

# FEDERAL REGISTER

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Agencies in this issue—

Agricultural Research Service  
Atomic Energy Commission  
Civil Aeronautics Board  
Commodity Credit Corporation  
Consumer and Marketing Service  
Federal Aviation Agency  
Federal Communications Commission  
Federal Power Commission  
Federal Trade Commission  
Fish and Wildlife Service  
Housing and Urban Development  
Department  
Internal Revenue Service  
Interstate Commerce Commission  
Labor Department  
Land Management Bureau  
Panama Canal  
Railroad Retirement Board  
Securities and Exchange Commission

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### of the

## Code of Federal Regulations

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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.

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# Rules and Regulations

## Title 7—AGRICULTURE

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

#### PART 51—FRESH FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

##### Subpart—U.S. Standards for Grades of Honey Dew and Honey Ball Type Melons<sup>1</sup>

On August 24, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 11184) regarding a proposed revision of U.S. Standards for Grades of Honey Dew and Honey Ball Type Melons (7 CFR 51.3740-51.3749).

Statement of considerations leading to the revision of the grade standards. The existing U.S. Standards for Honey Dew and Honey Ball Type Melons have been in effect since May 20, 1937, and have not been codified in accordance with the Administrative Procedure Act of 1946.

This revision serves to codify the standards and to improve them in certain respects. No changes are made in the basic requirements. Certain definitions are made more precise and the statement of tolerances is rearranged and clarified. No comments were received following publication of the proposed revised standards.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following U.S. Standards for Grades of Honey Dew and Honey Ball Type Melons are hereby promulgated pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621-1627).

	GRADES
51.3740	U.S. No. 1.
51.3741	U.S. Commercial.
51.3742	U.S. No. 2.
	UNCLASSIFIED
51.3743	Unclassified.
	TOLERANCES
51.3744	Tolerances.
	APPLICATION OF TOLERANCES
51.3745	Application of tolerances.
	DEFINITIONS
51.3746	Mature.
51.3747	Well formed.
51.3748	Damage.
51.3749	Serious damage.

<sup>1</sup> Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

**AUTHORITY:** The provisions of this subpart issued under secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

#### GRADES

##### § 51.3740 U.S. No. 1.

"U.S. No. 1" consists of honey dew or honey ball type melons which are mature, firm, well formed, which are free from decay, and free from damage caused by dirt, aphid stain, rust spots, bruises, cracks, broken skin, sunscald, sunburn, hail, moisture, insects, disease, or other means (See § 51.3744).

##### § 51.3741 U.S. Commercial.

"U.S. Commercial" consists of honey dew or honey ball type melons which meet the requirements of U.S. No. 1 grade except for the increased tolerances for defects. (See § 51.3744.)

##### § 51.3742 U.S. No. 2.

"U.S. No. 2" consists of honey dew or honey ball type melons which are mature, firm, fairly well formed, free from decay and free from serious damage by any cause. (See § 51.3744.)

#### UNCLASSIFIED

##### § 51.3743 Unclassified.

"Unclassified" consists of melons which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

#### TOLERANCES

##### § 51.3744 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by count, are provided as specified:

(a) *U.S. No. 1.* 10 percent for melons in any lot which fail to meet the requirements of the grade: *Provided*, That not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage, including in this latter amount not more than 1 percent for melons affected by decay.

(b) *U.S. Commercial.* 20 percent for melons in any lot which fail to meet the requirements of this grade: *Provided*, That not more than one-fourth of this amount, or 5 percent, shall be allowed for defects causing serious damage, including in this latter amount not more than 1 percent for melons affected by decay.

(c) *U.S. No. 2.* 10 percent for melons in any lot which fail to meet the requirements of this grade including not more than 1 percent for melons affected by decay.

#### APPLICATION OF TOLERANCES

##### § 51.3745 Application of tolerances.

The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations:

(a) For a tolerance of 10 percent or more, individual packages shall have not more than 1½ times the tolerance specified: *Provided*, That when the package contains 15 specimens or less, any individual package shall have not more than double the tolerance specified, except that at least one defective specimen may be permitted in any package: *And provided further*, That the averages for the entire lot are within the tolerances specified for the grade.

(b) For a tolerance of less than 10 percent, individual packages in any lot shall have not more than double the tolerance specified, except that at least one defective specimen may be permitted in any package: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade.

