FEDERAL REGISTER

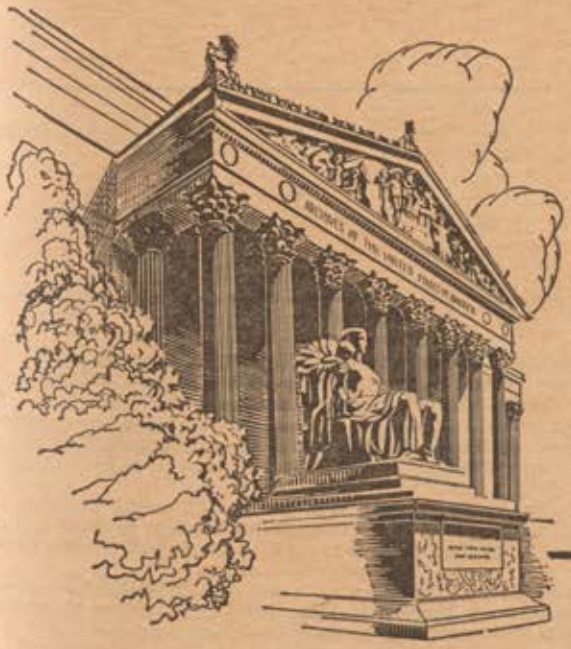
VOLUME 32 • NUMBER 188

Thursday, September 28, 1967 • Washington, D.C.

Pages 13565–13628

Agencies in this issue—

Detailed list of Contents appears inside.



FEDERAL REGISTER

Area Code 202 Phone 962-8626

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 Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 8B), 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.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15 per year, payable in advance. The charge for individual copies varies in proportion to the size of the issue (15 cents for the first 80 pages and 5 cents for each additional group of 40 pages, as actually bound). Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

Contents

(Continued on next page)

List of CFR Parts Affected

(Codification Guide)

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

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1967, and specifies how they are affected.

7 CFR

52 13569
729 13569
991 13569
PROPOSED RULES:
1132 13595

13 CFR

121 13571

14 CFR

PROPOSED RULES:
105 13595

18 CFR

PROPOSED RULES:
2 13596

19 CFR

1 13571

21 CFR

120 13571
121 13572

29 CFR

531 13575

33 CFR

117 (2 documents) 13581, 13582

36 CFR

50 13582

37 CFR

1 13582

38 CFR

36 13583

41 CFR

11–7 13584
11–16 13590

47 CFR

17 13591

50 CFR

32 (8 documents) 13592–13594
PROPOSED RULES:
13 13595

Rules and Regulations

Title 7—AGRICULTURE

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

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—U.S. Standards For Grades of Chilled Orange Juice

Sections 52.2761 through 52.2773 comprising the above-mentioned subpart have been superseded by new standards for Orange Juice from Concentrate and Pasteurized Orange Juice, published in the FEDERAL REGISTER at 32 F.R. 10497 and 32 F.R. 10499, respectively, on July 18, 1967. Sections 52.2761 through 52.2773 are hereby deleted from the Code of Federal Regulations.

(Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627)

Dated: September 22, 1967.

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

[F.R. Doc. 67-11417; Filed, Sept. 27, 1967; 8:50 a.m.]

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 11]

PART 729—PEANUTS

Subpart—Allotment and Marketing Quota Regulations for Peanuts of the 1963 and Subsequent Crops

ISSUANCE OF MARKETING CARDS AND PENALTY RATE

Basis and purpose. The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), to amend the allotment and marketing quota regulations for peanuts of the 1963 and subsequent crops (27 F.R. 11920, as amended).

This amendment (1) provides procedure for issuing an MQ–77, Excess Penalty Card, in certification counties marked "Eligible for Price Support", and (2) announces the basic penalty rate for the 1967 crop of peanuts. The marketing of peanuts of the 1967 crop is now underway and it is essential that the basic penalty rate for the 1967 crop be announced immediately. Moreover, provisions for determination of compliance by certification have been published under Part 718 of this chapter and this amendment respecting marketing cards supplements such provisions which are applicable to the 1967 crop. Determination of the basic penalty rate for peanuts is the result of a mathematical calculation provided for by statute (7 U.S.C. 1359). Accordingly, it is hereby determined and found that compliance with the notice, public procedure, and 30-day effective date requirements of 5 U.S.C. 553 is impractical and contrary to the public interest and this amendment shall become effective upon the date of filing with the Director, Office of the Federal Register.

1. Paragraph (d) of § 729.1446 is amended to read as follows:

§ 729.1446 **Issuance of marketing cards.**

* * * * *

(d) *Excess penalty card.* A farm is eligible for an excess penalty card if the final acreage is determined to be in excess of the effective farm allotment.

(1) The converted rate of penalty to be entered on an excess marketing card for a farm, except as provided under subparagraph (2) of this paragraph, shall be determined as follows:

(i) Compute the percent excess for the farm by dividing the final acreage into the excess acreage.

(ii) Multiply the percent excess for the farm by the basic penalty rate.

(2) The full penalty rate shall be entered on the excess penalty card where the farm operator refuses to permit measurement or where the farm operator fails to timely certify the peanut acreage on the farm pursuant to Part 718 of this chapter.

(3) For federally owned land an excess penalty card showing "zero" as the converted penalty rate shall be issued if the final acreage on the farm is within the effective farm allotment but is in excess of the acreage permitted by the lease or operating agreement.

(4) The excess penalty card issued for a farm in certification counties shall be marked "Eligible for Price Support" if the farm operator certifies the acreage to be within the effective farm allotment and a farm acreage check discloses that such allotment has been exceeded by not more than the larger of 0.5 acre or 5 percent of the farm allotment, not to exceed 10 acres.

2. Section 729.1457 is amended by adding a new paragraph (f) to read as follows:

§ 729.1457 **Penalty rate.**

* * * * *

(f) The basic support price for peanuts for the marketing year beginning August 1, 1967, and ending July 31, 1968, is $227 per ton or 11.3 cents per pound and, therefore, the basic penalty rate for the 1967 crop of peanuts is 8.5 cents per pound.

(Secs. 359, 375, 55 Stat. 90, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1359, 1375)

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

Signed at Washington, D.C., on September 22, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-11416; Filed, Sept. 27, 1967; 8:49 a.m.]

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

PART 991—HOPS OF DOMESTIC PRODUCTION

Administrative Rules and Regulations

Notice was published in the August 15, 1967, issue of the FEDERAL REGISTER (32 F.R. 11736) of a proposal, based upon the recommendations of the Hop Administrative Committee, to provide for issuance of additional allotment bases where certain existing allotment bases reflect below normal sales as a result of heptachlor damage to hop plants; prescribe requirements whereby producers may exchange their salable hops which are damaged or otherwise unsuitable for use, for pooled reserve hops prior to disposition of such reserve hops; prescribe minimum quality standards for hops in terms of leaf and stem content, and prescribe the factor for converting lupulin to the equivalent weight of dried hops. The subpart is operative pursuant to Marketing Order No. 991 (7 CFR Part 991), regulating the handling of hops of domestic production effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal and comments were received within the prescribed time from an attorney representing a producer of hops. Among other things the comments assert that the producer was a new entity established subsequent to the 1965 harvest of hops; that the marketing order does not provide for establishing an allotment base for a new producer who purchased hop acreage after the 1965 harvest but prior to the effective date of the order; that such a new producer does not have records concerning the application

and effect of heptachlor to the hop acreage he purchased and hence cannot comply with the proposed rule; that the proposed rule is arbitrary and capricious in that it restricts a producer's maximum allotment base to the lower of his actual harvest or the State average; and that requiring evidence submitted to be "satisfactory to the Committee" is no standard at all and will allow the Committee to give different results based upon the same figure if they claim the evidence satisfactory or unsatisfactory.

The contention that order provisions do not provide for establishing an allotment base for a new producer who purchased hop acreage subsequent to 1965 crop harvest but prior to the effective date of the order is without merit. Section 991.46 relative to transfers specifically provides that such purchase of hop acreage shall be recognized as a transfer of such portion of the allotment base as is applicable to the acreage purchased and in production in 1965.

In recognition of the fact that a purchasing producer would not have made sales of hops from the purchased acreage prior to purchase, the rule provides that sales records shall be those applicable to the acreage. Also, the fact that a purchasing producer may not have the former producer's records is recognized in that the proposal does not make it mandatory that all items of suggested evidence be submitted. If some information is not available, such will not prejudice the producer's application for an additional allotment base if otherwise soundly supported. The proposal's manner of computing additional allotment bases is consistent with the record and § 991.38.

As to evidence being satisfactory to the Committee, this is a necessary means of effectuating the adjustments. Certainly, the Committee should not be required to accept as fact evidence which is obviously unsound. Moreover, all actions by the Committee must conform with the order and the administrative rules and regulations. In view of the foregoing appropriate order provisions, the views set forth in the comments cannot be adopted. However, the issue of a new producer has been more clearly stated in the rule.

After consideration of all relevant matter presented, including that in the notice, the written data, views, or arguments submitted pursuant to the notice, the information and recommendations submitted by the Committee and other available information, it is hereby found that the issuance, as hereinafter set forth, of the Subpart—Administrative Rules and Regulations, is in accordance with this part and will tend to effectuate the declared policy of the act.

Therefore, Subpart—Administrative Rules and Regulations shall be as follows:

§ 991.138b Additional allotment bases.

(a) *Heptachlor damage to plants.* (1) To qualify for an additional allotment base, pursuant to § 991.38(b), due to below normal sales resulting from heptachlor damage to plants in the period 1962 through 1965, each producer or his legal successor in interest, believing he has entitlement may file an application therefor with the Committee not later than 30 days after the effective date of this section. Each such application shall be in writing and shall contain evidence satisfactory to the Committee that heptachlor was applied to all or part of his acreage, that the heptachlor damaged the hop plants, and that this resulted in reducing the applicant's average amount per acre sold from the harvested acreage during each year of the 4-year period, 1962–65, in which there were sales of hops. The evidence to be submitted for consideration by the Committee may include the following:

(i) The location and number of acres treated with heptachlor which were in production in the 1962–65 period;

(ii) The approximate number of times and the crop years when heptachlor was applied to such acres;

(iii) The method used to apply the heptachlor;

(iv) The rate of application;

(v) The extent of plant die-out and replacement each year following application of heptachlor;

(vi) The years, if any in which the heptachlor treated acreage was not harvested and the reasons why;

(vii) A statement describing the efforts made to rehabilitate the treated acreage;

(viii) A statement describing any other factors such as alkali content of soil, mildew, spider, wind, or frost, that may have affected the quantity harvested during 1 or more years of the 1962–65 period;

(ix) The total acreage and total quantity of hops harvested each year, including the heptachlor treated acreage, beginning 3 years preceding the year in which heptachlor was applied;

(x) Statements by disinterested parties (such as the supplier of the heptachlor or persons applying it to the treated acreage), verifying the information submitted by the applicant pursuant to this paragraph; and

(xi) Other information tending to substantiate the application.

(b) *Granting of additional allotment bases.* (1) Except as provided in subparagraph (3) of this paragraph, the Committee shall assign an additional allotment base (i.e. an increased total allotment base) to the applicant filing pursuant to paragraph (a) of this section if it finds, from the information submitted by the applicant and other available information, that due to heptachlor damage on a specific portion or all of an applicant's acreage there were below normal sales in each year of the 1962–65 period in that such sales were below 95 percent of the applicable State's average yield per acre. The State average yield shall be that reported by the U.S. Department of Agriculture, Statistical Reporting Service, Crop Reporting Board.

(2) The additional allotment base assigned to an eligible applicant shall be that contained in a total allotment base determined by substituting for such applicant's average amount per acre sold from his harvested acreage for the year or years used to compute his original allotment base, 95 percent of the applicable State's average yield per acre for such year or years: *Provided*, That if the Committee determines, on the basis of information submitted by the applicant and other available information, that in the absence of heptachlor damage the applicant's average amount per acre sold from the harvested acreage during the year or years used to compute his allotment base would have been an amount less than 95 percent of the State average yield per acre for such year or years, 95 percent of such amount shall be used in lieu of the State average yield, in computing the new total allotment base.

(3) No additional allotment base shall be assigned to an eligible applicant, nor be permitted to be transferred to another producer, until the applicant establishes a need for such base to market his regained productive capacity as demonstrated by his average yield per acre during any 2 consecutive years of the 5-year period 1966–70 exceeding the 1962–65 yields per acre used in determining his allotment base and approximating 95 percent of the State average or the Committee determined yield, whichever is lower. In any such year of increased yield, beginning with 1967, the Committee shall adjust the producer's annual allotment by the amount referable to the additional allotment base, but not so as to cause his total annual allotment to exceed his production. Upon the additional allotment base being assigned, the producer's annual allotments shall be computed from his new total allotment base.

§ 991.204 Exchange of 1966 pooled reserve hops.

Prior to disposing of any quantity of 1966 pooled reserve hops pursuant to § 991.40(b)(3), the Committee shall designate and announce a 20-day period during which any producer may exchange salable hops of his own production for pooled reserve hops. Exchanges during the first 5 days of such 20-day period shall be limited to those producers who desire to exchange their salable hops which are damaged or otherwise unsuitable, for their 1966 hops delivered to the reserve hop pool. Each such exchange shall be subject to payment to the Committee, by the producer exchanging hops, of 25 cents per pound for each pound of hops exchanged plus $1.10 per bale accrued storage and in and out charges.

§ 991.231 Minimum quality standards.

No handler shall acquire, use, or sell, nor the Committee accept for reserve pooling, hops which have a leaf and stem content of more than 8 percent, as determined by the Federal-State Inspection Service: *Provided*, That lupulin, including lupulin sweepings, that have been packaged and so identified by Committee approved seals or stencils, shall be exempt from this leaf and stem requirement.

§ 991.601 Conversion factor for lupulin.

For the purpose of converting lupulin, including lupulin sweepings, to an equivalent weight of dried hops, 1 pound of lupulin or lupulin sweepings shall be considered as 6 pounds of dried hops.

It is found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) This action should become effective promptly so that producers who may be eligible and who desire to apply for an additional allotment base may do so in order to benefit therefore during the current marketing year; (2) procedures governing exchange of 1966 crop hops are necessary prior to receipt of 1967 pooled reserve hops; (3) 1967 crop hops are in the process of being harvested and the minimum quality standards should become effective immediately so that they will be applicable to all 1967 crop hops; (4) no additional time is needed to prepare for or to conduct operations under these provisions; and (5) no useful purpose would be served by delaying the effective time hereof.

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

Dated: September 22, 1967.

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

[F.R. Doc. 67-11418; Filed, Sept. 27, 1967; 8:50 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 7, Amdt. 7]

PART 121—SMALL BUSINESS SIZE STANDARDS

Interpretations

Section 121.3–14(c)(3)(ii) of Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by revising § 121.3–14(c)(3)(ii) to read as follows:

§ 121.3–14 Interpretations.

* * * * *

(c) * * *

(3) *Control through stock ownership.*

* * *

(ii) A party is considered to control or have the power to control a concern even though he owns, controls, or has the power to control less than 50 percent of the concern's voting stock if the block of stock he owns, controls or has the power to control is large as compared with any other outstanding block of stock. If two or more parties each own, control or have the power to control less than 50 percent of the voting stock of a concern and such minority blocks are (a) equal or substantially equal in size, and (b) large as compared with any other block outstanding, there is a presumption that each of such parties controls or has the power to control such concern; however, such presumption may be rebutted by a showing that such control or power to control, in fact, does not exist.

* * * * *

Effective date. This amendment shall become effective on publication in the FEDERAL REGISTER.

NOTE: In accordance with section 4(a) of the Administrative Procedure Act, notice of proposed rulemaking is omitted with respect to this amendment because it contains only an interpretive rule.

Dated: September 22, 1967.

ROBERT C. MOOT,
Administrator.

[F.R. Doc. 67-11389; Filed, Sept. 27, 1967; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 67-225]

PART 1—GENERAL PROVISIONS

Ports of Entry; Laredo, Tex.

SEPTEMBER 21, 1967.

Notice that it was proposed to change the boundaries of the Laredo, Tex., and Houston, Tex., customs districts in Region VI, was published in the FEDERAL REGISTER on June 30, 1967 (32 F.R. 9320). No objections to the proposal were received.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President in Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 4 (30 F.R. 15769), all of that portion of the State of Texas lying north of 34 degrees north latitude is transferred from the Laredo, Tex., district to the Houston, Tex., district (Region VI).

To reflect this change, § 1.2(c) of the Customs Regulations is amended by redefining the geographical area of the Houston, Tex., customs district (Region VI), in the column headed "Area" as follows:

That part of the State of Texas lying north of 34° N. latitude and that part of the State of Texas lying east of 97° W. longitude, except the territory embraced in the Port Arthur and Galveston districts. Also, the counties of Dallas and Tarrant and the State of Oklahoma.

(80 Stat. 379, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 1, 2, 66, 1624)

This Treasury decision shall become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 67-11401; Filed, Sept. 27, 1967; 8:48 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

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

Negligible Residues on Commodity-Group Basis

A notice was published in the FEDERAL REGISTER of April 15, 1967 (32 F.R. 6059), proposing that the hereinafter designated crop groupings be used for establishing tolerances for negligible residues. The main point of the comments received in response to the proposal was that the groupings were too detailed and that there should be fewer and larger groupings; however, the differences in usefulness, in conditions of uses, and in residues to be expected do not permit the broadening of the groupings.

The Commissioner of Food and Drugs, having reviewed the comments received and additional representation by the U.S. Department of Agriculture, has concluded that the pesticide regulations should be amended as set forth below. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 408, 701 (a), 68 Stat. 511, as amended, 52 Stat. 1055; 21 U.S.C. 346a, 371(a)), and delegated to the Commissioner (21 CFR 2.120), Part 120 is amended in the following respects:

1. By revising paragraph (g) of § 120.1 and by adding a new paragraph to that section, as follows:

§ 120.1 Definitions and interpretations.

* * * * *

(g) For the purpose of computing fees as required by § 120.33, each group of crops listed in § 120.34(e) is counted as a single raw agricultural commodity in a petition or request for tolerances or exemption from the requirement of a tolerance for a nonsystemic pesticide. As a general rule, when considering a petition or request with respect to a systemic pesticide (see § 120.34(c)) crops shall not be grouped; however, when computing fees in connection with establishing tolerances for negligible residues, each group listed in § 120.34(f) is counted as a single commodity without regard as to whether or not the pesticide is systemic.

* * * * *

(l) The term "negligible residue" means any amount of a pesticide chemical remaining in or on a raw agricultural commodity or group of raw agricultural commodities that would result in a daily intake regarded as toxicologically insignificant on the basis of scientific judgment of adequate safety data. Ordinarily this will add to the diet an amount which will be less than 1/2,000th

of the amount that has been demonstrated to have no effect from feeding studies on the most sensitive animal species tested. Such toxicity studies shall usually include at least 90-day feeding studies in two species of mammals.

2. By adding to § 120.34 a new paragraph, as follows:

§ 120.34 Tests on the amount of residue remaining.

* * * * *

(f) It may be possible to make a reliable estimate of negligible residues of pesticide chemicals to be expected on each commodity in a designated grouping on the basis of data on a representative number of commodities listed in the following designated groups. Tolerances for negligible residues will be established on the group as a whole following the certification of usefulness by the Secretary of Agriculture (pursuant to section 408(1) of the act) on the group as a whole. This does not affect U.S. Department of Agriculture requirements for data for registration of labels for each commodity or the requirement for Food and Drug Administration review of these labels and the supporting data for the proposed registration, in accordance with the Interdepartmental Agreement. Commodities not listed are not considered as included in the groupings for the purpose of this paragraph.

Group	*Commodities therein*
Citrus fruits	Citrus citron, grapefruit, kumquats, lemons, limes, oranges, tangelos, tangerines, and hybrids of these.
Cucurbits	Cantaloups, casabas, crenshaws, cucumbers, honey balls, honeydew melons, melons, melon hybrids, muskmelons, Persian melons, pumpkins, summer squash, watermelons and their hybrids, winter squash.
Forage grasses	Any grasses (either green or cured) that will be fed to or grazed by livestock, all pasture and range grasses, all grasses grown for hay or silage, corn grown for fodder or silage, sorghum grown for hay or silage, small grains grown for hay, grazing, or silage.
Forage legumes	Any crop belonging to the family Leguminosae that is grown for forage (hay, grazing, silage, etc.), alfalfa, beans (for forage), clovers, cowpeas (for forage), cowpea hay, lespedezas, peanuts (for forage), peanut hay, peas (for forage), pea vine hay, trefoil, velvet beans (for forage), vetch, soybeans (for forage), soybean hay.
Fruiting vegetables	Egg plants, peppers, pimentos, tomatoes.
Grain crops	Any crop belonging to the family Graminae that produces mature seed that are used for food or feed, barley, buckwheat, corn (field corn, sweet corn, and popcorn), milo, oats, rice, rye, sorghums (grain), wheat.
Leafy vegetables	Anise (fresh leaf and stock only), beet greens (tops), broccoli, broccoli raab, brussels sprouts, cabbage, cauliflower, celery, Chinese cabbage, collards, dandelion, endive, escarole, fennel, kale, kohlrabi, lettuce, mustard greens, parsely, rhubarb, salsify tops, spinach, sugar beet tops, Swiss chard, turnip greens (tops), watercress.
Nuts	Almonds, Brazil nuts, bush nuts, butternuts, cashews, chestnuts, filberts, hazelnuts, hickory nuts, macadamia nuts, pecans, walnuts.
Pome fruits	Apples, crabapples, pears, quinces.
Poultry	Chickens, ducks, geese, guinea, pheasant, pigeons, quail, turkeys.
Root crop vegetables	Beets, carrots, chicory, garlic, green onions, horseradish, Jerusalem artichokes, leeks, onions, parsnips, potatoes, radishes, rutabagas, salsify, shallots, spring onions, sugar beets, sweetpotatoes, turnips, yams.
Seed and pod vegetables	Black-eyed peas, cowpeas, dill, edible soybeans, field beans, field peas, garden peas, green beans, kidney beans, lima beans, navy beans, okra, peas, pole beans, snap beans, string beans, wax beans, other beans and peas (except dried beans and peas).
Small fruits	Blackberries, blueberries, boysenberries, cranberries, currants, dewberries, elderberries, gooseberries, grapes, huckleberries, loganberries, raspberries.
Stone fruit	Apricots, cherries (sour and sweet), damsons, nectarines, pawpaws, peaches, plums, prunes.
Stored commodities other than fruits, grain, and vegetables.	Cottonseed, dried beans (all), dried peas (all), hay, peanuts.
Stored fruits and vegetables	Same crops as specified in this list for cucurbits, fruits, nuts, and vegetables.
Stored grain	Same crops as specified in this list for grain crops.

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

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

(Secs. 408, 701(a), 68 Stat. 511, as amended, 52 Stat. 1055; 21 U.S.C. 346a, 371(a))

Dated: September 20, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-11412; Filed, Sept. 27, 1967; 8:49 a.m.]

PART 121—FOOD ADDITIVES

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

Subpart D—Food Additives Permitted in Food for Human Consumption

3,5-DINITROBENZAMIDE

Pursuant to a petition (FAP 671) filed by Salsbury Laboratories, Charles City, Iowa 50616, and upon consideration of other pertinent material, an order was published in the FEDERAL REGISTER of November 19, 1964 (29 F.R. 15511), providing for the safe use of a combination drug containing 3,5-dinitrobenzamide (§ 121.263) and sulfanitran (§ 121.264) in chicken feed as an aid in the prevention of coccidiosis. The regulations were subsequently amended by an order published March 18, 1965 (30 F.R. 3594), to provide for the addition to the combination of 3-nitro-4-hydroxyphenylarsonic acid for growth promotion, feed efficiency, and improving pigmentation.

A petition was filed by Salsbury Laboratories, notice of which was published in the FEDERAL REGISTER of April 22, 1965 (30 F.R. 5717), proposing amendment of the regulations for 3,5-dinitrobenzamide, sulfanitran, and 3-nitro-4-hydroxyphenylarsonic acid to provide for their use with low-level antibiotics added for growth promotion and feed efficiency. On the basis of the data submitted and other relevant material, the Food and Drug Administration concluded that 3,5-dinitrobenzamide is a carcinogen. The data and conclusions were reviewed by an Interdepartmental Technical Panel on Carcinogens, and its findings confirmed the conclusion of the Food and Drug Administration.

A method of analysis has been submitted by Salsbury Laboratories and found to be of adequate sensitivity to establish that under the conditions of use permitted by the orders of November 19, 1964, and March 18, 1965, which include a 5-day withdrawal period, no residues of 3,5-dinitrobenzamide are found in the

edible tissues of treated birds. The petition proposing the use of the additives with low-level antibiotics has been withdrawn by the petitioner. Under these circumstances and pursuant to the provisions of section 409(c)(3)(A) of the Federal Food, Drug, and Cosmetic Act, the Commissioner of Food and Drugs concludes that the food additive regulations should be amended as set forth below to provide the analytical method by which it is determined that no residues of the additive are present in the edible tissues of chickens when the additive is used in accordance with currently authorized conditions of safe use.

Therefore, pursuant to the provisions of the act (secs. 409(c)(3), 701(a), 52 Stat. 1055, 72 Stat. 1786, as amended 76 Stat. 785; 21 U.S.C. 348(c)(3), 371(a)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Part 121 is amended in the following respects:

§ 121.262 [Amended]

1. In § 121.262(c), table 1 is amended as follows:

a. Item 1.2 is amended in the third column by changing "3,5-Dinitrobenzamide" to read "3,5-Dinitrobenzamide [1]".

b. A footnote is added to table 1 reading "[1] No residues are detected by the method of analysis set forth in § 121.263 (e)."

2. Section 121.263 is amended by adding thereto two new paragraphs, as follows:

§ 121.263 3,5-Dinitrobenzamide.

* * * * *

(d) No residue of 3,5-dinitrobenzamide shall be present in any edible portion of such animal after slaughter as determined by the method of analysis set forth in paragraph (e) of this section.

(e) The method of analysis establishing the absence of residues of the additive in edible portions of treated animals is as follows:

I. *Method of analysis—3,5-dinitrobenzamide.* A method for 3,5-dinitrobenzamide (3,5-DNBA) in chicken tissues is described with a cleanup step that removes most of the interfering materials, thus allowing uncompensated measurements to be read. The 3,5-DNBA is extracted from the sample with acetone and chloroform and prepared for chromatography by removing the aqueous phase in a separatory funnel and the solvents in a flash evaporator. The extract residue is chromatographed on alumina to remove several lipid components and residues of other drugs. The benzamide eluate is passed through a column of Dowex-50 resin, or equivalent, to remove arylamines; for example, 3-amino-5-nitrobenzamide. The 3,5-DNBA fraction is reduced, after removal of alcohol, with $TiCl_3$ in basic solution to an arylamine, presumably 3,5-diaminobenzamide. The reduced fraction is placed on another Dowex-50 column, most of the interfering substances are removed with washings of alcohol and water, and the arylamine residue is eluted with 4*N* HCl. Colorimetric measurement is made in a 100-millimeter cell at 530 millimicrons after reacting the residue with Bratton-Marshall reagents.

II. *Reagents.* A. Acetone.

B. Acetyl-(*p*-nitrophenyl)-sulfanilamide (APNPS) standard—melting point range 264° C.–267° C. Weigh and transfer 10 milligrams of APNPS to a 100-milliliter flask, dissolve and dilute to volume with acetone.

C. Alumina—activated F–20, 80–200 mesh, Aluminum Co. of America, or equivalent substance.

D. Ammonium sulfamate.

E. Ammonium sulfamate solution—1.25 grams of ammonium sulfamate per 100 milliliters of water. Refrigerate when not in use. Prepare fresh weekly.

F. Cation-exchange resin—Dowex 50W–X8, 200–400 mesh, Baker Analyzed Reagent, or equivalent, prepared as follows:

1. Place 500 grams of resin into a 3-liter beaker.

2. Add 2,000 milligrams of 6*N* HCl.

3. Heat and stir while on a bath at 80° C. for 6 hours. Discontinue heating and continue stirring overnight.

4. Filter the resin on a Buchner funnel (24 cm.) fitted with Whatman No. 1 paper.

5. Wash the resin bed with four 500-milliliter portions of 6*N* HCl.

6. Wash the resin bed with 500-milliliter portions of deionized water until the effluent has a pH of 5 or higher.

7. Wash the resin bed with three 400-milliliter portions of specially denatured alcohol 3A. Drain thoroughly.

8. Make a slurry of resin in 1,250 milliliters of specially denatured alcohol 3A.

G. Chloroform.

H. Coupling reagent—0.25 gram of *N*-1-naphthyl-ethylenediamine dihydrochloride per 100 milliliters of water. Refrigerate when not in use. Prepare fresh weekly.

I. 3,5-Dinitrobenzamide (3,5-DNBA standard). Add to boiling specially denatured alcohol 3A until a saturated solution is obtained and treat with activated carbon, filtered and crystallize by cooling to room temperature. The 3,5-DNBA therefrom is treated a second time with activated carbon and then recrystallized three more times from specially denatured alcohol 3A. The third crystallization is washed with diethyl ether and dried in a vacuum desiccator, melting point range 185° C.–186° C.

J. Ethyl alcohol—absolute, A.C.S.

K. Eluting reagent A. The formula and volume required in procedure step V–D is dependent on the adsorptive strength of the Al_2O_3. For each lot of Al_2O_3, make the following test:

1. Prepare a column (see procedure step V–D for determining formula and volume of eluting reagent A).

2. Transfer 1 milliliter of APNPS standard (100 micrograms per milliliter) in 75 milliliters of chloroform to the column.

3. Wash the column with 100 milliliters of chloroform and discard the eluate.

4. Pass through 100 milliliters of solution consisting of specially denatured alcohol 3A and ethyl alcohol 1:1 (volume to volume). Collect one 50-milliliter and five 10-milliliter portions; these make up the first, second, third, fourth, fifth, and sixth portions of eluate.

5. Place in beakers under a stream of air on a water bath (90° C.) until the solvents are evaporated.

6. Add 10 milliliters of 4*N* HCl to each, cover with watch glasses and heat (90° C.) for 30 minutes; cool to room temperature.

7. Add the Bratton-Marshall reagents.

8. All fractions show a slight color. Note the portion containing the first significant increase in pink color.

a. If the color increases in the second, third, or fourth portions of eluate, the formula in procedure step V–D is suitable and, depending on the portion, 45, 55, or 65 milliliters, respectively, should be used in procedure step V–D4. Thereby, the APNPS is retained on the column and the benzamides are eluted.

b. If the color increases in the first portion, the eluting strength of the reagent is too strong. Return the test, substituting 1:4 (volume to volume) in procedure step V–D4. If 1:4 (volume to volume) is too strong, rerun with ethyl alcohol in procedure step V–D. If none of these are suitable, another lot of Al_2O_3 should be used.

c. If the color increases in the fifth or sixth portion, the eluting strength of the reagent is too weak. Rerun the test, substituting in procedure step V–D4, respectively, 4:1 (volume to volume), specially denatured alcohol 3A: methyl alcohol, 4:1 (volume to volume), until a suitable formula is found. If none of these are suitable, another lot of Al_2O_3 should be used.

L. Hydrochloric acid, 4*N*. Add two volumes of water to one volume of HCl.

M. Diatomaceous earth—Hyflo Super Cel, Johns-Manville Co., or equivalent substance.

N. *N*-1-Naphthylethylenediamine dihydrochloride.

O. Sodium hydroxide solution, 10*N*. Dissolve 100 grams of sodium hydroxide in water and dilute to 25 milliliters.

P. Sodium nitrite solution—0.25 grams of sodium nitrite per 100 milliliters of water. Refrigerate when not in use. Prepare fresh weekly.

Q. Specially denatured alcohol, formula 3A—100 parts of 190-proof ethyl alcohol plus 5 parts of commercial methyl alcohol.

R. Titanimum(ous) chloride—20 percent solution.

III. *Special apparatus.* A. Absorption cells—Beckman No. 75195 matched set of two cylindrical silica cells with 100-millimeter optical length, or equivalent cells.

B. Autotransformer—type 500B, or equivalent. To regulate speed of mixer.

C. Centrifuge.

D. Centrifuge tubes—50-milliliter size with glass stopper.

E. Chromatography tubes—Corning No. 38460, 20 millimeters x 400 millimeters and having a tapered 29/42 joint with coarse, fritted disc, or equivalent tubes.

F. Evaporator—vacuum, rotary, thin film.

G. Ion-exchange column—as described by Thiegs et al. in "Determination of 3-amino-5-nitro-*o*-toluamide (ANOT) in chicken tissues" published in "Journal of Agricultural and Food Chemistry," volume 9, pages 201–204 (1961).

H. Glycerol manostat. For regulating pressure on columns: To Al_2O_3 columns, 15-inch head pressure; to ion-exchange columns, 30-inch head pressure.

I. Motor speed control. For regulating speed on 1-quart blendor.

J. Volumetric flasks—50 milliliter size, actinic ware.

K. Mixer—Vortex Jr. Model K–500–1, Scientific Industries, Inc., or equivalent mixer.

L. One-quart blendor.

M. Water bath (45° C.–50° C.).

N. Water bath (90° C.).

IV. *Standard curve.* A. 1. Weigh 100 milligrams of 3,5-DNBA and transfer to a 1-liter volumetric flask with acetone.

2. Dissolve and dilute with acetone to volume.

3. Dilute 1 milliliter to 100 milliliters.

4. Add 5.0 milliliters of water to each of six centrifuge tubes.

5. Add standard to each of the tubes to contain one of the following amounts: 0.0, 1.0, 2.0, 3.0, 5.0, and 10.0 micrograms of 3,5-DNBA.

B. Prepare each tube for colorimetric measurement as follows:

1. Place the tube in a hot water bath (90° C.) until 5.0 milliliters remain. Cool to room temperature.

2. While mixing on Vortex mixer, or equivalent, regulated with an autotransformer, add 2 drops of $TiCl_3$ and 4 drops of 10*N* NaOH. Continue mixing until chalky-white in appearance.

3. Add 2 milliliters of HCl, mix, and allow to stand for 5 minutes.

4. Transfer to 50-milliliter volumetric flask and dilute with 4*N* HCl to 40–45 milliliters.

5. Cool to 0° C.–5° C. by placing in a freezer or ice bath.

6. Perform the Bratton-Marshall reaction in subdued light as follows:

a. Add 1 milliliter of sodium nitrite reagent, mix, and allow to stand for 1 minute.

b. Add 1 milliliter of ammonium sulfamate reagent, mix, and allow to stand for 1 minute.

c. Add 1 milliliter of coupling reagent, mix, and allow to stand for 10 minutes.

d. Dilute to volume with 4*N* HCl.

C. Perform colorimetric measurement at 530 millimicrons as follows:

1. Fill two matched 100-millimeter cells with 4*N* HCl and place into spectrophotometer.

2. Adjust dark current.

3. Adjust to zero absorbance.

4. Replace acid in cell of sample side of compartment with standard to be measured.

5. The standard curve should be run five different times. Plot equivalent concentration in tissue versus mean absorbance at each concentration. If computer is available, a better procedure is to calculate the equation of the standard curve by means of least squares.

V. *Procedure.* A. Extraction. 1. Mince 350 grams of tissue in a 1-quart blending jar for 3 minutes. Use samples obtained from either freshly killed or quickly frozen birds. The latter should be analyzed as soon as thawed. For fibrous meats (for example, muscle, skin) put through a meat grinder before mincing.

2. Weigh 100±0.5 grams of each replicate sample in a 150-milliliter beaker. Analyze each sample in triplicate and average the results. Reproducibility of ±10 percent between such analyses has been obtained.

3. Transfer the sample to a 1-quart blendor jar. For kidney and liver tissues, make a slurry with acetone in the weighing beaker. Transfer with several rinses of acetone.

4. Blend the sample for 5 minutes with 250 milliliters of acetone and a 100-milliliter beakerful of diatomaceous earth.

5. Filter through a Buchner funnel containing a wetted Whatman No. 5 filter paper (12.5 cm.) into a 1-liter suction flask.

6. Rinse the blendor jar into the funnel with three 25-milliliter portions of acetone.

7. Transfer the pulp and paper from the funnel to the aforementioned blendor jar.

8. Add 250 milliliters of chloroform.

9. Blend for 3 minutes.

10. Filter through the aforementioned apparatus of procedure step V–A5. For rapid filtration of skin and blood samples, prepare funnel by adding diatomaceous earth and tamping evenly over paper to a thickness of 3 to 5 millimeters.

11. Rinse the blendor jar into the funnel with three 25-milliliter rinses of chloroform.

B. Phasic separation. 1. Pour the combined filtrates into a 1-liter separatory funnel.

2. Rinse the suction flask twice with 25 milliliters of chloroform.

3. Mix the funnel contents by gently rocking and swirling for 30 seconds.

4. Let stand 10 minutes to allow phases to separate.

a. The upper (aqueous) phase (30 to 50 milliliters) is not always emulsion-free. Losses from emulsions have not been significant.

b. If an upper (aqueous) phase does not appear, add an additional 100 milliliters of chloroform and 10 milliliters of water and repeat procedure step V–B3.

5. Withdraw the lower phase into a 1-liter round-bottom flask, and discard upper phase. Withdraw nearly all of the lower phase, let stand for 2 to 3 minutes, then withdraw the remainder.

C. Evaporation. Attach the flask on a thin-film rotary evaporator connected to a vacuum supply, and place in a water bath maintained at 45° C.–50° C. until an oily residue remains. Do not overheat the sample or allow to go to dryness.

D. Adsorption chromatography. 1. Prepare a chromatography column using a column with calibrated etchings to indicate appropriate adsorbent and solvent levels as follows:

a. Fill tube to a depth of 60 millimeters with Al_2O_3.

b. Tap walls gently with hands.

c. Add anhydrous sodium sulfate to an adtional depth of 25 millimeters.

d. Wet and wash column with 50 milliliters of chloroform.

i. During chromatography, make each addition to the tube when the liquid level has reached the top of the sodium sulfate layer.

ii. Increase the percolation rates by applying a slight air pressure to the top of the column.

2. Transfer the residue from procedure step V–C to the column with four 15-milliliter rinses of chloroform. Then rinse the walls of the tube and sodium sulfate layer with three 5-milliliter portions of chloroform. Percolation rate: 15 to 25 milliliters per minute. No color from sample should be seen in sodium sulfate layer after final rinse.

3. Wash column with 100 milliliters of chloroform. Discard eluate.

4. Add 75 milliliters of eluting reagent A and collect eluate A in a 250-milliliter beaker for cation-exchange chromatography.

a. Refer to "Eluting reagent A" under "Reagents" (II–K) for determining formula and volume.

b. Percolation rate: 8 to 12 milliliters per minute.

E. Cation-exchange chromatography—No. 1. 1. Prepare an ion-exchange column as follows:

a. Add a uniform slurry of resin to the column to obtain a 4 to 5 centimeter bed depth after settling.

i. Obtain a uniform slurry using a magnetic stirrer. To add the required amount of resin, calibrate the slurry and transfer it with a 10-milliliter pipette to deliver a reproducible volume.

ii. Increase the flow rate to 2 to 4 milliliters per minute by applying air pressure to the column. A glycerol manostat adjusted to 30 inches and attached between an air supply and column provides adequate pressure.

b. Wash the resin with 10 milliliters of eluting reagent A. Discard eluate.

2. Pass eluate A from procedure step V–D4 through the column. Collect in a 250-milliliter beaker.

3. Pass 50 milliliters of specially denatured alcohol 3A through the column. Combine with the eluate of procedure step V–E2.

F. Reduction. 1. Place the eluate A fraction from procedure step V–E3 on a hot water bath (90° C.) and evaporate with a stream of air until 5 to 10 milliliters remain. Do not overheat the sample or allow the sample to go to dryness.

2. Transfer to centrifuge tube and rinse beaker three times with 3 milliliters of specially denatured alcohol 3A.

3. Evaporate on a hot water bath (90° C.) under a stream of air until alcohol has evaporated. Do not overheat the sample or allow the sample to go to dryness.

4. Remove the tube from the water bath and immediately add 5.0 milliliters of water.

5. While mixing, add 2 drops of titanium chloride and 4 drops of 10*N* sodium hydroxide. Continue mixing until greyish color disappears.

a. Mix on Vortex Jr. mixer, or equivalent, regulated with autotransformer.

b. Precipitate of insoluble tissue substances and white titanium salts is present after reduction is complete.

6. Dilute to 50 milliliters with specially denatured alcohol 3A and mix.

7. Centrifuge for 5 minutes at 2,000 r.p.m.

G. Cation-exchange chromatography—No. 2. 1. Prepare resin column by procedure step V–E.

2. Pass the centrifugate of procedure step V–F7 through column. Use three rinses of specially denatured alcohol 3A, each 5 milliliters, to aid in transferring of sample.

3. Pass 50 milliliters of specially denatured alcohol 3A through the column.

4. Pass 50 milliliters of deionized water through the column.

5. Elute arylamine residue from the resin with 40 to 43 milliliters of 4*N* HCl into a 50-milliliter volumetric flask (actinic ware) for 3,5-DNBA analysis. Avoid direct sunlight. The arylamine has been found to be photosensitive.

H. Color development and measurement. 1. Cool to 0° C.–5° C. by placing in a freezer or ice bath.

2. Perform the Bratton-Marshall reaction in subdued light as follows:

a. Add 1 milliliter of sodium nitrite reagent, mix, and allow to stand for 1 minute.

b. Add 1 milliliter of ammonium sulfamate reagent, mix, and allow to stand for 1 minute.

c. Add 1 milliliter of coupling reagent, mix, and allow to stand for 10 minutes.

d. Dilute to volume with 4*N* HCl.

3. Perform colorimetric measurement at 530 millimicrons as follows:

a. Fill two matched 100-millimeter cells with 4*N* HCl and place into instrument.

b. Adjust dark current.

c. Adjust to zero absorbance.

d. Replace acid in cell of sample side of compartment with sample to be measured.

e. Record absorbance observed.

I. Calculations. Determine parts per billion (observed) from the standard curve.

§ 121.264 [Amended]

3. In § 121.264 *Sulfanitran (acetyl-(p-nitrophenyl)-sulfanilamide)*, table 1 in paragraph (c) is amended as follows:

a. Items 1.2 and 1.4 are amended in the third column by changing "3,5-Dinitrobenzamide" to read "3,5-Dinitrobenzamide[1]".

b. A footnote is added to table 1 reading "[1] No residues are detected by the method of analysis set forth in § 121.263 (e)."

