, 1 minute, right turns, 077° Inbnd. Radio tower 1.2 miles S of airport 258'.  
 Procedure turn not authorized. One minute holding pattern W of PIC NDB, 077° Inbnd, right turns, 1300'.  
 FAF, PIC NDB. Final approach crs, 077°. Distance FAF to MAP, 1.7 miles.  
 Minimum altitude over PIC NDB, 1300'.  
 MSA: 000°-090°—1600'; 090°-180°—1300'; 180°-360°—1700'.  
 NOTE: Use Long Island-MacArthur altimeter setting.

#### DAY AND NIGHT MINIMUMS

Cond.	A			B			C		D	
	MDA	VIS	HAA	MDA	VIS	HAA	VIS		VIS	
C	620	1	539	620	1	539	NA		NA	
A	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.			

City, Shirley; State, N.Y.; Airport name, Brookhaven; Elev., 81'; Facility, PIC; Procedure No. NDB (ADF) Runway 6, Amdt. Orig.; Eff. date, 16 Jan. 69

## RULES AND REGULATIONS

## 14. By amending § 97.29 of Subpart C to establish instrument landing system (ILS) procedures as follows:

## STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	To—	Via	Terminal routes		Minimum altitudes (feet)	Missed approach MAP: ILS DH, 333'; LOC 4.5 miles after passing AG LOM.
			From	To		
R 270° AGS VORTAC (CCW)	AGS LOC		24-mile Arc AGS, R 164° lead radial		3000	Climb to 2000' to AGS VORTAC via R 141° and hold; or, when directed by ATC, climbing left turn to 2000' direct to AG LOM and hold.
24-mile DME Arc	AG LOM (NOPT)		LOC Crs.		1500	
AGS VORTAC	AG LOM		Direct		2000	
EMR NDB	AG LOM		Direct		2000	Supplementary charting information: AGS VORTAC hold NW, 1 minute, right turns, 141° Inbnd. AG LOM hold S, 1 minute, left turns, 34° Inbnd. TDZ elevation, 135'.
Langley Int.	AG LOM		Direct		2000	
Mailard Int.	AG LOM		Direct		2000	
Clarke Int.	AG LOM		Direct		2000	
Blythe Int.	AG LOM		Direct		2000	
Shell Bluff Int.	AG LOM (NOPT)		Direct		1500	
Trenton Int.	AG LOM		Direct		2000	
Granite Int.	AG LOM		Direct		2000	

Procedure turn W side of crs, 160° Outbnd, 349° Inbnd, 1600' within 10 miles of AG LOM.

FAF, AG LOM. Final approach crs, 349°. Distance FAF to MAP, 4.5 miles.

Minimum glide slope interception altitude, 1500'. Glide slope altitude at OM, 1470'; at MM, 332'.

Distance to runway threshold at OM, 4.5 miles; at MM, 0.6 mile.

MSA: 000°-090°-2800'; 090°-180°-2000'; 180°-360°-2800'.

NOTE: LOC back crs unusable.

#300-1 required on Runways 8/26.

## DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-35	335	½	200	335	½	200	335	½	200	335	½	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-35	580	½	445	580	½	445	580	½	445	580	½	445
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	720	1	575	720	1	575	720	1½	575	720	2	575
A	Standard.	T 2-eng. or less—Standard.			T over 2-eng.—Standard.			T over 2-eng.—Standard.				

City, Augusta; State, Ga.; Airport name, Bush Field; Elev., 145'; Facility, I-AGS; Procedure No. ILS Runway 35, Amdt. 13; Eff. date, 16 Jan. 69; Sup. Amdt. No. ILS-35, Amdt. 12; Dated, 25 Dec. 65

From—	Terminal routes			Via	Minimum altitudes (feet)	Missed approach MAP: ILS DH, 389'; LOC 5.1 miles after passing GR LOM.
	To—					
FAY VOR...	GR LOM		Direct		1700	Climb to 2000', right turn direct to FAY VOR and hold.
Rowland Int.	GR LOM (NOPT)		Direct		1700	Supplementary charting information: Hold SW, 1 minute, right turns, 045° Inbnd. TDZ elevation, 189'.

Procedure turn E side of crs, 215° Outbnd, 035° Inbnd, 1700' within 10 miles of GR LOM.

FAF, GR LOM. Final approach crs, 035°. Distance FAF to MAP, 5.1 miles.

Minimum glide slope interception altitude, 1700'. Glide slope altitude at OM, 1678'; at MM, 393'.

Distance to runway threshold at OM, 5.1 miles; at MM, 0.6 mile.

MSA: 000°-090°-1700'; 090°-180°-1500'; 180°-270°-1700'; 270°-360°-1800'.

NOTES: (1) Radar vectoring. (2) LOC front crs unusable beyond 60° each side of centerline. (3) Back crs unusable beyond 35° each side of centerline.

## DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-3	389	½	200	389	½	200	389	½	200	389	½	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-3	480	½	291	480	½	291	480	½	291	480	½	291
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	560	1	371	640	1	451	640	1½	451	740	2	551
A	Standard.	T 2-eng. or less—Standard.			T over 2-eng.—Standard.			T over 2-eng.—Standard.				

City, Fayetteville; State, N.C.; Airport name, Fayetteville Municipal; Elev., 189'; Facility, I-GRA; Procedure No. ILS Runway 3, Amdt. 3; Eff. date, 16 Jan. 69; Sup. Amdt. No. 2; Dated, 18 Mar. 67

## RULES AND REGULATIONS

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### STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes						Missed approach		
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 1316'; LOC 3.6 miles after passing GR LOM.				
Tigerville Int.	GR LOM	Direct	3200	Climb to 4000' on 002° bearing from LOM to Tigerville Int and hold.				
Princeton Int.	GR LOM	Direct	2500	Supplementary charting information: Hold 8, 1 minute, right turns, 011° Inbd. TDZ elevation, 1016'.				

Procedure turn E side of crs, 182° Outbnd, 002° Inbnd, 2200' within 10 miles of GR LOM.  
 FAF, GR LOM. Final approach crs, 002°. Distance FAF to MAP, 3.6 miles.  
 Minimum glide slope interception altitude, 2200'. Glide slope altitude at OM, 2174'; at MM, 1220'.  
 Distance to runway threshold at OM, 3.6 miles; at MM, 0.6 mile.  
 MSA: 000°-090°-5500'; 090°-180°-2100'; 180°-270°-2700'; 270°-360°-6000'.  
 NOTES: (1) ASR. (2) Localizer back crs unusable. Front crs unusable beyond 60° either side of centerline. (3) Glide slope unusable below 1316' MSL.

\*Alternate minimum not authorized when control tower not operating.

### DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-36	1316	1/4	300	1316	1/4	300	1316	1/4	300	1316	1/4	300
LOC	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-36	1316	1/4	300	1316	1/4	300	1316	1/4	300	1316	1/4	300
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1500	1	513	1500	1	513	1500	1 1/2	513	1600	2	553
A	Standard.*	T 2-eng. or less—Standard.			T over 2-eng.—Standard.							

City, Greenville; State, S.C.; Airport name, Greenville Municipal Downtown; Elev., 1047'; Facility, I-GRL; Procedure No. ILS Runway 36, Amdt. 13; Eff. date, 16 Jan. 69; Sup. Amdt. No. ILS-36, Amdt. 12; Dated, 21 Jan. 67

### 15. By amending § 97.29 of Subpart C to amend instrument landing system (ILS) procedures as follows:

#### STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes						Missed approach		
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 1284'; LOC 5.2 miles after passing AT LOM.				
ATL NDB	Lakeside LOM	Direct	2700	Climb to 3000' left turn direct to Tucker Int via ATL VORTAC R 033° and hold.				
ATL VORTAC	Lakeside LOM	Direct	2700	Supplementary charting information: Back crs unusable. Hold NE, left turns, 213° Inbd. TDZ elevation, 1024'.				
Harrison Int.	Lakeside LOM	Direct	3000					
Chattahoochee Int.	Lakeside LOM (NOPT)	Direct	2700					

Procedure turn S side of crs, 230° Outbnd, 080° Inbnd, 2700' within 10 miles of Lakeside LOM.  
 FAF, Lakeside LOM. Final approach crs, 080°. Distance FAF to MAP, 5.2 miles.  
 Minimum glide slope interception altitude, 2700'. Glide slope altitude at OM, 2600'; at MM, 1236'.  
 Distance to runway threshold at OM, 5.2 miles; at MM, 0.5 mile.  
 MSA: 000°-090°-3100'; 090°-180°-2300'; 180°-270°-2700'; 270°-360°-2900'.  
 NOTE: ASR.

✓ RVR 24 authorized Runways 9L, 33.

✓ RVR 18 authorized Runway 9R for Categories A, B, and C.

✓ RVR 20 authorized Runway 9R for Category D.

### DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-4L	1284	RVR 40	260	1284	RVR 40	260	1284	RVR 40	260	1284	RVR 40	260
LOC	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-4L	1400	RVR 40	376	1400	RVR 40	376	1400	RVR 40	376	1400	RVR 50	376
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1500	1	476	1500	1	476	1500	1 1/2	476	1580	2	556
A	Standard.	T 2-eng. or less—Standard.%			T over 2-eng.—Standard.%							

City, Atlanta; State, Ga.; Airport name, Atlanta; Elev., 1024'; Facility, I-ATL; Procedure No. ILS 9L, Amdt. 32; Eff. date, 16 Jan. 69; Sup. Amdt. No. 31; Dated, 22 Aug. 68

## RULES AND REGULATIONS

## STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LDA/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes			Missed approach		
From—	To—	Via	Minimum altitudes (feet)	MAP: 1 DME.	
25-mile DME (BKA R 330°) (CCW).....	14-mile DME on SIT LDA/DME W crs.	14-mile Arc SIT LDA/DME...	3400	Turn right, intercept the N crs SIT LFR climbing to 4000', proceed to SIT LFR.	
BKA VORTAC.....	SIT LDA/DME W crs.	BKA R 330°	4000	Supplementary charting information: Final approach crs 350' right of runway centerline. \$Chart in Plan View. High terrain all quadrants.	
SIT LFR.....	SIT LDA/DME W crs.	SIT LFR 237° bearing.	4000		
27-mile DME BKA R 294°.....	14-mile DME on SIT LDA/DME W crs.	042 direct crs to 19-mile DME on the SIT LDA/DME and SIT LDA/DME W crs.	3400		
14-mile DME on SIT LDA/DME W crs.....	8-mile DME on SIT LDA/DME W crs (NOPT).	SIT LDA/DME W crs.....	3000		

Procedure turn S side of crs, 287° Outbnd, 107° Inbnd, 3400' within 10 miles of SIT LDA 4-mile DME Fix.

Final approach crs, 107°.

Minimum altitude over 8-mile DME Fix, 2000'; over 4-mile DME Fix, 1300'; over 2-mile DME Fix, 500'.

NOTES: (1) Inoperative table does not apply to HIRL'S Runway 11. (2) Procedure not authorized without DME.

\$Final approach from holding pattern not authorized. Procedure turn required.

\*All circling to be conducted S of airport; high terrain 1.2 miles N of airport.

#After takeoff Runway 11, turn right immediately.

## DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-11.....	400	1	381	400	1	381	400	1	381	400	1	381
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*.....	600	1	481	600	1	541	600	1 1/2	541	600	2	641
A.....	Standard.	T 2-eng. or less—Runway 11, 400-2; Runway 29 Standard. # T over 2-eng.—Runway 11, 400-2; Runway 29 Standard. #										

City, Sitka; State, Alaska; Airport name, Sitka; Elev., 10'; Facility, SIT; Procedure No. LDA/DME Runway 11, Amdt. 1; Eff. date, 16 Jan. 60; Sup. Amdt. No. Orig.; Dated, 17 Oct. 68

16. By amending § 97.31 of Subpart C to establish precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

## STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

## Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)

## Notes

From— To— Distance Altitude Distance Altitude Distance Altitude Distance Altitude

1. Descend aircraft after passing FAF.
2. Runway 36 FAF—5 miles from threshold. TDZ elevation, 1010'.
3. Runway 18 FAF—5 miles from threshold. TDZ elevation, 1047'.
- Supplementary charting information: MTI required for surveillance approaches. Tigerville Int: Hold S 1 minute, right turns, 011° Inbnd. GR LOM: Hold S, 1 minute, right turns, 002° Inbnd.

As established by Greenville, S.C., ASR minimum altitude vectoring charts.

\*Alternate minimum not authorized when control tower not operating.

Missed approach:

Runway 18—Climb to 3200' on crs of 182° to GR LOM and hold.

Runway 36—Climb to 4000' on 002° bearing from GR LOM to Tigerville Int and hold.

## DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-36.....	1380	3/4	364	1380	3/4	364	1380	3/4	364	1380	1	364
S-18.....	1520	1	473	1520	1	473	1520	1	473	1520	1	473
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	1560	1	513	1560	1	513	1560	1 1/2	513	1600	2	553
A.....	Standard.*	T 2-eng. or less—Standard.										

City, Greenville, S.C.; Airport name, Greenville Municipal Downtown; Elev., 1047'; Facility, GRL Radar; Procedure No. Radar-1, Amdt. 4; Eff. date, 16 Jan. 60; Sup. Amdt. No. Radar, #1, Amdt. 3; Dated, 1 May 65

17. By amending § 97.31 of Subpart C to amend precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

## STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)												Notes
From	To	Dis-	Alt-	Dis-	Alt-	Dis-	Alt-	Dis-	Alt-	Dis-	Alt-	
000°	360°	10 miles	1700									1. Descend aircraft to MDA after 4-mile Radar Fix from approach end of Runway 16. 2. CAUTION: 628' tower on final approach to Runway 16. 3. Radar antenna site at NAS Albany.

As established by NAS Albany ASR minimum altitude vectoring chart.  
Missed approach: Climb to 2000' on a 157° heading within 10 miles.

## DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
O	880	1	684	880	1	684	880	13½	684	920	2	724
A	Standard.		T 2-eng. or less—Standard.					T over 2-eng.—Standard.				

City, Albany; State, Ga.; Airport name, Albany Municipal; Elev., 196'; Facility, NAS Albany Radar; Procedure No. Radar-1, Amdt. 1; Eff. date, 16 Jan. 69; Sup. Amdt. No. Orig.; Dated, 17 Feb. 68

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601 Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on December 11, 1968.

EDWARD C. HODSON,  
Acting Director, Flight Standards Service.

[F.R. Doc. 69-1; Filed, Jan. 2 1969; 8:45 a.m.]

## Title 7—AGRICULTURE

## Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

## SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

## PART 722—COTTON

## Subpart—1969 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas

## NATIONAL MARKETING QUOTA REFERENDUM RESULT

Section 722.557 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). This section announces the result of the national marketing quota referendum with respect to the 1969 crop of extra long staple cotton held during the period December 2 to 6, 1968, each inclusive.

Since the only purpose of § 722.557 is to announce the referendum result, it is hereby found and determined that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 is unnecessary. Accordingly, § 722.557 shall be effective upon filing this document with the Director, Office of the Federal Register.

## § 722.557 Result of the national marketing quota referendum for the 1969 crop of extra long staple cotton.

(a) *Referendum period.* The national marketing quota referendum for the 1969 crop of extra long staple cotton was held by mail ballot during the period December 2 to 6, 1968, each inclusive, in accordance with § 722.554 (33 F.R. 15586) and Part 717 of this chapter.

(b) *Farmers voting.* A total of 2,416 farmers engaged in the production of the 1968 crop of extra long staple cotton voted in the referendum. Of those voting, 2,183 farmers, or 90.4 percent, favored the 1969 national marketing quota and 233 farmers, or 9.6 percent, opposed the 1969 national marketing quota.

(c) *1969 national marketing quota continues in effect.* The national marketing quota for the 1969 crop of extra long staple cotton of 82,481 bales proclaimed in § 722.551 (33 F.R. 15406) shall continue in effect since two-thirds or more of the extra long staple cotton farmers voting in the referendum favored the quota.

(Sec. 343, 63 Stat. 670, as amended; 7 U.S.C. 1343)

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

Signed at Washington, D.C., on December 27, 1968.

LIONEL C. HOLM,  
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 68-15606; Filed, Dec. 30, 1968; 12:33 p.m.]

## PART 722—COTTON

## Subpart—1969 Crop of Upland Cotton; Acreage Allotments and Marketing Quotas

## NATIONAL MARKETING QUOTA REFERENDUM RESULT

Section 722.473 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). This section announces the result of the national marketing quota referendum with respect to the 1969 crop of upland cotton held during the period December 2 to 6, 1968, each inclusive.

Since the only purpose of § 722.473 is to announce the referendum result, it is hereby found and determined that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 is unnecessary. Accordingly, § 722.473 shall be effective upon filing this document with the Director, Office of the Federal Register.

**§ 722.473** Result of the national marketing quota referendum for the 1969 crop of upland cotton.

(a) Referendum period. The national marketing quota referendum for the 1969 crop of upland cotton was held by mail ballot during the period December 2, to 6, 1968, each inclusive, in accordance with § 722.466 (33 F.R. 15545) and Part 717 of this chapter.

(b) Farmers voting. A total of 288,515 farmers engaged in the production of the 1968 crop of upland cotton voted in the referendum. Of those voting, 276,493 farmers, or 95.8 percent, favored the 1969 national marketing quota and 12,022 farmers, or 4.2 percent, opposed the 1969 national marketing quota.

(c) 1969 national marketing quota continues in effect. The national marketing quota for the 1969 crop of upland cotton of 15,133,333 bales proclaimed in § 722.462 (33 F.R. 15405) shall continue in effect since two-thirds or more of the upland cotton farmers voting in the referendum favored the quota.

(Sec. 343, 63 Stat. 670, as amended; 7 U.S.C. 1343).

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

**Signed at** Washington, D.C., on December 27, 1968.

**LIONEL C. HOLM,**  
Acting Administrator of Agricultural Stabilization and Conservation Service.

[P.R. Doc. 68-15507; Filed, Dec. 30, 1968; 12:33 a.m.]

**PART 729—PEANUTS**  
**Subpart—1969 Crop of Peanuts; Age Allotments and Marketing Quotas**

**RESULT OF NATIONAL MARKETING QUOTA REFERENDUM**

Section 729.105 announces the results of the referendum held during the period December 2-6, 1968, pursuant to

section 358(b) of the Agricultural Adjustment Act of 1938, as amended, to determine whether farmers favor or oppose marketing quotas for peanuts produced in the calendar years 1969, 1970, and 1971. Since the only purpose of this proclamation is to announce the results of the referendum, it is found and determined that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 is unnecessary. Accordingly, § 729.105 shall be effective upon filing this document with the Director, Office of the Federal Register.

**§ 729.105** Proclamation of the results of the marketing quota referendum for the peanut crops produced in the 3 calendar years 1969, 1970, and 1971. In a referendum of farmers engaged in the production of 1968 crop peanuts, held during the period December 2-6, 1968, 50,358 farmers voted. Of those voting, 48,808 farmers, or 96.9 percent, favored marketing quotas for peanuts produced in the 3 calendar years 1969, 1970, and 1971 and 1,550 farmers, or 3.1 percent, opposed quotas for peanuts produced in each of such 3 calendar years. Since more than two-thirds of the farmers voting favored quotas, the national marketing quota of 1,549,625 tons proclaimed by the Secretary of Agriculture for peanuts produced in the calendar year 1969 (33 F.R. 15985) shall be in effect. National marketing quotas proclaimed hereafter for peanuts for the calendar years 1970 and 1971 shall be effective.

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

**Signed at** Washington, D.C., on December 27, 1968.

**LIONEL C. HOLM,**  
Acting Administrator of Agricultural Stabilization and Conservation Service.

[P.R. Doc. 68-15507; Filed, Dec. 30, 1968; 12:33 a.m.]

**PART 729—PEANUTS**  
**Subpart—1969 Crop of Peanuts; Age Allotments and Marketing Quotas**

**RESULT OF NATIONAL MARKETING QUOTA REFERENDUM**

Section 729.105 announces the results of the referendum held during the period December 2-6, 1968, pursuant to

**Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture**

**SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS**

[Sugar Beg. 815.9, Amdt. 5]

**PART 815—ALLOTMENT OF THE DIRECT-CONSUMPTION PORTION OF MAINLAND SUGAR QUOTA FOR PUERTO RICO**

**Calendar Year 1968**

**Basis and purpose.** This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (hereinafter called the "Act"), for the purpose of amending Sugar Regulation 815.9 (32 F.R. 21025; 33 F.R. 6706, 10935, 15948, and 18694), which established allotments and allocated

Allottees	1968 allotments prior to determination of the deficit		
	(1)	(2)	(3)
Central American Sugar Co., a trust	6,760	6,585	-255
Central Estate Refining Co.	21,026	21,042	+16
Central San Francisco	1,177	1,177	0
Puerto Rican American Sugar Refinery Inc.	112,490	118,731	+631
Western Sugar Refining Co.	25,487	25,094	-403
Liquid sugar reserve for persons other than named above	30	0	-30
Residual balance available to all persons	0	0	0
<b>Total</b>	<b>255,000</b>	<b>104,590</b>	<b>0</b>

**Findings heretofore made and the order issued by the Secretary in the course of this proceeding (32 F.R. 21025) provide that this order shall be revised without further notice or hearing by the Administrator, Agricultural Stabilization and Conservation Service for the purpose indicated above and such findings set forth the procedure for the revision of allotments.**

**§ 815.9** Allotment of the direct-consumption portion of mainland sugar quota for Puerto Rico for the calendar year 1968.

(a) Allotments. The direct-consumption portion of the 1968 mainland sugar quota for Puerto Rico, amounting to 165,000 short tons, raw value, is hereby allotted as follows:

Accordingly, allotments are herein established on the basis of and consistent with such findings.

Order. Pursuant to the authority vested in the Secretary of Agriculture by sec-

	Direct- consumption allotment (Short tons, raw value)
Allottee	
Central Aguirre Sugar Co., a trust	6,535
Central Roig Refining Co.	21,042
Central San Francisco	1,177
Puerto Rican American Sugar Refinery, Inc.	110,751
Western Sugar Refining Co.	25,034
Liquid sugar reserve for persons other than named above	30
Residual balance available to all persons	431
Total	165,000

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, secs. 205, 207, 209; 61 Stat. 926, 927, 928; 7 U.S.C. 1115, 1117, 1119)

**Effective date.** The allotments established by this amendment for two of the allottees is larger than the allotments previously established in S.R. 815.9 (33 F.R. 18694). To afford the allottees the opportunity to market the additional quantity of sugar in 1968, it is imperative that this order be effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement in 5 U.S.C. 553 (80 Stat. 378) is impracticable and contrary to the public interest and, consequently, the amendment made herein shall become effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C. on December 27, 1968.

LIONEL C. HOLM,  
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 68-15605; Filed, Dec. 30, 1968; 11:30 a.m.]

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

[Navel Orange Reg. 163]

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

##### Limitation of Handling

###### § 907.163 Navel Orange Regulation 163.

(a) **Findings.** (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 33 F.R. 15471), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available infor-

mation, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(b) **Order.** (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period January 3, 1969, through January 9, 1969, are hereby fixed as follows:

- (i) District 1: 656,000 cartons;
- (ii) District 2: 80,000 cartons;
- (iii) District 3: 64,000 cartons.

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

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

Dated: December 31, 1968.

FLOYD F. HEDLUND,  
Director, Fruit and Vegetable  
Division, Consumer and Marketing Service.

[F.R. Doc. 68-15611; Filed, Dec. 31, 1968; 11:22 a.m.]

## Title 12—BANKS AND BANKING

### Chapter II—Federal Reserve System

#### SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

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

##### Applicability to Bank Holding Companies

###### § 218.114 Interlocking service between securities companies and bank holding companies.

(a) The Board has recently considered whether section 32 of the Banking Act of 1933 (12 U.S.C. 78) and this part (Regulation R) prohibit a person primarily engaged in securities activities described in section 32, or associated with an organization so engaged, from serving as an officer, director, or employee of a holding company proposed to be organized by a member bank to own all the stock of such bank.

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

(c) As the U.S. Supreme Court observed in *Board of Governors v. Agnew*, 329 U.S. 441 (1946), "Section 32 is directed to the probability or likelihood, based on the experience of the 1920's, that a bank director interested in the underwriting business may use his influence in the bank to involve it or its customers in securities which his underwriting house has in its portfolio or has committed itself to take. \* \* \* It [section 32] is a preventive or prophylactic measure."

(d) In an earlier interpretation, the Board had concluded that section 32 did not prohibit a partner of a securities firm from serving as a director of a long-established holding company, with seven nonbank subsidiaries, that recently had acquired the controlling stock of a member bank. In distinguishing that situation from the present matter, the Board observed that the predominant—in fact, almost the sole—function of the proposed bank holding company would be to hold the stock of the bank. It therefore appeared to the Board that the affairs of the member bank and the holding company would be so closely identified and functionally related that the same possibilities of abuse which section 32 was designed to guard against would be present in the case of a director of the holding company as in the case of a director of the member bank. To give cognizance

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to the separate corporate entities in such a situation, would, in the Board's opinion, partially frustrate Congressional purpose in enacting the statute.

(e) The Board concluded that where the principal activity of a holding company is the ownership and control of banks, including one or more member banks, the holding company and each member bank subsidiary should be considered as constituting together a single entity for section 32 purposes, so that a person who is primarily engaged in section 32 business or associated with an organization so engaged is prohibited by that law from serving as an officer, director, or employee of such a holding company.

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

Dated at Washington, D.C., the 20th day of December 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,  
Assistant Secretary.

[F.R. Doc. 69-29; Filed, Jan. 2, 1969;  
8:45 a.m.]

## Title 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69-14]

### PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

#### Carriers; Application To Bond

Section 18.1(d), Customs Regulations, prescribes certain data required of motor carriers desiring to be designated as carriers of customs bonded merchandise under the provisions of section 551, Tariff Act of 1930, as amended (19 U.S.C. 1551). A study conducted by the Bureau of Customs discloses that the data required by subparagraphs 1, 2, and 3 of paragraph (d) no longer serve a useful purpose.

Accordingly, in order to delete the requirement for the information no longer needed, § 18.1(d) of the Customs Regulations is hereby amended to read as follows:

#### § 18.1 Carriers; application to bond.

(d) In the case of motor carrier bonds submitted for consideration, the following shall be filed in addition to the requirements mentioned above:

(1) A detailed description of the terminal facilities employed by the principal at the points or origin and destination on the routes it covers.

(2) A statement showing that facilities are available for the segregation and safeguarding of the packages designated by the district director for examination from a particular shipment until such packages are called for by the public store cartman and removed to the public stores for examination.

(80 Stat. 379, R.S. 251, secs. 551, 624, 46 Stat. 742, as amended, 759; 5 U.S.C. 301, 19 U.S.C. 66, 1551, 1624)

This amendment deletes certain requirements which are no longer needed for customs purposes. Notice and public procedure under 5 U.S.C. 553 are, therefore, considered unnecessary, and since the amendment will relieve restrictions, it shall become effective upon publication in the *FEDERAL REGISTER*.

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

Approved: December 26, 1968.

MATTHEW J. MARKS,  
Acting Assistant Secretary  
of the Treasury.

[F.R. Doc. 69-49; Filed, Jan. 2, 1969;  
8:45 a.m.]

Sec.	
404.1061	Ministers and members of religious orders (computation of net earnings).
404.1062	Treatment of certain remuneration erroneously reported as net earnings from self-employment.
404.1063	Possession of the United States.
404.1064	Income from agricultural activity.
404.1065	Options available to farmers in computing net earnings from farm self-employment.
404.1066	Self-employment income.
404.1070	Trade or business.
404.1080	Election of self-employment coverage; waiver certificate.
404.1081	Time limitation for filing waiver certificate.
404.1082	Effective date of waiver certificate.
404.1083	Optional provision for certain certificates filed after September 13, 1960, and on or before April 16, 1962.
404.1084	Optional provisions for certain certificates filed after July 30, 1965, and on or before April 17, 1967.
404.1085	Certificates filed by fiduciaries or survivors on or before April 15, 1962.
404.1090	Effective dates of revenue laws; applicability of Internal Revenue Code of 1939.

AUTHORITY: Secs. 404.1050 to 404.1090 are issued under secs. 205, 211, and 1102, 53 Stat. 1368, as amended, 64 Stat. 502, as amended, 49 Stat. 647, as amended; sec. 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18; 42 U.S.C. 405, 411, and 1302.

### § 404.1050 Definition of net earnings from self-employment.

(a) Subject to the special rules set forth in §§ 404.1052 to 404.1065 inclusive, and to the exclusions set forth in § 404.1070, the term "net earnings from self-employment" means:

(1) The gross income, as computed under subtitle A of the Internal Revenue Code of 1954, derived by an individual from any trade or business carried on by such individual, less the deductions allowed by such subtitle which are attributable to such trade or business, plus

(2) His distributive share (whether or not distributed), as determined under section 704 of the Internal Revenue Code of 1954, of the income (or loss), described in section 702(a)(9) of such code and as computed under section 703 of such code, from any trade or business carried on by any partnership of which he is a member.

(b) With respect to taxable years to which the provisions of the Internal Revenue Code of 1954 apply, gross income derived by an individual from a trade or business includes payments received by him from a partnership of which he is a member for services rendered to the partnership or for the use of capital by the partnership, to the extent the payments are determined without regard to the income of the partnership. However, such payments received from a partnership not engaged in a trade or business within the meaning of section 211(c) of the Act and § 404.1070 do not constitute gross income derived by an individual from a trade or business. See section 707(c) of the Internal Revenue Code of 1954, and the regulations thereunder, relating to guaranteed payments to a member of a

## Title 20—EMPLOYEES' BENEFITS

### Chapter III—Social Security Adminis- tration, Department of Health, Ed- ucation, and Welfare

[Reg. No. 4, further amended]

### PART 404—FEDERAL OLD-AGE, SUR- VIVORS, AND DISABILITY INSUR- ANCE (1950—)

#### Subpart K—Employment—Wages— Self-Employment—Self-Employ- ment Income

##### SELF-EMPLOYMENT—SELF-EMPLOYMENT INCOME

In order to reflect, in orderly, integrated arrangement, amendments to the Social Security Act, relating to self-employment, that have been enacted since the promulgation of existing regulations in that area, Subpart K of Regulations No. 4 (20 CFR 404.1001 et seq.) is amended as follows:

Sections 404.1050 through 404.1057 are amended by substituting therefor the following §§ 404.1050 through 404.1090:

##### SELF-EMPLOYMENT

Sec.	
404.1050	Definition of net earnings from self-employment.
404.1051	General rule for computation of net earnings from self-employment.
404.1052	Special rules for computing net earnings from self-employment.
404.1053	Rentals from real estate; material participation.
404.1054	Dividends and interest.
404.1055	Gain or loss from disposition of property; capital assets; timber, coal, and iron ore; involuntary conversion.
404.1056	Net operating loss deduction.
404.1057	Community income.
404.1058	Computation of partner's net earnings from self-employment for taxable year which ends as a result of his death.
404.1059	Residents and nonresidents of Puerto Rico; treatment of income.
404.1060	Personal exemption deduction.

partnership for services or the use of capital, and section 706(a) of such code, and the regulations thereunder, relating to the taxable year of the partner in which such guaranteed payments are to be included in computing taxable income.

(c) Gross income derived by an individual from a trade or business includes gross income received (in the case of an individual reporting income on the cash receipts and disbursements method) or accrued (in the case of an individual reporting income on the accrual method) in the taxable year from a trade or business even though such income may be attributable in whole or in part to services rendered or other acts performed in a prior taxable year as to which the individual was not subject to the tax on self-employment income.

(d) (1) Pursuant to section 211(e) of the Act the term "taxable year" means:

(i) An individual's annual accounting period on the basis of which he regularly computes his income in keeping his books; or

(ii) A short period resulting from death of the individual before the termination of his annual accounting period or a change of his annual accounting period.

(2) The term "annual accounting period" means either:

(i) A calendar year, consisting of 12 months ending on December 31; or

(ii) A fiscal year, consisting of 12 months ending on the last day of any month other than December, or a period, if elected pursuant to section 441 of the Internal Revenue Code of 1954, varying from 52 to 53 weeks and always ending on the same day of the week last occurring in a calendar month or nearest the last day of such calendar month.

(3) An individual's taxable year for the purpose of computing self-employment income shall be the same as his taxable year for the purposes of subtitle A of the Internal Revenue Code of 1954 (relating to income taxes; and, pursuant to the provisions of section 441(g) of such subtitle, such taxable year shall be (except in the case of a short period as described in paragraph (d) (1) (ii) of this section) a calendar year if:

(i) The individual keeps no books; or

(ii) The individual has no annual accounting period; or

(iii) The individual has an annual accounting period which differs from the definition of fiscal year as set forth in paragraph (d) (2) (ii) of this section.

#### § 404.1051 General rule for computation of net earnings from self-employment.

(a) *Determining net earnings.* In general, the gross income and deductions of an individual attributable to a trade or business (including a trade or business conducted by an employee referred to in § 404.1070(c) (2), (3), (4), and (e)) for the purpose of ascertaining his net earnings from self-employment, are to be determined by reference to the provisions of law and regulations applicable with respect to the taxes imposed by sec-

tions 1 and 3 of the Internal Revenue Code of 1954. Thus, if an individual uses the accrual method of accounting in computing taxable income from a trade or business for the purpose of the tax imposed by such sections, he must use the same method in determining net earnings from self-employment. Likewise, if a taxpayer engaged in a trade or business of selling property on the installment plan elects, under the provisions of section 453 of the Internal Revenue Code of 1954, to use the installment method in computing income for purposes of the tax under section 1 or 3 of the Internal Revenue Code of 1954, he must use the same method in determining net earnings from self-employment. Income which is excludable from gross income under any provision of subtitle A of the Internal Revenue Code of 1954 is not taken into account in determining net earnings from self-employment except as otherwise provided in § 404.1059, relating to certain residents of Puerto Rico, in § 404.1061, relating to ministers or members of religious orders, and in § 404.1063, relating to the term "possession of the United States." Thus, in the case of a citizen of the United States conducting, in a foreign country, a trade or business in which both personal services and capital are material income-producing factors, any part of the income therefrom which is excluded from gross income as earned income under the provisions of section 911 of the Internal Revenue Code of 1954 and the regulations thereunder is not taken into account in determining net earnings from self-employment.

(b) *Trade or business carried on.* The trade or business must be carried on by the individual, either personally or through agents or employees. Accordingly, income derived from a trade or business carried on by an estate or trust is not included in determining the net earnings from self-employment of the individual beneficiaries of such estate or trust.

(c) *Aggregate net earnings.* Where an individual is engaged in more than one trade or business within the meaning of section 211(c) of the Act and § 404.1070, his net earnings from self-employment consist of the aggregate of the net income and losses (computed subject to the special rules provided in §§ 404.1050 to 404.1065, inclusive) of all such trades or businesses carried on by him. Thus, a loss sustained in one trade or business carried on by an individual will operate to offset the income derived by him from another trade or business.

(d) *Partnerships.* The net earnings from self-employment of an individual include, in addition to the earnings from a trade or business carried on by him, his distributive share of the income or loss, described in section 702(a)(9) of the Internal Revenue Code of 1954, from any trade or business carried on by each partnership of which he is a member. An individual's distributive share of such income or loss of a partnership shall be determined as provided in section 704 of the Internal Revenue Code of 1954,

subject to the special rules set forth in section 211(a) of the Act and §§ 404.1050 to 404.1065, inclusive, and to the exclusions provided in section 211(c) of the Act and § 404.1070. For provisions relating to the computation of the taxable income of a partnership, see section 703 of the Internal Revenue Code of 1954.

(e) *Different taxable years.* If the taxable year of a partner differs from that of the partnership, the partner shall include, in computing net earnings from self-employment, his distributive share of the income or loss, described in section 702(a)(9) of the Internal Revenue Code of 1954, of the partnership for its taxable year ending with or within the taxable year of the partner. For the special rule in case of the termination of a partner's taxable year as result of death, see § 404.1058.

(f) *Meaning of partnerships.* For the purpose of determining net earnings from self-employment, a partnership is one which is recognized as such for income tax purposes. For income tax purposes, the term "partnership" includes not only a partnership as known at common law, but, also a syndicate, group, pool, joint venture, or other unincorporated organization which carries on any trade or business, financial operation, or venture, and which is not, within the meaning of the Internal Revenue Code of 1954, a trust, estate, or a corporation. An organization described in the preceding sentence shall be treated as a partnership for purposes of the tax on self-employment income even though such organization has elected, pursuant to section 1361 of the Internal Revenue Code of 1954 and the regulations thereunder, to be taxed as a domestic corporation.

(g) *Nature of partnership interest.* The net earnings from self-employment of a partner include his distributive share of the income or loss, described in section 702(a)(9) of the Internal Revenue Code of 1954, of the partnership of which he is a member, irrespective of the nature of his membership. Thus, in determining his net earnings from self-employment, a limited or inactive partner includes his distributive share of such partnership income or loss. In the case of a partner who is a member of a partnership with respect to which an election has been made, pursuant to section 1361 of the Internal Revenue Code of 1954 and the regulations thereunder, to be taxed as a domestic corporation, net earnings from self-employment include his distributive share of the income or loss, described in section 702(a)(9) of the Internal Revenue Code of 1954, from the trade or business carried on by the partnership computed without regard to the fact that the partnership has elected to be taxed as a domestic corporation.

(h) *Proprietorship taxed as domestic corporation.* A proprietor of an unincorporated business enterprise with respect to which an election has been made, pursuant to section 1361 of the Internal Revenue Code of 1954 and the regulations thereunder, to be taxed as a domestic corporation shall compute his net earnings from self-employment without

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regard to the fact that such election has been made.

**§ 404.1052 Special rules for computing net earnings from self-employment.**

For the purpose of computing net earnings from self-employment, the gross income derived by an individual from a trade or business carried on by him, the allowable deductions attributable to such trade or business, and the individual's distributive share of the income or loss, described in section 702-(a)(9) of the Internal Revenue Code of 1954, from any trade or business carried on by a partnership of which he is a member shall be computed in accordance with the special rules set forth in §§ 404.1053 to 404.1065, inclusive.

**§ 404.1053 Rentals from real estate; material participation.**

(a) *In general.* Rentals from real estate and from personal property leased with the real estate (including such rentals paid in crop shares) and the deductions attributable thereto, unless less such rentals are received by an individual in the course of a trade or business as a real-estate dealer, are excluded in determining net earnings from self-employment. Rentals paid in crop shares include income derived by an owner or lessee of land under an agreement entered into with another person pursuant to which such other person undertakes to produce a crop or livestock on such land and pursuant to which:

(1) The crop or livestock, or the proceeds thereof, are to be divided between such owner or lessee and such other person, and

(2) The share of the owner or lessee depends on the amount of the crop or livestock produced. See, however, paragraph (c) of this section.

(b) *Real-estate dealers.* In general, an individual who is engaged in the business of selling real estate to customers with a view to the gains and profits that may be derived from such sales is a real-estate dealer. On the other hand, an individual who merely holds real estate for investment or speculation and receives rentals therefrom is not considered a real-estate dealer. Where a real-estate dealer holds real estate for investment or speculation in addition to real estate held for sale to customers in the ordinary course of his trade or business as a real-estate dealer, only the rentals from the real estate held for sale to customers in the ordinary course of his trade or business as a real-estate dealer, and the deductions attributable thereto, are included in determining net earnings from self-employment; the rentals from the real estate held for investment or speculation, and the deductions attributable thereto, are excluded in determining net earnings from self-employment.

(c) *Special rule for "includible farm rental income"—(1) In general.* Notwithstanding paragraph (a) of this section, any income derived by an owner or tenant of land is included in determining net earnings from self-employment for taxable years ending after 1955 if:

(i) The income is derived under an arrangement between the owner or tenant of land and another person which provides that such other person shall produce agricultural or horticultural commodities on such land, and that there shall be material participation by the owner or tenant in the production or the management of the production of such agricultural or horticulture commodities; and

(ii) There is material participation by the owner or tenant with respect to any such agricultural or horticultural commodity.

Income so derived is referred to in this section as "includible farm rental income."

(2) *Requirement that income be derived under an arrangement.* In order for rental income received by an owner or tenant of land to be treated as includible farm rental income, such income must be derived pursuant to a share-farming or other rental arrangement which contemplates material participation by the owner or tenant in the production or management of production of agricultural or horticultural commodities.