#### DEFINITIONS

##### § 51.3746 Mature.

"Mature" means that the melon has reached the stage of maturity which will insure the proper completion of the normal ripening process.

##### § 51.3747 Well formed.

"Well formed" means that the melon has the normal shape characteristic of the variety.

##### § 51.3748 Damage.

"Damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or marketing quality of the melon.

(a) The following specific defects shall be considered as damage:

(1) Sunburn which causes the rind to become brownish in color, hard, tough, or thin; and,

(2) Bruising when the size or color of the affected area materially detracts from the appearance.

(b) The following blemishes shall not be considered as damage:

(1) Slight bruising caused by light pressure of the weight of other melons or from lidding of the crate;

(2) Yellow spots;

(3) Superficial hail spots;

(4) Slight surface scratches caused by picking or packing; or,

(5) Netting, either raised or occurring as very shallow cracks in the skin.

##### § 51.3749 Serious damage.

"Serious damage" means any defect or any combination of defects which seriously detracts from the appearance,

or the edible or marketing quality of the melon.

The U.S. Standards for Grades of Honey Dew and Honey Ball Type Melons contained in this subpart shall become effective April 1, 1967, and will thereupon supersede the U.S. Standards for Honey Dew and Honey Ball Type Melons which have been in effect since May 20, 1937.

Dated: February 20, 1967.

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

[F.R. Doc. 67-2104; Filed, Feb. 23, 1967;  
8:49 a.m.]

## Title 26—INTERNAL REVENUE

### Chapter I—Internal Revenue Service, Department of the Treasury

#### SUBCHAPTER A—INCOME TAX

[T.D. 6911]

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

#### Disallowance of Surtax Exemption and Accumulated Earnings Credit

On July 19, 1966, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under section 1551 of the Internal Revenue Code of 1954 to conform the regulations to certain provisions of section 235(b) of the Revenue Act of 1964 (78 Stat. 125) was published in the FEDERAL REGISTER (31 F.R. 9743). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments of the regulations as proposed are hereby adopted.

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

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

Approved: February 17, 1967.

STANLEY S. SURREY,  
Assistant Secretary  
of the Treasury.

PARAGRAPH 1. Section 1.1551 is amended to read as follows:

#### § 1.1551 Statutory provisions; disallowance of surtax exemption and accumulated earnings credit.

Sec. 1551. *Disallowance of surtax exemption and accumulated earnings credit—(a) In general. If—*

(1) Any corporation transfers, on or after January 1, 1951, and on or before June 12, 1963, all or part of its property (other than money) to a transferee corporation,

(2) Any corporation transfers, directly or indirectly, after June 12, 1963, all or part of its property (other than money) to a transferee corporation, or

(3) Five or fewer individuals who are in control of a corporation transfer, directly or indirectly, after June 12, 1963, property (other than money) to a transferee corporation,

and the transferee corporation was created for the purpose of acquiring such property or was not actively engaged in business at the time of such acquisition, and if after such transfer the transferor or transferees are in control of such transferee corporation during any part of the taxable year of such transferee corporation, then for such taxable year of such transferee corporation the Secretary or his delegate may [(except as may be otherwise determined under subsection (d))] [sic] disallow the surtax exemption (as defined in section 11(d), or the \$100,000 accumulated earnings credit provided in paragraph (2) or (3) of section 535(c), unless such transferee corporation shall establish by the clear preponderance of the evidence that the securing of such exemption or credit was not a major purpose of such transfer.

(b) *Control.* For purposes of subsection (a), the term "control" means—

(1) With respect to a transferee corporation described in subsection (a) (1) or (2), the ownership by the transferor corporation, its shareholders, or both, of stock possessing at least 80 percent of the total combined voting power of all classes of stock entitled to vote or at least 80 percent of the total value of shares of all classes of the stock; or

(2) With respect to each corporation described in subsection (a) (3), the ownership by the five or fewer individuals described in such subsection of stock possessing—

(A) At least 80 percent of the total combined voting power of all classes of stock entitled to vote or at least 80 percent of the total value of shares of all classes of the stock of each corporation, and

(B) More than 50 percent of the total combined voting power of all classes of stock entitled to vote or more than 50 percent of the total value of shares of all classes of stock of each corporation, taking into account the stock ownership of each such individual only to the extent such stock ownership is identical with respect to each such corporation.