4. Section 121.1168 is amended by designating the existing text as paragraph (a) and by adding a new paragraph (b). As amended, the section reads as follows:

§ 121.1168 3,5-Dinitrobenzamide.

(a) A tolerance of zero is established for residues of 3,5-dinitrobenzamide and its metabolites in the edible tissues and byproducts of chickens.

(b) The method of analysis by which it is determined that no residues of 3,5-dinitrobenzamide are present in tissues and byproducts of chickens is set forth in § 121.263(e).

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity

the provisions of the order seemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

(Secs. 409(c)(3), 701(a), 52 Stat. 1055, 72 Stat. 1786, as amended 76 Stat. 785; 21 U.S.C. 348(c)(3), 371(a))

Dated: September 20, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-11411; Filed, Sept. 27, 1967; 8:49 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 531—WAGE PAYMENTS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

On January 10, 1967, notice of proposed rulemaking regarding a revision of 29 CFR Part 531 was published in the FEDERAL REGISTER (32 F.R. 222). After consideration of all responsive matter presented, the revision as proposed is hereby adopted, subject to the following changes:

1. Section 531.7(b) is changed.
2. Section 531.32(c) is changed.
3. A cross-reference is added at the end of § 531.35.
4. Section 531.55 is changed.
5. A new § 531.56(e) is added.
6. In § 531.57, punctuation and the words "seasonal fluctuations" are added to the concluding phrase.
7. In §§ 531.55 and 531.59 the word "credited" is substituted for the words "accounted for".
8. Typographical changes are made.

Effective date. This revision shall become effective 30 days after this document is published in the FEDERAL REGISTER. The policy expressed in the proposal of January 10, 1967, is here repeated and reaffirmed, however, that for the period prior to such effective date no enforcement action will be taken against any employer because he has taken such credit for tips as wage payments due under the Act as he would be entitled to take if that proposal were in full force and effect, even if such credit is not authorized under the amended Act and 29 CFR Part 531 as presently in effect.

Signed at Washington, D.C., this 22d day of September 1967.

CLARENCE T. LINDQUIST,
Administrator, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor.

Subpart A—Preliminary Matters

Sec.
531.1 Definitions.
531.2 Purpose and scope.

Subpart B—Determinations of "Reasonable Cost" and "Fair Value"; Effects of Collective Bargaining Agreements

531.3 General determinations of "reasonable cost."
531.4 Making determinations of "reasonable cost."
531.5 Making determinations of "fair value."
531.6 Effect of collective bargaining agreements.
531.7 Requests for review of tip credit.
531.8 Petitions to issue, amend, or repeal rules, including determinations under this part.

Subpart C—Interpretations

531.25 Introductory statement.
531.26 Relation to other laws.

HOW PAYMENTS MAY BE MADE

531.27 Payment in cash or its equivalent required.
531.28 Restrictions applicable where payment is not in cash or its equivalent.
531.29 Board, lodging, or other facilities.
531.30 "Furnished" to the employee.
531.31 "Customarily" furnished.
531.32 "Other facilities."
531.33 "Reasonable cost"; "fair value."
531.34 Payment in scrip or similar medium not authorized.
531.35 "Free and clear" payment; "kickbacks."

PAYMENT WHERE ADDITIONS OR DEDUCTIONS ARE INVOLVED

531.36 Nonovertime workweeks.
531.37 Overtime workweeks.

PAYMENTS MADE TO PERSONS OTHER THAN EMPLOYEES

531.38 Amounts deducted for taxes.
531.39 Payments to third persons pursuant to court order.
531.40 Payments to employee's assignee.

PAYMENT OF WAGES TO TIPPED EMPLOYEES

531.50 Statutory provisions with respect to tipped employees.
531.51 Conditions for taking tip credits in making wage payments.
531.52 General characteristics of "tips."
531.53 Payments which constitute tips.
531.54 Tip pooling.
531.55 Examples of amounts not received as tips.
531.56 "More than $20 a month in tips."
531.57 Receiving the minimum amount "customarily and regularly."
531.58 Initial and terminal months.
531.59 The tip wage credit.
531.60 Overtime payments.

AUTHORITY: The provisions of this Part 531 issued under sec. 3(m), 52 Stat. 1060; sec. 2, 75 Stat. 65; sec. 101, 80 Stat. 830; 29 U.S.C. 203 (m) and (t).

Subpart A—Preliminary Matters

§ 531.1 Definitions.

(a) "Administrator" means the Administrator of the Wage and Hour and Public Contracts Divisions or his authorized representative. The Secretary of Labor has delegated to the Administrator the functions vested in him under section 3(m) of the Act.

(b) "Act" means the Fair Labor Standards Act of 1938, as amended.

§ 531.2 Purpose and scope.

(a) Section 3(m) of the Act defines the term "wage" to include the "reasonable cost", as determined by the Secretary of Labor, to an employer of furnishing any employee with board, lodging, or other facilities, if such board, lodging, or other facilities are customarily furnished by the employer to his employees. In addition, section 3(m) gives the Secretary authority to determine the "fair value" of such facilities on the basis of average cost to the employer or to groups of employers similarly situated, or average value to groups of employees, or other appropriate measures of "fair value." Whenever so determined and when applicable and pertinent, the "fair value" of the facilities involved shall be includable as part of "wages" instead of the actual measure of the costs of those facilities. The section provides, however, that the cost of board, lodging, or other facilities shall not be included as part of "wages" if excluded therefrom by a bona fide collective bargaining agreement. Section 3(m) also provides a method for determining the wage of a tipped employee.

(b) This Part 531 contains any determinations made as to the "reasonable cost" and "fair value" of board, lodging, or other facilities having general application, and describes the procedure whereby determinations having general or particular application may be made. The part also interprets generally the provisions of section 3(m) of the Act, including the term "tipped employee" as defined in section 3(t).

Subpart B—Determinations of "Reasonable Cost" and "Fair Value"; Effects of Collective Bargaining Agreements

§ 531.3 General determinations of "reasonable cost".

(a) The term "reasonable cost" as used in section 3(m) of the Act is hereby determined to be not more than the actual cost to the employer of the board, lodging, or other facilities customarily furnished by him to his employees.

(b) "Reasonable cost" does not include a profit to the employer or to any affiliated person.

(c) Except whenever any determination made under §531.4 is applicable, the "reasonable cost" to the employer of furnishing the employee with board, lodging, or other facilities (including housing) is the cost of operation and maintenance including adequate depreciation plus a reasonable allowance (not more than 5½ percent) for interest on the depreciated amount of capital invested by the employer: *Provided*, That if the total so computed is more than the fair rental value (or the fair price of the commodities or facilities offered for sale), the fair rental value (or the fair price of the commodities or facilities offered for sale) shall be the reasonable cost. The cost of operation and maintenance, the rate of depreciation, and the depreciated amount of capital invested by the employer shall be those arrived at under

good accounting practices. As used in this paragraph, the term "good accounting practices" does not include accounting practices which have been rejected by the Internal Revenue Service for tax purposes, and the term "depreciation" includes obsolescence.

(d) (1) The cost of furnishing "facilities" found by the Administrator to be primarily for the benefit or convenience of the employer will not be recognized as reasonable and may not therefore be included in computing wages.

(2) The following is a list of facilities found by the Administrator to be primarily for the benefit or convenience of the employer. The list is intended to be illustrative rather than exclusive: (i) Tools of the trade and other materials and services incidental to carrying on the employer's business; (ii) the cost of any construction by and for the employer; (iii) the cost of uniforms and of their laundering, where the nature of the business requires the employee to wear a uniform.

§ 531.4 Making determinations of "reasonable cost".

(a) *Procedure.* Upon his own motion or upon the petition of any interested person, the Administrator may determine generally or particularly the "reasonable cost" to an employer of furnishing any employee with board, lodging, or other facilities, if such board, lodging, or other facilities are customarily furnished by the employer to his employees. Notice of proposed determination shall be published in the FEDERAL REGISTER, and interested persons shall be afforded an opportunity to participate through submission of written data, views, or arguments. Such notice shall indicate whether or not an opportunity will be afforded to make oral presentations. Whenever the latter opportunity is afforded, the notice shall specify the time and place of any hearing and the rules governing such proceedings. Consideration shall be given to all relevant matter presented in the adoption of any rule.

(b) *Contents of petitions submitted by interested persons.* Any petition by an employee or an authorized representative of employees, an employer or group of employers, or other interested persons for a determination of "reasonable cost" shall include the following information:

(1) The name and location of the employer's or employers' place or places of business;

(2) A detailed description of the board, lodging, or other facilities furnished by the employer or employers, whether or not these facilities are customarily furnished by the employer or employers, and whether or not they are alleged to constitute "wages";

(3) The charges or deductions made for the facility or facilities by the employer or employers;

(4) When the actual cost of the facility or facilities is known an itemized statement of such cost to the employer or employers of the furnished facility or facilities;

(5) The cash wages paid;

(6) The reason or reasons for which the determination is requested, including any reason or reasons why the determinations in § 531.3 should not apply; and

(7) Whether an opportunity to make an oral presentation is requested; and if it is requested, the inclusion of a summary of any expected presentation.

§ 531.5 Making determinations of "fair value".

(a) *Procedure.* The procedures governing the making of determinations of the "fair value" of board, lodging, or other facilities for defined classes of employees and in defined areas under section 3(m) of the Act shall be the same as that prescribed in § 531.4 with respect to determinations of "reasonable cost."

(b) *Petitions of interested persons.* Any petition by an employee or an authorized representative of employees, an employer or group of employers, or other interested persons for a determination of "fair value" under section 3(m) of the Act shall contain the information required under paragraph (b) of § 531.4, and in addition, to the extent possible, the following:

(1) A proposed definition of the class or classes of employees involved;

(2) A proposed definition of the area to which any requested determination would apply;

(3) Any measure of "fair value" of the furnished facilities which may be appropriate in addition to the cost of such facilities.

§ 531.6 Effects of collective bargaining agreements.

(a) The cost of board, lodging, or other facilities shall not be included as part of the wage paid to any employee to the extent it is excluded therefrom under the terms of a bona fide collective bargaining agreement applicable to the particular employee.

(b) A collective bargaining agreement shall be deemed to be "bona fide" when it is made with a labor organization which has been certified pursuant to the provision of section 7(b)(1) or 7(b)(2) of the Act by the National Labor Relations Board, or which is the certified representative of the employees under the provisions of the National Labor Relations Act, as amended, or the Railway Labor Act, as amended.

(c) Collective bargaining agreements made with representatives who have not been so certified will be ruled on individually upon submission to the Administrator.

§ 531.7 Request for review of tip credit.

(a) Any employee (either himself or acting through his representative) may request the Administrator to determine whether the actual amount of tips received by him is less than the amount determined by the employer as a wage credit. If it is shown to the satisfaction of the Administrator that the actual amount of tips is the lesser of these amounts, the amount paid the employee by the employer shall be deemed to have been increased by such lesser amount.

(b) Requests for review and determination may be made either orally or in writing to any investigator or any regional, district, or field office of the Wage and Hour and Public Contracts Divisions or to the Administrator in Washington, D.C. 20210. Requests should be accompanied by a statement of tips received each week or each month over a representative period as reported by the employee to the employer for purposes of Internal Revenue Service reports. Such a request should also be accompanied by a statement showing the tip credit taken by the employer and any other information deemed pertinent by the petitioner. In any instance in which it appears that the tip credit claimed by the employer exceeds the amount of tips actually received by the tipped employee, the employer shall be apprised of the facts made available to the Wage and Hour and Public Contracts Divisions and be afforded the opportunity to submit any evidence he may care to present in support of his claim for tip credit before a determination is made. Such determination shall be made by the official representative of the Wage and Hour and Public Contracts Divisions assigned to make an investigation of the employing establishment.

§ 531.8 Petitions to issue, amend, or repeal rules, including determinations, under this part.

Any interested person may petition for the issuance, amendment, or repeal of rules, including determinations under this part. Any such petition shall be directed in writing to the Administrator. Any such petition shall include: (a) A declaration of the petitioner's interest in the proposed action; (b) a statement of the rule-making action sought; and (c) any data available in support of the petition. Whenever a petitioner seeks a determination of "reasonable cost" or "fair value" the statement of rule-making sought shall contain the information required under § 531.4(b) or § 531.5(b), as the case may be.

Subpart C—Interpretations

§ 531.25 Introductory statement.

(a) The ultimate decisions on interpretations of the Act are made by the courts (Mitchell v. Zachry, 362 U.S. 310; Kirschbaum v. Walling, 316 U.S. 517). Court decisions supporting interpretations contained in this subpart are cited where it is believed they may be helpful. On matters which have not been determined by the courts, it is necessary for the Secretary of Labor and the Administrator to reach conclusions as to the meaning and the application of provisions of the law in order to carry out their responsibilities of administration and enforcement (Skidmore v. Swift, 323 U.S. 134). In order that these positions may be made known to persons who may be affected by them, official interpretations are issued by the Administrator on the advice of the Solicitor of

Labor, as authorized by the Secretary (Reorganization Plan 6 of 1950, 64 Stat. 1263; Gen. Order 45A, May 24, 1950, 15 F.R. 3290). The Supreme Court has recognized that such interpretations of this Act "provide a practical guide to employers and employees as to how the office representing the public interest in its enforcement will seek to apply it" and "constitute a body of experience and informed judgment to which courts and litigants may properly resort for guidance." Further, as stated by the Court: "Good administration of the Act and good judicial administration alike require that the standards of public enforcement and those for determining private rights shall be at variance only where justified by very good reasons." (Skidmore v. Swift, 323 U.S. 134.)

(b) The interpretations of the law contained in this subpart are official interpretations of the Department of Labor with respect to the application under described circumstances of the provisions of law which they discuss. The interpretations indicate, with respect to the methods of paying the compensation required by sections 6 and 7 and the application thereto of the provisions of section 3(m) of the Act, the construction of the law which the Secretary of Labor and the Administrator believe to be correct and which will guide them in the performance of their administrative duties under the Act unless and until they are otherwise directed by authoritative decisions of the courts or conclude, upon reexamination of an interpretation, that it is incorrect. Reliance may be placed upon the interpretations as provided in section 10 of the Portal-to-Portal Act (29 U.S.C. 259) so long as they remain effective and are not modified, amended, rescinded, or determined by judicial authority to be incorrect. For discussion of section 10 of the Portal-to-Portal Act, see Part 790 of this chapter.

§ 531.26 Relation to other laws.

Various Federal, State, and local legislation requires the payment of wages in cash; prohibits or regulates the issuance of scrip, tokens, credit cards, "dope checks" or coupons; prevents or restricts payment of wages in services or facilities; controls company stores and commissaries; outlaws "kickbacks"; restrains assignment and garnishment of wages; and generally governs the calculation of wages and the frequency and manner of paying them. Where such legislation is applicable and does not contravene the requirements of the Act, nothing in the Act, the regulations, or the interpretations announced by the Administrator should be taken to override or nullify the provisions of these laws.

How Payments May Be Made

§ 531.27 Payment in cash or its equivalent required.

(a) Standing alone, sections 6 and 7 of the Act require payment of the prescribed wages, including overtime compensation, in cash or negotiable instrument payable at par. Section 3(m) provides, however, for the inclusion in the "wage" paid to any employee, under the conditions which it prescribes, of the "reasonable cost," or "fair value" as determined by the Secretary, of furnishing such employee with board, lodging, or other facilities. In addition, section 3(m) provides that a tipped employee's wages may consist in part of tips. It is section 3(m) which permits and governs the payment of wages in other than cash.

(b) It should not be assumed that because the term "wage" does not appear in section 7, all overtime compensation must be paid in cash and may not be paid in board, lodging, or other facilities. There appears to be no evidence in either the statute or its legislative history which demonstrates the intention to provide one rule for the payment of the minimum wage and another rule for the payment of overtime compensation. The principles stated in paragraph (a) of this section are considered equally applicable to payment of the minimum hourly wage required by section 6 or of the wages required by the equal pay provisions of section 6(d), and to payment, when overtime is worked, of the compensation required by section 7. Thus, in determining whether he has met the minimum wage and overtime requirements of the Act, the employer may credit himself with the reasonable cost to himself of board, lodging, or other facilities customarily furnished by him to his employees when the cost of such board, lodging, or other facilities is not excluded from wages paid to such employees under the term of a bona fide collective bargaining agreement applicable to the employees. Unless the context clearly indicates otherwise, the term "wage" is used in this part to designate the amount due under either section 6 or section 7 without distinction. It should be remembered, however, that the wage paid for a job, within the meaning of the equal pay provisions of section 6(d), may include remuneration for employment which is not included in the employee's regular rate of pay under section 7(e) of the act or is not allocable to compensation for hours of work required by the minimum wage provisions of section 6. Reference should be made to Parts 778 and 800 of this chapter for a more detailed discussion of the applicable principles.

(c) Tips may be credited or offset against the wages payable under the Act in certain circumstances, as discussed later in this subpart. See also the recordkeeping requirements contained in Part 516 of this chapter.

§ 531.28 Restrictions applicable where payment is not in cash or its equivalent.

It appears to have been the clear intention of Congress to protect the basic minimum wage and overtime compensation required to be paid to the employee by sections 6 and 7 of the Act from profiteering or manipulation by the employer in dealings with the employee. Section 3(m) of the Act and Subpart B of this part accordingly prescribe certain limitations and safeguards which control the payment of wages in other than cash or its equivalent. (Special recordkeeping requirements must also be met. These are contained in Part 516 of this chapter.) These provisions, it should be emphasized, do not prohibit payment of wages in facilities furnished either as additions to a stipulated wage or as items for which deductions from the stipulated wage will be made; they prohibit only the use of such a medium of payment to avoid the obligation imposed by sections 6 and 7.

§ 531.29 Board, lodging, or other facilities.

Section 3(m) applies to both of the following situations: (a) Where board, lodging, or other facilities are furnished in addition to a stipulated wage; and (b) where charges for board, lodging, or other facilities are deducted from a stipulated wage. The use of the word "furnishing" and the legislative history of section 3(m) clearly indicate that this section was intended to apply to all facilities furnished by the employer as compensation to the employee, regardless of whether the employer calculates charges for such facilities as additions to or deductions from wages.

§ 531.30 "Furnished" to the employee.

The reasonable cost of board, lodging, or other facilities may be considered as part of the wage paid an employee only where customarily "furnished" to the employee. Not only must the employee receive the benefits of the facility for which he is charged, but it is essential that his acceptance of the facility be voluntary and uncoerced. See Williams v. Atlantic Coast Line Railroad Co. (E.D.N.C.), 1 W.H. Cases 289.

§ 531.31 "Customarily" furnished.

The reasonable cost of board, lodging, or other facilities may be considered as part of the wage paid an employee only where "customarily" furnished to the employee. Where such facilities are "furnished" to the employee, it will be considered a sufficient satisfaction of this requirement if the facilities are furnished regularly by the employer to his employees or if the same or similar facilities are customarily furnished by other employees engaged in the same or similar trade, business, or occupation in the same or similar communities. See Walling v. Alaska Pacific Consolidated Mining Co., 152 F. (2d) 812 (C.A. 9), cert. denied, 327 U.S. 803; Southern Pacific Co. v. Joint Council (C.A. 9) 7 W.H. Cases 536. Facilities furnished in violation of any Federal, State, or local law, ordinance or prohibition will not be considered facilities "customarily" furnished.

§ 531.32 "Other facilities".

(a) "Other facilities," as used in this section, must be something like board or lodging. The following items have been deemed to be within the meaning of the term: Meals furnished at company restaurants or cafeterias or by hospitals, hotels, or restaurants to their employees;

meals, dormitory rooms, and tuition furnished by a college to its student employees; housing furnished for dwelling purposes; general merchandise furnished at company stores and commissaries (including articles of food, clothing, and household effects); fuel (including coal, kerosene, firewood, and lumber slabs), electricity, water, and gas furnished for the noncommercial personal use of the employee; transportation furnished employees between their homes and work where the travel time does not constitute hours worked compensable under the Act and the transportation is not an incident of and necessary to the employment.

(b) Shares of capital stock in an employer company, representing only a contingent proprietary right to participate in profits and losses or in the assets of the company at some future dissolution date, do not appear to be "facilities" within the meaning of the section.

(c) It should also be noted that under § 531.3(d)(1), the cost of furnishing "facilities" which are primarily for the benefit or convenience of the employer will not be recognized as reasonable and may not therefore be included in computing wages. Items in addition to those set forth in § 531.3 which have been held to be primarily for the benefit or convenience of the employer and are not therefore to be considered "facilities" within the meaning of section 3(m) include: Safety caps, explosives, and miners' lamps (in the mining industry); electric power (used for commercial production in the interest of the employer); company police and guard protection; taxes and insurance on the employer's buildings which are not used for lodgings furnished to the employee; "dues" to chambers of commerce and other organizations used, for example to repay subsidies given to the employer to locate his factory in a particular community; transportation charges where such transportation is an incident of and necessary to the employment (as in the case of maintenance-of-way employees of a railroad); charges for rental of uniforms where the nature of the business requires the employee to wear a uniform; medical services and hospitalization which the employer is bound to furnish under workmen's compensation acts, or similar Federal, State, or local law. On the other hand, meals are always regarded as primarily for the benefit and convenience of the employee. For a discussion of reimbursement for expenses, such as "supper money," "travel expenses," etc., see § 778.217 of this chapter.

§ 531.33 "Reasonable cost"; "fair value".

(a) Section 3(m) directs the Administrator to determine "the reasonable cost * * * to the employer of furnishing * * * facilities" to the employee, and in addition it authorizes him to determine "the fair value" of such facilities for defined classes of employees and in defined areas, which may be used in lieu of the actual measure of the cost of such facilities in ascertaining the "wages" paid to any employee. Subpart B contains three methods whereby an employer may ascertain whether any furnished facilities are a part of "wages" within the meaning of section 3(m): (1) An employer may calculate the "reasonable cost" of facilities in accordance with the requirements set forth in § 531.3; (2) an employer may request that a determination of "reasonable cost" be made, including a determination having particular application; and (3) an employer may request that a determination of "fair value" of the furnished facilities be made to be used in lieu of the actual measure of the cost of the furnished facilities in assessing the "wages" paid to an employee.

(b) "Reasonable cost," as determined in § 531.3 "does not include a profit to the employer or to any affiliated person." Although the question of affiliation is one of fact, where any of the following persons operate company stores or commissaries or furnish lodging or other facilities they will normally be deemed "affiliated persons" within the meaning of the regulations: (1) A spouse, child, parent, or other close relative of the employer; (2) a partner, officer, or employee in the employer company or firm; (3) a parent, subsidiary, or otherwise closely connected corporation; and (4) an agent of the employer.

§ 531.34 Payment in scrip or similar medium not authorized.

Scrip, tokens, credit cards, "dope checks," coupons, and similar devices are not proper mediums of payment under the Act. They are neither cash nor "other facilities" within the meaning of section 3(m). However, the use of such devices for the purpose of conveniently and accurately measuring wages earned or facilities furnished during a single pay period is not prohibited. Piecework earnings, for example, may be calculated by issuing tokens (representing a fixed amount of work performed) to the employee, which are redeemed at the end of the pay period for cash. The tokens do not discharge the obligation of the employer to pay wages, but they may enable him to determine the amount of cash which is due to the employee. Similarly board, lodging, or other facilities may be furnished during the pay period in exchange for scrip or coupons issued prior to the end of the pay period. The reasonable cost of furnishing such facilities may be included as part of the wage, since payment is being made not in scrip but in facilities furnished under the requirements of section 3(m). But the employer may not credit himself with "unused scrip" or "coupons outstanding" on the pay day in determining whether he has met the requirements of the Act because such scrip or coupons have not been redeemed for cash or facilities within the pay period. Similarly, the employee cannot be charged with the loss or destruction of script or tokens.

§ 531.35 "Free and clear" payment; "kickbacks".

Whether in cash or in facilities, "wages" cannot be considered to have been paid by the employer and received by the employee unless they are paid finally and unconditionally or "free and clear." The wage requirements of the Act will not be met where the employee "kicks-back" directly or indirectly to the employer or to another person for the employer's benefit the whole or part of the wage delivered to the employee. This is true whether the "kick-back" is made in cash or in other than cash. For example, if it is a requirement of the employer that the employee must provide tools of the trade which will be used in or are specifically required for the performance of the employer's particular work, there would be a violation of the Act in any workweek when the cost of such tools purchased by the employee cuts into the minimum or overtime wages required to be paid him under the Act. See also in this connection, § 531.32(c).

Payment Where Additions or Deductions Are Involved

§ 531.36 Nonovertime workweeks.

(a) When no overtime is worked by the employee, section 3(m) and this part apply only to the applicable minimum wage for all hours worked. To illustrate, where an employee works 40 hours a week at a cash wage rate of $1.60 an hour in a situation when that rate is the applicable minimum wage and is paid $64 in cash free and clear at the end of the workweek, and in addition is furnished facilities valued at $4, no consideration need be given to the question of whether such facilities meet the requirements of section 3(m) and this part, since the employee has received in cash the applicable minimum wage of $1.60 an hour for all hours worked. Similarly, where an employee is employed at a rate of $1.80 an hour and during a particular workweek works 40 hours for which he is paid $64 in cash, the employer having deducted $8 from his wages for facilities furnished, whether such deduction meets the requirement of section 3(m) and Subpart B of this part need not be considered, since the employee is still receiving, after the deduction has been made, a cash wage of $1.60 an hour. Deductions for board, lodging, or other facilities may be made in nonovertime workweeks even if they reduce the cash wage below the minimum, provided the prices charged do not exceed the "reasonable cost" of such facilities. When such items are furnished the employee at a profit, the deductions from wages in weeks in which no overtime is worked are considered to be illegal only to the extent that the profit reduces the wage (which includes the "reasonable cost" of the facilities) below the required minimum. Accordingly, in a situation when $1.60 an hour is the applicable minimum wage, if an employee employed at a rate of $1.65 an hour works 40 hours in a workweek and

is paid only $54 in cash, $12 having been deducted for facilities furnished to him, such facilities must be measured by the requirements of section 3(m) and this part to determine if the employee has received the minimum of $64 (40 hours x $1.60) in cash or in facilities which may be legitimately included in "wages" payable under the Act. The same would be true where an employee is furnished the facilities in addition to a cash wage of $54 for 40 hours of work. In either case, if the "reasonable cost" to the employer of legitimate facilities equals at least $10 the requirements of the Act are met. Cf. Southern Pacific Co. v. Joint Council Dining Car Employees, 165 F. (2d) 26 (C.A. 9).

(b) Deductions for articles such as tools, miners' lamps, dynamite caps, and other items which do not constitute "board, lodging, or other facilities" may likewise be made in nonovertime workweeks if the employee nevertheless received the required minimum wage in cash free and clear; but to the extent that they reduce the wages of the employee in any such workweek below the minimum required by the Act, they are illegal.

§ 531.37 Overtime workweeks.

(a) Section 7 requires that the employee receive compensation for overtime hours at "a rate of not less than one and one-half times the regular rate at which he is employed." When overtime is worked by an employee who receives the whole or part of his wage in facilities and it becomes necessary to determine the portion of his wages represented by facilities, all such facilities must be measured by the requirements of section 3(m) and Subpart B of this part. It is the Administrator's opinion that deductions may be made, however, on the same basis in an overtime workweek as in non-overtime workweeks (see § 531.36), if their purpose and effect are not to evade the overtime requirements of the Act or other law, providing the amount deducted does not exceed the amount which could be deducted if the employee had only worked the maximum number of straight-time hours during the workweek. For example, in a situation where $1.60 an hour is the applicable minimum wage, if an employee is employed at a rate of $1.65 an hour (5 cents in excess of the minimum wage) the maximum amount which may be deducted from his wages in a 40-hour workweek for items such as tools, dynamite caps, miners' lamps, or other articles which are not "facilities" within the meaning of the Act, is 40 times 5 cents or $2 (see § 531.36). Deductions in excess of this amount for such articles are illegal in overtime workweeks as well as in nonovertime workweeks. There is no limit on the amount which may be deducted for "board, lodging, or other facilities" in overtime workweeks (as in workweeks when no overtime is worked), provided that these deductions are made only for the "reasonable cost" of the items furnished. When such items are furnished at a profit, the amount of the profit (plus the full amount of any deductions for articles which are not facilities) may not exceed $2 in the example heretofore used in this paragraph. These principles assume a situation where bona fide deductions are made for particular items in accordance with the agreement or understanding of the parties. If the situation is solely one of refusal or failure to pay the full amount of wages required by section 7, these principles have no application. Deductions made only in overtime workweeks, or increases in the prices charged for articles or services during overtime workweeks will be scrutinized to determine whether they are manipulations to evade the overtime requirements of the Act.

(b) Where deductions are made from the stipulated wage of an employee, the regular rate of pay is arrived at on the basis of the stipulated wage before any deductions have been made. Where board, lodging, or other facilities are customarily furnished as addition to a cash wage, the reasonable cost of the facilities to the employer must be considered as part of the employee's regular rate of pay. See Walling v. Alaska Pacific Consolidated Mining Co., 152 F. (2d) 812 (C.A. 9), cert. denied, 327 U.S. 803. Thus, suppose an employee employed at a cash rate of $2 an hour, whose maximum nonovertime workweek under section 7(a) of the Act is 40 hours, works 44 hours during a particular workweek. If, in addition, he is furnished board, lodging, or other facilities valued at $16, but whose "reasonable cost" is $11, the $11 must be added to his cash straight-time pay of $88 ($2×44 hours) in determining the regular rate of pay on which his overtime compensation is to be calculated. The regular rate then becomes $2.25 an hour (($88+$11=$99)÷(44 hours)=$2.25 an hour). The employee is thus entitled to receive a total of $103.50 for the week ((40 hours×$2.25 =90)+(4 hours×$3.37½=$13.50)). In addition to the straight-time pay of $88 in cash and $11 in facilities, extra compensation of $4.50 in cash for the 4 overtime hours must, therefore, be paid by the employer, to meet the requirements of the Act.

Payments Made to Persons Other Than Employees

§ 531.38 Amounts deducted for taxes.

Taxes which are assessed against the employee and which are collected by the employer and forwarded to the appropriate governmental agency may be included as "wages" although they do not technically constitute "board, lodging, or other facilities" within the meaning of section 3(m). This principle is applicable to the employee's share of social security and State unemployment insurance taxes, as well as other Federal, State, or local taxes, levies, and assessments. No deduction may be made for any tax or share of a tax which the law requires to be borne by the employer.

§ 531.39 Payments to third persons pursuant to court order.

Where an employer is legally obliged, as by order of a court of competent and appropriate jurisdiction, to pay a sum for the benefit or credit of the employee to a creditor of the employee, trustee, or other third party, under garnishment, wage attachment, trustee process, or bankruptcy proceeding, deduction from wages of the actual sum so paid is not prohibited: *Provided*, That neither the employer nor any person acting in his behalf or interest derives any profit or benefit from the transaction. In such case, payment to the third person for the benefit and credit of the employee will be considered equivalent, for the purposes of the Act, to payment to the employee.

§ 531.40 Payments to employee's assignee.

(a) Where an employer is directed by a voluntary assignment or order of his employee to pay a sum for the benefit of the employee to a creditor, donee, or other third party, deduction from wages of the actual sum so paid is not prohibited: *Provided*, That neither the employer nor any person acting in his behalf or interest, directly or indirectly, derives any profit or benefit from the transaction. In such case, payment to the third person for the benefit and credit of the employee will be considered equivalent, for purposes of the Act, to payment to the employee.

(b) No payment by the employer to a third party will be recognized as a valid payment of compensation required under the Act where it appears that such payment was part of a plan or arrangement to evade or circumvent the requirements of section 3(m) or Subpart B of this part. For the protection of both employer and employee it is suggested that full and adequate record of all assignments and orders be kept and preserved and that provisions of the applicable State law with respect to signing, sealing, witnessing, and delivery be observed.

(c) Under the principles stated in paragraphs (a) and (b) of this section, employers have been permitted to treat as payments to employees for purposes of the Act sums paid at the employees' direction to third persons for the following purposes: Sums paid, as authorized by the employee, for the purchase in his behalf of U.S. savings stamps or U.S. savings bonds; union dues paid pursuant to a collective bargaining agreement with bona fide representatives of the employees and as permitted by law; employees' store accounts with merchants wholly independent of the employer; insurance premiums (paid to independent insurance companies where the employer is under no obligation to supply the insurance and derives, directly or indirectly, no benefit or profit from it); voluntary contributions to churches and charitable, fraternal, athletic, and social organizations, or societies from which the employer receives no profit or benefit directly or indirectly.

PAYMENT OF WAGES TO TIPPED EMPLOYEES

§ 531.50 Statutory provisions with respect to tipped employees.

(a) With respect to tipped employees, section 3(m) provides:

> In determining the wage of a tipped employee, the amount paid such employee by his employer shall be deemed to be increased on account of tips by an amount determined by the employer, but not by an amount in excess of 50 per centum of the applicable minimum wage rate, except that in the case of an employee who (either himself or acting through his representative) shows to the satisfaction of the Secretary that the actual amount of tips received by him was less than the amount determined by the employer as the amount by which the wage paid him was deemed to be increased under this sentence, the amount paid such employee by his employer shall be deemed to have been increased by such lesser amount.

(b) "Tipped employee" is defined in section 3(t) of the Act as follows:

> "Tipped employee" means any employee engaged in an occupation in which he customarily and regularly receives more than $20 a month in tips.

§ 531.51 Conditions for taking tip credits in making wage payments.

The wage credit permitted on account of tips under section 3(m) may be taken only with respect to wage payments made under the Act to those employees whose occupations in the workweeks for which such payments are made are those of "tipped employees" as defined in section 3(t). Under section 3(t), the occupation of the employee must be one "in which he customarily and regularly receives more than $20 a month in tips." To determine whether a tip credit may be taken in paying wages to a particular employee it is necessary to know what payments constitute "tips," whether the employee receives "more than $20 a month" in such payments in the occupation in which he is engaged, and whether in such occupation he receives these payments in such amount "customarily and regularly." The principles applicable to a resolution of these questions are discussed in the following sections.

§ 531.52 General characteristics of "tips".

A tip is a sum presented by a customer as a gift or gratuity in recognition of some service performed for him. It is to be distinguished from payment of a charge, if any, made for the service. Whether a tip is to be given, and its amount, are matters determined solely by the customer, and generally he has the right to determine who shall be the recipient of his gratuity. In the absence of an agreement to the contrary between the recipient and a third party, a tip becomes the property of the person in recognition of whose service it is presented by the customer. Only tips actually received by an employee as money belonging to him which he may use as he chooses free of any control by the employer, may be counted in determining whether he is a "tipped employee" within the meaning of the Act and in applying the provisions of section 3(m) which govern wage credits for tips.

§ 531.53 Payments which constitute tips.

In addition to cash sums presented by customers which an employee keeps as his own, tips received by an employee include, within the meaning of the Act, amounts paid by bank check or other negotiable instrument payable at par and amounts transferred by the employer to the employee pursuant to directions from credit customers who designate amounts to be added to their bills as tips. Special gifts in forms other than money or its equivalent as above described, such as theater tickets, passes, or merchandise, are not counted as tips received by the employee for purposes of the Act.

§ 531.54 Tip pooling.

Where employees practice tip splitting, as where waiters give a portion of their tips to the busboys, both the amounts retained by the waiters and those given the busboys are considered tips of the individuals who retain them, in applying the provisions of section 3(m) and 3(t). Similarly, where an accounting is made to an employer for his information only or in furtherance of a pooling arrangement whereby the employer redistributes the tips to the employees upon some basis to which they have mutually agreed among themselves, the amounts received and retained by each individual as his own are counted as his tips for purposes of the Act.

§ 531.55 Examples of amounts not received as tips.

(a) A compulsory charge for service, such as 10 percent of the amount of the bill, imposed on a customer by an employer's establishment, is not a tip and, even if distributed by the employer to his employees, cannot be counted as a tip received in applying the provisions of section 3(m) and 3(t). Similarly, where negotiations between a hotel and a customer for banquet facilities include amounts for distribution to employees of the hotel, the amounts so distributed are not counted as tips received. Likewise, where the employment agreement is such that amounts presented by customers as tips belong to the employer and must be credited or turned over to him, the employee is in effect collecting for his employer additional income from the operations of the latter's establishment. Even though such amounts are not collected by imposition of any compulsory charge on the customer, plainly the employee is not receiving tips within the meaning of section 3(m) and 3(t). The amounts received from customers are the employer's property, not his, and do not constitute tip income to the employee.

(b) As stated above, service charges and other similar sums which become part of the employer's gross receipts are not tips for the purposes of the Act. However, where such sums are distributed by the employer to his employees, they may be used in their entirety to satisfy the monetary requirements of the Act. Also, if pursuant to an employment agreement the tips received by an employee must be credited or turned over to the employer, such sums may, after receipt by the employer, be used by the employer to satisfy the monetary requirements of the Act. In such instances, there is no applicability of the 50-percent limitation on tip credits provided by section 3(m).

§ 531.56 "More than $20 a month in tips."

(a) *In general.* An employee who receives tips, within the meaning of the Act, is a "tipped employee" under the definition in section 3(t) when, in the occupation in which he is engaged, the amounts he receives as tips customarily and regularly total "more than $20 a month." An employee employed in an occupation in which the tips he receives meet this minimum standard is a "tipped employee" for whom the wage credit provided by section 3(m) may be taken in computing the compensation due him under the Act for employment in such occupation, whether he is employed in it full time or part time. An employee employed full time or part time in an occupation in which he does not receive more than $20 a month in tips customarily and regularly is not a "tipped employee" within the meaning of the Act and must receive the full compensation required by its provisions in cash or allowable facilities without any deduction for tips received under the provisions of section 3(m).

(b) *Month.* The definition of tipped employee does not require that the calendar month be used in determining whether more than $20 a month is customarily and regularly received as tips. Any appropriate recurring monthly period beginning on the same day of the calendar month may be used.

(c) *Individual tip receipts are controlling.* An employee must himself customarily and regularly receive more than $20 a month in tips in order to qualify as a tipped employee. The fact that he is part of a group which has a record of receiving more than $20 a month in tips will not qualify him. For example, a waitress who is newly hired will not be considered a tipped employee merely because the other waitresses in the establishment receive tips in the requisite amount. For the method of applying the test in initial and terminal months of employment, see § 531.58.

(d) *Significance of minimum monthly tip receipts.* More than $20 a month in tips customarily and regularly received by the employee is a minimum standard that must be met before any wage credit for tips is determined under section 3(m). It does not govern or limit the determination by the employer or the Secretary of Labor of the appropriate amount (up to 50 percent of the minimum wage) of wage credit under section 3(m) that may be taken for tips.

(e) *Dual jobs.* In some situations an employee is employed in a dual job, as for example, where a maintenance man in a hotel also serves as a waiter. In such a situation the employee, if he customarily and regularly receives at least $20 a month in tips for his work as a waiter,

is a tipped employee only with respect to his employment as a waiter. He is employed in two occupations, and no tip credit can be taken for his hours of employment in his occupation of maintenance man. Such a situation is distinguishable from that of a waitress who spends part of her time cleaning and setting tables, toasting bread, making coffee and occasionally washing dishes or glasses. It is likewise distinguishable from the counterman who also prepares his own short orders or who, as part of a group of countermen, takes a turn as short order cook for the group. Such related duties in an occupation that is a tipped occupation need not by themselves be directed toward producing tips.

§ 531.57 Receiving the minimum amount "customarily and regularly."

The employee must receive more than $20 a month in tips "customarily and regularly" in the occupation in which he is engaged in order to qualify as a tipped employee under section 3(t). If it is known that he always receives more than the stipulated amount each month, as may be the case with many employees in occupations such as those of waiters, bellhops, taxicab drivers, barbers, or beauty operators, the employee will qualify and the tip credit provisions of section 3(m) may be applied. On the other hand, an employee who only occasionally or sporadically receives tips totaling more than $20 a month, such as at Christmas or New Years when customers may be more generous than usual, will not be deemed a tipped employee. The phrase "customarily and regularly" signifies a frequency which must be greater than occasional, but which may be less than constant. If an employee is in an occupation in which he normally and recurrently receives more than $20 a month in tips, he will be considered a tipped employee even though occasionally, because of sickness, vacation, seasonal fluctuations or the like, he fails to receive more than $20 in tips in a particular month.

§ 531.58 Initial and terminal months.

An exception to the requirement that an employee, whether full-time, part-time, permanent or temporary, will qualify as a tipped employee only if he customarily and regularly receives more than $20 a month in tips is made in the case of initial and terminal months of employment. In such months the purpose of the provision for tipped employees would seem fulfilled if qualification as a tipped employee is based on his receipt of tips in the particular week or weeks of such month at a rate in excess of $20 a month, where the employee has worked less than a month because he started or terminated employment during the month.

§ 531.59 The tip wage credit.

In determining compliance with the wage payment requirements of the Act, under the provisions of section 3(m) the amount paid to a tipped employee by an employer is deemed to be increased on account of tips by an amount which cannot exceed 50 percent of the minimum wage applicable to such employee in the workweek for which the wage payment is made. This credit is in addition to any credit for board, lodging, or other facilities which may be allowable under section 3(m). The credit allowed on account of tips may be less than 50 percent of the applicable minimum wage; it cannot be more. The actual amount is left by the statute to determination by the employer on the basis of his information concerning the tipping practices and receipts in his establishment. However, section 3(m) provides that an employee who can show to the satisfaction of the Secretary of Labor that the actual amount of tips received by him was less than the amount determined by the employer as a tip credit shall receive an appropriate wage adjustment. See § 531.50(a). As stated in Senate Report No. 1487 (89th Cong. 2d sess.), it is presumed that in the application of this special provision the employee will be receiving at least the maximum tip credit in actual tips: "If the employee is receiving less than the amount credited, the employer is required to pay the balance so that the employee receives at least the minimum wage with the defined combination of wages and tips." Provision is made in § 531.7 for employee requests for review of tip credit determinations made by employers, in the event that the employee considers that the tip credit taken exceeds his actual tips. As indicated in § 531.51, the tip credit may be taken only for hours worked by the employee in an occupation in which he qualifies as a "tipped employee." Under employment agreements requiring tips to be turned over or credited to the employer to be treated by him as part of his gross receipts, it is clear from the legislative history that the employer must pay the employee the full minimum hourly wage, since for all practical purposes the employee is not receiving tip income. See also § 531.54.