(3) *Nature of arrangement.* (i) The arrangement between the owner or tenant and the person referred to in subparagraph (1) of this paragraph may be either oral or written. The arrangement must impose upon such other person the obligation to produce one or more agricultural or horticultural commodities (including livestock, bees, poultry, and fur-bearing animals and wildlife) on the land of the owner or tenant. In addition, it must be within the contemplation of the parties that the owner or tenant is to participate in the production or the management of the production of the agricultural or horticultural commodities required to be produced by the other person under such arrangement to an extent which is material with respect either to the production or to the management of production of such commodities or is material with respect to the production and management of production when the total required participation in connection with both is considered.

(ii) The term "production," wherever used in this paragraph, refers to the physical work performed and the expenses incurred in producing a commodity. It includes such activities as the actual work of planting, cultivating, and harvesting crops, and the furnishing of machinery, implements, seed, and livestock. An arrangement is treated as contemplating that the owner or tenant is to materially participate in the production of the commodities required to be produced by the other person under the arrangement if under the arrangement it is understood that the owner or tenant is to engage to a material degree in the physical work related to the production of such commodities. The mere undertaking to furnish machinery, implements, and livestock and to incur expenses is not, in and of itself, sufficient. Such factors may be significant, however, in making the overall determination of whether the arrangement contemplates that the owner or tenant is to participate materially in the management of the product or the commodities. Thus, if in addition to the understanding that the owner or tenant is to advise or consult periodically with the other person as to the production of the commodities and to inspect periodically the production activities on the land, it is also understood that the owner is to select the type of crops and livestock to be produced and the type of machinery and implements to be furnished and to

intended of the owner or tenant is not material. For example, if under the arrangement it is understood that the owner or tenant is to engage periodically in physical work to a degree which is not material in and of itself and, in addition, to furnish a substantial portion of the machinery, implements, and livestock to be used in the production of the commodities or to furnish or advance funds or assume financial responsibility for a substantial part of the expense involved in the production of the commodities, the arrangement is treated as contemplating material participation of the owner or tenant in the production of such commodities.

(iii) The term "management of the production," wherever used in this paragraph, refers to services performed in making managerial decisions relating to the production, such as when to plant, cultivate, dust, spray, or harvest the crop, and includes advising and consulting, making inspections, and making decisions as to matters such as rotation of crops, the type of crops to be grown, the type of livestock to be raised, and the type of machinery and implements to be furnished. An arrangement is treated as contemplating that the owner or tenant is to participate materially in the management of the production of the commodities required to be produced by the other person under the arrangement if the owner or tenant is to engage to a material degree in the management decisions related to the production of such commodities. The services which are considered of particular importance in making such management decisions are those services performed in making inspections of the production activities and in advising and consulting with such person as to the production of the commodities. Thus, if under the arrangement it is understood that the owner or tenant is to advise or consult periodically with the other person as to the production of the commodities required to be produced by such person under the arrangement and to inspect periodically the production activities on the land, a strong inference will be drawn that the arrangement contemplates participation by the owner or tenant in the management of the production of such commodities. The mere undertaking to select the crops or livestock to be produced or the type of machinery and implements to be furnished or to make decisions as to the rotation of crops generally is not, in and of itself, sufficient. Such factors may be significant, however, in making the overall determination of whether the arrangement contemplates that the owner or tenant is to participate materially in the management of the product or the commodities. Thus, if in addition to the understanding that the owner or tenant is to advise or consult periodically with the other person as to the production of the commodities and to inspect periodically the production activities on the land, it is also understood that the owner is to select the type of crops and livestock to be produced and the type of machinery and implements to be furnished and to

make decisions as to the rotation of crops, the arrangement is treated as contemplating material participation of the owner or tenant in the management of production of such commodities.

(4) *Actual participation.* In order for the rental income received by the owner or tenant of land to be treated as includable farm rental income, not only must it be derived pursuant to the arrangement described in subparagraph (1) of this paragraph, but also the owner or tenant must actually participate to a material degree in the production or in the management of the production of any of the commodities required to be produced under the arrangement, or he must actually participate in both the production and the management of the production to an extent that his participation in the one when combined with his participation in the other will be considered participation to a material degree. If the owner or tenant shows that he periodically advises or consults with the other person, who under the arrangement produces the agricultural or horticultural commodities, as to the production of any of these commodities and also shows that he periodically inspects the production activities on the land, he will have presented strong evidence of the existence of the degree of participation contemplated by section 211(a)(1) of the Act. If, in addition to the foregoing, the owner or tenant shows that he furnishes a substantial portion of the machinery, implements, and livestock used in the production of the commodities or that he furnishes or advances funds, or assumes financial responsibility, for a substantial part of the expense involved in the production of the commodities, he will have established the existence of the degree of participation contemplated by section 211(a)(1) of the Act and this paragraph.

(5) *Employees or agents.* Any arrangement entered into by an employee or agent of an owner or tenant and another person is considered an arrangement entered into by the owner or tenant for purposes of satisfying the requirement set forth in subparagraph (2) of this paragraph that the income must be derived under an arrangement between the owner or tenant and another person. For purposes of determining whether the arrangement satisfies the requirement set forth in subparagraph (3) of this paragraph that the parties contemplate that the owner or tenant is to materially participate in the production or management of production of a commodity, services which are to be performed by an employee or agent of the owner or tenant are considered to be services which the arrangement contemplates are to be performed by the owner or tenant. Services performed by such an employee or agent are considered services performed by the owner or tenant in determining the extent to which the owner or tenant has participated in the production or management of production of a commodity.

(6) *Examples.* Application of the rules prescribed in this paragraph may be illustrated by the following examples:

*Example 1.* After the death of her husband, Mrs. A rents her farm, together with its machinery and equipment, to B for one-half of the proceeds from the commodities produced on such farm by B. It is agreed that B will live in the tenant house on the farm and be responsible for the overall operation of the farm, such as planting, cultivating, and harvesting the field crops, caring for the orchard and harvesting the fruit and caring for the livestock and poultry. It also is agreed that Mrs. A will continue to live in the farm residence and help B operate the farm. Under the agreement it is contemplated that Mrs. A will regularly operate and clean the cream separator and feed the poultry flock and collect the eggs. When possible she will assist B in such work as spraying the fruit trees, penning livestock, culling the poultry, and controlling weeds. She will also assist in preparing the meals when B engages seasonal workers. The agreement between Mrs. A and B clearly provides that she will materially participate in the overall production operations to be conducted on her farm by B. In actual practice, Mrs. A performs such regular and intermittent services. The regularly performed services are material to the production of an agricultural commodity, and the intermittent services performed are material to the production operations to which they relate. The furnishing of a substantial portion of the farm machinery and equipment also adds support to a conclusion that Mrs. A has materially participated. Accordingly, the rental income Mrs. A receives from her farm should be included in net earnings from self-employment.

*Example 2.* D agrees to produce a crop on C's cotton farm under an arrangement providing that C and D will each receive one-half of the proceeds from such production. C agrees to furnish all the necessary equipment, and it is understood that he is to advise D when to plant the cotton and when it needs to be chopped, plowed, sprayed, and picked. It is also understood that during the growing season C is to inspect the crop every few days to determine whether D is properly taking care of the crop. Under the arrangement, D is required to furnish all labor needed to grow and harvest the crop. C, in fact, renders such advice, makes such inspections, and furnishes such equipment. C's contemplated participation in management decisions is considered material with respect to the management of the cotton production operation. C's actual participation pursuant to the arrangement is also considered to be material with respect to the management of the production of cotton. Accordingly, the income C receives from his cotton farm is to be included in computing his net earnings from self-employment.

*Example 3.* E owns a grain farm and turns its operation over to his son, F. By the oral rental arrangement between E and F, the latter agrees to produce crops of grain on the farm, and E agrees that he will be available for consultation and advice and will inspect and help to harvest the crops. E furnishes most of the equipment, including a tractor, a combine, plows, wagons, drills, and harrows; he continues to live on the farm and does some of the work such as repairing barns and farm machinery, going to town for supplies, cutting weeds, etc.; he regularly inspects the crops during the growing season; and he helps F to harvest the crops. Although the final decisions are made by F, he frequently consults with his father regarding the production of the crops. An evaluation of all E's actual activities indicates that they are sufficiently substantial and regular to support a conclusion that he is materially participating in the crop production operations and the management thereof. If it can be shown that the degree

of E's actual participation was contemplated by the arrangement, E's income from the grain farm will be included in computing net earnings from self-employment.

*Example 4.* G owns a fully equipped farm which he rents to H under an arrangement which contemplates that G shall materially participate in the management of the production of crops raised on the farm pursuant to the arrangement. G lives in town about 5 miles from the farm. About twice a month he visits the farm and looks over the buildings and equipment. G may occasionally, in an emergency, discuss with H some phase of a crop production activity. In effect, H has complete charge of the management of farming operations regardless of the understanding between him and G. Although G pays one-half of the cost of the seed and fertilizer and is charged for the cost of materials purchased by H to make all necessary repairs, G's activities do not constitute material participation in the crop production activities. Accordingly, G's income from the crops is not included in computing net earnings from self-employment.

*Example 5.* J owned a farm several miles from the town in which he lived. He rented the farm to K under an arrangement which contemplated J's material participation in the management of production of wheat. J furnished one-half the seed and fertilizer and all the farm equipment and livestock. He employed H to perform all the services in advising, consulting, and inspecting contemplated by the arrangement. J is materially participating in the management of production of wheat by K. The work done by J's employee, H, is attributable to J in determining the extent of J's participation. J's rental income from the arrangement is to be included in computing his net earnings from self-employment.

*Example 6.* Assume the same facts as in the previous example except that J appointed the X Bank as his agent to enter into the rental arrangement with K and to perform the services contemplated by the arrangement. J is also materially participating in the management of production of wheat by K because the work done by X Bank is attributable to J in determining the extent of J's participation even though X Bank is an independent contractor. J's rental income from the arrangement is to be included in computing his net earnings from self-employment.

(d) *Rentals from living quarters—(1) No services rendered for occupants.* Payments for the use or occupancy of entire private residences or living quarters in duplex or multiple-housing units are generally rentals from real estate. Except in the case of real-estate dealers, such payments are excluded in determining net earnings from self-employment even though such payments are in part attributable to personal property furnished under the lease.

(2) *Services rendered for occupants.* Payments for the use or occupancy of rooms or other space where services are also rendered to the occupant, such as for the use or occupancy of rooms or other quarters in hotels, boarding houses, or apartment houses furnishing hotel services, or in tourist camps or tourist homes, or payments for the use or occupancy of space in parking lots, warehouses, or storage garages, do not constitute rentals from real estate; consequently such payments are included in determining net earnings from self-employment. Generally, services are considered rendered to the occupant if they are primarily for

his convenience and are other than those usually or customarily rendered in connection with the rental of rooms or other space for occupancy only. The supplying of maid service, for example, constitutes such service; whereas the furnishing of heat and light, the cleaning of public entrances, exits, stairways, and lobbies, the collection of trash, and so forth, are not considered as services rendered to the occupant.

(3) *Example.* The application of this paragraph may be illustrated by the following example:

*Example.* A owns a building containing four apartments. During the taxable year, he receives \$1,400 from apartments numbered 1 and 2, which are rented without services rendered to the occupants, and \$3,600 from apartments numbered 3 and 4, which are rented with services rendered to the occupants. A's fixed expenses for the four apartments aggregate \$1,200 during the taxable year. In addition, he has \$500 of expenses attributable to the services rendered to the occupants of apartments 3 and 4. In determining his net earnings from self-employment, A includes the \$3,600 received from apartments 3 and 4, and the expenses of \$1,100 (\$500 plus one-half of \$1,200) attributable thereto. The rentals and expenses attributable to apartments 1 and 2 are excluded. Therefore, A has a \$2,500 of net earnings from self-employment for the taxable year from the building.

(e) *Treatment of business income which includes rentals from real estate.* Except in the case of a real estate dealer, where an individual or a partnership is engaged in a trade or business the income of which is classifiable in part as rentals from real estate, only that portion of such income which is not classifiable as rentals from real estate, and the expenses attributable to such portion, are included in determining net earnings from self-employment.

#### § 404.1054 Dividends and interest.

(a) All dividends on shares of stock are excluded in determining net earnings from self-employment unless they are received by an individual in the course of his trade or business as a dealer in stocks or securities.

(b) Interest on any bond, debenture, note, or certificate, or other evidence of indebtedness, issued with interest coupons or in registered form by any corporation (including one issued by a government or political subdivision thereof) is excluded in determining net earnings from self-employment unless such interest is received in the course of a trade or business as a dealer in stocks or securities. However, interest with respect to which a credit against tax is allowable as provided in section 35 of the Internal Revenue Code of 1954, that is, interest on certain obligations of the United States and its instrumentalities, is not included in net earnings from self-employment even though received in the course of a trade or business as a dealer in stocks or securities. Only interest on bonds, debentures, notes, or certificates, or other evidence of indebtedness, issued with interest coupons or in registered form by a corporation, is excluded in the case of all persons other than dealers in stocks or

securities; other interest received in the course of any trade or business (such as interest received by a pawnbroker on his loans or interest received by a merchant on his accounts or notes receivable) is not excluded.

(c) Dividends and interest of the character excludable under paragraphs (a) and (b) of this section received by an individual on stocks or securities held for speculation or investment are excluded whether or not the individual is a dealer in stocks or securities.

(d) A dealer in stocks or securities is a merchant of stocks or securities with an established place of business, regularly engaged in the business of purchasing stocks or securities and reselling them to customers; that is, he is one who as a merchant buys stocks or securities and sells them to customers with a view to the gains and profits that may be derived therefrom. Persons who buy and sell or hold stocks or securities for investment or speculation, irrespective of whether such buying or selling constitutes the carrying on of a trade or business, are not dealers in stocks or securities.

#### § 404.1055 Gain or loss from disposition of property; capital assets; timber, coal, and iron ore; involuntary conversion.

(a) There is excluded, in determining net earnings from self-employment, any gain or loss:

(1) Which is considered as gain or loss from the sale or exchange of a capital asset;

(2) From the cutting of timber or the disposal of timber or the disposal of coal, even though held primarily for sale to customers, if section 631 of the Internal Revenue Code of 1954 is applicable to such gain or loss;

(3) From the disposal of iron ore mined in the United States in taxable years beginning after 1965, for which amounts are received or accrued in such taxable years, even though held primarily for sale to customers, if section 631 of the Internal Revenue Code of 1954 is applicable to such gain or loss; and

(4) From the sale, exchange, involuntary conversion, or other disposition of property if such property is neither:

(i) Stock in trade or other property of a kind which would properly be includable in inventory if on hand at the close of the taxable year, nor

(ii) Property held primarily for sale to customers in the ordinary course of a trade or business.

(b) For the purpose of the special rule in paragraph (a)(4), it is immaterial whether a gain or loss is treated as a capital gain or as an ordinary gain or loss for purposes other than determining net earnings from self-employment. For instance, where the character of a loss is governed by the provisions of section 1231 of the Internal Revenue Code of 1954, such loss is excluded in determining net earnings from self-employment even though such loss is treated under section 1231 of the Internal Revenue Code of 1954, as an ordinary loss. For the purposes of this special rule, the term "involuntary conversion" means a

compulsory or involuntary conversion of property into other property or money as a result of its destruction in whole or in part, theft or seizure, or an exercise of the power of requisition or condemnation or the threat or imminence thereof; and the term "other disposition" includes the destruction or loss, in whole or in part, of property by fire, storm, shipwreck, or other casualty, or by theft, even though there is no conversion of such property into other property or money.

(c) The application of this section may be illustrated by the following example:

*Example.* During the taxable year 1954, A, who owns a grocery store, realized a net profit of \$1,500 from the sale of groceries and a gain of \$350 from the sale of a refrigerator case. During the same year, he sustained a loss of \$2,000 as a result of damage by fire to the store building. In computing taxable income, all of these items are taken into account. In determining net earnings from self-employment, however, only the \$1,500 of profit derived from the sale of groceries is included. The \$350 gain and the \$2,000 loss are excluded.

#### § 404.1056 Net operating loss deduction.

The deduction provided by section 172 of the Internal Revenue Code of 1954, relating to net operating losses sustained in years other than the taxable year, is excluded in determining net earnings from self-employment.

#### § 404.1057 Community income.

(a) *In case of an individual.* If any of the income derived by an individual from a trade or business (other than a trade or business carried on by a partnership) is community income under community property laws applicable to such income, all of the gross income, and the deductions attributable to such income, shall be treated as the gross income and deductions of the husband unless the wife exercises substantially all of the management and control of such trade or business, in which case all of such gross income and deductions shall be treated as the gross income and deductions of the wife. For the purpose of this special rule, the term "management and control" means management and control in fact, not the management and control imputed to the husband under the community property laws. For example, a wife who operates a beauty parlor without any appreciable collaboration on the part of her husband will be considered as having substantially all of the management and control of such business despite the provision of any community property law vesting in the husband the right of management and control of community property; and the income and deductions attributable to the operation of such beauty parlor will be considered the income and deductions of the wife.

(b) *In case of a partnership.* Even though a portion of a partner's distributive share of the income or loss, described in section 702(a)(9) of the Internal Revenue Code of 1954, from a trade or business carried on by a partnership is community income or loss under the community property laws applicable to such

share, all of such distributive share shall be included in computing the net earnings from self-employment of such partner; no part of such share shall be taken into account in computing the net earnings from self-employment of the spouse of such partner. In any case in which both spouses are members of the same partnership, the distributive share of the income or loss of each spouse is included in computing the net earnings from self-employment of that spouse.

**§ 404.1058 Computation of partner's net earnings from self-employment for taxable year which ends as result of his death.**

(a) *Taxable years ending after August 28, 1958.*—(1) *In general.* The rules for the computation of a partner's net earnings from self-employment are set forth in paragraphs (d) to (g), inclusive, of § 404.1051. In addition to the net earnings from self-employment computed under such rules for the last taxable year of a deceased partner, if a partner's taxable year ends after August 28, 1958, solely because of death, and on a day other than the last day of the partnership's taxable year, the deceased partner's net earnings from self-employment for such year shall also include so much of the deceased partner's distributive share of partnership ordinary income or loss (see subparagraph (3) of this paragraph) for the taxable year of the partnership in which his death occurs as is attributable to an interest in the partnership prior to the month following the month of his death.

(2) *Computation.* (i) The deceased partner's distributive share of partnership ordinary income or loss for the partnership taxable year in which he died shall be determined by applying the rules contained in paragraphs (d) to (g), inclusive, of § 404.1051, except that paragraph (e) shall not apply.

(ii) The portion of such distributive share to be included under this section in the deceased partner's net earnings from self-employment for his last taxable year shall be determined by treating the ordinary income or loss constituting such distributive share as having been realized or sustained ratably over the period of the partnership taxable year during which the deceased partner had an interest in the partnership and during which his estate, or any other person succeeding by reason of his death to rights with respect to his partnership interest, held such interest in the partnership or held a right with respect to such interest. The amount to be included under this section in the deceased partner's net earnings from self-employment for his last taxable year will, therefore, be determined by multiplying the deceased partner's distributive share of partnership ordinary income or loss for the partnership taxable year in which he died, as determined under subdivision (1) of this subparagraph, by a fraction, the denominator of which is the number of calendar months in the partnership taxable year over which the ordinary income or loss constituting the deceased partner's distributive share of partnership income or loss

for such year is treated as having been realized or sustained under the preceding sentence and the numerator of which is the number of calendar months in such partnership taxable year that precede the month following the month of his death.

(3) *Definition of "deceased partner's distributive share."* For the purpose of this section, the term "deceased partner's distributive share" includes the distributive share of his estate or of any other person succeeding, by reason of his death, to rights with respect to his partnership interest. It does not include any share attributable to a partnership interest which was not held by the deceased partner at the time of his death. Thus, if a deceased partner's estate should acquire an interest in a partnership additional to the interest to which it succeeded upon the death of the deceased partner, the amount of the distributive share attributable to such additional interest acquired by the estate would not be included in computing the "deceased partner's distributive share" of the partnership's ordinary income or loss for the partnership taxable year.

(4) *Examples.* The application of this paragraph may be illustrated by the following examples:

*Example 1.* B, an individual who files his income tax returns on the calendar year basis, is a member of the ABC partnership, the taxable year of which ends on June 30. B dies on October 17, 1958, and his estate succeeds to his partnership interest and continues as a partner in its own right under local law until June 30, 1959. B's distributive share of the partnership's ordinary income, as determined under paragraphs (d) to (g), inclusive, of § 404.1051, for the taxable year of the partnership ended June 30, 1958, is \$2,400. His distributive share, including the share of his estate, of such partnership's ordinary income, as determined under paragraphs (d) to (g), inclusive, of § 404.1051 (with the exception of paragraph (e)), for the taxable year of the partnership ended June 30, 1959, is \$4,500. The portion of such \$4,500 attributable to an interest in the partnership prior to the month following the month in which he died is  $\$4,500 \times \frac{4}{12}$  (4 being the number of months in the partnership taxable year in which B died which precede the month following the month of his death and 12 being the number of months in such partnership taxable year in which B and his estate had an interest in the partnership) or \$1,500. The amount to be included in the deceased partner's net earnings from self-employment for his last taxable year is \$3,900 (\$2,400 plus \$1,500).

*Example 2.* If in the preceding example B's estate is entitled to only \$1,000, the amount of B's distributive share of partnership ordinary income for the period July 1, 1958, through October 17, 1958, such \$1,000 is considered to have been realized ratably over the period preceding B's death and will be included in B's net earnings from self-employment for his last taxable year.

*Example 3.* X, who reports his income on a calendar year basis, is a member of a partnership which also reports its income on a calendar year basis. X dies on June 30, 1959, and his estate succeeds to his partnership interest and continues as a partner in its own right under local law. On September 15, 1959, X's estate sells the partnership interest to which it succeeded on the death of X. X's distributive share of partnership income for 1959 is \$5,500. \$600 of such amount is X's share of the gain from the sale of a capital asset

which occurs on May 1, 1959, and \$400 of such amount is the estate's share of the gain from the sale of a capital asset which occurs on July 15, 1959. The remainder of such amount is income from services rendered. X's distributive share of partnership ordinary income for 1959, as determined under paragraphs (d) to (g), inclusive, of § 404.1051 (with the exception of paragraph (e)), is \$4,500 (\$5,500 minus \$1,000). The portion of such share attributable to an interest in the partnership prior to the month following the month of his death is  $\$4,500 \times \frac{6}{12}$  (6 being the number of months in the partnership taxable year in which X died as precede the month following the month of his death and 8.5 being the number of months in such partnership taxable year in which X and his estate had an interest in the partnership) or \$3,176.47.

(b) *Options available to farmers.* In determining whether the optional method available to a member of a farm partnership in computing his net earnings from self-employment may be applied, and in applying such method, it is necessary to determine the partner's distributive share of partnership gross income and the partner's distributive share of income described in section 702(a)(9) of the Internal Revenue Code of 1954. See section 211(a) of the Act and § 404.1065. If section 211(f) of the Act and this section apply, or may be made applicable under the provisions described in paragraph (c) of this section, for the last taxable year of a deceased partner, such partner's distributive share of income described in section 702(a)(9) of the Internal Revenue Code of 1954 for his last taxable year shall be determined by including therein any amount which is included under section 211(f) of the Act and this section in his net earnings from self-employment for such taxable year. Such a partner's distributive share of partnership gross income for his last taxable year shall be determined by including therein so much of the deceased partner's distributive share (see paragraph (a)(3) of this section) of partnership gross income, as defined in section 211(a) of the Act and paragraph (d) of § 404.1065, for the partnership taxable year in which he died as is attributable to an interest in the partnership prior to the month following the month of his death. Such allocation shall be made in the same manner as is prescribed in paragraph (a)(2) of this section for determining the portion of a deceased partner's distributive share of partnership ordinary income or loss to be included under section 211(f) of the Act and this section in his net earnings from self-employment for his last taxable year.

*Example 1.* X, an individual who files his income tax returns on a calendar year basis, is a member of the XYZ farm partnership, the taxable year of which ends on March 31. X dies on May 31, 1967, and his estate succeeds to his partnership interest and continues as a partner in its own right under local law until March 31, 1968. X's distributive share of the partnership's ordinary income, determined under paragraphs (d) to (g), inclusive, of § 404.1051, for the taxable year of the partnership ended March 31, 1967, is \$1,600. His distributive share, including the share of his estate, of such partnership's ordinary loss as determined under paragraphs (d) to (g), inclusive, of § 404.1051

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(with the exception of paragraph (e)), for the taxable year of the partnership ended March 31, 1968, is \$1,200. The portion of such \$1,200 attributable to an interest in the partnership prior to the month following the month in which he died is  $\$1,200 \times \frac{7}{12}$  (2 being the number of months in the partnership taxable year in which X died which precede the month following the month of his death and 12 being the number of months in such partnership taxable year in which X and his estate had an interest in the partnership) or \$200. X is also a member of the ABX farm partnership, the taxable year of which ends on May 31. His distributive share of the partnership loss described in section 702(a)(9) of the Internal Revenue Code of 1954 for the partnership taxable year ending May 31, 1967, is \$300. Section 211(f) of the Act and this section do not apply with respect to such \$300 since X's last taxable year ends, as a result of his death, with the taxable year of the ABX partnership. Under this paragraph the \$200 loss must be included in determining X's distributive share of XYZ partnership income described in section 702(a)(9) of the Internal Revenue Code of 1954 for the purpose of applying the optional method available to farmers for computing net earnings from self-employment. Further, the resulting \$1,400 of income must be aggregated, pursuant to paragraph (e) of § 404-1065, with the \$300 loss, X's distributive share of ABX partnership loss described in section 702(a)(9) of the Internal Revenue Code of 1954 for purposes of applying such option. The representative of X's estate may exercise the option described in § 404-1065(a)(4) provided the portion of X's distributive share of XYZ partnership gross income for the taxable year ended March 31, 1968, attributable to an interest in the partnership prior to the month following the month in which he died (the allocation being made in the manner prescribed for allocating his \$1,200 distributive share of XYZ partnership loss for such year), when aggregated with his distributive share of XYZ partnership gross income for the partnership taxable year ended March 31, 1967, and with his distributive share of ABX partnership gross income for the partnership taxable year ended May 31, 1967, results in X having more than \$2,400 of gross income from the trade or business of farming. If such aggregate amount of gross income is not more than \$2,400, the option described in § 404-1065(a)(3) is available.

*Example 2.* A, a sole proprietor engaged in the business of farming, files his income tax returns on a calendar year basis. A is also a member of a partnership engaged in an agricultural activity. The partnership files its returns on the basis of a fiscal year ending March 31. A dies June 29, 1967. A's gross income from farming as a sole proprietor for the 6-month period comprising his taxable year which ends because of death is \$1,600 and his actual net earnings from self-employment based thereon are \$400. As of March 31, 1967, A's distributive share of the gross income of the farm partnership is \$2,200 and his distributive share of income described in section 702(a)(9) of the Internal Revenue Code of 1954 based thereon is \$1,000. The amount of A's distributive share of the partnership's ordinary income for its taxable year ended March 31, 1968, which may be included in his net earnings from self-employment under section 211(f) of the Act and paragraph (a) of this section is \$300. The amount of the deceased partner's distributive share of partnership gross income attributable to an interest in the partnership prior to the month following the month of his death as is determined, pursuant to this paragraph, under paragraph (a) of this section is \$2,000. An ag-

gregation of the above figures produces a gross income from farming of \$5,800 and actual net earnings from self-employment of \$1,700. Under these circumstances none of the options provided by section 211(a) of the Act may be used. If the actual net earnings from self-employment had been less than \$1,600, the option described in § 404-1065(a)(2) would have been available.

(c) *Taxable years ending after 1955 and on or before August 28, 1958; requirement of election.* If a partner's taxable year ended, as a result of his death, after 1955 and on or before August 28, 1958, the rules set forth in paragraph (a) of this section may be made applicable in computing the deceased partner's net earnings from self-employment for his last taxable year provided that:

(1) Before January 1, 1960, there is filed, by the person designated in section 6012(b)(1) of the Internal Revenue Code of 1954 (relating to returns made by fiduciaries) a return (or amended return) of the tax on self-employment income imposed by chapter 2 of such code for the taxable year ending as a result of death, and

(2) Such return, if filed solely for the purpose of reporting net earnings from self-employment resulting from the enactment of section 211(f) of the Act, is accompanied by the amount of tax attributable to such net earnings.

**§ 404.1059 Residents and nonresidents of Puerto Rico; treatment of income.**

(a) *Residents.* A resident of Puerto Rico, whether or not a bona fide resident thereof during the entire taxable year, and whether or not an alien, a citizen of the United States, or a citizen of Puerto Rico, shall compute his net earnings from self-employment in the same manner as would a citizen of the United States residing in the United States. See paragraph (d) of § 404.1068 for regulations relating to nonresident aliens. The gross income of such a resident of Puerto Rico also includes income from Puerto Rican sources. Thus, under this special rule, income from Puerto Rican sources will be included in determining net earnings from self-employment of a resident of Puerto Rico engaged in the active conduct of a trade or business in Puerto Rico despite the fact that, under section 933 of the Internal Revenue Code of 1954, such income may not be taken into account for purposes of the tax under section 1 or 3 of the Internal Revenue Code of 1954.

(b) *Nonresidents.* A citizen of Puerto Rico who is also a citizen of the United States and who is not a resident of Puerto Rico will compute his net earnings from self-employment in the same manner and subject to the same provisions of law and regulations as other citizens of the United States.

**§ 404.1060 Personal exemption deduction.**

The deduction provided by section 151 of the Internal Revenue Code of 1954, relating to personal exemptions, is excluded in determining net earnings from self-employment.

**§ 404.1061 Ministers and members of religious orders (computation of net earnings).**

(a) *In general.* For each taxable year ending after 1954 in which a minister or member of a religious order is engaged in a trade or business, within the meaning of section 211(c) of the Act with respect to service to which § 404.1080 applies, net earnings from self-employment from such trade or business include the gross income derived during the taxable year from any such service, less the deductions attributable to such gross income. For each taxable year ending on or after December 31, 1957, such minister or member of a religious order shall compute his net earnings from self-employment derived from the performance of such service without regard to the exclusions from gross income provided by section 107 of the Internal Revenue Code of 1954 (relating to rental value of parsonages) and section 119 of such code (relating to meals and lodging furnished for the convenience of the employer). Thus, a minister, engaged in a trade or business within the meaning of section 211(c) of the Act, will include in the computation of his net earnings from self-employment for a taxable year ending on or after December 31, 1957, the rental value of a home furnished to him as remuneration for services performed in the exercise of his ministry or the rental allowance paid to him as remuneration for such services irrespective of whether such rental value or rental allowance is excluded from gross income by section 107 of the Internal Revenue Code of 1954. Similarly, the value of any meals or lodging furnished to a minister or to a member of a religious order in connection with service performed in the exercise of his ministry or as a member of such order will be included in the computation of his net earnings from self-employment for a taxable year ending on or after December 31, 1957, notwithstanding the exclusion of such value from gross income by section 119 of the Internal Revenue Code of 1954.

(b) *In employ of American employer.* If a minister or member of a religious order engaged in a trade or business described in section 211(c) of the Act and § 404.1080, is a citizen of the United States and performs service, in his capacity as a minister or member of a religious order, as an employee of an American employer, as defined in section 210(e) of the Act and § 404.1002(c)(3), his net earnings from self-employment derived from such service shall be computed as provided in paragraph (a) of this section but without regard to the exclusions from gross income provided in section 911 of the Internal Revenue Code of 1954, relating to earned income from sources without the United States, and section 931 of the Internal Revenue Code of 1954, relating to income from sources within possessions of the United States. Thus, even though all the income of the minister or member for service of the character to which this paragraph is applicable was derived from sources outside the United States, or

from sources within possessions of the United States, and therefore may for income tax purposes be excluded from gross income, such income is included in computing net earnings from self-employment.

(c) *Minister in a foreign country whose congregation is composed predominantly of citizens of the United States.*—(1) *Taxable years ending after 1956.* For any taxable year ending after 1956, a minister of a church, who is engaged in a trade or business within the meaning of section 211(c) of the Act and § 404.1080, is a citizen of the United States, is performing service in the exercise of his ministry in a foreign country, and has a congregation composed predominantly of U.S. citizens, shall compute his net earnings from self-employment derived from his services as a minister for such taxable year without regard to the exclusion from gross income provided in section 911 of the Internal Revenue Code of 1954, relating to earned income from sources without the United States. For taxable years ending on or after December 31, 1957, such minister shall also disregard sections 107 and 119 of the Internal Revenue Code of 1954 in the computation of his net earnings from self-employment. (See paragraph (a) of this section.) For purposes of section 211(a)(7) of the Act and this paragraph a "congregation composed predominantly of citizens of the United States" means a congregation the majority of which throughout the greater portion of its minister's taxable year were U.S. citizens.

(2) *Election for taxable years ending after 1954 and before 1957.* (i) A minister described in subparagraph (1) of this paragraph who, for a taxable year ending after 1954 and before 1957, had income from service described in such subparagraph which would have been included in computing net earnings from self-employment if such income had been derived in a taxable year ending after 1956 by an individual who had filed a waiver certificate under section 1402(e) of the Internal Revenue Code of 1954 may elect to have section 211(a)(7) of the Act and subparagraph (1) of this paragraph apply to his income from such service for his taxable years ending after 1954 and before 1957. If such minister filed a waiver certificate prior to August 1, 1956, in accordance with § 404.1080, or he files such a waiver certificate on or before the due date of his return (including any extensions thereof) for his last taxable year ending before 1957, he must make such election on or before the due date of his return (including any extensions thereof) for such taxable year or before April 16, 1957, whichever is the later. If the waiver certificate is not so filed, the minister must make his election on or before the due date of the return (including any extensions thereof) for his first taxable year ending after 1956. Notwithstanding the expiration of the period prescribed by section 1402(e)(2) of the Internal Revenue Code of 1954 (see § 404.1081) for filing such waiver, the minister may file a waiver certificate at the time he makes the election. In no

event shall an election be valid unless the minister files prior to or at the time of the election a waiver certificate in accordance with § 404.1080.

(ii) The election shall be made by filing with the District Director of Internal Revenue with whom the waiver certificate, Form 2031, is filed a written statement indicating that, by reason of the Social Security Amendments of 1956, the minister desires to have the Federal old-age, survivors, and disability insurance system established by title II of the Social Security Act extended to his services performed in a foreign country as a minister of a congregation composed predominantly of U.S. citizens beginning with the first taxable year ending after 1954 and prior to 1957 for which he had income from such services. The statement shall be dated and signed by the minister and shall clearly state that it is an election for retroactive self-employment tax coverage under the Self-Employment Contributions Act of 1954. In addition, the statement shall include the following information:

(a) The name and address of the minister.

(b) His social security account number, if he has one.

(c) That he is a duly ordained, commissioned, or licensed minister of a church.

(d) That he is a citizen of the United States.

(e) That he is performing services in the exercise of his ministry in a foreign country.

(f) That his congregation is composed predominantly of citizens of the United States.

(g) (1) That he has filed a waiver certificate and, if so, where and under what circumstances the certificate was filed and the taxable year for which it is effective; or

(2) That he is filing a waiver certificate with his election for retroactive coverage and, if so, the taxable year for which it is effective.

(h) That he has or has not filed income tax returns for his taxable years ending after 1954 and before 1957. If he has filed such returns, he shall state the years for which they were filed and indicate the District Director of Internal Revenue with whom they were filed.

(iii) Notwithstanding the provisions set forth in section 1402(e)(3) of the Internal Revenue Code of 1954 (see § 404.1082 relating to such provisions), a waiver certificate filed pursuant to § 404.1080 by a minister making an election under this paragraph shall be effective (regardless of when such certificate is filed) for such minister's first taxable year ending after 1954 in which he had income from service described in subparagraph (1) of this paragraph or for the taxable year of the minister prescribed by section 1402(e)(3) of the Internal Revenue Code of 1954 (see § 404.1082), if such taxable year is earlier, and for all succeeding taxable years.

(d) *Treatment of certain remuneration paid in 1955 and 1956 as wages.* If in 1955 or 1956 an individual was paid remuneration for service described in

section 210(a)(8)(A) of the Act which was erroneously treated by the organization employing him (under a certificate filed by such organization pursuant to section 3121(k) of the Internal Revenue Code of 1954 or the corresponding section of prior law) as employment within the meaning of section 210(a) of the Act, and if on or before August 30, 1957, the taxes imposed by sections 3101 and 3111 of the Internal Revenue Code of 1954 were paid (in good faith and upon the assumption that the insurance system established by title II of the Act had been extended to such service) with respect to any part of the remuneration paid to such individual for such service, then the remuneration with respect to which such taxes were paid, and with respect to which no credit or refund of such taxes (other than a credit or refund which would be allowable if such service had constituted employment) has been obtained either by the employer or the employee on or before August 30, 1957, shall be deemed, for purposes of sections 210 and 211 of the Act (relating to employment and self-employment, respectively), to constitute remuneration paid for employment and not net earnings from self-employment. See § 404.1017 relating to exempt organizations.

#### § 404.1062 Treatment of certain remuneration erroneously reported as net earnings from self-employment.

(a) *General rule.* If an amount is erroneously paid as self-employment tax, for any taxable year ending after 1954 and before 1962, with respect to remuneration for service described in section 210(a)(8)(B) of the Act (relating to employment by organizations described in section 501(c)(3) of the Internal Revenue Code of 1954 which are exempt from income tax under section 501(a) of such code), and if such remuneration is reported as self-employment income on a return filed on or before the due date prescribed for filing such return (including any extension thereof), the individual who paid such amount (or a fiduciary acting for such individual or his estate), or his survivor (within the meaning of section 205(c)(1)(C) of the Act and § 404.801(e)), may request that such remuneration be deemed to constitute net earnings from self-employment. If such request is filed during the period September 14, 1960, to April 16, 1962, inclusive, and on or after the date on which the organization which paid such remuneration to such individual for services performed in its employ has filed, pursuant to section 3121(k) of the Internal Revenue Code of 1954, a certificate waiving exemption from taxes imposed by section 3111 of such code, and if no credit or refund of any portion of the amount erroneously paid for such taxable year as self-employment tax (other than a credit or refund which would be allowable if such tax were applicable with respect to such remuneration) has been obtained before the date on which such request is filed or, if obtained, the amount credited or refunded (including any interest under section 6611 of the Internal Revenue

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Code of 1954) is repaid on or before such date, then, for purposes of sections 210 and 211 of the Act (relating to employment and self-employment respectively) any amount of such remuneration which is paid to such individual before the calendar quarter in which such request is filed (or before the succeeding quarter if such certificate first becomes effective with respect to services performed by such individual in such succeeding quarter) and with respect to which no tax (other than an amount erroneously paid as tax) has been paid under the Federal Insurance Contributions Act, shall be deemed to constitute net earnings from self-employment and not remuneration for employment. If the certificate filed by such organization pursuant to section 3121(k) of the Internal Revenue Code of 1954 is not effective with respect to services performed by such individual on or before the first day of the calendar quarter in which the request is filed, then, for purposes of section 210(a)(8)(B)(ii) and (iii) of the Act, such individual shall be deemed to have become an employee of such organization (or to have become a member of a group, described in section 3121(k)(1)(E) of the Internal Revenue Code of 1954, of employees of such organization) on the first day of the succeeding quarter.

(b) *Request for validation.* (1) The request should be in writing, should be signed and dated by the person making the request, and should indicate clearly that it is a request that, pursuant to section 1402(g) of the Internal Revenue Code of 1954 (see paragraph (a) of this section), remuneration for service described in section 210(a)(8)(B) of the Act erroneously reported as self-employment income for one or more specified years be deemed to constitute net earnings from self-employment and not remuneration for employment. In addition, the following information shall be shown in connection with the request:

(i) The name, address, and social security account number of the individual with respect to whose remuneration the request is made.

(ii) The taxable year or years (ending after 1954 and before 1962) to which the request relates.

(iii) A statement that the remuneration was erroneously reported as self-employment income on the individual's return for each year specified and that the return was filed on or before its due date (including any extension thereof).

(iv) Location of the office of the District Director of Internal Revenue with whom each return was filed.

(v) A statement that no portion of the amount erroneously paid by the individual as self-employment tax with respect to the remuneration has been credited or refunded (other than a credit or refund which would have been allowable if the tax had been applicable with respect to the remuneration); or, if a credit or refund of any portion of such amount has been obtained, a statement identifying the credit or refund and showing how and when the amount credited or refunded, together with any interest re-

ceived in connection therewith, was repaid.

(vi) The name and address of the organization which paid the remuneration to the individual.

(vii) The date on which the organization filed a waiver certificate on Form SS-15, and the location of the office of the District Director of Internal Revenue with whom it was filed.