For purposes of this subsection, section 1563(e) shall apply in determining the ownership of stock.

(c) *Authority of the Secretary under this section.* The provisions of section 269(b), and the authority of the Secretary under such section, shall, to the extent not inconsistent with the provisions of this section, be applicable to this section.

[Sec. 1551 as amended by sec. 205(a), Small Business Tax Revision Act 1958 (72 Stat. 1680); sec. 235(b), Rev. Act 1964 (78 Stat. 125)]

PAR. 2. Section 1.1551-1 is amended to read as follows:

#### § 1.1551-1 Disallowance of surtax exemption and accumulated earnings credit.

(a) *In general. If—*

(1) Any corporation transfers, on or after January 1, 1951, and before June 13, 1963, all or part of its property (other than money) to a transferee corporation,

(2) Any corporation transfers, directly or indirectly, after June 12, 1963, all or part of its property (other than money) to a transferee corporation, or

(3) Five or fewer individuals are in control of a corporation and one or more of them transfer, directly or indirectly, after June 12, 1963, property (other than money) to a transferee corporation,

and the transferee was created for the purpose of acquiring such property or

was not actively engaged in business at the time of such acquisition, and if after such transfer the transferor or transferees are in control of the transferee during any part of the taxable year of the transferee, then for such taxable year of the transferee the Secretary or his delegate may disallow the surtax exemption defined in section 11(d) or the \$100,000 accumulated earnings credit provided in paragraph (2) or (3) of section 535(c), unless the transferee establishes by the clear preponderance of the evidence that the securing of such exemption or credit was not a major purpose of the transfer.

(b) *Purpose of section 1551.* The purpose of section 1551 is to prevent avoidance or evasion of the surtax imposed by section 11(c) or of the accumulated earnings tax imposed by section 531. It is not intended, however, that section 1551 be interpreted as delimiting or abrogating any principle of law established by judicial decision, or any existing provisions of the Code, such as sections 269 and 482, which have the effect of preventing the avoidance or evasion of income taxes. Such principles of law and such provisions of the Code, including section 1551, are not mutually exclusive, and in appropriate cases they may operate together or they may operate separately.

(c) *Application of section 269(b) to cases covered by section 1551.* The provisions of section 269(b) and the authority of the district director thereunder, to the extent not inconsistent with the provisions of section 1551, are applicable to cases covered by section 1551. Pursuant to the authority provided in section 269(b) the district director may allow to the transferee any part of a surtax exemption or accumulated earnings credit for a taxable year for which such exemption or credit would otherwise be disallowed under section 1551(a); or he may apportion such exemption or credit among the corporations involved. For example, corporation A transfers on January 1, 1955, all of its property to corporations B and C in exchange for all of the stock of such corporations. Immediately thereafter, corporation A is dissolved and its stockholders become the sole stockholders of corporations B and C. Assuming that corporations B and C are unable to establish by the clear preponderance of the evidence that the securing of the surtax exemption defined in section 11(d) or the accumulated earnings credit provided in section 535, or both, was not a major purpose of the transfer, the district director is authorized under sections 1551 (c) and 269(b) to allow one such exemption and credit and to apportion such exemption and credit between corporations B and C.

(d) *Actively engaged in business.* For purposes of this section, a corporation maintaining an office for the purpose of preserving its corporate existence is not considered to be "actively engaged in business" even though such corporation may be deemed to be "doing business" for other purposes. Similarly, for purposes

of this section, a corporation engaged in winding up its affairs, prior to an acquisition to which section 1551 is applicable, is not considered to be "actively engaged in business."

(e) *Meaning and application of the term "control"*—(1) *In general.* For purposes of this section, the term "control" means—

(i) With respect to a transferee corporation described in paragraph (a) (1) or (2) of this section, the ownership by the transferor corporation, its shareholders, or both, of stock possessing either (a) at least 80 percent of the total combined voting power of all classes of stock entitled to vote, or (b) at least 80 percent of the total value of shares of all classes of stock.