§ 531.60 Overtime payments.

(a) When overtime is worked by a tipped employee who is subject to the overtime pay provisions of the Act, his regular rate of pay is determined by dividing his total remuneration for employment (except statutory exclusions) in any workweek by the total number of hours actually worked by him in that workweek for which such compensation was paid. (See Part 778 of this chapter for a detailed discussion of overtime compensation under the Act.) In accordance with section 3(m), a tipped employee's regular rate of pay includes the amount of tip credit taken by the employer (not in excess of 50 percent of the applicable minimum wage), the reasonable cost or fair value of any facilities furnished him by the employer, as authorized under section 3(m) and this Part 531, and the cash wages including commissions and certain bonuses paid by the employer. Any tips received by the employee in excess of the tip credit need not be included in the regular rate. Such tips are not payments made by the employer to the employee as remuneration for employment within the meaning of the Act.

[F.R. Doc. 67-11398; Filed, Sept. 27, 1967; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER J—BRIDGES

[CGFR 67-55]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Broward River, Fla.

1. There were transferred to and vested in the Secretary of Transportation, by subsection 6(g) of the Department of Transportation Act (Public Law 89-670, 80 Stat. 931-950, 49 U.S.C. 1651 et seq.), certain functions, powers, and duties previously performed by the Secretary of the Army and other officers and offices of the Department of the Army (Corps of Engineers) which included the regulations of drawbridge operations under 33 U.S.C. 499. The Secretary of Transportation, by Department of Transportation Order 1100.1 dates March 31, 1967 (49 CFR 1.4(a)(3)), delegated to and authorized the Commandant, U.S. Coast Guard, to prescribe rules and regulations under the provisions of section 5 of the River and Harbor Act of August 18, 1894, as amended (28 Stat. 362; 33 U.S.C. 499).

2. The Atlantic Coast Line Railroad Co. by letter dated January 17, 1967, requested the Corps of Engineers, Department of Army, to prescribe special regulations to govern the operation of its drawbridge across Broward River near Heckscher Drive in Duval County, Fla. The request was that drawtender need not be kept in constant attendance and that 24 hours advance notice to the authorized representative of the Atlantic Coast Line Railroad Co. be required of the time an opening of the drawspan is required. In accordance with the procedures in 33 CFR 209.520, public notice dated January 27, 1967, setting forth the proposed regulations to govern the operation of this drawbridge was issued by the Jacksonville District, Corps of Engineers, and was made available to all persons known to have an interest in this subject. After consideration of all comments submitted in response thereto, the request is granted, subject to the right to change the requirements and to amend the regulations if and when necessary in the public interest. The purpose of this document is to prescribe special regulations for the operation of the Atlantic Coast Line Railroad Co. drawbridge across Broward River near Heckscher Drive, Duval County, Fla.

3. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by 14 U.S.C. 632 and Department of Transportation Order 1100.1 (49 CFR

1.4(a)(3)), the text of 33 CFR 117.245 (h)(23–a) shall read as follows and shall be effective on and after 30 days after date of publication of this document in the FEDERAL REGISTER:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(h) * * *

(23–a) Broward River, Fla.; Atlantic Coast Line Railroad Co. Bridge near Heckscher Drive, Duval County: (i) At least 24 hours' advance notice required.

* * * * *

(Sec. 5, 28 Stat. 362, as amended; 33 U.S.C. 499. Department of Transportation Order 1100.1, Mar. 31, 1967; 49 CFR 1.4(a)(3)(v), 32 F.R. 5606)

Dated: September 21, 1967.

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

[F.R. Doc. 67–11393; Filed, Sept. 27, 1967; 8:48 a.m.]

[CGFR 67–58]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Mare Island Strait, Napa River, and Their Tributaries

1. There were transferred to and vested in the Secretary of Transportation, by subsection 6(g) of the Department of Transportation Act (Public Law 89–670, 80 Stat. 931–950, 49 U.S.C. 1651 et seq.), certain functions, powers, and duties previously performed by the Secretary of the Army and other officers and offices of the Department of the Army (Corps of Engineers) which included the regulation of drawbridge operations under 33 U.S.C. 499. The Secretary of Transportation, by Department of Transportation Order 1100.1 dated March 31, 1967 (49 CFR 1.4(a)(3)), delegated to and authorized the Commandant, U.S. Coast Guard, to prescribe rules and regulations under the provisions of section 5 of the River and Harbor Act of August 18, 1894, as amended (28 Stat. 362; 33 U.S.C. 499).

2. A previous amendment to the regulations governing the operation of drawbridges across Mare Island Strait, Napa River, and their tributaries, was published in the FEDERAL REGISTER on March 7, 1967 (32 F.R. 3772). The purpose of that amendment was only to delete reference to the State of California highway drawbridge across Napa River since that drawbridge had been converted to a fixed structure and regulations for governing its operation were no longer applicable. In the process, the regulation governing the hours of operation of the Department of the Navy bridge (Mare Island Causeway) at Vallejo was inadvertently changed. The purpose of this document is to amend the requirements of 33 CFR 117.712(i)(1) (formerly § 203.712(i)(1)) to correct this error by revising the operating hours of the remaining drawbridge to conform to those previously in effect.

3. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by 14 U.S.C. 632 and Department of Transportation Order 1100.1 (49 CFR 1.4(a)(3)), the text of 33 CFR 117.712 (i)(1) (formerly § 203.712(i)(1)), as corrected, is effective as of March 7, 1967, the date of publication in the FEDERAL REGISTER of the previous change, and shall read as follows:

§ 117.712 Tributaries of San Francisco Bay and San Pablo Bay, Calif.

* * * * *

(i) *Mare Island Strait, Napa River, and their tributaries, California—(1) Department of the Navy bridge (Mare Island Causeway) at Vallejo.* From 6:30 a.m. to 7:30 a.m. and from 3:45 p.m. to 4:45 p.m. daily, except Saturdays, Sundays, and holidays, the draw need not be opened for the passage of vessels other than vessels owned, operated, or controlled by the United States.

* * * * *

(Sec. 5, 28 Stat. 362, as amended; 33 U.S.C. 499. Department of Transportation Order 1100.1, Mar. 3, 1967; 49 CFR 1.4(a)(3)(v), 32 F.R. 5606)

Dated: September 21, 1967.

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

[F.R. Doc. 67–11394; Filed, Sept. 27, 1967; 8:48 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 50—NATIONAL CAPITAL PARK REGULATIONS

Parades and Public Gatherings

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), that § 50.19 of Part 50 of Title 36, Code of Federal Regulations is amended as is set forth below. The purpose of the amendment is to clarify § 50.19 and extend the requirement of obtaining a permit for parades and public gatherings to sidewalks contiguous to park areas under the jurisdiction of the National Capital Region within the District of Columbia, in accordance with the act of March 4, 1909 (35 Stat. 994; 8 D.C. Code 144).

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. However, because of the need to immediately clarify the regulation in order to avoid possible conflict, misconception, and inequality concerning the issuance of permits for public gatherings in the National Capital Region, National Park Service, and to facilitate administration so as to allow for the maximum feasible number of such public gatherings in a manner not detrimental to the health, safety, and morals of those persons engaged in the public gathering and members of the public in general, it has been determined that it is impracticable and contrary to the public interest to delay implementation of this regulation. Accordingly, this amendment shall be effective on the date of its publication in the FEDERAL REGISTER.

(5 U.S.C. 553; 39 Stat. 535, 16 U.S.C. 3; 35 Stat. 994, 8 D.C. Code 144)

Section 50.19 is amended by revising introductory paragraph (c) as set forth below. Subparagraphs (1), (2), and (3) of paragraph (c) remain unchanged.

§ 50.19 Parades and public gatherings.

* * * * *

(c) Public gatherings may be held and speeches may be made in any park area under the jurisdiction or subject to regulatory authority of the National Capital Region, which shall mean and include any sidewalk in the District of Columbia contiguous to such park area, subject to the condition that an official permit therefor be first issued by the park Superintendent. Use of the areas set forth in paragraph (b) of this section, or sidewalks contiguous thereto, in accordance with the terms of that paragraph, shall not be subject to the requirements of this paragraph.

* * * * *

Dated: September 26, 1967.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 67–11479; Filed, Sept. 27, 1967; 9:29 a.m.]

Title 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

PART 1—RULES OF PRACTICE IN PATENT CASES

Amendment of Claims

Sections 1.119, 1.121, and 1.126 (Patent Rules 119, 121, and 126) are revised as set forth below, said revisions to take effect November 1, 1967. The prosecution of all applications for which no amendment has been filed prior to November 1, 1967, must be in compliance with the sections as revised.

The purpose of these revisions is to effect more efficient operation in the prosecution of patent applications as well as in the clerical operations in support thereof.

The general substance of the proposed revisions was published in the FEDERAL REGISTER of June 24, 1967 (32 F.R. 9026). A hearing was held on July 31, 1967, and all persons, who desired to, were invited

to attend and to submit their views, objections, recommendations, or suggestions. Both the oral and written comments were carefully considered. The sections are being revised substantially as published with a few additional changes.

The full text of the revised §§ 1.119, 1.121, and 1.126 reads as follows:

§ 1.119 Amendment of claims.

The claims may be amended by canceling particular claims, by presenting new claims, or by rewriting particular claims as indicated in § 1.121. The requirements of § 1.111 must be complied with by pointing out the specific distinctions believed to render the claims patentable over the references in presenting arguments in support of new claims and amendments.

§ 1.121 Manner of making amendments.

(a) Erasures, additions, insertions, or alterations of the Office file of papers and records must not be physically entered by the applicant. Amendments to the application (excluding the claims) are made by filing a paper (which should conform to § 1.52), directing or requesting that specified amendments be made. The exact word or words to be stricken out or inserted by said amendment must be specified and the precise point indicated where the deletion or insertion is to be made.

(b) Except as otherwise provided herein, a particular claim may be amended only by directions to cancel or by rewriting such claim with underlining below the word or words added and brackets around the word or words deleted. The rewriting of a claim in this form will be construed as directing the cancellation of the original claim; however, the original claim number followed by the parenthetical word "amended" must be used for the rewritten claim. If a previously rewritten claim is rewritten, underlining and bracketing will be applied in reference to the previously rewritten claim with the parenthetical expression "twice amended," "three times amended," etc., following the original claim number.

(c) A particular claim may be amended in the manner indicated for the application in paragraph (a) of this section to the extent of corrections in spelling, punctuation, and typographical errors. Additional amendments in this manner will be admitted provided the changes are limited to (1) deletions and/or (2) the addition of no more than five words in any one claim. Any amendment submitted with instructions to amend particular claims but failing to conform to the provisions of paragraphs (b) and (c) of this section may be considered nonresponsive and treated accordingly.

(d) Where underlining or brackets are intended to appear in the printed patent or are properly part of the claimed material and not intended as symbolic of changes in the particular claim, amendment by rewriting in accordance with paragraph (b) of this section shall be prohibited.

(e) In reissue applications, both the descriptive portion and the claims are to be amended as specified in paragraph (a) of this section.

§ 1.126 Numbering of claims.

The original numbering of the claims must be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When claims are added, except when presented in accordance with § 1.121(b), they must be numbered by the applicant consecutively beginning with the number next following the highest numbered claim previously presented (whether entered or not). When the application is ready for allowance, the examiner, if necessary, will renumber the claims consecutively in the order in which they appear or in such order as may have been requested by applicant.

(Sec. 1, 66 Stat. 792; 35 U.S.C. 6)

EDWARD J. BRENNER,
Commissioner of Patents.

Approved: September 25, 1967.

JOHN F. KINCAID,
Acting Assistant Secretary for Science and Technology.

[F.R. Doc. 67-11421; Filed, Sept. 27, 1967; 8:50 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 36—LOAN GUARANTY

Miscellaneous Amendments

1. In § 36.4302, paragraph (j) is amended to read as follows:

§ 36.4302 Computation of guaranties or insurance credits.

* * * * *

(j) In computing the duration of guaranty or insurance entitlement pursuant to sections 1803(a)(3)(A)(i), 1803(a)(3)(B)(i), and 1818(c)(1)(A) of title 38, United States Code, 1 year of entitlement shall be allowed for each 3 months (90 calendar days) of active duty performed and for any remaining fractional part of a 3-month period four (4) days of additional entitlement shall be allowed for each day of active duty in such fractional period: *Provided, however,* That entitlement based on World War II active duty which expires after July 25, 1967, under section 1803(a)(3)(A)(i) shall not expire earlier than December 30, 1967.

2. Section 36.4502 is revised to read as follows:

§ 36.4502 Use of guaranty entitlement.

(a) The guaranty entitlement of the veteran obtaining a direct loan which is closed on or after March 3, 1966, shall be charged with an amount which bears the same ratio to $7,500 as the amount of the loan bears to $17,500 or to such increased maximum as the Administrator may from time to time specify for the area in which the loan is made pursuant to section 1811(d) of title 38, United States Code. The charge against the entitlement of a veteran who obtained a direct loan which was closed prior to the aforesaid date, or the date on which an increased maximum is established pursuant to section 1811(d) for the area in which the loan security is located, shall be the amount which would have been charged had the loan been closed subsequent to such date.

(b) In computing the duration of guaranty or insurance entitlement pursuant to sections 1803(a)(3)(A)(i), 1803(a)(3)(B)(i), and 1818(c)(1)(A) of title 38, United States Code, 1 year of entitlement shall be allowed for each 3 months (90 calendar days) of active duty performed and for any remaining fractional part of a 3-month period four (4) days of additional entitlement shall be allowed for each day of active duty in such fractional period: *Provided, however,* That entitlement based on World War II active duty which expires after July 25, 1967, under section 1803(a)(3)(A)(i) shall not expire earlier than December 30, 1967.

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

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after March 3, 1966, shall not exceed an amount which bears the same ratio to $17,500 (or to such increased maximum as the Administrator may from time to time specify for the area in which the loan is made pursuant to section 1311(d) of title 38, United States Code) as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to $7,500. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Loans made by the Veterans Administration shall bear interest at the rate of 6 percent per annum, except where a commitment to make the loan was issued prior to October 3, 1966, in which case the rate of interest shall be that applicable on the date such commitment was issued.

* * * * *

4. In § 36.4504(b), subparagraph (1) is amended to read as follows:

§ 36.4504 Loan closing expenses.

* * * * *

(b) * * *

(1) $50, or one percent (1%) of the loan amount, whichever is greater, which charge shall be in lieu of the loan closer's fee, credit report, and cost of appraisal: *Provided,* That if the loan is to finance the cost of construction, repairs, alterations, or improvements necessitating disbursements of the loan proceeds as the construction or other work progresses, the charge to the veteran-borrower shall be two percent (2%) of the loan amount, but not less than $50 in any event. In addition to the foregoing fee, borrowers

whose entitlement is derived from 38 U.S.C. 1818, shall remit to the Veterans Administration a fee of one-half of 1 per centum of the loan amount, exclusive of any amount included in the loan to enable the borrower to pay such fee. If all or part of the fee is included in the loan to the veteran the amount of the loan as so increased may not exceed $17,500 or such increased maximum as the Administrator may from time to time specify for the area in which the loan is made pursuant to section 1811(d) of title 38, United States Code. Notwithstanding the foregoing provisions, a veteran deriving entitlement under 38 U.S.C. 1818 shall not be required to remit the fee if (i) the period of his entitlement based on service during World War II or the Korean conflict has not expired under section 1803(a)(3) of title 38, United States Code, and (ii) he has not used any of his entitlement derived from such service.

* * * * *

5. In § 36.4509, paragraph (b) is amended to read as follows:

§ 36.4509 Joint loans.

* * * * *

(b) Notwithstanding that an applicant and his spouse both be eligible veterans and will be jointly and severally liable as borrowers, the original principal amount of the loan may not exceed the maximum permissible under § 36.4503 (a). In any event the loan may not exceed $17,500, or such increased maximum as the Administrator may from time to time specify for the area in which the loan is made pursuant to section 1811(d) of title 38, United States Code.

6. In § 36.4511, paragraph (a) is amended to read as follows:

§ 36.4511 Advances after loan closing.

(a) The Veterans Administration may at any time advance any sum or sums as are reasonably necessary and proper for the maintenance, repair, alteration, or improvement of the security for a loan or for the payment of taxes, assessments, ground or water rights, or casualty insurance thereon: *Provided*, That no advance shall be made for alterations or improvements which are not necessary for the maintenance or repair of the security if such advance will increase the indebtedness to an amount in excess of $17,500 or such increased maximum as the Administrator may from time to time specify for the area in which the loan is made pursuant to section 1811(d) of title 38, United States Code.

* * * * *

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

These VA regulations are effective October 1, 1967.

Approved: September 19, 1967.

By direction of the Administrator.

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

[F.R. Doc. 67-11400; Filed, Sept. 27, 1967; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 11—Coast Guard, Department of Transportation

[CGFR 67-28]

PART 11-7—CONTRACT CLAUSES

Subpart 11-7.50—Clauses for Fixed-Price Vessel Repair, Alteration, or Conversion Contracts

Pursuant to authority vested in me as Commandant, U.S. Coast Guard, by 49 CFR 1.4:

Subpart 11-7.50 is revised to read as follows:

Subpart 11-7.50—Clauses for Fixed-Price Vessel Repair, Alteration, or Conversion Contracts

Sec.

AUTHORITY: The provisions of this Subpart 11-7.50 issued under 14 U.S.C. 633, 10 U.S.C. Ch. 137.

§ 11-7.5000 Scope of subpart.

This subpart sets forth or cites contract clauses to be used for fixed-price vessel repair, alteration, or conversion contracts and where necessary provides instructions for their use.

§ 11-7.5001 Required clauses.

The clauses set forth or cited in this section shall be included in all fixed-price essel repair, alteration, or conversion contracts awarded as a result of formal advertising and to be performed within the United States, its possessions, or Puerto Rico. Unless inappropriate, clauses set forth in this section should be used in negotiated fixed-price contracts, and contracts to be performed outside the United States.

§ 11-7.5001-1 Delivery and shifting of vessel.

DELIVERY AND SHIFTING OF VESSEL

The vessel will be delivered to the contractor at his place of business and removed therefrom, upon completion of all work, by the Government, provided however, that the contractor will provide upon 24 hours advance notice a tug or tugs and docking pilot, acceptable to the commanding officer of the vessel, to assist in handling the ship between (to and from), the manufacturer's plant and the nearest point in a waterway regularly navigated by vessels of equal or greater draft and length. While the vessel is in the hands of the contractor, any necessary towage, cartage, or other transportation between ship and shop or elsewhere, which may be incident to the work herein specified, shall be furnished by the contractor without additional charge to the Government.

§ 11-7.5001-2 Performance.

PERFORMANCE

(a) The contractor shall make the necessary arrangements for receiving the vessel on the agreed date, such arrangements to be satisfactory to the contracting officer or his duly authorized representative.

(b) The contractor shall promptly commence the work specified in the contract and shall diligently prosecute same to completion to the satisfaction of the contracting officer.

(c) Except as otherwise provided in this contract, the contractor shall furnish all necessary material, labor, services, equipment, supplies, power, accessories, facilities, and such other things and services as are necessary for accomplishing the work specified in this contract subject to the right reserved in the Government under the "Government-furnished Property" clause of the contract.

(d) The contractor shall without charge and without specific requirement therefore;

(i) Make available at the plant to personnel of the vessel while in drydock or on a marine railway, toilet and similar facilities acceptable to the contracting officer as adequate in number and sanitary standards.

(ii) Supply and maintain in such condition as the contracting officer may reasonably require, suitable brows and gangways from the pier, drydock, or marine railway to the vessel.

(iii) Treat salvage, scrap, or other ship's material of the Government resulting from performance of work as though they were items of Government-furnished property in accordance with the provisions of the "Government-furnished Property" clause of this contract.

(iv) Perform, or pay the cost of, any repairs, reconditioning, or replacements necessary as a result of the use by the contractor of any of the vessel's machinery, equipment,

or fittings, including, but not limited to, winches, pumps, rigging, or pipelines.

(e) The contractor shall conduct dock and sea trials of the vessel as required by the specifications. During such trials the vessel shall be under the control of the vessel's commander and crew with representatives of the contractor and the Government on board to determine whether or not the work done by the contractor has been satisfactorily performed. Dock and sea trials not specified herein which the contractor requires for his own benefit shall not be undertaken by the contractor without prior notice to and approval of the contracting officer; any such dock trials shall be conducted at the expense of the contractor, and any such sea trials shall be conducted at the risk and expense of the contractor.

§ 11–7.5001–3 Inspection and manner of doing work.

INSPECTION AND MANNER OF DOING WORK

(a) All work and material shall be subject to the approval of the contracting officer or his duly authorized representative. Work shall be performed in accordance with the plans and specifications of this contract as modified by any change order issued under the "Changes" clause in this contract.

(b) Unless otherwise specifically provided for herein, all operational practices of the contractor and all workmanship and material, equipment, and articles used in the performance of work thereunder shall be in accordance with American Bureau of Shipping Rules for Building and Classing Steel Vessels, U.S. Coast Guard Marine Engineering Regulations and Material Specifications (Subchapter F, 46 CFR), U.S. Coast Guard Electrical Engineering Regulations (Subchapter J, 46 CFR), U.S. Coast Guard Navigation and Vessel Inspection Circular No. 4–60 (Part IV—Notes on Repair), and U.S.P.H.S., Handbook on Sanitation in Vessel Construction, in effect at the time of the contractor's submission of bid (or acceptance of the contract, if negotiated), and the best commercial maritime practices except where Navy specifications are specified, in which case such standards of material and workmanship shall be followed. Where the detailed specifications do not require a Navy standard, and the requirements are not clearly or specifically covered by one of the aforementioned standards, the contracting officer or his designated representative shall prescribe a Navy or industrial standard for the work wherever applicable, and the decision shall be final: *Provided, however,* That where the requirements of the representative for, development of detailed drawings, selection of materials and equipment, standards of workmanship, which are not specifically required in the specifications result in a change in unit price, total contract price, quantity, quality, or delivery schedule, the contracting officer will be advised accordingly and the contractor will not proceed with the work until specifically directed to do so by the contracting officer.

(c) All material and workmanship shall be subject to inspection and test at all times during the contractor's performance of the work to determine their quality and suitability for the purpose intended and compliance with the contract. In case any material or workmanship furnished by the contractor is found prior to redelivery of the vessel to be defective, or not in accordance with the requirements of the contract, the Government, in addition to its rights under any "Guaranty" clause which may be contained in this contract, shall have the right prior to redelivery of the vessel to reject such material or workmanship, and to require its correction or replacement by the contractor at the contractor's cost and expense. If the contractor fails to proceed promptly with the replacement or correction of such material or workmanship, as required by the contracting officer, the Government may, by contract or otherwise, replace or correct such material or workmanship and charge to the contractor the excess cost occasioned the Government thereby. The contractor shall provide and maintain an inspection system acceptable to the Government covering the work specified in the contract. Records of all inspection work by the contractor shall be kept complete and available to the Government during the performance of the contract and for a period of 60 days after completion of all work required by the contract.

(d) No welding, including tack welding and brazing, shall be permitted in connection with repairs, completions, alterations, or addition to hulls, machinery, or components of vessels, unless the welder at the time has a valid qualification record, certified by the U.S. Coast Guard, the American Bureau of Shipping, or the Department of Navy. The welder's qualifications shall be appropriate for the particular service application, filler material type, position of welding, and welding process involved in the work being undertaken. A welder who for a period of three (3) months or more has not used the process for which he was qualified, or at any time deemed necessary by the contracting officer because of a reasonable doubt of the welder's ability, may be required to requalify. Welder's qualification for this purpose shall be as outlined in "Marine Engineering Regulations" of the U.S. Coast Guard. Contractors of Fabricators desiring, or where required by the detailed specifications or job order, to weld with a process other than manual shielded arc shall submit procedures qualification tests for approval prior to production welding. Procedure qualification tests shall be conducted in accordance with the requirements of the "Marine Engineering Regulations" of the U.S. Coast Guard.

(e) The contractor shall exercise reasonable care to protect the vessels from fire, and the contractor shall maintain a reasonable system of inspection over the activities of welders, burners, riveters, painters, plumbers, and similar workers, particularly where such activities are undertaken in the vicinity of the vessel's magazines, fuel oil tanks, or store-rooms containing inflammable materials. A reasonable number of hose lines shall be maintained by the contractor ready for immediate use on the vessel at all times while the vessel is berthed alongside the contractor's pier or in drydock or on a marine railway. All tanks under alteration or repair shall be cleaned, washed, and steamed out or otherwise made safe by the contractor if and to the extent necessary, and the contracting officer shall be furnished with a "gas-free" or "safe-for-hot-work" certificate before any hot-work is done on a tank. Unless otherwise provided in this contract, the contractor shall at all times maintain a reasonable fire watch about the vessel, including a fire watch on the vessel while work is being performed thereon.

(f) The contractor shall place proper safeguards and/or effect such safety precautions as necessary, including suitable and sufficient lighting, for the prevention of accidents or injury to persons or property during the prosecution of work under this contract and/or from time of receipt of the vessel until acceptance of work performed by the Government.

(g) Except as otherwise provided in this contract, when the vessel is in the custody of the contractor or in drydock or on a marine railway and the temperature becomes as low as 35° Fahrenheit, the contractor shall keep all pipelines, fixtures, traps, tanks, and other receptacles on the vessel drained to avoid damage from freezing, or if this is not practicable, the vessels shall be kept heated to prevent such damage. The vessel's stern tube and propeller hubs shall be protected from frost damage by applied heat through the use of a salamander or other proper means.

(h) The work shall, whenever practicable, be performed in such manner as not to interfere with the berthing and messing of civilian or military personnel attached to the vessel, and provisions shall be made so that personnel assigned shall have access to the vessel at all times, it being understood that such personnel will not interfere with the work or the contractor's workmen.

(i) The Government does not guarantee the correctness of the dimensions, sizes, and shapes given in any sketches, drawings, plans, or specifications prepared or furnished by the Government. The contractor shall be responsible for the correctness of the shape, sizes, and dimensions of parts to be furnished hereunder, other than those furnished by the Government.

(j) The contractor shall at all times keep the site of the work on the vessel free from accumulation of waste material or rubbish caused by his employees or the work, and at the completion of the work shall remove all rubbish from and about the site of the work and shall leave the work in its immediate vicinity "broom clean," unless more exactly specified in this contract.

(k) Any question regarding or rising out of the interpretations of plans or specifications of this contract or any discrepancies between the plans and specifications shall be determined by the contracting officer or his duly authorized representative: *Provided, however,* That any interpretations or determinations by the authorized representative which affect the price or delivery time specified in this contract must be approved by the contracting officer prior to proceeding with the requirements of such interpretations or determinations.

(l) While in drydock or on a marine railway, the commanding officer of the vessel, if then in commission, shall be responsible for the proper closings of openings to the ship's bottom upon which no work is being done by the contractor. The contractor shall be responsible for the closing, before the end of working hours, of all valves and openings upon which work is being done by its workmen when such closing is practicable. The contractor shall keep the commanding officer cognizant of the closure status of all valves and openings upon which the contractor's workmen have been working.

§ 11–7.5001–4 Subcontracts.

Insert the clause set forth in § 11–7.650–13.

§ 11–7.5001–5 Lay days.

LAY DAYS

(a) It is understood and agreed that no cost for lay days shall be assessed against the Government until all accepted items of basic contract for which a fixed-price was established by the contractor and for which docking of the vessel was required for accomplishment have been completed to the satisfaction of the Government.

(b) It is understood and agreed that days of hauling out and floating, whatever the hour, shall not be counted as lay days, and that days when no work is performed by the contractor shall not be counted as lay days. Lay days will be paid by the Government when the vessel remains on the drydock or marine railway by contract change order involving work in addition to the basic contract.

§ 11–7.5001–6 Changes.

CHANGES

The contracting officer may at any time, by written change order, and without notice to the sureties, make changes within the general scope of this contract in (i) drawings, designs, plans, and specifications, (ii) work to be performed under the contract (iii) place of performance of the work, and (iv) time of commencement or completion of the work, and may otherwise vary the requirements of the contract within the general scope thereof. If any such change causes an increase or decrease in the cost of, or the time required for, performance of the contract, whether changed or not changed by any such change order, an equitable adjustment shall be made in the price or in the date of completion, or both, and the contract shall be modified in writing accordingly. The price adjustment for the change order and the adjustment in the date of completion shall be agreed upon and reduced to writing at the time the change is ordered or as soon thereafter as practicable. A request for price adjustment, together with the contractor's written estimate of the increased cost, must be asserted within 10 days from the date of receipt by the contractor of the notification of change or within such further time as the contracting officer may allow on request made by the contractor during such period: *Provided, however*, That the contracting officer, if he decides that the facts justify such action, may receive and act upon any such request asserted at any later time prior to final payment under the contract, except that in such event no profit shall be allowed to the contractor. Where the cost of property made obsolete or excess as result of a change is included in the contractor's claim for adjustment, the contracting officer shall have the right to prescribe the manner of disposition of such property. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." However, nothing in this clause shall excuse the contractor from proceeding with the contract as changed.

§ 11–7.5001–7 Extras.

Insert the clause set forth in § 1–7.101–3 of this title.

§ 11–7.5001–8 Payments.

PAYMENTS

Unless otherwise specified, the contractor shall be paid, upon the submission of proper invoice or vouchers, the prices stipulated herein for supplies delivered and accepted or services rendered and accepted, less deductions, if any, as herein provided.

§ 11–7.5001–9 Government - furnished property.

GOVERNMENT-FURNISHED PROPERTY

(a) *Government-furnished Property.* The Government shall deliver to the contractor, for use in connection with and under the terms of this contract, the property described as Government-furnished property in the contract or specifications, together with such related data and information as the contractor may request and as may reasonably be required for the intended use of such property (hereinafter referred to as "Government-furnished property"): *Provided, however*, That the vessel, its equipment, moveable stores, cargo, or other ship's material shall not be Government-furnished property. The delivery or performance dates for the supplies or services to be furnished by the contractor under the contract are based upon the expectation that Government-furnished property suitable for use (except for such property furnished "as is") will be delivered to the contractor at the times stated in the schedule or, if not so stated, in sufficient time to enable the contractor to meet such delivery or performance dates. In the event that Government-furnished property is not delivered to the contractor by such time or times, the contracting officer shall, upon timely written request made by the contractor, make a determination of the delay occasioned the contractor thereby, and shall equitably adjust the delivery or performance dates or the contract price, or both, and any other contractual provision affected by such delay, in accordance with the procedures provided for under the "Changes" clause of this contract. Except for Government-furnished property furnished "as is", in the event the Government-furnished property is received by the contractor in a condition not suitable for the intended use the contractor shall, upon receipt thereof, notify the contracting officer of such fact and, as directed by the contracting officer, either (i) return such property at the Government's expense or otherwise dispose of the property, or (ii) effect repairs or modifications. Upon the completion of (i) or (ii) above, the contracting officer upon written request of the contractor shall equitably adjust the delivery or performance dates or the contract price, or both, and any other contractual provision affected by the rejection or disposition, or the repair or modification, in accordance with the procedures provided for in the "Changes" clause of this contract. The foregoing provisions for adjustment are exclusive and the Government shall not be liable to suit for breach of contract by reason of any delay in delivery of Government-furnished property or delivery of such property in a condition not suitable for its intended use.

(b) *Changes in Government-furnished Property.* (1) By notice in writing, the contracting officer may (i) decrease the property provided or to be provided by the Government under this contract, or (ii) substitute other Government-owned property for property to be provided by the Government, or to be acquired by the contractor for the Government, under this contract. The contractor shall promptly take such action as the contracting officer may direct with respect to the removal and shipping of property covered by such notice.

(2) In the event of any decrease in or substitution of property pursuant to subparagraph (1) above, or any withdrawal of authority to use property provided under any other contract or lease, which property the Government had agreed in the Schedule to make available for the performance of the contract, the contracting officer, upon the written request of the contractor (or, if the substitution of property causes a decrease in the cost of performance, on his own initiative), shall equitably adjust such contractual provisions as may be affected by the decrease, substitution, or withdrawal, in accordance with the procedures provided for in the "Changes" clause of this contract.

(c) *Title.* Title to all property furnished by the Government shall remain in the Government. In order to define the obligations of the parties under this clause, title to each item of facilities, special test equipment, and special tooling (other than that subject to a "Special Tooling" clause) acquired by the contractor for the Government pursuant to the contract shall pass to and vest in the Government when its use in the performance of the contract commences, or upon payment therefor by the Government, whichever is earlier, whether or not title previously vested. All Government-furnished property, together with all property acquired by the contractor title to which vests in the Government under this paragraph, is subject to the provisions of this clause and is hereinafter collectively referred to as "Government property". Title to Government property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government property, or any part thereof, be or become a fixture or lose its identity as personalty by reasons of affixation to any realty.

(d) *Property Administration.* The contractor shall comply with the provisions of the "Manual for Control of Government Property in Possession of Contractors" (Appendix B, Armed Services Procurement Regulations) as in effect on the date of this contract, which Manual is hereby incorporated by reference and made a part of this contract.

(e) *Use of Government Property.* The Government property shall, unless otherwise provided herein or approved by the contracting officer be used for the performance of the work in connection with this contract.

(f) *Maintenance and Repair of Government Property.* The contractor shall maintain and administer, in accordance with sound industrial practice, a program for the maintenance, repair, protection, and preservation of Government property, until disposed of by the contractor in accordance with this clause. In the event that any damage occurs to Government property the risk of which has been assumed by the Government under this contract, the Government shall replace such items or the contractor shall make such repair of the property as the Government directs: *Provided, however*, That if the contractor cannot effect such repair within the time required, the contractor shall dispose of such property in the manner directed by the contracting officer. The contract price includes no compensation to the contractor for the performance of any repair or replacement for which the Government is responsible, and an equitable adjustment will be made in any contractual provisions affected by such repair or replacement of Government property made at the direction of the Government, in accordance with the procedures provided for in the "Changes" clause of this contract. Any repair or replacement for which the contractor is responsible under the provisions of this contract shall be accomplished by the contractor at his own expense.

(g) *Risk of Loss.* Unless otherwise provided in the contract, the contractor assumes the risk of, and shall be responsible for, any loss of or damage to Government property provided under this contract upon its delivery to him or upon passage of title thereto to the Government as provided in paragraph (c) to the extent and as provided in the "Liability and Insurance" clause of this contract, except for reasonable wear and tear and except to the extent that such property is consumed in the performance of this contract.

(h) *Access.* The Government, and any persons designated by it, shall at all reasonable times have access to the premises wherein any Government property is located, for the purpose of inspecting the Government property.

(i) *Final Accounting and Disposition of Government Property.* Upon the completion of this contract, or at such earlier dates as may be fixed by the contracting officer, the contractor shall submit, in a form acceptable to the contracting officer, inventory schedules covering all items of Government property not consumed in the performance of work in this contract (including any resulting scrap) or not theretofore delivered to the Government, and shall prepare for shipment, deliver f.o.b. origin, or dispose of the Government property, as may be directed or authorized by the contracting officer. The net proceeds of any such disposal shall be credited to the contract price or shall be paid in such other manner as the contracting officer may direct.

(j) *Restoration of Contractor's Premises.* Unless otherwise provided herein, the Government:

(i) May abandon any Government property in place, and thereupon all obligations of the Government regarding such abandoned property shall cease; and

(ii) Shall not be under any duty or obligation to restore or rehabilitate, or to pay the costs of the restoration or rehabilitation of, the contractor's plant or any portion thereof which is affected by the abandonment or removal of any Government property.

(k) *Communications.* All communications issued pursuant to this clause shall be in writing.

§ 11–7.5001–10 Liability and insurance.

LIABILITY AND INSURANCE

(a) The contractor shall exercise reasonable care and use his best efforts to prevent accidents, injury, or damage to all employees, persons, and property, in and about the work, and to the vessel or part thereof upon which work is done.

(b) The contractor shall be responsible for and make good at his own cost and expense any and all loss of or damage of whatsoever nature to the vessel (or part thereof), its equipment, movable stores, and cargo, and Government-owned material and equipment for the repair, completion, alteration of or addition to the vessel in the possession of the contractor, whether at the plant or elsewhere, arising or growing out of the performance of the work, except where the contractor can affirmatively show that such loss or damage was due to causes beyond the contractor's control, was proximately caused by the fault or negligence of agents or employees of the Government acting within the scope of their authority, or which loss or damage the contractor by exercise of reasonable care was unable to prevent: *Provided*, That the contractor shall not be responsible for any such loss or damage discovered after redelivery of the vessel unless (i) such loss or damage is discovered within sixty (60) days after redelivery of the vessel and (ii) such loss or damage is affirmatively shown to have been the result of the fault or negligence of the contractor. To induce the contractor to perform the work for the compensation provided, it is specifically agreed that the contractor's aggregate liability on account of loss of or damage to the vessel (or part thereof), its equipment, movable stores, and cargo and said Government-owned materials and equipment shall in no event exceed the sum of $300,000, and the Government assumes as to the contractor the risk of loss or damage (including, but not limited to, loss or damage from negligence of whatsoever degree of the contractor's servants, employees, agents, or subcontractors but specifically excluding loss or damage from willful misconduct or lack of good faith on the part of any of the contractor's directors, officers, and any of his managers, superintendents, or other equivalent representatives who have supervision or direction of (i) all or substantially all of the contractor's business or (ii) all or substantially all of the contractor's operation at any one plant) to the vessel (or part thereof), its equipment, movable stores, and cargo and said Government-owned materials and equipment in excess of $300,000: *Provided, however*, That as to such risk assumed and borne by the Government, the Government shall be subrogated to any claim, demand or cause of action against third persons which exists in favor of the contractor, and the contractor shall, if required, execute a formal assignment or transfer of claims, demands, or causes of action: *Provided, further*, That nothing contained in this paragraph shall create or give rise to any right, privilege, or power in any person except the contractor, nor shall any person (except the contractor) be or become entitled thereby to proceed directly against the Government, or join the Government as a codefendant in any action against the contractor brought to determine the contractor's liability or for any other purpose.

(c) The contractor indemnifies and holds harmless the Government, its agencies and instrumentalities, the vessel and its owners, against all suits, actions, claims, costs, or demands (including, without limitation, suits, actions, claims, costs, or demands resulting from death, personal injury, and property damage) to which the Government, its agencies and instrumentalities, the vessel or its owner may be subject or put by reason of damage or injury (including death) to the property or person of any one other than the Government, its agencies, instrumentalities and personnel, the vessel or its owner, arising or resulting in whole or in part from the fault, negligence, wrongful act or wrongful omission of the contractor, or any subcontractor, his or their servants, agents, or employees: *Provided*, That the contractor's obligation to indemnify under this paragraph (c) shall not exceed the sum of $300,000 on account of any one accident or occurrence in respect of any one vessel. Such indemnity shall include, without limitation, suits, actions, claims, costs, or demands of any kind whatsoever, resulting from death, personal injury, or property damage occurring during the period of performance of work on the vessel or within 60 days after redelivery of the vessel; and with respect to any such suits, actions, claims, costs, or demands resulting from death, personal injury, or property damage occurring after the expiration of such period, the rights and liabilities of the Government and the contractor shall be as determined by other provisions of this contract and by law: *Provided, however*, That such indemnity shall apply to death occurring after such period which results from any personal injury received during the period covered by the contractor's indemnity as provided herein.

(d) The contractor shall, at his own expense, procure, and thereafter maintain such casualty, accident, and liability insurance, in such forms and amounts as may be approved by the contracting officer, insuring the performance of his obligations under paragraph (c) of this clause. In addition, the contractor shall at his own expense procure and thereafter maintain such ship repairer's legal liability insurance as may be necessary to insure the contractor against his liability as ship receiver in the amount of $300,000 or the value of the vessel as determined by the contracting officer, whichever is the lesser, with respect to each vessel on which work is performed: *Provided*, That, in the discretion of the contracting officer, no such insurance need be procured whenever the contract requires work on parts of a vessel only and such work is to be performed at a plant other than the site of the vessel. Further, the contractor shall procure and maintain in force Workmen's Compensation Insurance (or its equivalent) covering his employees engaged on the work and shall insure the procurement and maintenance of such insurance by all subcontractors engaged on the work. The contractor shall provide such evidence of such insurance as may be, from time to time, required by the contracting officer.

(e) No allowance shall be made the contractor in the contract price for the inclusion of any premium expense or charge for any reserve made on account of self insurance for coverage against any risk assumed by the Government under this clause.

(f) As soon as practicable after the occurrence of any loss or damage the risk of which the Government has assumed, written notice of such loss or damage shall be given by the contractor to the contracting officer, which notice shall contain full particulars of such loss or damage. If claim is made or suit is brought thereafter against the contractor as the result or because of such event, the contractor shall immediately deliver to the Government every demand, notice, summons, or other process received by him or his representatives. The contractor shall cooperate with the Government and, upon the Government's request, shall assist in effecting settlements, securing and giving evidence, obtaining the attendance of witnesses and in the conduct of suits; and the Government shall pay to the contractor the expense, other than the cost of maintaining the contractor's usual organization, incurred in so doing. The contractor shall not, except at his own cost, voluntarily make any payment, assume any obligation or incur any expense other than shall be imperative for the protection of the vessel or vessels at the time of said occurrence of such event.

§ 11–7.5001–11 Title.

TITLE

Unless title to materials and equipment acquired or produced for, or allocated to, the performance of this contract shall have vested previously in the Government by virtue of other provisions of this contract, title to all materials and equipment to be incorporated in any vessel or part thereof, or to be placed upon any vessel or part thereof in accordance with the requirements of the contract, shall vest in the Government upon delivery thereof at the Plant or such other location as may be specified in the contract for the performance of the work: *Provided, however*, That the provisions of this clause or other provisions of this contract shall not be construed as relieving the contractor from the full responsibility for all such contractor-furnished materials and equipment or the restoration of any damaged work or as a waiver of the right of the Government to require the fulfillment of all the terms of this contract, it being expressly understood and agreed that the contractor shall assume without limitation the risk of loss for any such materials and equipment until such time as all work is completed and accepted by the Government and the vessel is redelivered to the Government. Upon completion of the contract, or with the approval of the contracting officer at any time during the performance of the contract, all such contractor-furnished materials and equipment not incorporated in any vessel or part thereof, or not placed upon any vessel or part thereof, in accordance with the requirements of the contract, shall become the property of the contractor, except those materials and equipment the cost of which has been reimbursed by the Government to the contractor.