(viii) The date on which the certificate became effective with respect to services performed by the individual.

(ix) If the request is made by a person other than the individual to whom the remuneration was paid, the name and address of that person and evidence which shows the authority of such person to make the request.

(2) The request should be filed with the District Director of Internal Revenue with whom the latest of the returns specified in the request pursuant to subparagraph (1)(iii) of this paragraph was filed.

#### § 404.1063 Possession of the United States.

For purposes of computing self-employment income, the term "possession of the United States," as used in section 931 of the Internal Revenue Code of 1954 (relating to income from sources within possessions of the United States) and section 932 of such code (relating to citizens of possessions of the United States) shall be deemed not to include the Virgin Islands, Guam, or American Samoa. The provisions of section 211(a)(8) of the Act and of this section insofar as they involve nonapplication of sections 931 and 932 of the Internal Revenue Code of 1954 to Guam or American Samoa, shall apply only in the case of taxable years beginning after 1960.

#### § 404.1064 Income from agricultural activity.

(a) *Agricultural trade or business.* (1) An agricultural trade or business is one in which, if the trade or business were carried on exclusively by employees, the major portion of the services would constitute agricultural labor as defined in section 210(f) of the Act and § 404.1008. In case the services are in part agricultural and in part nonagricultural, the time devoted to the performance of each type of service is the test to be used to determine whether the major portion of the services would constitute agricultural labor. If more than half of the time spent in performing all the services is spent in performing services which would constitute agricultural labor under section 210(f) of the Act, the trade or business is agricultural. If only half, or less, of the time spent in performing all the services is spent in performing services which would constitute agricultural labor under section 210(f) of the Act, the trade or business is not agricultural. In every case the time spent in performing the services will be computed by adding the time spent in the trade or business during the taxable year by every individual (including the individual carrying on such trade or business and the members of his family) in

performing such services. The operation of this special rule is not affected by section 210(b) of the Act relating to the included-excluded rule for determining employment.

(2) The rules prescribed in subparagraph (1) of this paragraph have no application where the nonagricultural services are performed in connection with an enterprise which constitutes a trade or business separate and distinct from the trade or business conducted as an agricultural enterprise. Thus, the operation of a roadside automobile service station on farm premises constitutes a trade or business separate and distinct from the agricultural enterprise, and the gross income derived from such service station, less the deductions attributable thereto, is to be taken into account in determining net earnings from self-employment.

(b) *Farm operator's income for taxable years ending before 1955.* Income derived in a taxable year ending before 1955 from any agricultural trade or business (see paragraph (a) of this section), and all deductions attributable to such income, are excluded in computing net earnings from self-employment.

(c) *Farm operator's income for taxable years ending after 1954.* Income derived in a taxable year ending after 1954 from an agricultural trade or business (see paragraph (a) of this section) is includable in computing net earnings from self-employment. Income derived from an agricultural trade or business includes income derived by an individual under an agreement entered into by such individual with another person pursuant to which such individual undertakes to produce agricultural or horticultural commodities (including livestock, bees, poultry, and fur-bearing animals and wildlife) on land owned or leased by such other person and pursuant to which the agricultural or horticultural commodities produced by such individual, or the proceeds therefrom, are to be divided between such individual and such other person, and the amount of such individual's share depends on the amount of the agricultural or horticultural commodities produced. However, except as provided in paragraph (d) of this section, relating to arrangements involving material participation, the income derived under such an agreement by the owner or lessee of the land is not includable in computing net earnings from self-employment. See § 404.1053. For options relating to the computation of net earnings from self-employment, see § 404.1065.

(d) *Includable farm rental income for taxable years ending after 1955.* For taxable years ending after 1955, income derived from an agricultural trade or business (see paragraph (a) of this section) includes also income derived by the owner or tenant of land under an arrangement between such owner or tenant and another person, if such arrangement provides that such other person shall produce agricultural or horticultural commodities (including livestock, bees, poultry, and fur-bearing animals and wildlife) on such land, and that there shall be material participation by the owner or tenant in the production or

the management of the production of such agricultural or horticultural commodities, and if there is material participation by the owner or tenant with respect to any such agricultural or horticultural commodity. See paragraph (c) of § 404.1053. For options relating to the computation of net earnings from self-employment, see § 404.1065.

(e) *Income from service performed after 1956 as a crew leader.* Income derived by a crew leader (see section 210(n) of the Act (designated section 210(o) of the Act prior to Sept. 13, 1960) and § 404.1005a) from service performed after 1956 in furnishing individuals to perform agricultural labor for another person and from service performed after 1956 in agricultural labor as a member of the crew is considered to be income derived from a trade or business for purposes of § 404.1070. Whether such trade or business is an agricultural trade or business shall be determined by applying the rules set forth in this section.

**§ 404.1065 Options available to farmers in computing net earnings from farm self-employment.**

(a) *Taxable years beginning after 1965.* Net earnings from self-employment derived in a taxable year beginning after 1965 from a trade or business which is carried on by an individual or by a partnership and in which, if such trade or business were carried on exclusively by employees, the major portion of the services would constitute agricultural labor as defined in section 210(f) of the Act (see paragraph (a) of § 404.1064) may, at the option of the individual, be computed as follows:

(1) *Individual having gross income of \$2,400 or less.* If the gross income, computed as provided in paragraph (d) of this section, from such trade or business is \$2,400 or less, the individual may, at his option, treat as net earnings from self-employment from such trade or business an amount equal to 66½ percent of such gross income. If the individual so elects, the amount equal to 66½ percent of such gross income shall be used in computing his self-employment income in lieu of his actual net earnings from such trade or business, if any.

*Example.* F is engaged in the business of farming and computes his income under the cash receipts and disbursements method. He files his income tax returns on the basis of the calendar year. During the year 1966, F's gross income from the business of farming (computed as provided in paragraph (d)(1) of this section) is \$2,325. His actual net earnings from self-employment derived from such business are \$1,250. As his net earnings from self-employment, F may report \$1,250 or, by the optional computation method, he may report \$1,550 (66½ percent of \$2,325).

(2) *Individual having gross income in excess of \$2,400.* If the gross income, computed as provided in paragraph (d) of this section, from such trade or business is more than \$2,400, and the net earnings from self-employment from such trade or business (computed without regard to this section) are less than

\$1,600, the individual may, at his option, treat \$1,600 as net earnings from self-employment. If the individual so elects, \$1,600 shall be used in computing his self-employment income in lieu of his actual net earnings from such trade or business, if any. However, if the individual's actual net earnings from such trade or business, as computed in accordance with the applicable provisions of §§ 404.1050 through 404.1064, inclusive, are \$1,600 or more, such actual net earnings shall be used in computing his self-employment income.

*Example.* G is engaged in the business of farming and computes his income under the accrual method. His income tax returns are filed on the calendar year basis. For the year 1966, G's gross income from the operation of his farm (computed as provided in paragraph (d)(2) of this section) is \$2,800. He has actual net earnings from self-employment derived from such farm in the amount of \$1,250. As his net earnings from self-employment derived from his farm, G may report his actual net earnings of \$1,250, or by the optional method he may report \$1,600. If G's actual net earnings from self-employment from his farming activities for 1966 were in an amount of \$1,600 or more, he would be required to report such amount in computing his self-employment income.

(3) *Member of partnership whose distributive share of gross income is \$2,400 or less.* If an individual's distributive share of the gross income of a partnership (computed as provided in paragraph (d) of this section) derived from such trade or business (after such gross income has been reduced by the sum of all payments to which section 707(c) of the Internal Revenue Code of 1954 applies) is \$2,400 or less, the individual may, at his option, treat as his distributive share of income described in section 702(a)(9) of such code derived from such trade or business an amount equal to 66½ percent of his distributive share of such gross income (after such gross income has been reduced by the sum of all payments to which section 707(c) of such code applies). If the individual so elects, the amount equal to 66½ percent of his distributive share of such gross income shall be used by him in the computation of his net earnings from self-employment in lieu of the actual amount of his distributive share of income described in section 702(a)(9) of the Internal Revenue Code of 1954 from such trade or business, if any.

*Example.* M, who files his income tax returns on a calendar year basis, is one of the three partners of the XYZ Company a partnership, engaged in the business of farming. The taxable year of the partnership is the calendar year, and its income is computed under the cash receipts and disbursements method. For M's services in connection with the planting, cultivating, and harvesting of the crops during the year 1966, the partnership agrees to pay him \$500, the full amount of which is determined without regard to the income of the partnership and constitutes a guaranteed payment within the meaning of section 707(c) of the Internal Revenue Code of 1954. This guaranteed payment to M is the only such payment made during such year. The gross income derived from the business for the year 1966 (computed as provided in paragraph (d) of this section)

and after being reduced by the guaranteed payment of \$500 made to M, is \$3,000. One-third of the \$3,000 (\$1,000), is M's distributive share of such gross income. Under paragraph (e) of this section, the guaranteed payment (\$500) received by M and his distributive share of the partnership gross income (\$1,000) are deemed to have been derived from one trade or business, and such amounts must be aggregated for purposes of the optional method of computing net earnings from self-employment. Since M's combined gross income from his two agricultural businesses (\$1,000 and \$500) is not more than \$2,400 and since such income is deemed to be derived from one trade or business, M's net earnings from self-employment derived from such farming business may, at his option, be deemed to be \$1,000 (66½ percent of \$1,500).

(4) *Member of partnership whose distributive share of gross income exceeds \$2,400.* If an individual's distributive share of the gross income of the partnership (computed as provided in paragraph (d) of this section) derived from such trade or business (after such gross income has been reduced by the sum of all payments to which section 707(c) of the Internal Revenue Code of 1954 applies) is more than \$2,400 and the actual amount of his distributive share (whether or not distributed) of income described in section 702(a)(9) of such code derived from such trade or business (computed without regard to this section) is less than \$1,800, the individual may, at his option, treat \$1,600 as his distributive share of income described in section 702(a)(9) of such code derived from such trade or business. If the individual so elects, \$1,600 shall be used by him in the computation of his net earnings from self-employment in lieu of the actual amount of his distributive share of income described in section 702(a)(9) of the Internal Revenue Code of 1954 from such trade or business, if any. However, if the actual amount of the individual's distributive share of income described in section 702(a)(9) of such code from such trade or business, as computed in accordance with the applicable provisions of §§ 404.1050 to 404.1064, inclusive, is \$1,600 or more, such actual amount of the individual's distributive share shall be used in computing his net earnings from self-employment.

*Example 1.* A is one of the two partners of the AB partnership which is engaged in the business of farming. The taxable year of the partnership is the calendar year and its income is computed under the accrual method. A files his income tax returns on the calendar year basis. The partnership agreement provides for an equal sharing in the profits and losses of the partnership by the two partners. A is an experienced farmer and for his services as manager of the partnership's farm activities during the year 1966, he receives \$6,000 which amount constitutes a guaranteed payment within the meaning of section 707(c) of the Internal Revenue Code of 1954. The gross income of the partnership derived from such business for the year 1966, computed as provided in paragraph (d)(2) of this section and after being reduced by the guaranteed payment made to A, is \$9,600. A's distributive share of such gross income is \$4,800, and his distributive share of income described in section 702(a)(9) of the Internal Revenue Code of 1954 derived from the partnership's

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business is \$1,900. Under paragraph (e) of this section, the guaranteed payment received by A and his distributive share of the partnership's gross income are deemed to have been derived from one trade or business, and such amounts must be aggregated for purposes of the optional method of computing his net earnings from self-employment. Since the aggregate of A's guaranteed payment (\$6,000) and his distributive share of partnership gross income (\$4,800) is more than \$2,400 and since the aggregate of A's guaranteed payment (\$6,000) and his distributive share (\$1,900) of partnership income described in section 702(a)(9) of the Internal Revenue Code of 1954 is not less than \$1,600, the optional method of computing net earnings from self-employment is not available to A.

*Example 2.* F is a member of the EFG partnership which is engaged in the business of farming. F files his income tax returns on the calendar year basis. The taxable year of the partnership is the calendar year, and its income is computed under a cash receipts and disbursements method. Under the partnership agreement the partners are to share equally the profits or losses of the business. The gross income derived from the partnership business for the year 1966, computed as provided in paragraph (d)(1) of this section is \$7,500. F's share of such gross income is \$2,500. Due to drought and an epidemic among the livestock, the partnership sustains a net loss of \$7,800 for the year 1966 of which loss F's share is \$2,600. Since F's distributive share of gross income derived from such business is in excess of \$2,400 and since F does not receive income described in section 702(a)(9) of the Internal Revenue Code of 1954 of \$1,600 or more from such business, he may, at his option, be deemed to have received \$1,600 as his distributive share of income described in section 702(a)(9) of such code from such business.

(b) *Taxable years beginning before 1966.* Except as provided in paragraph (c) of this section, net earnings from self-employment derived in a taxable year beginning before 1966 from a trade or business which is carried on by an individual or by a partnership and in which, if such trade or business were carried on exclusively by employees, the major portion of the services would constitute agricultural labor as defined in section 210(f) of the Act (see paragraph (a) of § 404.1064), may, at the option of the individual, be computed as follows:

(1) *Individual having gross income of \$1,800 or less.* If the gross income, computed as provided in paragraph (d) of this section, from such trade or business is \$1,800 or less, the individual may, at his option, treat as net earnings from self-employment from such trade or business an amount equal to 66½ percent of such gross income. If the individual so elects, the amount equal to 66½ percent of such gross income shall be used in computing his self-employment income in lieu of his actual net earnings from such trade or business, if any.

(2) *Individual having gross income in excess of \$1,800.* If the gross income, computed as provided in paragraph (d) of this section, from such trade or business is more than \$1,800, and the net earnings from self-employment from such trade or business (computed without regard to this section) are less than

\$1,200, the individual may, at his option, treat \$1,200 as net earnings from self-employment. If the individual so elects, \$1,200 shall be used in computing his self-employment income in lieu of his actual net earnings from such trade or business, if any. However, if the individual's actual net earnings from such trade or business, as computed in accordance with the applicable provisions of §§ 404.1050 through 404.1064, inclusive, are \$1,200 or more, such actual net earnings shall be used in computing his self-employment income.

(3) *Member of a partnership receiving distributive share of gross income of \$1,800 or less.* If an individual's distributive share of the gross income of a partnership (computed as provided in paragraph (d) of this section) derived from such trade or business (after such gross income has been reduced by the sum of all payments to which section 707(c) of the Internal Revenue Code of 1954 applies) is \$1,800 or less, the individual may, at his option, treat as his distributive share of income described in section 702(a)(9) of such code derived from such trade or business an amount equal to 66½ percent of his distributive share of such gross income (after such gross income has been reduced by the sum of all payments to which section 707(c) of such code applies). If the individual so elects, the amount equal to 66½ percent of his distributive share of such gross income shall be used by him in the computation of his net earnings from self-employment in lieu of the actual amount of his distributive share of income described in section 702(a)(9) of the Internal Revenue Code of 1954 from such trade or business, if any.

(4) *Member of partnership whose distributive share of gross income exceeds \$1,800.* If an individual's distributive share of the gross income of the partnership (computed as provided in paragraph (d) of this section) derived from such trade or business (after such gross income has been reduced by the sum of all payments to which section 707(c) of the Internal Revenue Code of 1954 applies) is more than \$1,800 and the actual amount of his distributive share (whether or not distributed) of income described in section 702(a)(9) of such code derived from such trade or business (computed without regard to this section) is less than \$1,200, the individual may, at his option, treat \$1,200 as his distributive share of income described in section 702(a)(9) of such code derived from such trade or business. If the individual so elects, \$1,200 shall be used by him in the computation of his net earnings from self-employment in lieu of the actual amount of his distributive share of income described in section 702(a)(9) of the Internal Revenue Code of 1954 from such trade or business, if any. However, if the actual amount of the individual's distributive share of income described in section 702(a)(9) of such code from such trade or business, as computed in accordance with the applicable provisions of §§ 404.1050 to 404.1064, inclusive, is \$1,200 or more,

such actual amount of the individual's distributive share shall be used in computing his net earnings from self-employment. (For a special rule in the case of certain deceased partners, see § 404.1058(c).)

(c) *Taxable years ending after 1954 and before December 31, 1956.* Net earnings from self-employment derived in a taxable year ending after 1954 and before December 31, 1956, from a trade or business which is carried on by an individual who reports his income on the cash receipts and disbursements method, and in which, if it were carried on exclusively by employees, the major portion of the services would constitute agricultural labor as defined in section 210(f) of the Act (see paragraph (a) of § 404.1064), may, at the option of the individual, be computed as follows:

(1) *Gross income \$1,800 or less.* If the gross income, computed as provided in paragraph (d)(1) of this section, from such trade or business is \$1,800 or less, the individual may, at his option, treat as net earnings from self-employment from such trade or business an amount equal to 50 percent of such gross income. If the individual so elects, the amount equal to 50 percent of such gross income shall be used in computing his self-employment income in lieu of his actual net earnings from such trade or business, if any.

*Example 1.* F, a farmer, uses the cash receipts and disbursements method of accounting in making his income tax returns. F's books and records show that during the calendar year 1955 he received \$1,200 from the sale of produce raised on the farm, \$200 from the sale of livestock raised on the farm and not held for breeding or dairy purposes, and \$600 from the sale of a tractor. The income from the sale of the tractor is excluded from net earnings from self-employment by section 211(a) of the Act. F's actual net earnings from self-employment, computed in accordance with the provisions of §§ 404.1050 through 404.1052, are \$450. F may report \$450 as his net earnings from self-employment or he may elect to report \$700 (one-half of \$1,400).

*Example 2.* C, a cattleman, uses the cash receipts and disbursements method of accounting in making his income tax returns. C had actual net earnings from self-employment, computed in accordance with the provisions of §§ 404.1050 through 404.1052, of \$725. His gross receipts were \$1,000 from the sale of produce raised on the farm and \$1,200 from the sale of feeder cattle, which C bought for \$500. The income from the sale of the feeder cattle is included in computing net earnings from self-employment. Therefore, C may report \$725 as his net earnings from self-employment or he may elect to report \$850, one-half of \$1,700 (\$2,200 minus \$500).

(2) *Gross income in excess of \$1,800.* If the gross income, computed as provided in paragraph (d)(1) of this section, from such trade or business is more than \$1,800, and the actual net earnings from self-employment from such trade or business are less than \$900, the individual may, at his option, treat \$900 as net earnings from self-employment. If the individual so elects, \$900 shall be used in computing his self-employment income in lieu of his actual net earnings

from such trade or business, if any. However, if the individual's actual net earnings from such trade or business, as computed in accordance with §§ 404.1050 through 404.1052, are \$900 or more, such actual net earnings shall be used in computing his self-employment income.

*Example.* R, a rancher, has gross income of \$3,000 from the operation of his ranch, computed as provided in paragraph (d) of this section. His actual net earnings from self-employment from farming activities are less than \$900. R, nevertheless, may elect to report \$900 as net earnings from self-employment from such trade or business. If R had actual net earnings from self-employment from his farming activities in the amount of \$900 or more, he would be required to report such amount in computing his self-employment income.

(3) *Members of farm partnerships.* The optional method provided by this paragraph for computing net earnings from self-employment is not available to a member of a partnership with respect to his distributive share of the income or loss from any trade or business carried on by any partnership of which he is a member.

(d) *Computation of gross income.* For purposes of this section gross income has the following meanings:

(1) In the case of any such trade or business in which the income is computed under a cash receipts and disbursements method, the gross receipts from such trade or business reduced by the cost or other basis of property which was purchased and sold in carrying on such trade or business, adjusted (after such reduction) in accordance with the provisions of paragraphs (1) through (6) and paragraph (8) of section 211(a) of the Act and §§ 404.1052 through 404.1060, 404.1063, and 404.1064 of these regulations.

(2) In the case of any such trade or business in which the income is computed under an accrual method, the gross income from such trade or business, adjusted in accordance with the provisions of paragraphs (1) through (6) and paragraph (8) of section 211(a) of the Act and §§ 404.1052 through 404.1060, 404.1063, and 404.1064 of these regulations.

(e) *Two or more agricultural activities.* If an individual (including a member of a partnership) derives gross income (as defined in paragraph (d) of this section) from more than one agricultural trade or business, such gross income (including his distributive share of the gross income of any partnership derived from any such trade or business) shall be deemed to have been derived from one trade or business. Thus, such an individual shall aggregate his gross income derived from each agricultural trade or business carried on by him (which includes, under paragraph (b) of § 404.1050, any guaranteed payment, within the meaning of section 707(c) of the Internal Revenue Code of 1954, received by him from a farm partnership of which he is a member) and his distributive share of partnership gross income (after such gross income has been reduced by any guaranteed payment

within the meaning of section 707(c) of such code) derived from each farm partnership of which he is a member. Such gross income is the amount to be considered for purposes of the optional method provided in this section for computing net earnings from self-employment. If the aggregate gross income of an individual includes income derived from an agricultural trade or business carried on by him and a distributive share of partnership income derived from an agricultural trade or business carried on by a partnership of which he is a member, such aggregate gross income shall be treated as income derived from a single trade or business carried on by him, and such individual shall apply the optional method applicable to individuals set forth in this section for purposes of computing his net earnings from self-employment.

(f) *Exercise of option.* An individual shall, for each taxable year with respect to which he is eligible to use the optional method described in this section, decide as to whether his net earnings from self-employment are to be computed in accordance with such method. If the individual elects the optional method for a taxable year, he shall signify such election by computing net earnings from self-employment under the optional method as set forth in Schedule F (Internal Revenue Service Form 1040) of the income tax return filed by the individual for such taxable year. If the optional method is not elected at the time of the filing of the return for a taxable year with respect to which the individual is eligible to elect such optional method, such method may be elected on an amended return filed with the Internal Revenue Service (or on a Form 2190, Change in Method of Computing Net Farm Earnings From Self-Employment, filed with the Administration after the filing of a claim for social security benefits). If the optional method is elected on a return for a taxable year, the individual may revoke such election by filing an amended return with the Internal Revenue Service (or by filing a Form 2190, Change in Method of Computing Net Farm Earnings From Self-Employment, with the Administration).

If the individual is deceased or unable to make an election, the person designated in section 6012(b) of the Internal Revenue Code of 1954 (relating to returns made by fiduciaries) may, within the period prescribed in this section elect the optional method for any taxable year with respect to which the individual is eligible to use the optional method and revoke an election previously made by or for the individual.

#### § 404.1068 Self-employment income.

(a) *In general.* Except for the exclusions in paragraphs (b) and (c) of this section and the exception in paragraph (d) of this section, the term "self-employment income" means the net earnings from self-employment derived by an individual during a taxable year.

(b) *Maximum self-employment income.* (1) The maximum self-employment income of an individual for any

taxable year (whether a period of 12 months or less) is \$6,600, except that the maximum self-employment income for any taxable year ending after 1958 and before 1966 is \$4,800, the maximum self-employment income for any taxable year ending after 1954 and before 1959 is \$4,200, and the maximum self-employment income for any taxable year ending before 1955 is \$3,600. If an individual is paid wages as defined in section 209 of the Act and § 404.1030, the maximum self-employment income is the excess of \$6,600 (\$4,800 for a taxable year ending after 1958 and before 1966, \$4,200 for a taxable year ending after 1954 and before 1959, and \$3,600 for a taxable year ending before 1955) over the amount of such wages. For example, if during a taxable year ending in 1966 no such wages are paid and the individual has \$7,000 net earnings from self-employment, he has \$6,600 of self-employment income for such taxable year. If, in addition to having \$7,000 of net earnings from self-employment, such individual is paid \$1,000 of such wages, he has only \$5,600 of self-employment income for the taxable year.

(2) For the purpose of the limitation described in subparagraph (1) of this paragraph, the term "wages" includes such remuneration paid to an employee for services covered by:

(i) An agreement entered into pursuant to section 218 of the Act, which section provides for extension of the Federal old-age, survivors, and disability insurance system to State and local government employees under voluntary agreements between the States and the Secretary of Health, Education, and Welfare; or

(ii) An agreement entered into pursuant to the provisions of section 3121(1) of the Internal Revenue Code of 1954, relating to coverage of citizens of the United States who are employees of foreign subsidiaries of domestic corporations, as would be wages under section 209 of the Act if such services constituted employment under section 210(a) of the Act. For an explanation of the term "wages," see §§ 404.1026 and 404.1027.

(c) *Minimum net earnings from self-employment.* Self-employment income does not include the net earnings from self-employment of an individual when the amount of such earnings for the taxable year is less than \$400. Thus, an individual having only \$300 of net earnings from self-employment for the taxable year would not have any self-employment income. However, an individual having net earnings from self-employment of \$400 or more for the taxable year may have less than \$400 of self-employment income. This could occur in a case in which the amount of the individual's net earnings from self-employment is \$400 or more for a taxable year ending after 1965 and the amount of such net earnings from self-employment plus the amount of the wages received by the individual during that taxable year exceed \$6,600 (\$4,800 for taxable years ending after 1958 and before 1966; \$4,200 for taxable years ending after 1954 and before 1959; or

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\$3,600 for taxable years ending before 1955). For example, if an individual has net earnings from self-employment of \$1,000 for 1966 and also receives wages of \$6,300 during that taxable year, his self-employment income for that taxable year is \$300.

(d) *Nonresident aliens.* A nonresident alien individual never has self-employment income. While a nonresident alien individual who derives income from a trade or business carried on within the United States, Puerto Rico, the Virgin Islands, Guam, or American Samoa (whether by agents or employees, or by a partnership of which he is a member) may be subject to the applicable income tax provisions on such income, any net earnings which he may have from self-employment do not constitute self-employment income within the meaning of section 211(b) of the Act. For the purpose of such section, an individual who is not a citizen of the United States but who is a resident of the Commonwealth of Puerto Rico, the Virgin Islands, or, for taxable years beginning after 1960, of Guam or American Samoa is not considered to be a nonresident alien individual. (See §§ 404.1059 and 404.1063 relating to self-employment income in the Commonwealth of Puerto Rico and possessions of the United States, respectively.)

#### § 404.1070 Trade or business.

(a) *General.* In order for an individual to have net earnings from self-employment, he must carry on a trade or business within the meaning of section 211(c) of the Act, either as an individual or as a member of a partnership. Except as provided in this section, the term "trade or business" shall have the same meaning as when used in section 162 of the Internal Revenue Code of 1954. An individual engaged in one of the excluded activities specified in this section may also carry on other activities which constitute a trade or business. Whether or not such activities constitute a separate trade or business depends upon all the facts and circumstances in the particular case.

(b) *Crew leaders.* An individual who is a crew leader, as defined in section 210(n) of the Act (designated section 210(o) prior to Sept. 13, 1960), and § 404.1005a, is considered to be carrying on a trade or business with respect to services performed by him after 1956 in furnishing individuals to perform agricultural labor for another person or services performed by him after 1956 as a member of the crew.

(c) *Employees who may be considered self-employed.*—(1) *General.* For the purpose of computing self-employment income with respect to employees who are deemed to be self-employed, the term "employee" and the term "wages" shall have the same meaning as when used in sections 210 and 209 of the Act, respectively. For explanations of these terms, see §§ 404.1004 and 404.1026. Generally, the performance of services by an individual as an employee, as defined in section 210(j) of the Act (designated section

210(k) prior to Sept. 13, 1960), does not constitute a trade or business within the meaning of section 211(c) of the Act. However, in the four cases set forth in subparagraphs (2), (3), and (4) of this paragraph and paragraph (e) of this section, the performance of service by an individual is considered to constitute a trade or business within the meaning of section 211(c) of the Act and § 404.1070. (As to when an individual is an employee, see sections 210(j) and (n) of the Act (designated sections 210(k) and (o) prior to Sept. 13, 1960), and §§ 404.1004 and 404.1005a.)

(2) *Newspaper vendors.* The performance of service by an individual who has attained the age of 18 constitutes a trade or business within the meaning or section 211(c) of the Act if performed in, and at the time of, the sale of newspapers or magazines to ultimate consumers, under an arrangement under which the newspapers or magazines are to be sold by him at a fixed price, his compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him, whether or not he is guaranteed a minimum amount of compensation for such service, or is entitled to be credited with the unsold newspapers or magazines turned back.

(3) *Sharecroppers.* For taxable years ending after 1954, the performance of service by an individual under an arrangement with the owner or tenant of land is deemed to constitute a trade or business if pursuant to such arrangement:

(i) Such individual undertakes to produce agricultural or horticultural commodities (including livestock, bees, poultry, and fur-bearing animals and wildlife) on such land; and

(ii) The agricultural or horticultural commodities produced by such individual, or the proceeds therefrom, are to be divided between such individual and such owner or tenant; and

(iii) The amount of such individual's share depends on the amount of the agricultural or horticultural commodities produced.

(4) *Employees of foreign government, instrumentality wholly owned by foreign government, or international organization.* The performance of service in a taxable year ending on or after December 31, 1960, in the United States, as defined in section 210(i) of the Act and § 404.2(c)(6) (excluding service performed before 1961 in Guam or American Samoa), by a citizen of the United States constitutes a trade or business within the meaning of section 211(c) of the Act if such service is excepted from employment under the Act by:

(i) Section 210(a)(11) of such Act, relating to service in the employ of a foreign government (see § 404.1020);

(ii) Section 210(a)(12) of the Act, relating to service in the employ of an instrumentality wholly owned by a foreign government (see § 404.1021); or

(iii) Section 210(a)(15) of the Act, relating to service in the employ of an international organization (see § 404.1025).

(d) *Members of certain professions.*—(1) *Professional service exclusion.* An individual is not engaged in carrying on a trade or business with respect to the performance of service in the exercise of his profession:

(i) As a Christian Science practitioner, except as provided in § 404.1080, or

(ii) For a taxable year ending after 1955 and before December 31, 1965, as a doctor of medicine, or

(iii) For a taxable year ending in 1955, as a physician, lawyer, dentist, osteopath, veterinarian, chiropractor, naturopath, optometrist, or

(iv) For a taxable year ending before 1955, as a physician, lawyer, dentist, osteopath, veterinarian, chiropractor, naturopath, optometrist, architect, certified public accountant, registered or licensed as an accountant under State or municipal law, full-time practicing public accountant, funeral director, or professional engineer.

(2) *Election of coverage.* Service performed by a Christian Science practitioner in the exercise of his profession during taxable years for which a waiver certificate filed pursuant to § 404.1080 is in effect constitutes a trade or business within the meaning of section 211(c) of the Act.

(3) *Meaning of terms.* The designations in this section are to be given their commonly accepted meanings. For purposes of this section, an individual who is a doctor of osteopathy, and who is not a doctor of medicine within the commonly accepted meaning of that term, is deemed not to be engaged in carrying on a trade or business in the exercise of the profession of doctor of medicine.

(4) *Legal requirements.* The exclusions specified in subparagraph (1) of this section apply only if the individuals meet the legal requirements, if any, for practicing their professions in the place where they perform the service.

(5) *Partnerships.* In the case of a partnership engaged in the practice of any of the professions excluded under subparagraph (1) of this paragraph, the partnership shall not be considered as carrying on a trade or business within the meaning of section 211(c) of the Act, and none of the distributive shares of the income or loss, described in section 702(a)(9) of the Internal Revenue Code of 1954, of such partnership shall be included in computing net earnings from self-employment of any member of the partnership. On the other hand, where a partnership is engaged in a trade or business not excluded under subparagraph (1) of this paragraph, each partner must include his distributive share of the income or loss, described in section 702(a)(9) of the Internal Revenue Code of 1954, of such partnership in computing his net earnings from self-employment, whether or not such partner engages in activities so excluded which he contributes to the partnership.

(e) *Ministers and members of religious orders.* Except as provided in § 404.1080, the performance of services by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry, or by a member of a re-

ligious order in the exercise of duties required by such order does not constitute a trade or business within the meaning of section 211(c) of the Act. Service described in § 404.1015 performed by an individual during taxable years for which a waiver certificate filed pursuant to § 404.1080 is in effect constitutes a trade or business within the meaning of section 211(c) of the Act.

(f) *Members of certain religious faiths.* The performance of service by an individual during the effective period of an exemption granted to him under section 1402(h) of the Internal Revenue Code of 1954 does not constitute a trade or business.

(g) *Public office.* The performance of the functions of a public office does not constitute a trade or business. The term "public office" includes any elective or appointive office of the United States or any possession thereof, or of a State or its subdivisions, or of a wholly owned instrumentality of any one or more of the foregoing. For example, the President, the Vice President, a governor, a mayor, the Secretary of State, a member of Congress, a State representative, a county commissioner, a judge, a county or city attorney, a marshal, a sheriff, a register of deeds, or a notary public performs the functions of a public office.

(h) *Individuals under railroad retirement system.* The performance of service by an individual as an employee or employee representative as defined in section 3231 (b) and (c); respectively of the Internal Revenue Code of 1954, that is, an individual covered under the railroad retirement system, does not constitute a trade or business.

#### § 404.1080 Election of self-employment coverage; waiver certificate.

(a) *In general.* Any individual who is:

(1) A duly ordained, commissioned, or licensed minister of a church or a member of a religious order (other than a member of a religious order who has taken a vow of poverty as a member of such order) or

(2) A Christian Science practitioner may elect to have the Federal old-age, survivors, and disability insurance system established by title II of the Act extended to service performed by him in the exercise of his ministry or in the exercise of duties required by such order as defined in § 404.1015, or in the exercise of his profession as a Christian Science practitioner, as the case may be. Such an election shall be made by filing a certificate on U.S. Treasury Department—Internal Revenue Service—Form 2031 (Waiver Certificate to Elect Social Security Coverage for Use by Ministers, Certain Members of Religious Orders, and Christian Science Practitioners) in the manner provided in paragraph (b) of this section and within the time specified in § 404.1081. If an individual to whom this section applies makes an election by filing such form, such individual shall, for each taxable year for which the election is effective (see § 404.1082), be considered as carrying on a trade or business with respect to the

performance of service to which this section applies.

(b) *Waiver certificate.* The certificate on Form 2031 shall be filed in triplicate with the District Director of Internal Revenue for the internal revenue district in which is located the legal residence or principal place of business of the individual who executes the certificate. If such individual has no legal residence or principal place of business in any internal revenue district, the certificate shall be filed with the Director of International Operations, Internal Revenue Service, Washington, D.C. 20225, or at such other address as is designated in the instructions relating to the certificate. If an individual to whom paragraph (a) of this section applies submits to a District Director of Internal Revenue a dated and signed statement indicating that he desires to have the Federal old-age, survivors, and disability insurance system established by title II of the Social Security Act extended to his services, such statement will be treated as a waiver certificate, if filed within the time specified in § 404.1081, provided that without unnecessary delay such statement is supplemented by a properly executed Form 2031. The filing of an application for a social security account number or the filing of an income tax return showing an amount representing self-employment income or self-employment tax shall not be construed to constitute an election under this section.

#### § 404.1081 Time limitation for filing waiver certificate.

(a) *General rule.* A waiver certificate on Form 2031 must be filed on or before the due date of the individual's income tax return, including any extension thereof (see sections 6072 and 6081 of the Internal Revenue Code of 1954), for his second taxable year ending after 1954 for which he has net earnings from self-employment (computed as prescribed in paragraph (d) of this section) of \$400 or more, any part of which is derived from service to which § 404.1080 applies.

(b) *Special rules.* Where a waiver certificate is not filed within the time limit specified in paragraph (a) of this section, an otherwise valid waiver certificate filed thereafter will nevertheless be effective if it is filed within the following periods:

(1) August 31, 1957, and the due date (including any extension thereof) of the income tax return for the individual's second taxable year after 1956, or

(2) September 14, 1960, and the due date (including any extension thereof) of the individual's second taxable year ending after 1959, or

(3) October 14, 1964, and the due date (including any extension thereof) for the individual's second taxable year ending after 1962.

(4) July 31, 1965, and the due date (including any extension thereof) for the individual's second taxable year ending after 1963.

(c) *Effect of death.* Except as set forth in § 404.1083, § 404.1084, and § 404.1085,

the right of an individual to file a waiver certificate shall cease upon his death. Thus, except as provided in such sections, the surviving spouse, administrator, or executor of a decedent shall not be permitted to file a waiver certificate for such decedent.

(d) *Computation of net earnings.* (1) For the purpose of this section, net earnings from self-employment shall be determined without regard to the fact that, without an election under the provisions described in § 404.1080, the performance of services to which § 404.1080 applies does not constitute a trade or business within the meaning of section 211(c) of the Act.

(2) Where any individual referred to in § 404.1080 has gross income in a taxable year from service to which § 404.1080 applies and also derives income from another trade or business, and where the deductions allowed by chapter I of the Internal Revenue Code of 1954 which are attributable to the gross income derived from the service to which § 404.1080 applies equal or exceed the gross income thus derived, no part of the earnings from self-employment (computed as described in subparagraph (1) of this paragraph) for the taxable year shall be considered as derived from service to which § 404.1080 applies.

(e) *Examples.* The application of the rules set forth in paragraphs (a), (b), and (d) of this section may be illustrated by the following examples:

Example (1). M was ordained as a minister in May 1962. During each one of the taxable years 1962 and 1965, M, who makes his income tax returns on a calendar basis, derives net earnings in excess of \$400 from his activities as a minister. M has net earnings of \$350 for each of the taxable years 1963 and 1964, \$200 of which is derived from service performed by him as a minister. If M wishes to have the Federal old-age, survivors, and disability insurance system established by title II of the Social Security Act extended to his services as a minister, he must file the waiver certificate on or before the due date of his income tax return for 1965, or any extension thereof.

Example (2). M, who was ordained a minister in January 1964, is employed as a toolmaker by the XYZ Corporation for the taxable years 1964 and 1965 and also engages in activities as a minister on weekends. M makes his income tax returns on the basis of a calendar year. During each of the taxable years 1964 and 1965, M receives wages of \$4,800 from the XYZ Corporation and derives \$400 (all of which constitutes net earnings from self-employment computed as prescribed in paragraph (d) of this section) from his activities as a minister. In such case if M wishes to have the Federal old-age, survivors, and disability insurance system established by title II of the Social Security Act extended to his services as a minister, he must file the waiver certificate on or before the due date of his income tax return for 1965 or any extension thereof. A waiver certificate filed after such date will be invalid. It should be noted that although by reason of section 211(b)(1)(C) of the Act no part of the \$400 represents "self-employment income," nevertheless the entire \$400 constitutes "net earnings from employment" for purposes of fulfilling the requirements described in this section.

Example (3). M, who files his income tax returns on a calendar year basis, was ordained as a minister in June 1964. During

1964 he receives \$410 for services performed in the exercise of his ministry. In addition to his ministerial services, M is engaged during the year 1964 in a mercantile venture from which he derives net earnings from self-employment in the amount of \$1,000. The expenses incurred by him in connection with his ministerial services during 1964 and which are allowable deductions under chapter I of the Internal Revenue Code of 1954 amount to \$410. During 1965 and 1966 M has net earnings from self-employment in amounts of \$1,200 and \$1,500, respectively, and some part of each of these amounts is from the exercise of his ministry. The deductions allowed in each of the years 1965 and 1966 by chapter I of the Internal Revenue Code of 1954 which are attributable to the gross income derived by M from the exercise of his ministry in each of such years, respectively, do not equal or exceed such gross income in such year. If M wishes to have the Federal old-age, survivors, and disability insurance system established by title II of the Social Security Act extended to his services as a minister, he must file a waiver certificate on or before the due date of his income tax return (including any extension thereof) for 1966.

*Example.* M, a licensed minister who makes his income tax returns on the basis of a calendar year, derived net earnings of \$400 or more from the exercise of his ministry for two or more of the taxable years 1955 to 1965, inclusive. In such case, if M wishes to have the Federal old-age, survivors, and disability insurance system established by title II of the Social Security Act extended to his services as a minister, he must file the waiver certificate on or before the due date (Apr. 15, 1966), prescribed for filing his income tax return for 1965, or any extension thereof. A waiver certificate filed after such date will be invalid.

#### **§ 404.1082 Effective date of waiver certificate.**

(a) *Filed before August 31, 1957*—(1) *In general.* A waiver certificate on Form 2031 filed before August 31, 1957, in accordance with the provisions of section 1402(e) of the Internal Revenue Code of 1954 (see § 404.1080 to 404.1082, inclusive) in effect at the time the certificate is filed, shall be effective for the first taxable year with respect to which it is filed, and all subsequent taxable years. In order for such a certificate to be effective, it must be made effective for either the first or second taxable year ending after 1954 in which the individual has net earnings from self-employment of \$400 or more (determined as provided in paragraph (d) of § 404.1081) some part of which is derived from service to which § 404.1080 applies. However, a certificate on Form 2031, filed before August 31, 1957, even though filed within the time specified in paragraph (a) (1) (ii) of § 404.1081, may not be effective, except as provided in subparagraph (2) of this paragraph, for any taxable year with respect to which the due date for filing the individual's income tax return (including any extension thereof) has expired at the time such certificate is filed. Further, a waiver certificate on Form 2031 may not be effective for any taxable year ending before 1955. In order for a certificate filed before August 31, 1957, except for the filing of a supplemental certificate, to be effective for the first or second taxable year ending after 1954 in which the individual has net

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earnings from self-employment (determined as provided in paragraph (d) of § 404.1081) some part of which is derived from service to which § 404.1080 applies, it must be filed on or before the due date for filing the income tax return of the individual for such first or second taxable year, respectively, or any extension thereof.