(ii) With respect to each corporation described in paragraph (a) (3) of this section, the ownership by five or fewer individuals of stock possessing (a) at least 80 percent of the total combined voting power of all classes of stock entitled to vote or at least 80 percent of the total value of shares of all classes of stock of each corporation, and (b) more than 50 percent of the total combined voting power of all classes of stock entitled to vote or more than 50 percent of the total value of shares of all classes of stock of each corporation, taking into account the stock ownership of each such individual only to the extent such stock ownership is identical with respect to each such corporation.

(2) *Special rules.* In determining for purposes of this section whether stock possessing at least 80 percent (or more than 50 percent in the case of subparagraph (1) (ii) (b) of this paragraph) of the total combined voting power of all classes of stock entitled to vote is owned, all classes of such stock shall be considered together; it is not necessary that at least 80 percent (or more than 50 percent) of each class of voting stock be owned. Likewise, in determining for purposes of this section whether stock possessing at least 80 percent (or more than 50 percent) of the total value of shares of all classes of stock is owned, all classes of stock of the corporation shall be considered together; it is not necessary that at least 80 percent (or more than 50 percent) of the value of shares of each class be owned. The fair market value of a share shall be considered as the value to be used for purposes of this computation. With respect to transfers described in paragraph (a) (2) or (3) of this section, the ownership of stock shall be determined in accordance with the provisions of section 1563(e) and the regulations thereunder. With respect to transfers described in paragraph (a) (1) of this section, the ownership of stock shall be determined in accordance with the provisions of section 544 and the regulations thereunder, except that constructive ownership under section 544(a) (2) shall be determined only with respect to the individual's spouse and minor children. In determining control, no stock shall be excluded because such stock was acquired before January 1, 1951 (the effective date of section 1551(a) (1)), or June 13, 1963

(the effective date of section 1551(a) (2) and (3)).

(3) *Example.* This paragraph may be illustrated by the following example:

*Example.* On January 1, 1964, individual A, who owns 50 percent of the voting stock of corporation X, and individual B, who owns 30 percent of such voting stock, transfer property (other than money) to corporation Y (newly created for the purpose of acquiring such property) in exchange for all of Y's voting stock. After the transfer, A and B own the voting stock of corporations X and Y in the following proportions:

Individual	Corporation X	Corporation Y	Identical ownership
A.....	50	30	30
B.....	30	50	30
Total.....	80	80	60

The transfer of property by A and B to corporation Y is a transfer described in paragraph (a) (3) of this section since (i) A and B own at least 80 percent of the voting stock of corporations X and Y, and (ii) taking into account each such individual's stock ownership only to the extent such ownership is identical with respect to each such corporation, A and B own more than 50 percent of the voting stock of corporations X and Y.

(f) *Taxable year of allowance or disallowance*—(1) *In general.* The district director's authority with respect to cases covered by section 1551 is not limited to the taxable year of the transferee corporation in which the transfer of property occurs. Such authority extends to the taxable year in which the transfer occurs or any subsequent taxable year of the transferee corporation if, during any part of such year, the transferor or transferors are in control of the transferee.

(2) *Examples.* This paragraph may be illustrated by the following examples:

*Example (1).* On January 1, 1955, corporation D transfers property (other than money) to corporation E, a corporation not actively engaged in business at the time of the acquisition of such property, in exchange for 60 percent of the voting stock of E. During a later taxable year of E, corporation D acquires an additional 20 percent of such voting stock. As a result of such additional acquisition, D owns 80 percent of the voting stock of E. Accordingly, section 1551(a) (1) is applicable for the taxable year in which the later acquisition of stock occurred and for each taxable year thereafter in which the requisite control continues.

*Example (2).* On June 20, 1963, individual A, who owns all of the stock of corporation X, transfers property (other than money) to corporation Y, a corporation not actively engaged in business at the time of the acquisition of such property, in exchange for 60 percent of the voting stock of Y. During a later taxable year of Y, A acquires an additional 20 percent of such voting stock. After such acquisition A owns at least 80 percent of the voting stock of corporations X and Y. Accordingly, section 1551(a) (3) is applicable for the taxable year in which the later acquisition of stock occurred and for each taxable year thereafter in which the requisite control continues.