§ 11–7.5001–12 Discharge of liens.

DISCHARGE OF LIENS

The contractor shall immediately discharge or cause to be discharged any lien or right in rem of any kind, other than in favor of the Government, which at any time exists or arises in connection with work done or materials furnished under this contract with respect to the machinery, fittings, equipment, or materials for any of the vessels. If any such lien or right in rem is not immediately discharged, the Government may discharge or cause to be discharged such lien or right at the expense of the contractor.

§ 11–7.5001–13 Federal, State, and local taxes.

Insert the clause set forth in § 1–11.401–1(c) of this title.

§ 11–7.5001–14 Default.

DEFAULT

(a) The Government may, subject to the provisions of paragraph (b) below, by written Notice of Default to the contractor, terminate the whole or any part of the contract in any one of the following circumstances:

(i) If the contractor fails to make delivery of the supplies or to perform the services within the time specified in the contract or any extension thereof; or

(ii) If the contractor fails to perform any of the other provisions of this contract, or so fails to make progress as to endanger performance of the contract in accordance with its terms.

(b) Except with respect to defaults of subcontractors, the contractor shall not be liable for any excess costs if any failure to perform arises out of causes beyond the control and without the fault or negligence of the contractor. Such causes may include, but are not restricted to, acts of God or of the public enemy, acts of the Government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather; but in every case the failure to perform must be beyond the control and without the fault or negligence of the contractor. If the failure to perform is caused by the default of a subcontractor, and if such default arises out of causes beyond the control of both the contractor and subcontractor, and without the fault or negligence of either of them, the contractor shall not be liable for any excess costs for failure to perform, unless the supplies or services to be furnished by the subcontractor were obtainable from other sources in sufficient time to permit the contractor to perform the contract within the time specified therein.

(c) In the event the Government terminates the contract in whole or in part as provided in paragraph (a) of this clause, the Government may, upon such terms and in such manner as the contracting officer may deem appropriate, arrange for the completion of the work so terminated, at such plant or plants, including that of the contractor, as may be designated by the contracting officer: *Provided*, That the contractor shall continue the performance of the contract to the extent not terminated under the provisions of this clause. If the work is to be completed at the plant, the Government may use all tools, machinery, facilities, and equipment of the contractor determined by the contracting officer to be necessary for that purpose. If the cost to the Government of the work procured or completed (after adjusting such cost to exclude the effect of change in the plans and specifications made subsequent to the date of termination) exceeds the price fixed for work under the contract (after adjusting such price on account of changes in the plans and specifications made prior to the date of termination), the contractor, or his surety, if any, shall be liable for such excess.

(d) If the contract is terminated in whole or in part as provided in paragraph (a) of this clause, the Government, in addition to any other rights provided in this clause, may require the contractor to transfer title and deliver to the Government, in the manner and to the extent directed by the contracting officer, (i) any completed supplies and (ii) such partially completed supplies and materials, parts, tools, dies, jigs, fixture, plans, drawings, information, and contract rights (hereinafter called "manufacturing materials") as the contractor has specifically produced or specifically acquired for the performance of such part of the contract as has been terminated; and the contractor shall, upon direction of the contracting officer, protect and preserve property in possession of the contractor in which the Government has an interest. The Government shall pay to the contractor the contract price for completed items of work delivered to and accepted by the Government, and the amount agreed upon by the contractor and the contracting officer for manufacturing materials delivered to and accepted by the Government, and for the protection and preservation of property. Failure to agree shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes".

(e) If, after notice of termination of the contract under the provisions of paragraph (a) of this clause, it is determined for any reason that the contractor was not in default under the provisions of this clause, or that the default was excusable under the provisions of this clause, the rights and obligations of the parties shall, be the same as if the notice of termination has been issued pursuant to the clause of this contract entitled "Termination for Convenience of the Government".

(f) The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

§ 11–7.5001–15 Price adjustment for suspension, delay, or interruption of the work.

Insert the clause set forth in § 1–7.602–1 of this title.

§ 11–7.5001–16 Termination for convenience of the Government.

(a) Insert the clause set forth in § 1–8.705–2 of this title. The provisions of this clause shall be applicable only if the amount of this contract is less than $10,000.

(b) Insert the clause set forth in § 1–8.703 of this title. The provisions of this clause shall be applicable only if the amount of this contract exceeds $10,000.

§ 11–7.5001–17 Disputes.

Insert the clause set forth in § 1–7.101–12 of this title.

§ 11–7.5001–18 Patents.

PATENTS

(1) *Patent Indemnity.* This Clause (1) entitled "Patent Indemnity" shall apply if the amount of this contract is in excess of $5,000. The contractor shall indemnify the Government and its officers, agents, and employees against liability, including costs, for infringement of any U.S. letters patent (except letters patent issued upon an application which is now or may hereafter be kept secret or otherwise withheld from issue by order of the Government) arising out of performance of this contract, or out of the use or disposal by or for the account of the Government of replacement, repair, or component parts thereof furnished under the contract. The foregoing indemnity shall not apply unless the contractor shall have been informed as soon as practicable by the Government of the suit or action alleging such infringement, and shall have been given such opportunity as is afforded by applicable laws, rules, or regulations to participate in the defense thereof; and further, such indemnity shall not apply to: (i) An infringement resulting from compliance with specific written instructions of the contracting officer directing a change in the supplies to be delivered or in the materials or equipment to be used, or directing a manner of performance of the contract not normally used by the contractor; (ii) an infringement resulting from addition to, or change in, such supplies or components furnished or construction work performed which addition or change was made subsequent to delivery or performance by the contractor; or (iii) a claimed infringement which is settled without the consent of the contractor, unless required by final decree of a court of competent jurisdiction.

(2) *Authorization and Consent.* The Government hereby gives its authorization and consent (without prejudice to its rights of indemnification if such rights are provided for in this contract) for all use and manufacture, in the performance of this contract or any part thereof or any amendment thereto or any subcontract thereunder (including any lower-tier subcontract), of any invention described in and covered by a patent of the United States (i) embodied in the structure or composition of any article the delivery of which is accepted by the Government under a contract, or (ii) utilized in the machinery, tools, or methods the use of which necessarily results from compliance by the contractor or the using subcontractor with (a) specifications or written provisions now or hereafter forming a part of the contract, or (b) specific written instructions given by the contracting officer directing the manner of performance. The contractor's entire liability to the Government for infringement of a patent of the United States shall be determined solely by the provisions of the patent indemnity clause included in this contract and the Government assumes liability for all other infringement to the extent of the authorization and consent hereinabove granted.

(3) *Notice and Assistance Regarding Patent and Copyright Infringement.* The provisions of this Clause (3) entitled "Notice and Assistance Regarding Patent and Copyright Infringement" shall apply if the amount of this contract is in excess of $10,000.

(a) The contractor shall report to the contracting officer, promptly and in reasonable written detail, each notice or claim of patent or copyright infringement based on the performance of the contract of which the contractor has knowledge.

(b) In the event of any claim or suit against the Government on account of any alleged patent or copyright infringement arising out of the performance of the contract or out of the use of any supplies furnished or work or services performed hereunder, the contractor shall furnish to the Government, when requested by the contracting officer, all evidence and information in possession of the contractor pertaining to such suit or claim. Such evidence and information shall be furnished at the expense of the Government except where the contractor has agreed to indemnify the Government.

§ 11–7.5001–19 Buy American Act.

Insert the clause set forth in § 1–6.104–5 of this title.

§ 11–7.5001–20 Convict labor.

Insert the clause set forth in § 1–12.203 of this title.

§ 11–7.5001–21 Contract Work Hours Standards Act—overtime compensation.

Insert the clause set forth in § 1–12.303 of this title.

§ 11–7.5001–22 Walsh-Healey Public Contracts Act.

Insert the clause set forth in § 1–12.605 of this title.

§11–7.5001–23 Department of Labor safety and health regulations for ship repairing.

DEPARTMENT OF LABOR SAFETY AND HEALTH REGULATIONS FOR SHIP REPAIRING

Attention of the contractor is directed to Public Law 85–742, approved August 23, 1958 (72 Stat. 835, 33 U.S.C. 941), amending section 41 of the Longshoremen's and Harbor Worker's Compensation Act and to the Safety and Health Regulations for Ship Repairing promulgated thereunder by the Secretary of Labor (29 CFR, Subtitle A, Part 8). These regulations apply to all ship repair and related work, as defined in the regulations, performed under this contract on the navigable waters of the United States including any drydock or marine railway. Nothing contained in this contract shall be construed as relieving the contractor from any obligations which it may have for compliance with the aforesaid regulations.

§ 11–7.5001–24 Equal opportunity.

EQUAL OPPORTUNITY

The following clause is applicable unless this contract is exempt under the rules and regulations of the Secretary of Labor (30 F.R. 12320). Exemptions include contracts and subcontracts (i) not exceeding $10,000, (ii) not exceeding $100,000 for standard commercial supplies or raw materials, and (iii) under which work is performed outside the United States and no recruitment of workers within the United States is involved. During the performance of this contract, the contractor agrees as follows:

(a) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; lay-off or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

(b) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

(c) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the Agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(e) The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(f) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(g) The contractor will include the provisions of paragraphs (a) through (g) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor.[1] The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for noncompliance: *Provided, however,* That in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

§ 11–7.5001–25 Officials not to benefit.

Insert the clause set forth in § 1–7.101–19 of this title.

§ 11–7.5001–26 Covenant against contingent fees.

Insert the clause set forth in § 1–1.503 of this title.

§ 11–7.5001–27 Additional bond security.

Insert the clause set forth in § 1–7.101–9 of this title.

§ 11–7.5001–28 Notices and interpretations.

Insert the clause set forth in § 11–7.150–9.

§ 11–7.5001–29 Notice to the Government of labor disputes.

Insert the clause set forth in 32 CFR 7.104–4 (ASPR).

§ 11–7.5001–30 Gratuities.

Insert the clause set forth in 32 CFR 7.104–16 (ASPR).

§ 11–7.5001–31 Examination of records.

EXAMINATION OF RECORDS

(The following clause is applicable if the amount of this contract exceeds $2,500 and was entered into by means of negotiation, but is not applicable if this contract was entered into by means of formal advertising.)

(a) The contractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of 3 years after final payment under this contract, have access to and the right to examine any directly pertinent books, documents, papers, and records of the contractor involving transactions related to this contract.

(b) The contractor further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of 3 years after final payment under the subcontract, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor, involving transactions related to the subcontract. The term "subcontract" as used in this clause excludes (i) purchase orders not exceeding $2,500 and (ii) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

§ 11–7.5001–32 Utilization of small business concerns.

Insert the clause set forth in § 1–1.710–3(a) of this title.

§ 11–7.5001–33 Utilization of concerns in labor surplus areas.

UTILIZATION OF CONCERNS IN LABOR SURPLUS AREAS

(The following clause is applicable if this contract exceeds $5,000.)

It is the policy of the Government to place contracts with concerns which will perform such contracts substantially in areas of persistent or substantial labor surplus where this can be done, consistent with the efficient performance of the contract, at prices no higher than are obtainable elsewhere. The contractor agrees to use his best efforts to place his subcontracts in accordance with this policy. In complying with the foregoing and with paragraph (b) of the clause of this contract entitled "Utilization of Small Business Concerns," the contractor in placing his subcontracts shall observe the following order of preference: (I) Persistent labor surplus area concerns which are also small business concerns; (II) other persistent labor surplus area concerns; (III) substantial labor surplus area concerns which are also small business concerns; (IV) other substantial labor surplus area concerns; and (V) small business concerns which are not labor surplus area concerns.

§ 11–7.5001–34 Assignment of claims.

ASSIGNMENT OF CLAIMS

(a) Pursuant to the provisions of the Assignment of Claims Act of 1940, as amended (31 U.S.C. 203, 41 U.S.C. 15), if this contract provides for payments aggregating $1,000 or more, claims for moneys due or to become due the contractor from the Government under this contract may be assigned to a bank, trust company, or other financing institution, including any Federal lending agency, and may thereafter be further assigned and reassigned to any such institution. Any such assignment or reassignment shall cover all amounts payable under this contract and not already paid, and shall not be made to more than one party, except that any such assignment or reassignment may be made to one party as agent or trustee for two or more parties participating in such financing.

(b) In no event shall copies of this contract or of any plans, specifications, or other

[1] Unless otherwise provided, the "Equal Opportunity" clause is not required to be inserted in subcontracts below the second tier, except for subcontracts involving the performance of "construction work" at the "site of construction" (as those terms are defined in the Secretary of Labor rules and regulations) in which case the clause must be inserted in all such subcontracts. Subcontracts may incorporate by reference the "Equal Opportunity" clause.

similar documents relating to work under this contract, if marked "Top Secret," "Secret," or "Confidential," be furnished to any assignee of any claim arising under this contract or to any other person not entitled to receive the same. However, a copy of any part or all of this contract so marked may be furnished, or any information contained therein may be disclosed, to such assignee upon the prior written authorization of the contracting officer.

§ 11–7.5001–35 Definitions.

DEFINITIONS

As used throughout this contract, the following terms shall have the meaning set forth below:

(a) The term "Secretary" means the Secretary, the Under Secretary, or any Assistant Secretary of the Department; and the term "his duly authorized representative" means any person or persons or board (other than the contracting officer) authorized to act for the Secretary.

(b) The term "contracting officer" means the person executing this contract on behalf of the Government, and any other officer or civilian employee who is a properly designated contracting officer; and the term includes, except as otherwise provided in this contract, the authorized representative of a contracting officer acting within the limits of his authority.

(c) Except as otherwise provided in this contract, the term "subcontracts" includes purchase orders under this contract.

§ 11–7.5002 Additional clauses.

As provided herein, the clauses set forth or cited in this section shall be included in fixed-price vessel repair, alteration, or conversion contracts, awarded as a result of formal advertising to be performed within the United States, its possessions or Puerto Rico. Additional clauses may be used which are considered by each procuring activity to be essential to its operations, and which are not inconsistent with or in limitation of clauses set forth in this Subpart 11–7.50, or Subpart 1–7.1 of this title. Clauses used in Coast Guard contracts which are in addition to those contained in CG–2557B, General Provisions (Repair and Alteration Contracts—Vessels) are to be entitled "Additional General Provisions—Repair and Alteration Contracts—Vessels (supplementing CG–2557B)." Unless inappropriate clauses set forth in this section may be used in negotiated fixed-price vessel repair, alteration, or conversion contracts and contracts for foreign delivery when applicable.

§ 11–7.5002–1 Military security requirements.

Insert the clause set forth in 32 CFR 7.104–12 (ASPR) under the conditions and in the manner prescribed therein.

§ 11–7.5002–2 Guaranty.

(a) The clause set forth below is approved for use where general guaranty provisions are deemed desirable by the contracting officer (for modifications see paragraph (b) of this section), in lieu of the guaranty clause authorized in § 11–7.101–61.

GUARANTY

In case any work done or materials furnished by the contractor under this contract on or for any vessel or the equipment thereof shall, within 60 days from date of delivery of the vessel by the contractor, prove defective or deficient such defects or deficiencies shall, as required by the Government, be corrected and repaired by the contractor or at his expense to the satisfaction of the contracting officer: *Provided, however,* That with respect to any individual work item incomplete at the delivery of the vessel the guarantee period shall run from the date of completion of such item. The Government shall, if and when practicable, afford the contractor an opportunity to effect such corrections and repairs himself, but when, because of conditions or the location of the vessel or for any other reason, it is impracticable or undesirable to return it to the contractor, or the contractor fails to proceed promptly with any such repairs as directed by the contracting officer, such corrections and repairs shall be effected at the contractor's expense at such other locations as the Government may determine. Where corrections and repairs are to be effected by other than the contractor, due to nonreturn of the vessel to him, the contractor's liability may be discharged by an equitable deduction in the price of the job. The contractor's liability under this clause shall, however, in no event extend beyond the correction of such defects or deficiencies or payment for the cost thereof: *Provided, however,* That nothing in this clause shall be deemed to limit or relieve the contractor of his responsibilities as set forth in the clause entitled "Liability and Insurance" and the clause entitled "Inspection" of this contract. At the option of the contracting officer, defects and deficiencies may be left in their then condition, and an equitable deduction from the contract price, as agreed by the contractor and contracting officer, shall be made therefor. If the contractor and contracting officer fail to agree upon the equitable deduction from the contract price to be made, the dispute shall be determined as provided in the "Disputes" clause of this contract.

(b) When inspection and acceptance tests will afford full protection to the Government in ascertaining conformance to specification and the absence of defects and deficiencies, no guaranty provision for that purpose shall be included in the contract. In certain instances, the contracting officer may desire to include a provision in a contract for a guaranty period of more than 60 days. In such instances, where after full inquiry, it has been determined that such longer guaranty period will not involve increased costs to the Coast Guard, the longer guaranty period may be substituted for the 60 days specified in the guaranty clause. Where the full inquiry discloses that such longer guaranty period will involve, or is reasonably expected to involve, increased costs to the Coast Guard, such fact, and the reason for the need of such longer period shall be set forth in letter form to the chief officer responsible for procurement, requesting approval for use of a guaranty period in excess of 60 days.

§ 11–7.5002–3 Priorities, allocations, and allotments.

In accordance with the requirements of § 11–1.311 of this chapter, insert the clause prescribed therein.

§ 11–7.5002–4 Federal specifications.

Insert the clause set forth in § 11–7.602–72 when appropriate.

§ 11–7.5002–5 Index for specifications.

Insert the clause set forth in § 11–7.602–63 when appropriate.

§ 11–7.5002–6 Alterations in contracts.

Insert the clause set forth in § 11–7.150–18 under the conditions and in the manner prescribed therein.

Dated: September 21, 1967.

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

[F.R. Doc. 67–11395; Filed, Sept. 27, 1967; 8:48 a.m.]

[CGFR 67–31]

PART 11–16—PROCUREMENT FORMS

Subpart 11–16.50—Forms for Advertised and Negotiated Alteration or Repair of Vessels Contracts

Pursuant to authority vested in me as Commandant, U.S. Coast Guard, by 49 CFR 1.4:

Subpart 11–16.50 is added, reading as follows:

Subpart 11–16.50—Forms for Advertised and Negotiated Alteration or Repair of Vessels Contracts

Sec.

AUTHORITY: The provisions of this Subpart 11–16.50 issued under 14 U.S.C. 633, 10 U.S.C. Ch. 137.

§ 11–16.5000 Scope of subpart.

This subpart prescribes forms for use in advertised and negotiated alteration or repair of vessels contracts.

§ 11–16.5001 Forms for advertised alteration or repair of vessels contracts.

The forms prescribed in § 1–16.101 of this title shall be used in effecting procurement of alterations or repairs to vesse's by formal advertising, except as provided in § 11–16.5003.

§ 11–16.5002 Forms for negotiated alteration or repair of vessels contracts.

The forms prescribed in §§ 1–16.101 and 1–16.201 of this title and §§ 11–16.201 and 11–16.202 shall be used in effecting procurements of alterations or repairs of vessels by negotiation (other than small purchases) except as provided in § 11–16.5003. See Subpart 11–16.3 of this part concerning forms for use when making small purchases.

§ 11–16.5003 Terms, conditions, and provisions.

(a) CG Form 2557B, General Provisions (Repair and Alteration Contracts—Vessels) is prescribed for use in advertised and negotiated alteration or repair to vessels contracts in lieu of SF 32 prescribed in §§ 1–16.101 and 1–16.202–1 of this title and CG Form 2557A prescribed in §§ 11–16.101 and 11–16.202 for

supply contracts. This form is not to be used in contracts for construction of vessels.

(b) CG Form 2557B, General Provisions (Repair and Alteration Contracts—Vessels) and any additional general provisions may be attached to each copy of the invitation or solicitation. Alternatively, only one copy of CG Form 2557B and any additional general provisions need be furnished to each offeror for retention if such provisions are specifically incorporated by reference, including each form name, number, and date, in the Schedule. Provisions which are inapplicable to a particular procurement may be deleted by appropriate reference in an Alterations in Contract clause.

(c) Changes or additional provisions inconsistent with those contained in CG Form 2557B may be incorporated when approved by Commandant (F) pursuant to § 11-1.009-2(a) of this chapter. A copy of any such approval shall be forwarded by Commandant (F) to the General Services Administration.

(d) The use of additional contract provisions consistent with those contained in the prescribed forms is authorized and, where required elsewhere in this chapter, the use of such additional clauses is mandatory. The addition of other clauses set forth in § 11-7.5002 of this chapter, or of other clauses not inconsistent with FPR or CGPR, shall be accomplished by including such clauses as "Additional General Provisions" numbered consecutively. The deletion or modification of clauses contained on CG Form 2557B shall be accomplished by appropriate reference or provision in an Alterations in Contract clause. These instructions must be read in conjunction with § 11-7.5001 of this chapter to make certain that current clauses are in use at all times.

Dated: September 21, 1967.

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

[F.R. Doc. 67-11396; Filed, Sept. 27, 1967; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 16030; FCC 67-1054]

PART 17—CONSTRUCTION, MARKING AND LIGHTING OF ANTENNA STRUCTURES

Establishment and Use of Antenna Farm Areas

Memorandum opinion and order. In the matter of amendment of Parts 1, 17, and 73 to provide for the establishment and use of antenna farm areas; Docket No. 16030.

1. The Commission has before it for consideration a petition filed by the Association of Maximum Service Telecasters, Inc. (MST) requesting reconsideration of the report and order released June 16, 1967, in Docket No. 16030 (FCC 67-703; 8 FCC 2d 559). The new rules provide for the establishment by the Federal Communications Commission of antenna farm areas to accommodate tall antenna structures by rule making proceedings which may be commenced by the Commission on its own motion, upon request of the Federal Aviation Administration (FAA), or in response to a petition filed by any interested person. If rule making to establish an antenna farm is proposed by an interested person, and if the FAA advises the Commission in writing stating its reasons in terms of air safety considerations that establishment of the proposed farm would constitute a menace to air navigation, the FCC will deny the petition for rule making. MST maintains its position that the rules should not have been adopted but, if they are not rescinded, requests that § 17.8 be revised.

2. MST's first suggestion is that in cases of antenna farms proposed by petitions for rule making, FAA's written advice to the Commission as to whether a proposed antenna farm would "in terms of air safety considerations * * * constitute a menace to air navigation" be placed in the Commission's public file that includes the petition, and that petitioner and other interested persons be given at least 30 days within which to respond thereto. This is a suggestion not previously made and the Commission concludes that it has merit. Informed comments such as those suggested would be of material assistance in consideration of FAA's statement. However, the Commission is of the view that FAA should have the opportunity to respond to such comments. Therefore, we are revising the rules as adopted to provide for the filing of comments by interested persons and responses thereto by the FAA, as set forth below.

3. MST further requests that the rules be revised to require FAA to state in its advice to the Commission reasons why existing navigation practices and procedures could not be adjusted to accommodate the proposed antenna farm, and that the rules contain a statement that when an antenna farm petition is denied without rule making as a result of advice from the FAA, the unsuccessful petitioner shall be returned to the status quo ante. These matters were considered in the antenna farm rule making proceeding. As noted in the report and order (footnote 11, page 7), the FAA rules provide that in considering proposals for establishing antenna farm areas, the FAA will consider, as far as possible, the revision of aeronautical procedures and operations to accommodate antenna structures that will fulfill broadcasting requirements, and we have their assurance that every effort will be made to adjust flight patterns to accommodate antenna farms. We have also noted in the report and order that upon denial of a petition for rule making, petitioner is returned to the status quo ante with all the rights he had without the "antenna farm rule." The Commission continues to be of the view that there is no need for such provisions in the rule itself.

4. In view of the foregoing: *It is ordered*, That the petition of the Association of Maximum Service Telecasters, Inc. is granted to the extent indicated herein and is otherwise denied.

5. *It is further ordered*, Pursuant to authority contained in sections 4 (i) and (j), 303, and 307(b) of the Communications Act of 1934, as amended, that effective October 30, 1967, § 17.8(a) of the Commission's rules and regulations is revised as set forth below, and that this proceeding is hereby terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: September 20, 1967.

Released: September 25, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

Paragraph (a) of § 17.8 is revised to read as follows:

§ 17.8 Establishment of antenna farm areas.

(a) Each antenna farm area will be established by an appropriate rule making proceeding, which may be commenced by the Commission on its own motion after consultation with the FAA, upon request of the FAA, or as a result of a petition filed by any interested person. After receipt of a petition from an interested person disclosing sufficient reasons to justify institution of a rule making proceeding, the Commission will request the advice of the FAA with respect to the considerations of menace to air navigation in terms of air safety which may be presented by the proposal. The written communication received from the FAA in response to the Commission's request shall be placed in the Commission's public rule making file containing the petition, and interested persons shall be allowed a period of 30 days within which to file statements with respect thereto. Such statements shall also be filed with the Administrator of the FAA with proof of such filing to be established in accordance with § 1.47 of this chapter. The Administrator of the FAA shall have a period of 15 days within which to file responses to such statements. If the Commission, upon consideration of the matters presented to it in accordance with the above procedure, is satisfied that establishment of the proposed antenna farm would constitute a menace to air navigation for reasons of air safety, rule making proceedings will not be instituted. If rule making proceedings are instituted, any person filing comments therein which concern the question of whether the proposed antenna farm will constitute a menace to air navigation shall file a copy of the comments with the Administrator of the FAA. Proof of such filing shall be established in accordance with § 1.47 of this chapter.

* * * * *

[F.R. Doc. 67-11407; Filed, Sept. 27, 1967; 8:49 a.m.]

[1] Commissioners Bartley and Wadsworth absent; Commissioner Lee concurring in the result.

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Certain National Wildlife Refuges in Mississippi, North Carolina, and South Carolina

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

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

MISSISSIPPI

NOXUBEE NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Noxubee National Wildlife Refuge, Miss., is permitted only on the area designated by signs as open to hunting. This open area, comprising 520 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of ducks and coots except the following special conditions:

(1) Hunting will be premitted only on Mondays, Wednesdays, and Saturdays from one-half hour before sunrise to 12 noon during the period November 29, 1967, through January 7, 1968.

(2) The use of boats without motors is permitted within the hunting area, except that electric motors may be used.

(3) The construction of blinds is not permitted.

(4) Hunters will not be permitted to enter the hunting area sooner than 15 minutes before legal shooting hours.

(5) All hunters must enter and leave the waterfowl hunting area by way of the designated access point.

(6) No hunter may take more than 16 shotgun shells into the hunting area.

(7) No shooting will be permitted from the levee or the open water area immediately adjacent to the levee.

(8) All hunters are required to check out at the designated check station before leaving the area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 7, 1968.

SOUTH CAROLINA

SANTEE NATIONAL WILDLIFE REFUGE

Public hunting of geese, ducks, and coots on the Santee National Wildlife Refuge, Pinopolis Unit, S.C., is permitted only on the area designated by signs as open to hunting. This open area, comprising approximately 29,500 acres, is delineated on a map available at the refuge headquarters, Summerton, S.C., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of geese, ducks, and coots except the following special conditions:

(1) Hunting will be permitted only on Tuesdays, Thursdays and Saturdays during the period from November 18, 1967, through January 6, 1968.

(2) Shooting hours are from one-half hour before sunrise to 12 noon. Hunters may not enter the refuge hunting area prior to 1½ hours before sunrise and must be out of the hunting area by 1 p.m.

(3) Only temporary blinds constructed of native vegetation are permitted. Any blind constructed by a hunter on the hunting area, once vacated, may be occupied by any other hunter on a first come, first served basis.

(4) Boats are not to be left in Pinopolis Pool (Hatchery) overnight.

(5) Boat motors of any type, inboard, outboard, gasoline, diesel or electric are not allowed in the Pinopolis Pool (Hatchery).

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through January 6, 1968.

NORTH CAROLINA

MATTAMUSKEET NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, and coots on the Mattamuskeet National Wildlife Refuge, N.C., is permitted only on the area designated by signs as open to hunting. This open area, comprising 11,300 acres, is delineated on a map available at the refuge headquarters, New Holland, N.C., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, and coots.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 13, 1968.

SPENCER H. SMITH,
Acting Regional Director.

SEPTEMBER 20, 1967.

[F.R. Doc. 67-11362; Filed, Sept. 27, 1967; 8:45 a.m.]

PART 32—HUNTING

Hart Mountain National Antelope Refuge, Oreg.

The following regulations are issued and are effective on date of publication in the FEDERAL REGISTER:

General conditions. Hunting shall be in accordance with applicable State regulations except for the special condition indicated. Portions of the refuge which are open to hunting are designated by signs and/or delineated on maps. Maps are available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

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

Migratory game birds may be hunted on the following refuge:

Hart Mountain National Antelope Refuge, Post Office Box 111, Lakeview, Oreg. 97630.

Special condition. Camping will be permitted at designated areas only.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Upland game birds may be hunted on the following refuge:

Hart Mountain National Antelope Refuge, Post Office Box 111, Lakeview, Oreg. 97630.

Special condition. Camping will be permitted at designated areas only.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 7, 1968.

HENRY BACTKEY,
Acting Regional Director,
Portland, Oreg.

SEPTEMBER 20, 1967.

[F.R. Doc. 67-11368; Filed, Sept. 27, 1967; 8:46 a.m.]

PART 32—HUNTING

J. Clark Salyer National Wildlife Refuge, N. Dak.

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

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NORTH DAKOTA

J. CLARK SALYER NATIONAL WILDLIFE REFUGE

Public hunting of pheasant, gray partridge, and sharptailed grouse on the J. Clark Salyer National Wildlife Refuge, N. Dak., is permitted from sunrise to sunset November 20, 1967, through December 17, 1967, only on the area designated by signs as open to hunting. This open area, comprising 20,000 acres of the total refuge area is delineated on a map available at the refuge headquarters, Upham, N. Dak. 58789, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of pheasant, gray partridge, and

sharptailed grouse subject to the following special condition:

(1) All hunters must exhibit their hunting license, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 17, 1967.

JERALD J. WILSON,
Refuge Manager, J. Clark Salyer National Wildlife Refuge, Upham, N. Dak.

SEPTEMBER 18, 1967.

[F.R. Doc. 67-11364; Filed, Sept. 27, 1967; 8:46 a.m.]

PART 32—HUNTING

Ankeny National Wildlife Refuge, Oreg.

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

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas

OREGON

ANKENY NATIONAL WILDLIFE REFUGE

The public hunting of ring-necked pheasants and California quail on the Ankeny National Wildlife Refuge, Oreg., is permitted only on the area designated by signs as open to hunting. The open area, comprising 460 acres, is delineated on maps available at refuge headquarters, William L. Finley National Wildlife Refuge, Corvallis, Oreg. 97330, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Ringed-necked pheasants and California quail may be hunted during the period from October 21 through November, 1967, inclusive.

(2) Hunters must check into the hunting area by completing Part A of the Hunter Permit-Questionnaire form and inserting this in a box provided at one of the designated self-service registration stations located on the refuge. They must check out at the conclusion of their hunt, each day, by completing Part B of the form and inserting it in the box. Part B of the form and the map attached are the hunter's permit and must be on his person while he is afield on the area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 5, 1967.

HENRY BACTKEY,
Acting Regional Director, Portland, Oreg.

SEPTEMBER 20, 1967.

[F.R. Doc. 67-11366; Filed, Sept. 27, 1967; 8:46 a.m.]

PART 32—HUNTING

Baskett Slough National Wildlife Refuge, Oreg.

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

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

OREGON

BASKETT SLOUGH NATIONAL WILDLIFE REFUGE

The public hunting of ringed-necked pheasants and California quail on the Baskett Slough National Wildlife Refuge, Oreg., is permitted only on the area designated by signs as open to hunting. The open area, comprising 580 acres, is delineated on maps available at refuge headquarters, William L. Finley National Wildlife Refuge, Corvallis, Oreg. 97330, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special condition:

(1) Ring-necked pheasants and California quail may be hunted during the period from October 21 through November 5, 1967, inclusive.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 5, 1967.

JOHN D. FINDLAY,
Acting Regional Director, Portland, Oreg.

SEPTEMBER 21, 1967.

[F.R. Doc. 67-11367; Filed, Sept. 27, 1967; 8:46 a.m.]

PART 32—HUNTING

J. Clark Salyer National Wildlife Refuge, N. Dak.

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

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

NORTH DAKOTA

J. CLARK SALYER NATIONAL WILDLIFE REFUGE

Public hunting of deer on the J. Clark Salyer National Wildlife Refuge, N. Dak., is permitted from 12 noon to sunset November 10, 1967, and from sunrise to sunset November 11, 1967, through November 19, 1967, only on the area designated by signs as open to hunting. This open area, comprising 58,400 acres, is delineated on a map available at the refuge headquarters, Upham, N. Dak., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following condition:

(2) All hunters must exhibit their hunting license, deer tag, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 19, 1967.

JERALD J. WILSON,
Refuge Manager, J. Clark Salyer National Wildlife Refuge, Upham, N. Dak.

SEPTEMBER 18, 1967.

[F.R. Doc. 67-11363; Filed, Sept. 27, 1967; 8:45 a.m.]

PART 32—HUNTING

Lostwood National Wildlife Refuge, N. Dak.

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

NORTH DAKOTA

LOSTWOOD NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Lostwood National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 25,300 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Hunting is permitted from 12 noon to sunset November 10 to November 12, 1967, and from sunrise to sunset November 13 through November 19, 1967.

(2) All hunters must exhibit their hunting license, deer tag, game and vehicle contents to Federal and State officers upon request.

The provision of this special regulation supplements the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 19, 1967.

JAMES W. MATTHEWS,
Refuge Manager, Lostwood National Wildlife Refuge, Lostwood, N. Dak.

SEPTEMBER 20, 1967.

[F.R. Doc. 67-11365; Filed, Sept. 27, 1967; 8:46 a.m.]

PART 32—HUNTING

Aransas National Wildlife Refuge, Tex.; Correction

In F.R. Doc. 67-10128, appearing on page 12561 of the issue for Wednesday, August 30, 1967, the special regulation should read as follows:

The public hunting of deer on the Aransas National Wildlife Refuge, Tex., is suspended for the 1967 season. Hurricane Beulah and resulting floods have damaged refuge roads making public travel impossible for some time to come.

WILLIAM T. KRUMMES,
Regional Director, Albuquerque, N. Mex., Region 2.

SEPTEMBER 22, 1967.

[F.R. Doc. 67-11369; Filed, Sept. 27, 1967; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 13]

IMPORTATION OF WILDLIFE OR EGGS THEREOF

Extension of Time for Filing Comments

There was published in the FEDERAL REGISTER of Thursday, July 27, 1967, on page 10982 a notice of proposed rule making pursuant to revising and amending Title 50, Part 13, Code of Federal Regulaitons, Importation of Wildlife or Eggs Thereof.

A period of 60 days from July 27, 1967, was provided within which interested persons might file written comments, suggestions, and objections with the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240. Requests for additional time based on valid reason have been received and that period of time is extended to November 30, 1967.

ABRAM V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 25, 1967.

[F.R. Doc. 67-11399; Filed, Sept. 27, 1967; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1132]

MILK IN TEXAS PANHANDLE MARKETING AREA

Notice of Proposed Suspension of Certain Provision of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provision of the order regulating the handling of milk in the Texas Panhandle marketing area is being considered for September and October 1967.

The provision proposed to be suspended is in § 1132.7(b)(2) which reads: "on not more than 15 days", relating to limitations on producer milk diversions under the order.

A cooperative association which represents more than two-thirds of the producers in the market has requested suspension of this diversion provision limitation for September and October 1967. The cooperative refers to recent amendments to the Texas Health Code which requires that milk produced outside the State of Texas for consumption within the State meet Grade A milk health standards at least equal to those met by Grade A milk produced in Texas. Texas State Health Department inspection of farms located outside Texas must now be accomplished.

The cooperative states that until inspection by Texas health authorities of farms of producers located outside Texas can be completed, producer milk regularly received at Texas Panhandle pool plants must be diverted to nonpool plants on more than the number of days permitted by present order diversion provisions and suspension is needed to continue the pooling of such milk as producer milk.

All persons who desire to submit written data, views, or arguments on the proposed suspension should file them with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on September 26, 1967.

JOHN C. BLUM,
Acting Deputy Administrator, Regulatory Programs.

[F.R. Doc. 67-11438; Filed, Sept. 27, 1967; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 105]

[Docket No. 8424; Notice 67-41]

BREAKAWAY DEVICE FOR STATIC LINE PARACHUTE JUMPS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 105 of the Federal Aviation Regulations to require the use of a device, in static line parachute jumps, to assist the pilot chute in performing its function, or to assure full deployment of the main parachute canopy when no pilot chute is used.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before December 29, 1967, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Fatal parachute jumps, occurring from time to time in so-called "static line" jumps, have been attributed to such pilot chute malfunctions as hesitations to extend into the airstream; to capture by a part of the parachutist's body; or to a student jumper's clinging in panic to a pilot chute that improperly remains within his reach.

In a static line parachute jump, the retaining pins (that are inserted through cones attached to the parachute pack to keep the pack closed) are attached to the static line, that in turn is attached to the aircraft from which the jump is made. When the full length of the static line has been reached after the jumper leaves the aircraft, the pins are pulled out from the cones of the main parachute pack; the pack flaps (held in place by the pins) fly open, pulled out by rubber cords; and the pilot chute springs out, and this is held open by umbrella-like springs, to catch the rushing air and exert a pull on the main parachute canopy. Student jumpers make static line jumps when they have not had enough experience to be relied upon to pull the rip cord manually of their own accord.

Some jump organizations now use an auxiliary attaching device between the static line and the pilot chute. After the fully extended static line pulls the pins from the parachute pack cones, the attaching device exercises a positive pull on the pilot chute, assuring that the pilot chute avoids hesitation or capture, and it then assists the pilot chute in performing the latter's function of deploying the main parachute canopy. When the attaching device has performed its function, it breaks. It is commonly called "a breakaway cord" (or "breakaway device" if other than a cord is used). The device has been successfully used, and its use has introduced no apparent additional hazard.

The required use of an assist device in static line parachute jumps would, in the judgment of the FAA, more positively assure deployment of the main parachute canopy and would, at relatively minor cost, consequently assure a higher level of safety. Additional justification for the requirement lies in the fact that the auxiliary parachute has been an inadequate safety device for beginning jumpers because of repeated failure of students to activate it. The required use

of an assist device therefore should reduce the likelihood of a student's having to rely upon the auxiliary parachute.

The proposed amendment would require the use of an attaching device (such as a cord or tape), here called a "breakaway device", attached at one end to the static line above the static line pins, and attached at the other end to the pilot chute bridle cord or, if there is no pilot chute, to the main parachute canopy. The proposed required device would be sufficiently long to assure withdrawal of static line pins before a load is placed upon it.

The proposed required device also would have a breaking strength within a designated minimum and maximum. In other words, the device must be strong enough to assure positive action on the main parachute canopy, but not so strong as to fail to break once its function has been completed. Breakaway cords in common use have a tensile strength of 80 pounds, apparently chosen mainly because 80-pound cords or tapes are readily available on the market. The actual breaking strength of the device varies according to several factors. The number of turns made with the cord is one factor; thus, a one-loop hitch, in common use, doubles the breaking strength (minus a loss of strength of about 30 percent at the knot). Another factor is the number of strands knotted; thus, two loops are used most commonly by organizations that do not use pilot chutes, and here two strands of one side of the loop knotted to the two strands of the other side of the loop afford a knot with a higher breaking strength than a continuously looped line with the two ends knotted. One breakaway device now in use consists of two tapes, one attached to the static line and the other to the pilot chute bridle cord. The free ends of the tapes are mated together by an adhesive material, and the FAA is informed that the breaking strength of this device is about 100 pounds when properly mated.

The information presently available to the FAA indicates that the minimum breaking strength of the breakaway device should be no less than 80 pounds, to assure that it will be effective in assisting the pilot chute to perform its function.

The force applied to the breakaway device is caused by the accelerating fall of the parachutist to a distance equal to the length of the static line plus the length of the extended parachute and its suspension lines. This force could be as much as several thousand pounds. Therefore, the maximum breaking strength may be quite large without danger of failure of the device to separate. It has been concluded that the strength of the breakaway device ordinarily should be limited to a maximum of 400 pounds (whether or not a pilot chute is used), to avoid possible injury to the jumper or reaching too close to the design limits of static line attachments in the aircraft. This is high enough to accommodate present practice with respect to parachutes that are not equipped with pilot chutes.

However, when the parachute is equipped with a safety sleeve, a breakaway device that is too strong may tear both the pilot chute and safety sleeve loose. This may result in damaging the aircraft's tail surfaces or in fouling them although not in danger to the jumper. This risk would not be present when there is no safety sleeve. The sleeve retainer line attached to the main parachute canopy ordinarily has a tensile strength of 550 pounds when new, but this strength decreases in time. It therefore has been concluded that for parachutes equipped with safety sleeves the breakaway device should be limited to a maximum of 160 pounds, to preclude the separation of the sleeve from the main parachute canopy and to thereby afford an adequate margin of safety.

It should be noted that the proposed minimum and maximum breaking strengths refer to the breakaway device itself, not to the cord or tape used in it, and they would apply regardless of the number of loops or the number of strands knotted. It also should be noted that the minimum and maximum figures proposed may be changed in the light of the comments received, and comment in this respect is especially solicited.

In consideration of the foregoing, it is proposed to amend § 105.43 of the Federal Aviation Regulations by redesignating paragraph (b) as paragraph (c), and inserting a new paragraph (b) after paragraph (a) to read as follows:

§ 105.43 Parachute equipment and packing requirements.