(2) *Supplemental certificates*—(i) *Filed before due date of 1958 return.* If under subparagraph (1) of this paragraph the certificate is effective only for the individual's third or fourth taxable year ending after 1954 and all succeeding taxable years, the individual may make such a certificate effective for his first taxable year ending after 1955 and all succeeding taxable years by filing a supplemental certificate on Form 2031. To be valid the supplemental certificate must be filed after August 30, 1957, and on or before the due date of the return (including any extension thereof) for his second taxable year ending after 1956 and must be otherwise in accordance with § 404.1080.

*Example.* M, who files his income tax returns on a calendar year basis, was ordained as a minister in 1956, and his net earnings from service performed in the exercise of his ministry during each of the years 1956 and 1957 were \$400 or more. On July 15, 1957, M filed a waiver certificate which became effective, at the time of filing, for 1957 and all succeeding taxable years. Since the certificate was not filed on or before April 15, 1957 (the due date of M's income tax return for the taxable year 1956), and since there was no extension of time for filing his 1956 income tax return, the certificate was not, at the time of filing, effective for the taxable year 1956. M files a supplemental certificate on April 17, 1961. If, in addition to the filing of the supplemental certificate, M pays on or before April 16, 1962, the self-employment tax in respect of all his self-employment income (except for underpayments of tax attributable to errors made in good faith) for his taxable year 1956, and repays, on or before April 16, 1962, the amount of any refund (including any interest paid under section 6611 of the Internal Revenue Code of 1954) that has been made of any such tax which (but for the provisions described in § 404.1082(a)) is an overpayment, the certificate filed by M on July 15, 1957, becomes effective for the year 1956 and all succeeding taxable years.

Any payment or repayment described in this subparagraph shall not constitute an overpayment within the meaning of section 6401 of the Internal Revenue Code of 1954 which relates to amounts treated as overpayments.

*Example.* M, who files his income tax returns on a calendar year basis, was ordained as a minister in 1956, and his net earnings from service performed in the exercise of his ministry during each of the years 1956 and 1957 were \$400 or more. On July 15, 1957, M filed a waiver certificate which became effective, at the time of filing, for 1957 and all succeeding taxable years. Since the certificate was not filed on or before April 15, 1957 (the due date of M's income tax return for the taxable year 1956), and since there was no extension of time for filing his 1956 income tax return, the certificate was not, at the time of filing, effective for the taxable year 1956. M files a supplemental certificate on April 17, 1961. If, in addition to the filing of the supplemental certificate, M pays on or before April 16, 1962, the self-employment tax in respect of all his self-employment income (except for underpayments of tax attributable to errors made in good faith) for his taxable year 1956, and repays, on or before April 16, 1962, the amount of any refund (including any interest paid under section 6611 of the Internal Revenue Code of 1954) that has been made of any such tax which (but for the provisions described in § 404.1082(a)) is an overpayment, the certificate filed by M on July 15, 1957, becomes effective for the year 1956 and all succeeding taxable years.

(b) *Filed after August 30, 1957, and on or before the due date of the 1958 return.* A certificate on Form 2031 filed by an individual after August 30, 1957, but on or before the due date of the return (including any extension thereof) for his second taxable year ending after 1956, in accordance with the provisions of section 1402(e) of the Internal Revenue Code of 1954 in effect at the time the certificate is filed, shall be effective for his first taxable year ending after 1955, and all succeeding taxable years.

(c) *Filed after due date of 1958 return.* Except as otherwise set forth in paragraphs (d) and (e) of this section and in § 404.1083, a waiver certificate on Form 2031 filed by an individual in accordance with the provisions described in §§ 404.1080 to 404.1081 after the due date of the return (including any extension thereof) for his second taxable year ending after 1956 shall be effective for the taxable year immediately preceding the earliest taxable year for which, at the time the certificate is filed, the period for filing a return (including any extension thereof) has not expired, and for all succeeding taxable years.

*Example.* M, a duly ordained minister of a church, makes his income tax returns on the basis of a calendar year. M has not been granted an extension time for filing any return. On April 15, 1963, the due date of his income tax return for 1962, M files a waiver certificate pursuant to § 404.1080 and within the time limitation set forth in § 404.1081. On April 15, 1963, the year 1962 is the earliest taxable year for which the period for filing a return has not expired. Consequently, M's certificate is effective for 1961 and all succeeding taxable years. M must report and pay any self-employment tax due for 1961 and 1962. (The tax, if any, for 1962 is due on Apr. 15, 1963.) Inasmuch as the due date

of the tax for 1961 is April 16, 1962, M must pay interest on any tax due for 1961. For provisions relating to such interest, see section 6601 of the Internal Revenue Code of 1954.

(d) *Filed after October 13, 1964, and on or before due date of 1964 return.* A certificate on Form 2031, filed in accordance with §§ 404.1080 to 404.1081, inclusive, after October 13, 1964, and on or before the due date of the individual's tax return (including any extension thereof) for his second taxable year ending after 1962 (Apr. 15, 1965, in the case of a calendar year taxpayer who has not been granted an extension of time for filing his income tax return for 1964) shall be effective for his first taxable year ending after 1961 and all succeeding taxable years.

*Example.* M, a duly ordained minister of a church, makes his income tax returns on the basis of a calendar year. M has not been granted an extension of time for filing any return. On April 15, 1965, the due date of his income tax return for 1964, M files a waiver certificate pursuant to § 404.1080 and within the time limitation set forth in § 404.1081. M's certificate is effective for 1962 and all succeeding taxable years, and he must report and pay any self-employment tax due for 1962, 1963, and 1964. (The tax, if any, for 1964 is due on Apr. 15, 1965.) Inasmuch as the due dates of the tax for 1962 and 1963 are April 15, 1963, and April 15, 1964, respectively, M must pay interest on any tax due for 1962 or 1963. For provisions relating to such interest, see section 6601 of the Internal Revenue Code of 1954.

(e) *Filed after July 30, 1965, and on or before due date of 1965 return.* A certificate on Form 2031, filed in accordance with §§ 404.1080 to 404.1081, inclusive, after July 30, 1965, and on or before the due date of the individual's tax return (including any extension thereof) for his second taxable year ending after 1963 (Apr. 15, 1966, in the case of a calendar year taxpayer who has not been granted an extension of time for filing his income tax return for 1965) shall be effective for his first taxable year ending after 1962 and all succeeding taxable years.

*Example.* M, a duly ordained minister of a church, makes his income tax returns on the basis of a calendar year. M has not been granted an extension of time for filing any return. On April 15, 1966, the due date of his income tax return for 1965, M files a waiver certificate pursuant to § 404.1080 and within the time limitation set forth in § 404.1081. M's certificate is effective for 1963 and all succeeding taxable years, and he must report and pay any self-employment tax due for 1963, 1964, and 1965. (The tax, if any, for 1965 is due on Apr. 15, 1966.) Inasmuch as the due dates of the tax for 1963 and 1964 are April 15, 1964, and April 15, 1965, respectively, M must pay interest on any tax due for 1963 or 1964. For provisions relating to such interest, see section 6601 of the Internal Revenue Code of 1954.

(f) *Election irrevocable.* An election which has become effective pursuant to this section is irrevocable. A certificate may not be withdrawn after June 30, 1961.

**§ 404.1083 Optional provision for certain certificates filed after September 13, 1960, and on or before April 16, 1962.**

(a) *Certificates.* (1) The optional provision contained in section 1402(e)(5)(A) of the Internal Revenue Code of 1954 (as discussed in this section) may be applied to a waiver certificate on Form 2031 filed within the period September 14, 1960, to April 16, 1962, inclusive, by an individual to whom § 404.1080 applies, who has derived net earnings in any taxable year ending after 1954 and before 1960 from service to which § 404.1080 applies and who has reported such earnings as self-employment income on a return filed before September 14, 1960, and on or before the date prescribed for filing such return (including any extension thereof). The certificate may be filed by such individual or by a fiduciary acting for such individual or a fiduciary acting for such individual or his estate, or by his survivor within the meaning of section 205(c)(1)(C) of the Act and § 404.801(e), and it must be filed after September 13, 1960, and on or before April 16, 1962. Subject to the conditions stated in subparagraph (2) of this paragraph, such certificate may be effective at the election of the person filing it, for the first taxable year ending after 1954 and before 1960 for which a return, as described in the first sentence of this subparagraph, was filed, and for all succeeding taxable years, rather than for the period prescribed in § 404.1082. The election for retroactive application of the certificate may be made by indicating on the certificate the first taxable year for which it is to be effective and that such year is the first taxable year ending after 1954 and before 1960 for which the individual filed an income tax return on which he reported net earnings for such year from service to which § 404.1080 applies and by fulfilling the conditions prescribed in subparagraph (2) of this paragraph.

(2) A certificate to which subparagraph (1) of this paragraph relates may be effective for a taxable year prior to the taxable year immediately preceding the earliest taxable year for which, at the time the certificate is filed, the period for filing a return (including any extension thereof) has not expired, only if the following conditions are met:

(i) The tax under section 1401 of the Internal Revenue Code of 1954 is paid on or before April 16, 1962, in respect of all self-employment income (whether or not derived from service to which § 404.1080 applies) for the first taxable year ending after 1954 and before 1960 for which such individual has filed a return, as described in subparagraph (1) of this paragraph, and for each succeeding taxable year ending before 1960; and

(ii) In any case where refund has been made of any such tax which (but for the provisions described in this section) is an overpayment, the amount refunded (including any interest paid under section 6611 of the Internal Revenue Code

of 1954) is repaid on or before April 16, 1962.

(b) *Supplemental certificates.* (1) Subject to the conditions stated in subparagraph (2) of this paragraph, a certificate on Form 2031 filed on or before September 13, 1960, by an individual to whom § 404.1080 applies and which (but for section 1402(e)(5)(B) of the Internal Revenue Code of 1954) is ineffective for the first taxable year ending after 1954 and before 1959 for which a return as described in paragraph (a)(1) of this section was filed by such individual, shall be effective for such first taxable year and for all succeeding taxable years, provided a supplemental certificate is filed by such individual or by a fiduciary acting for him or his estate, or by his survivor (within the meaning of section 205(c)(1)(C) of the Act and § 404.801(e)), after September 13, 1960, and on or before April 16, 1962.

(2) The filing of a supplemental certificate pursuant to subparagraph (1) of this paragraph will give retroactive effect to a certificate to which such subparagraph applies only if the following conditions are met:

(i) The tax under section 1401 of the Internal Revenue Code of 1954 is paid on or before April 16, 1962, in respect of all self-employment income (whether or not attributable to service to which § 404.1080 applies) for the first taxable year for which the certificate is retroactively effective and for each subsequent year ending before 1959; and

(ii) In any case where refund has been made of any such tax which (but for the provisions set forth in this section) is an overpayment, the amount refunded (including any interest paid under section 6611 of the Internal Revenue Code of 1954) is repaid on or before April 16, 1962.

(c) *Underpayment of tax.* For purposes of this section, any underpayment of the tax which is attributable to an error made in good faith will not invalidate an election which is otherwise valid.

(d) *Nonapplicability of section 6401 of the Internal Revenue Code of 1954.* Any payment or repayment described in paragraph (a)(2) or paragraph (b)(2) of this section shall not constitute an overpayment within the meaning of section 6401 of the Internal Revenue Code of 1954 which relates to amounts treated as overpayments.

**§ 404.1084 Optional provisions for certain certificates filed after July 30, 1965, and on or before April 17, 1967.**

(a) *In general.* (1) *General rule.* Section 1402(e)(5) of the Internal Revenue Code of 1954, as amended by the Social Security Amendments of 1965, applies only in the case of an individual to whom § 404.1080 applies, who has derived net earnings in any taxable year ending after 1954 from the performance of service to which § 404.1080 applies, and who has reported such earnings as self-employ-

ment income on a return filed on or before the date prescribed for filing such return (including any extension thereof).

(2) *Supplemental certificate.* Subject to the conditions stated in subparagraph (4) of this paragraph, a certificate on Form 2031 filed on or before April 15, 1966, by an individual to whom § 404.1080 applies and which (but for section 1402(e)(5)(A) of the Internal Revenue Code of 1954) is ineffective for the first taxable year ending after 1954 for which a return described in subparagraph (1) of this paragraph was filed by such individual, shall be effective for such first taxable year and for all succeeding taxable years, provided a supplemental certificate is filed by such individual or by a fiduciary acting for him or his estate, or by his survivor (within the meaning of section 205(c)(1)(C) of the Act and § 404.801(e)), after July 30, 1965, and on or before April 17, 1967.

(3) *Certificate filed by survivor.* A survivor (within the meaning of section 205(c)(1)(C) of the Act and § 404.801(e)) of an individual who—

(i) Died on or before April 15, 1966;  
(ii) Was an individual to whom § 404.1080 applies;

(iii) Has filed a return as described in subparagraph (1) of this paragraph for a taxable year ending after 1954; and

(iv) Had not filed a valid waiver certificate on Form 2031, may file a certificate on Form 2031 on behalf of such individual. The certificate must be filed after July 30, 1965, and on or before April 17, 1967. Subject to the conditions stated in subparagraph (4) of this paragraph, such certificate shall be effective for the first taxable year ending after 1954 for which a return, as described in subparagraph (1) of this paragraph, was filed by such individual and for all succeeding taxable years.

(4) *Applicable conditions.* A supplemental certificate referred to in subparagraph (2) of this paragraph and a certificate referred to in subparagraph (3) of this paragraph shall be effective only if the following conditions are met:

(i) The tax under section 1401 of the Internal Revenue Code of 1954 is paid on or before April 17, 1967, in respect of all self-employment income (whether or not derived from service to which § 404.1080 applies) for the first taxable year ending after 1954 for which the individual (by or in respect of whom the supplemental certificate or certificate is filed) has filed a return, as described in paragraph (1) of this paragraph, and for each succeeding taxable year ending before January 1, 1968; and

(ii) In any case where refund has been made of any such tax which (but for section 1402(e)(5) of the Internal Revenue Code of 1954) is an overpayment, the amount refunded (including any interest paid under section 6611 of the Internal Revenue Code of 1954) is repaid on or before April 17, 1967.

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(b) *Underpayment of tax.* For purposes of this section, any underpayment of the tax which is attributable to an error made in good faith will not invalidate an election which is otherwise valid.

(c) *Nonapplicability of section 6401 of the Internal Revenue Code of 1954.* Any payment or repayment described in paragraph (a)(4) of this section shall not constitute an overpayment within the meaning of section 6401 of the Internal Revenue Code of 1954 which relates to amounts treated as overpayments.

(d) *Applicability of §§ 404.1083 and 404.1085.* The provisions of section 1402(e)(5) and (6) of the Internal Revenue Code of 1954 (in effect prior to July 30, 1965, the date of enactment of the Social Security Amendments of 1965) and §§ 404.1083 and 404.1085 shall apply with respect to any certificate filed pursuant to such sections if a supplemental certificate is not filed with respect to such certificate as provided in this section.

§ 404.1085 Certificates filed by fiduciaries or survivors on or before April 16, 1962.

In any case in which an individual whose death has occurred after September 12, 1960, and before April 16, 1962, derived earnings from services to which § 404.1080 applies, a waiver certificate on Form 2031 may be filed after June 30, 1961, and on or before April 16, 1962, by a fiduciary acting for such individual's estate or by such individual's survivor within the meaning of section 205(c)(1)(C) of the Act and § 404.801(e). Such certificate shall be effective for the period as determined under the provisions described in § 404.1082(c) as if filed by the individual on the date of his death.

§ 404.1090 Effective dates of revenue laws; applicability of Internal Revenue Code of 1939.

Provisions of the Internal Revenue Code of 1954, to which references are made in this Subpart K, are effective in accordance with the rules set forth in section 7851 of such code (relating to the applicability of revenue laws); and, with respect to periods prior to the effective dates prescribed by such section, the references to such code shall, where appropriate, be deemed also to be references to corresponding provisions of the Internal Revenue Code of 1939.

*Effective date.* The foregoing amendments shall become effective upon publication in the *FEDERAL REGISTER*.

Dated: December 19, 1968.

ROBERT M. BALL,

Commissioner of Social Security.

Approved: December 26, 1968.

WILBUR J. COHEN,

Secretary of Health,  
Education, and Welfare.

[F.R. Doc. 69-16; Filed, Jan. 2, 1969;  
8:46 a.m.]

## Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER Q—SUPPLEMENTAL PROJECT LOAN INSURANCE

PART 241—SUPPLEMENTARY FINANCING FOR FHA PROJECT MORTGAGES

Subpart A—Eligibility Requirements

USE OF LOAN PROCEEDS  
Correction

In F.R. Doc. 68-9397 appearing at page 11151 in the issue of Wednesday, August 7, 1968, § 241.125 should read:  
§ 241.125 Use of loan proceeds.

The proceeds of the loan shall be used only to finance improvements or additions to a multifamily project or group practice facility which is subject to a mortgage insured under any section or title of the Act. The proceeds of a loan involving a nursing home covered by a mortgage insured under section 232 of the Act or a group practice facility covered by a mortgage insured under title XI of the Act may also be used to purchase equipment to be used in the operation of such nursing home or facility.

## Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 728—HOTEL AND MOTEL INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 603 (33 F.R. 12103), the Secretary of Labor appointed and convened Industry Committee No. 78-A for the hotel and motel industry in Puerto Rico, referred to the Committee the question of the minimum wage rate or rates to be paid under section 8(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor

Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 78-A are hereby published, to be effective January 19, 1969, in this order amending § 728.2 of Title 29, Code of Federal Regulations, by revising paragraphs (a) (1), (b) (1), and (c) (1). As amended, § 728.2 reads as follows:

§ 728.2 Wage rates.

(a) *Hotels, motels, apartment hotels, and tourist courts with 100 or more sleeping rooms classification.* (1) The minimum wage for this classification is \$1.15 per hour for the period ending January 31, 1969, \$1.30 per hour for the period beginning February 1, 1969, and ending January 31, 1970, and \$1.45 per hour thereafter.

(b) *Arts and crafts workers in hotels, motels, apartment hotels, and tourist courts with fewer than 100 sleeping rooms classification.* (1) The minimum wage for this classification is \$1.15 per hour for the period ending January 31, 1969, \$1.30 per hour for the period beginning February 1, 1969, and ending January 31, 1970, and \$1.45 per hour thereafter.

(c) *Other workers in hotels, motels, apartment hotels, and tourist courts with fewer than 100 sleeping rooms classification.* (1) The minimum wage for this classification is \$1 per hour for the period ending January 31, 1969, \$1.17 per hour for the period beginning February 1, 1969, and ending January 31, 1970, and \$1.33 per hour thereafter.

(Secs. 5, 6, 8, 52 Stat. 1062, 1964, as amended; 29 U.S.C. 205, 206, 208)

Signed at Washington, D.C., this 19th day of December 1968.

CLARENCE T. LUNDQUIST,  
Administrator, Wage and Hour  
and Public Contracts Divi-  
sions, U.S. Department of  
Labor.

[F.R. Doc. 69-45; Filed, Jan. 2, 1969;  
8:45 a.m.]

**PART 729—RESTAURANT AND FOOD SERVICE INDUSTRY IN PUERTO RICO**

**Wage Order**

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 603 (33 F.R. 12103), the Secretary of Labor appointed and convened Industry Committee No. 78-B for the restaurant and food service industry in Puerto Rico, referred to the Committee the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the in-

dustry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 78-B are hereby published, to be effective January 19, 1969, in this order amending section 729.2 of Title 29, Code of Federal Regulations, by revising paragraphs (a) (1) and (b) (1). As amended, § 729.2 reads as follows:

§ 729.2 Wage rates.

(a) *Tipped employee classification.* (1) The minimum wage for this classification is \$1.15 per hour for the period ending January 31, 1969, \$1.30 per hour for the period beginning February 1, 1969, and ending January 31, 1970, and \$1.45 per hour thereafter.

(b) *Other employees classification.* (1) The minimum wage for this classification is \$1 per hour for the period ending January 31, 1969, \$1.17 per hour for the period beginning February 1, 1969, and ending January 31, 1970, and \$1.33 per hour thereafter.

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206 and 208)

Signed at Washington, D.C., this 20th day of December 1968.

CLARENCE T. LUNDQUIST,  
Administrator, Wage and Hour  
and Public Contracts Divi-  
sions, U.S. Department of  
Labor.

[F.R. Doc. 69-46; Filed, Jan. 2, 1969;  
8:45 a.m.]

**Title 33—NAVIGATION AND  
NAVIGABLE WATERS**

**Chapter II—Corps of Engineers,  
Department of the Army**

**PART 208—FLOOD CONTROL  
REGULATIONS**

**Los Banos Detention Dam and Reservoir and Los Banos Creek, Merced County, Calif.**

Pursuant to the provisions of section 7 of the act of Congress approved December 22, 1944 (58 Stat. 890; 33 U.S.C. 709), § 208.84 is hereby prescribed to govern the use and operation of Los Banos Detention Dam and Reservoir on Los Banos Creek, tributary to San Joaquin River, Calif., for flood control purposes.

**§ 208.84 Los Banos Detention Dam and Reservoir, Los Banos Creek, Calif.**

The Bureau of Reclamation, acting through the State of California Department of Water Resources, shall operate or otherwise effect the operation of Los Banos Detention Dam and Reservoir in the interest of flood control as follows:

(a) Storage space in Los Banos Reservoir of 14,000 acre-feet, below elevation 353.5 feet (crest of uncontrolled spillway), shall be kept available for flood control purposes on a seasonal basis in accordance with the Flood Control Diagram currently in force for that reservoir. The Flood Control Diagram in force as of the promulgation of this section is that dated November 11, 1968, File No. SA-SJ-13-45, and is on file in the Office of the Chief of Engineers, Department of the Army, Washington, D.C., in the Office of the Commissioner of Reclamation, Washington, D.C., and in the Office of the Director, State of California Department of Water Resources, Sacramento, Calif. Revisions of the diagram may be developed from time to time as necessary by the Corps of Engineers and the Bureau of Reclamation. Each such revision shall be effective upon the date specified in the approval thereof by the Chief of Engineers and the Commissioner of Reclamation and from that date until replaced shall be the Flood Control Diagram for purposes of this section. Copies of the Flood Control Diagram currently in force shall be kept on file in and may be obtained from the office of the District Engineer, Corps of Engineers, the Regional Director, Bureau of Reclamation, and the District Director, State of California Department of Water Resources, in charge of the locality.

(b) Releases from Los Banos Reservoir shall be restricted insofar as possible to quantities which will not cause flows in Los Banos Creek below the dam to exceed the controlling flow rate, as specified on the Flood Control Diagram. Any water temporarily stored in the flood control space shall be released as rapidly as can be safely accomplished without causing downstream flows to exceed those criteria.

(c) Nothing in the regulations of this section shall be construed to require dangerously rapid changes in magnitudes of releases or that releases be made at rates or in a manner that would be inconsistent with requirements for protecting the dam and reservoir from major damage.

(d) The Bureau of Reclamation, acting through the State of California Department of Water Resources, shall procure such current hydrologic data and make such current determinations of required flood control space and releases as are required to accomplish the flood control objectives prescribed in this section.

(e) The Bureau of Reclamation, acting through the State of California Department of Water Resources, shall keep the District Engineer, Corps of Engineers, in charge of the locality currently advised of reservoir releases, reservoir

## RULES AND REGULATIONS

storage, and such other operating data as the District Engineer may request, and also those basic operating criteria which affect the schedule of operation.

(f) The flood control regulations of this section are subject to temporary modification by the District Engineer, Corps of Engineers, if found necessary. Requests for and action on such modification may be made by any available means of communication and the action taken by the District Engineer shall be confirmed in writing under date of same day to the office of the Regional Director of the Bureau of Reclamation and the office of the District Director, State of California Department of Water Resources in charge of the operations.

[Reg., Nov. 11, 1968, ENGCW-EY] (See, 7, 58 Stat. 890; 33 U.S.C. 709)

For the Adjutant General.

HAROLD SHARON,  
Chief, Legislative and Precedent  
Branch, Office of the Comptroller, TAGO.

[F.R. Doc. 69-61; Filed, Jan. 2, 1969;  
8:46 a.m.]

## Title 43—PUBLIC LANDS: INTERIOR

### Subtitle A—Office of the Secretary of the Interior

#### APPENDIX—PUBLIC LAND ORDERS (Public Land Order 4560)

#### KENTUCKY AND TENNESSEE

#### Reservation for Barkley Dam and Lake Barkley Project, the Kentucky Woodlands National Wildlife Refuge, and the Cross Creeks National Wildlife Refuge

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Those certain lands and interests in lands in Kentucky and Tennessee more particularly described in a memorandum of understanding executed on November 9, 1962, between the District Engineer, U.S. Army Engineer District, Nashville, Tenn., and the Regional Director, Bureau of Sport Fisheries and Wildlife, Atlanta, Ga., as supplemented April 4, 1967, and as shown on maps made a part of the said agreement, which lands in Kentucky lie generally between the Tennessee River on the west and the Cumberland River on the east, and which are bounded generally on the south by U.S. Highway No. 68, and on the north by an irregular east-west line 5 miles, more or less, south of U.S. Highway 62, and which lands in Tennessee are located along the Cumberland River for a distance of about 10 miles, between the towns of Dover on the north and Cumberland City on the south, are hereby reserved for the respective purposes of the Corps of Engineers and the Bureau of Sport Fisheries and Wildlife in the operation and management

of the Barkley Dam and Lake Barkley Project, the Kentucky Woodlands National Wildlife Refuge, and the Cross Creeks National Wildlife Refuge, as follows:

a. For use of the Corps of Engineers, those portions of the lands in Kentucky lying below the contour line of 359 feet mean sea level, subject to certain rights and privileges of the Bureau of Sport Fisheries and Wildlife, as more particularly described in the said memorandum of understanding of November 9, 1962, as supplemented.

b. For use of the Bureau of Sport Fisheries and Wildlife, those portions of the lands in Kentucky lying above the contour line of 359 feet mean sea level, and those portions of the lands in Tennessee lying above the contour line of 360 feet mean sea level, subject to certain rights and privileges of the Corps of Engineers as described in the memorandum of understanding of November 9, 1962, as supplemented, including the right in perpetuity to seep and flood the said lands to an altitude of 378 feet mean sea level.

2. Copies of the memorandum of agreement of November 9, 1962, the supplement thereto, and attachments, are available for inspection in the office of the District Engineer, U.S. Army Engineer District, 306 Federal Office Building, Nashville, Tenn. 37203, and of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30308.

HARRY R. ANDERSON,  
Assistant Secretary of the Interior.

DECEMBER 27, 1968.

[F.R. Doc. 69-32; Filed, Jan. 2, 1969;  
8:45 a.m.]

## Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

### Chapter 7—Agency for International Development, Department of State

#### MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 7 of Title 41 is amended as follows:

#### PART 7-3—PROCUREMENT BY NEGOTIATION

1. The table of contents for Part 7-3 is revised to insert "7-3.807-2 Requirements for Price or Cost Analysis".

#### Subpart 7-3.8—Procurement by Negotiation

1. New § 7-3.807-2 is added as follows:

§ 7-3.807-2 Requirements for price or cost analysis.

§ 7-3.807-2(c) Offeror's analysis of cost proposal.

The "Offeror's Analysis of Cost Proposal" form contained in AIDPR 7-16.955 provides for a standardized analysis of estimated costs suitable for detailed review to be submitted by an offeror. Use

of this form is mandatory for all negotiated procurements, unless the Contracting Officer waives this requirement in writing. The offeror must also submit supplementary information as detailed on the form. If, by FPR 1-3.807-3 and 1-3.807-4, a "Certificate of Current Cost or Pricing Data" is required in connection with the procurement, this document should also be appended to the "Offeror's Analysis of Cost Proposal" form.

#### PART 7-16—PROCUREMENT FORMS

1. The table of contents of Part 7-16 is revised to add:

7-16.255 Offeror's Analysis of Cost Proposal  
7-16.955 Form for Offeror's Analysis of Cost  
Proposal.

#### Subpart 7-16.2—Forms for Negotiated Supply Contracts

1. New § 7-16.255 is added as follows:

§ 7-16.255 Offeror's Analysis of Cost  
Proposal.

The requirement for use of this form is set forth in AIDPR 7-3.807-2.

#### Subpart 7-16.9—Illustration of Forms

1. New § 7-16.955 is added as follows:

§ 7-16.955 Form for Offeror's Analysis of Cost  
Proposal.

#### INSTRUCTIONS TO OFFERORS

1. The "Offeror's Analysis of Cost Proposal"<sup>1</sup> form is a standardized document which an offeror must submit to the Agency for International Development (A.I.D.) in connection with all negotiated procurements. (See AIDPR 7-3.807.2(c).)

2. Use of this form is mandatory, unless the Contracting Officer waives this requirement in writing. Where a particular cost element is not appropriate for the procurement, indicate "Not Applicable" or "NA" on the form.

3. The offeror must also submit the supplementary data as detailed in the "Notes" on the reverse side. If a Certificate of Current Cost or Pricing Data is required by FPR 1-3.807-3 and 1-3.807-4 for the procurement, it should also be appended to this form.

4. By submission of this proposal, the offeror grants to the Contracting Officer or his authorized representative, the right to examine, for the purpose of verifying the cost or pricing data submitted, those books, records, documents, and other supporting data which will permit adequate evaluation of such cost or pricing data, together with the computations and projections used therein. This right may be exercised in connection with any negotiations prior to contract award.

5. The "Notes" on the reverse side, in addition to detailing the required supplemental data, provide information which will be of use in completing the "Cost Proposal" below.

This amendment is effective upon publication in the FEDERAL REGISTER.

Dated: December 24, 1968.

EDWARD TENNANT,  
Acting Assistant Administrator  
for Administration.

[F.R. Doc. 69-44; Filed, Jan. 2, 1969;  
8:45 a.m.]

<sup>1</sup> Filed as part of original document.

## Title 50—WILDLIFE AND FISHERIES

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

### PART 33—SPORT FISHING

Colusa National Wildlife Refuge, Calif. et al.

The following special regulations are issued and are effective on date of publication in the *FEDERAL REGISTER*.

#### § 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

**General Conditions:** Fishing shall be in accordance with applicable State regulations. Portions of refuges which are open to fishing are designated by signs and/or delineated on maps. The maps are available at the respective refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

#### CALIFORNIA

Colusa National Wildlife Refuge (Headquarters: Sacramento National Wildlife Refuge, Route 1, Box 311, Willows, Calif. 95988).

##### Special Conditions:

(1) The taking of frogs is permitted except that the refuge is closed to sport fishing and the taking of frogs during the migratory waterfowl hunting season.

(2) The use of boats without motors is permitted for fishing and the taking of frogs.

Delevan National Wildlife Refuge (Headquarters: Sacramento National Wildlife Refuge, Route 1, Box 311, Willows, Calif. 95988).

##### Special Conditions:

(1) The taking of frogs is permitted except that the refuge is closed to sport fishing and the taking of frogs during the migratory waterfowl hunting season.

(2) The use of boats without motors is permitted for fishing and the taking of frogs.

Modoc National Wildlife Refuge (Headquarters: Post Office Box 111, Lakeview, Oreg.).

##### Special Condition:

Fishing will not be permitted during the migratory waterfowl hunting season.

Sacramento National Wildlife Refuge, Route 1, Box 311, Willows, Calif. 95988.

#### Special Conditions:

(1) The taking of frogs is permitted except that the refuge is closed to sport fishing and the taking of frogs during the migratory waterfowl hunting season.

(2) The use of boats without motors is permitted for fishing and the taking of frogs.

San Luis National Wildlife Refuge, Post Office Box 2176, Los Banos, Calif. 93635.

##### Special Condition:

Fishing permitted from sunrise to 1 hour after sunset.

Salton Sea National Wildlife Refuge, Post Office Box 247, Calipatria, Calif. 92233.

**Special Condition:** Fishing is permitted in that portion of the refuge which is inundated by the Salton Sea.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective to January 1, 1970.

TRAVIS S. ROBERTS,  
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 24, 1968.

[F.R. Doc. 69-39; Filed, Jan. 2, 1969; 8:45 a.m.]

### PART 33—SPORT FISHING

Charles Sheldon Antelope Range, Nev.

The following special regulations are issued and are effective on date of publication in the *FEDERAL REGISTER*.

#### § 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

**General Conditions:** Fishing shall be in accordance with applicable State regulations. Portions of refuges which are open to fishing are designated by signs and/or delineated on maps, which are available at the respective refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

#### NEVADA

Charles Sheldon Antelope Range (Headquarters: Post Office Box 111, Lakeview, Oreg. 97630).

Ruby Lake National Wildlife Refuge, Ruby Valley, Nev. 89833.

Stillwater National Wildlife Refuge, Fallon, Nev. 89406.

**Special Conditions:** Refuge closed to fishing during the migratory waterfowl hunting season.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1969.

TRAVIS S. ROBERTS,  
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 24, 1968.

[F.R. Doc. 69-39; Filed, Jan. 2, 1969; 8:45 a.m.]

### PART 33—SPORT FISHING

McNary National Wildlife Refuge, Wash.

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

#### § 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

#### WASHINGTON

#### M'NARY NATIONAL WILDLIFE REFUGE

**General Conditions:** Fishing shall be in accordance with applicable State regulations. Portions of the refuge which are open to fishing are designated by signs and/or delineated on maps available at the refuge headquarters, Post Office Box 19, Burbank, Wash. 99323, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

##### Special Conditions:

(1) The refuge is closed to sport fishing during the migratory waterfowl hunting season.

(2) The use of boats or floating devices of any description is prohibited.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective to January 1, 1970.

TRAVIS S. ROBERTS,  
Acting Regional Director, Bureau of Sport Fisheries and Wildlife, Portland, Oreg.

DECEMBER 24, 1968.

[F.R. Doc. 69-40; Filed, Jan. 2, 1969; 8:45 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE CONSUMER AND MARKETING SERVICE

[7 CFR Parts 1071, 1104, 1106]  
[Dockets Nos. AO-227-A23, AO-298-A15, AO-210-A27]

### MILK IN THE NEOSHO VALLEY, RED RIVER VALLEY, AND OKLAHOMA METROPOLITAN MARKETING AREAS

#### Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Spain Room, Quality Courts Motel, 3131 East 51st Street, Tulsa, Okla., beginning at 9:30 a.m., c.s.t., on January 9, 1969, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Neosho Valley, Red River Valley, and Oklahoma Metropolitan marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and

any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

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

Proposed by Milk Producers, Inc.:

*Proposal No. 1.* Amend § 1106.7(c) of the Oklahoma Metropolitan milk order "Distributing Plant" by deleting the words "on routes" after the word "milk" and before the word "and".

*Proposal No. 2.* Amend the introductory text of § 1106.51(b) preceding the proviso therein to read as follows:

#### § 1106.51 Class prices.

(b) *Class II milk.* The price per hundredweight for Class II milk shall be the average price for milk of 3.5 percent butterfat for manufacturing purposes, f.o.b. plants, as reported by the U.S. Department of Agriculture on a preliminary basis for the month:

(The Class II price of the Red River Valley order is determined from the Oklahoma Metropolitan order Class II price formula.)

*Proposal No. 3.* Amend § 1071.51(b) and (b)(1) of the Neosho Valley order to read as follows:

#### § 1071.51 Class prices.

(b) *Class II milk.* The price per hundredweight for Class II milk shall be the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph adjusted to a 3.5 percent

butterfat basis by the butterfat differential for the respective month computed pursuant to § 1071.52(b).

(1) The average price for milk for manufacturing purposes, f.o.b. plants, as reported by the U.S. Department of Agriculture on a preliminary basis for the month; or

Proposed by Oklahoma State University:

*Proposal No. 4.* That a milk plant operated by a governmental institution shall be exempt from regulation of the Oklahoma Metropolitan order.

Proposed by the Dairy Division, Consumer and Marketing Service:

*Proposal No. 5.* Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Market Administrators, Richard E. Arnold, Post Office Box 45563, Tulsa, Okla. 74145, Kenneth M. Fell, Post Office Box 1961, Main Office, Wichita, Kans. 67201, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on December 30, 1968.

G. R. GRANGE,  
Acting Deputy Administrator,  
Regulatory Programs.

[F.R. Doc. 69-63; Filed, Jan. 2, 1969;  
8:46 a.m.]

# Notices

## FEDERAL POWER COMMISSION

[Docket No. G-3719 etc.]

GETTY OIL CO. ET AL.

Findings and Order After Statutory Hearing

DECEMBER 17, 1968.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket number, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, making successors co-respondents, redesignating proceedings, requiring filing of agreements and undertakings, accepting agreements and undertakings for filing, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions, as supplemented and amended.

Applicants have filed related FPC gas rate schedules or supplements thereto and propose to initiate, abandon, add to, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that sales from the Permian Basin area of Texas and New Mexico are authorized to be made at or below the applicable area base rates, adjusted for quality of the gas, and under the conditions prescribed in Opinion Nos. 468 and 468-A, 34 FPC 159 and 1068.

Pan American Petroleum Corp. (Operator) et al., Applicant in Docket No. G-10115, proposes to continue in part pursuant to its presently filed FPC Gas Rate Schedule No. 150 sales of natural gas heretofore authorized in Dockets Nos. G-10775, G-10904, and G-10963 to be made pursuant to Sunray DX Oil Co. FPC Gas Rate Schedule No. 122, Marathon Oil Co. FPC Gas Rate Schedule No. 69 and Sinclair Oil Corp. FPC Gas Rate Schedule No. 325, respectively. The presently effective rate under Marathon's rate schedule is in effect subject to refund in Docket No. RI68-222. Therefore, Applicant will be made a co-respondent in said proceeding; the proceeding will be redesignated accordingly; and Appli-

cant will be required to file an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

Austin Brady, Applicant in Docket No. G-11759, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to Amerada Petroleum Corp. FPC Gas Rate Schedule No. 59. The contract comprising said rate schedule will be redesignated as that of Applicant. The presently effective rate under Amerada's rate schedule is in effect subject to refund in Docket No. RI68-89. Therefore, Applicant will be made a co-respondent in said proceeding; the proceeding will be redesignated accordingly; and Applicant will be required to file an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

S. J. Knuckley, d.b.a. United Production Co., Applicant in Docket No. CI69-10, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. CI63-1337 to be made pursuant to Maynard Oil Co. FPC Gas Rate Schedule No. 3. A letter agreement adopting the terms of and ratifying the contract comprising said rate schedule will be accepted for filing as Applicant's rate schedule. The presently effective rate under Maynard's rate schedule is in effect subject to refund in Docket No. RI67-299. Therefore, Applicant will be made a co-respondent in said proceeding; the proceeding will be redesignated accordingly; and Applicant will be required to file an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

King Resources Co., Applicant in Docket No. CI69-113, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. CI68-1285 to be made pursuant to Border Exploration Co. FPC Gas Rate Schedule No. 1. The contract comprising said rate schedule will be accepted for filing as Applicant's FPC Gas Rate Schedule No. 16. The presently effective rate under Border's rate schedule is in effect subject to refund in Docket No. RI67-169. Therefore, King Resources Co. will be made a co-respondent in said proceeding; the proceeding will be redesignated accordingly; and King will be required to file an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

Humble Oil & Refining Co., Applicant in Docket No. CI69-312, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-16139 to be made pursuant to Gulf Oil

Corp. FPC Gas Rate Schedule No. 195. The contract comprising said rate schedule will also be accepted for filing as Applicant's FPC gas rate schedule. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI68-133. Applicant has filed a motion to be made a party respondent in said proceeding, together with an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding. Therefore, Applicant will be made a co-respondent in Docket No. RI68-133; the proceeding will be redesignated accordingly; and the agreement and undertaking will be accepted for filing.