*Example (3).* Individuals A and B each owns 50 percent of the stock of corporation X. On January 15, 1964, A transfers property (other than money) to corporation Y (newly created by A for the purpose of acquiring such property) in exchange for all

the stock of Y. In a subsequent taxable year of Y, individual B buys 50 percent of the stock which A owns in Y (or he transfers money to Y in exchange for its stock, as a result of which he owns 50 percent of Y's stock). Immediately thereafter the stock ownership of A and B in corporation Y is identical to their stock ownership in corporation X. Accordingly, section 1551(a) (3) is applicable for the taxable year in which B acquires stock in corporation Y (see paragraph (g) (3) of this section) and for each taxable year thereafter in which the requisite control continues. Moreover, if B's acquisition of stock in Y is pursuant to a pre-existing agreement with A, A's transfer to Y and B's acquisition of Y's stock are considered a single transaction and section 1551(a) (3) also would be applicable for the taxable year in which A's transfer to Y took place and for each taxable year thereafter in which the requisite control continues.

(g) *Nature of transfer*—(1) *Corporate transfers before June 13, 1963.* A transfer made before June 13, 1963, by any corporation of all or part of its assets, whether or not such transfer qualifies as a reorganization under section 368, is within the scope of section 1551(a) (1), except that section 1551(a) (1) does not apply to a transfer of money only. For example, the transfer of cash for the purpose of expanding the business of the transferor corporation through the formation of a new corporation is not a transfer within the scope of section 1551(a) (1), irrespective of whether the new corporation uses the cash to purchase from the transferor corporation stock in trade or similar property.

(2) *Corporate transfers after June 12, 1963.* A direct or indirect transfer made after June 12, 1963, by any corporation of all or part of its assets to a transferee corporation, whether or not such transfer qualifies as a reorganization under section 368, is within the scope of section 1551(a) (2) except that section 1551(a) (2) does not apply to a transfer of money only. For example, if a transferor corporation transfers property to its shareholders or to a subsidiary, the transfer of that property by the shareholders or the subsidiary to a transferee corporation as part of the same transaction is a transfer of property by the transferor corporation to which section 1551(a) (2) applies. A transfer of property pursuant to a purchase by a transferee corporation from a transferor corporation controlling the transferee is within the scope of section 1551(a) (2), whether or not the purchase follows a transfer of cash from the controlling corporation.

(3) *Other transfers after June 12, 1963.* A direct or indirect transfer made after June 12, 1963, by five or fewer individuals to a transferee corporation, whether or not such transfer qualifies under one or more other provisions of the Code (for example, section 351), is within the scope of section 1551(a) (3) except that section 1551(a) (3) does not apply to a transfer of money only. Thus, if one of five or fewer individuals who are in control of a corporation transfers property (other than money) to a controlled transferee corporation, the transfer is within the scope of section 1551(a) (3) notwithstanding that the other in-

dividuals transfer nothing or transfer only money.

(4) *Examples.* This paragraph may be illustrated by the following examples:

*Example (1).* Individuals A and B each owns 50 percent of the voting stock of corporation X. On January 15, 1964, A and B each acquires property (other than money) from X and, as part of the same transaction, each transfers such property to his wholly owned corporation (newly created for the purpose of acquiring such property). A and B retain substantial continuing interests in corporation X. The transfers to the two newly created corporations are within the scope of section 1551(a)(2).

*Example (2).* Corporation W organizes corporation X, a wholly owned subsidiary, for the purpose of acquiring the properties of corporation Y. Pursuant to a reorganization qualifying under section 368(a)(1)(C), substantially all of the properties of corporation Y are transferred on June 15, 1963, to corporation X solely in exchange for voting stock of corporation W. There is a transfer of property from W to X within the meaning of section 1551(a)(2).

*Example (3).* Individuals A and B, each owning 50 percent of the voting stock of corporation X, organize corporation Y to which each transfers money only in exchange for 50 percent of the stock of Y. Subsequently, Y uses such money to acquire other property from A and B after June 12, 1963. Such acquisition is within the scope of section 1551(a)(3).

*Example (4).* Individual A owns 55 percent of the stock of corporation X. Another 25 percent of corporation X's stock is owned in the aggregate by individuals B, C, D, and E. On June 15, 1963, individual A transfers property to corporation Y (newly created for the purpose of acquiring such property) in exchange for 60 percent of the stock of Y, and B, C, and D acquire all of the remaining stock of Y. The transfer is within the scope of section 1551(a)(3).