* * * * *

(b) No person may make a parachute jump using a static line attached to the aircraft and the main parachute, and no pilot in command of an aircraft may allow any person to make a parachute jump from that aircraft using a static line so attached, unless a breakaway device also is used to assist the pilot chute in performing its function, or to assure full deployment of the main parachute canopy when no pilot chute is used. The breakaway device must—

(1) Be sufficiently long to assure withdrawal of the static line pins before a load is placed on it;

(2) Be attached at one end to the static line above the static line pins, and at the other end—

(i) To the pilot chute bridle cord, if there is a pilot chute; or

(ii) To the main parachute canopy, if there is no pilot chute; and

(3) Have a breaking strength not less than 80 pounds, and not greater than—

(i) 160 pounds if the parachute is equipped with a safety sleeve; or

(ii) 400 pounds if the parachute is not equipped with a safety sleeve.

* * * * *

(Secs. 307, 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1354(a), 1421)

Issued in Washington, D.C., on September 22, 1967.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 67-11397; Filed, Sept. 27, 1967; 8:48 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. R-297]

HYDROELECTRIC PROJECT LICENSES

Calculation of "Net Investment"; Notice of Oral Argument

SEPTEMBER 21, 1967.

Hydroelectric project licenses: calculation of "net investment" under section 3(13) of the Federal Power Act; Docket No. R-297.

Notice of oral argument; revisions and additions to previously proposed statement of policy.

This proceeding was instituted by notice of proposed rule making issued January 20, 1966 (31 F.R. 1079). In that notice we stated that the purpose of the proceeding was to establish "a method for determining the 'net investment in a project,' as the phrase is defined in section 3(13) of the Federal Power Act." In response to that notice numerous comments and responses have been filed by the Secretary of the Interior, many electric utilities, several State public service commissions, and other interested groups. In addition, in the notice of November 2, 1966 (31 F.R. 14884) we permitted the filing of responses to initial comments and of supplemental comments. Several respondents to the notice instituting this proceeding have requested oral argument.

That notice proposed the establishment of a new § 2.8, General Policy and Interpretations, Chapter I, Title 18, Code of Federal Regulations and a new Part 14, Chapter I, Title 18, Code of Federal Regulations—Reporting Net Investment and Licensed Projects to the Commission. Alternative methods of determining net investment were set forth in the notice of proposed rule making, Alternative A and Alternative B.

A number of responses to the notice of rule making asserted certain technical deficiencies and ambiguities in proposed § 2.8 of Part 2, Chapter I, Title 18, Code of Federal Regulations. Attachment 1 hereto contains revisions in the first two paragraphs of proposed § 2.8 (as set forth on page 6, mimeo ed., of the notice of rule making) and sets forth, in addition, allocation "Alternative C". Allocation "Alternative C" incorporates into the basic structure of "Alternative B" several modifications designed to meet certain of the alleged deficiencies referred to above. In addition to matters as discussed in the notice of proposed rule making and comments in response thereto, parties proposing to participate in the forthcoming oral argument are requested also to address themselves to the language contained in Attachment 1.

It is appropriate for the purposes of the Federal Power Act and the Commission's rules and regulations thereunder, that oral argument be afforded in the above entitled proceeding commencing at 10 a.m., November 17, 1967, in the Commission's hearing room, 441 G Street NW., Washington, D.C. 20426.

All persons desiring to participate in such oral argument shall notify the Secretary of the Commission in writing on or before October 17, 1967, of the amount of time desired for presentation of their respective oral arguments.

By direction of the Commission.

KENNETH F. PLUMB,
Acting Secretary.

ATTACHMENT 1

(a) The "net investment" in a project at any time shall be the actual legitimate original cost of the project (less retirements plus additions and betterments) less accumulated depreciation less accumulated project earnings in excess of a fair return on the "net investment" of the project, if any.

(i) Unless otherwise provided by the Commission, the fair rate of return on the "net investment" for any year shall be one and one-half times the weighted average annual embedded cost rate of long-term debt, or 6 percent, whichever is higher.

(b) Unless otherwise provided by the Commission, earnings in excess of a fair return on the "net investment" in a project licensed to a public utility or other entity engaged in the distribution or sale of electric energy other than for its own use or the use of an affiliated company for any year shall be calculated as follows:

* * * * *

ALTERNATIVE C

(1) The net operating revenues for the licensee's entire electric system shall first be determined. Net operating revenues shall be defined as electric system operating revenues less (a) operation expense, (b) maintenance expense, (c) depreciation expense, (d) applicable tax expense.

(2) The earnings of the project for the year shall be the amount of net operating revenues of (1) above attributable to the project.

(3) The amount of net operating revenues of (1) above attributable to the project shall be determined by allocating to the project a percentage of net operating revenues equal to the percentage which the net investment of the project is of the sum of (a) the system average nonproject electric plant in service for the year less average accumulated depreciation thereon and average accumulated contributions in aid of construction therein for the year, (b) the net investments for projects in the licensee's electric system, and (c) electric system working capital. If the net investments for other projects in the licensee's electric system have not been determined by the Commission, the actual legitimate original cost (less retirements plus additions and betterments) less average accumulated depreciation thereon for such projects shall be substituted in 3(b) above, until such time as the net investments for such projects are fixed.

(4) To the extent that the earnings allocated to the project for any year exceed the computed fair return upon the net investment of the project, such excess shall be considered earnings in excess of a fair return.

(5) To the extent that the earnings allocated to the project for any year are less than the calculated fair return upon the net investment of the project, such deficit shall be considered earnings less than a fair return.

(6) For years in which earnings allocated to the project are less than a fair return upon the net investment of the project (a) to the extent that net investment is less than the project's actual legitimate original cost (less retirements plus additions and betterments) less accumulated depreciation, the deficit shall be added to the net investment of the project; (b) if the net investment of the project equals the actual legitimate original cost of the project (less retirements plus additions and betterments) less accumulated depreciation thereon, the deficit shall be accumulated for use in future years as a set-off to project earnings in excess of a fair return upon net investment.

(7) For years in which there are project earnings in excess of a fair return upon net investment, such excess earnings (a) shall first be set off against any deficits previously accumulated in accordance with 6(b) above, and (b) any remaining amount shall be deducted from the net investment of the project.

[F.R. Doc. 67-11356; Filed, Sept. 27, 1967; 8:45 a.m.]

Notices

DEPARTMENT OF STATE

[Public Notice 278]

LAKEHEAD PIPE LINE CO., INC.

Notice of Application for Presidential Permit

The Department of State received, on September 15, 1967, an application dated August 31, 1967, from the Lakehead Pipe Line Co., Inc., a Delaware corporation having its main office at 3025 Tower Avenue, Superior, Wis., to construct, connect, operate, and maintain a pipeline system for crude oil and other hydrocarbons from Pembina County, N. Dak., to the international boundary line between the United States and Canada, and to connect such facilities with like facilities in the Province of Manitoba, Canada.

Notice is hereby given that copies of this application are available to the public and that written comments thereon will be received by the Department of State for 30 days from the date of publication of this notice in the FEDERAL REGISTER.

For the Secretary of State.

Dated: September 15, 1967.

MURRAY J. BELMAN,
Deputy Legal Adviser.

[F.R. Doc. 67-11391; Filed, Sept. 27, 1967; 8:47 a.m.]

Agency for International Development

DIRECTOR, TECHNICAL ADVISORY STAFF

Redelegation of Authority

Pursuant to the authority delegated to me by paragraph 2.B. of Delegation of Authority No. 70 from the Administrator dated May 25, 1967 (32 F.R. 8041), I hereby redelegate for countries or areas within the responsibility of this Regional Bureau, authority to the Director, Technical Advisory Staff, to sign or approve Project Implementation Orders—Technical Services (PIO/T).

The authority herein redelegated may be exercised by a person who is performing the functions of the Director, Technical Advisory Staff, in an "Acting" capacity. The authority is to be exercised in accordance with regulations, procedures, and policies now or hereafter established or modified and promulgated within A.I.D.

The authority redelegated herein may be further redelegated only to the Deputy Director, Technical Advisory Staff.

The Redelegation of Authority to the Chief, Contract Staff, dated June 28, 1962, as amended March 2, 1967 (32 F.R. 3948), remains in full force and effect except for item (3) which is hereby revoked.

This Redelegation of Authority shall be effective immediately.

Dated: September 15, 1967.

JOHN C. BULLITT,
Assistant Administrator,
East Asia.

[F.R. Doc. 67-11392; Filed, Sept. 27, 1967; 8:48 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 67-223]

WHITE OR IRISH POTATOES, OTHER THAN CERTIFIED SEED

Tariff-Rate Quota

SEPTEMBER 22, 1967.

The tariff-rate quota for white or Irish potatoes, other than certified seed, pursuant to item 137.25, Tariff Schedules of the United States, for the 12-month period beginning September 15, 1967, is 45 million pounds.

The estimate of the production of white or Irish potatoes, including seed potatoes, in the United States for the calendar year 1967, made by the U.S. Department of Agriculture as of September 1, 1967, was 29,793,500,000 pounds.

In accordance with headnote 2, part 8A of schedule 1, Tariff Schedules of the United States, the quantity is not increased because the estimated production is greater than 21 billion pounds.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[F.R. Doc. 67-11402; Filed, Sept. 27, 1967; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[R-702]

CALIFORNIA

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

SEPTEMBER 22, 1967.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple-use management the public lands described in paragraph 3 below, together with any lands therein that may become public lands in the future. As used herein, "Public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C. Chs. 7 and 9; 25 U.S.C. sec. 334), from sale under section 2455 of the Revised Statutes as amended (43 U.S.C. 1171), and the lands described in paragraph 4 from appropriation under the Mining laws (30 U.S.C. 21). The lands shall remain open to all other-applicable forms of appropriation.

3. The public lands are located in eastern Riverside and Imperial Counties and are shown on the Chuckwalla Planning Unit Classification Map, which is on file in the Riverside District and Land Office, Bureau of Land Management, Calif.

The overall descriptions of the areas are as follows:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 5 S., R. 12 E.,
Secs. 35 and 36.
T. 6 S., R. 12 E.
T. 7 S., R. 12 E.
T. 8 S., R. 12 E.,
Secs. 1 to 17, inclusive;
Secs. 20 to 28, inclusive;
Secs. 35 and 36.
T. 9 S., R. 12 E.,
Secs. 1 and 12.
T. 3 S., R. 13 E.,
Secs. 19 to 36, inclusive.
T. 4 S., R. 13 E.
T. 5 S., R. 13 E.,
Secs. 1 to 5, inclusive;
Secs. 8 to 17, inclusive;
Secs. 20 to 36, inclusive.
T. 6 S., R. 13 E.
T. 7 S., R. 13 E.
T. 8 S., R. 13 E.
T. 9 S., R. 13 E.,
Secs. 1 to 18, inclusive;
Secs. 20 to 27, inclusive;
Sec. 36.
T. 3 S., R. 14 E.,
Secs. 19 to 36, inclusive;
T. 4 S., R. 14 E.,
Sec. 1, lots 4, 6, and 7, SW¼NW¼, SW¼, NW¼SE¼, and S½SE¼;
Sec. 2, lots 1, 2, 3, and 4, S½NE¼, SE¼NW¼, S½SW¼, N½NE¼SE¼, NE¼NW¼SE¼, SW¼SE¼, and W½SE¼SE¼;
Secs. 3 to 36, inclusive.
T. 5 S., R. 14 E.
T. 6 S., R. 14 E.
T. 7 S., R. 14 E.
T. 8 S., R. 14 E.
T. 9 S., R. 14 E.
T. 10 S., R. 14 E.,
Secs. 1 to 6, inclusive;
Secs. 8 to 16, inclusive;
Secs. 22 to 26, inclusive;
Sec. 36.
T. 2 S., R. 15 E.,
Sec. 1.
T. 3 S., R. 15 E.,
Secs. 13 to 17, inclusive;
Secs. 19 to 36, inclusive.

T. 4 S., R. 15 E.,
Secs. 1 to 5, inclusive;
Sec. 6, S½ lot 2 of SW¼, E½NE¼, and E½SE¼;
Secs. 7 to 36, inclusive.
T. 5 S., R. 15 E.
T. 6 S., R. 15 E.
T. 7 S., R. 15 E.
T. 8 S., R. 15 E.
T. 9 S., R. 15 E.
T. 10 S., R. 15 E.
T. 11 S., R. 15 E.
Secs. 1 to 6, inclusive;
Secs. 8 to 16, inclusive;
Secs. 21 to 27, inclusive;
Secs. 35 and 36.
T. 12 S., R. 15 E.,
Sec. 1.
T. 1 S., R. 16 E.,
Secs. 21 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 2 S., R. 16 E.,
Secs. 1 to 17, inclusive;
Secs. 20 to 29, inclusive;
Secs. 32 to 36, inclusive.
T. 3 S., R. 16 E.,
Secs. 1 to 5, inclusive;
Secs. 8 to 36, inclusive.
T. 4 S., R. 16 E.
T. 5 S., R. 16 E.
T. 6 S., R. 16 E.
T. 7 S., R. 16 E.
T. 8 S., R. 16 E.
T. 9 S., R. 16 E.
T. 10 S., R. 16 E.
T. 11 S., R. 16 E.
T. 12 S., R. 16 E.,
Secs. 1 to 3, inclusive;
Sec. 4, N½, N½NE¼SW¼, SE¼NE¼SW¼, W½SW¼SW¼, SE¼SW¼SW¼, SW¼SE¼SW¼, N½SE¼, N½SW¼SE¼, SE¼SW¼SE¼, and SE¼SE¼;
Secs. 5 to 9, inclusive;
Sec. 10, NE¼, N½NW¼, NE¼SW¼NW¼, N½SE¼NW¼, SE¼SE¼NW¼, SW¼NE¼SW¼, NW¼NW¼SW¼, S½NW¼SW¼, SW¼SW¼, SE¼SW¼, NE¼SE¼, N½NW¼SE¼, SE¼NW¼SE¼, NE¼SE¼SE¼, and SW¼SW¼SE¼;
Secs. 11 to 29, inclusive;
Secs. 35 and 36.
T. 13 S., R. 16 E.,
Sec. 1.
T. 1 S., R. 17 E.,
Secs. 19 to 36, inclusive.
T. 2 S., R. 17 E.
T. 3 S., R. 17 E.
T. 4 S., R. 17 E.
T. 5 S., R. 17 E.
T. 6 S., R. 17 E.
T. 7 S., R. 17 E.
T. 8 S., R. 17 E.
T. 9 S., R. 17 E.
T. 10 S., R. 17 E.
T. 11 S., R. 17 E.
T. 12 S., R. 17 E.
T. 13 S., R. 17 E.,
Secs. 1 to 17, inclusive;
Secs. 20 to 28, inclusive;
Secs. 34, 35, and 36.
T. 13 S., R. 17½ E.
T. 14 S., R. 17 E.,
Secs. 1, 2, 12, 13, and 24.
T. 1 S., R. 18 E.,
Secs. 19 to 36, inclusive.
T. 2 S., R. 18 E.
T. 3 S., R. 18 E.
T. 4 S., R. 18 E.
T. 5 S., R. 18 E.
T. 6 S., R. 18 E.
T. 7 S., R. 18 E.
T. 8 S., R. 18 E.
T. 9 S., R. 18 E.
T. 10 S., R. 18 E.
T. 11 S., R. 18 E.
T. 12 S., R. 18 E.
T. 13 S., R. 18 E.
T. 14 S., R. 18 E.
T. 15 S., R. 18 E.,
Secs. 1 to 5, inclusive;
Secs. 9 to 16, inclusive;
Secs. 22 to 26, inclusive;
Sec. 36.
T. 1 S., R. 19 E.,
Secs. 19 to 36, inclusive.
T. 2 S., R. 19 E.
T. 3 S., R. 19 E.
T. 4 S., R. 19 E.
T. 5 S., R. 19 E.
T. 6 S., R. 19 E.
T. 7 S., R. 19 E.
T. 8 S., R. 19 E.
T. 9 S., R. 19 E.
T. 10 S., R. 19 E.
T. 11 S., R. 19 E.
T. 12 S., R. 19 E.
T. 13 S., R. 19 E.
T. 14 S., R. 19 E.
T. 15 S., R. 19 E.
T. 16 S., R. 19 E.
Secs. 1 to 5, inclusive;
Secs. 10 to 14, inclusive;
Secs. 24 and 25.
T. 1 S., R. 20 E.,
Secs. 19 to 36, inclusive.
T. 2 S., R. 20 E.
T. 3 S., R. 20 E.
T. 4 S., R. 20 E.
T. 5 S., R. 20 E.
T. 6 S., R. 20 E.
T. 7 S., R. 20 E.
T. 8 S., R. 20 E.
T. 9 S., R. 20 E.
T. 10 S., R. 20 E.
T. 11 S., R. 20 E.
T. 12 S., R. 20 E.
T. 13 S., R. 20 E.
T. 14 S., R. 20 E.
T. 15 S., R. 20 E.
T. 16 S., R. 20 E.
T. 17 S., R. 20 E.
T. 1 S., R. 21 E.,
Secs. 19 to 36, inclusive.
T. 2 S., R. 21 E.
T. 3 S., R. 21 E.
T. 4 S., R. 21 E.
T. 5 S., R. 21 E.
T. 6 S., R. 21 E.
T. 7 S., R. 21 E.
T. 8 S., R. 21 E.
T. 8½ S., R. 21 E.,
Sec. 31.
T. 14 S., R. 21 E.
T. 15 S., R. 21 E.
T. 1 S., R. 22 E.,
Secs. 19 to 36, inclusive.
T. 2 S., R. 22 E.
T. 3 S., R. 22 E.
T. 4 S., R. 22 E.
T. 5 S., R. 22 E.
T. 6 S., R. 22 E.
T. 7 S., R. 22 E.
T. 13½ S., R. 22 E.
Secs. 31 to 36, inclusive.
T. 14 S., R. 22 E.
T. 15 S., R. 22 E.
T. 1 S., R. 23 E.,
Secs. 19 to 36, inclusive.

Segregated lands. 4. As provided in paragraph 2 above, the following lands are further segregated from appropriation under the mining laws (totaling approximately 12,575 acres in Riverside and Imperial Counties, Calif.).

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 5 S., R. 13 E.,
Sec. 14, SE¼SE¼SW¼, unsurveyed;
Sec. 23, W½NW¼NE¼, SE¼NW¼NE¼, SW¼NE¼, W½SE¼NE¼, E½NE¼NW¼, SW¼SE¼NW¼, E½SE¼NW¼, SW¼, NW¼NE¼SE¼, NW¼SE¼, and W½SW¼SE¼, unsurveyed;
Sec. 26, NW¼NW¼NE¼, N½N½NW¼, SW¼NE¼NW¼, S½NW¼NW¼, and W½SW¼NW¼, unsurveyed;
Sec. 27, E½NE¼, unsurveyed.
T. 5 S., R. 15 E.,
Sec. 32, N½S½ and S½SE¼, unsurveyed;
Sec. 33, SW¼SW¼, unsurveyed.
T. 4 S., R. 16 E.,
Sec. 26, SW¼NW¼ and W½SW¼;
Sec. 27, S½NE¼, SE¼NW¼, and S½;
Sec. 28, SE¼;
Sec. 33, N½NE¼;
Sec. 34, N½N½.
T. 6 S., R. 16 E.,
Sec. 19, SW¼NE¼, S½NW¼, N½SW¼, and SE¼, unsurveyed;
Sec. 20, SW¼ and S½SE¼, unsurveyed;
Sec. 21, S½SW¼, unsurveyed;
Sec. 28, NW¼NE¼, S½NE¼, NW¼, and N½S½, unsurveyed;
Sec. 29, E½NE¼, NW¼NE¼, N½NW¼, and NE¼SE¼, unsurveyed.
T. 13 S., R. 18 E.,
Sec. 12;
Sec. 13, SE¼;
Sec. 14, N½ and SW¼;
Sec. 22;
Sec. 23, SE¼;
Sec. 24.
T. 13 S., R. 19 E.,
Sec. 7, S½;
Sec. 8, SW¼;
Sec. 17, W½;
Secs. 18 and 19.
T. 3 S., R. 20 E.,
Sec. 21, E½SE¼SE¼, unsurveyed;
Sec. 22, SW¼SW¼, unsurveyed;
Sec. 27, NW¼NW¼, unsurveyed;
Sec. 28, E½NE¼NE¼, unsurveyed.
T. 5 S., R. 20 E.,
Sec. 17, S½NE¼ and N½SE¼, unsurveyed.
T. 6 S., R. 20 E.,
Sec. 4, N½NW¼;
Sec. 5, N½NE¼;
Sec. 22, NE¼NE¼, unsurveyed, and SE¼NE¼;
Sec. 23, N½, unsurveyed;
Sec. 24, N½, excluding M–S. 6400–B, unsurveyed.
T. 8 S., R. 20 E.,
Sec. 9, E½ and E½W½;
Sec. 20, E½, unsurveyed;
Sec. 21, W½, unsurveyed;
Sec. 28, W½, unsurveyed;
Sec. 29, E½ and E½W½, unsurveyed;
Sec. 32, NE¼ and E½NW¼, unsurveyed;
Sec. 33, W½NW¼, unsurveyed.
T. 9 S., R. 20 E.,
Sec. 3, S½S½, unsurveyed;
Sec. 10, N½, unsurveyed.
T. 10 S., R. 20 E.,
Sec. 22.
T. 6 S., R. 21 E.,
Sec. 18, lot 14.
T. 7 S., R. 21 E.,
Sec. 30, NE¼NE¼, E½NW¼NE¼, NE¼SW¼NE¼, and N½SE¼NE¼.
T. 4 S., R. 22 E.,
Sec. 9, SE¼NE¼SW¼, NE¼SE¼SW¼, S½NW¼SE¼, and N½SW¼SE¼, unsurveyed.

5. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Manager, Riverside District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502, or at the public hearing.

6. A public hearing on the proposed classification will be held on October 26, 1967, at 10 a.m., in the city hall, El Centro, Calif.

For the State Director.

HALL H. MCCLAIN,
Manager, Riverside District and Land Office.

[F.R. Doc. 67-11370; Filed, Sept. 27, 1967; 8:45 a.m.]

[S 572]

CALIFORNIA

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

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple-use management, the public lands in paragraph 3 together with any lands in the areas described in paragraph 3 that may become public lands in the future. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Publication of this notice has the effect of segregating (a) all public lands described below from appropriation only under the agricultural land laws (43 U.S.C. Chs. 7 and 9, and 25 U.S.C. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171) and (b) the lands described in paragraph 4 from further appropriation under the mining laws (30 U.S.C. Ch. 2). The lands shall remain open to all other applicable forms of appropriation.

3. The public lands are located within the following described areas within Placer and El Dorado Counties, west of the Tahoe and Eldorado National Forests. For the purposes of this proposed classification, the lands have been subdivided into blocks, each of which has been analyzed in detail and described in documents and on maps available for inspection at the Folsom District Office, Bureau of Land Management, 63 Natoma Street, Folsom, Calif. 95630, and in the Sacramento Land Office, Bureau of Land Management, 650 Capitol Mall, Sacramento, Calif. 95814. The overall descriptions of the areas are as follows:

MOUNT DIABLO MERIDIAN, CALIFORNIA

BLOCK NO. I

All public lands in:
T. 15 N., R. 9 E.,
Secs. 12, 13, 14, 22, 23, and 24.
T. 15 N., R. 10 E.,
N½ sec. 1, N½ sec. 2, secs. 3 to 8, inclusive, secs. 18 and 19.
T. 16 N., R. 10 E.,
Secs. 24 to 27, inclusive, and secs. 33 to 36, inclusive.
Except the following public lands:
T. 15 N., R. 10 E.,
Sec. 2, E½ lot 5;
Sec. 8, W½SE¼.

BLOCK NO. II

All public lands in:
T. 15 N., R. 9 E.,
Secs. 25 and 36.
T. 15 N., R. 10 E.,
S½ sec. 1, S½ sec. 2, secs. 9 to 12, inclusive, secs. 14 to 17, inclusive, secs. 20 to 22, inclusive, and secs. 27 to 33, inclusive.

BLOCK NO. III

All public lands in:
T. 12 N., R. 9 E.,
Secs. 1 to 6, inclusive.
T. 13 N., R. 9 E.,
Secs. 1 and 2, secs. 10 to 15, inclusive, and secs. 22 to 36, inclusive.
T. 14 N., R. 9 E.,
Secs. 1, 12, 13, 24, 25, 35, and 36.
T. 13 N., R. 10 E.,
Secs. 1 to 32, inclusive.
T. 14 N., R. 10 E.
T. 15 N., R. 10 E.,
Secs. 13, 23, 24, 25, 26, 34, 35, and 36.

BLOCK NO. IV

All public lands in:
T. 11 N., R. 10 E.,
Secs. 1 to 30, inclusive.
T. 12 N., R. 10 E.
T. 13 N., R. 10 E.,
Secs. 33 to 36, inclusive.
T. 11 N., R. 11 E.,
Secs. 4 to 9, inclusive, secs. 16 to 21, inclusive, secs. 28 to 30, inclusive, secs. 32 and 33.
T. 12 N., R. 11 E.,
Secs. 17 to 20, inclusive, and secs. 29 to 32, inclusive.
Except the following public land:
T. 12 N., R. 10 E.,
Sec. 27, lot 3.

BLOCK NO. V

All public lands in:
T. 9 N., R. 10 E.,
Secs. 1, 12, 13, 14, 23, 24, 25, and 26.
T. 9 N., R. 11 E.,
Secs. 1, 6, and 7, and secs. 12 to 30, inclusive.
T. 9 N., R. 12 E.,
Secs. 1 to 30, inclusive.

BLOCK NO. VI

All public lands in:
T. 12 N., R. 8 E.,
Sec. 25, north extension of Mineral Survey 6091, NW¼NW¼, exclusive of Mineral Survey 6091, and north extension of Mineral Survey 6091, SW¼NW¼, exclusive of Mineral Survey 6091; and S½ SE¼NW¼, exclusive of Mineral Survey 6091.
T. 8 N., R. 9 E.,
Sec. 13, E½SE¼;
Sec. 24, lots 1, 2, and 3, unpatented portion of New Virginia Quartz Mine of Mineral Survey 3904, and E½E½;
Sec. 25, lots 1, 2, and 3, and E½NW¼;
Sec. 26, SE¼NE¼NE¼ and NE¼SE¼NE¼.
T. 8 N., R. 10 E.,
Sec. 2, lots 2, 6, 7, and 39, exclusive of Mineral Survey 5421;
Sec. 18, lots 1, 2, 3, and 4, and E½SW¼;
Sec. 19, lots 1, 2, 3, and 4, and E½W½;
Sec. 22, S½NW¼;
Sec. 30, lots 1 and 2, and NE¼NW¼.
T. 8 N., R. 12 E.,
Sec. 1, N½SW¼;
Sec. 13, NE¼SE¼.
T. 8 N., R. 13 E.,
Sec. 4, N½SW¼SW¼ and N½S½SW¼SW¼;
Sec. 18, lot 3, N½ lot 4, lot 8, S½SE¼NE¼NE¼NW¼, N½NE¼SE¼NE¼NW¼, S½N½S½SE¼NW¼, S½N½NE¼SW¼, SW¼NE¼SW¼, and N½SE¼SW¼.

The public lands proposed to be classified aggregate approximately 21,051 acres.

4. As provided in paragraph 2 above, the following lands are segregated from appropriation under the mining laws (totaling approximately 8,294 acres):

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 12 N., R. 8 E.,
Sec. 25, North extension of Mineral Survey 6091, NW¼NW¼, exclusive of Mineral Survey 6091, and north extension of Mineral Survey 6091, SW¼NW¼, exclusive of Mineral Survey 6091, and S½ SE¼NW¼, exclusive of Mineral Survey 6091.
T. 8 N., R. 9 E.,
Sec. 13, E½SE¼;
Sec. 24, lots 1, 2, and 3, unpatented portion of New Virginia Quartz Mine of Mineral Survey 3904, and E½E½;
Sec. 25, lots 1 and 3, and E½NW¼;
Sec. 26, SE¼NE¼NE¼ and NE¼SE¼NE¼.
T. 13 N., R. 9 E.,
Sec. 1, portion of lot 51;
Sec. 2, lots 2 and 7, N½SW¼, SW¼SW¼, N½SE¼SW¼, and SW¼SE¼SW¼;
Sec. 11, S½SW¼;
Sec. 13, SE¼SE¼;
Sec. 22, N½SW¼ and SW¼SW¼;
Sec. 23, lot 41;
Sec. 24, lot 1, exclusive of Mineral Survey 5487, lot 2, exclusive of Mineral Surveys 5487, 5488, 4962, and 5209, and SE¼ SW¼, exclusive of Mineral Survey 5488;
Sec. 25, Mineral Survey 4343;
Sec. 28, NE¼NE¼, S½NW¼NE¼, SE¼ NW¼, NW¼SW¼, N½SW¼SW¼, E½ SW¼SW¼SW¼, and W½SE¼SW¼ SW¼;
Sec. 34, lot 4;
Sec. 36, lots 1, 2, and 3.
T. 14 N., R. 9 E.,
Sec. 1, lot 5;
Sec. 24, SW¼;
Sec. 25, lot 1, exclusive of Mineral Survey 5816, lots 3, 4, 5, and 6, and W½SW¼;
Sec. 35, lots 1 and 3, NE¼, E½NW¼, SW¼ SW¼, and NE¼SE¼;
Sec. 36, NW¼.
T. 8 N., R. 10 E.,
Sec. 2, lots 2, 6, 7, and 39, exclusive of Mineral Survey 5421;
Sec. 18, lots 1, 2, 3, and 4, and E½SW¼;
Sec. 19, lots 1, 2, 3, and 4, and E½W½;
Sec. 30, lots 1 and 2, and NE¼NW¼.
T. 9 N., R. 10 E.,
Sec. 13, lot 1, exclusive of lot 55, Mineral Surveys 5423 and 5552, lots 8, 9, and 15;
Sec. 24, N½NW¼, exclusive of Mineral Survey 4749.
T. 11 N., R. 10 E.,
Sec. 2, lot 13.
T. 12 N., R. 10 E.,
Sec. 1, lot 2, exclusive of Mineral Survey 6312, and SW¼NE¼, exclusive of Mineral Survey 6312;
Sec. 7, lots 1, 19, 20, 21, and 22;
Sec. 15, lot 1, N½NE¼, SW¼NE¼, N½ SE¼NE¼, and SW¼SE¼NE¼;
Sec. 17, lots 8, 9, 10, 11, 12, 13, and 16, and E½SW¼NW¼.
T. 13 N., R. 10 E.,
Sec. 2, lot 1, lots 3 to 7, inclusive, and lots 10 to 14, inclusive;
Sec. 3, lots 4 and 5, and lots 8 to 12, inclusive;
Sec. 4, lots 48, 49, 50, and 51;
Sec. 9, lots 8, 12, and 13, and SW¼NE¼;
Sec. 10, lots 1, 2, and 3, and lots 5 to 9, inclusive, E½NE¼, E½NW¼, and SW¼ NW¼;
Sec. 18, lots 1, 2, 3, and 4, S½ lot 5, S½ lot 8, lots 11 and 13;
Sec. 19, lot 24;
Sec. 20, lot 1 and N½NE¼.

T. 14 N., R. 10 E.,
Sec. 18, lots 2, 7, 10, and 15;
Sec. 30, lots 8 and 16, NE¼, E½NW¼, SE¼ SW¼, and SW¼SE¼.
T. 15 N., R. 10 E.,
Sec. 1, lot 68;
Sec. 22, SE¼, exclusive of lot 104;
Sec. 23, S½S½NE¼, NW¼SE¼, NW¼SE¼ SE¼, and NE¼SE¼.
T. 9 N., R. 11 E.,
Sec. 7, E½NW¼ and NE¼SW¼;
Sec. 18, E½NW¼.
T. 11 N., R. 11 E.,
Sec. 20, N½NW¼ and SW¼SE¼.
T. 9 N., R. 12 E.,
Sec. 14, SW¼SW¼;
Sec. 15, S½S½;
Sec. 17, E½NE¼, S½SW¼, and N½SE¼;
Sec. 18, N½SE¼SE¼ and W½SW¼SE¼ SE¼;
Sec. 19, lot 1 and NE¼SW¼;
Sec. 20, SE¼NE¼ and NE¼NW¼;
Sec. 21, S½NE¼NE¼ and SE¼NE¼;
Sec. 22, N½NE¼, SW¼NE¼, S½SE¼NE¼, NE¼NW¼, S½NW¼, and N½SW¼;
Sec. 23, NW¼NW¼, S½NW¼, NE¼SW¼, and SE¼;
Sec. 24, lots 1, 2, 4, and 39, N½SW¼, SW¼ SW¼, and NW¼SE¼;
Sec. 25, lots 1 and 4, E½NE¼, E½NW¼ NE¼, SW¼NE¼, and E½NE¼SW¼;
Sec. 26, NE¼NE¼, S½NE¼, NW¼NW¼, and SE¼NW¼;

5. For a period of sixty (60) days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Folsom District Manager, Bureau of Land Management, 63 Natoma Street, Folsom, Calif. 95630, or at the public hearing.

6. A public hearing on this proposed classification will be held at 10 a.m. on October 19, 1967, in the Auburn Veteran's Memorial Building, East Street, Auburn, Calif. 95603.

For the State Director.

H. CURT HAMMIT,
District Manager.

[F.R. Doc. 67-11371; Filed, Sept. 27, 1967; 8:45 a.m.]

[S 857]

CALIFORNIA

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

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411–18), and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple-use management all the public lands in Blocks I and II together with any lands in the areas described in Blocks I and II that may become public lands in the future. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Publication of this notice has the effect of segregating (a) all public lands described in Blocks I and II from appropriation only under the agricultural land laws (43 U.S.C. Chs. 7 and 9, and 25 U.S.C. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171) and (b) the lands described under Block I from further appropriation under the mining laws (30 U.S.C., Ch. 2). The lands shall remain open to all other applicable forms of appropriation.

3. The public lands are located within Santa Clara and Stanislaus Counties. For the purpose of this proposed classification, the lands have been subdivided into blocks, each of which has been analyzed in detail and described in documents and on maps available for inspection at the Folsom District Office, Bureau of Land Management, 63 Natoma Street, Folsom, Calif. 95630, and in the Sacramento Land Office, Bureau of Land Management, 650 Capitol Mall, Sacramento, Calif. 95814. The overall descriptions of the areas are as follows:

MOUNT DIABLO MERIDIAN, CALIFORNIA

BLOCK NO. II

All public lands in:
T. 6 S., R. 4 E.,
Secs. 1, 2, 11, 12, 13, and 14.
T. 6 S., R. 5 E.,
Secs. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, and 24.

The public lands proposed to be classified in Block II aggregate approximately 4,784 acres.

BLOCK NO. I

All public lands in:
T. 7 S., R. 4 E.,
Secs. 25, 26, 27, 32, 34, 35, and 36.
T. 8 S., R. 4 E.,
Secs. 1 to 18, inclusive, secs. 23 and 24.
T. 9 S., R. 4 E.,
Sec. 18, NW¼NE¼.
T. 7 S., R. 5 E.,
Secs. 30 and 31.
T. 8 S., R. 5 E.,
Secs. 6, 7, 18, and 19.

The public lands proposed to be classified in Block I aggregate approximately 6,616 acres.

4. For a period of sixty (60) days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Folsom District Manager, Bureau of Land Management, 63 Natoma Street, Folsom, Calif. 95630, or at the public hearing.

5. A public hearing will be held if sufficient public interest is shown.

For the State Director.

H. CURT HAMMIT,
District Manager.

[F.R. Doc. 67-11372; Filed, Sept. 27, 1967; 8:46 a.m.]

[Colorado C-2684]

COLORADO

Proposed Classification of Public Lands for Multiple-Use Management

SEPTEMBER 18, 1967.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple-use management the public lands within the areas described below, together with any lands therein that may become public lands in the future. Publication of this notice has the effect of segregating all the lands described in this notice from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9, 25 U.S.C. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171), and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used in this order, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Public lands proposed for classification are located within the following described areas and are shown on maps on file in the Glenwood Springs District Office, Bureau of Land Management, Glenwood Village Inn, Glenwood Springs, Colo. 81601; and Land Office, Bureau of Land Management, Room 15019, Federal Building, Denver, Colo. 80202.

SIXTH PRINCIPAL MERIDIAN

GRAND COUNTY

T. 1 N., R. 78 W.,
Secs. 3 to 9, inclusive;
Secs. 17 and 18.
T. 1 N., R. 79 W.,
Secs. 1 to 12, inclusive.
T. 1 N., R. 80 W.,
Secs. 1 to 11, inclusive;
Sec. 15.
T. 1 N., R. 81 W.,
Sec. 1.
T. 2 N., R. 77 W.,
Secs. 3 to 10, inclusive;
Secs. 15 to 22, inclusive;
Secs. 27 to 30, inclusive.
T. 2 N., R. 78 W.,
Secs. 12 to 15, inclusive;
Secs. 19 to 36, inclusive.
T. 2 N., R. 79 W.,
Secs. 13 to 36, inclusive.
T. 2 N., R. 80 W.,
Secs. 3 to 11, inclusive;
Secs. 15 to 22, inclusive;
Secs. 25 to 35, inclusive.
T. 2 N., R. 81 W.,
Secs. 23 to 26, inclusive.
T. 3 N., R. 77 W.,
Secs. 20 and 21;
Secs. 26 to 28, inclusive;
Secs. 33 and 34.
T. 3 N., R. 79 W.,
Secs. 7, 18, 19, 30, and 31.
T. 3 N., R. 80 W.,
Secs. 1 to 5, inclusive;
Secs. 7 to 36, inclusive.
T. 3 N., R. 81 W.,
Secs. 12 to 15, inclusive;
Secs. 22 to 28, inclusive;
Secs. 33 to 35, inclusive.

The areas described aggregate approximately 83,800 acres of public lands.

3. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their view in writing to the District Manager, Bureau of Land Management, Glenwood Springs, Colo. 81601.

4. A public hearing on the proposed classification will be held at 10 a.m., October 10, 1967, in the Grand County Courthouse in Hot Sulphur Springs, Colo.

J. ELLIOTT HALL,
Acting State Director.

[F.R. Doc. 67-11373; Filed, Sept. 27, 1967; 8:46 a.m.]

[C-2285]

COLORADO

Notice of Classification of Public Lands for Multiple-Use Management

SEPTEMBER 13, 1967.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18), and to the regulations in 43 CFR Parts 2410 and 2411, the public lands within the areas described below, together with any lands therein that may become public lands in the future are hereby classified for multiple-use management. Publication of this notice segregates all the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9, 25 U.S.C. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). The described lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. No protests or objections were received following publication of a notice of proposed classification (32 F.R. 9997), or at the public hearing at Montrose, Colo., which was held on August 11, 1967. Therefore, no changes have been made in the list of lands included in the classification. The record showing the comments received and other information is on file and can be examined in the Montrose District Office, Bureau of Land Management, Highway 550 South, Montrose, Colo. 81401. The public lands affected by this classification are located within the following described area and are shown on a map designated by Serial No. C–2285 in the Montrose District Office, Highway 550 South, Montrose, Colo. 81401, and at the Land Office of the Bureau of Land Management, Room 15019, Federal Building, 1961 Stout Street, Denver, Colo. 80202.

SIXTH PRINCIPAL MERIDIAN, COLORADO

DELTA, MONTROSE, AND MESA COUNTIES

T. 12 S., R. 95 W.,
Secs. 33 and 34.
T. 13 S., R. 95 W.,
Secs. 4, 5, 6, 8, 9, and 10;
Secs. 16 to 21, inclusive;
Secs. 28 to 32, inclusive;
Sec. 34.
T. 13 S., R. 96 W.,
Secs. 24 to 27, inclusive;
Secs. 34, 35, and 36.
T. 13 S., R. 97 W.,
Secs. 32 and 33.
T. 14 S., R. 95 W.,
Secs. 3 to 10, inclusive;
Secs. 15 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 14 S., R. 96 W.,
Secs. 1 to 36, inclusive.
T. 14 S., R. 97 W.,
Secs. 1 to 12, inclusive;
Secs. 14, 23, 25, 26, 35, and 36.
T. 14 S., R. 98 W.,
Secs. 1 and 2;
Secs. 9 to 12, inclusive;
Secs. 14 to 17, inclusive;
Secs. 19 to 23, inclusive;
Secs. 26 to 35, inclusive.
T. 15 S., R. 93 W.,
Secs. 5 to 8, inclusive;
Secs. 17 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 15 S., R. 94 W.,
Secs. 1, 5, 6, 8, 9, 12, 13, 15, 16, and 17;
Secs. 20 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 15 S., R. 95 W.,
Secs. 4 and 5.
T. 15 S., R. 96 W.,
Secs. 1 to 9, inclusive;
Secs. 18 and 19.
T. 15 S., R. 97 W.,
Secs. 1, 2, 7, 8, and 9;
Secs. 11 to 36, inclusive.
T. 15 S., R. 98 W.,
Secs. 2 to 36, inclusive.
T. 15 S., R. 99 W.,
Secs. 24, 25, and 26;
Secs. 32 to 36, inclusive.

NEW MEXICO PRINCIPAL MERIDIAN

DELTA, MONTROSE, AND MESA COUNTIES

T. 49 N., R. 11 W.,
Secs. 5 and 6.
T. 49 N., R. 12 W.,
Secs. 1 to 6, inclusive.
T. 49 N., R. 13 W.,
Secs. 1 to 5, inclusive.
T. 50 N., R. 8 W.,
Secs. 5, 6, and 7.
T. 50 N., R. 9 W.,
Secs. 1 and 2.
T. 50 N., R. 11 W.,
Secs. 5 to 8, inclusive;
Secs. 17 to 22, inclusive;
Secs. 26 to 36, inclusive.
T. 50 N., R. 12 W.,
Secs. 1 to 36, inclusive.
T. 50 N., R. 13 W.,
Secs. 1 to 17, inclusive;
Secs. 20 to 29, inclusive;
Secs. 33 to 36, inclusive.
T. 50 N., R. 14 W.,
Secs. 1 to 6, inclusive;
Secs. 8 to 12, inclusive.
T. 51 N., R. 8 W.,
Secs. 7 and 8;
Secs. 17 to 20, inclusive;
Secs. 29 to 32, inclusive.
T. 51 N., R. 9 W.,
Secs. 7 to 36, inclusive.
T. 51 N., R. 10 W.,
Secs. 10 to 14, inclusive;
Secs. 23 to 26, inclusive;
Secs. 35 and 36.
T. 51 N., R. 11 W.,
Secs. 19, 30, and 31.
T. 51 N., R. 12 W.,
Secs. 7 to 36, inclusive.
T. 51 N., R. 13 W.,
Secs. 7 to 36, inclusive.
T. 51 N., R. 14 W.,
Secs. 7 to 36, inclusive.