Tenneco Oil Co., Applicant in Docket No. CI69-313, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-4547 to be made pursuant to Sinclair Oil Corp. FPC Gas Rate Schedule No. 272. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI64-483. Therefore, Applicant will be made a co-respondent in said proceeding; the proceeding will be redesignated accordingly; and Applicant will be required to file an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

Samedan Oil Corp. (Operator) et al., Applicant in Docket No. CI69-314, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. CI65-1001 to be made pursuant to Amerada Petroleum Corp. (Operator) et al., FPC Gas Rate Schedule No. 129. The contract comprising said rate schedule will also be accepted for filing as Samedan's FPC Gas Rate Schedule No. 29. The presently effective rate under Amerada's rate schedule is in effect subject to refund in Docket No. RI68-120. Therefore, Samedan will be made a co-respondent in said proceeding; the proceeding will be redesignated accordingly; and the agreement and undertaking submitted by Applicant to assure the refunds of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding will be accepted for filing.

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

After due notice by publication in the FEDERAL REGISTER, petitions to intervene by Long Island Lighting Co. and The Brooklyn Union Gas Co. and a no-

## NOTICES

tic of intervention by The Public Service Commission of the State of New York, were filed in Docket No. G-3719, in the matter of the application filed on April 22, 1968, in said docket. A notice of intervention by The Public Service Commission of the State of New York was filed in Docket No. CI65-499, in the matter of the application filed on July 14, 1967, in said docket. The petitions to intervene and the notices of intervention have been withdrawn, and no other petitions to intervene, notices of intervention, or protests to the granting of any of the applications have been filed.

At a hearing held on December 13, 1968, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations herein-after granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket No. CI69-348 should be cancelled and that the application filed therein should be processed as a petition to amend the order issuing a certificate of public convenience and necessity in Docket No. CI68-625.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in Dockets Nos.

G-3719, G-3735, G-3811, G-7648, G-10115, G-11759, G-11809, G-17379, G-19542, CI60-604, CI64-540, CI64-644, CI64-1496, CI65-499, CI65-799, CI65-1025, CI67-248, CI68-603, CI68-625, CI68-691, CI68-907, CI68-908, CI68-962, and CI68-1090 should be amended as hereinafter ordered and conditioned.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in the following dockets should be amended to reflect the deletion of acreage where new certificates are issued herein or existing certificates are amended herein to authorize service from the subject acreage:

Amend to delete acreage	New certificate and/or amendment to add acreage
G-4547	CI69-313
G-4579	CI69-346
G-4899	G-3719
G-8411 <sup>1</sup>	CI69-276
G-10775	G-10115
G-10904	G-10115
G-10963	G-10115
G-16139	CI69-312
CI61-524	CI68-1442
CI61-752	CI68-1442
CI63-1337	CI69-10
CI65-1001	CI69-314
CI68-1285	CI69-113

<sup>1</sup> Partial succession with respect to Bowser Gas & Oil Co. FPC Gas Rate Schedule No. 8 and complete succession with respect to Bowser Gas & Oil Co. FPC Gas Rate Schedule No. 9.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the abandonment should be permitted and approved in Docket No. CI62-378 and that the temporary certificate heretofore issued in said docket should be terminated.

(9) The sales of natural gas proposed to be abandoned as hereinbefore described and as more fully described in the applications and in the tabulation herein are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(10) The abandonments proposed by Applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to Applicants relating to the abandonments hereinafter permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to sell natural gas from the subject acreage.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Pan American Petroleum Corp. (Operator) et al., should be made a co-respondent in the proceeding pending in Docket No. RI68-222, that said proceeding should be redesignated accordingly, and that Pan American should be required to file an agreement and undertaking in said proceeding.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Austin Brady should be made a co-respondent in the proceeding pending in Docket No. RI63-89, that said proceeding should be redesignated accordingly, and that Brady should be required to file an agreement and undertaking in said proceeding.

(14) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that S. J. Knuckley, d.b.a. United Production Co., should be made a co-respondent in the proceeding pending in Docket No. RI67-299, that said proceeding should be redesignated accordingly; and that Knuckley should be required to file an agreement and undertaking in said proceeding.

(15) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that King Resources Co. should be made a co-respondent in the proceeding pending in Docket No. RI67-169, that said proceeding should be redesignated accordingly, and that King should be required to file an agreement and undertaking in said proceeding.

(16) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Humble Oil & Refining Co. should be made a co-respondent in the proceeding pending in Docket No. RI68-133, that said proceeding should be redesignated accordingly, and that the agreement and undertaking submitted by Humble in said proceeding should be accepted for filing.

(17) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Tenneco Oil Co. should be made a co-respondent in the proceeding pending in Docket No. RI64-483, that said proceeding should be redesignated accordingly, and that Tenneco should be required to file an agreement and undertaking in said proceeding.

(18) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Samedan Oil Corp. (Operator) et al., should be made a co-respondent in the proceeding pending in Docket No. RI68-120, that said proceeding should be redesignated accordingly, and that the agreement and undertaking submitted by Samedan in said proceeding should be accepted for filing.

(19) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by Applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable

and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on certain applications filed after July 1, 1967, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d) (3) of the Commission's statement of general policy No. 61-1, as amended, shall be filed prior to the applicable date indicated in the tabulation herein.

(E) The certificates issued herein and the amended certificates are subject to the following conditions:

(a) The initial rate for sales authorized in Dockets Nos. G-3735 and G-3811 shall be 14.21 cents per Mcf at 14.65 p.s.i.a., the applicable area rate as reflected in the rate schedule quality statements previously accepted for filing; and the initial rates for sales authorized in Dockets Nos. G-11809, CI68-603, and CI68-691 shall be the applicable area base rates prescribed in Opinion No. 468, as modified by Opinion No. 468-A, as adjusted for quality of the gas, or the contract rates, whichever are lower.

(b) If the quality of the gas delivered by Applicants in Dockets Nos. G-3735, G-3811, G-11809, CI68-603, and CI68-691 deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468-A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rates. Within 90 days from the date of initial delivery Applicants in Docket Nos. G-11809, CI68-603, and

CI68-691 shall file rate schedule quality statements in the form prescribed in Opinion No. 468-A.

(c) In the event that Applicant in Docket No. CI68-691 under Article Fourth (b) of its related rate schedule exercises its option to process the gas, Applicant shall submit to the Commission for acceptance, not less than 30 nor more than 90 days prior to the commencement of such processing, a rate schedule supplement setting forth the conditions and details of the contemplated action.

(d) In the event that any advance payments are made prior to the date of initial delivery under the subject contract, Applicant in Docket No. CI68-691 shall advise the Commission of the amount of such payments, and such payments shall be subject to future orders of the Commission concerning the proportionality of such payments.

(e) The certificate issued in Docket No. CI68-691 is conditioned by limiting the buyer's daily take-or-pay obligations under the subject contract commencing January 1, 1970, to a 1 to 7,300 Mcf of reserve ratio or 20,000 Mcf per day per well, whichever is lesser.

(f) The authorizations granted in Dockets Nos. CI67-1854 and CI68-691 are conditioned upon any determination which may be made in the proceeding pending in Docket No. R-338 with respect to the transportation of liquefiable hydrocarbons.

(g) The certificate in Docket No. CI67-1854 is issued and the related contract is accepted for filing as an FPC gas rate schedule with the understanding that the pricing provisions of the contract are intended to be consistent, and not in conflict, with § 154.93 of the Commission's regulations.

(h) The sale authorized in Docket No. CI68-625 shall be made at the initial rate of 17 cents per Mcf at 14.65 p.s.i.a., subject to upward and downward B.t.u. adjustment.

(i) Sales authorized in Docket No. CI68-1442 shall be made at the initial rate of 17 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement and subject to B.t.u. adjustment, from the newly dedicated acreage; 19.5 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement and subject to B.t.u. adjustment, from acreage acquired from the certificate holder in Docket No. CI61-524; and 19 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement and subject to B.t.u. adjustment, from acreage acquired from the certificate holder in Docket No. CI61-752.

(j) Sales authorized in Dockets Nos. CI69-321 and CI69-333 shall be made at the initial rate of 13 cents per Mcf at 14.65 p.s.i.a.

(F) Applicant in Docket No. CI69-10 shall file three copies of a billing statement for a recent month's service reflecting the price and billing determinants used as required by the regulations under the Natural Gas Act.

(G) Docket No. CI69-348 is canceled.

(H) The orders issuing certificates in Dockets Nos. G-3719, G-7648, G-11015, G-11809, G-17379, G-19542, CI64-540, CI64-644, CI65-799, CI68-603, CI68-625,

CI68-691, CI68-907, CI68-908, and CI68-1090 are amended by adding thereto or deleting therefrom authorization to sell natural gas as described in the tabulation herein.

(I) The orders issuing certificates in Dockets Nos. G-3735 and G-3811 are amended by adding thereto authorization to sell additional volumes of residue gas.

(J) The orders issuing certificates in Dockets Nos. CI60-604 and CI68-962 are amended to include the interest of the coowners; and the related rate schedule and certificate in Docket No. CI68-962 are redesignated as Standard Oil Company of Texas, a division of Chevron Oil Co. (operator) et al.

(K) The order issuing the certificate in Docket No. CI67-248 is amended by authorizing the gathering and compression of gas for Pan American Petroleum Corp.

(L) The orders issuing certificates in the following dockets are amended to reflect the deletion of acreage where new certificates are issued herein or existing certificates are amended herein to authorize service from the subject acreage:

Amend to delete acreage	New certificate and/or amendment to add acreage
G-4547	CI69-313
G-4579	CI69-346
G-4899	G-3719
G-8411	CI69-276
G-10775	G-10115
G-10904	G-10115
G-10963	G-10115
G-16139	CI69-312
CI61-524	CI68-1442
CI61-752	CI68-1442
CI63-1337	CI69-10
CI65-1001	CI69-314
CI68-1285	CI69-113

<sup>1</sup> Supra.

(M) The orders issuing certificates in Dockets Nos. G-11759, CI64-1496, and CI65-1025 are amended by substituting the successors in interest as certificate holders.

(N) The order issuing the certificate in Docket No. CI65-499 is amended to reflect the change in operator from Zapata Off-Shore Co. (Operator) et al., to Apache Corp. (Operator) et al.

(O) Permission for and approval of the abandonment of service by Applicants, as hereinbefore described, all as more fully described in the applications and in the tabulation herein are granted.

(P) Permission for and approval of the abandonment are granted in Docket No. CI62-378 and the temporary certificate heretofore issued in said docket is terminated. Applicant is not relieved of any refund obligations imposed in Opinion No. 436. Docket No. CI62-378 shall remain consolidated with the proceeding pending in Docket No. G-13221 et al., for compliance with refund requirements therein.

(Q) Permission for and approval of the abandonment in Docket No. CI69-29 shall not be construed to relieve Applicant of the refund obligation under the order implementing Opinions Nos. 468 and 468-A, issued August 9, 1968, and is subject to the order to show cause issued

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August 5, 1965, in Docket No. AR61-1 et al., with regard to any refunds which may be required under Docket No. RI65-38.

(R) The certificates heretofore issued in Dockets Nos. G-12874, G-18384, CI61-373, CI64-857, CI64-1526, and CI67-185 are terminated.

(S) Pan American Petroleum Corp. (Operator) et al. is made a co-respondent in the proceeding pending in Docket No. RI68-222 and the proceeding is redesignated accordingly.<sup>2</sup>

(T) Austin Brady is made a co-respondent in the proceeding pending in Docket No. RI63-89 and the proceeding is redesignated accordingly.<sup>3</sup>

(U) S. J. Knuckley, d.b.a. United Production Co., is made a co-respondent in the proceeding pending in Docket No. RI67-299 and the proceeding is redesignated accordingly.<sup>4</sup>

(V) King Resources Co. is made a co-respondent in the proceeding pending in Docket No. RI67-169 and the proceeding is redesignated accordingly.<sup>5</sup>

(W) Humble Oil & Refining Co. is made a co-respondent in the proceeding pending in Docket No. RI68-133, the proceeding is redesignated accordingly,<sup>6</sup> and the agreement and undertaking submitted by Humble in said proceeding is accepted for filing.

(X) Tenneco Oil Co. is made a co-respondent in the proceeding pending in Docket No. RI64-483 and the proceeding is redesignated accordingly.<sup>7</sup>

(Y) Samedan Oil Corp. (Operator) et al., is made a co-respondent in the proceeding pending in Docket No. RI68-120, the proceeding is redesignated accordingly,<sup>8</sup> and the agreement and undertaking submitted by Samedan in said proceeding is accepted for filing.

(Z) Within 30 days from the issuance of this order Pan American Petroleum Corp. (Operator) et al., Austin Brady, S. J. Knuckley, d.b.a. United Production Co., King Resources Co., and Tenneco Oil Co., shall execute, in the form set out below, and shall file with the Secretary of the Commission acceptable agreements and undertakings in Docket Nos. RI68-222, RI63-89, RI67-299, RI67-169, and RI64-483, respectively, to assure the refunds of any amounts collected by them, together with interest at the rate of 7 percent per annum, in excess of the

<sup>2</sup> Marathon Oil Co. and Pan American Petroleum Corp. (Operator), et al.

<sup>3</sup> Amerada Petroleum Corp. and Austin Brady.

<sup>4</sup> Maynard Oil Co. (Operator) et al., and S. J. Knuckley, d.b.a. United Production Co.

<sup>5</sup> Shell Oil Co. (Operator) et al., Consolidated Oil & Gas, Inc. (Operator) et al., E. A. Columbus, Border Exploration Co., and King Resources Co.

<sup>6</sup> Gulf Oil Corp. and Humble Oil & Refining Co.

<sup>7</sup> Sinclair Oil Corp. (Operator) et al., R & G Drilling Co., Inc., agent (Operator) for William C. Russell, et al., and Tenneco Oil Co.

<sup>8</sup> Amerada Petroleum Corp. (Operator) et al., and Samedan Oil Corp. (Operator) et al.

amounts determined to be just and reasonable in said proceedings. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreements and undertakings shall be deemed to have been accepted for filing.

(AA) Pan American Petroleum Corp. (Operator) et al., Austin Brady, S. J. Knuckley, d.b.a. United Production Co., King Resources Co., Humble Oil & Refining Co., Tenneco Oil Co., and Samedan Oil Corp. (Operator) et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations there-

under, and the agreements and undertakings filed by them in Dockets Nos. RI68-222, RI63-89, RI67-299, RI67-169, RI68-133, RI64-483, and RI68-120, respectively, shall remain in full force and effect until discharged by the Commission.

(BB) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as described in the tabulation herein.

By the Commission.

[SEAL]

GORDON M. GRANT,  
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
F G-3719 (G-4899) C 4-22-68 <sup>1</sup>	Getty Oil Co.	United Gas Pipe Line Co., Red Fish Bay and West Mustang Island Fields, Nueces County, Tex.	Amendment 4-1-68 <sup>2</sup> Assignment 8-1-67 <sup>3</sup> Assignment 9-25-67 <sup>4</sup> Effective date: 9-14-68	23	14
(G-4899) <sup>5</sup>	Pan American Petroleum Corp.	do	Assignment 8-1-67 <sup>5</sup> Assignment 9-25-67 <sup>6</sup> Effective date: 4-12-68	79	14
G-3735 8-2-68 <sup>7</sup>	Getty Oil Co. <sup>7</sup>	El Paso Natural Gas Co., Loveland Gasoline Plant, Loveland Field, Hockley County, Tex.	Supplemental agreement 12-28-66 <sup>8</sup> Letter agreement 7-9-68 <sup>9</sup> Supplemental agreement 12-22-66 <sup>10</sup> Letter agreement 7-9-68 <sup>11</sup> Notice of partial cancellation 6-6-68 <sup>12</sup>	4	12
G-3811 8-12-68 <sup>13</sup>	Sunray DX Oil Co. <sup>13</sup>	do	Assignment 8-1-67 <sup>14</sup> Assignment 9-25-67 <sup>15</sup> Effective date: 4-12-68	93	10
G-7648 D 6-10-68	Mobil Oil Corp.	United Gas Pipe Line Co., White Point Saxet et al. Fields, San Patricio and Nueces Counties, Tex.	Assignment 7-19-67 <sup>16</sup> Assignment 11-15-67 <sup>17</sup> Assignment 3-1-68 <sup>18</sup> Letter agreement 3-18-68 <sup>19</sup>	286	21
F G-10115 (G-10904) <sup>20</sup> (G-10963) <sup>21</sup> (G-10775) <sup>22</sup> C 8-5-68 G-11759 E 8-9-68	Pan American Petroleum Corp. (Operator) et al. Austin Brady (successor to Amerada Petroleum Corp.)	Texas Eastern Transmission Corp., Greenwood-Waskom Field, Caddo Parish, La. Cities Service Gas Co., Hugoton Field, Kearny County, Kans.	Assignment 7-19-67 <sup>20</sup> Assignment 11-15-67 <sup>21</sup> Assignment 3-1-68 <sup>22</sup> Letter agreement 3-18-68 <sup>23</sup> Amerada Petroleum Corp., FPC GRS No. 52 Supplement Nos. 1-4 Notice of succession 8-6-68 Assignment 4-18-68 <sup>24</sup> Effective date: 1-1-68 Supplemental Agreement 7-25-68 <sup>25</sup>	150	26
G-11809 C 9-16-68	Marathon Oil Co. <sup>26</sup> (Operator) et al.	Northern Natural Gas Co., Southeast Lea County, Lea County, N. Mex.	Assignment 3-28-68 <sup>27</sup> Effective date: 5-1-68	7	1-2
G-17370 D 8-16-68	Texaco Inc. (Operator) et al.	Transwestern Pipeline Co., acreage in Clark County, Kans.	Amendment 6-13-68 <sup>28</sup> 9-5-68 <sup>29</sup>	214	15
G-19542 C 9-27-68 <sup>30</sup>	An-Son Corp.	Michigan Wisconsin Pipe Line Co., Laverne Field, Beaver County, Okla.	Amendatory agreement	6	18
C160-604 C 8-12-68 <sup>31</sup>	Union Oil Co. of California (Operator) et al.	EI Paso Natural Gas Co., Spraberry Field, Midland County, Tex.	Assignment 3-28-68 <sup>32</sup> Effective date: 5-1-68	73	28
C162-378 B 7-31-68	Samedan Oil Corp. (Operator) et al.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Northwest Chalkley Field, Calcasieu Parish, La.	Notice of cancellation 7-29-68 <sup>33</sup>	8	3
C164-540 C 9-23-68 <sup>34</sup>	Jake L. Hamon (Operator) et al.	Arkansas Louisiana Gas Co., North Spiro Field, Le Flore County, Okla.	Amendment 8-20-68 <sup>35</sup>	39	1
C164-644 D 9-23-68	Ashland Oil & Refining Co. (Operator) et al.	Natural Gas Pipeline Co. of America, Northeast Quinton Field, Woodward County, Okla.	Amendment 9-3-68 <sup>36</sup>	168	3
C164-1496 E 7-18-68	Amarillo Natural Gas Co. (Operator) et al. (successor to William N. Price and L. E. Geoffrey (Operator) et al.)	Kansas-Nebraska Natural Gas Co., Inc., acreage in Beaver County, Okla.	William N. Price and L. E. Geoffrey (Operator) et al., FPC GRS No. 1 Supplement Nos. 1-2 Notice of succession 7-16-68 Assignment 5-21-64 <sup>37</sup> Assignment 5-21-64 <sup>38</sup> Assignment 10-26-64 <sup>39</sup> Assignment 3-28-68 <sup>40</sup>	7	6

Filing code: A—Initial service.  
B—Abandonment.  
C—Amendment to add acreage.  
D—Amendment to delete acreage.  
E—Succession.  
F—Partial succession.

See footnotes at end of table.

See footnotes at end of table.

## NOTICES

On June 20, 1968, Getty submitted a new billing statement reflecting a 15-cent rate which is Pan American's current rate.

1. Bessing D.S. (1979) Effects Atlantic Richfield Co. and Getty Oil Co. on Pass Amherst for depths below 12,600 feet.

2010-2011

On the 10th of January, 1863, he was promoted to the rank of Captain, and on the 10th of January, 1864, to the rank of Major.

- Increases communication, easier to discuss, in proportion to his income
- Standard deviation in the distribution of the data is 35,000 M\$

552 J. M. HARRIS, J. R. HARRIS, AND J. R. HARRIS

— Delectus deus tuus, domine, et misericordia tua in me est, et misericordia tua semper me habebit.

u Effective date: Date of this order.

Sinclair Oil Corp., YPC ORS

Power Operator, Inc.

## NOTICES

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<sup>1</sup> Present contract rate is 14 cents; however, Applicant has agreed to accept 13-cent rate which was the contract rate on Sept. 1, 1967.  
<sup>2</sup> Phillips advised Applicant that in 1967 the subject gas, due to change in gathering facilities, was diverted from an intrastate to an interstate market.  
<sup>3</sup> From H. F. Sears to M. Morse & Co., Ltd.  
<sup>4</sup> From M. Morse & Co., Ltd. to Sohio.  
<sup>5</sup> Effective date: Date of initial delivery in interstate commerce.  
<sup>6</sup> Adopts terms of contract dated Mar. 25, 1957 between Union Producing Co. and buyer.  
<sup>7</sup> Currently on file as J. M. Huber Corp. FPC GRS No. 68.  
<sup>8</sup> Applicant to purchase gas under percentage type contracts and to gather, dehydrate, separate, compress, and deliver to buyer.  
<sup>9</sup> Currently on file as Sun Oil Co. FPC GRS No. 222.  
<sup>10</sup> Between Cities Service Oil Co. and Trunkline Gas Co.; on file as Cities Service Oil Co. (Operator) et al., FPC GRS No. 1.  
<sup>11</sup> Assigns acreage from Cities Service Oil Co. to Prairie Producing Co. to a depth of 9,767 feet, save and except the 9,100-foot B zone of the Wilcox Formation.

Suggested agreement and undertaking:

[Docket No. RI69-315]

## BEFORE THE FEDERAL POWER COMMISSION

(Name of Respondent) \_\_\_\_\_

[Docket No. \_\_\_\_\_]

AGREEMENT AND UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF § 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of Respondent) hereby agrees and undertakes to comply with the refunding and reporting provisions of section 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. \_\_\_\_\_ and has caused this agreement and undertaking to be executed and sealed in its name by a duly authorized officer this \_\_\_\_\_ day of \_\_\_\_\_ 1968.

(Name of Respondent)  
By \_\_\_\_\_

Attest:

[F.R. Doc. 69-3; Filed, Jan. 2, 1969;  
8:45 a.m.]

H. F. BOESTER

## Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

DECEMBER 18, 1968.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall

be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however, That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.*

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 31, 1969.

By the Commission.

[SEAL]

GORDON M. GRANT,  
Secretary.

## APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf	Rate in effect subject to refund in dockets Nos.
RI69-315. <sup>1</sup> H. F. Boester, 409 Santa Monica, Corpus Christi, Tex. 78411.		1	3	Banquete Gas Co., a division of Crestmont Oil & Gas Co. <sup>1</sup> (Plymouth and East Taft Fields, San Patricio County, Tex.) (R.R. District No. 4).	\$343	11-25-68	12-26-68	12-27-68	10.128	11.1408

<sup>1</sup> Banquete resells gas involved to United Gas Pipe Line Co., under Banquete's FPC Gas Rate Schedule No. 1 at a rate of 14 cents per Mcf effective subject to refund in Docket No. RI69-252.

<sup>2</sup> Periodic rate increase.<sup>3</sup> Pressure base is 14.65 p.s.i.a.<sup>4</sup> Subject to a downward B.t.u. adjustment.<sup>5</sup> Subject to 1.5-cent charge by buyer for compression.<sup>2</sup> The stated effective date is the first day after expiration of the statutory notice.<sup>3</sup> The suspension period is limited to 1 day.

H. F. Boester (Boester) requests that his proposed rate increase be permitted to become effective as of December 6, 1968, the contractually due date. Good cause has not been shown for waiving the 30-day notice requirement provided by section 4(d) of the Natural Gas Act to permit an earlier effective date for Boester's rate filing and such request is denied.

Boester proposes a periodic rate increase from 10.128 cents to 11.1408 cents per Mcf for gas sold to Banquete Gas Co., a division of Crestmont Oil & Gas Co. (Banquete), in the Plymouth and East Taft Fields, San Patricio County, Tex. (Railroad District No. 4). Banquete gathers the subject gas, together with other gas produced in this area, and resells such gas to United Gas Pipe Line Co. under its FPC Gas Rate Schedule No. 1 at a rate of

14 cents per Mcf which is in effect subject to refund in Docket No. RI69-252. Although Boester's proposed rate increase to 11.1408 cents per Mcf does not exceed the area increased rate ceiling of 14 cents per Mcf for Texas Railroad District No. 4 as announced in the Commission's statement of general policy No. 61-1, as amended, it should be suspended because such ceiling is applicable to Banquete's resale rate, not to Boester's rate. Since Banquete's 14 cents rate is in effect subject to refund in Docket No. RI69-252, we conclude that Boester's rate increase should be suspended for 1 day from December 26, 1968, the date of expiration of the statutory notice.

[F.R. Doc. 69-6; Filed, Jan. 2, 1969;  
8:45 a.m.]

[Docket No. G-3580 etc.]

## FLANIGAN BROTHERS ET AL.

Notice of Applications for Certificates, Abandonment of Service, and Petitions To Amend Certificates<sup>1</sup>

DECEMBER 18, 1968.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell

<sup>1</sup> This notice does not provide for consolidation for hearing of the several matters covered herein.

## NOTICES

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Price per Mcf
C102-801 D 12-9-68	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001 (partial abandonment).	El Paso Natural Gas Co., Sand Hills Utilities and McKnight Field, Crane County, Tex.	17.0	15.05
C103-44 E 12-2-68	Watkinson Investment Co. (successor to Charles B. Wrightman).	Consolidated Gas Supply Corp., South Rayne Area, Acuna Parish, La.	19.3	15.05
C104-1288 C 12-2-68	Continental Oil Co., Post Office Box 1100, Houston, Tex. 77001.	El Paso Natural Gas Co., El Paso Pictured Cliffs Field, San Juan and Rio Arriba Counties, N. Mex.	12.045	15.05
C105-116 C 12-4-68	Pan American Petroleum Corp., Post Office Box 91, Tulsa, Okla. 74101.	Arkansas Louisiana Gas Co., North McCurtain Field, Haskell County, Okla.	18.015	14.65
C106-1233 C 12-5-68	Pattillo Petroleum Co., Bartlesville, Okla. 74003.	Panhandle Eastern Pipe Line Co., Cushing Area, Texas County, Okla.	17.0	14.65
C109-333 A 12-2-68	Professional Petroleum Exploration Inc., 430 Danner Creek Bldg., Denver, Colo. 80202.	United Fuel Gas Co., Rocky Fork Field, Kayenta County, W. Va.	28.0	15.225
C110-334 A 12-3-68	America Petroleum Corp., Post Office Box 206, Tulsa, Okla. 74102.	Tennessee Gas Pipeline Co., a division of Tennessee, Inc., State Lease 4802, Southwest Bell Isla Field, Idabel, Okla., St. Mary, and Terrebonne Parishes, La.	21.25	15.05
C119-335 A 12-3-68	Sheaendash Oil Corp. (operator) et al., 1118 Commerce Bldg., Fort Worth, Tex. 76101.	Kansas-Nebraska Natural Gas Co., Inc., acreage in Texas County, Okla.	17.0	14.65
C120-336 A 12-3-68	Bay Bros. Drilling Co., P. I. 9314, James S. Ray, agent, 715 Kavanaugh Valley Bldg., Charleston, W. Va. 25301.	United Fuel Gas Co., Post District, Ketchum's County, W. Va.	28.0	15.225
C120-337 A 12-3-68	Stanley-Hager, c/o Joseph H. Hager, partner, 1600 Fifth Ave., Huntington, W. Va. 25150.	Consolidated Gas Supply Corp., Collins Settlement District, Lewis County, W. Va.	25.0	15.225
C120-338 A 12-3-68	Boy G. Hilldruth, et al., Box 115, Spangler, W. Va. 25276.	Consolidated Gas Supply Corp., Lee District, Cabell County, W. Va.	26.0	15.225
C120-339 A 12-3-68	Scull & Rogers, c/o Leander Rogers, partner, Armitageburg, W. Va.	Consolidated Gas Supply Corp., Washington District, Cabell County, W. Va.	25.0	15.225
C120-340 A 12-3-68	Mobil Oil Corp. (successor to Sherman F. Wagnleitner),	El Paso Natural Gas Co., Moxford Field, Rio Arriba and Sandoval Counties, N. Mex.	12.0	15.05
C120-341 A 12-3-68	Carl T. Smith, d/b/a East T. Smith Panhandle Eastern Pipe Line Co., North Houston Field, Woods County, Okla.	North Houston Field, Woods County, Okla.	17.0	14.65
C120-342 B 11-19-68	Carl T. Smith, d/b/a East T. Smith Panhandle Eastern Pipe Line Co., Post Office Box 7411, 205 Bank of the Southwest Bldg., Amarillo, Tex. 79101.	Tennessee Gas Pipeline Co., a division of Tennessee, Inc., South Galloway Field, Jackson County, Tex.	0	-----
C120-343 B 11-19-68	Carl T. Smith, d/b/a East T. Smith Panhandle Eastern Pipe Line Co., Post Office Box 7411, 205 Bank of the Southwest Bldg., Amarillo, Tex. 79101.	Tennessee Gas Pipeline Co., a division of Tennessee, Inc., South Galloway Field, Jackson County, Tex.	0	-----
C120-344 B 11-19-68	R. E. Hubbard, Jr., et al. (successor to Frank E. Brown and Phillip F. Weintraub), 145 Locana Ave., Bradford, Pa. 16701.	Valley Gas Transmission, Inc., Chat-ham Field, Jackson Parish, La.	15.0	15.05
C120-345 B 11-19-68	R. E. Hubbard, Jr., et al. (successor to Jacob Goldberg, Washington, D.C. 20004, d/b/a Plunkett Bros. (successor to Frank E. Brown and Phillip F. Weintraub), 145 Locana Ave., Bradford, Pa. 16701).	United Gas Pipe Line Co., Cities Service Oil Co., Cities Service Oil Bldg., Bartlesville, Okla. 74003.	17.0	14.65
C120-346 B 11-19-68	United Gas Pipe Line Co., Monroe Area, Lafayette and Vermillion Parishes, La.	United Gas Pipe Line Co., Cities Service Oil Co., Cities Service Oil Bldg., Bartlesville, Okla. 74003.	17.0	14.65
C120-347 A 12-4-68	El Paso Natural Gas Co., Basin Delta Pool, Rio Arriba County, N. Mex.	1001 Liberty Transwestern Pipeline Co., acreage in Haskell County, Tex.	17.0	14.65
C120-348 A 12-4-68	El Paso Natural Gas Co., Basin Delta Pool, Rio Arriba County, N. Mex.	60100 Bank Bldg., Oklahoma City, Okla. 73106.	14.170	15.05
C120-349 A 12-4-68	Whitworth Oil Co., Inc. (operator) et al., Post Office Box 1828, Sweetwater, La. 76080.	Whitworth Oil Co., Inc., Ruston Field, Lincoln Parish, La.	13.0	15.05
C120-350 A 12-4-68	Sun Oil Co., 1008 Walnut St., Philadelphia, Pa. 19106.	Michigan Wisconsin Pipe Line Co., Keweenaw Bayou Field, Cameron Parish, La.	13.0	15.05
C120-351 A 12-4-68	El Paso Natural Gas Co., acreage in San Juan County, N. Mex.	The Transmission Corp., Minnesota Field, Webster Parish, La.	13.75	15.05
C120-352 A 12-4-68	Thomas A. Dugan (operator) et al., Box 234, Farmington, N. Mex. 87401.	Eddy Oil & Gas Co., c/o Rhains Hart, Murphy District, Eddy County, N. Mex. 87337.	25.0	15.05

natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 15, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required therefor if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the

Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given; provided, however, that pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1957, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing of petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event the Applicant is unwilling to accept such a condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or remain, including

GORDON M. GRANT,  
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per McF	Pres- sure base
CI69-551 A 12-5-68	Jones & Fellow Oil Co., 101 Northeast 26th St., Oklahoma City, Okla. 73105.	Michigan Wisconsin Pipe Line Co., Woodward Area, Woodward County, Okla.	19.5	14.65
CI69-552 B 11-12-68	Sun Oil Co. (Gulf Coast Division)	Transcontinental Gas Pipe Line Corp., Depleted Pine Bluff Field, Acadia Parish, La.		

<sup>1</sup> Rate in effect subject to refund in Docket No. RI62-433.  
<sup>2</sup> Purchaser has declined to take additional residue gas.  
<sup>3</sup> Includes 0.015-cent tax reimbursement. Rate is also subject to deduction for compression and/or treating cost should Buyer compress or treat gas.  
<sup>4</sup> Subject to upward and downward B.t.u. adjustment.  
<sup>5</sup> Acreage assigned to William J. Dick, Jr.  
<sup>6</sup> Acreage assigned to Piney Point Petroleum.  
<sup>7</sup> Application erroneously assigned Docket No. CI69-544 for partial succession. Docket No. CI69-544 is canceled and application will be treated as petition to amend the certificate in Docket No. CI67-4 to reflect complete succession.  
<sup>8</sup> Includes 1.75 cents per McF tax reimbursement. Rate effective subject to refund in Docket No. RI68-297.

[F.R. Doc. 69-7; Filed, Jan. 2, 1969; 8:45 a.m.]

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[Order 31 (Rev. 1)]

### DISTILLED SPIRITS, WINES, BEER, TOBACCO, AND FIREARMS

#### Administration and Enforcement of Laws

(a) Pursuant to the authority vested in the Commissioner of Internal Revenue by the regulations in Title 26 of the Code of Federal Regulations implementing chapters 51, 52, and 53 of the Internal Revenue Code and by Treasury Department Order No. 150-37, dated March 17, 1955, there is hereby delegated to the Assistant Commissioner (Compliance) and the Director, Alcohol, Tobacco, and Firearms Division, the authority to administer and enforce chapters 51, 52, and 53 of the Internal Revenue Code relating, respectively, to distilled spirits, wines, and beer, tobacco, and firearms, including the authority to supervise and regulate the liquor and tobacco industries, and the determination of appeals in administrative proceedings involving the denial of applications for industrial alcohol and tobacco permits and the annulment, revocation, and suspension of such permits.

(b) Pursuant to the authority vested in the Commissioner by Treasury Department Order No. 30, dated June 12, 1940, and No. 150-2, dated May 15, 1952, there is hereby delegated to the Assistant Commissioner (Compliance) and the Director, Alcohol, Tobacco, and Firearms Division, the authority to administer and enforce the Federal Alcohol Administration Act (27 U.S.C. chapter 8), including the authority to accept or reject offers in compromise submitted pursuant to such Act, and the determination of appeals in administrative proceedings involving the denial of applications for beverage permits and the annulment, revocation, and suspension of such permits.

(c) Pursuant to the authority vested in the Commissioner by 26 CFR Part 177 there is hereby delegated to the Assistant Commissioner (Compliance) and the

Director, Alcohol, Tobacco, and Firearms Division, the authority to administer and enforce the Federal Firearms Act (15 U.S.C. chapter 18); and pursuant to the authority so vested by 26 CFR Part 178, authority is hereby delegated to the Assistant Commissioner (Compliance) and the Director, Alcohol, Tobacco, and Firearms Division, the authority to administer and enforce 18 U.S.C. chapter 44, relating to firearms and including the determination of appeals in administrative proceedings involving the denial of applications for firearms licenses and the revocation of such licenses; and Title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (18 U.S.C. Appendix), as amended, relating to unlawful possession or receipt of firearms.

(d) Pursuant to the authority vested in the Commissioner by Treasury Decision 4682, dated July 3, 1936, and Treasury Department Order No. 150-2, dated May 15, 1952, there is hereby delegated to the Assistant Commissioner (Compliance) and the Director, Alcohol, Tobacco, and Firearms Division, the authority to administer and enforce 18 U.S.C. 1262-1265, 3615, relating to the liquor traffic.

(e) Pursuant to the authority vested in the Commissioner by Treasury Department Order No. 149, dated March 5, 1952, and No. 150-2, dated May 15, 1952, there is hereby delegated to the Assistant Commissioner (Compliance) and the Director, Alcohol, Tobacco, and Firearms Division, the authority to remit or mitigate forfeitures of—

(i) Personal property seized as subject to administrative forfeiture under internal revenue laws; and

(ii) Vessels, vehicles, or aircraft seized as subject to administrative forfeiture under the customs laws for transporting or concealment therein in violation of the Act of August 9, 1939 (49 U.S.C. chapter 11), of firearms in respect of which there have been violations of chapter 53 of the Internal Revenue Code.

2. The authorities delegated under paragraph 1 hereof may be redelegated but not below the position of Branch Chief, except that specified routine actions required in processing documents involving firearms actions may be

further redelegated to the Chief, Operations Coordination Section of the Enforcement Branch and to coordinators in that section.

3. This order supersedes Delegation Order No. 31, issued April 30, 1956.

[SEAL] **SHELDON S. COHEN,**  
Commissioner.

[F.R. Doc. 69-51; Filed, Jan. 2, 1969;  
8:45 a.m.]

## DEPARTMENT OF STATE

### Agency for International Development

[Delegation of Authority 83]

#### ARGENTINA

##### Administration of the A.I.D. Program

Pursuant to the authority delegated to me by Delegation of Authority No. 104 from the Secretary of State of November 3, 1961 (26 F.R. 10608), I hereby delegate to the principal diplomatic officer of the United States in Argentina with respect to the administration of the foreign assistance program within the country to which he is accredited, the authorities delegated to Directors of Missions of the Agency for International Development (A.I.D.) in the following delegations, subject to the limitations applicable to the exercise of such authorities by A.I.D. Mission Directors:

(1) Unpublished Delegation of Authority of January 10, 1955.

(2) Delegation of Authority of November 26, 1954, as amended (19 F.R. 8049);

(3) Paragraphs 4 and 5 of Delegation of Authority of September 28, 1960 (25 F.R. 9927).

In addition to the foregoing, there is hereby delegated to the aforesaid principal diplomatic officer the authorities delegated to A.I.D. Mission Directors in existing A.I.D. manual orders, regulations (published or unpublished), policy directives, policy determinations, memoranda, and other instructions.

The authority delegated hereby may be redelegated to the officer at the post principally responsible for A.I.D. activities.

This delegation of authority shall be effective as of December 1, 1968.

Dated: December 13, 1968.

**RUTHERFORD POATS,**  
Acting Administrator.

[F.R. Doc. 69-58; Filed, Jan. 2, 1969;  
8:46 a.m.]

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[Docket No. 8-450]

**JACK H. ST. CLAIR**

#### Notice of Loan Application

Jack H. St. Clair, Route 1, Box 648, Toledo, Oreg. 97391, has applied for a

loan from the Fisheries Loan Fund to aid in financing the purchase of a used 48.3-foot registered length wood vessel to engage in the fishery for salmon and albacore.

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.

WILLIAM M. TERRY,  
Acting Director,

Bureau of Commercial Fisheries.

[F.R. Doc. 69-30; Filed, Jan. 2, 1969;  
8:45 a.m.]

[Docket No. S-452]

GEORGE ALVIN MOSHER

Notice of Loan Application

George Alvin Mosher, Route 1, Box 404C, Ocean Park, Wash. 98640, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 30-foot length overall wood vessel to engage in the fishery for salmon and sturgeon.

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.

WILLIAM M. TERRY,  
Acting Director,

Bureau of Commercial Fisheries.

[F.R. Doc. 69-31; Filed, Jan. 2, 1969;  
8:45 a.m.]

## NOTICES

### DEPARTMENT OF AGRICULTURE

#### Consumer and Marketing Service

##### FRESH PEACHES GROWN IN GEORGIA

#### Findings and Determinations With Respect to Continuation in Effect of Amended Marketing Agree- ment and Order

Pursuant to the applicable provisions of Marketing Agreement No. 99, as amended, and Order No. 918, as amended (7 CFR Part 918), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), notice was given in the *FEDERAL REGISTER* (33 F.R. 17370) that a referendum would be conducted among the growers who, during the calendar year 1968 (which period was determined to be a representative period for the purpose of such referendum), were engaged, in Georgia, in the production of peaches for market to determine whether a majority of such growers favor the termination of the amended marketing agreement and order.

Upon the basis of the results of the aforesaid referendum, which was conducted during the period December 7, to December 15, 1968, both dates inclusive, it is hereby found and determined that the termination of the amended marketing agreement and order, regulating the handling of fresh peaches grown in Georgia, is not favored by the requisite majority of such growers.

Dated: December 27, 1968.

JOHN A. SCHNITTNER,  
Acting Secretary.