UTE PRINCIPAL MERIDIAN

DELTA COUNTY

T. 3 S., R. 2 E.,
Secs. 35 and 36.
T. 4 S., R. 3 E.,
Secs. 1 to 36, inclusive.

The total area described aggregates approximately 249,350 acres of public land in Delta, Montrose, and Mesa Counties, Colo.

4. For a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240 (43 CFR 2411.1–2(d)).

J. ELLIOTT HALL,
Acting State Director.

[F.R. Doc. 67-11374; Filed, Sept. 27, 1967; 8:46 a.m.]

[C-2702]

COLORADO

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

SEPTEMBER 22, 1967.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18), and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple-use management the public lands within the areas described below, together with any lands therein that may become public lands in the future.

2. Publication of this notice:

(a) Has the effect of segregating all public land described in this notice from appropriation only under the agricultural land laws (43 U.S.C., Parts 7 and 9; 25 U.S.C. sec. 334); Small Tract Act of June 1, 1938, as amended (43 U.S.C. 682 (a) and (b)); from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171); and

(b) Further segregates the lands described in paragraph 4 of this notice from the operation of the general mining laws (30 U.S.C. 21) but not from the mineral leasing laws.

The lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws; the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869; 869–1 to 869–4); Public Land Sale Act of September 19, 1964 (43 U.S.C. 1421–27); exchanges under section 8, Taylor Grazing Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g). As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

3. The public lands proposed for classification are located within the following described area and are shown on maps on file in the Grand Junction District Office, Bureau of Land Management, Federal Building, Fourth and Rood, Grand Junction, Colo.; and the Land Office, Bureau of Land Management, 1961 Stout Street, Denver, Colo.

SIXTH PRINCIPAL MERIDIAN, COLORADO

MESA COUNTY

Block I

T. 11 S., R. 103 W.,
Secs. 32 through 35, south of upper rim on north side of Sieber Canyon.
T. 12 S., R. 103 W.,
Secs. 1 through 4;
Sec. 5, E½; and portion of SW¼, south of south rim of Sieber Canyon;
Sec. 6, portion of S½SE¼, south of south rim of Sieber Canyon;
Sec. 7, portion south of south rim of Sieber Canyon and east of east rim of Little Dolores Canyon;
Secs. 8 through 16;
Secs. 17, 18, 20, and 21, east of east rim of Little Dolores Canyon;
Secs. 22 and 23.

Block III

T. 12 S., R. 101 W.,
Sec. 7;
Sec. 18, except lot 7.
T. 12 S., R. 102 W.,
Secs. 1 and 12.

Block IV

T. 12 S., R. 100 W.,
Sec. 31, portion above east Pinon Mesa Rim.
T. 12 S., R. 101 W.,
Secs. 28, 29, 31, 32, 33, 35, and 36.
T. 13 S., R. 100 W.,
Secs. 5 and 6, above east Pinon Mesa Rim;
Sec. 7;
Sec. 8, W½ above east Pinon Mesa Rim;
Sec. 17, W½, W½W½, SE¼SE¼;
Secs. 18, 19, 20;
Sec. 21, SW¼;
Sec. 28, NW¼NE¼ portion of SE¼NE¼ and SW¼, above east Pinon Mesa Rim;
Secs. 29 and 30;
Sec. 31, W½, W½E½, NE¼NE¼;
Sec. 32, portion of N½N½, above Pinon Mesa Rim;
Sec. 33, portion of NW¼NW¼, above Pinon Mesa Rim.
T. 13 S., R. 101 W.,
Secs. 1, 2, 6, 10 through 16;
Sec. 36, SE¼NE¼, NE¼SE¼, SW¼SE¼, SE¼SW¼.

Block V

T. 14 S., R. 101 W.,
Secs. 22 and 23;
Sec. 24, portion above north rim of Unaweep Canyon;
Sec. 25, portion of NW¼NW¼, above north rim of Unaweep Canyon;
Secs. 26 and 27, portion above north rim of Unaweep Canyon;
Sec. 28;
Sec. 29, E½ and SE¼SW¼;
Sec. 32, E½ and E½W½, above north rim of Unaweep Canyon;
Secs. 33 and 34, portion above north rim of Unaweep Canyon.

Block VI

T. 12 S., R. 102 W.,
Sec. 19;
Sec. 27, S½;
Sec. 28, lot 7;
Sec. 29, lots 7, 9, 12, and SE¼SE¼;
Secs. 30 through 34.
T. 12 S., R. 103 W.,
Secs. 24, 25, 26;
Sec. 29, E½, E½W½;
Sec. 32, lots 1, 2, 3, 7, and 8, W½NE¼, NE¼NW¼, NW¼SE¼;
Secs. 35 and 36.
T. 13 S., R. 102 W.,
Secs. 1 through 27;
Secs. 30, 35, and 36.
T. 13 S., R. 103 W.,
Secs. 1 and 2;
Sec. 3, E½, E½W½, W½NW¼;
Sec. 10, E½;
Secs. 11 through 14;
Sec. 15, E½ and that part of SE¼NW¼, E½SW¼, east of continuous rim therein;
Sec. 22, E½, E½W½, and that part of W½W½, east of continuous rim therein;
Secs. 23 and 24.

The areas described aggregate approximately 40,705 acres of public lands.

4. As provided in paragraph 2(b) above, the following lands are further segregated from appropriation under the mining laws (totaling approximately 696.12 acres).

SIXTH PRINCIPAL MERIDIAN, COLORADO

MESA COUNTY

Block IV

T. 12 S., R. 101 W.,
Sec. 28, W½NW¼ and lots 2, 3, 4, and 5;
Sec. 29, lots 1, 8, and 9.

Block VI

T. 12 S., R. 103 W.,
Sec. 26, SW¼SE¼, and Tract No. 1;
Sec. 35, W½NE¼, SE¼NW¼, E½SW¼, and Tract No. 2.
T. 13 S., R. 102 W.,
Sec. 24, W½SE¼;
Sec. 25, E½NW¼.

5. For a period of sixty (60) days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Grand Junction District Manager, Bureau of Land Management, Federal Building, Fourth and Rood, Grand Junction, Colo.

6. A public hearing on this proposed classification will be held at 8 p.m. on October 19, 1967, in the Courthouse Annex, Room 206A, Grand Junction, Colo.

J. ELLIOTT HALL,
Acting State Director.

[F.R. Doc. 67-11375; Filed, Sept. 27, 1967; 8:46 a.m.]

[Montana 3285]

MONTANA

Order Providing for Opening of Public Lands

SEPTEMBER 21, 1967.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g), the following lands have been reconveyed to the United States:

PRINCIPAL MERIDIAN, MONTANA

T. 28 N., R. 36 E.,
Sec. 9, W½;
Sec. 14, NW¼;
Sec. 15, NE¼ and W½.

The area described contains 960 acres.

2. The above-described lands are located in Valley County, 13 to 14 miles south of Hinsdale, Mont. The lands consist of rolling sage type grassland located in an area of large common grazing allotments. The lands are presently used for grazing livestock. The lands are not suited to cultivation due to topography, soils, and climate.

3. Subject to valid existing rights, the provisions of existing withdrawals, the provisions of the multiple-use classification of August 15, 1966, and the requirements of applicable law, the lands are hereby restored to the public domain status and are open to application, petition, location, and selection. All valid applications received at or prior to 10 a.m., November 2, 1967, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing.

4. The mineral rights in the lands were not exchanged. Therefore, the mineral status of the lands are not affected by this order.

5. Inquiries concerning the lands should be addressed to the Land Office Manager, Bureau of Land Management, Billings, Mont. 59101.

EUGENE H. NEWELL,
Land Office Manager.

[F.R. Doc. 67-11376; Filed, Sept. 27, 1967; 8:46 a.m.]

[Montana 3286]

MONTANA

Order Providing for Opening of Public Lands

SEPTEMBER 20, 1967.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g), the following lands have been reconveyed to the United States:

PRINCIPAL MERIDIAN, MONTANA

T. 15 N., R. 47 E.,
Sec. 29, All;
Sec. 31, lots 1, 2, 3, 4, E½, and E½W½.

The area described contains 1,269.20 acres.

2. The above-described lands are located in Prairie County, 26 air miles northwest of Terry, Mont. The lands are presently used for grazing livestock. The lands are considered too rough for cultivation. The soils are a deep sandy loam, susceptible to erosion.

3. Subject to valid existing rights, the provisions of existing withdrawals, the provisions of the multiple-use classification of May 31, 1967, and the requirements of applicable law, the lands are hereby restored to the public domain status and open to application, petition, location, and selection. All valid applications received at or prior to 10 a.m., November 1, 1967, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The mineral rights in the lands were not exchanged. Therefore, the mineral status of the lands are not affected by this order.

5. Inquiries concerning the lands should be addressed to the Land Office

Manager, Bureau of Land Management, Billings, Mont. 59101.

EUGENE H. NEWELL,
Land Office Manager.

[F.R. Doc. 67-11377; Filed, Sept. 27, 1967; 8:46 a.m.]

[Oregon 018432, 018434]

OREGON

Order Providing for Opening of Public Lands

SEPTEMBER 21, 1967.

1. The State of Oregon has certified that the hereinafter-described lands patented to the State under the provisions of section 4 of the act of August 18, 1894 (28 Stat. 422; 43 U.S.C. 641), as amended, commonly known as the Carey Act, have not been reclaimed as required by the Carey Act, and that water is not available for the irrigation of these tracts. The State of Oregon therefore, has reconveyed the lands to the United States:

WILLAMETTE MERIDIAN

OREGON 018432

T. 17 S., R. 11 E.,
Sec. 1, NE¼SW¼ and NW¼SW¼.

OREGON 018434

T. 16 S., R. 12 E.,
Sec. 12, SE¼SE¼;
Sec. 13, SW¼NE¼, SE¼SW¼, and NW¼SE¼;
Sec. 24, NE¼NW¼;
Sec. 34, SE¼NE¼, NE¼SE¼, SW¼SE¼, and SE¼SE¼;
Sec. 35, NW¼NW¼ and SW¼NW¼.
T. 17 S., R. 12 E.,
Sec. 3, lot 2, SW¼NE¼, and NW¼SE¼.
T. 14 S., R. 13 E.,
Sec. 19, lot 1, NE¼NW¼, SE¼NW¼, and NW¼SE¼.
T. 16 S., R. 13 E.,
Sec. 6, SE¼SW¼.

The areas described aggregate 840.85 acres.

2. The lands are located in Deschutes County. They are semiarid in character and are not suitable for farming.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby open to application, petition, location, and selection. All valid applications received at or prior to 10 a.m., October 27, 1967, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. Inquiries concerning the lands should be addressed to the Chief, Division of Lands and Minerals Program Management and Land Office, Post Office Box 2965, Portland, Oreg. 97208.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 67-11378; Filed, Sept. 27, 1967; 8:47 a.m.]

[Utah 3322]

UTAH

Order Opening Lands to Application, Entry, and Patenting

SEPTEMBER 21, 1967.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

SALT LAKE MERIDIAN

T. 8 N., R. 18 W.,
Sec. 2, all.
T. 10 N., R. 16 W.,
Sec. 16, all.
T. 11 N., R. 17 W.,
Sec. 32, all.

The areas described aggregate 1,919.85 acres.

2. The lands are located in Box Elder County in an area 7 to 20 miles northeast of the town of Lucin, Utah. Soils range from moderately deep clay loam to shallow and rocky. The lands have values for watershed, grazing, wildlife, and recreation which can best be managed under principles of multiple use.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands will at 10 a.m. on November 1, 1967, be opened to application, petition, location, and selection. Minerals in the lands are reserved to the State of Utah. All valid applications received at or prior to 10 a.m. on November 1, 1967, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Bureau of Land Management, Post Office Box 11505, Salt Lake City, Utah 84111.

R. D. NIELSON,
State Director.

[F.R. Doc. 67-11379; Filed, Sept. 27, 1967; 8:47 a.m.]

National Park Service

HOT SPRINGS NATIONAL PARK, ARK.

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5, Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with the Arlington Hotel Co., Inc., authorizing it to continue to provide bathing facilities and services in the bathhalls of the Arlington Hotel for the guests of the said hotel at Hot Springs National Park, Ark., for a period of 5 years from January 1, 1968, through December 31, 1972.

The foregoing concessioner has performed its obligations under the expiring contract to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice.

Interested parties should contact the Chief of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: September 22, 1967.

KARL T. GILBERT,
Acting Assistant Director, National Park Service.

[F.R. Doc. 67-11382; Filed, Sept. 27, 1967; 8:47 a.m.]

HOT SPRINGS NATIONAL PARK, ARK.

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5, Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with the Majestic Hotel Co. authorizing it to continue to provide bathing facilities and services in the bathhalls of the Majestic Hotel for guests of the said hotel at Hot Springs National Park, Ark., for a period of 5 years from January 1, 1968, through December 31, 1972.

The foregoing concessioner has performed its obligations under the expiring contract to the satisfaction of the National Park Service, and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice.

Interested parties should contact the Chief of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: September 22, 1967.

KARL T. GILBERT,
Acting Assistant Director, National Park Service.

[F.R. Doc. 67-11383; Filed, Sept. 27, 1967; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NEW MEXICO AND NORTH DAKOTA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of New Mexico and North Dakota natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NEW MEXICO

Torrance.

NORTH DAKOTA

Benson. Rolette.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 25th day of September 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-11419; Filed, Sept. 27, 1967; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CARLISLE CHEMICAL WORKS, INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (PAP 8B2215) has been filed by Carlisle Chemical Works, Inc., West Street, Reading, Ohio 45215, proposing the issuance of a regulation to provide for the safe use of dimyristyl thiodipropionate as an antioxidant in plastics intended for food-contact use.

Dated: September 20, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-11413; Filed, Sept. 27, 1967; 8:49 a.m.]

[Docket No. FDC-D-105; NDA No. 11-089V]

SALSBURY LABORATORIES

3,5-Dinitrobenzamide; Notice of Withdrawal of Approval of New-Drug Application

Salsbury Laboratories, Charles City, Iowa 50616, the sponsor of new-drug application No. 11-089V covering the drug 3,5-dinitrobenzamide, has requested withdrawal of the approval of their application and thereby has waived the opportunity for a hearing as provided by section 505(e) of the Federal Food, Drug, and Cosmetic Act.

Under the new-drug application approval previously granted, 3,5-dinitrobenzamide is administered in feed to chickens and turkeys as an aid in the prevention and treatment of fowl typhoid, paratyphoid, and pullorum.

The firm has submitted data not available at the time the application was approved which revealed that the drug is not shown to be safe for use under the conditions of use upon the basis of which the application was approved and has requested that approval of their new-drug application No. 11-089V be withdrawn without prejudice to a future filing.

The Commissioner of Food and Drugs, having evaluated the information submitted, and proceeding under the authority vested in the Secretary of Health, Education, and Welfare by the act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and delegated to him by the Secretary (21 CFR 2.120), finds, on the basis of new information evaluated together with the evidence available when the new-drug application was approved, that the application fails to establish that the drug is safe for use under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, on the basis of the foregoing finding of fact and at the request of the applicant, the approval of new-drug application No. 11-089V applying to 3,5-dinitrobenzamide is withdrawn without prejudice to a future filing, effective on the date of signature of this document.

Dated: September 20, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-11414; Filed, Sept. 27, 1967; 8:49 a.m.]

SALSBURY LABORATORIES

Notice of Withdrawal of Petition for Food Additives 3,5-Dinitrobenzamide; Low-Level Antibiotics

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

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Salsbury Laboratories, Charles City, Iowa 50616, has withdrawn its petition (FAP 5D1742), notice of which was published in the FEDERAL REGISTER of May 15, 1965 (30 F.R. 6698), proposing an amendment to § 121.263 *3,5-Dinitrobenzamide* to provide for the use of 3,5-dinitrobenzamide alone or in combination with low-level antibiotics in chicken and turkey feeds as an aid in the prevention or control of early mortality due to fowl typhoid, paratyphoid, and pullorum and for growth promotion and feed efficiency.

Dated: September 20, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-11415; Filed, Sept. 27, 1967; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. PRM-30-37]

GENERAL LABORATORY ASSOCIATES, INC.

Notice of Filing of Petition for Rule Making

Notice is hereby given that General Laboratory Associates, Inc., by letter dated July 26, 1967, has filed with the Commission a petition for rule making to amend the Commission's regulations pertaining to the licensing of byproduct material.

The petitioner requests that the Commission amend its regulation "Licensing of Byproduct Material," 10 CFR Part 30 so as to exempt from licensing requirements spark gap tubes containing up to 30 microcuries of krypton 85.

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

Dated at Germantown, Md., this 22d day of September 1967.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 67-11350; Filed, Sept. 27, 1967; 8:45 a.m.]

[Docket Nos. 50-282, 50-306]

NORTHERN STATES POWER CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses

On April 5, 1967, Northern States Power Co., 414 Nicollet Avenue, Minneapolis, Minn., filed a request for authorization to construct and operate a single pressurized water nuclear reactor (Prairie Island Nuclear Generating Plant Unit 1) at the applicant's site near Red Wing in Goodhue County, Minn., about 28 miles southeast of the St. Paul-Minneapolis metropolitan area. A notice of receipt of this request was published in the FEDERAL REGISTER on June 2, 1967, 32 F.R. 7984.

Northern States Power Co., pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, has filed an application amendment dated August 24, 1967, requesting authorization to construct and operate a second pressurized water nuclear reactor, substantially similar to the first, at the site described above. The proposed reactors, identified as the Prairie Island Nuclear Generating Plant Units 1 and 2, are designed for initial operation at approximately 1650 thermal megawatts per unit with a gross electrical output of approximately 560 megawatts per unit.

Copies of the application and the amendment are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 21st day of September 1967.

For the Atomic Energy Commission.

M. M. MANN,
Acting Director,
Division of Reactor Licensing.

[F.R. Doc. 67-11351; Filed, Sept. 27, 1967; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18104; Order No. E-25727]

UNITED AIR LINES, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22d day of September 1967.

By Order E-25202, May 26, 1967, the Board directed all interested persons to show cause why the Board should not amend the certificate of public convenience and necessity of United Air Lines, Inc. (United), so as to designate San Diego, Calif., a coterminal on United's east-west segment 6 of Route 1, subject to the condition that all flights serving San Diego, on the one hand, and Las Vegas, Denver, or Kansas City, on the other, shall serve Los Angeles as an intermediate point.

Numerous answers and petitions were filed in response to Order E-25202, including a petition for reconsideration by the city of Denver. The Board is prepared to take action now on Denver's petition. The other pleadings are presently under consideration and we will take action thereon subsequent to the disposition of the matters treated herein. In Order E-25202, we indicated that we did not intend to take action by use of the show cause procedure to award United San Diego-Denver nonstop authority; and we referred in that connection to United's small historic stake in this market as compared with that of Western Air Lines, Inc. On reconsideration the city of Denver has requested that we hold an expedited hearing to consider the authorization of unrestricted competitive service in the Denver-San Diego market.

Upon reconsideration of this matter, we tentatively find and conclude that the public convenience and necessity require the authorization of nonstop service in the San Diego-Denver market and that Western's certificate of public convenience and necessity for Route 35 should be amended in such a manner as to authorize Western to provide unrestricted nonstop service in this market.[1]

The San Diego-Denver market generated 116 daily O&D and connecting passengers in 1966 and we tentatively find that this amount of traffic, under the circumstances presented here, warrants the authorization of a nonstop carrier. In the light of the fact that the best service presently provided in this market is one stop, we think that the present traffic response has been quite good, and that this amount of traffic related to the service provided indicates a substantial community of interest between San Diego and Denver. Moreover, it seems likely that an upgrading of service will generate additional traffic. In short, we believe that the authorization of nonstop service will substantially benefit the traveling public. We tentatively find and conclude that Western rather than United should be the carrier selected to provide the nonstop service. Although Western and United both hold one stop authority in this market,[2] Western has, in fact, provided the bulk of the service and carried substantially all of the traffic. Thus, in August 1967 Western provided five daily one-stop round trips in the market, and carried in 1966 35,560 passengers. By contrast, United provides only a single flight in one direction and carried 4,750 passengers or 12 percent of the traffic in 1966. We tentatively find that Western has established a historic interest in this market superior to that of United and that the public convenience and necessity require the selection of Western over United. We also tentatively find that the diversion of United's existing revenues in this market will be small and, in any event, will be offset by additional traffic which we think a nonstop service will generate in this market. In sum, we tentatively find and conclude that the traveling public will be benefited by an upgrading of Western's one-stop service in the San Diego-Denver market to a nonstop service and that there will be little or no adverse effect on United if Western is awarded this authority.

Interested persons shall be given twenty (20) days from the date of service of this order to show cause why tentative findings and conclusions reached herein shall not be made final. In granting interested persons the opportunity to show cause why our tentative findings and conclusions should not be adopted we expect such persons to direct their objections, if any, to specific markets and to support such objections with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objection should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amend Western's certificate of public convenience and necessity in such a manner as to authorize unrestricted nonstop service between San Diego, Calif., and Denver, Colo.;

2. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions, and certificate amendments set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board; [3]

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the case will be submitted to the Board for final action; and

5. A copy of this order shall be served upon Western Air Lines, Inc., United Air Lines, Inc., and the cities of San Diego, Calif., and Denver, Colo., who hereby are made parties to this case.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-11410; Filed, Sept. 27, 1967; 8:49 a.m.]

[1] Western has an application, Docket 17741, which requests, inter alia, San Diego-Denver nonstop authority. That request, however, is part of a Los Angeles-Twin Cities application via various intermediate points and for that reason we are proceeding sua sponte rather than taking action with respect to this particular application.

[2] Western's certificate for Route 35 requires Western to serve Phoenix on Denver-San Diego flights (condition 6). United must stop at Los Angeles on all San Diego-Denver flights.

[3] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 17345, 17346; FCC 67M-1563]

LEE ENTERPRISES, INC., AND MID AMERICA BROADCASTING, INC.

Order Regarding Procedural Dates

In re applications of Lee Enterprises Inc., Moline, Ill., Docket No. 17345, File No. BPH-5470; Mid America Broadcasting, Inc., Moline, Ill., Docket No. 17346, File No. BPH-5569; for construction permits.

The Chief Hearing Examiner having under consideration a petition in behalf of Lee Enterprises Inc., filed September 19, 1967, for extensions of the procedural dates heretofore prescribed by the Hearing Examiner presiding in the above-entitled proceeding;

It appearing that the petition is supported by a showing of good and sufficient cause and is unopposed:

It is ordered, That the petition is granted and that the procedural dates in the above-entitled proceeding are modified as follows:

Exchange of exhibits from September 22 to October 13, 1967.

Notification of witnesses from October 6 to October 27, 1967.

Commencement of hearing from October 17 to November 14, 1967.

Issued: September 20, 1967.

Released: September 21, 1967.

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

[F.R. Doc. 67-11408; Filed, Sept. 27, 1967; 8:49 a.m.]

[Docket Nos. 17575, 17576; FCC 67M-1577]

TRI-CITIES BROADCASTING CORP. AND PALMER-DYKES BROADCASTING CO.

Order Canceling Hearing

In re applications of Tri-Cities Broadcasting Corp., Gate City, Va., Docket No. 17575, File No. BPH-5654; Paul Dykes and Basil J. Palmer, doing business as Palmer-Dykes Broadcasting Co., Kingsport, Tenn., Docket No. 17576, File No. BPH-5701; for construction permits.

Pursuant to a prehearing conference as of this date: *It is ordered*, That there will be a further hearing conference on November 27, 1967, at 9 a.m., in the Commission's offices, Washington, D.C.;

It is further ordered, That the hearing now scheduled for October 11, 1967, be and the same is hereby canceled.

Issued: September 21, 1967.

Released: September 22, 1967.

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

[F.R. Doc. 67-11409; Filed, Sept. 27, 1967; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP68-79]

EASTERN SHORE NATURAL GAS CO.

Notice of Application

SEPTEMBER 20, 1967.

Take notice that on September 11, 1967, Eastern Shore Natural Gas Co. (Applicant), 114 East Main Street, Salisbury, Md. 21801, filed in Docket No. CP68-79 an application pursuant to subsection (c) of section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of additional volumes of natural gas to certain existing resale customers and the transportation of additional volumes of natural gas for resale in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to increase the volume of firm deliveries to the following resale customers as set forth below:

Customer	Currently authorized (Mcf)	Proposed deliveries (Mcf)
Dover Gas Light Co.	3,100	3,500
Citizens Gas Co.	1,820	2,020
Sussex Gas Co.	680	700
Cambridge Gas Co.	700	765
Elkton Gas Service Co.	1,000	1,200
Total	7,300	8,185
Net increase		885 Mcf

Applicant also seeks authority to transport for resale in interstate commerce an additional 1,435 Mcf per day of natural gas to be purchased from Transcontinental Gas Pipe Line Corp. (Transco). This additional volume of natural gas will consist of the additional 885 Mcf per day proposed above plus 550 Mcf per day to be returned to the Stauffer Chemical Co. (Stauffer) which had voluntarily cut back its purchases by 560 Mcf per day to make such natural gas available to Applicant. Applicant will provide the additional 10 Mcf per day of natural gas to Stauffer from natural gas currently designated as company use. Applicant states that no new or additional facilities are or will be required to render the service proposed above.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before October 16, 1967.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-11354; Filed, Sept. 27, 1967; 8:45 a.m.]

[Docket No. CP68-80]

EL PASO NATURAL GAS CO.

Notice of Application

SEPTEMBER 20, 1967.

Take notice that on September 11, 1967, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP68-80 an application pursuant to subsection (c) of section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the modification of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to convert five existing mainline taps, located at various points along its Southern Division System, to measuring and regulating stations. Applicant states that said mainline taps were installed at a time when the volumes of natural gas delivered through same were small. Applicant further states that the volumes now delivered through said mainline taps is of sufficient quantity that the installation of the proposed measuring and regulating stations will provide for more efficient control over such sales and deliveries.

Applicant estimates the total cost of the proposed facilities at approximately $37,306, said cost to be financed by the use of working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before October 16, 1967.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-11355; Filed, Sept. 27, 1967; 8:45 a.m.]

[Docket No. CP68-81]

KENTUCKY WEST VIRGINIA GAS CO.

Notice of Application

SEPTEMBER 20, 1967.

Take notice that on September 11, 1967, Kentucky West Virginia Gas Co. (Applicant), Second National Bank Building, Ashland, Ky. 41101, filed in Docket No. CP68-81 an application pursuant to subsection (c) of section 7 of the Natural Gas Act for a certificate of

public convenience and necessity authorizing the sale of natural gas for resale in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to sell and deliver volumes of natural gas to United Fuel Gas Co. (United) of Charleston, W. Va., a subsidiary of the Columbia Gas System, Inc. (Columbia). Applicant states that it proposes to make the sale to United in substitution for a similar sale previously made to Kentucky Gas Transmission Corp. (KGT), also a subsidiary of Columbia, through the same facilities and, therefore, no new or additional facilities will be or are required. Applicant further states that it proposes to sell and deliver to United, beginning December 1, 1967, up to 20,000 Mcf per day of natural gas, 5,000 Mcf per day more than Applicant is presently authorized to deliver to KGT. Applicant also states that its other customer under its Rate Schedule S-1, Equitable Gas Co. (Equitible), has agreed to the sale to United and has an agreement with United providing that United release to Equitible any additional gas Equitible might require during the 4-month period beginning December 1 and ending March 31 of each contract year so as to insure Equitible of an adequate gas supply to meet the needs of its customers. Applicant also states that Equitible had notified Applicant that it would purchase all of Applicant's available natural gas upon the expiration of KGT's original service contract but has agreed, as above set forth, to the sale to United because intensive drilling activity has produced larger than anticipated supplies of natural gas in its service area which insures an adequate supply of natural gas when combined with its agreement with United.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before October 16, 1967.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-11357; Filed, Sept. 27, 1967; 8:45 a.m.]

[Docket No. CP68-75]

NORTHERN NATURAL GAS CO.

Notice of Application

SEPTEMBER 19, 1967.

Take notice that on September 7, 1967, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP68-75 an application pursuant to subsections (b) and (c) of section 7 of the Natural Gas Act for permission and approval of the Commission to abandon by sale certain natural gas facilities and a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the exchange of volumes of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission and approval to abandon its Grayco Compressor and Dehydration facilities in Gray County, Tex. and approximately 20 miles of 20-inch pipeline from the Grayco Station to Applicant's Skellytown Compressor Station in Carson County, Tex., by sale to Phillips Petroleum Co. (Phillips). Applicant states that after April 1, 1968, the facilities described above will no longer be useful as its contract to purchase natural gas from Phillips will expire. Applicant further states that it and Phillips have entered into an exchange agreement, thereby enabling Northern to fulfill its contractual obligations with other producers whose production is presently being transported in the aforementioned 20-inch line.

Applicant also seeks authorization to exchange up to 20,000 Mcf per day of natural gas with Phillips by delivering such volumes to Phillips in Pecos County, Tex., in exchange for equivalent volumes delivered to Applicant by Phillips at the Skellytown Compressor Station. To facilitate the exchange proposed above, Applicant also seeks authorization to construct and operate a measuring station in Carson County, Tex., and a side valve in Pecos County, Tex.

Applicant estimates the total cost of the proposed facilities at approximately $38,130, said cost to be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before October 13, 1967.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-11358; Filed, Sept. 27, 1967; 8:45 a.m.]

[Docket No. CP68-82]

SOUTHERN NATURAL GAS CO.

Notice of Application

SEPTEMBER 20, 1967.

Take notice that on September 12, 1967, Southern Natural Gas Co. (Applicant), Post Office Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP68-82 a "budget-type" application pursuant to subsection (c) of section 7 of the Natural Gas Act, as implemented by § 157.7(c) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas sales and transportation facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate, during the 12-month period December 30, 1967, through December 29, 1968, certain minor natural gas sales and transportation facilities, including taps, valves, meters, and service lines, for the purpose of enabling Applicant to make various minor sales to customers along its system.

Applicant states that the deliveries to any one purchaser through the facilities proposed will not exceed 100,000 Mcf annually and will not be used for boiler fuel purposes as described by the Commission.

The total estimated cost of Applicant's proposed construction will not exceed $300,000 with no single project to exceed $50,000, and will be financed from cash on hand or funds that will become available from current operations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before October 16, 1967.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-11359; Filed, Sept. 27, 1967; 8:45 a.m.]

[Docket No. CP68-76]

TENNESSEE GAS PIPELINE CO.

Notice of Application

SEPTEMBER 20, 1967.

Take notice that on September 8, 1967, Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Applicant), Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP68-76 an application pursuant to subsection (c) of section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate an additional point of delivery to Delta Natural Gas Co. (Delta) consisting of a side valve and the required metering facilities, said point of delivery to be located on Applicant's pipeline in Rowan County, Ky. Applicant states that Delta has advised it that the additional point of delivery is required as Delta wishes to render natural gas service to a portion of its service area which is not now being served.

Applicant estimates the total cost of the proposed facilities at approximately $17,455, said cost to be financed from cash on hand. Applicant also states that Delta will reimburse it for the construction costs and Applicant will operate and maintain said facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before October 13, 1967.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-11360; Filed, Sept. 27, 1967; 8:45 a.m.]

[Docket No. CP68-78]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

SEPTEMBER 20, 1967.

Take notice that on September 8, 1967, Transcontinental Gas Pipe Line Corp. (Applicant), Post Office Box 1396, Houston, Tex. 77001, filed in Docket No. CP68-78 an application pursuant to subsection (c) of section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate two interconnections between its 30-inch main transmission line and an adjacent 16-inch pipeline belonging to an existing customer, Public Service Electric and Gas Co. (Public), such interconnections to consist of a 12-inch tap and monitor regulation at mile post 1,816.53 and a meter and regulator station and appurtenant equipment to be located at mile post 1,818.27, all on Applicant's main transmission line located in Essex County, N.J. Applicant states that Public advises that it has been required to remove a portion of its 16-inch transmission line to accommodate an urban renewal project and until completion of said project will experience a substantial dislocation of this portion of its natural gas supply. Applicant and Public have entered into an agreement, dated September 6, 1967, which will provide for Applicant to receive volumes of natural gas from Public at mile post 1,816.53 and redeliver such volumes to Public at mile post 1,818.27. Applicant proposes to render this service until Public's line is put back into service.

Applicant estimates the total cost of the facilities proposed at approximately $62,500, said cost to be financed by available company funds and later reimbursed by Public.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before October 16, 1967.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-11361; Filed, Sept. 27, 1967; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

CODITRON CORP.

Order Suspending Trading

SEPTEMBER 22, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $3 par value, of Coditron Corp., New York, N.Y., otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 23, 1967, through October 2, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-11384; Filed, Sept. 27, 1967; 8:47 a.m.]

[812-2156]

IBEC INTERNATIONAL, INC.

Notice of Filing of Application for Order of Exemption

SEPTEMBER 22, 1967.

Notice is hereby given that IBEC International, Inc. ("Applicant"), 30

Rockefeller Plaza, New York, N.Y. 10020, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting it from all provisions of the Act and the rules and regulations thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant, a Delaware corporation, was organized by International Basic Economy Corp. ("IBEC") on May 19, 1967, for the principal purpose of raising funds abroad to finance the requirements of IBEC's foreign subsidiaries and affiliates. The funds are to be raised abroad in a manner which will assist the U.S. Government's voluntary cooperation program for improving the balance of payments position of the United States. IBEC is engaged in a variety of activities in the United States and abroad, including manufacturing, food distribution and processing, poultry breeding, and egg processing, housing and real estate, insurance brokerage, and the management of mutual funds.

IBEC or a fully owned subsidiary of IBEC (which term as used in the application means a corporation all of the outstanding securities of which, other than short-term paper as defined in section 2(a)(36) of the Act and directors' qualifying shares, are owned, directly or indirectly, by IBEC) will purchase all of the authorized stock of Applicant, consisting of 2,000 shares of capital stock, par value $1,000 per share, for $2 million to be paid partly in cash and partly in the stock of a foreign subsidiary of IBEC. At the time of the sale of the Debentures of Applicant, referred to below, all of Applicant's 2,000 shares of capital stock will be owned by IBEC. Any additional securities, other than debt securities, which Applicant may issue, will be issued only to IBEC. IBEC will continue to retain its holdings of Applicant's stock and any additional securities of Applicant which IBEC may acquire, and IBEC will not dispose of any of Applicant's securities (other than debt securities) except to Applicant or to a fully owned subsidiary of IBEC, and IBEC will cause each fully owned subsidiary not to dispose of Applicant's securities except to IBEC, Applicant or to one or more fully owned subsidiaries of IBEC.

Applicant intends to issue and sell $10 million aggregate principal amount of Guaranteed Debentures Due 1979 ("Debentures"). IBEC will guarantee the principal, premium, if any, and interest payments on the Debentures. Any additional debt securities of Applicant which may be issued and sold to or held by the public will be guaranteed by IBEC in the same manner as the Debentures.

It is intended that upon completion of the long-term investment of Applicant's assets, not less than 51 percent of its assets, including the proceeds to be received by it from the sale of the Debentures, will be invested in, or loaned to, foreign subsidiaries or affiliates of IBEC which are foreign issuers or obligors as defined in the U.S. Interest Equalization Tax Act and are not "less developed country corporations" as defined in said Act. The remaining assets of the Company will be invested in, or loaned to, other foreign subsidiaries or affiliates of IBEC or domestic subsidiaries of IBEC. The term "subsidiary" is defined in the application as a company more than 50 percent of the voting equity securities of which are owned directly or indirectly by IBEC, and the term "affiliate" is similarly defined as a company not less than 15 percent nor more than 50 percent of the voting equity securities of which are owned directly or indirectly by IBEC.

Applicant will proceed as expeditiously as possible with the long-term investment of its funds. Pending such investments, and from time to time thereafter in connection with changes in long-term investments, Applicant may make short-term deposits of its funds in foreign banks, including foreign branches of U.S. banks, make temporary investment of such funds in short-term obligations outside the United States and may maintain working balances in U.S. banks in anticipation of sinking fund and interest requirements. Applicant will not acquire the securities representing its loans or investments for the purpose of resale and will not trade in securities.

The Debentures are to be sold to a group of underwriters for offering and sale only outside the United States. The Debentures are to be offered and sold under conditions which are intended to assure that the Debentures will not be offered or sold in the United States, its territories or possessions, or to nationals, citizens, or residents of the United States, its territories or possessions. The contracts relating to such offer and sale will contain various provisions intended to assure that the Debentures will not be purchased by nationals, citizens, or residents of the United States, its territories or possessions. Any additional debt securities of Applicant which may be sold to the public in the future will be sold under substantially similar conditions. Applicant intends to apply for the listing of the Debentures on the Luxembourg Stock Exchange.

Counsel has advised Applicant that U.S. persons will be required to report and pay an interest equalization tax with respect to acquisition of the Debentures except where, and to the extent that, a specific statutory exemption is available, including any exemption that may be available to the extent that Applicant's assets are used to purchase shares or obligations of "less developed country corporations" or of corporations which are not "foreign issuers" or "foreign obligors" within the meaning of the Interest Equalization Tax Act.

Applicant submits that it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act for the Commission to enter an order exempting Applicant from each and every provision of the Act for the following reasons: (1) A principal purpose of Applicant is to serve as a vehicle for obtaining funds in foreign countries for IBEC's foreign operations, consistent with the voluntary cooperation program of the United States; (2) payment of principal and interest on the Debentures will not depend on the operations or investment policy of Applicant, since the Debentures will be unconditionally guaranteed by IBEC, and accordingly Applicant's security holders will not require the protection of the Act, and none of the purposes served by the Act would be adversely affected by exempting Applicant; (3) none of the securities of Applicant, other than debt securities, will be held by any person other than IBEC or a fully owned subsidiary of IBEC; (4) Applicant will not deal or trade in securities; (5) the Debentures will be offered and sold abroad to foreign nationals under circumstances designed to prevent any reoffering or resale of the Debentures in the United States or to any U.S. national, citizen, or resident in connection with such offering; and (6) the burden of the Interest Equalization Tax and of proving any possible exclusion or exemption therefrom will have the practical effect of discouraging purchase of the Debentures by any U.S. person.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction from any provision of the Act, or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than October 10, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 67-11385; Filed, Sept. 27, 1967; 8:47 a.m.]

[81-75]

NATIONAL EXHIBITION CO.

Notice of and Order for Hearing on Application for Exemption

SEPTEMBER 22, 1967.

Notice is hereby given that the National Exhibition Co. (applicant), 521 Fifth Avenue, New York, N.Y. 10017, has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended (Exchange Act), for a finding that by reason of the small number of public investors, the specialized nature and restricted extent of their interest, the insignificant amount of trading in applicant's securities, the absence of trading activity by insiders, the nature of applicant's business, and applicant's existing disclosure practices, an exemption of its common stock from the provisions of section 12(g) of the Exchange Act would not be inconsistent with the public interest. Exemption from section 12(g) will have the additional effect of exempting applicant from sections 13 and 14 of the Exchange Act and any officer, director, or beneficial owner of more than 10 percent of applicant's equity securities from section 16 of the Exchange Act.

Section 12(g) of the Exchange Act requires the registration of the equity securities of every issuer engaged in interstate commerce, or in a business affecting interstate commerce or whose securities are traded by use of the mail or any means or instrumentality of interstate commerce, with certain exceptions set forth therein, within 120 days of the last day of its first fiscal year ended subsequent to the effective date of section 12(g) on which such issuer has total assets exceeding $1 million and a class of equity securities held of record by 500 or more persons.

Section 12(h) of the Exchange Act empowers the Commission acting by order, upon application of an interested person and after notice and opportunity for hearing, to exempt any issuer in whole or in part from the registration provisions of section 12(g) or from the periodic reporting and proxy soliciting provisions of sections 13 and 14 of the Exchange Act and from the reporting and trading provisions of section 16 of the Exchange Act, if the Commission finds, by reason of the number of investors, the amount of trading interest in the securities, the nature and extent of the activities of the issuer, the income or assets of the issuer, or otherwise that such exemption is not inconsistent with the public interest or the protection of investors.

The application states in part:

1. That applicant, a New Jersey corporation organized in 1891, owns and operates the San Francisco Giants baseball team under a franchise from the National League of Professional Baseball Clubs, first granted in 1882; that the San Francisco Giants baseball team, whose home stadium has been Candlestick Park, San Francisco, Calif., since 1958, plays games for exhibition with each of the other nine member teams in its League, approximately half of which games it plays in its home ball park; and that from 1882 through the 1957 baseball season, the Giant's franchise operated in New York, N.Y.;

2. That applicant's revenues are derived primarily from the sale of tickets to spectators, contracts permitting radio broadcasting and telecasting of Giants baseball games, and contracts for the sale of food, beverages, and other items to the public in attendance at baseball games in Candlestick Park; that applicant operates under the Major League agreement dated January 12, 1921, as amended, and rules thereunder, which establishes the office of Commissioner of Baseball; and that the Commissioner is vested with broad regulatory authority to investigate and act upon "any act, transaction, or practice * * * suspected to be not in the best interests of the national game of baseball;"

3. That as of October 31, 1966, applicant had outstanding 11,751 shares of common stock and 11,751 shares of nonvoting preferred stock, almost exclusively held and traded in units of one share of each class. As of that date, the common shares were held of record by 514 shareholders and the preferred by 501 shareholders;

4. That there is not now nor has there ever been an active market in applicant's shares, although quotations have been placed in the National Daily Quotation Bureau "pink" sheets, primarily by two New York brokerage firms which for many years have maintained small positions in National shares; that applicant's transfer records reflect public transfers during fiscal 1965 and fiscal 1966 (exclusive of transfers into broker or nominee name, between brokers, and intrafamily transfers) of 64 in 1965, aggregating 118 units or 1 percent of the total units outstanding, and of 51 in 1966, aggregating 180 units or 1.5 percent of the total units outstanding; that during 1967 the bid quotations for applicant's units ranged from a high of approximately $560 to a low of approximately $480; that transactions in the stock of applicant are customarily motivated by other than usual market considerations; and that aside from one transfer of 107 units no present officer, director, or member of his family has ever sold any of applicant's shares;

5. That since 1964, annual reports containing certified financial statements were mailed to all stockholders of applicant; that as of October 31, 1966, applicant and subsidiary companies had assets of $7,889,183; and that net income for the year ended October 31, 1966, was $981,189; and

6. That in view of applicant's small number of public investors, the specialized nature and restricted extent of their interest, the insignificant amount of trading in applicant's securities, the absence of trading activity by insiders, the nature of its business and existing disclosure practices, it would not be inconsistent with the public interest to grant an exemption from the provisions of sections 12(g), 13, 14, and 16 of the Exchange Act, pursuant to section 12(h) thereof.

For a more detailed statement of the information presented, including applicant's request for a hearing in this matter, all persons are hereby referred to the above-captioned application and supplements which are on file at the offices of the Commission at 500 North Capitol Street, Washington, D.C.

It is ordered, Pursuant to section 12(h) of the Exchange Act that a hearing on the aforesaid application be held at 10 a.m., e.d.s.t., October 16, 1967, at the offices of the Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. Any person desiring to be heard or otherwise wishing to participate in this proceeding is directed to file with the Secretary of the Commission an application as provided by Rule 9(c) of the Commission's rules of practice, on or before the date provided in said rule, setting forth any issues of fact and law which he desires to controvert or any additional issues which he deems raised by this notice and order or by such application.

The Division of Corporation Finance advised the Commission that it has made a preliminary examination of the application, and that on the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination.

1. Whether the number of public investors and the amount of trading interest actual or potential, in applicant's securities is sufficiently limited to justify the requested exemption;

2. Whether the nature and extent of the activities of applicant are such as to justify the requested exemption;

3. Whether adequate information is and will be available to investors concerning the financial and business affairs of applicant, the management of applicant, the principal holders of the securities of applicant, any transactions of management in the securities of applicant, and the nature and description of applicant's securities; and

4. Generally, whether the requested exemption is consistent with the public interest and with the protection of investors.

It is further ordered, That at the aforesaid hearing, attention be given to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by certified mail to National Exhibition Co., and its attorney and that notice to all other persons be given by publication of this notice and order in the FEDERAL REGISTER, and that a general release of this Commission in respect to this notice and order be distributed to the press and

mailed to those persons whose names appear on the mailing list for releases.

By the Commission.

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

[F.R. Doc. 67-11386; Filed, Sept. 27, 1967; 8:47 a.m.]

POWER OIL CO.

Order Suspending Trading

SEPTEMBER 22, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Power Oil Co., Houston, Tex., and all other securities of Power Oil Co. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 22, 1967, through October 1, 1967, both dates inclusive.

By the Commission.

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

[F.R. Doc. 67-11387; Filed, Sept. 27, 1967; 8:47 a.m.]

SUBSCRIPTION TELEVISION, INC.

Order Suspending Trading

SEPTEMBER 22, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1 par value of Subscription Television, Inc., New York, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 23, 1967, through October 2, 1967, both dates inclusive.

By the Commission.

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

[F.R. Doc. 67-11388; Filed, Sept. 27, 1967; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30—Anchorage Disaster 1]

MANAGER, DISASTER BRANCH OFFICE, FAIRBANKS, ALASKA

Delegations Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Pacific Coastal Area) 32 F.R. 1203, as amended, there is hereby redelegated to the Manager of Fairbanks Disaster Branch Office the following authority:

A. *Financial assistance.* 1. To approve and decline disaster loans in an amount not exceeding $350,000.

2. To execute loan authorizations for Washington, area, and regional office approved loans and disaster loans approved under delegated authority, said execution to read as follows:

(Name), Administration
By_____
Manager, Disaster Branch Office

3. To cancel, reinstate, modify, and amend authorizations for disaster loans approved under delegated authority.

4. To disburse secured and unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorization or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by an SBA employee designated as acting manager of the disaster branch office.

Effective date: August 16, 1967.

ROBERT E. BUTLER, *Regional Director, Anchorage, Alaska, Regional Office.*

[F.R. Doc. 67-11390; Filed, Sept. 27, 1967; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1109]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

SEPTEMBER 22, 1967.

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

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

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

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

No. MC 2202 (Sub-No. 329), filed September 5, 1967. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge

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

Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Pittsburgh, Pa., and Kernersville, N.C., from Pittsburgh over Pennsylvania Highway 51 to Uniontown, Pa., thence over U.S. Highway 119 to Morgantown, W. Va., thence over West Virginia Highway 7 to junction West Virginia Highway 92, thence over West Virginia Highway 92 to junction U.S. Highway 250 near Belington, W. Va., thence over U.S. Highway 250 to Huttonsville, W. Va., thence over U.S. Highway 219 to Marlinton, W. Va., thence over West Virginia Highway 39 to junction West Virginia Pocahontas County Highway 25, thence over Pocahontas County Highway 25 to junction West Virginia Greenbriar County Highway 15, thence over Greenbriar County Highway 15, to junction Interstate Highway 64 near White Sulphur Springs, thence over Interstate Highway 64 to Clifton Forge, Va., thence over U.S. Highway 220 to junction North Carolina Highway 68, thence over North Carolina Highway 68 to junction North Carolina Highway 150, thence over North Carolina Highway 150 to Kernersville, N.C., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va., or Pittsburgh, Pa.

No. MC 2202 (Sub-330), filed September 5, 1967. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Indianapolis, Ind., and Decatur, Ill., over U.S. Highway 36, serving no intermediate points as an alternate route for operating convenience only, (2) between Decatur and Springfield, Ill., over U.S. Highway 36, serving no intermediate points as an alternate route for operating convenience only, and (3) between Decatur, Ill., and the junction of U.S. Highways 150 and 40 near Terre Haute, Ind., from Decatur over U.S. Highway 36 to junction Illinois Highway 121, thence over Illinois Highway 121 to Mattoon, Ill., thence over Illinois Highway 16 to Paris, Ill., thence over U.S. Highway 150 to junction U.S. Highway 40 near Terre Haute, Ind., and return over the same route serving no intermediate points and serving Mattoon, Ill., for purposes of joinder only as an alternate route for operating convenience only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 2860 (Sub-No. 18), filed September 11, 1967. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Alvin Altman, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass or plastic containers, bottles, jars, pack glasses, and jelly tumblers*, with or without caps, covers, stoppers, or tops, and *corrugated paper boxes or paper containers*, knocked down, when moving in mixed shipments with the above-described commodities, between Washington, Pa., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, New York, and Rhode Island. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or New York, N.Y.

No. MC 3151 (Sub-No. 18), filed September 8, 1967. Applicant: BENDER & LOUDON MOTOR FREIGHT, INC., 3024 North Cleveland-Massillon Road, West Richfield, Ohio 44286. Applicant's representative: Russell R. Sage, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment) serving the plantsite of Republic Powdered Metals, Inc., located in Burnswick Hills Township, Medina County, Ohio, as an off-route point in connection with applicant's presently authorized routes. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 5470 (Sub-No. 25) (Amendment), filed May 25, 1967, published FEDERAL REGISTER issue of June 15, 1967, amended September 14, 1967, and republished as amended this issue. Applicant: ERSKINE & SONS, INC., Rural Delivery No. 5, Box 146, Mercer, Pa. 16137. Applicant's representative: Theodore Polydoroff, 1329 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, in bulk, in dump vehicles, between Niagara Falls, N.Y., on the one hand, and, on the other, points in Pennsylvania, West Virginia, Ohio, Kentucky, Indiana, Illinois, Michigan, New Jersey, Maryland, Delaware, and Virginia, restricted against service from Pinesville, Ohio, to Niagara Falls, N.Y., and, further, restricted against service between Niagara Falls, N.Y., and points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties, N.J. NOTE: The purpose of this republication is to broaden the commodity description. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 10343 (Sub-No. 18), filed September 12, 1967. Applicant: CHURCHILL TRUCK LINES, INC., U.S. Highway 36 West, Post Office Box 250, Chillicothe, Mo. 64601. Applicant's representative: George Churchill (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Keosauqua, and Fairfield, Iowa, from Fairfield over Iowa Highway 1 to Keosauqua, and return over the same route; (2) between Mount Pleasant, Iowa, and Junction U.S. Highway 61 and Iowa Highway 92, from Mount Pleasant over U.S. Highway 218 to Junction Iowa Highway 92, thence over Iowa Highway 92 to Junction U.S. Highway 61, and return over the same route; (3) between Peru, Ill., and Junction U.S. Highway 34 and U.S. Highway 51, from Peru over U.S. Highway 51 to Junction U.S. Highway 34, and return over the same route; and (4) between Macomb, Ill., and St. Louis, Mo., from Macomb over U.S. Highway 67 to St. Louis, and return over the same route, and from Macomb over U.S. 67 to Junction Alternate U.S. Highway 67, thence over alternate U.S. Highway 67 to St. Louis, and return over the same route; as alternate routes serving no intermediate points in (1) through (4) above, for operating convenience only in connection with applicant's regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, St. Louis, or Jefferson City, Mo.

No. MC 16536 (Sub-No. 3), filed September 18, 1967. Applicant: STANDARD FORWARDING CO., INC., 5420 River Drive, Moline, Ill. 61265. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by manufacturers and distributors of agricultural, industrial, and construction machinery, and equipment, and *materials, equipment and supplies* used in manufacture and distribution of said commodities, between points in Black Hawk, Dubuque, Wapello, and Polk Counties, Iowa, and Rock Island County, Ill., on the one hand, and, on the other, points in Illinois and Iowa, under contract with Deere & Co (including subsidiaries thereof). NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 29566 (Sub-No. 129), filed September 1, 1967. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City, Kans. 66105. Applicant's representative: Vernon M. Masters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass, glass products, and glass container*

closures, from East St. Louis, Ill., to points in Missouri (except points in Missouri on the regular routes specified in section (A) of said carrier's certificate under MC 29566, issued November 27, 1959, and (2) *meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (a) from York, Nebr., to Manhattan, Parsons, Topeka, and Wichita, Kans., (b) from Wichita, Kans., to Lincoln and Norfolk, Nebr., and, to points in Missouri north of a line commencing at the Kansas-Missouri State line, thence east over U.S. Highway 54 to Camdenton, Mo., thence south over Missouri Highway 5 to Mansfield, Mo., thence east over U.S. Highway 60 to the Mississippi River (except points in Missouri on the regular routes specified in section (A) of said carrier's certificate under MC 29566, issued November 27, 1959, and (c) from Omaha, Nebr., to Wichita, Kans.

Section (A) of applicant's certificate under MC 29566 reads as follows: Between East St. Louis, Ill., and Kansas City, Kans., serving all intermediate points, and the off-route points of New Florence, Rocheport, Blackwater Junction, Sweet Springs, Concordia, Odessa, and Bates City, Mo. From East St. Louis over U.S. Highway 40 to St. Louis, Mo., thence over Alternate U.S. Highway 40 to St. Charles, Mo., thence over Bypass U.S. Highway 40 to Wentzville, Mo., and thence over U.S. Highway 40 to Kansas City, and return over the same route. Between East St. Louis, Ill., and St. Joseph, Mo., serving all intermediate points except those between Wentzville and Hannibal, Mo.: From East St. Louis over U.S. Highway 40 to St. Louis, Mo., thence over Alternate U.S. Highway 40 to St. Charles, Mo., thence over Bypass U.S. Highway 40 to Wentzville, Mo., thence over U.S. Highway 61 to Hannibal, Mo., and thence over U.S. Highway 36 to St. Joseph and return over the same route. Between Trenton, Mo., and Sedalia, Mo., serving all intermediate points: From Trenton over U.S. Highway 65 to Sedalia, and return over the same route. Between Laclede, Mo., and Unionville, Mo., serving all intermediate points: From Laclede over Missouri Highway 5 to Unionville, and return over the same route. Between Jefferson City, Mo., and Macon, Mo., serving all intermediate points: From Jefferson City over U.S. Highway 63 to Macon, and return over the same route. Between Jefferson City, Mo., and junction Missouri Highway 22 and U.S. Highway 63, serving all intermediate points:

From Jefferson City over U.S. Highway 54 to Mexico, Mo., and thence over Missouri Highway 22 to junction U.S. Highway 63, and return over the same route. Between junction U.S. Highway 40 and Missouri Highway 240, and junction Missouri Highway 3 and U.S. Highway 24, serving all intermediate points: From junction U.S. Highway 40 and Missouri Highway 240 over Missouri Highway 240 to junction Missouri Highway 3, and thence over Missouri Highway 3 to junction U.S. Highway 24, and return over the same route. Between Moberly, Mo., and Kansas City, Mo., serving all intermediate points: From Moberly over U.S. Highway 63 to junction U.S. Highway 24, and thence over U.S. Highway 24 to Kansas City, and return over the same route. Between Boonville, Mo., and junction Missouri Highway 5 and U.S. Highway 24, serving all intermediate points: From Boonville over Missouri Highway 5 to junction U.S. Highway 24, and return over the same route. Between Miami, Mo., and junction Missouri Highway 41 and U.S. Highway 40, serving all intermediate points: From Miami over Missouri Highway 41 to junction U.S. Highway 40, and return over the same route. Between Glasgow, Mo., and junction Missouri Highway 20 and Missouri Highway 13, serving all intermediate points: From Glasgow over Missouri Highway 240 to Marshall, Mo., and thence over Missouri Highway 20 to junction Missouri Highway 13, and return over the same route. Between Lexington, Mo., and junction Missouri Highway 13, and U.S. Highway 40, serving all intermediate points: From Lexington over Missouri Highway 13 to junction U.S. Highway 40, and return over the same route. Between Kansas City, Mo., and St. Joseph, Mo., serving all intermediate points: From Kansas City over U.S. Highway 71 to St. Joseph, and return over the same route. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Wichita, Kans.

No. MC 32562 (Sub-No. 26), filed September 14, 1967. Applicant: POINT EXPRESS, INC., Box 10185, Charleston, W. Va. 25312. Applicant's representative: Jacob P. Billig, 1108 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment, (1) between Lexington and Maysville, Ky., from Lexington over U.S. Highway 68 to Maysville and return over the same route, serving all intermediate points and the off-route point of Carlisle, Ky., and (2) between Cincinnati, Ohio, and Maysville, Ky., from Cincinnati over U.S. Highway 52 to Maysville and return over the same route, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lexington, Ky.

No. MC 35045 (Sub-No. 1), filed August 28, 1967. Applicant: CRABTREE TRANSFER AND STORAGE COMPANY, doing business as HORNE HEAVY HAULING, a corporation, Post Office Box 5358, Atlanta, Ga. 30307. Applicant's representatives: Paul M. Daniell and Alan E. Serby, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electric powered motor vehicles and* (2) *parts, attachments, and accessories for the item specified in* (1) *above*, between Peachtree City, Ga., and Atlanta, Ga., on the one hand, and, on the other, points in the United States on and east of a line extending from Canada to Mexico beginning at the westernmost boundaries of Minnesota, Iowa, Missouri, Kansas, Oklahoma, and Texas. NOTE: Applicant indicates tacking possibilities with its authority held in MC 35045, wherein it conducts operations between points within 175 miles of Chattanooga, Tenn., including Chattanooga. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No MC 35320 (Sub-No. 98), filed September 11, 1967. Applicant: T.I.M.E. FREIGHT, INC., 2598 74th Street, Post Office Box 1120, Lubbock, Tex. 79408. Applicant's representatives: W. D. Benson, Jr., Ninth Floor Citizens Tower, Lubbock, Tex. 79401, and Frank M. Garrison, Post Office Box 1120, Lubbock, Tex. 79408. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B, explosives, articles, of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Oklahoma City, Okla., and Phoenix, Ariz., over U.S. Highway 66 at Flagstaff, Ariz., thence over Arizona State Highway 79 (or Interstate 17) to Phoenix, Ariz., and return over the same route serving no intermediate points, as an alternate route for operating convenience only. NOTE: Applicant states that no duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., Oklahoma City, Okla., or Dallas, Tex.

No MC 36900 (Sub-No. 11), filed September 11, 1967. Applicant: U.S. VAN LINES, INC., 59642 South U.S. 31 South Bend, Ind. 46614. Applicant's representative: Robert J. Gallagher, 66 Central Street, Wellesley, Mass. 93181. 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 Arizona, California, Montana, Oregon, Utah, and Washington, on the one hand, and on the other, points in Kansas, Missouri, Oklahoma, Arkansas, Louisiana, the District of Columbia, and points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada. NOTE: Applicant states it presently has the authority to serve the said States, but it must serve these States through a gateway, comprised of: Between points in South Dakota and those in Iowa and Minnesota, within 60 miles of Sioux Falls, S. Dak. Applicant states that the purpose of this application is to eliminate the gateway. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 40270 (Sub-No. 7), filed September 18, 1967. Applicant: A. J. CRABBS, Rural Route No. 2, Enid, Okla. Applicant's representative: Rufus H.

Lawson, 106 Bixler Building, Oklahoma City, Okla. 73107. Mailing address, Post Office Box 75124, Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients*, between points in Grady County, Okla., and points in Arkansas, Kansas, Missouri, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Wichita, Kans.

No. MC 42227 (Sub-No. 3), filed September 5, 1967. Applicant: BEKINS VAN AND STORAGE, INC., 25 East Mason Street, Post Office Box 308, Santa Barbara, Calif. 93102. Applicant's representative: Frederick H. Duffey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission in Ex Parte MC–19, 17 M.C.C. 467, as amended, between points in Santa Barbara, San Luis Obispo, and Ventura Counties, Calif., restricted to shipments having a prior or subsequent out-of-state movement. NOTE: Applicant states it requests duplication of present certificated authority eliminated. Applicant is authorized to operate as a broker in MC 12077 Sub. 1. If a hearing is deemed necessary, applicant requests it be held at Santa Barbara or Los Angeles, Calif.

No. MC 49504 (Sub-No. 16), filed September 8, 1967. Applicant: McCUE TRANSFER, INC., 3524 East Fourth Street, Hutchinson, Kans. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt and salt products*, from Kanopolis, Kans., and points within 5 miles thereof, to points in Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wyoming, Arkansas, Texas, and New Mexico; (2) *Canned goods*, from Hutchinson, Kans., and La Junta, Colo., to points in North Dakota, South Dakota, Iowa, Minnesota, Nebraska, and Kansas; and (3) *products used in agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries* when shipped in mixed truck loads with *salt and salt products*, from Hutchinson, Kans., to points in Nebraska, Minnesota, North Dakota, South Dakota, Missouri (except St. Joseph, St. Louis, and points in the Kansas City, Mo.-Kansas City, Kans. commerical zone), Wyoming, Arkansas, points in Cochran, Bailey, Randall, Roberts, Crosby, Swisher, Potter, Sherman, Wichita, Lubbock, Castro, Oldham, Dallam, Cottle, Hays, Gray, Ochiltree, Yoakum, Dickens, Briscoe, Carson, Hansford, Floyd, Collingsworth, Hartley, Foard, Kent, Terry, Motley, Childress, Wheeler, Lipscomb, Lamb, Armstrong, Hutchinson, Wilbarger, Lynn, Hale, Donley, Moore, Hockley, Parmer, Deaf Smith, Hemphill, Hardeman, and Garza Counties, Tex., and points in Curry, Bernalillo, Mora, Santa Fe, Colfax, Harding, Los Alamos, Taos, Quay, Guadalupe, Union, San Miguel, Torrance, Rio Arriba, Catron, Chaves, De Baca, Dona Ana, Eddy, Grant, Hidalgo, Lea, Lincoln, Luna, McKinley, Otero, Roosevelt, Sandoval, San Juan, Sierra, Socorro, and Valencia Counties, N. Mex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., Wichita or Topeka, Kans.

No. MC 52629 (Sub-No. 64), filed September 13, 1967. Applicant: HUBER & HUBER MOTOR EXPRESS, INC., Post Office Box 1000, Staunton, Va. 24401. Applicant's representative: James W. Lawson, 1000 16th Street NW., Suite 502, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, and commodities requiring special equipment), serving the plantsite and warehouse facilities of Johnson & Johnson at Argonne Industrial District, DuPage Township, Will County, Ill., as an off-route point in connection with applicant's existing operations to and from Chicago, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 57281 (Sub-No. 2), filed September 7, 1967. Applicant: HECTOR TRANSPORTATION CO., INC., 832 Monroe Street, Jamestown, N.Y. 14701. Applicant's representative: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture*, (1) from points in Chautauqua County, N.Y., to points in Chenango, Clinton, Columbia, Essex, Franklin, Greene, Hamilton, Lewis, Otsego, St. Lawrence, Schoharie and Washington Counties, N.Y.; and (2) from points in Chenango, Clinton, Columbia, Delaware, Essex, Franklin, Greene, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Montgomery, Oswego, Otsego, St. Lawrence, Saratoga, Schoharie, Washington, Wyoming, and Yates Counties, N.Y., to points in Chautauqua County, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 61403 (Sub-No. 173), filed September 8, 1967. 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: *Synthetic resins*, dry, in bulk, from Aberdeen, Miss., to points in Kentucky, Illinois, Indiana, Ohio, and points in Shelby County, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Atlanta, Ga.

No. MC 64932 (Sub-No. 439), filed September 13, 1967. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* in bulk, in tank vehicles, from points in New Jersey, New York, Ohio, Pennsylvania, Tennessee, and West Virginia, to Mishawaka, Ind., Stoughton, Wis., and Erie Industrial Park, Ohio, at or near Port Clinton, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 65916 (Sub-No. 11), filed September 8, 1967. Applicant: WARD TRUCKING CORP., Ward Tower, Altoona, Pa. 16603. 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: *Glass and glass products*, from the plantsite of Pittsburgh Plate Glass Co., located at or near Cumberland, Md., to points in Lackawanna County, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 73165 (Sub-No. 237), filed September 15, 1967. Applicant: EAGLE MOTOR LINES, INC., Post Office Box 1348, Birmingham, Ala. 35201. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard*, from Diboll, Tex., and points within 5 miles thereof to points in Arkansas, Georgia, Louisiana, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No MC 76032 (Sub-No. 218), filed August 31, 1967. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: Kenneth A. Willhite (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Silver bullion*, (1) from San Francisco, Calif., to Denver, Colo., (a) from San Francisco over Interstate Highway 80 (U.S. Highway 40) to Silver Creek Junction, Utah, approximately 3 miles east of Kimball Junction, Utah, thence over U.S. Highway 40 to Denver, (b) from San Francisco over Interstate Highway 80 (U.S. Highway 40) to junction U.S. Highway 189 at Silver Creek Junction, Utah, approximately 3 miles east of Kimball Junction, Utah, thence over Interstate Highway 80 (U.S. Highway 189) to junction U.S. Highway 30S near Echo, Utah, thence over Interstate Highway 80 (U.S. Highway 30S) to junction U.S. Highway 30 at Little America, Wyo., thence over Interstate Highway 80 (U.S. Highway 30) to junction Interstate Highway 25 near Cheyenne, Wyo., thence over Interstate Highway 25 (U.S. Highway 87) to Denver, and (c) from junction Interstate Highway 80 (U.S. Highway 30) and U.S. Highway 287 at or near Laramie, Wyo., over U.S. Highway 287 to junction Interstate Highway 25 (U.S. Highway 87) near Fort Collins, thence over Interstate Highway 25 (U.S. Highway 87) to Denver, and return over

the same routes in (a), (b), and (c) above, serving no intermediate points, as alternate routes for operating convenience only in connection with carrier's present regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or San Francisco, Calif.

No. MC 77424 (Sub-No. 33), filed September 13, 1967. Applicant: WENHAM TRANSPORTATION INC., 3200 East 79th Street, Cleveland, Ohio 44104. Applicant's representative: J. C. Bamer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass and glass products, and materials and supplies used in the manufacture of glass and glass products* (except commodities in bulk), between the plantsite of Owens-Illinois, Inc., Jenkins Township, Luzerne County, Pa., on the one hand, and, on the other, points in Ohio, Illinois, Indiana, Michigan, and New York. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 78276 (Sub-No. 1), filed September 14, 1967. Applicant: MAZZEO & SONS EXPRESS, 173 Wortendyke Avenue, Emerson, N.J. 07630. Applicant's representative: Herman B. J. Weckstein, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, on hangers, between the plantsite of Gilbert Carrier Corp., located at or near Secaucus, N.J., on the one hand, and, on the other, points in Bergen, Essex, Hudson, Morris, Passaic, and Union Counties, N.J., and points in Rockland County, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 82841 (Sub-No. 37), filed September 11, 1967. Applicant: R. D. TRANSFER, INC., 801 Livestock Exchange Building, Omaha, Nebr. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated steel pipe* (plain, galvanized, or asphalt coated), *with fittings, and accessories*, (1) between Wahoo, Nebr., Topeka, Kans., and Des Moines, Iowa, and (2) between Wahoo, Nebr., Topeka, Kans., and Des Moines, Iowa, on the one hand, and, on the other, points in Colorado, Kansas, Wyoming, Montana, North Dakota, South Dakota, Nebraska, Minnesota, Iowa, and Illinois. Restriction: All traffic restricted to that originating at the plantsite of Armco Steel Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 82841 (Sub-No. 38), filed September 14, 1967. Applicant: R-D TRANSFER, INC., 801 Livestock Exchange Building, Omaha, Nebr. 68107. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products; products produced or distributed by manufacturers and converters of paper and paper products; materials, equipment, and supplies used in the manufacture and distribution of the above described commodities*, between points in McMinn County, Tenn., on the one hand, and, on the other, points in Oklahoma, Missouri, Kansas, Nebraska, Iowa, Wisconsin, Colorado, and New Mexico. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 83539 (Sub-No. 218), filed September 5, 1967. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representative: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery*, knocked down, and *tractor canopies, tractor cabs, forks, blades, and grapples*, from Madras and Portland, Oreg., to points in Arkansas, California, Colorado, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Washington, D.C.

No. MC 87379 (Sub-No. 11), filed September 5, 1967. Applicant: C. H. HOOKER TRUCKING CO., a corporation, Route 2, Uhrichsville, Ohio 44368. Applicant's representative: James Muldoon, 50 West Broad Street, Columbus, Ohio 43125. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic molding compounds*, packaged, not in bulk; and, *pallets and other containers*, on return, from Winona, Minn., to Dayton and Newcomerstown, Ohio. NOTE: Applicant is also authorized to conduct operations as a contract carrier in permit No. MC 126851, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 100666 (Sub-No. 105), filed September 8, 1967. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7295, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, products produced or distributed by manufacturers and converters of paper and paper products; and materials, equipment, and supplies used in the manufacture and distribution of the foregoing commodities*, between points in Little River County, Ark., on the one hand, and, on the other, points in Alabama, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Mississippi, Nebraska, North Carolina, North Dakota, New Mexico, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and New York. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 103993 (Sub-No. 295), filed August 25, 1967. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commercial trailers and trailers designed to be drawn by passenger automobiles*, in initial movements, from points in Essex County, N.J., to points in the United States (except Alaska and Hawaii) and (2) *trailers* designed to be drawn by passenger automobiles, in initial movements, from points in McDonough County, Ill., to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 104896 (Sub-No. 24), filed September 12, 1967. Applicant: WOMELDORF, INC., Post Office Box 232, Lewiston, Pa. 17044. Applicant's representative: David A. Sutherlund, 1120 Connecticut Avenue, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, bottles, jars, packing glasses, and jelly tumblers, caps, covers, stoppers, and tops, corrugated paper boxes or paper containers*, from points in Fayette and Westmoreland Counties, Pa., to points in that part of New York on and west of a line beginning at the Pennsylvania-New York State line and extending north along U.S. Highway 11 to Binghamton, and thence along U.S. Highway 12 to the St. Lawrence River, and *refused or rejected shipments* on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 105566 (Sub-No. 4), filed September 15, 1967. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 68, East Prairie, Mo. 63845. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden boxes*, from Gideon, Mo., to points in Nevada, Arizona, California, Oregon, Washington, and Idaho. NOTE: If a hearing is deemed necessary, applicant requests it be held at East Prairie or St. Louis, Mo.

No. MC 105813 (Sub-No. 155), filed September 15, 1967. Applicant: BELFORD TRUCKING CO., INC., 3500 Northwest 79th Avenue, Post Office Box 154, M.I.A. Station, Miami, Fla. Applicant's representative: James T. Moore, Post Office Box 154, M.I.A. Station, Miami, Fla. 33148. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, cooked, cured, prepared, and preserved, from points in Chester County, Pa., to points in Alabama Florida, Georgia, North Carolina, and South Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106298 (Sub-No. 348), filed September 18, 1967. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 Nationala 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: (1) *Trailers* designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in McDonough County, Ill., to points in the United States (except Alaska and Hawaii), and (2) *prefabricated building* in sections, from Johnson City, Tenn., to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106644 (Sub-No. 83), filed September 12, 1967. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30321. Applicant's representative: Otis E. Stoval, Post Office Box 17050, Chattahoochee Station, Atlanta, Ga. 30321. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal buildings*, setup, knocked down, or in sections, from points in Polk County, Ga., to points in Connecticut, Delaware, Maine, New Hampshire, Vermont, West Virginia, and the District of Columbia. NOTE: Applicant states that tacking could take place in connection with its present authority in MC 106644 and its Sub 10, whereas it is authorized to operate in the States of Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Arkansas, and Texas. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 107104 (Sub-No. 11), filed September 18, 1967. Applicant: ARTHUR R. ALTNOW, doing business as LODI TRUCK SERVICE, Post Office Box 111, 1420 South Cherokee Lane, Lodi, Calif. 95240. Applicant's representative: Marvin Handler, 405 Montgomery Street, Suite 1401, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, which are moving in motor vehicles equipped with refrigeration, temperature, or atmospheric control, between points in Alameda, Contra Costa, Sacramento, San Francisco, San Joaquin, Santa Clara, Solano, Stanislaus and Yolo Counties, Calif. NOTE: The requested authority is restricted to points in the above-named counties which are stations of the Western Pacific Railroad Co. or its subsidiaries, Sacramento Northern Railway and Tidewater Southern Railway Co., moving in substituted service on rail billing. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 107515 (Sub-No. 591), filed September 8, 1967. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Bundlach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the Report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from Baltimore, Md., to points in North Carolina, South Carolina, and Georgia. NOTE: Applicant states it intends to tack at points in Georgia as authorized in its Sub 1 to points in Florida, Alabama, Mississippi, Louisiana, and Tennessee. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Baltimore, Md., or Washington, D.C.

No. MC 107583 (Sub-No. 39), filed September 15, 1967. Applicant: SALEM TRANSPORTATION CO., INC., 1222 Jerome Avenue, Bronx, N.Y. 10452. Applicant's representative: George H. Rosen, 265 Broadway, Monticello, N.Y. 12701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Blood, blood plasma, and related medical and therapeutic agents* in the same vehicle with passengers, between McGuire Air Force Base, N.J., on the one hand, and, on the other, Philadelphia International Airport, Pa., Newark Airport, N.J., John F. Kennedy International Airport, and La Guardia Airport, New York, N.Y. NOTE: Notice of this application appears in this issue of the FEDERAL REGISTER with motor carriers of passengers. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 108194 (Sub-No. 10), filed September 11, 1967. Applicant: WILLIAM B. MEYER, INCORPORATED, 30 Moffitt Street, Stratford, Conn. Applicant's representative: Sidney L. Goldstein, 109 Church Street, New Haven, Conn. 06510. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores, in store delivery service, from points in Fairfield and New Haven Counties, Conn., to points in Dutchess, Putnam, and Westchester Counties, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or New York, N.Y.

No. MC 108207 (Sub-No. 227), filed September 15, 1967. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vahicle, over irregular routes, transporting: *Adhesive cement*, in vehicles equipped with mechanical refrigeration, from Los Angeles, Calif., to Benbrook and Hurst, Tex., and Wichita, Kans. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Minneapolis, Minn.

No. MC 109435 (Sub-No. 50), filed September 11, 1967. Applicant: ELLSWORTH BROS. TRUCK LINE, INC., 116 North Allied Road, Post Office Drawer J, Stroud, Okla. 74079. Applicant's representative: Wilburn L. Williamson, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, between points in Arkansas and Oklahoma, restricted to traffic having a prior movement by rail. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 109637 (Sub-No. 328), filed September 11, 1967. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville, Ky. 40211. Applicant's representative: G. R. Thim (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fluorine*, in bulk, in U.S. Government-owned tank semitrailers, from Metropolis, Ill., to points in Alabama. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No MC 109637 (Sub-No. 329), filed September 11, 1967. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville, Ky. 40211. Applicant's representative: G. R. Thim (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol and alcoholic liquors*, in bulk, in tank vehicles, (1) from ports of entry into the United States located in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and Virginia, to Bardstown, Louisville, and Owensboro, Ky., Chicago and Pekin, Ill., Lawrenceburg, Ind., Cleveland, Ohio, Detroit, Mich., St. Louis, Mo., and Union City, Calif., and (2) from Pekin, Ill., to Torrington, Conn. NOTE: Common control may be involved. Applicant states it will tack with its presently held authorities in MC 109637 Subs 143, 156, and 303, wherein it is authorized to conduct operations in the States of Kentucky, Indiana, Illinois, Maryland, Massachusetts, New York, Ohio, Pennsylvania, and Michigan. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 109891 (Sub-No. 8) (Amendment), filed July 12, 1967, published in FEDERAL REGISTER issue of August 3, 1967, amended September 15, 1967, and republished as amended this issue. Applicant: INFINGER TRANSPORTATION COMPANY, INC., Post Office Box 7398, Charleston Heights, S.C. 29405. Applicant's representative: William Addams, Room 406, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt pavement sealer*, from Charleston, S.C., and points within 15 miles thereof, to points in Alabama, Florida, and Tennessee, and *returned and rejected shipments*, on return. NOTE: The purpose of this republication is to (1) change the commodity description, (2) change the proposed operation from a "between" movement to a "from and to" movement, (3) add return phrase, and (4) change the destination State from Georgia to Tennessee. If a hearing is

deemed necessary, applicant requests it be held at Columbia, S.C., or Atlanta, Ga.

No. MC 110315 (Sub-No. 17), filed September 15, 1967. Applicant: FELTS TRANSPORT CORPORATION, Montvale, Va. Applicant's representative: Harold G. Hernly, 711 14th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Wilmington, N.C., to points in Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Richmond, Va.

No. MC 111401 (Sub-No. 234), filed September 8, 1967. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals*, in bulk, in tank vehicles, from Hopewell, Va., to ports of entry on the international boundary line between the United States and Mexico, located in Texas, in foreign commerce only; and, (2) *caprolactam wash water*, in bulk, in tank vehicles, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., Dallas or Houston, Tex.

No. MC 111687 (Sub-No. 32), filed September 5, 1967. Applicant: BENJAMIN H. RUEGSEGGER, Route 1, Kawkawlin, Mich. 48631. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes transporting: *Malt beverages* and *beverage compounds*, from Columbus, Ohio, to points in Michigan. NOTE: Applicant indicates tacking intentions with authority held in its certificate MC 111687 Sub 6 wherein it conducts operations in the transportation of malt beverages between Frankenmuth, Mich., on the one hand, and, on the other, points in Illinois, Indiana, Ohio, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 111812 (Sub-No. 358), filed September 8, 1967. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, S. Dak. 57101. 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: *Frozen foods*, from Quincy, Ill., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, and Washington. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Cleveland, Ohio.

No. MC 113855 (Sub-No. 168), filed September 7, 1967. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55902. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except tractors used in pulling commercial highway trailers) *scrapers, motor graders, wagons, engines* (except aircraft and missile engines), *generators, engines and generators combined, welders, road rollers, off-highway trucks, and parts, attachments, and accessories* for the commodities named above, when moving therewith and separately, from Aurora, Joliet, Mossville, Peoria, Morton, and Decatur, Ill., and points within 15 miles of Peoria, Ill., to points in Minnesota, Iowa, North Dakota, South Dakota, Wyoming, and Nebraska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago or Springfield, Ill.

No. MC 114045 (Sub-No. 291), filed September 6, 1967. Applicant: TRANSCOLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. 75222. Applicant's representative: R. L. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods*, frozen or not frozen, from Carrollton, Mo., to points in Washington, Oregon, Utah, Idaho, Nevada, California, and Arizona. NOTE: Applicant indicates tacking possibilities at Carrollton, Mo., with presently held authority under MC 114045 (Sub-No. 1) wherein it holds authority to transport frozen foods from Pittsburgh, Pa., to points in Missouri. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Dallas, Tex.

No. MC 114211 (Sub-No. 108), filed September 6, 1967. Applicant: WARREN TRANSPORT, INC., 213 Witry Street, Waterloo, Iowa 50704. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except tractors used in pulling commercial highway trailers), *scrapers, motor graders, wagons, engines* (except aircraft and missile engines), *generators, engines and generators combined, welders, road rollers, off-highway trucks*, and (2) *parts, attachments and accessories* for the commodities described in (1) above, from Aurora, Joliet, Mossville, Decatur, Morton, and Peoria, Ill., and points within 15 miles of Peoria, Ill., to points in Kansas, Colorado, Nebraska, Minnesota, Wisconsin, Iowa, and South Dakota. Restriction: The above requested authority is restricted to traffic originating at the origin points named above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No MC 114608 (Sub-No. 21), filed August 30, 1967. Applicant: CAPITAL EXPRESS, INC., 1621 Century Avenue SW., Grand Rapids, Mich. 49509. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, 1001 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Material, equipment and supplies used in the manufacture of household laundry equipment and refrigerators* (except steel and articles which because of size, weight, or inherent nature require use of special equipment or special handling), from points in Michigan to Grand Rapids, Mich., under contract with Kelvinator Division, American Motors Corp. 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 115257 (Sub-No. 42), filed September 18, 1967. Applicant: SHAMROCK VAN LINES, INC., Post Office Box 5447, Dallas, Tex. 75222. Applicant's representative: Max G. Morgan, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture cartoned*, between points in Bexar and Travis Counties, Tex., and points in Arkansas, Colorado, Idaho, Illinois, Indiana, Kentucky, Michigan, Minnesota, Montana, Nevada, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Shelby County, Tenn. NOTE: Applicant holds property broker license in MC 12336. Applicant indicates tacking possibilities with its Subs 23 and 25, wherein it is authorized to conduct operations in the States of Arkansas, Alabama, Florida, Georgia, South Carolina, North Carolina, Tennessee, Virginia, Kentucky, West Virginia, Delaware, Pennsylvania, Ohio, New York, Maryland, Connecticut, Massachusetts, Rhode Island, New Jersey, New Hampshire, Vermont, Maine, the District of Columbia, Texas, and Oklahoma. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 115311 (Sub-No. 69), filed September 14, 1967. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, Ga. 31061. Applicant's representative: Bill R. Davis, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement and mortar mixes*, including cement and mortar mixed with gravel, sand, or other aggregates, *rock and stone*, crushed, ground or natural, *sand, cold mixed asphalt, liquid asphalt sealer, vinyl concrete patcher, lime, masonry coating, tile grout, hydraulic cement, acrylic paints, adhesives, and advertising matter*, (1) from the plantsite of W. R. Bonsal Co., Inc., located at or near Atlanta, Ga., to points in Kentucky, Mississippi, Louisiana, South Carolina, and Florida, and (2) from the plantsite of W. R. Bonsal Co., Inc., located at or near Lilesville, N.C., to ponts in Tennessee, West Virginia, Maryland, Kentucky, District of Columbia, and Georgia (except Savannah, Ga.). NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115620 (Sub-No. 4), filed September 11, 1967. Applicant: LYNN PORTER, 120 West Third North, Preston, Idaho 83263. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Complete buildings* (except in sections and knocked down), between points in Idaho, Oregon Washington, Montana, Wyoming,

Colorado, Utah, Nevada, Arizona, and New Mexico. NOTE: Applicant states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Pocatello or Boise, Idaho.

No. MC 115841 (Sub-No. 314), filed September 11, 1967. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1214 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine, peanut butter, salad dressings, mayonnaise, and oils, and oil compounds* (except in bulk, in tank vehicles), from Thomasville, Ga., and Cincinnati, Ohio, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Ohio, New Jersey, Maryland, District of Columbia, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Tennessee, Michigan, Illinois, and Indiana. NOTE: If a hearing is deemed necessary, applicant did not state location.

No. MC 117119 (Sub-No. 403), filed September 14, 1967. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. 72728. Applicant's representative: John H. Joyce, 26 North College, Fayetteville, Ark. 72702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Quincy, Ill., to points in Washington, Oregon, Idaho, Montana, Utah, Nevada, Colorado, and points in California on and north of a line beginning at the California-Nevada State line, and extending along Interstate Highway 15 to its junction with California Highway 58 at Barstow, Calif., and thence along California Highway 58 to its junction with U.S. Highway 101 near Santa Margarita, Calif., and thence along U.S. Highway 101 to Pismo Beach, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Chicago, Ill.

No. MC 117119 (Sub-No. 405), filed September 14, 1967. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. 72728. Applicant's representative: John H. Joyce, 26 North College, Fayetteville, Ark. 72702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Sun Prairie, Poynette, Waunakee, Cobb, and Merrill, Wis., to points in Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Little Rock, Ark.

No. MC 117439 (Sub-No. 31), filed September 5, 1967. Applicant: BULK TRANSPORT, INC., U.S. Highway 190, Post Office Box 89, Port Allen, La. 70767. Applicant's representative: John Schwab, 617 North Boulevard, Post Office Box 1350, Baton Rouge, La. 70821. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and blends of corn products*, in bulk, from New Orleans, La., to points in Louisiana and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Memphis, Tenn.

No. MC 117574 (Sub-No. 163) (Amendment), filed June 19, 1967, published in FEDERAL REGISTER issue of June 29, 1967, amended September 7, 1967, and republished as amended this issue. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Mounted Route 3, Carlisle, Pa. 17013. Applicant's representative: D. E. Lutz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, building board, insulation board, fiberboard, pulpboard, and incidental materials and supplies* (except commodities in bulk) used in or in connection with the installation thereof, from Lisbon Falls, Maine, to points in New York, New Jersey, Delaware, Maryland, Virginia, Pennsylvania, and West Virginia. NOTE: The purpose of this republication is to reflect changes in the commodity description. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 118402 (Sub-No. 1), filed September 7, 1967. Applicant: HILLSIDE MOTOR LINES, INC., 321 Indian River Road, Orange, Conn. Applicant's representative: Thomas W. Murrett, 410 Asylum Street, Hartford, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from points in the New York, N.Y., commercial zone, as defined by the Commission, to Lewiston, Maine. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, or Hartford, Conn.