[F.R. Doc. 69-42; Filed, Jan. 2, 1969;  
8:45 a.m.]

#### Office of the Secretary CERTAIN NATIONAL FORESTS

##### Addition of Lands

Pursuant to authority vested in the Secretary of Agriculture by section 11 of the Act of March 1, 1911 (36 Stat. 961), as amended, all lands within the areas described below that are now or hereafter acquired by the United States under provisions of the aforesaid act, or which otherwise attain status as National Forest land subject to such act, are hereby designated for administration as part of the particular National Forest indicated by this order.

##### SHAWNEE NATIONAL FOREST, ILL.

###### THIRD PRINCIPAL MERIDIAN

T. 12 S., R. 2 E.,  
Secs. 1, 12, and 13.  
T. 12 S., R. 7 E.,  
Secs. 23 to 26, inclusive, 35 and 36.  
T. 13 S., R. 7 E.,  
That fractional part of secs. 1 and 2 north  
of the Ohio River.

T. 9 S., R. 8 E.,  
Sec. 25, part of SW $\frac{1}{4}$ SW $\frac{1}{4}$  south of Saline  
River;  
Sec. 26, part of SE $\frac{1}{4}$  south of Saline River;  
Sec. 35, E $\frac{1}{2}$ ;  
Sec. 36.

T. 10 S., R. 8 E.,  
Secs. 1, 2, 11, and 12.

T. 12 S., R. 8 E.,  
Secs. 13, 14, 19, 20, 21, and 30.

T. 9 S., R. 9 E.,  
Sec. 25, SW $\frac{1}{4}$ ;  
Sec. 26, SE $\frac{1}{4}$ ;

Sec. 31, S $\frac{1}{2}$ , S $\frac{1}{2}$ N $\frac{1}{2}$ ;  
Sec. 32, S $\frac{1}{2}$ , S $\frac{1}{2}$ N $\frac{1}{2}$ ;  
Sec. 33, S $\frac{1}{2}$ , S $\frac{1}{2}$ N $\frac{1}{2}$ ;  
Sec. 34, S $\frac{1}{2}$ , S $\frac{1}{2}$ N $\frac{1}{2}$ ;  
Sec. 35, S $\frac{1}{2}$ , NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
Sec. 36, W $\frac{1}{2}$ .

T. 10 S., R. 9 E.,  
Sec. 1, NW $\frac{1}{4}$ ;  
Sec. 2, N $\frac{1}{2}$ ;

Sec. 3, N $\frac{1}{2}$ ;  
Secs. 4 to 9, inclusive.

T. 12 S., R. 9 E.,  
Sec. 3, W $\frac{1}{2}$ ;

Secs. 4, 8, and 9;  
Sec. 10, W $\frac{1}{2}$ ;

Sec. 15, W $\frac{1}{2}$ ;  
Secs. 16, and 17;

Sec. 18, E $\frac{1}{2}$ , SW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Those fractional parts lying north of the  
Ohio River in secs. 19, 20, 21, and the  
W $\frac{1}{2}$  of sec. 22.

T. 8 S., R. 3 W.,  
Sec. 7;

Sec. 20, S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 28, S $\frac{1}{2}$ , S $\frac{1}{2}$ N $\frac{1}{2}$ ;

Sec. 33, NW $\frac{1}{4}$ .

T. 8 S., R. 4 W.,  
Sec. 12.

##### KISATCHIE NATIONAL FOREST, LA.

###### LOUISIANA MERIDIAN

T. 3 N., R. 2 W.,

Sec. 9.

T. 4 N., R. 2 W.,

All that part of sec. 62 lying south of Bayou  
Boeuf;

Sec. 83.

T. 13 N., R. 4 W.,

All that part of sec. 6 lying east of the  
Dugdemona River.

##### MANISTEE NATIONAL FOREST, MICH.

###### MICHIGAN MERIDIAN

T. 14 N., R. 16 W.,

Secs. 15 to 22, inclusive;

Secs. 27 to 34, inclusive.

T. 16 N., R. 16 W.,

Secs. 5 to 8, inclusive;

Sec. 17, N $\frac{1}{2}$ ;

Secs. 18 and 19.

T. 17 N., R. 16 W.,

Secs. 3, 10, 15, 22, 27, and 32.

T. 18 N., R. 16 W.,

Secs. 22 to 27, inclusive;

Secs. 34 and 35.

T. 19 N., R. 16 W.,

Secs. 3 to 5, inclusive;

Secs. 8 and 9.

T. 20 N., R. 16 W.,

Secs. 19 to 22, inclusive;

Secs. 27, 33, and 34.

T. 13 N., R. 17 W.,

Secs. 1, 2, 11 to 14, inclusive, and 23.

T. 14 N., R. 17 W.,

Secs. 25, 26, 35, and 36.

T. 16 N., R. 17 W.,

Secs. 1 to 24, inclusive.

T. 19 N., R. 17 W.,

All that part of sec. 6 lying north of Big  
Sable River.

T. 20 N., R. 17 W.  
Sects. 24 and 25;  
Sec. 26, S½;  
Sec. 34, E½;  
Sects. 35 and 36.  
T. 19 N., R. 18 W.  
All that part of sec. 1 lying north of Big  
Sable River.

CLARK NATIONAL FOREST, MO.  
FIFTH PRINCIPAL MERIDIAN

T. 35 N., R. 1 E.  
Sec. 13, NW¼ SW¼;  
Sec. 14.

T. 37 N., R. 10 W.  
That part of sec. 16 lying southeast of  
Gasconade River;  
That part of the E½ SW¼ SE¼ of sec. 31  
lying southwest of Gasconade River.

OUACHITA NATIONAL FOREST, OKLA.

INDIAN MERIDIAN

T. 7 S., R. 26 E.  
All that part of sec. 18 lying north of Little  
River.  
T. 10 S., R. 26 E.,  
Sects. 3 and 4.

ALLEgheny NATIONAL FOREST, PA.

Tract No. 965, located approximately 7.5  
miles southwest of Warren, Pa., and called  
Thompson's Island, as described by deed re-  
corded in Book 280, Page 218, Registry of  
Deeds, Warren County, Pa.

Tract 968, located approximately 4.5 miles  
northeast of Tionesta, Pa., and called King  
Island, as described by deed recorded in Book  
65, Page 392, Registry of Deeds, Forest  
County, Pa.

Tract 970, an island located approximately  
1 mile upstream (east) from Tidioute, Pa.,  
as described by deed recorded in Book 347,  
Page 384, Registry of Deeds, Warren County,  
Pa.

Tract 984, an island located immediately  
south of Tidioute, Pa., as described by deed  
recorded in Book 351, Page 1161, Registry of  
Deeds, Warren County, Pa.

GEORGE WASHINGTON NATIONAL FOREST

VIRGINIA

Area No. 1—All the land west of the South  
Fork of the Shenandoah River to the present  
National Forest boundary that lies between  
a point approximately 1 mile upstream from  
Bealers Ferry where a creek flows from the  
west into the river, and a point about 8½  
miles to the north where the present National  
Forest boundary intersects the river at the  
end of a road about 1½ miles west of  
Compton.

Area No. 2—All the land around Hartman  
Knob within a line beginning at a point  
where Boones Run goes through Runkles  
Gap; thence extending southwesterly about  
4 miles to Harshbarger Gap; thence north-  
erly about 3 miles to a point on present  
National Forest boundary situated about one-  
fourth of a mile southeast of Laird's Knob;  
thence southeasterly and northeasterly along  
present National Forest boundary to the  
point of beginning. Area is described by deed  
to the United States recorded December 22,  
1966, Book 346, Page 400, Rockingham  
County, Va.

WEST VIRGINIA

All the land east of the South Fork of  
South Branch of the Potomac River to the  
present National Forest boundary that lies  
between a point where State Route 25 crosses  
the river and a point approximately 3 miles  
to the south where State Route 30 crosses  
the river.

**Effective Date:** This order shall be-  
come effective on the date of its publica-  
tion in the FEDERAL REGISTER.

Done at Washington, D.C., this 27th  
day of December 1968.

JOHN A. SCHNITTNER,  
Acting Secretary of Agriculture.

[F.R. Doc. 69-43; Filed, Jan. 2, 1969;  
8:45 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

BARBADOS

### Notice of Finding Regarding Foreign Social Insurance or Pension System

Section 202(t)(1) of the Social Security  
Act (42 U.S.C. 402(t)(1)) prohibits  
payment of monthly benefits to aliens,  
subject to the exceptions described in  
sections 202(t)(2) through 202(t)(5) of  
the Social Security Act (42 U.S.C. 402  
(t)(2) through 402(t)(5)), for any  
month after they have been outside the  
United States for 6 consecutive months.

Section 202(t)(2) of the Social Security  
Act (42 U.S.C. 402(t)(2)) provides  
that section 202(t)(1) shall not apply to  
any individual who is a citizen of a foreign  
country which the Secretary of  
Health, Education, and Welfare finds  
has in effect a social insurance or pension  
system which is of general application  
in such country and under which  
(A) periodic benefits, or the actuarial  
equivalent thereof, are paid on account  
of old age, retirement, or death, and (B)  
individuals who are citizens of the  
United States but not citizens of such  
foreign country and who qualify for such  
benefits or the actuarial equivalent  
thereof while outside such foreign country  
without regard to the duration of the  
absence.

Pursuant to authority duly vested in  
him by the Secretary of Health, Education,  
and Welfare, the Commissioner of  
Social Security has approved a finding  
that Barbados has a social insurance system  
of general application which meets  
the requirements of section 202(t)(2)(A)  
in that it pays periodic benefits on ac-  
count of old age, retirement, or death.  
On July 19, 1968, pursuant to an ex-  
change of notes between the United  
States and Barbados, Barbados removed  
all restrictions on the payment of benefits  
to qualified U.S. citizens, effective as  
of July 1968, thus permitting payment of  
benefits to qualified U.S. citizens while  
outside Barbados without regard to the  
duration of the absence. Therefore, the  
social insurance system of Barbados  
meets the requirements of section  
202(t)(2)(B).

Accordingly, it is hereby determined  
and found that Barbados has in effect,  
beginning with July 1968, a social insurance  
system which meets the require-

ments of section 202(t)(2)(A) and (B)  
of the Social Security Act (42 U.S.C.  
402(t)(2)(A) and (B)).

Dated: December 12, 1968.

[SEAL] ROBERT M. BALL,  
Commissioner of Social Security.

Approved: December 26, 1968.

WILBUR J. COHEN,  
Secretary of Health,  
Education, and Welfare.

[F.R. Doc. 69-17; Filed, Jan. 2, 1969;  
8:46 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18333-18337; FCC 68R-542]

### COMMUNICATIONS TECHNICAL SALES, INC., AND TELEPHONE ANSWERING SERVICE

#### Memorandum Opinion and Order Enlarging Issues

In re applications of Communications  
Technical Sales, Inc., for consent to as-  
signment of license of station KIY585 in  
the Domestic Public Land Mobile Radio  
Service at Columbia, S.C., to L. Marion  
Evans, doing business as Telephone An-  
swering Service, Docket No. 18333, File  
No. 558-C2-AL-67; for renewal of li-  
censes of stations KIY585 and KIY589 in  
the Domestic Public Land Mobile Radio  
Service at Columbia and Sumter, S.C.,  
Docket No. 18334, File No. 7546-C2-R-66,  
File No. 51-C2-R-66; for modification of  
license of station KIY585 in the Domestic  
Public Land Mobile Radio Service at  
Columbia, S.C., Docket No. 18335, File  
No. 388-C2-ML-66; for consent to as-  
signment of license of station KIY589 in  
the Domestic Public Land Mobile Radio  
Service at Sumter, S.C., to Abraham  
Thomy, doing business as A-Ble Answer-  
ing Service, Docket No. 18336, File No.  
5290-C2-AL-66, and L. Marion Evans,  
doing business as Telephone Answering  
Service, for renewal of license of station  
KIY760 in the Domestic Public Land Mo-  
bile Radio Service at Columbia, S.C.,  
Docket No. 18337, File No. 2868-C2-R-66.

1. This proceeding involves applica-  
tions for renewal of the licenses of sta-  
tion KIY585, Columbia, S.C., and KIY-  
589, Sumter, S.C., in the Domestic Public  
Land Mobile Radio Service, both pres-  
ently licensed to Communications Tech-  
nical Sales, Inc (CTSI). Also sought is  
approval of the transfer of KIY585 to L.  
Marion Evans, doing business as Tele-  
phone Answering Service (TSA), and the  
transfer of KIY589 to Abraham  
Thomy, doing business as A-Ble Answer-  
ing Service (Thomy). By Order, FCC 68-  
979, released October 10, 1968, the Com-  
mission designated the applications for  
hearing on issues inquiring into the ef-  
ficiency of use of KIY585, unauthorized  
assignment of license transfer and ulti-  
mate relinquishment of control of such  
station, and the character qualifications  
of TAS and CTSI. Columbia Answering

## NOTICES

Service, Inc., licensee of KFL947, Columbia, S.C., was made a party to the proceeding in the designation order. Now before the Review Board is a petition to enlarge issues, filed October 30, 1968, by Columbia Telephone Answering Service, Inc. (Petitioner) seeking the addition of the following issues:

(1) To determine the ownership of CTSI, and whether there has been an unlawful transfer of control of CTSI;

(2) To determine whether the license of KIY589 has been transferred to Thomy without prior Commission consent;

(3) To determine whether CTSI has made efficient utilization of station KIY589 and has rendered satisfactory service to its existing customers.

2. In support of its first requested issue, petitioner asserts that, in the original application for KIY589, CTSI recited that the only shareholders having at least a 10 percent interest were R. Paul Bryant, 28 percent, J. J. Brengar, 12 percent, and Walter J. Powell, 12 percent; and that the Commission has never been advised of the other shareholders or of CTSI's officers and directors, other than R. Paul Bryant, president, who has acted on the company's behalf, or of any changes in the composition of the shareholders and officers of such company. Petitioner further notes that a contract between Thomy and CTSI relating to the transfer of the assets of KIY589 has been filed as a part of the transfer application; such contract recites that the consideration for such transfer is the repayment of a personal note of Bryant to a Sumter bank.<sup>1</sup> Petitioner asserts, therefore, that although Bryant apparently owns only 28 percent of CTSI stock, he has transferred the assets of station KIY589 in consideration of the discharge of his personal debt; that this suggests that Bryant is now either the sole or controlling stockholder; and that, thus, there is a substantial question of whether control of CTSI has been transferred in violation of section 310(b). In support of the second requested issue, petitioner asserts that the contract relating to the transfer of KIY589 was entered into on December 21, 1965; that the request for approval of such contract was not filed with the Commission until April 11, 1966; but that the consideration (the repayment of Bryant's note by Thomy) had been paid on March 15, 1966. Petitioner further notes that, by amendment to the request for approval, CTSI filed an agreement under which Thomy was designated as agent to operate the station; that in such amendment it is represented that Bryant, a resident of Columbia, devotes 8-10 hours per month to station affairs, whereas Thomy, a resident of Sumter, where the station is located, spends 4-6 hours per day in regard to station affairs, and owns and is in phys-

ical possession of the station equipment; and that CTSI does not have a listing in the Sumter telephone directory, the address recited in the renewal application being that of Thomy's answering service. In connection with its third requested issue, petitioner notes that CTSI's 1964 Form L (financial report filed pursuant to Rule 1.785) showed four operating mobile stations of which two were controlled by CTSI, and the station was being operated by two persons on a part-time basis; that CTSI's 1965 Form L shows two operating units, one of which was controlled by CTSI, and one part-time operator; and that no Form L's were filed for 1966 or 1967. According to petitioner, an amendment to the renewal application, filed October 19, 1966, shows eight subscribers. Contrasting the number of subscribers actually served with CTSI's representation in the original application that it would use the 50 mobile units authorized strongly suggests, according to the petitioner, that the station is not operating efficiently and that any improvement in the quality of service is due to the transfer of control to Thomy.

3. In opposition, CTSI asserts that the Commission had before it all of the records referred to in the petition at the time of the designation order and saw no basis for the additional issues; that the absence of a CTSI listing in the Sumter telephone directory is irrelevant because such listing is not required by Commission rules; that the records on file with the Commission show that there has been no transfer of control of CTSI or KIY589.<sup>2</sup> CTSI contends that its agency agreement with Thomy is a standard type and expressly reserves full control of KIY589 to CTSI. Finally, CTSI contends that the facility is being efficiently used as evidenced by the gradual increase in subscribers.

4. The Review Board is of the view that substantial questions have been raised and that the additional issues are warranted.<sup>3</sup> CTSI offers no explanation as to why the consideration for the transfer of KIY589 ran to Bryant rather than to CTSI, which is putatively the owner of the equipment; nor is there any explanation of the happenstance that Thomy was the guarantor on the note which was repaid. Absent such explanations, we can only question whether Bryant or perhaps Thomy has become the sole stockholder or otherwise the individual responsible for and entitled to the benefits from CTSI, and whether con-

trol of CTSI has been transferred without Commission approval. Similarly, the unexplained circumstances surrounding the transfer of KIY589 raise a substantial question as to whether it has been transferred to Thomy in violation of section 310(b). The consideration for the transfer, paid on March 15, 1966, was not made contingent upon Commission approval of the transfer and the agreement does not contemplate that possibility; the prospective transferee is in actual possession of the equipment and runs the station under the agency agreement. While the agency agreement gives CTSI full control, there is no showing that such control has in fact been exercised, a particularly troublesome problem because Bryant concededly does not reside in Sumter but Thomy does, and because the only telephone listing for the station is Thomy's.<sup>4</sup> Finally, disregarding entirely the original estimate of mobile units which would be employed, there is nonetheless a serious question as to whether efficient use of KIY589 is being made. The number of subscribers actually declined in 1965-66; the number of persons operating the station was reduced to an absolute minimum; and, other than vague assurances, we are given no showing that CTSI made serious efforts to increase its subscribers and improve its service. The issues will therefore be added. In addition, consistent with long established precedent, we will, of our own motion, add an issue to determine whether, in light of the evidence adduced with respect to the control of CTSI and the transfer of KIY589, Thomy and/or CTSI is qualified to be a Commission licensee.

5. Accordingly, it is ordered, That the petition to enlarge issues, filed October 30, 1968, by Columbia Telephone Answering Service, Inc., is granted; and that the issues in this proceeding are enlarged by the addition of the following issues:

(1) To determine the ownership and control of Communications Technical Sales, Inc., and whether there has been a transfer of control of such company without prior Commission approval;

(2) To determine whether Communications Technical Sales, Inc., has transferred the license of station KIY589, Sumter, S.C., to Abraham Thomy, doing business as A-Ble Telephone Answering Service without prior Commission approval;

(3) To determine whether the licensee has made efficient utilization of station KIY589 and has rendered satisfactory service to its existing customers;

(4) To determine whether, in light of the evidence adduced under Issues (1) and (2) above, Communications Technical Sales, Inc., and/or Abraham Thomy

<sup>1</sup> CTSI also asserts that petitioner's station is located in Columbia and that it has no interest in or proper concern with KIY589, in Sumter.

<sup>2</sup> Without significance is CTSI's contention that the official records from which the questions derive were before the Commission at the time of the designation order; the matters raised herein were not specifically considered by the Commission. Atlantic Broadcasting Co., FCC 66-1053, 5 FCC 2d 717 (1966). In addition, petitioner, having been made a party to the proceeding without limitation, has standing to raise the issues set forth in its petition.

<sup>3</sup> Petitioner erroneously suggests that the request for approval of the transfer of KIY589 was filed on Apr. 11, 1966; it was, in fact, filed on Mar. 11, 1966, 4 days prior to the payment of the consideration.

<sup>4</sup> We note that given CTSI silence on the allegations set forth in the petition, the questions concerning the transfer of control of CTSI and of KIY589 appear interrelated.

and A-Ble Telephone Answering Service, through their respective personnel, possess the requisite character qualifications to be Commission licensees.

6. *It is further ordered*, That the burden of proof as to Issues (1) and (2) shall be upon Columbia Telephone Answering Service, Inc., and that the burden of proof as to Issues (3) and (4) shall be upon the respective applicants.

Adopted: December 27, 1968.

Released: December 31, 1968.

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

[F.R. Doc. 69-65: Filed, Jan. 2, 1969;  
8:46 a.m.]

[Report 420]

### COMMON CARRIER SERVICES INFORMATION<sup>1</sup>

#### Domestic Public Radio Services Applications Accepted for Filing<sup>2</sup>

DECEMBER 30, 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.

<sup>1</sup> Board members Stone and Kessler absent.  
<sup>2</sup> 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.

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).

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.

#### APPENDIX

##### APPLICATIONS ACCEPTED FOR FILING

###### DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

3624-C2-P-69—R. L. Mohr, doing business as Advanced Electronics; (New); C.P. for a new one-way signaling station. Frequency: 158.70 MHz. Location: 6241 Monero Drive, Palos Verdes Estates, Calif.

3625-C2-P-69—General Telephone Co. of Upstate New York, Inc.; (New); C.P. for a new one-way station. Frequency: 152.84 MHz. Location: 1 mile north-northeast of Finchville, Mount Hope, N.Y.

3626-C2-P-69—Central Exchange Mobile Radio; (KMM599); C.P. to install an additional channel to operate on frequency 454.275 MHz at its station located 1100 El Camino Real, Mountain View, Calif.

3627-C2-MP-69—South Central Bell Telephone Co.; (KGI276); Modification of C.P. to change antenna system operating on frequency 152.21 MHz at station located approximately 4.5 miles north of Dyersburg, Tenn.

3629-C2-TC-69—Page Call, Inc.; (KEC935); Consent to transfer of control from Alice E. Buckner, Albert F. Broda, Sr., Catherine Broda, Albert F. Broda, Jr., and Richard Rosander, Transferors, to Radio Relay Corp., Transferee. One-way signaling station at Union-Newark, N.J.

3630-C2-MP-69—Empire Communications Co.; (KOP312); Modification of C.P. to change the location of the base station (location No. 1) from 2.3 miles east of Gold Hill, 9 miles northwest of Medford, Oreg., to 521 South Central Street, Medford, Oreg., operating on 152.21 MHz, delete repeater facilities at location No. 1. Frequency 459.15 MHz and delete control station (location No. 2) located in 113 East Eighth Street, Medford, Oreg., operating on 454.15 MHz also replace transmitter for frequency 152.21 MHz at location No. 1.

3631-C2-P-69—Empire Communications Co.; (KOP312); C.P. to change the location of the control station (location No. 2) from 113 East Eighth Street, Medford, Oreg., to 521 South Central Street, Medford, Oreg., operating on frequency 454.05 MHz.

3632-C2-P-69—General Communications, Inc.; (New); C.P. for a new one-way signaling station. Frequency: 152.24 MHz. Location: WON (FM) site, Sentinel Heights Road, Lafayette, N.Y.

5848-C2-P-69—Miami Valley Radiotelephone; (KQK592); C.P. to add a base channel to operate on frequency 454.10 MHz at its station located 2009 Old Oxford Road, Hamilton, Ohio.

3290-C2-P-69—Edward C. Smith, doing business as Answerite Professional Telephone Service; (New); C.P. for a new (two-way) station. Frequency: 152.15 MHz. Location: Lots 15/16, Frontage Road, 1 mile south of Vineland, Fla.

3665-C2-P-69—Pomona Radio Dispatch Corp.; (New); C.P. for a new one-way signaling station. Frequency: 158.70 MHz. Location: Kellogg Hill, west of Pomona, Calif.

3666-C2-P-69—Roy S. Drevitton, doing business as Hanover Telephone Answering Service; (New); C.P. for a new two-way station. Frequency: 152.18 MHz. Location: Crafts Hill, West Lebanon, N.H.

3678-C2-TC-(2)-69—Nashville Mobilphone, Inc.; Consent to transfer of control from Roy E. Marshall, Transferor to William H. Arthur and Charles E. Linville, Jr., transferees. Stations: KIY750—Nashville, Tenn. (two-way). KFL861—Murfreesboro, Tenn. (two-way).

3682-C2-P-69—Tel-Page Corp.; (KEJ894); C.P. to install an additional channel to operate on frequency 152.03 MHz at its station located South Clinton Avenue at Midtown Towers, Rochester, N.Y. also change antenna system.

3683-C2-P-69—Industrial Communications of Pecos, Inc.; (KKJ454); C.P. to install an additional channel to operate on base frequency 152.09 MHz (base), 459.325 MHz (repeater) and at a site to be identified as location No. 3: Gomez Peak, southwest of Pecos Tex., and control facilities on 454.325 MHz to be located at Cedar Street, Pecos, Tex.

3684-C2-P-69—Allen C. Moore doing business as Moores Service; (KSJ628); C.P. to add a standby transmitter on 152.15 MHz at its station located 2600 Cass Street, Fort Wayne, Ind.

3685-C2-P-69—Radio Paging, Inc.; (New); C.P. for a new one-way signaling station. Frequency: 152.24 MHz. Location: 1010 Travis Street, Houston, Tex.

3686-C2-P-69—William L. Eisele and Robert A. Jones, doing business as Midwest Communications Co.; (New); C.P. for a new two-way station. Frequency: 454.075 MHz. Location: 300 North State Street, Chicago, Ill.

3687-C2-P-69—William L. Eisele and Robert A. Jones, doing business as Midwest Communications Co.; (New); C.P. for a new one-way station. Frequency: 158.70 MHz. Location: 300 North State Street, Chicago, Ill.

3688-C2-P-69—William L. Eisele and Robert A. Jones, doing business as Midwest Communications Co.; (New); C.P. for a new two-way station. Frequency: 454.225 MHz. Location: 2915 Bernice Road, Lansing, Ill.

3689-C2-P-69—William L. Eisele and Robert A. Jones, doing business as Midwest Communications Co.; (New); C.P. for a new one-way station. Frequency: 158.70 MHz. Location: 9355 Joliet Road, La Grange, Ill.

## RURAL RADIO SERVICE

3633-C1-P/L-69—C. L. McHolland, doing business as Dome Communications; (New); C.P. and license for a new Rural Subscriber Fixed station, to operate (5 units) at any temporary fixed location within the territory of the grantee. Frequency: 158.61 MHz.

3679-C1-P/ML-69—General Telephone Co. of the Southwest; (KKA94); C.P. and modification of license to replace transmitter operating on frequency 157.80 MHz at station located 20 miles southwest of Sanora, Tex. Subscriber: Bill Sowell.

3680-C1-P/ML-69—General Telephone Co. of the Southwest; (KKA95); C.P. and modification of license to replace transmitter operating on 158.01 MHz at station located 17 miles southeast of Barnhart, Tex.

3681-C1-P/ML-69—General Telephone Co. of the Southwest; (KLH27); C.P. and modification of license to add frequencies 157.83 and 157.92 MHz. Location: Operating (21 units) in any temporary fixed location within the territory of the grantee.

## POWER-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)

3638-C1-MP-69—Citizens Telephone Co.; (KXY64); Modification of C.P. to delete frequency 8004.5 MHz directed toward Latonia, Ky., and change antenna system for frequency 8004.5 MHz at its station located Dry Ridge, 1.8 miles north-northwest of Williamsburg, Ky.

3638-C1-P-69—South Central Bell Telephone Co.; (KLYV92); C.P. to change antenna location from lat. 32° 30' 04" N.-long. 92° 06' 49" W. at its station located Catalpa and Grammont Streets, Monroe, La. Frequency: 4190 MHz. 3638-C1-P-69—Bell Telephone Co. of Nevada; (KPY26); C.P. to add frequency 11,645 MHz toward Stone Cabin, Nev., at station located Booker Mountain, 2.6 miles northeast of Tonopah, Nev.

3638-C1-P-69—Bell Telephone Co. of Nevada; (KPY27); C.P. to add frequency 10,716 MHz toward Booker Mountain, Nev., and 10,905 MHz toward Warm Springs, Nev., at its station located at Stone Cabin, 21 miles southwest of Warm Springs, Nev.

3637-C1-P-69—Bell Telephone Co. of Nevada; (KPY28); C.P. to add 11,445 MHz toward Stone Cabin, Nev., change frequency from 2128.4 MHz to 2128.0 MHz toward Hot Creek Valley, Nev., and replace transmitter for same at its station located 2.2 miles west of Warm Springs, Nev.

3638-C1-P-69—Bell Telephone Co. of Nevada; (KYC72); C.P. to change frequency from 2117.4 MHz to 2118.0 MHz toward Warm Springs, Nev., at its station located at Hot Creek Valley, 10 miles northeast of Warm Springs, Nev.

3638-C1-P-69—Indiana Bell Telephone Co.; (KSI45); C.P. to change frequency 6360.0 MHz to 6197.2 MHz, replace transmitter operating on 11,465 MHz directed toward Montclair, Ind., and add 6265.6, 11,665, 11,465 MHz toward Montclair and change antenna system at its station located 240 North Meridian Street, Indianapolis, Ind.

3640-C1-P-69—Indiana Bell Telephone Co.; (KSN75); C.P. to replace transmitter operating on 10,755 and 5889.6 MHz and add frequencies 10,915, 10,995, and 6049.0 MHz toward Lebanon, Ind., change frequency from 6138.0 MHz to 6945.2 MHz and add 6004.5 and 10,755 MHz toward Indianapolis, Ind., and change antenna system at its station located Montclair 3.5 miles northwest of Danville, Ind.

3641-C1-P-69—Indiana Bell Telephone Co.; (KSN76); C.P. to replace transmitters operating on frequencies 11,405 and 11,685 MHz, add 6204.7, 11,565, and 11,445 MHz toward Montclair, Ind., at its station located Frankfort, Ind., add 6301.0 and 11,445 MHz toward Montclair, Ind., at its station located 0.25 mile southeast of Lebanon, Ind.

3642-C1-P-69—Indiana Bell Telephone Co.; (KSN77); C.P. to replace transmitters operating on frequencies 10,765, 10,835, 10,965 and 6106.3 MHz and add 5952.6 and 10,715 MHz toward Lebanon, Ind., at its station located 0.5 mile north of Frankfort, Ind.

3643-C1-P-69—Indiana Bell Telephone Co.; (KSN78); C.P. to replace transmitters operating on frequencies 11,685, 11,535 and 6412.2 MHz at station located 1.5 miles southeast of Lafayette, Ind.

3647-C1-P-69—California-Pacific Utilities Co.; (KJJS8); C.P. to replace transmitter operating on frequency 2179.2 MHz at its station located at Montello, Nev.

3668-C1-P-69—California-Pacific Utilities Co.; (KJJS8); C.P. to replace transmitter operating on 2171.2 MHz at station located 2.7 miles northwest of Wells, Nev.

3669-C1-P-69—California-Pacific Utilities Co.; (KJJS8); C.P. to replace transmitters operating on frequencies 2120.2 and 2129.2 MHz at its station located Pequop Summit, 23 miles east of Wells, Nev.

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3670-C1-MP-69—Illinois Bell Telephone Co.; (KZS93); Modification of C.P. to change frequencies from 6137.9 and 11,365 MHz at its station located 2.4 miles north-northwest of center of Libertyville, Ill.

3671-C1-MP-69—Illinois Bell Telephone Co.; (KZL55); Modification of C.P. to change frequency from 6301 MHz to 6336.3 MHz directed toward Elgin, Ill., at station located Silver Lake, 1.3 miles northwest of Oakwood Hills, Ill.

3672-C1-MP-69—Illinois Bell Telephone Co.; (KSN60); Modification of C.P. to change frequencies from 6049 MHz to 6137.9 MHz toward Silver Lake, Ill., at station located 255 East Chicago Street, Elgin, Ill.

## POINT-TO-POINT MICROWAVE RADIO SERVICE (MONTTELEPHONE)

3644-C1-ML-69—Brentwood Co.; (KTG33); Modification of license to provide the signal of KMEX-TV to Los Angeles to San Joaquin Transmission Co., Inc., for use on its CATV system in Kern County, service will be provided by converting the present relay site on Breckenridge Mountain to a drop point.

3646-C1-P-69—Micro Relay, Inc.; (New); C.P. for a new station at Timberlane Road, Tallahassee, Fla., at lat. 30° 30' 34" N.-long. 84° 16' 05" W. Frequencies: 5952.6, 6011.9, and 6071.2 MHz on azimuth 272° 18'.

3647-C1-P-69—Micro Relay, Inc.; (New); C.P. for a new station 4.5 miles west of Juniper, Fla., at lat. 30° 31' 48" N.-long. 84° 50' 15" W. Frequencies: 6304.7, 6364.0, and 6323.3 MHz on azimuth 255° 47'.

3648-C1-P-69—Micro Relay, Inc.; (New); C.P. for a new station 7.5 miles west of Clarksville, Fla., at lat. 30° 25' 29" N.-long. 85° 18' 59" W. Frequencies: 5991.1, 6056.4, and 6115.7 MHz, on azimuth 238° 07'. (Informative: Applicant proposes to provide the television signals of WAGA-TV, WQXI-TV, and WSB-TV of Atlanta, Ga., to Florida Antennavision, Inc., in Panama City, Fla.)

3649-C1-P-69—American Television Relay, Inc.; (KET84); C.P. to add frequencies 5960.0, 6019.3, 6078.6, 6137.9, and 6108.3 MHz via power split toward Albuquerque, N. Mex., on azimuth 238° 45'. (Informative: Applicant proposes to provide the television signals of KTLA-TV, KHJ-TV, KTTV-TV, and KOOP-TV of Los Angeles, Calif., and XEJ-TV of Juarez, Mexico, to GenCor, Inc., in Albuquerque, N. Mex.)

3650-C1-P-69—Mountain Microwave Corp.; (New); C.P. for a new station 2 miles northwest of Redfield, S. Dak., at lat. 44° 54' 40" N.-long. 98° 32' 06" W. Frequencies: 10,715, 10,795, and 10,875 MHz on azimuth 272° 28'. (Informative: Applicant proposes to provide the television signals of KBMA-TV and KWGN-TV of Denver, Colo., and one signal, as selected, consisting of KLZ-TV, KOA-TV, and KBTW to Midcontinent Broadcasting Co., in Aberdeen, S. Dak.)

3651-C1-P-69—West Texas Microwave Co.; (KTF81); C.P. to power split frequencies 10,815, 10,895, and 11,065 MHz toward Snyder, Tex., on azimuth of 355° 00'.

3652-C1-P-69—West Texas Microwave Co.; (KTF83); C.P. to add frequencies 11,265, 11,345, and 11,565 MHz toward Grimes Creek, Tex., on azimuth 317° 3'.

3653-C1-P-69—West Texas Microwave Co.; (KTF84); C.P. to add frequencies 10,815, 10,895, and 11,055 MHz toward Pleasant Valley, Tex., on azimuth 312° 47'.

3654-C1-P-69—West Texas Microwave Co.; (KTF85); C.P. to add frequencies 11,265, 11,345, and 11,565 MHz toward Lubbock, Tex., on azimuth 313° 33'.

3655-C1-P-69—West Texas Microwave Co.; (KTF85); C.P. to power split frequencies 10,915, 11,115 MHz and add frequencies 10,735, 10,815, and 11,055 MHz toward Cotton Center, Tex., on azimuth 343° 59'.

3656-C1-P-69—West Texas Microwave Co.; (New); C.P. for a new station at Cotton Center, Tex., at lat. 33° 57' 58" N.-long. 101° 53' 54" W. Frequencies 11,265, 11,345, 11,505, and 11,585 MHz on azimuth 1° 51'.

3657-C1-P-69—West Texas Microwave Co.; (New); C.P. for a new station at McClung Farm, Tex., at lat. 34° 25' 41" N.-long. 101° 57' 49" W. Frequencies 10,735, 10,815, 10,895, 11,055, and 11,135 MHz on azimuth 338° 59'.

3658-C1-P-69—West Texas Microwave Co.; (New); C.P. for a new station at Jennings Farm, 5.4 miles northwest of Osgood, Tex., at lat. 34° 52' 19" N.-long. 101° 58' 25" W. Frequencies 11,265, 11,345, 11,425, 11,505, and 11,585 MHz on azimuth 18° 39' and 11° 46'. (Informative: Applicant proposes to provide the television signals of KMBC-TV, KFWT-TV, KDTV, KIVT, and KERA-TV of the Fort Worth-Dallas area to Amarillo, Tex., for delivery to Total Television of Amarillo.)

## POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)—continued

3659-C1-P-69—West Texas Microwave Co.; (New); C.P. for a new station at Seventh and North Grant Avenue in Odessa, Tex., at lat. 31°51'00" N.—long. 102°22'13" W. Frequencies 11,265 and 11,345 MHz on azimuth 288°17'.

3660-C1-P-69—West Texas Microwave Co.; (New); C.P. for a new station at KVKM-TV tower in Goldsmith, Tex., at lat. 31°59'17" N.—long. 102°51'50" W. Frequencies 10,815 and 10,895 MHz on azimuth 246°24'.

3661-C1-P-69—West Texas Microwave Co.; (New); C.P. for a new station 15.8 miles west of Wink, Tex., at lat. 31°46'50" N.—long. 103°25'18" W. Frequencies 11,265 and 11,345 MHz on azimuth 301°15'.

3662-C1-P-69—West Texas Microwave Co.; (New); C.P. for a new station in Mason, Tex., at lat. 31°57'25" N.—long. 103°46'02" W. Frequencies 10,815 and 10,895 MHz on azimuth 262°11'.

3663-C1-P-69—West Texas Microwave Co.; (New); C.P. for a new station in Guadalupe, Tex., at lat. 31°49'56" N.—long. 104°48'31" W. Frequencies 11,265 and 11,345 MHz on azimuth 256°11'.

3664-C1-P-69—West Texas Microwave Co.; (New); C.P. for a new station in Borrego, Tex., at lat. 31°37'45" N.—long. 105°45'39" W. Frequencies 10,815 and 10,895 MHz on azimuth 284°45'. (Informative: Applicant proposes to provide the television signals of KTVT of Fort Worth and KDTV of Dallas to El Paso, Tex., for delivery to El Paso Cablevision, Inc.)

3696-C1-TC-(3)-69—Garden State Micro Relay, Inc.; Consent to transfer of control from Electronics Capital Corp. (de facto control), transferor, to Electronics Capital Corp. (de jure control), transferee. Stations: (KEM55)—near Chatsworth, N.J. (KEM56)—Millmay, N.J. (KYZ90)—North Wildwood, N.J.

[F.R. Doc. 69-64; Filed, Jan. 2, 1969; 8:46 a.m.]

## TARIFF COMMISSION

[332-57]

## OLIVES

## Notice of Postponement of Hearing

DECEMBER 30, 1968.

Notice is hereby given that the hearing scheduled to begin on January 13, 1969, in connection with the investigation by the U.S. Tariff Commission of the importation of olives into the United States, as announced in the *FEDERAL REGISTER* of October 29, 1968 (33 F.R. 15922), has been postponed indefinitely.

Issued: December 30, 1968.

By order of the Commission.

[SEAL] DONN N. BENT,  
Secretary.

[F.R. Doc. 69-57; Filed, Jan. 2, 1969;  
8:45 a.m.]

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.

## MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

DECEMBER 27, 1968.

The following applications are governed by Special Rule 1.247<sup>1</sup> 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*

<sup>1</sup> Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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

No. MC 531 (Sub-No. 245), filed December 11, 1968. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14048, Houston, Tex. 77021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic Liquors*, in bulk, in tank vehicles; (1) from Toledo, Ohio, and Chicago, Ill., to Burlingame and San Francisco, Calif.; and (2) from New Orleans, La., to Peoria, Ill., Burlingame and San Francisco, Calif. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 1630 (Sub-No. 13), filed December 11, 1968. Applicant: D. D. JONES TRANSFER & WAREHOUSE COMPANY, INCORPORATED, 630 Poindexter Street, Chesapeake, Va. 23506. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, and in connection therewith, *accessories* used in the installation thereof; (1) from Danville, Va., to points in Alabama, Georgia, Florida, Mississippi, North Carolina, and South Carolina; and (2) from Norfolk, Va., to points in North Carolina, and returned shipments, on return. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 5470 (Sub-No. 51), filed December 11, 1968. Applicant: TAJON, INC., Rural Delivery No. 5, Mercer, Pa. 16137. Applicant's representative: Don Cross, 917 Munsey Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, silicon metals, scrap metals, scrap steel shapes, pig iron, coke, limestone, and clay*, in dump vehicles, between Charleston, S.C., on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, and West Virginia. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Buffalo, N.Y.