No. MC 123446 (Sub-No. 21), filed September 11, 1967. Applicant: BAKERY PRODUCTS DELIVERY, INC., 404 West Putnam Avenue, Greenwich, Conn. Applicant's representative: Reubin Kaminsky, 410 Asylum Street, Hartford, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products* (except unleavened and frozen bakery products), from New Haven, Conn., to the District of Columbia, and *stale, damaged, refused, rejected, and nonsalable shipments of the above-described commodities and empty containers*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or New York, N.Y.

No. MC 123639 (Sub-No. 102), filed August 30, 1967. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, Colo. 80216. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. 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 appendix I to the report *in Descriptions of Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), between points in Jewell County, Kans., and points in Arizona, California, Colorado, Illinois, Indiana, Iowa, Michigan, Nebraska, Nevada, Ohio, Utah, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 124078 (Sub-No. 298), filed September 12, 1967. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and liquid fertilizer ingredients*, from Eaton and Thorntown, Ind., to points in Illinois, Kentucky, Michigan, and Ohio. NOTE: Applicant states it will tack the proposed authority with its Sub 225 at Fulton and Streator, Ill., to serve points in Iowa and Wisconsin. If a hearing is deemed necessary, applicant requests it be held at St. Louis Mo.

No. MC 124354 (Sub-No. 1), filed September 8, 1967. Applicant: PARENTE TRUCKING SERVICE, INC., 42-02 35th Avenue, Long Island City, N.Y. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carbonated beverages*, in cans, in cases or cartons, on pallets, from Paterson, N.J., to New York, Jericho, West Hampton, Yonkers, Tuckahoe, and Newburgh, N.Y., and Bridgeport, Conn., and, *empty bottles, cans, cases, cartons, and pallets*, on return, under contract with the Coca-Cola Bottling Co. of New York, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 124539 (Sub-No. 2), filed September 15, 1967. Applicant: EUGENE STONE, 5735 East 139th Street, Cleveland, Ohio 44125. Applicant's representative: Richard H. Brandson, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, fittings for plastic pipe, and adhesives*, other than in bulk, from Columbus, Ohio, to points in New York, Connecticut, and Massachusetts, (2) *Plastic granuals*, other than in bulk, from Springfield and Leominster, Mass., to Columbus, Ohio, (3) *plastic moldings and extrusions* from Florence (Northampton) and Easthampton, Mass., to Bryan, Cinncinnati, Cleveland, and Columbus, Ohio, and (4) *automotive tires*, with or without tubes, from Chicopee Falls, Mass., to Cleveland, Lima, and Twinsburg, Ohio, restricted to movements in shipper-supplied semitrailers and/or trailers, under contract with the Standard Oil Co. and its wholly owned subsidiaries. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 124774 (Sub-No. 69), filed September 13, 1967. Applicant: CARAVELLE EXPRESS, INC., Post Office Box 384,

Norfolk, Nebr. 68701. Applicant's representatives: David D. Tews, Post Office Box 4843, State House Station, Lincoln, Nebr. 68509, and Martin Zimmerman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Waterloo and Columbus Junction, Iowa, to points in Arkansas, Missouri, Nebraska, and Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 124813 (Sub-No. 43), filed September 15, 1967. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insecticides*, other than agricultural, in packages, *animal and poultry tonics, livestock and poultry feeders, advertising matter and premium merchandise*, in mixed shipments with animal and poultry feeds, from the plantsite of the Moorman Manufacturing Co. at Quincy, Ill., to Fort Dodge, Iowa, and Sleepy Eye and Zumbrota, Minn. NOTE: Applicant holds contract carrier authority under Docket No. MC 118468 (Sub-No. 16) and subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 124983 (Sub-No. 8), filed September 5, 1967. Applicant: CLARENCE NEWLUN, doing business as NEWLUN TRANSPORT SERVICE, 119 Lincoln Road, North Pekin, Ill. 61554. Applicant's representative: Donald S. Manion, 53 West Jackson Boulevard, Chicago, Ill. 60604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and supplies*, other than those in bulk, between points in Illinois and Missouri under contract with the Borden Co. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126600 (Sub-No. 3) (Correction), filed August 14, 1967, published FEDERAL REGISTER issue of August 31, 1967, corrected and republished as corrected this issue. Applicant: EHRSAM TRANSPORT, INC., 108 North Factory, Enterprise, Kans. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities, as are dealt in, or used by, wholesale and retail department stores*, from points in Georgia and North Carolina to Abilene, Kans., under contract with the A. L. Duckwall Stores Co., a corporation; Western Merchandise Co., a corporation; the A. L. Duckwall Stores Co., a corporation, doing business as Duckwall Warehouse Co.; and the A. L. Duckwall Stores Co., a corporation, doing business as Alco Discount. NOTE: The purpose of this republication is to reflect contract carrier in lieu of common carrier. If a hearing is deemed necessary, applicant requests it be held at Kansas City or Topeka, Kans.

No. MC 127100 (Sub-No. 5), filed September 11, 1967. Applicant: B & B MOTOR LINES, INC., 911 Summit Street, Toledo, Ohio 43604. Applicant's representative: Earl F. Boxell, Ninth Floor, Toledo Trust Building, Toledo, Ohio 43604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from South Bend, Ind., and Peoria, Ill., to Toledo, Defiance, Lima, and Sandusky, Ohio, under contract with Metropolitan Distributing Co., the Thornburgh Sales Co., the Defiance Beverage Co., and Shawnee Distributors, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, Lansing, Mich., or Indianapolis, Ind.

No MC 127158 (Sub-No. 4), filed September 8, 1967. Applicant: LIQUID FOOD CARRIER, INC., Post Office Box 10521, New Orleans, La. 70121. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregualr routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from Reserve, La., to Oak Grove, and Monroe, La. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 127765 (Sub-No. 2), filed August 23, 1967. Applicant: CUSTOM CARTAGE, a corporation, 660 West 16th Street, Chicago, Ill. 60616. Applicant's representative: James F. Flanagan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Uncrated rug padding*, from Chicago, Ill., to points in New York, Pennsylvania, Massachusetts, Connecticut, Maryland, Michigan, Indiana, and Missouri, and (2) *returned shipments* on return, under contract with Chapman Bros., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128016 (Sub-No. 4), filed September 11, 1967. Applicant: BRUCE G. BESH, doing business as BRUCE G. BESH TRUCKING, Rural Route 3, Cedar Falls, Iowa 50613. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Used auto parts*, from Waterloo, Iowa, to points in the United States (except Minneapolis, Minn., and points in Alaska, Hawaii, Kansas, New York, Oklahoma, and Texas), under contract with Empire Engines, Inc., Waterloo, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 128021 (Sub-No. 3), filed September 1, 1967. Applicant: DIVERSIFIED PRODUCTS TRUCKING CORPORATION, 306 Columbus Parkway, Opelika, Ala. 36801. Applicant's representative: Robert T. Tate, Suite 2025–2028, City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Physical fitness, gymnastic, athletic, and sporting goods equipment, ping pong tables, exer-cycles, and boat anchors*, from the plantsite of Diversified Products Corp. of New Jersey (formerly Superior Industries, Corp.) at West Haven, Conn., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, and Wyoming, and (2) *equipment, materials, and supplies* used in the manufacture and distribution of physical fitness, gymnastic, athletic, and sporting goods equipment, *ping pong tables, exer-cycles, and boat anchors*, from points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, and Wyoming, to the plantsite of Diversified Products Corp. of New Jersey (formerly Superior Industries, Corp.) at West Haven, Conn., under contract with Diversified Products Corp. of Opelika, Ala. NOTE: If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala.

No. MC 128131 (Sub-No. 2), filed September 11, 1967. Applicant: ROBERT R. GREENE, 433 Lewis Drive, Gallipolis, Ohio. Applicant's representatives: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215, and R. William Jenkins, 504½ Second Street, Gallipolis, Ohio 45631. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural lime*, from points in Jackson and Gallia Counties, Ohio, to points in Jackson, Mason, Putnam, Roane, and Kanawha Counties, W. Va., (2) *limestone, agricultural lime, blacktop, sand, and gravel*, from points in Jackson and Gallia Counties, Ohio, to points in Wood, Wirt, Calhoun, Cabell, and Wayne Counties, W. Va., and (3) *limestone, agricultural lime, blacktop, sand, and gravel*, from points in Jackson, Mason, Putnam, Roane, Kanawha, Wood, Wirt, Calhoun, Cabell, and Wayne Counties, W. Va., to points in Jackson and Gallia Counties, Ohio, under contract with James Merry Stone Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 128247 (Sub-No. 2), filed September 1, 1967. Applicant: BURSAL TRANSPORT, INC., Rural Route 1, Bunker Hill, Ind. Applicant's representative: Warren C. Moberly, 1212 Fletcher Trust Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular

routes, transporting: *Electrodes*, weighing approximately 2,500 lbs. each and palletized two (2) to a pallet, from points in Tennessee and North Carolina, to Kokomo, Ind., under contract with Continental Steel Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 128477 (Sub-No. 1), filed September 15, 1967. Applicant: FREDERICK TRANSPORT, LIMITED, Merlin, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milking machine systems, stalls, and equipment used in the housing and maintenance of livestock; and equipment used in the maintenance, feeding, and housing of poultry and hogs, and the component parts thereof*, between ports of entry on the international boundary line between the United States and Canada located in Michigan at the Detroit River, on the one hand, and, on the other, points in Ohio, Michigan, Indiana, and Illinois, under a continuing contract with Jamesway Co., Ltd., Preston, Ontario, Canada. NOTE: Applicant states the service sought herein is limited to the international commerce originating or terminating at points in Canada. Applicant holds common carrier authority under MC 116519 and Sub-1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 128746 (Sub-No. 9), filed September 12, 1967. Applicant: D'AGATA NATIONAL TRUCKING CO., a corporation, 3240 South 61st Street, Philadelphia, Pa. 19153. Applicant's representative: G. Donald Bullock, Box 103, Wyncote, Pa. 19195. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from the plantsites of C. Schmidt & Sons, Inc., located in Norristown and Philadelphia, Pa., to points in Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 128805 (Sub-No. 1), filed September 8, 1967. Applicant: NEIL E. HAWKINS, 10443 Southeast 264th Street, Kent, Wash. 98031. Applicant's representative: Joseph O. Earp (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats and meat products and articles distributed by meat packinghouses* as defined in parts A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (1) from points in Washington, to points in California and Oregon; and (2) from points in California, to points in Oregon and Washington. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 128976 (Sub-No. 2), filed September 13, 1967. Applicant: DON THOMPSON, doing business as WOODLAND ELEVATOR, South Main Street, Woodland, Mich. 48397. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Processed meat and bone scraps*, in bulk, to be used as animal and poultry feed ingredients, from Fort Wayne, Ind., to Battle Creek and Millet, Mich., under contract with Ralston Purina Co., Battle Creek, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 129077 (Sub-No. 1), filed September 12, 1967. Applicant: APACA, INC., 423 Wyoming SE., Albuquerque, N. Mex. 87112. Applicant's representative: George F. Stevens, Suite 811, First National Bank Building West, Albuquerque, N. Mex. 87101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, restricted to shipments both (1) moving on the through bill of lading of a freight forwarder operating under the exemption provisions of section 402 (b) (2) of the Interstate Commerce Act, as amended, and (2) having an immediately prior or subsequent out-of-state line-haul movement by rail, motor, water, or air, between Albuquerque, N. Mex., and points in San Juan, Rio Arriba, Taos, Colfax, Union, McKinley, Sandoval, Sante Fe, Mora, San Miguel, Harding, Valencia, Bernalillo, Torrance, and Guadalupe Counties, N. Mex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albuquerque or Santa Fe, N. Mex.

No. MC 129079 (Sub-No. 1), filed September 18, 1967. Applicant: THE TRANSIT CO., INC., 2803 South Ninth Place, Milwaukee, Wis. 53215. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Munitions parts*, between Milwaukee, Wis., and Chicago, Ill., under contract with AC Electronics Division of General Motors Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 129198 (Sub-No. 2), filed September 15, 1967. Applicant: EDMOND DESIPIO AND FRANK JOCK, doing business as GLASGOW TRANSPORT COMPANY, 4 Cordrey Road, Newark, Del. 19711. Applicant's representatives: William J. Lippman and Philip F. Hudock, 1824 R Street NW., Washington, D.C. 20009. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pulpboard, paper, and paper products*, from Childs, Md., to points in Connecticut, Maryland, Ohio, Rhode Island, South Carolina, Virginia, Delaware, West Virginia, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, and the District of Columbia, and (2) *waste paper, paper mill supplies, machinery, and equipment* on return, under contract with Elk Paper Manufacturing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Wilmington, Del., or Washington, D.C.

No. MC 129211 (Sub-No. 2), filed September 12, 1967. Applicant: MARIANN BURN AND CHARLES W. BURN, a partnership, doing business as M.C.B. COMPANY, Vanderburg and Railroad Avenue, Marlboro, N.J. Applicant's representative: Edward F. Bowes, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dinnerware, tableware and reproduced paintings* used as merchandise premiums, between Marlboro, N.J., on the one hand, and, on the other, New York, N.Y., and Philadelphia, Pa., for the account of George E. Weigl Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 129271 (Sub-No. 2), filed September 15, 1967. Applicant: LOGENCO, a corporation, 2400 East Imperial Highway, Los Angeles, Calif. 90059. Applicant's representative: Warren N. Grossman, 825 City National Bank Building, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid methane*, in bulk, from San Diego and Ontario, Calif., to West Palm Beach, Fla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 129389, filed September 5, 1967. Applicant: PADDAK BROTHERS, INC., Rural Route 6, Frankfort, Ind. 46041. Applicant's representative: John E. Lesow, 3737 North Meridian Street, Indianapolis, Ind. 46208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and liquid fertilizer ingredients*, from Thorntown and Eaton, Ind., to points in Illinois, Indiana, Michigan, Kentucky, and Ohio. NOTE: If a hearing is deemed necessary, applicant did not specify the location.

No. MC 129391, filed September 13, 1967. Applicant: VERNON EUGENE CRISCO, doing business as EMPIRE TRANSFER AND STORAGE CO., 115 West Columbia Avenue, Orlando, Fla. 32806. Applicant's representative: Thomas F. Kilroy, Suite 913, Colorado Building, 1341 G Street NW., Washington, D.C. 20005. 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 Orange County, Fla., restricted to shipments moving in containers and having an immediately prior or subsequent movement by rail, motor, water, or air, and moving on through bills of lading of forwarders, operating under the section 402(b)(2) exemption. NOTE: If a hearing is deemed necessary, applicant requests it be held at Orlando, Fla., or Washington, D.C.

No. MC 129394, filed September 13, 1967. Applicant: STATE SALES, INC., 678 Washington Avenue, Elyria, Ohio 44035. Applicant's representative: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. Authority sought to operate as a *contract carrier*, by motor

vehicle, over irregular routes, transporting: *Burnt lime and sludge*, from Huron, Ohio, to Weirton, Wheeling, Graham, and Follansbee, W. Va., and Sharon, Butler, and Midland, Pa., under contract with the Federal Lime & Stone Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Cleveland, Ohio.

No. MC 129396, filed September 12, 1967. Applicant: M. S. Mawhinney, Jr., 109 Leila Street, Johnstown, Pa. 15905. Applicant's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between the Greater Pittsburgh Airport, Moon Township, Allegheny County, Pa., on the one hand, and, on the other, points in Bedford, Blair, Cambria Centre, Huntingdon, and Somerset Counties, Pa., restricted to traffic having a prior or subsequent movement by air. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 129397, filed September 12, 1967. Applicant: WILLIAM E. SWIFT, doing business as SWIFT TRANSPORTATION CO., Post Office Box 6173, Phoenix, Ariz. 85005. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of Swift & Co., at or near Tolleson, Ariz., to points in Arizona and California, under contract with Swift & Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 129399, filed September 13, 1967. Applicant: KENNETH McGRATH, doing business as McGRATH'S ESSO SERVICE, 831 National Road, Wheeling, W. Va. 26003. Applicant's representative: Andrew J. Goodwin, 500 Terminal Building, Charleston, W. Va. 25301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Repossessed vehicles or wrecked or disabled motor vehicles*, from other than the scene of the accident or disablement and to transport *accidentally wrecked or disabled motor vehicles* other than by towing, from points in West Virginia, to points in Ohio and Pennsylvania. NOTE: If a hearing is deemed necessary, applicant requests it be held at Wheeling or Charleston, W. Va.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub-No. 398), filed August 28, 1967. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. 07040. Applicant's representative: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, (1) between Hackensack and Fort Lee, N.J., from junction of Interstate Highway 80 and access roads to Polifly Road, Hackensack, N.J., over Interstate Highways 80 and 95 to the George Washington Bridge Plaza, Fort Lee, N.J., and return over the same route, serving no intermediate points except for purposes of joinder, (2) between Ridgefield Park and Teaneck, N.J., from junctions of U.S. Highway 46, New Jersey Turnpike and Interstate Highway 95, Ridgefield Park, N.J., over Interstate Highway 95 to junction of Interstate Highways 80 and 95 to the boundary line of Ridgefield Park and Teaneck, N.J., and return over the same route, serving no intermediate points except for purposes of joinder, (3) between the following points in Teaneck, N.J., from junction of Fort Lee Road and Teaneck Road over Teaneck Road, De Graw Avenue and access road to junction of Interstate Highway 95, and returning from junction of Interstate Highway 95 and access road over access road, Glenwood Avenue, De Graw Avenue, and Teaneck Road to junction of Fort Lee Road, serving all intermediate points, (4) between the following points within Hackensack, N.J., (a) from junction of Essex Street and Polifly Road, over Polifly Road and access road to Interstate Highway 80 and returning from junction of Interstate Highway 80 and access road over access road and Polifly Road to junction of Essex Street, serving all intermediate points, and (b) from junction of Hudson Street and Kennedy Street over Kennedy Street and access road to Interstate Highway 80 and returning from junction of Interstate Highway 80 and access road over access road and Kennedy Street to junction of Hudson Street, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., and New York, N.Y.

No. MC 3647 (Sub-No. 399), filed September 11, 1967. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N.J. 07040. Applicant's representative: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, and newspapers*, in the same vehicle with passengers, between the junction of Ridgewood Avenue and Pascack Road, Paramus, N.J., and the Paramus Fashion Center, Paramus, N.J., from the junction of Ridgewood Avenue and Pascack Road, Paramus, N.J., over Pascack Road to junction Ridgewood Avenue, thence over Ridgewood Avenue to junction Winters Avenue, thence over Winters Avenue to Paramus Fashion Center, Paramus, N.J., and return over the same route, serving all intermediate points. NOTE: Applicant also holds passenger contract carrier authority in permit MC 129346, and passenger broker authority in License MC 12668. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 107583 (Sub-No. 39), filed September 15, 1967. Applicant: SALEM TRANSPORTATION CO., INC., 1222 Jerome Avenue, Bronx, N.Y. 10542. Applicant's representative: George H. Rosen, 265 Broadway, Monticello, N.Y. 12701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Blood, blood plasma, and related medicinal and therapeutic agents* in the same vehicle with passengers, between McGuire Air Force Base, N.J., on the one hand, and, on the other, Philadelphia International Airport, Pa., Newark Airport, N.J., John F. Kennedy International Airport, and LaGuardia Airport, New York, N.Y. NOTE: Notice of this application appears in this issue of the FEDERAL REGISTER with motor carriers of property. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

WATER CARRIERS PASSENGERS AND PROPERTY

No. W-586 (Sub-No. 3) (PUDGET SOUND TUG & BARGE COMPANY—Extension—Intercoastal), filed September 11, 1967. Applicant: PUDGET SOUND TUG & BARGE COMPANY, a corporation, 3414 Iowa Avenue SW., Seattle, Wash. Applicant's representative: S. H. Moerman, Investment Building, Washington, D.C. 20005. Application of Pudget Sound Tug & Barge Co., filed September 11, 1967, for a revised certificate authorizing extension of its operations to include operations as a *common carrier* by water in interstate or foreign commerce, by towing vessels in the towage of barges loaded with *structural steel*, from Seattle, Wash., Long Beach and Los Angeles, Calif., to New York, N.Y. (New York Harbor), and *empty barges and rejected articles*, on return.

No. W-1237 (JEFFREY SAND COMPANY—Contract Carrier Application), filed September 11, 1967. Applicant: JEFFREY SAND COMPANY, a corporation, Post Office Box 998, Fort Smith, Ark. Authority sought to operate as a *contract carrier*, by water, in year-round operations, in interstate or foreign commerce under Part III of the Interstate Commerce Act, in the transportation of *stone, sand, feed, fertilizer, heavy machinery, agricultural products, steel, brass, cast iron, coal, and petroleum products*, between Arkansas Post, Pine Bluff, Little Rock, North Little Rock, Dardanelle, Ozark, and Fort Smith, Ark.; and, Muskogee, Catoosa, and Tulsa, Okla.

APPLICATION OF FREIGHT FORWARDERS

No. FF-267 (Sub-No. 2) (HONOLULU FREIGHT SERVICE—Extension—Oregon and Washington), filed September 5, 1967. Applicant: HONOLULU FREIGHT SERVICE, a corporation, 2425 Porter Street, Los Angeles, Calif. 90021. Applicant's representative:

R. Y. Schureman, 1010 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought under section 410, Part IV of the Interstate Commerce Act to extend operations as a *freight forwarder* in interstate or foreign commerce, through use of the facilities of common carrier by water and motor vehicle in the transportation of *general commodities*, except household goods as defined by the Commission, between points in Hawaii, on the one hand, and, on the other, points in Oregon and Washington.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 2165 (Sub-No. 20), filed September 11, 1967. Applicant: LANGDON TRUCK LINES, INC., 128 Glenwood Avenue, Medina, N.Y. 14103. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which is partially exempt under the provision of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with regulated commodities, presently authorized, from Middleport, N.Y., to points in New Jersey and Pennsylvania.

No. MC 124328 (Sub-No. 30), filed September 11, 1967. Applicant: BRINK'S INCORPORATED, 234 East 24th Street, Chicago, Ill. 60616. Applicant's representative: F. D. Partlan (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin, currency, and securities*, between Cleveland, Ohio, and Erie, Pa., under contract with Central National Bank of Cleveland, Cleveland, Ohio, Union Bank & Trust Co., Erie, Pa., and First National Bank of Erie, Erie, Pa., and other banks and financial institutions.

NO HEARING PASSENGER

No. MC 125093 (Sub-No. 3), filed September 8, 1967. Applicant: LEONORE MARSHELLO MORGAN, PEGGY MORGAN SPENCER, PATSY MORGAN HARBOUR, TOM MORGAN, a partnership, doing business as NOGALES-BISBEE STAGE CO., 424 Grand Avenue, Nogales, Ariz. Applicant's representative: Robert J. Corber, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, baggage, express, newspapers, etc.*, between Tucson, Ariz. (including Tucson Municipal Airport) and Fort Huachuca, Ariz., from Tucson over U.S. Highway 10 (80) to junction with Arizona Highway 83, thence over Arizona Highway 83 to Sonoita and junction with Arizona Highway 82, thence over Arizona Highway 82 to junction with Arizona Highway 90, located approximately 9 miles west of Fairbank, Ariz., thence over Arizona Highway 90 to Sierra Vista, thence to the U.S. Electronic Proving Grounds at Fort Huachuca, and from Tucson over U.S. Highway 10 (80) via Benson, Ariz., to junction with Arizona Highway 90, thence over Arizona Highway 90 to Sierra Vista, thence to the U.S. Electronic Proving Grounds at Fort Huachuca, and return over the same routes, serving all intermediate points.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-11316; Filed, Sept. 27, 1967; 8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 25, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41139—*Sand to Glenshaw, Pa.* Filed by Southwestern Freight Bureau, agent (No. B-9016), for interested rail carriers. Rates on sand, as described in the application, in carloads, from Klondike, Ludwig, and Pacific, Mo., Mill Creek and Roff, Okla., to Glenshaw, Pa.

Grounds for relief—Market competition, and modified shortline distance formula.

Tariff—Supplement 166 to Southwestern Freight Bureau, agent, tariff ICC 4565.

AGGREGATE-OF-INTERMEDIATES

FSA No. 41138—*Zinc residue from Amarillo, Tex., to Corpus Christi, Tex.* Filed by Texas-Louisiana Freight Bureau, agent (No. 604), for interested rail carriers. Rates on zinc residue, in carloads, from Amarillo, Tex., to Corpus Christi, Tex., over interstate routes through adjoining States.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 69 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-11403; Filed, Sept. 27, 1967; 8:48 a.m.]

[Notice 460]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 25, 1967.

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 protest must certify that such service has been made. The protest 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 5152 (Sub-No. 9 TA), filed September 20, 1967. Applicant: VANCOUVER FAST FREIGHT, INC., 304 Columbia Street, Vancouver, Wash. 98660. Applicant's representative: Ernest J. Christensen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers and closures*, from Vancouver, Wash., to points in King, Pierce, Lewis, Grays Harbor, Mason, Thurston, Pacific, Cowlitz, and Clark Counties, Wash., for 180 days. Supporting shipper: Owens-Illinois, 1700 South El Camino Real, San Mateo, Calif. 94402. Send protests to: S. F. Martin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 31208 (Sub-No. 7 TA), filed September 20, 1967. Applicant: H. T. RATCLIFF, 430 Russell Road, Abingdon, Va. 24210. Applicant's representative: T. L. Hutton, 188 East Main Street, Abingdon, Va. 24210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden rails and wooden posts*, from Clinchburg, Va., to points in the United States east of the Mississippi River, and to points in Louisiana, Texas, Arkansas, Missouri, Kansas, Iowa, Minnesota, Nebraska, and Oklahoma, for 180 days. Supporting shipper: Wood Products Co., 1533 Laskey Road, Toledo, Ohio 43612. Send protests to: George S. Hales, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 44605 (Sub-No. 31 TA), filed September 20, 1967. Applicant: MILNE TRUCK LINES, INC., 2200 South Third West Street, Salt Lake City, Utah 84115. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Gypsum plaster and gypsum wallboard* (plasterboard), from Apex and Blue Diamond, Nev., to Los Angeles, Calif., basin territory (shipper letter indicates "Basin Territory" includes points in San Bernardino, Riverside, Orange, and Los Angeles Counties, Calif.), from the mine sites to Interstate Highway 15 to Los Angeles, Calif.,

basin territory. NOTE: Applicant indicates it does intend to tack at Las Vegas, Nev., and Los Angeles, Calif., with presently held authority in MC 44605, for 180 days. Supporting shipper: Flintkote Co., Blue Diamond Gypsum Division, 1650 South Alameda Street, Post Office Box 2678, Terminal Annex, Los Angeles, Calif. 90054; Fibreboard Corp., 475 Brannan Street, San Francisco, Calif. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2224 Federal Building, Salt Lake City, Utah 84111.

No. MC 77424 (Sub-No. 34 TA), filed September 20, 1967. Applicant: WENHAM TRANSPORTATION, INC., 3200 East 79th Street, Post Office Box 6931, Cleveland, Ohio (44104), Cleveland, Ohio 44101. Applicant's representative: J. G. Bamer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and prepared foodstuffs* (other than frozen), in containers, from Waterloo, Red Creek, Rushville, Egypt, Penn Yan, and Newark, N.Y., to points in Indiana, Illinois, and St. Louis, Mo., for 180 days. Supporting shipper: Greenwood's Division of the Borden Co., Newark, N.Y. Send protests to: District Supervisor G. J. Baccei, Interstate Commerce Commission, 435 Federal Building, 215 Superior Avenue, Cleveland, Ohio (44114).

No. MC 109397 (Sub-No. 156 TA) (Correction), filed August 16, 1967, published in FEDERAL REGISTER issue of August 25, 1967, and republished as corrected this issue. Applicant: TRI-STATE MOTOR TRANSIT CO., Post Office Box 113, East on Interstate Business Route 44, Joplin, Mo. 64801. Applicant's representative: Daniel B. Johnson, Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A, B, and C explosives, blasting materials and supplies, ammunition and component parts of ammunition and explosives*, between West Hanover and Hingham, Mass.; Richmond, Ind.; Janesville, Wis.; La Salle and Elk Grove, Ill.; Hopkins and New Brighton, Minn., for 150 days. NOTE: The purpose of this republication is to include the tacking information which was inadvertently omitted from the previous publication. Supporting shipper: Atlantic Research Corp., Post Office Box 1175, King Street, West Hanover, Mass. 02339. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106. NOTE: Applicant intends to tack and interline with other carriers at Richmond, Ind., and Elk Grove, Ill.

No. MC 109677 (Sub-No. 33 TA), filed September 20, 1967. Applicant: FORT EDWARD EXPRESS CO., INC., Route 9, Saratoga Road, Fort Edward, N.Y. 12828. Applicant's representative: J. Fred Relyea (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aviation gasoline*, in bulk, in tank vehicles, from Newington, N.H., to Plattsburg Air Force Base, Plattsburg, N.Y., for 150 days. Supporting shipper: Military Traffic Management & Terminal Service, Department of the Army, Washington, D.C. (supporting telegram handled directly with Washington). Send protests to: Jack G. Takakjian, District Supervisor, 518 Federal Building, Albany, N.Y. 12207.

No. MC 111201 (Sub-No. 11 TA), filed September 20, 1967. Applicant: J. N. ZELLNER & SON TRANSFER COMPANY, Post Office Box 818, East Point, Ga. 30044. Applicant's representative: Monty Schumacher, 1375 Peachtree Street NE., Suite, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers and closures* and (2) *corrugated boxes or paper containers*, in mixed loads with glass containers and closures for such containers on flat-bed trailers only, from Chattanooga, Tenn., to points in North Carolina, South Carolina, Georgia, Florida, Mississippi, Louisiana, and Alabama, for 180 days. Supporting shipper: R. R. McWilliams, truck supervisor, Chattanooga Glass Co., Chattanooga, Tenn. 34710. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 113784 (Sub-No. 26 TA), filed September 20, 1967. Applicant: CANAL CARTAGE LIMITED, Post Office Box 368, Station C, Hamilton, Ontario, Canada. Applicant's representative: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ilmenite*, in bulk, from the ports of entry on the Niagara River on the international boundary line between the United States and Canada to Marcus Hook, Pa., for 180 days. Supporting shipper: Lurgi Canada, Ltd., 77 York Street, Toronto 1, Ontario, Canada. Send protests to: District Supervisor, George M. Parker, 518 Federal Office Building, 121 Ellicott Street, Buffalo, N.Y. 14203.

No. MC 115311 (Sub-No. 70 TA), filed September 20, 1967. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, Ga. 31061. Applicant's representative: Bill R. Davis, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods, and personal effects*, in containers, and *containers* used in the transportation thereof, on flat-bed equipment, between New Orleans, La., on the one hand, and, on the other, points in Louisiana, Arkansas, Missouri, Mississippi, Alabama, Georgia, Florida, South Carolina, Virginia, West Virginia, Tennessee, Kentucky, Washington, D.C., Illinois, Indiana, Ohio, Michigan, and Wisconsin, for 180 days. Supporting shipper: New Orleans Shipping Co., Inc., Room 700, 344 Camp Street, New Orleans, La. 70130. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 116077 (Sub-No. 218 TA), filed September 20, 1967. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Zip 77023, Post Office Box 9527, Houston, Tex. 77011. Applicant's representative: J. C. Browder (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diisodecyl Phthalate*, in bulk, in tank vehicles, from Houston, Tex., to Plano, Tex., for 180 days. Supporting shipper: Enjay Chemical Co. (Attention: Mr. E. J. Morgan), Transportation & Distribution, 60 West 49th Street, New York, N.Y. 10020. Send protests to: District Supervisor, John C. Redus, Interstate Commerce Commission, Bureau of Operations, Post Office Box 61212, Houston, Tex. 77061.

No. MC 124951 (Sub-No. 23 TA), filed September 20, 1967. Applicant: WATHEN TRANSPORT, INC., Post Office Box 237, Henderson, Ky. 42420. Applicant's representative: Louis 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: (1) *Aluminum castings*, from the plantsite of Gibbs Federal Division, at Henderson, Ky., to Milan, Tenn., and (2) *Plastic molded parts*, from the plantsite of Tri-State Plastic Molding Co., at Henderson, Ky., to Decatur, Ill., for 180 days. Supporting shippers: (1) Mary Ernestine Whelan, Secretary-Treasurer, Gibbs Federal Division, Bibbs Die Casting Aluminum Corp., Henderson, Ky. 42420; (2) Gordon R. Kay, Secretary-Treasurer, Tri-State Plastic Molding Co., 505 4th Street, Henderson, Ky. 42420. Send protests to: Wayne L. Merilatt, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 125899 (Sub-No. 8 TA), filed September 20, 1967. Applicant: JOHN McCABE, 1804 South 27th Avenue, Phoenix, Ariz. 85009. Applicant's representative: Pete H. Dawson, 4435 East Piccadilly, Phoenix, Ariz. 85018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood shavings, sawdust, bark, and fertilizer*, from Williams, Ariz., to points in Los Angeles, San Diego, Riverside, and San Bernardino, Ventura, and Imperial Counties, Calif., for 180 days. Supporting shipper: Haining Lumber Co., Post Office Box 635, Williams, Ariz. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, 3427 Federal Building, Phoenix, Ariz. 85025.

No. MC 127505 (Sub-No. 11 TA), filed September 20, 1967. Applicant: RALPH H. BOELK, doing business as R. H. BOELK TRUCK LINES, 1201 14th Avenue, Mendota, Ill. 61342. Applicant's representative: Ralph H. Boelk, 1201 14th Avenue, Mendota, Ill. 61342. Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Face brick*, from St. Louis, Mo., to points in Scott County, Iowa, and points in Boone, Bureau, Champaign, Cook, De Kalb, Du Page, Grundy, Kane, Kankakee, Kendall, Lake, La Salle, Lee, Livingston, Macon, McHenry, McLean, Morgan, Peoria, Putnam, Rock Island, Sangamon, Stephenson, Tazewell, Vermilion, Whiteside, Will, and Winnebago Counties, Ill., for 180 days. Supporting shipper: Alton Brick Co., Post Office Box 1025, Maryland Heights, Mo. 63402. Send protests to: William E. Gallagher, District Supervisor, Interstate Commerce Commission, Bureau of Operation–1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 129405 TA, filed September 20, 1967. Applicant: SQUAMISH TRANSFER, LIMITED, 900 West First Street, North Vancouver, British Columbia, Canada. Applicant's representative: H. N. McFadden (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *De-Tinned Scrap Steel*, from Seattle, Wash., to Britannia Beach, British Columbia (using ports of entry on the United States-Canada boundary line at or near Blaine and Sumas, Wash., for 180 days. Supporting shipper: The Anaconda Co. (Canada) Ltd., Britannia Beach, British Columbia, Canada. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-11404; Filed, Sept. 27, 1967; 8:49 a.m.]

[S.O. 994; ICC Order 7]

ST. LOUIS-SAN FRANCISCO RAILWAY CO.

Rerouting and Diversion of Traffic

In the opinion of N. Thomas Harris, agent, the St. Louis-San Francisco Railway Co. is unable to transport traffic over its line between Lorraine, Kans., and Ellsworth, Kans., because of washouts and track damage.

It is ordered, That:

(a) The St. Louis-San Francisco Railway Co. being unable to transport traffic over its line between Lorraine, Kans., and Ellsworth, Kans., because of washouts and track damage, this carrier and its connections are hereby authorized to reroute or divert such traffic over any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 4 p.m., September 22, 1967.

(g) Expiration date: This order shall expire at 11:59 p.m., October 31, 1967, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., September 22, 1967.

INTERSTATE COMMERCE COMMISSION,
[SEAL] N. THOMAS HARRIS, *Agent*.

[F.R. Doc. 67-11405; Filed, Sept. 27, 1967; 8:49 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—SEPTEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during September.

3 CFR

Page

PROCLAMATIONS:

3803 ... 12663
3804 ... 13441
3805 ... 13481
3806 ... 13483
3807 ... 13485

EXECUTIVE ORDERS:

July 2, 1910 (revoked in part by PLO 4267) ... 13072
Sept. 14, 1910 (revoked in part by PLO 4267) ... 13072
Sept. 21, 1916 (revoked in part by PLO 4267) ... 13072
6583 (revoked in part by PLO 4273) ... 13411
8652 (revoked in part by PLO 4266) ... 12950
11370 ... 12665
11371 ... 12903
11372 ... 13251
11373 ... 13371

5 CFR

213 ... 12831, 12937, 13045, 13319, 13401, 13443
630 ... 12937
733 ... 12937
870 ... 12937

PROPOSED RULES:

890 ... 12725
891 ... 12727

7 CFR

27 ... 12831
51 ... 13487, 13492, 13500
52 ... 13373, 13569
201 ... 12778
220 ... 13215, 13376
319 ... 12832, 13215, 13319
401 ... 12989, 13504
411 ... 12989, 13215
724 ... 12905
725 ... 13113
729 ... 12990, 13215, 13569
755 ... 12938
833 ... 13216
900 ... 12992
905 ... 12907, 13179
906 ... 12992, 12993, 13113
908 ... 12709, 12908, 12909, 13179, 13408
910 ... 12709, 12743, 12909, 12938, 13180, 13217, 13409.
915 ... 12832, 13180, 13181
921 ... 13181
926 ... 12709, 13045
927 ... 12743, 13181
929 ... 13253
931 ... 13319
932 ... 13443
944 ... 12938, 12993
948 ... 12939
958 ... 12743
967 ... 13253
971 ... 13320
981 ... 12787, 13114
987 ... 12832
989 ... 12710
991 ... 13569
1004 ... 12787
1008 ... 12994

7 CFR—Continued

Page

1050 ... 12940
1099 ... 12744
1133 ... 12940
1421 ... 12744, 12745, 13046, 13376, 13444
1446 ... 13504

PROPOSED RULES:

26 ... 12755
51 ... 12799, 12953, 13077, 13196
52 ... 13289
53 ... 13230
906 ... 12802
925 ... 13292
926 ... 13331
932 ... 12854, 13292
989 ... 13292
1049 ... 13418
1094 ... 13460
1103 ... 13418
1132 ... 13595

8 CFR

PROPOSED RULES:

252 ... 12920

9 CFR

74 ... 13401
78 ... 13050
97 ... 13444
201 ... 12667, 13254
301-329 ... 13115
340 ... 13115
355 ... 13115
380 ... 13115
381 ... 13115

PROPOSED RULES:

316 ... 12953
317 ... 12953
328 ... 12953

10 CFR

1 ... 13377
10 ... 13409
50 ... 13445
115 ... 13445

PROPOSED RULES:

31 ... 13331
32 ... 13331

12 CFR

1 ... 12850, 12938, 13409
545 ... 12913
604 ... 12710
605 ... 13051

PROPOSED RULES:

215 ... 12758
563 ... 12922

13 CFR

107 ... 12842
119 ... 12788
121 ... 13571
123 ... 13401

PROPOSED RULES:

121 ... 13295

14 CFR

21 ... 13255
23 ... 13505

14 CFR—Continued

Page

25 ... 13255
37 ... 13255
39 ... 12668, 12711, 12746, 12788, 12909-12911, 13115, 13182, 13183, 13268, 13269, 13321, 13452.
47 ... 13505
49 ... 13505
65 ... 13505
71 ... 12668, 12712, 12789, 12790, 12833, 12912, 12913, 12995-13997, 13116-13119, 13218-13220, 13269, 13270, 13272, 13453, 13454, 13506, 13507.
73 ... 12712, 12833, 13119
75 ... 12913, 13507
77 ... 12997
93 ... 12747
95 ... 12747
97 ... 12669, 12834, 13120, 13378
121 ... 13255, 13505
202 ... 13183
203 ... 13184
370 ... 13052
385 ... 13272, 13507
400 ... 12839
1204 ... 13321
1221 ... 12997

PROPOSED RULES:

39 ... 12920, 12921
71 ... 12690, 12724, 12922, 13006-13008, 13079, 13140, 13141, 13197, 13293, 13294, 13460, 13526.
75 ... 13460
91 ... 12724
105 ... 13595
121 ... 12922
127 ... 13417
223 ... 13141
378 ... 13009

15 CFR

7 ... 13380
230 ... 13057, 13058
373 ... 12941, 13446
379 ... 13448
382 ... 13449
385 ... 13449
399 ... 13449
903 ... 13184

PROPOSED RULES:

10 ... 13385
70 ... 13077

16 CFR

0 ... 13272
13 ... 12713, 12844, 13124, 13454
15 ... 12750, 12941
38 ... 12999

PROPOSED RULES:

153 ... 12759
241 ... 13461
415 ... 12954

17 CFR

250 ... 13487

46 CFR—Continued

PROPOSED RULES—Continued

	Page
69	13514
70	13514
71	13514
78	13514
79	13514
90	13514
91	13514
97	13514
98	13514
99	13514
111	13514
162	13514
176	13514
182	13514
401	12756, 13079

47 CFR

	Page
0	12795, 13125
2	12795, 12915
17	13591
19	13457
21	13281
73	12795, 12797, 13509
74	13512
89	12915

47 CFR—Continued

	Page
91	12915
97	12682, 13377

PROPOSED RULES:

2	13143
73	12954, 13232, 13294, 13527
74	13010
81	13294
83	13294
85	13294
89	13143, 13145
91	13143
93	13143

49 CFR

	Page
1	12919
91	13384
101	12752
106	13414
110	13136
171	13324
173	13324
174	13324
175	13324
176	13324
177	13324
180	12851
191	13512

49 CFR—Continued

	Page
277a	13282, 13512
277c	13283
282	13326
600	12689

PROPOSED RULES:

Ch. I	12853
274	12853
276	12854, 13197
505	12853
540	13233

50 CFR

	Page
10	12685, 12798, 13072, 13227
32	12689, 12721, 12722, 12754, 12851, 12852, 12919, 12951, 12952, 13002, 13004, 13005, 13073–13076, 13193–13195, 13227, 13228, 13284–13287, 13329, 13330, 13384, 13458, 13512, 13513, 13592–13594.
33	12919, 13229, 13330

PROPOSED RULES:

13	13595
32	12953
33	12953