No. MC 14321 (Sub-No. 5), filed December 9, 1968. Applicant: ENGEL BROTHERS, INC., 901 Julia Street, Elizabeth, N.J. 07201. Applicant's representative: Robert J. Gallagher, 111 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Louisiana, on the one hand, and, on

## NOTICES

the other, points in Texas. **NOTE:** Applicant states it presently holds authority to provide the service sought by using Arkansas as a gateway, and the purpose of the instant application is to seek removal of this gateway. Applicant indicates tacking at points in Louisiana and Texas with its other presently held authority wherein its operations involve points in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 29555 (Sub-No. 53), filed December 9, 1968. Applicant: BRIGGS TRANSPORTATION CO., a corporation, 2360 West County Road C, St. Paul, Minn. 55113. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (except those requiring temperature control), serving Jackson County Iron Mine, 6 miles east of Black River Falls, Wis., as an off-route point in connection with applicant's authorized regular route operations. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Minneapolis, Minn., or Des Moines, Iowa.

No. MC 30887 (Sub-No. 157), filed December 9, 1968. Applicant: SHIPLEY TRANSFER, INC., 49 Main Street, Post Office Box 55, Reisterstown, Md. 21136. Applicant's representative: W. Wilson Corrour (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pellets, powder, or granules*, in bulk, from Baltimore, Md., to Lynchburg, Va. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 31600 (Sub-No. 636), filed December 11, 1968. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. 02154. Applicant's representative: Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water softening compound*, dry, in bulk, from Nashua, N.H., to Port Ivory, Staten Island, N.Y., Baltimore, Md., Quincy, Mass., Augusta, Ga., Cincinnati, Ohio, Chicago, Ill., and St. Louis, Mo. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 31600 (Sub-No. 637), filed December 13, 1968. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION,

INC., Calvary Street, Waltham, Mass. 02154. Applicant's representative: Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slag, granulated, ground, pulverized, or lump*, between Bow, N.H. (Merrimack County), and points within 5 miles thereof, on the one hand, and, on the other, points in Connecticut, Massachusetts, Maine, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. **NOTE:** If a hearing is deemed necessary, applicant does not specify location.

No. MC 50307 (Sub-No. 47), filed December 9, 1968. Applicant: INTER-STATE DRESS CARRIERS, INC., 247 West 35th Street, New York, N.Y. 10001. Applicant's representative: Herbert Burstein, 160 Broadway, New York, N.Y. 10038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and material and supplies used in the manufacture thereof*, between points in the New York, N.Y., commercial zone, North Bergen, Hackensack, and Paterson, N.J., Reading and Philadelphia, Pa., on the one hand, and, on the other, Grafton, W. Va. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 50493 (Sub-No. 40), filed December 6, 1968. Applicant: P. C. M. TRUCKING, INC., 1063 Main Street, Orefield, Pa. Applicant's representative: Frank A. Doocey, 601 Hamilton Street, Allentown, Pa. 18101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed ingredients such as meat scrap, bone meal, tankage, dry, in bulk, in self-unloading equipment*, between points in Chemung, Tioga, and Broome Counties, N.Y., and points in Pennsylvania north of Interstate Highway 78 between Harrisburg and Easton, Pa., east of the Susquehanna River. **NOTE:** Applicant has contract carrier authority in MC 115859 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 52310 (Sub-No. 26), filed November 15, 1968. Applicant: BRUCE MOTOR FREIGHT, INC., 3920 Delaware Street, Post Office Box 623, Des Moines, Iowa 50303. Applicant's representative: Homer E. Bradshaw, 11th Floor, Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, bullion, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Cedar Rapids and Mount Pleasant, Iowa, over U.S. Highway 218 to Mount Pleasant, and return over the same route, serving no intermediate points, in connection with carriers presently authorized regular route operations. **NOTE:** Applicant states that the

purpose of the instant application is to remove the restriction and the reference to the points of joinder included in its Sub 23. Applicant further states that this application is filed for the purpose of establishing a more economical and efficient route between Cedar Rapids, Iowa, and St. Louis, Mo. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 59264 (Sub-No. 44), filed December 9, 1968. Applicant: SMITH & SOLOMON TRUCKING COMPANY, a corporation, How Lane, New Brunswick, N.J. Applicant's representative: Herbert Burstein, 160 Broadway, New York, N.Y. 10038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ordinance and quartermaster supplies* for the U.S. Government, between points in New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Maine, Pennsylvania, Delaware, Maryland, Virginia, New Hampshire, Vermont, and the District of Columbia. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 59367 (Sub-No. 62) (Correction), filed November 21, 1968, published in the *FEDERAL REGISTER* issue of December 19, 1968, and republished as corrected, this issue. Applicant: DECKER TRUCK LINE, INC., Post Office Box 915, Fort Dodge, Iowa 50501. 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: *Foodstuffs*, from the plantsite and/or storage facilities used by Green Giant Co., at or near Belvidere, Ill., to points in Iowa, Nebraska, and Missouri. **NOTE:** The purpose of this republication is to show the correct Docket number as MC 59367 in lieu of MC 59637, which was previously published. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 59367 (Sub-No. 63), filed December 5, 1968. Applicant: DECKER TRUCK LINE, INC., Post Office Box 915, Fort Dodge, Iowa 50501. 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: *Building materials*, from Fort Dodge, Iowa, to points in Wisconsin. **NOTE:** If a hearing is deemed necessary, applicant does not specify a location.

No. MC 61403 (Sub-No. 188), filed December 13, 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: *Chemicals*, in bulk, from Pedricktown, N.J., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Ken-

tucky, Louisiana, Mississippi, Missouri, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 61592 (Sub-No. 134), filed December 9, 1968. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cylinder finishers* from Ida Grove, Iowa, to points in the United States (except Hawaii), and (2) *materials, equipment and supplies* used in the manufacture and distribution of (1) above from points in the United States (except Hawaii), to Ida Grove, Iowa. Note: Applicant states it could tack with Item 12 of applicant presently held authority, authorizing machinery between Iowa and portions of Illinois and Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 64932 (Sub-No. 462), filed December 16, 1968. Applicant: ROGERS CARGO CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60603. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol, grain neutral spirits, and alcoholic liquors*, in bulk, in tank trailers, from Peoria, Ill., ports of entry on the international boundary line between the United States and Canada, located at Detroit and Port Huron, Mich., and Points in New York, New Jersey, Pennsylvania, and Maryland, to Burlingame, Calif. Note: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 76025 (Sub-No. 13), filed December 16, 1968. Applicant: OVERLAND EXPRESS, INC., 498 First Street NW, New Brighton, Minn. 55112. Applicant's representative: James F. Sexton (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from La Crosse and Middleton, Wis., Clinton, Iowa, and the Swift & Co. plantsite near West Bend, Wis., to points in Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. Restriction: That shipments from Middleton, Clinton, and the Swift & Co. plantsite near West Bend will only be handled in connection with shipments originating

at La Crosse. Note: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., Chicago, Ill., or Washington, D.C.

No. MC 78400 (Sub-No. 26), filed December 11, 1968. Applicant: BEAUFORT TRANSFER COMPANY, a corporation, Post Office Box 102, Gerald, Mo. 63037. Applicant's representative: Thomas F. Kilroy, 1341 G Street NW, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Belle, Mo., and Lamar, Mo., as follows: From Belle over Missouri Highway 28 to junction U.S. Highway 63, thence over U.S. Highway 63 to junction U.S. Highway 66 and Interstate Highway 44, thence over U.S. Highway 66 and Interstate Highway 44 to their junction with U.S. Highway 71, thence over U.S. Highway 71 to junction U.S. Highway 160; and thence over U.S. Highway 160 to Lamar, and return over the same route serving no intermediate points. Note: If a hearing is deemed necessary, applicant requests it be held at Joplin or Kansas City, Mo.

No. MC 85465 (Sub-No. 15), filed December 6, 1968. Applicant: WEST NEBRASKA EXPRESS, INC., Post Office Drawer 350, Scottsbluff, Nebr. 69361. 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: *Fresh hams*, from Austin, Minn., Sioux Falls and Huron, S. Dak., Wichita, Kans., Chicago, Ill., and points in Missouri and Iowa, to Scottsbluff, Nebr., and Delphos, Ohio. Note: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Omaha, Nebr.

No. MC 95540 (Sub-No. 740), filed December 11, 1968. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned preserved foodstuffs*, not cold pack or frozen, from Red Creek, Waterloo, Rushville, Penn Yan, Egypt, Fairport, Lyons, Newark, and Syracuse, N.Y., and West Chester, Pa., to points in Alabama, Arkansas, Georgia, Florida, Kentucky, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia. Note: If a hearing is deemed necessary, applicant requests it be held at Rochester or Buffalo, N.Y., or Washington, D.C.

No. MC 103993 (Sub-No. 364), filed December 9, 1968. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Bill R. Privitt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Trailers designed to be drawn by passenger automobiles in initial movements, from points in Cabarrus County, N.C., to points in the United States (except Alaska and Hawaii)*. Note: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 103993 (Sub-No. 365), filed December 9, 1968. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Bill R. Privitt and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers designed to be drawn by passenger automobiles, in initial movements, from points in Brown County, Minn., to points in the United States (except Alaska and Hawaii)*. Note: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 105007 (Sub-No. 21), filed December 16, 1968. Applicant: MATSON TRUCK LINES, INC., 1407 St. John Avenue, Albert Lea, Minn. 56007. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laminated wood products, lumber, related articles, and accessories* therefor, from Weyerhaeuser Co. plants and facilities in Minnesota, to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, Wisconsin, and the District of Columbia. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 106398 (Sub-No. 381), filed December 2, 1968. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers designed to be drawn by passenger automobiles, and buildings in sections, equipped with a hitch ball connector*, from points in Lincoln County, Miss., to points in the United States (except Alaska and Hawaii). Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 107295 (Sub-No. 150), filed December 16, 1968. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representatives: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842, and Mack Stephenson, 301 Building, 301 North Second Street, Springfield, Ill. 62702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* bought, sold, and distributed by paint manufacturers, from Paterson, N.J., to points in Ohio, Kentucky, Tennessee, Indiana, Michigan, Wisconsin,

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sin, Illinois, Minnesota, Iowa, Missouri, and Arkansas. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 151), filed December 16, 1968. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representatives: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842, and Mack Stephenson, 301 Building, 301 North Second Street, Springfield, Ill. 62702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Galvanized, vinyl or aluminized chain link fencing, fencing fixtures and accessories, tubing, fence pipe and standard weight pipe in cut lengths and mill lengths, reinforcement (concrete) wire mesh*, from Bladensburg, Md., to points in Michigan, Missouri, Ohio, Indiana, Alabama, Illinois, Iowa, Kentucky, Wisconsin, Tennessee, Arkansas, Mississippi, South Carolina, North Carolina, Georgia, West Virginia, Virginia, Pennsylvania, New Jersey, New York, Delaware, Rhode Island, Connecticut, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109501 (Sub-No. 10), filed December 16, 1968. Applicant: CALHOUN TRUCKING CORP., 319 Jacet Road, Kearny, N.J. 07032. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Household appliances, furnaces, air cleaners, conditioners, heaters, humidifiers, and dehumidifiers*, from the plantsite of Fedders Corp. of Edison (Middlesex County), N.J., to points in Pennsylvania (except Scranton, Tunkhannock, Honesdale, Philadelphia, West Hazelton, and Hazleton), New York (except New York, N.Y., points in Orange, Rockland, Ulster, Greene, Albany, Schenectady, Rensselaer, Columbia, Dutches, Putnam, Westchester, Nassau, and Suffolk Counties), Connecticut (except that part of Connecticut west of the Connecticut River), Rhode Island, Massachusetts, Maryland, Delaware, District of Columbia, and Virginia; and (2) *returned shipments, and materials, parts, and supplies* (except commodities in bulk), used in the manufacture, production, and distribution of the above-described commodities, from the above-named destination points to the plantsite of Fedders Corp. in Edison Township (Middlesex County), N.J.; under contract with Fedders Corp. Note: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 111611 (Sub-No. 22), filed December 16, 1968. Applicant: NOERR MOTOR FREIGHT, INC., 205 Washington Avenue, Lewistown, Pa. 17044. Applicant's representative: John E. Fullerton, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibrous glass reinforced storage tanks*:

(1) From the plantsite of Owens-Corning Fiberglas Corp. at or near Huntingdon, Pa., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, Wyoming, and the District of Columbia; and, (2) from the plantsite of Owens-Corning Fiberglas Corp. at or near Valparaiso, Ind., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111940 (Sub-No. 46), filed December 16, 1968. Applicant: SMITH'S TRUCK LINES, a corporation, Post Office Box 88, Muncy, Pa. 17756. 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: *Materials and supplies used in the agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries, when shipped in mixed loads with salt (otherwise authorized)*, from Silver Springs, Retsos, and Watkins Glen, N.Y., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. Note: Applicant states upon grant of the sought authority, it will request cancellation of certificate No. MC 111940, Sub 28 and Sub 36 which authorize transportation of pepper, in packages, in mixed shipments with salt from Silver Springs and Watkins Glen, N.Y., to points in the above-named destination States. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 114106 (Sub-No. 69), filed December 12, 1968. Applicant: MAYBELLE TRANSPORT COMPANY, a corporation, Post Office Box 573, Lexington, N.C. 27292. Applicant's representative: William P. Sullivan, Federal Bar Building, West 1819 H Street NW, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from Charlotte and Lexington, N.C., to points in North Carolina, South Carolina, and Georgia. Note: Applicant holds contract carrier authority under MC 115176 and Subs thereunder, therefore, dual operations may be involved. If a hearing is deemed

necessary, applicant requests it be held at Washington, D.C.

No. MC 114273 (Sub-No. 35), filed December 13, 1968. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene Prokuski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsites, shipping points, and warehouses of Continental Steel Corp., located in Howard County, Ind., to points in the United States on and east of U.S. Highway 85; and, *materials, equipment, and supplies* used in the manufacture and processing of iron and steel articles, on return. Restrictions: Above-proposed operations are restricted to the transportation of traffic originating at or destined to the named origins and destinations, and are 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 114608 (Sub-No. 23), filed December 12, 1968. Applicant: CAPITAL EXPRESS, INC., 1621 Century Avenue SW, Grand Rapids, Mich. 49509. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Refrigerators, freezers, air coolers and cooling or freezing machines and parts therefor* when moving with same; and (2) *materials, equipment, and supplies used in the manufacture thereof* (except steel and commodities which because of size or weight or inherent nature requires the use of special equipment or special handling); (1) from Belding and Greenville, Mich., to points in Ohio, Indiana, and Illinois; and (2) from points in Ohio, Indiana, and Illinois, to Belding and Greenville, Mich.; under contract with Kelvinator, Inc. Note: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 119631 (Sub-No. 12), filed December 16, 1968. Applicant: DEIOMA TRUCKING CO., a corporation, Post Office Box 915, Mount Union Station, Alliance, Ohio 44601. Applicant's representative: James E. Wilson, 1735 K Street NW, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *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, restricted to traffic originating at or destined to the named origins and destinations in (1) and (2) above, and further restricted against the transportation of commodities in bulk. Note: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 120634 (Sub-No. 18), filed November 29, 1968. Applicant: JOE HODGES TRANSPORTATION CORPORATION, Post Office Box 82397, Oklahoma City, Okla. 73108. Applicant's representative: Leroy Hallman, 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from points in De Soto County, Miss., to points in Alabama, Arkansas, Tennessee, Missouri, Illinois, Oklahoma, Louisiana, Georgia, North Carolina, South Carolina, Kentucky, and Indiana. Note: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 124221 (Sub-No. 21), filed December 9, 1968. Applicant: HOWARD BAER, 821 East Dunne Street, Morton, Ill. 61550. Applicant's representative: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream, ice cream products, sherbets, ice milk, water ices, vegetable fat, frozen desserts, frozen novelties, and dairy products*, between Hazelwood, Mo., and Little Rock, Ark., Decatur, Ala., Memphis, Tenn., Nashville, Tenn., Cookeville, Tenn., Cincinnati, Ohio, Indianapolis, Ind., Peoria, Ill., Milwaukee, Wis., and Chariton, Iowa, under contract with The Kroger Co. Note: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., Chicago, Ill., or Indianapolis, Ind.

No. MC 125161 (Sub-No. 13), filed December 13, 1968. Applicant: UNITED FREIGHTWAYS, INC., 671 Chestnut Street, North Andover, Mass. 01845. Applicant's representative: George C. O'Brien, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone, limestone products, and limestone byproducts*, in bulk, and in bags, from the plantsite of the Chas. Pfizer & Co., Inc., Division of Minerals, Pigments and Metals, located at Adams, Mass., to points in Maine, under contract with Chas. Pfizer & Co., Inc., Division of Minerals, Pigments and Metals. Note: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or New York City, N.Y.

No. MC 125708 (Sub-No. 103), filed December 12, 1968. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. 62087. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed and canned foodstuffs*, from Avoyelles and West Feliciana Parishes in Louisiana to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, and Wisconsin. Note: If a hearing is deemed necessary, applicant requests it be held at Baton Rouge, La., or Washington, D.C.

No. MC 127042 (Sub-No. 28), filed December 4, 1968. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 6, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Grand Island and Hastings, Nebr., and Kansas City, Mo., to points in Illinois, Iowa, Idaho, Indiana, Minnesota, Michigan, Montana, Missouri, Kansas,

thority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from points in De Soto County, Miss., to points in Alabama, Arkansas, Tennessee, Missouri, Illinois, Oklahoma, Louisiana, Georgia, North Carolina, South Carolina, Kentucky, and Indiana. Note: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

North Dakota, Oregon, Oklahoma, Washington, Wisconsin, Utah, Wyoming, and South Dakota. Note: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 127587 (Sub-No. 5), filed December 16, 1968. Applicant: MEXICANA REEFER SERVICES, LTD., 880 Malkin Avenue, Vancouver, British Columbia, Canada. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Furniture stock*, from ports of entry at or near Blaine and Sumas, Wash., on the international boundary line between the United States and Canada to points in California, Oregon, and Washington, under contract with Brownlee Industries, Ltd. Note: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 107515 (Sub-No. 631), filed December 12, 1968. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (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 packing-houses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Austin, Minn., and Fremont, Nebr., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina, restricted to traffic originating at the plantsite and/or warehouse facilities, Geo. A. Hormel & Co., Austin and Fremont, and destined to points in the named States. Note: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Minneapolis, Minn.

No. MC 127832 (Sub-No. 5), filed December 12, 1968. Applicant: C & S TRANSFER, INC., Post Office Box 5249, Macon, Ga. 31208. Applicant's representative: William Addams, Suite 527, 1778 Peachtree Street, NW, Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuff, fresh frozen and canned, and supplies and equipment used in the operation of restaurants*, between the warehouse of State Wholesale Food, Inc., Macon, Ga., and Cleveland, Tenn.; under contract with State Wholesale Food, Inc., Macon, Ga. Note: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 108449 (Sub-No. 291), filed December 13, 1968. Applicant: INDIAN-HEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*,

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from McGregor, Minn., to points in Iowa, Minnesota, North Dakota, South Dakota, Wisconsin, and Upper Peninsula of Michigan. **NOTE:** Applicant states that tacking could take place in conjunction with its Sub 200 at Aberdeen, S. Dak., and Jamestown, N. Dak., to serve the States of Montana and Wyoming. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 111495 (Sub-No. 8) (Correction), filed December 5, 1968, published in the *FEDERAL REGISTER* issue of December 19, 1968, under MC111495 Sub-No. 8, and republished as corrected this issue. Applicant: AQUILINO TRANSPORT CO., INC., 21 Olden Terrace, Trenton, N.J. 08618. Applicant's representative: Raymond A. Thistle, Jr., Suite 1710, 1500 Walnut Street, Philadelphia, Pa. 19102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Redwood furniture, knocked-down and parts and materials thereof*, from points in Bristol Township, Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, North Carolina, Rhode Island, Virginia, and the District of Columbia; under contract with Suncraft of California, Ltd. **NOTE:** The purpose of this republication is to reflect the correct docket number assigned as MC 111495 (Sub-No. 8). If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 111956 (Sub-No. 19), filed December 13, 1968. Applicant: SUWAK TRUCKING COMPANY, a corporation, 1105 Fayette Street, Washington, Pa. 15301. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, livestock, commodities in bulk, and those requiring special equipment), between points in Allegheny, Fayette, Greene, Washington, and Westmoreland Counties, Pa. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 113666 (Sub-No. 31), filed December 5, 1968. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. 16229. Applicant's representative: Leonard A. Jaskiewicz, 1155 15th Street NW, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles; (1) from points in Illinois to points in Indiana, Iowa, Michigan, Minnesota, Missouri, and Ohio; (2) from points in Indiana to points in Illinois, Michigan, Missouri, and Ohio; (3) from points in Iowa to points in Illinois, Indiana, Michigan, and Ohio; (4) from points in Kentucky to points in Illinois, Indiana, Michigan, and Ohio; (5) from points in

Missouri to points in Illinois, Indiana, and Iowa; and (6) from points in Ohio to points in Illinois, Indiana, and Michigan. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 113861 (Sub-No. 46), filed December 4, 1968. Applicant: WOOTEN TRANSPORTS, INC., 153 Gaston Avenue, Memphis, Tenn. 38106. Applicant's representative: Dale Woodall, 900 Memphis Bank Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*; (1) from Crowsville, Ark., to points in Missouri, Tennessee, and Mississippi; (2) from Jackson, Tenn., to points in Alabama, Kentucky, and Mississippi; and (3) from Parma, Mo., to points in Arkansas, Tennessee, Kentucky, and Illinois. **NOTE:** Applicant states it could tack over Memphis, Tenn., commercial zone and serve a few additional points. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 112248 (Sub-No. 3), filed December 12, 1968. Applicant: ALL STATE TRUCK LINES, INC., 474 North Foster Drive, Baton Rouge, La. 70806. Applicant's representative: John Schwab, Post Office Box 3036, 617 North Boulevard, Baton Rouge, La. 70821. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel waste disposal containers*, from Baton Rouge, La., to Fort Bragg, N.C., Fort Hood, Tex., Fort Sill, Okla., Fort Sam Houston, Tex., Fort Chaffee, Ark., Fort Bliss, Tex., and Fort Polk, La., and *damaged or rejected steel waste disposal containers*, on return. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Baton Rouge or New Orleans, La.

No. MC 112520 (Sub-No. 191), filed December 9, 1968. Applicant: MCKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, Fla. 32302. Applicant's representative: W. Guy McKenzie, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, except aluminum sulphate, in bulk, from points in Gulf County, Fla., to points in Alabama, Arkansas, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and Washington, D.C. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 113388 (Sub-No. 84), filed December 10, 1968. Applicant: LESTER C. NEWTON TRUCKING CO., a corporation, Post Office Box 248, Bridgeville, Del. 19933. Applicant's representative: H. Charles Ephraim, 1411 K Street NW, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry animal and poultry feed*; and (2) *animal and poultry health aids*, in containers, when moving in the same vehicles as the commodities set forth in (1) above, from points in Yellowstone County, Mont., to points in Campbell, Crook, and Weston Counties, Wyo.; and (3) *bones, meat scraps, tankage, bone meal, and ground bones*, from points in Sheridan County, Wyo., to Denver, Colo. **NOTE:** If a hearing is deemed necessary, applicant requests

mont; and (2) from points in Sussex and Kent Counties, Del., to points in Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, and Maine. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113974 (Sub-No. 29) filed December 10, 1968. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., a corporation, 211 Washington Avenue, Dravosburg, Pa. 15034. Applicant's representative: W. H. Schlottman (same address as applicant). 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, 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 further restricted against the transportation of commodities in bulk. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114273 (Sub-No. 34), filed December 13, 1968. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prokuski, Post Office Box 68, Cedar Rapids, Iowa 52406. 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 B of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk, from Ottumwa, Iowa, to points in Michigan, Ohio, New York, and Pennsylvania, restricted to traffic originating at the above named origin. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115648 (Sub-No. 17), filed December 16, 1968. Applicant: LUTHER LOCK, doing business as LUTHER LOCK TRUCKING, 705 Thirteenth Street, Wheatland, Wyo. 82201. Applicant's representative: Ward A. White, Post Office Box 568, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry animal and poultry feed*; and (2) *animal and poultry health aids*, in containers, when moving in the same vehicles as the commodities set forth in (1) above, from points in Yellowstone County, Mont., to points in Campbell, Crook, and Weston Counties, Wyo.; and (3) *bones, meat scraps, tankage, bone meal, and ground bones*, from points in Sheridan County, Wyo., to Denver, Colo. **NOTE:** If a hearing is deemed necessary, applicant requests

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it be held at Cheyenne or Casper, Wyo., or Billings, Mont.

No. MC 116273 (Sub-No. 110) (Correction), filed September 16, 1968, published in the *FEDERAL REGISTER* issue of October 10, 1968, corrected and republished as corrected this issue. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: Robert G. Paluch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastics*, in bulk, in tank or hopper type vehicles, from Lake Zurich, Ill., to points in Indiana, Ohio, Kentucky, Michigan, Wisconsin, Minnesota, Iowa, and Missouri. Note: The purpose of this republication is to add the words "in tank" to the commodity description. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116273 (Sub-No. 113), filed December 16, 1968. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: Eugene L. Ward (same address as applicant). 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, Vermont, Minnesota, Connecticut, New York, New Jersey, Massachusetts, Maine, Rhode Island, Missouri, Pennsylvania, Nebraska, Tennessee, and Wisconsin. Note: Applicant indicates tacking possibilities. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117820 (Sub-No. 5), filed December 9, 1968. Applicant: AURELIA TRUCKING CO., a corporation, 2136 Pine Grove Avenue, Port Huron, Mich. Applicant's representative: Robert D. Schuler, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fish and shell fish*, and (2) *cheese, pickles, olives, candy, and preserved fruit*, in vehicles equipped with mechanical refrigeration, in mixed shipments, the transportation of which is partially exempt under the provisions of section 203(b) (6) of the Interstate Commerce Act if transported in vehicles at the same time with (1) above, from Farmingdale, Jersey City, and Newark, N.J., New York, N.Y., and New Holland and Philadelphia, Pa., Detroit, Mich., Cleveland, Toledo, and Salem, Ohio. Note: The instant application duplicates in part, the authority under MC 117820 (Sub-No. 3). Applicant hereby tenders it Sub 3 authority for cancellation if this application is granted. If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich., or Washington, D.C.

No. MC 118638 (Sub-No. 3), filed December 9, 1968. Applicant: G C S SERVICE, INC., Galion Municipal Airport, Galion, Ohio. Applicant's representative:

John P. McMahon, Suite 1800, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Wyandot County, Ohio, on the one hand, and, on the other, the Cleveland-Hopkins Airport, located in Cuyahoga County, Ohio. Restriction: The authority granted herein is restricted to the transportation of shipments having an immediately prior or immediately subsequent movement by air. Note: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119012 (Sub-No. 4), filed December 9, 1968. Applicant: RIVER TERMINALS TRANSPORT, INC., Post Office Box 176, Aurora, Ind. 47001. 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: *Liquids*, in bulk (not including lard, fats, tallow, oils, and greases other than those derived from petroleum), between the plantsite of Aurora Terminals Co., Inc., at Aurora, Ind., on the one hand, and, on the other, points in Indiana, Ohio, and Kentucky. Restrictions: All movements will have a prior or subsequent movement by rail or water. Note: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., Cincinnati, Ohio, or Louisville, Ky.

No. MC 123061 (Sub-No. 46), filed December 6, 1968. Applicant: LEATHAM BROS., INC., 46 Orange Street, Salt Lake City, Utah 84104. Applicant's representative: Harry D. Pugsley, 400 El Paso Gas Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, from points in Idaho, to points in Colorado and Wyoming. Note: Applicant states it intends to tack in Idaho. No duplicating authority is being sought. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 123502 (Sub-No. 28), filed December 12, 1968. Applicant: FREE STATE TRUCK SERVICE, INC., 10 Vernon Avenue, Glen Burnie, Md. 21061. Applicant's representative: Donald E. Freeman, Post Office Box 806, Westminster, Md. 21157. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Nickel sulphate*, in dump vehicles, from Baltimore, Md., to Sewaren, N.J.; and (2) *metals, metal alloys, scrap metals, minerals, and ores*, in dump vehicles, between Baltimore, Md., on the one hand, and, on the other, points in the United States, except Hawaii. Restriction: The authority sought immediately above to the extent that such authority duplicates any heretofore granted to, or held by applicant, shall not be construed as conferring more than one

operating right. Note: Applicant states it could tack at Baltimore, Md., and serve Maryland, New Jersey, Indiana, Illinois, New York, Massachusetts, New Hampshire, Rhode Island, Ohio, Michigan, Connecticut, Pennsylvania, West Virginia, and Virginia. However, tacking is not intended. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123819 (Sub-No. 20), filed December 9, 1968. Applicant: ACE FREIGHT LINE, INC., 261 East Webster, Memphis, Tenn. 38102. Applicant's representative: Bill R. Davis, 1800 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bags, bagging, and liners*; (1) from New Orleans, La., to points in Texas; and (2) from Houston, Tex., to points in Louisiana, Arkansas, Mississippi, Alabama, and Georgia. Note: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 124111 (Sub-No. 19), filed December 9, 1968. Applicant: Ohio Eastern Express, Inc., Post Office Box 2297, 300 West Perkins Avenue, Sandusky, Ohio 44870. Applicant's representative: M. A. Taylor (same address as above). 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, from points in Erie County, Ohio, to points in Illinois, Indiana, and Michigan. Note: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 124199 (Sub-No. 3), filed December 10, 1968. Applicant: CHESAPEAKE BULK TERMINALS, INC., 2767 Wilkens Avenue, Baltimore, Md. 21223. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, from points in Adams, Cumberland, Dauphin, York, Lebanon, Lancaster, and Berks Counties, Pa., to points in Delaware, Maryland, Virginia, West Virginia, and the District of Columbia. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124796 (Sub-No. 41) (Correction), filed November 29, 1968, published in the *FEDERAL REGISTER* issue of December 19, 1968, and republished in part, as corrected this issue. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Avenue, Post Office Box 1257, City of Industry, Calif. 91747. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. The purpose of this partial republication is to reflect in Item (d) *returned shipments, equipment, and supplies used in the manufacture and distribution of*

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air-conditioning equipment, furnaces, and water heaters on return, from points in Arizona, Arkansas, Indiana, Illinois, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Mississippi, Nebraska, New Mexico, New York, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin, which was inadvertently omitted in the previous publication. The rest of the application remains as previously published.

No. MC 124813 (Sub-No. 64), filed December 9, 1968. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson, 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: *Feed and feed ingredients* (except liquids, in bulk, in tank vehicles), from Marion, Iowa, to points in Illinois, Indiana, Kansas, Michigan, Missouri, Ohio, and Wisconsin. Note: Applicant holds contract carrier authority under MC 118468 and Subs thereunder, therefore, dual operations may be involved. Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 125771 (Sub-No. 4), filed December 11, 1968. Applicant: CAYUGA SERVICE, INC., Post Office Box 57, South Lansing, N.Y. 14882. Applicant's representative: E. Stephen Heisley, 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mineral rock salt*, from the sites of the mine and plant of Cayuga Rock Salt Co., Inc., at or near South Lansing, N.Y., to points in New Jersey, under contracts with Cayuga Rock Salt Co., Inc., Myers, N.Y., and Highway Materials Co., Inc., South Lansing, N.Y. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126709 (Sub-No. 3), filed December 6, 1968. Applicant: SABER, INC., 514 South Floyd Boulevard, Sioux City, Iowa 51107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Nonedible tallow and liquid animal feed supplement*, in bulk, in tank vehicles, from Sioux City, Iowa, to points in Nebraska, South Dakota, and those in that part of Minnesota on and south of a line beginning at the South Dakota and Minnesota State line at or near Marietta, Minn., extending east along U.S. Highway 212 to junction Minnesota Highway 15, thence south along Minnesota Highway 15 to junction U.S. Highway 14 at or near New Ulm, Minn., thence southeast along U.S. Highway 14 to junction U.S. Highway 218 at or near Owatonna, Minn., thence south along U.S. Highway 218 to the Minnesota-Iowa State line at or near Lyle, Minn.; and (2) *liquid animal feed supplements*, except molasses, in bulk, in tank vehicles, from Sioux City, Iowa, to points in Nebraska, South Dakota, North Dakota, and Minnesota. Note: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 127042 (Sub-No. 30), filed December 16, 1968. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 6, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Pekin, Ill., to points in Iowa, Kansas, Nebraska, and Missouri. Note: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 127591 (Sub-No. 3), filed December 16, 1968. Applicant: LESLEY ESTES, doing business as ESTES TRUCKING CO., Post Office Box 551, Rifle, Colo. 81650. Applicant's representative: John J. Thompson, 450 Capitol Life Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil shale*, in bulk, from points in Garfield and Rio Blanco Counties, Colo., to points in Albany County, Wyo. Note: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Laramie, Wyo.

No. MC 128205 (Sub-No. 9) (Clarification), filed November 25, 1968, published in the *FEDERAL REGISTER* issue of December 19, 1968, and republished as clarified, this issue. Applicant: BULKMATIC TRANSPORT COMPANY, a corporation, 4141 West George Street, Schiller Park, Ill. Applicant's representative: Irving Stillerman, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, in tank vehicles, from Thornton and Chicago, Ill., to points in Lafayette, Iowa, Green, Dane, Jefferson, Rock, Walworth, Waukesha, Milwaukee, Racine, and Kenosha Counties, Wis. Note: The purpose of this republication is to reflect Iowa as a county in Wisconsin in lieu of the State of Iowa. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 129157 (Sub-No. 2), filed October 31, 1968. Applicant: WILMER J. MEHLHAF, doing business as MEHLHAF TRUCKING, Menno, S. Dak. 57045. Applicant's representative: Don A. Bierle, Suite 4, Law Building, Yankton, S. Dak. 57078. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed*, in bags, and in bulk, from Sheldon, Iowa, and Sioux City, Iowa, to Menno, S. Dak., and points in Hutchinson and Turner Counties, S. Dak. Note: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, Sioux Falls, or Pierre, S. Dak.

No. MC 129413 (Sub-No. 3), filed December 10, 1968. Applicant: C. B. TRANSPORTATION, INC., 1400 Grand Avenue, Post Office Box 3072, Sioux City, Iowa 51102. Applicant's representative:

J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats and oils, vegetable fats and oils, and blends of animal fats and oils, and vegetable fats and oils*, in bulk, in tank vehicles, between points in Woodbury County, Iowa, and points in Dakota County, Nebr., on the one hand, and, on the other, points in Iowa, Minnesota, Nebraska, and South Dakota. Note: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 129960 (Sub-No. 1), filed December 9, 1968. Applicant: CLARENCE H. FIELDER, SR., doing business as FIELDER'S EXPRESS, 321 South Delaware Street, Indianapolis, Ind. 46204. 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: *Mineral wool, and mineral wool cement*, from the plantsite of Rock Wool Manufacturing Co., at or near Leeds, Ala., to points in Alabama, Georgia, Kentucky, and Tennessee. Note: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Atlanta, Ga.

No. MC 133107 (Sub-No. 3), filed October 14, 1968. Applicant: TENOPIR TRUCKING, INC., 200 Granville, Beatrice, Nebr. 68310. Applicant's representative: C. E. Danley, Box 362, Beatrice, Nebr. 68310. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Grain bins, silos, steel buildings, wet grain tanks, and silo unloaders*, from the plantsite of Martin Steel Corp., Mansfield, Ohio, to points in Taylor, Adams, Cass, Shelby, Harrison, Monona, Pottawattamie, Montgomery, Mills, Fremont, and Page Counties, Iowa; and Atchison, Nodaway, Worth, Harrison, Daviess, Gentry, Andrew, Holt, De Kalb, Buchanan, Clinton, Platte, Clay, and Jackson Counties, Mo., and points in Kansas and Nebraska, for the account of Farm Automation Corp., Beatrice, Nebr. If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 133184 (Sub-No. 1), filed November 20, 1968. Applicant: SPRINGFIELD AIRPORT LIMOUSINE, INC., 1936 Gretna Street, Springfield, Mo. 65804. Applicant's representative: Louis W. Cowan, 221 Woodruff Building, Springfield, Mo. 65805. 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), as part of a movement which includes an immediately prior or subsequent movement by air, between points in McDonald, Newton, Jasper, Barton, Vernon, St. Clair, Cedar, Dade, Lawrence, Barry, Stone, Taney, Christian, Greene, Polk,

Hickory, Dallas, Laclede, Webster, Wright, Douglas, and Ozark Counties, Mo., on the one hand, and, on the other, Springfield, Mo.; and also between points in McDonald, Newton, Jasper, Barton, Vernon, St. Clair, Cedar, Dade, Lawrence, Barry, Stone, Taney, Christian, Greene, Polk, Hickory, Dallas, Laclede, Webster, Wright, Douglas, and Ozark Counties, Mo., on the one hand, and, on the other, Kansas City Municipal Airport and Kansas City International Airport, Kansas City, Mo.; Fairfax Municipal Airport, Kansas City, Kans.; and Lambert Field and St. Louis Municipal Airport, St. Louis, Mo. Note: If a hearing is deemed necessary, applicant requests it be held at Springfield or Kansas City, Mo.

No. MC 133335, filed December 5, 1968. Applicant: THOMAS D. SPANGLER, trading as Spangler's Transfer, 2126-30 Edmondson Avenue, Baltimore, Md. 21223. Applicant's representative: R. Wayne Scheufele, 100 Court Square Building, Baltimore, Md. 21202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical appliances, crated and uncrated, with parts and accessories, and related advertising material*, in vehicles that are equipped with a hydraulic tailgate, from Washington, D.C., to points in Maryland, and *refused, damaged or returned electrical appliances*, on return under contract with Philco-Ford Distributors, Inc. Note: If a hearing is deemed necessary, applicant requests it be held at Baltimore, Md., or Washington, D.C.

No. MC 133337, filed December 5, 1968. Applicant: B & H TRANSPORT COMPANY, a corporation, 741 Rainbow Drive, Waterloo, Iowa 50704. 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: *Anhydrous ammonia*, in bulk, in tank vehicles: (1) from the terminals 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; (2) from the terminal located on the ammonia pipeline of Mid-America Pipeline Co., at or near Conway, Kans., to points in Colorado, Kansas, Missouri, and Nebraska; and (3) from the terminal located on the ammonia pipeline of Mid-American Pipeline Co., at or near Greenwood, Nebr., to points in Colorado, Iowa, Kansas, Missouri, Nebraska, South Dakota, and Wyoming, restricted to the transportation of shipments originating at the above-named terminals and destined to points in the States specified, in connection with (1) through (3). Note: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 133339, filed December 9, 1968. Applicant: VICTORIA TRANSFER & STORAGE CO., a corporation, 1211 North Laurent Street, Post Office Box 1807, Victoria, Tex. 77901. Applicant's representative: Mert Starnes, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *contract*

*carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies*, between Victoria, Tex., on the one hand, and, on the other, points in Arkansas, De Witt, Jackson, Calhoun, Victoria, Bee, Goliad, Refugio, and Lavaca Counties, Tex., restricted to traffic having a prior or subsequent out-of-State movement, under contract with Southwestern Bell Telephone Co. Note: Applicant is also authorized to conduct operations as a *common carrier* in certificate No. MC 109444, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at San Antonio, or Houston, Tex.

No. MC 133342, filed December 9, 1968. Applicant: COLUMBIA CIFUNE TRUCKING, INC., doing business as COLUMBIA TRUCKING, 3 Seventh Street, North Arlington, N.J. 07032. Applicant's representative: S. Berne Smith, 100 Pine Street, Post Office Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chinaware, earthenware, bone china, and glass tableware*, from the warehouse of American Commercial Inc. d.b.a. Mikasa in Elizabeth, N.J., to points in Nassau County, N.Y. Note: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133347, filed December 16, 1968. Applicant: J. CLETUS SITES, Route 2, Box 1, Rough Run, W. Va. 26860. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal or poultry feed*, in bulk, from Harrisonburg, Va., to points in Grant and Pendleton Counties, W. Va. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

#### MOTOR CARRIERS OF PASSENGERS

No. MC 133319, filed December 2, 1968. Applicant: BAXTER J. BARRIER, doing business as SHELBY BUS LINES, 114 North Washington Street, Shelby, N.C. 28150. Applicant's representative: L. T. Hamrick, 5 1/2 East Marion Street, Shelby, N.C. 28150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special and charter operations, beginning and ending at points in Cleveland and Rutherford Counties, N.C., and extending to points in South Carolina, Tennessee, Virginia, and Georgia. Note: If a hearing is deemed necessary, applicant requests it be held at Charlotte, Asheville, or Raleigh, N.C.

#### APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 133343 (Sub-No. 1), filed December 16, 1968. Applicant: SANDBERG FURNITURE MANUFACTURING COMPANY, INC., 5705 Alcos Avenue, Los Angeles, Calif. 90058. Applicant's representative: Donald Murchison, 211 South Beverly Drive, Suite 211, Beverly Hills, Calif. 90212. Authority sought to

operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, blanket wrapped, and new furniture*, in fiber cartons, in mixed loads, from the plantsite and warehouses of B. P. John Furniture Corp., located at Portland, Oreg., to Reno and Carson City, Nev., and points in California, under contract with B. P. John Furniture Corp.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 69-15; Filed, Jan. 2, 1969;  
8:45 a.m.]

[Section 5a Application No. 7, Amdt. 4]

#### ASSOCIATION OF AMERICAN RAILROADS, PER DIEM, MILEAGE

#### Approval of Amendments to Agreement Regarding Demurrage and Storage

DECEMBER 27, 1968.

The Commission is in receipt of a petition in the above-entitled proceeding for approval of amendments to the agreement therein approved.

Filed December 12, 1968 by: Carl V. Lyon, Assistant General Solicitor, Association of American Railroads, American Railroads Building, Washington, D.C. 20036.

The amendments involve: Changes in the agreement so as to (1) broaden the scope of the agreement to include joint consideration of compensation payable for passenger cars as well as freight cars, and for all shipper-furnished transportation equipment; (2) transfer from the present general committee to a new standing committee jurisdiction over the initial consideration of compensation, rules and regulations pertaining to the use of shipper-furnished transportation equipment, and matters relating to demurrage, storage, or allowances; (3) eliminate the requirement that only subscribers controlling 20 percent of the revenue cars can initiate a proposal or request a subscriber vote in order to allow any subscriber to take such action; (4) accord shipper-owner of equipment additional opportunity to request and express their views at a public hearing regarding the compensation payable thereon; (5) provide for public notice of independent action to comply with Ex Parte No. 253, 332 I.C.C. 22; (6) name new individuals as attorneys-in-fact; and (7) make such other incidental changes as are necessary to effectuate the foregoing changes.

The petition is docketed and may be inspected at the office of the Commission, in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing within 20 days from the date of this notice. As provided by the General Rules of Practice of the Commission, persons other than applicants should fully disclose their interests, and the position they intend to take with respect to the petition. Otherwise, the Commission, in its discretion, may proceed to investigate

## NOTICES

and determine the matters involved without public hearing.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 69-10; Filed, Jan. 2, 1969;  
8:45 a.m.]

[Notice 531]

**MOTOR CARRIER ALTERNATE ROUTE  
DEVIATION NOTICES**

DECEMBER 27, 1968.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

**MOTOR CARRIERS OF PROPERTY**

No. MC 2986 (Deviation No. 3), I & S-McDANIEL, INC., 1102 Prairie Street, Vincennes, Ind. 47591 filed, December 13, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Indianapolis, Ind., and Louisville, Ky., over Interstate Highway 65, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From junction Indiana Highways 45 and 56 over Indiana Highway 56 to junction Indiana Highway 37, thence over Indiana Highway 37 to Indianapolis, Ind.; (2) from Paoli, Ind., over Indiana Highway 37 to English, Ind.; and (3) from English, Ind., over Indiana Highway 64 to junction Indiana Highway 66, thence over Indiana Highway 66 to junction U.S. Highway 150, thence over U.S. Highway 150 to Louisville, Ky., and return over the same route.

No. MC 31220 (Deviation No. 3), DANIELS MOTOR FREIGHT, INC., Fazor Square, Pittsburgh, Pa. 15201, filed December 16, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From St. Louis, Mo., over Interstate Highway 70 to Columbus, Ohio; (2) from junction Interstate Highways 71 and 80S over Interstate Highway 80S to junction of Ohio Turnpike; and (3) from Toledo, Ohio, over Inter-

state Highway 75 to Saginaw, Mich., and return over the same routes, for operating convenience only, subject to the same restrictions as shown in carrier's certificate No. MC 31220 (Sub-No. 22). The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From St. Louis, Mo., over U.S. Highway 40 to Columbus, Ohio; (3) from junction Interstate Highways 71 and 80S and U.S. Highway 224, over U.S. Highway 224 to Akron, Ohio, thence over Ohio Highway 18 to junction Ohio Turnpike and Interstate Highway 80S, and return over the same routes.

No. MC 107475 (Deviation No. 12), DANCE FREIGHT LINES, INC., 920 Dance Court, Cincinnati, Ohio 45203, filed December 19, 1968. (CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, INC., Operator, Post Office Box 5138, Chicago, Ill. 60680.) Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Asheville, N.C., over Interstate Highway 40 to junction U.S. Highway 25W, near Newport, Tenn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Corbin, Ky., over U.S. Highway 25E to Newport, Tenn. (also from Corbin over U.S. Highway 25W via Knoxville, Tenn., to Newport), thence over U.S. Highway 25 via Asheville, N.C., to Hendersonville, N.C., thence over U.S. Highway 176 to Spartanburg, S.C., thence over U.S. Highway 221 to Laurens, S.C., thence over U.S. Highway 78 to Columbia, S.C., and return over the same route.

No. MC 108937 (Deviation No. 11), MURPHY MOTOR FREIGHT LINES, INC., 2323 Terminal Road, St. Paul, Minn. 55113, filed December 19, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 52 and Interstate Highway 94 near Fergus Falls, Minn., over Interstate Highway 94 to junction U.S. Highway 52 at Albany, Minn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Fargo, N. Dak., over U.S. Highway 52 (also U.S. Highway 10) to Moorehead, Minn., thence over U.S. Highway 75 to Breckenridge, Minn., thence over the Bois de Sioux River to Wahpeton, N. Dak.; (2) from Fargo, N. Dak., over U.S. Highway 81 to Wahpeton, N. Dak.; (3) from St. Paul, Minn., over city streets to Minneapolis, Minn., thence over U.S. Highway 52 to Fergus Falls, Minn., thence over Minnesota Highway 210 to junction U.S. Highway 75, thence over U.S. Highway 75 to Breckenridge, Minn., thence over city streets to Wahpeton, N. Dak.; and (4) from Wahpeton,

N. Dak., over unnumbered highway to the North Dakota-Minnesota State line, thence over unnumbered highway to Breckenridge, Minn., and return over the same routes.

**MOTOR CARRIERS OF PASSENGERS**

No. MC 1515 (Deviation No. 496), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed December 13, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction unnumbered highway (old U.S. Highway 22) and Interstate Highway 78, 1 mile east of Clinton, N.J., over Interstate Highway 78 to junction U.S. Highway 22, just west of Clinton, N.J.; (2) from junction U.S. Highway 22 and Interstate Highway 78, 2 miles east of West Portal, N.J., over Interstate Highway 78 to junction U.S. Highway 22 and Alternate U.S. Highway 22, approximately 4 miles east of Phillipsburg, N.J.; (3) from Easton, Pa., over Interstate Highway 78 to junction U.S. Highway 22 at Bethel, Pa.; and (4) from Allentown, Pa., over Pennsylvania Highway 145 to junction Interstate Highway 78, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From New York, N.Y., through the Holland Tunnel to Jersey City, N.J., thence over U.S. Highway 1 to Newark, N.J., thence over U.S. Highway 22 via Somerville, N.J., to junction unnumbered highway just east of Annandale, N.J., thence over unnumbered highway via Annandale to Clinton, N.J., thence over U.S. Highway 22 to Easton, Pa., thence over Pennsylvania Legislative Route 159 via Bethlehem to Allentown, Pa., thence over Pennsylvania Legislative Route 157 to junction Pennsylvania Legislative Route 443, thence over Pennsylvania Legislative Route 443 via Cetronia and Kuhnville to junction Pennsylvania Legislative Route 39084, thence over Pennsylvania Legislative Route 39084 via New Smithville, Pa., to junction Pennsylvania Legislative Route 975, thence over Pennsylvania Legislative Route 975 via Hamburg to junction Pennsylvania Legislative Route 721, thence over Pennsylvania Legislative Route 721 via Shartlesville to junction Pennsylvania Highway 501, thence over Pennsylvania Highway 501 to Bethel, Pa., thence over U.S. Highway 22 to Harrisburg, Pa., and return over the same route.

No. MC 1515 (Deviation No. 497), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed December 13, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction U.S. Highway 11 and Pennsylvania Highway 42, just south of Bloomsburg, Pa., over Pennsyl-

vania Highway 42 to junction Interstate Highway 80 at Exit No. 34, thence over Interstate Highway 80 to junction U.S. Highway 11 at Exit No. 36; and (2) from Bloomsburg, Pa., over Pennsylvania Highway 487 to junction Interstate Highway 80 at Exit No. 35, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Scranton, Pa., over U.S. Highway 11 to Northumberland, Pa., and return over the same route.

No. MC 50026 (Deviation No. 15) (Cancels Deviations Nos. 2, 11, and 13) ARKANSAS MOTOR COACHES LIMITED, INC., 100 East Main Street, Little Rock, Ark. 72201, filed December 16, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, over deviation routes as follows: (1) From junction U.S. Highway 70 and Interstate Highway 40, 4 miles east of West Memphis, Ark., over Interstate Highway 40 to junction Arkansas Highway 38, thence over Arkansas Highway 38 (an access road) to junction U.S. Highway 70, 5 miles east of Forrest City, Ark., a distance of 34.1 miles; (2) from junction U.S. Highway 70 and Arkansas Highway 38, 5 miles east of Forrest City, Ark., over Arkansas Highway 38 (an access road) to junction Interstate Highway 40, thence over Interstate Highway 40 to junction Arkansas Highway 1, thence over Arkansas Highway 1 (an access road) to Forrest City, Ark., a distance of 8.2 miles; (3) from Forrest City, Ark., over Arkansas Highway 1 (an access road) to junction Interstate Highway 40, thence over Interstate Highway 40 to junction unnumbered county road, thence over unnumbered county road (an access road) to Palestine, Ark., a distance of 11.1 miles; (4) from Palestine, Ark., over unnumbered county road (an access road) to junction Interstate Highway 40, thence over Interstate Highway 40 to junction unnumbered county road, thence over unnumbered county road (an access road) to Wheatley, Ark., a distance of 13.1 miles; (5) from Wheatley, Ark., over unnumbered county road (an access road) to junction Interstate Highway 40, thence over Interstate Highway 40 to junction Arkansas Highway 17, thence over Arkansas Highway 17 (an access road) to Brinkley, Ark., a distance of 7.5 miles; (6) from Brinkley, Ark., over Arkansas Highway 17 (an access road) to junction Interstate Highway 40, thence over Interstate Highway 40 to junction Arkansas Highway 33, thence over Arkansas Highway 33 (an access road) to junction U.S. Highway 70, 0.4 mile west of Biscoe, Ark., a distance of 15.4 miles; (7) from junction Arkansas Highway 33 and U.S. Highway 70, 0.4 mile west of Biscoe, Ark., over Arkansas Highway 33 (an access road) to junction Interstate Highway 40, thence over Interstate Highway 40 to junction Arkansas High-

way 11, thence over Arkansas Highway 11 (an access road) to Hazen, Ark., a distance of 12.7 miles; and (8) from Hazen, Ark., over Arkansas Highway 11 (an access road) to junction Interstate Highway 40, thence over Interstate Highway 40 to junction Arkansas Highway 31, thence over Arkansas Highway 31 (an access road) to Lonoke, Ark., a distance of 23.8 miles, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Memphis, Tenn., over U.S. Highway 70 to Hot Springs National Park, Ark., thence over Arkansas Highway 7 to Arkadelphia, Ark., thence over U.S. Highway 67 to Texarkana, Tex., and return over the same route.

No. MC 60325 (Deviation No. 1), JEFFERSON LINES, INC., 1114 Currie Avenue, Minneapolis, Minn. 55403, filed December 13, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: Between Minneapolis, Minn., and St. Paul, Minn., over Interstate Highway 94, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Minneapolis, Minn., over city streets to St. Paul, Minn., thence over Minnesota Highway 49 to junction Minnesota Highway 218 to Farmington, Minn., thence over U.S. Highway 65 to Albert Lea, Minn., thence over U.S. Highway 69 to Kansas City, Kans., thence over city streets to Kansas City, Mo., and return over the same route.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 69-11; Filed, Jan. 2, 1969;  
8:45 a.m.]

[Notice 1253]

#### MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 27, 1968.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the *FEDERAL REGISTER*, issue of December 3, 1963, which became effective January 1, 1964.

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

#### APPLICATIONS ASSIGNED FOR ORAL HEARING

##### MOTOR CARRIERS OF PROPERTY

No. MC 127584 (Sub-No. 3) (Republication), filed June 19, 1968, published in the *FEDERAL REGISTER* issue of July 4, 1968, and republished this issue. Applicant: AERO TRANSPORTERS, INC., Box 551, Ellenville, N.Y. 12428. Applicant's representative: Martin Werner, 2 West 45th Street, New York, N.Y. 10036. By application filed June 19, 1968, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a *contract carrier*, by motor vehicle, over irregular routes, of television antennas, tubing, hardware, junction blocks, wire, rods, rivets, television antenna rotating devices, talking machines and parts, radio receiving sets and parts, radio tubes, advertising matter, and cathode ray tubes, between points in the town of Wawarsing, Ulster County, N.Y., on the one hand, and, on the other: (1) points in the New York, N.Y., commercial zone, as defined by the Commission, restricted to the transportation of shipments having a prior or subsequent movement by water; and, (2) Port Jervis, N.Y., restricted to shipments having a prior or subsequent movement by railroad under contract with Channel Master Corp., Division of Avnet, Inc. An order of the Commission, Operating Rights Board, dated November 21, 1968, and served December 20, 1968, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of television antennas, television antenna parts and accessories, television antenna rotating devices, sound reproducing equipment and parts for such equipment, radio receiving sets and parts, cathode ray tubes, and advertising matter, between points in the town of Wawarsing, Ulster County, N.Y., on the one hand, and, on the other: (1) points in that portion of the New York, N.Y., commercial zone, as defined in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Interstate Commerce Act (the "exempt" zone), restricted to the transportation of traffic having a prior or subsequent movement by water; and (2) Port Jervis, N.Y., restricted to the transportation of traffic having a prior or subsequent movement by railroad, under a continuing contract with Channel Master Corp., Division of Avnet, Inc., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act, and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published

## NOTICES

in the **FEDERAL REGISTER** and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

## NOTICE OF FILING OF PETITIONS

No. MC 99744 (Sub-No. 4) (Notice of Filing of Petition for Removal of Restriction), filed December 9, 1968. Petitioner: VICTOR GROTHAUS, doing business as GROTHAUS EXPRESS, 201 East Fourth Street, Kingsley, Iowa 51028. Petitioner's representative: Donald L. Stern, Suite 630, City National Bank Building, Omaha, Nebr. 68102. Petitioner states it holds a certificate in No. MC 99744 (Sub-No. 4), authorizing transportation as a common carrier by motor vehicle in interstate or foreign commerce of: General commodities (except classes A and B explosives, commodities in bulk, in tank vehicles, and beverages), between Omaha, Nebr., and Moville, Iowa, serving the intermediate points of Whiting, Sloan, Hormick, and Climbing Hill, Iowa, and the off-route points of Salix and Bronson, Iowa; From Omaha over alternate U.S. Highway 30 to Council Bluffs, Iowa, thence over U.S. Highway 75 to Sloan, Iowa, thence over Iowa Highway 141 to Hormick, Iowa, thence over unnumbered highway via Climbing Hill, Iowa, to Moville, and return over the same route. Restriction: The authority herein granted is restricted against tacking or combining with other authority presently held by carrier for the purpose of providing a through service from or to points other than those set forth above. By the instant petition, petitioner seeks to remove the restriction in its Sub 4 certificate insofar as it affects service at the following points: Otoe, Anthon, Correctionville, Pierson, Kingsley, Washta, Cushing, Battle Creek, Ida Grove, Holstein, Quimby, Calva, and Schaller, Iowa, so as to permit tacking with its Sub 2 authority. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument, in support of, or against the petition within 30 days from the date of publication in the **FEDERAL REGISTER**.

No. MC 107403 (Sub-Nos. 370, 465, and 510) (Notice of Filing of Petition for Modification of Tacking Restrictions), filed November 20, 1968. Petitioner: MATLACK, INC., Lansdowne, Pa. Petitioner's representative: Maxwell A. Howell, 1120 Investment Building, 1511 K Street NW, Washington, D.C. 20005. Petitioner is a common carrier of commodities in bulk by motor vehicle pursuant to authority duly granted in No. MC 107403 and numerous Subs thereto; included among its several grants are Subs 370, 465, and 510 which, respectively, contain the following irregular route authority: (a) Sub-No. 370 *liquid synthetic resins and liquid glues*, in bulk, in tank vehicles: From the plantsite of Air Reduction Chemical & Carbide Co., a division of Air Reduction Co., Inc., at Cleve-

land, Ohio, to points in Illinois (except to the plantsite of Commercial Solvent Corp., at Peoria), Indiana (except to the plantsite of Commercial Solvent Corp., at Terre Haute), Minnesota, Wisconsin, and St. Louis, Mo. Restriction: The authority granted herein is restricted against tacking said authority with any other authority held by carrier; (b) Sub-No. 465 *tolylene di isocyanate*, in bulk, in tank vehicles: From Moundsville, W. Va., and points within 5 miles thereof, to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Wisconsin.

*Tolylene di isocyanate and resins*, in bulk, in tank vehicles: From Natrium, W. Va., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Tennessee, Texas, Virginia, and Wisconsin. Restriction: The authority granted herein shall not be joined or tacked to any of carrier's otherwise authorized operations for the performance of through service; (c) Sub-No. 510 *toluene di isocyanate*, in bulk, in tank vehicles, from Ashtabula, Ohio, to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin. Restriction: The authority granted shall not be joined or combined directly or indirectly with any other authority held by us for the purpose of providing service from or to any points other than those specified above by application duly granted in Docket No. MC-F-9479. *Matlack, Inc.—Control—Al Zeffiro Transfer and Storage, Inc.*, Matlack acquired from Zeffiro the following operating authority authorizing the transportation of commodities in bulk: Irregular routes: *Bulk commodities*, between points in Pennsylvania, Ohio, Maryland, and West Virginia which are within 150 miles of Monongahela, Pa. Restriction: No service may be performed in the transportation of (1) coal tar and creosote oil, in bulk, in tank vehicles, between Cleveland, Ohio, on the one hand, and, on the other, East Liverpool and Wellsville, Ohio; (2) heavy residual fuel oil, in bulk, in tank vehicles, from Wellsville, Ohio, to Youngstown and Lorain, Ohio; and (3) heavy residual fuel oil and coal tar pitch, in bulk, in tank vehicles; (a) from East Liverpool, Ohio, to Youngstown and McDonald, Ohio; and (b) from McDonald, Ohio, to Youngstown, Ohio. By the instant petition, petitioner prays that the said three restrictions be modified to have application only to the authority held by it at the time the authority was granted, or, alternatively, that the so-called Zeffiro authority now held under petitioner's Sub-No. 740 be permitted to be tacked with the three Sub-Nos. 370, 465, and 510. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argu-

ment, in support of, or against the petition within 30 days from the date of publication in the **FEDERAL REGISTER**.

## APPLICATION FOR CERTIFICATE OR PERMIT WHICH IS TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 59680 (Sub-No. 168), filed December 12, 1968. Applicant: STRICKLAND TRANSPORTATION CO., INC., 3011 Gulden Lane, Post Office Box 5689, Dallas, Tex. 75202. Applicant's representative: Leroy Hallman, 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in Massachusetts. Note: This is a matter directly related to No. MC-F-10297, published in the **FEDERAL REGISTER** issue of November 14, 1968. Applicant states it intends to join the sought authority with its present authority at Boston, Mass., so as to conduct operations between points in Massachusetts and its present territory. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC-F-10344. Authority sought for control by KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Post Office Box 5000, Waterloo, Iowa, of RITE-WAY TRUCKING CO., INC., The 1650 Grant Street Building, Denver, Colo., and for acquisition by ALLEN E. KROBLIN, also of Waterloo, Iowa, of control of RITE-WAY TRUCKING CO., INC., through the acquisition by KROBLIN REFRIGERATED XPRESS, INC. Applicants' representative: Allen E. Kroblin, Post Office Box 5000, Waterloo, Iowa. Operating rights sought to be controlled: *General commodities*, except money and jewelry, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, as a *common carrier*, over regular routes, between Leon, Iowa, and St. Joseph, Mo., serving the intermediate points of Bethany, Mo., and those between Bethany, Mo., and Leon, Iowa, and the off-route point of Ridgeway, Mo., without restriction; and intermediate points between Bethany and St. Joseph, Mo., restricted to southbound traffic only, between Leon, Iowa, and Des Moines, Iowa, serving all intermediate points, and the off-route points of Van Wert and Weldon, Iowa; also serving all intermediate and off-route points within 12 miles of the central post office at Des Moines (except Altoona, Ankeny, Carlisle, Des Moines, and Norwalk, Iowa); and *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 loading, between Eagleville, Mo., and Kansas City, Kans., serving the intermediate

points of Bethany, Pattonsburg, and Kansas City, Mo., and the off-route points of Ridgeway, New Hampton, and Civil Bend, Mo., without restriction; and intermediate and off-route points within 10 miles of Bethany (except Ridgeway, Mo.), restricted to pickup of livestock, between Eagleville, Mo., and St. Joseph, Mo., serving the intermediate points of Bethany, Pattonsburg, and Winston, Mo., and the off-route points of Ridgeway and New Hampton, Mo. KROBLIN REFRIGERATED EXPRESS, INC., is authorized to operate as a *common carrier* in all points in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC-F-10345. Authority sought for purchase by R. J. (RED) ANDREWS, doing business as R. J. (RED) ANDREWS TRUCK LINE, 606 Lexington (Post Office Box 4), Corsicana, Tex. 75110, of the operating rights and certain property of J & S TRUCK LINE, INC., Post Office Drawer 94850, Oklahoma City, Okla., 73109. Applicants' attorney: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Operating rights sought to be transferred: *Paint and paint materials* (except in bulk), and *empty containers*, as a *contract carrier*, over irregular routes, between Garland, Tex., on the one hand, and, on the other, points in Alabama, Georgia, Illinois, Kansas, Louisiana, Mississippi, Missouri, North Carolina, Ohio, and Tennessee, with restrictions. Vendee is authorized to operate as a *contract carrier* in Texas, Arkansas, Colorado, Kansas, Louisiana, Missouri, Nebraska, New Mexico, and Oklahoma. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10346. Authority sought for purchase by ENID FREIGHT LINES, INC., 3016 North Sixth Street, Enid, Okla. 73701, of a portion of the operating rights of LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, Okla. 73108. Applicants' attorney: I. E. Chenoweth, 3010 South Braden, Tulsa, Okla. 74114. Operating rights sought to be transferred: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities injurious or contaminating to other lading, as a *common carrier*, over regular routes, between Enid, Okla., and Alva, Okla., serving all intermediate points. Vendee is authorized to operate under a certificate of registration, as a *common carrier* in the State of Oklahoma. Application has not been filed for temporary authority under section 210a(b). Note: Applicants request if a hearing is deemed necessary, that it be held at Oklahoma City, Okla.

#### MOTOR CARRIERS OF PASSENGERS

No. MC-F-10343. Authority sought for purchase by VANCOUVER ISLAND TRANSPORTATION COMPANY, LIMITED, doing business as VANCOUVER ISLAND COACH LINES, LIMITED, 710 Douglas Street, Victoria, British Columbia, Canada, of the operating rights and certain property of C. & C. TRANSPOR-

TATION COMPANY, LIMITED, doing business as C. & C. TAXI SERVICE, LIMITED, 902 Government Street, Victoria, British Columbia, Canada, and for acquisition by INTERNATIONAL UTILITIES CORPORATION, 200 University Avenue, Toronto, 1, Ontario, Canada, of control of such rights and property through the purchase. Applicants' representative: John Finlayson Wood, 305/1020 Government Street, Victoria, British Columbia, Canada. Operating rights sought to be transferred: Passengers and their baggage, in round trip charter operations, as a *common carrier*, over irregular routes, beginning and ending at ports of entry on the United States-Canada boundary line in Washington, and extending to points in California, Oregon, and Washington, with restriction. VANCOUVER ISLAND TRANSPORTATION COMPANY, LIMITED, doing business as VANCOUVER ISLAND COACH LINES, LIMITED, holds no authority from this Commission. However, its controlling stockholder controls RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 33203, which is authorized to operate as a *common carrier* in all points in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 69-12; Filed, Jan. 2, 1969;  
8:45 a.m.]

[Notice 754]

#### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 27, 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 30887 (Sub-No. 158 TA), filed December 20, 1968. Applicant: SHIPLEY

TRANSFER, INC., 49 Main Street, Box 55, Reisterstown, Md. 21136. Applicant's representative: W. Wilson Corrour (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone*, in bulk, from Texas, Md., to Acton, Mass., for 120 days. Supporting shipper: Harry T. Campbell Sons' Corp., Campbell Building, Towson, Baltimore, Md. 21204. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1125 Federal Building, Baltimore, Md. 21201.

No. MC 73165 (Sub-No. 258 TA), filed December 23, 1968. Applicant: EAGLE MOTOR LINES, INC., Post Office Box 1348, 830 North 33d Street, Birmingham, Ala. 35201. Applicant's representative: Lewis J. Amato, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials*, from the plantsite of Lloyd A. Fry Roofing Co., Atlanta, Ga., to points in Tennessee and Virginia, for 120 days. Supporting shipper: Lloyd A. Fry Roofing Co., 5818 Archer Road, Summit, Ill. 60501. Send protests to: B. R. McKenzie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 823, 2121 Building, Birmingham, Ala. 35203.

No. MC 95540 (Sub-No. 739 TA) (Correction), filed December 12, 1968, published in the FEDERAL REGISTER, issue of December 21, 1968, and republished as corrected, this issue. Applicant: WATKINS MOTOR LINES, 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Paul E. Weaver (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textiles and textile products*, from East Greenwood, S.C., to Pawhuska, Okla., for 180 days. Note: The purpose of this republication is to correct destination point. Supporting shipper: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Room 1226, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 111812 (Sub-No. 373 TA), filed December 20, 1968. Applicant: MIDWEST COAST TRANSPORT, INC., 405 1/2 East Eighth Street, Post Office Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: R. H. Jinks (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in appendix I, 61 M.C.C. 209 and 766 (except hides and in bulk), from Pekin, Ill., to points in Iowa, Kansas, Nebraska, and Missouri, for 180 days. Supporting shipper: Bird Provision Co., 420 Washington Street, Pekin, Ill. 61554, Joseph T. Basler, Transportation Manager. Send protests to: J. L. Hammond, District

## NOTICES

Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 128829 (Sub-No. 1 TA), filed December 23, 1968. Applicant: JIM LYNN TRANSPORT, INC., Post Office Box 878, 1905 Roy Street, Sherbrooke, Quebec, Canada. Applicant's representative: Andre J. Barbeau, 795 Elm Street, Manchester, N.H. 03101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel beams and steel bridge girders; supports, bearing pads, bracing, and bolts, and accessories*, from the ports of entry of the international boundary line between the United States and Canada in the States of Maine, New Hampshire, and Vermont to points in the States of Maine, New Hampshire, and Vermont, for 180 days. Supporting shipper: MacKinnon Structural Steel Co., Ltd., Sherbrooke, Quebec, Canada. Send protests to: District Supervisor Ross J. Seymour, Bureau of Operations, Interstate Commerce Commission, 424 Federal Building, Concord, N.H. 03301.

No. MC 133350 TA, filed December 20, 1968. Applicant: AQUA GULF CORPORATION, 280 Prescott Avenue, Staten Island, N.Y. Applicant's representative: Samuel B. Zinder, Station Plaza East, Great Neck, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in containers or trailers, having a prior or subsequent movement by water in interstate or foreign commerce; (1) between the piers and facilities of Trans-American Trailer Transport at Staten Island, N.Y., and points within the New York, N.Y., commercial zone as defined by the Commission; (2) between the piers and facilities of Trans-American Trailer Transport at Staten Island, N.Y., on the one hand and, on the other, points in Bergen, Morris, Hudson, Essex, Union, Middlesex, and Somerset Counties, N.J., for 150 days. Supporting shipper: Trans-American Trailer Transport, Inc., 358 St. Marks Place, Staten Island, N.Y. 10301. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, Room 1807, New York, N.Y. 10007.

No. MC 133351 TA, filed December 20, 1968. Applicant: ELTON F. PERKINS, doing business as PERKINS LUMBER COMPANY, Greene, Maine 04236. Applicant's representative: Peter L. Murray, 465 Congress Street, Portland, Maine 04111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Conveyor systems and machinery used in the shoe and textile industries, and parts thereof*,

from Lewiston, Maine, to Chicago, Ill.; Houston and St. Louis, Mo.; Columbus, Ohio; Grinnell, Iowa; Allentown, Mount Joy, and Tamaqua, Pa.; High Point and Mocksville, N.C.; York and Wallhall, S.C.; Galax, Va.; and Franklin, W. Va., for 180 days. Supporting shipper: Diamond Machinery Co., River Road, Lewiston, Maine 04240. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Portland, Maine 04112.

No. MC 133353 TA, filed December 23, 1968. Applicant: UNITED CONTAINER SERVICES, INC., Foot of Grace Street, Secaucus, N.J. 07094. Applicant's representative: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in containers and trailers which have a prior or subsequent movement by water in foreign commerce, between points in the New York, N.Y., commercial zone, as defined by the Interstate Commerce Commission, for 150 days. Supporting shipper: United States Lines, Inc., 1 Broadway, New York, N.Y. 10004. Send protests to: District Supervisor Walter J. Grossmann, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 133354 TA, filed December 23, 1968. Applicant: L. G. HERNDON, doing business as HERNDON CONSTRUCTION CO., Vidalia, Ga. 30474. Applicant's representative: J. Ed Allen, 1205 University Building, Jacksonville, Fla. 32201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric floor polishers, electric vacuum cleaners, electric blankets, and parts and machinery used in connection therewith*, from McRae, Ga., to Vidalia, Ga., on shipper owned or leased trailers under Plan II- $\frac{1}{2}$  piggy-back, returning *empty trailers*, from Vidalia to McRae, Ga., for 180 days. Supporting shipper: Sunbeam Corp., 5400 West Roosevelt Road, Chicago, Ill. 60650. Send protests to: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 133355 TA, filed December 23, 1968. Applicant: JOHN ALLEN MORRIS, doing business as STONE TRANSPORTERS, Cardiff, Md. 21004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone*, in bulk or in bags, in open equipment, between Phillipsburg, N.J., and Cardiff, Md., for 180 days. Supporting shipper: General Stone & Materials Corp., Post Office Box 211,

Roanoke, Va. 24002. Send protests to: Willima L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1125 Federal Building, Baltimore, Md. 21201.

No. MC 133356 TA, filed December 18, 1968. Applicant: SUNVAN & STORAGE COMPANY, INC., 135 South Brandon Street, Seattle, Wash. 98119. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in King, Pierce, Thurston, Snohomish, and Kitsap Counties, Wash., restricted to shipments having an immediately prior or subsequent out-of-State line-haul movement by rail, motor, water, or air, for 180 days. Supporting shippers: (1) Northwest Consolidators, Inc., 423 Third Avenue West, Seattle, Wash. 98119; (2) Sunpak Movers, Inc., 534 Westlake Avenue North, Seattle, Wash. 98109; (3) Karevan, Inc., 419 Third Avenue West, Seattle, Wash. 98119. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 69-13; Filed, Jan. 2, 1969;  
8:45 a.m.]

[Notice 267]

**MOTOR CARRIER TRANSFER  
PROCEEDINGS**

DECEMBER 27, 1968.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-71022. By application filed December 18, 1968, NEW YORK-NEW JERSEY TRANSP., INC., Box 1002, Brookdale Station (20 Bay Street) Montclair, N.J., seeks temporary authority to lease the operating rights of ORIENT EXPRESS, INC., 1 Nelson Place, Lyndhurst, N.J., under section 210a(b). The transfer to NEW YORK-NEW JERSEY TRANSP., INC., of the operating rights of ORIENT EXPRESS, INC., is presently pending.

By the Commission.

[SEAL]

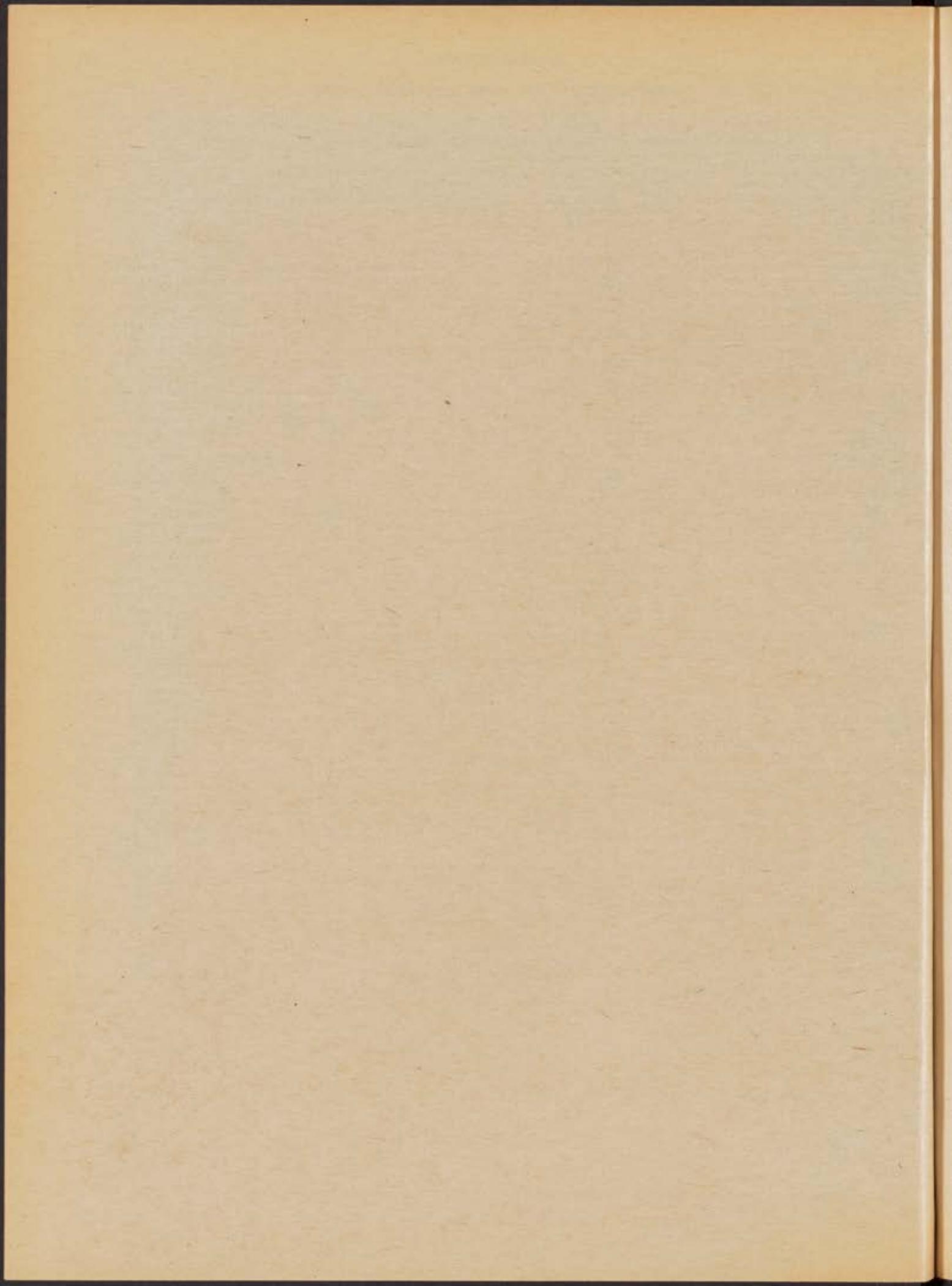
H. NEIL GARSON,  
Secretary.

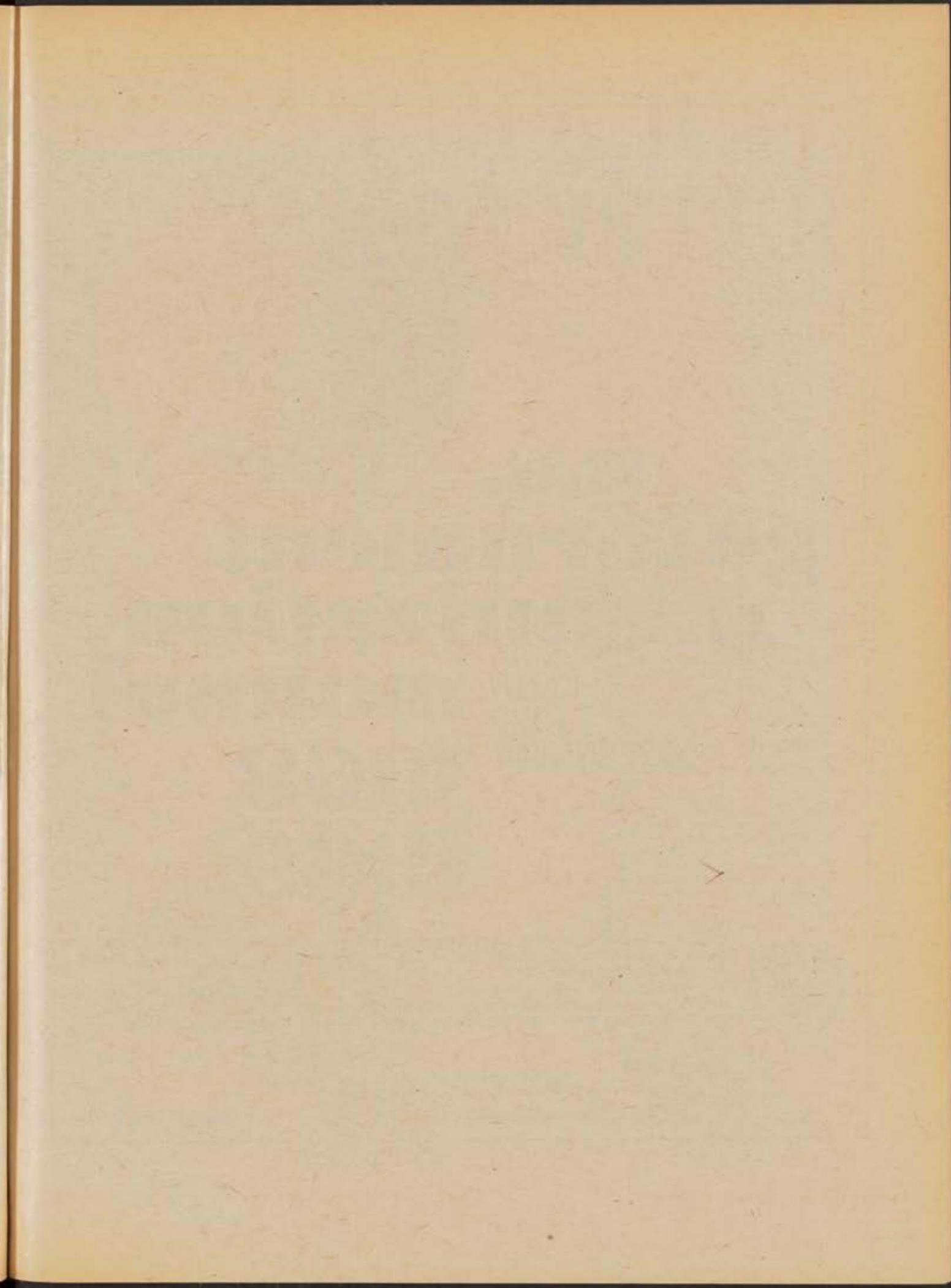
[F.R. Doc. 69-14; Filed, Jan. 2, 1969;  
8:45 a.m.]

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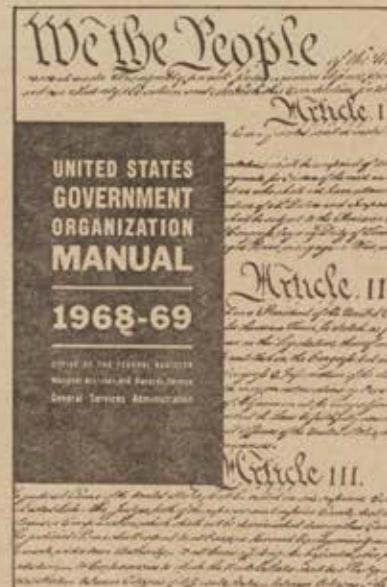
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