(h) *Purpose of transfer.* In determining, for purposes of this section, whether the securing of the surtax exemption or accumulated earnings credit constituted "a major purpose" of the transfer, all circumstances relevant to the transfer shall be considered. "A major purpose" will not be inferred from the mere purchase of inventory by a subsidiary from a centralized warehouse maintained by its parent corporation or by another subsidiary of the parent corporation. For disallowance of the surtax exemption and accumulated earnings credit under section 1551, it is not necessary that the obtaining of either such credit or exemption, or both, have been the sole or principal purpose of the transfer of the property. It is sufficient if it appears, in the light of all the facts and circumstances, that the obtaining of such exemption or credit, or both, was one of the major considerations that prompted the transfer. Thus, the securing of the surtax exemption or the accumulated earnings credit may constitute "a major purpose" of the transfer, notwithstanding that such transfer was effected for a valid business purpose and qualified as a reorganization within the meaning of section 368. The taxpayer's burden of establishing by the clear preponderance of the evidence that the securing of either such exemption or credit or both was not "a major purpose" of the transfer may be met, for example, by showing

that the obtaining of such exemption, or credit, or both, was not a major factor in relationship to the other consideration or considerations which prompted the transfer.

[F.R. Doc. 67-2089; Filed, Feb. 23, 1967; 8:50 a.m.]

## Title 35—PANAMA CANAL

### Chapter I—Canal Zone Regulations

#### SUBCHAPTER C—SHIPPING AND NAVIGATION

#### PART 61—HEALTH, SANITATION, AND QUARANTINE

#### Periods of Yellow Fever Immunity Following Immunization; Charges for Quarantine Detention of Dogs and Cats

Effective upon publication in the FEDERAL REGISTER, Part 61 of Title 35, Code of Federal Regulations, is amended as follows:

1. The fourth unnumbered paragraph of § 61.123 is revised to read as follows:

#### § 61.123 Periods of immunity.

Yellow fever: 10 years beginning 10 days after date of original vaccination or from date of a revaccination within such period of 10 years.

2. Section 61.284 is revised to read as follows:

#### § 61.284 Same; charges for quarantine detention.

The owner of the quarantined dog or cat, and such other person as may have brought or have been responsible for bringing the animal into the Canal Zone, are jointly and severally liable for payment of such detention charges as may be prescribed in the Official Tariff of the Canal Zone Government and Panama Canal Company. This section does not apply to cases in which the animal is detained aboard the vessel on which it arrived.

(2 C.Z.C. sec. 911, 76A Stat. 36; 35 CFR 3.1(a)(3))

Dated: February 13, 1967.

STANLEY R. RESOR,  
Secretary of the Army.

[F.R. Doc. 67-2084; Filed, Feb. 23, 1967; 8:48 a.m.]

## Title 29—LABOR

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

#### PART 2—GENERAL REGULATIONS

#### Additional Records Available for Inspection

Pursuant to sections 8 and 10 of the Welfare and Pension Plans Disclosure Act (29 U.S.C. 307 and 308a), section 205 of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C.

435), and Secretary's Order No. 24-63 (28 F.R. 9172), I hereby amend portions of 29 CFR 2.4 as set forth below in order to provide for copies and inspections of documents filed pursuant to section 211 of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 441).

Inasmuch as this amendment relates only to agency management, the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553) which require notice of proposed rule making, opportunity for public participation, and delay of effective date do not apply. I do not believe such procedure would serve a useful purpose here. Accordingly, this amendment shall become effective immediately upon publication in the FEDERAL REGISTER.

Subdivision (ii) of subparagraph (2) of paragraph (a) of 29 CFR 2.4 is amended to read as follows:

#### § 2.4 Copies and inspections.

- (a) \* \* \*
- (2) \* \* \*

(ii) Date and information contained in any report or other document filed pursuant to sections 201, 202, 203, 211, and 301 of the Labor-Management Reporting and Disclosure Act of 1959 (73 Stat. 524-528, 530, 79 Stat. 888; 29 U.S.C. 431-433, 441, 461).

(29 U.S.C. 301 et seq.; 29 U.S.C. 401 et seq.)

Signed at Washington, D.C., this 13th day of February 1967.

JAMES J. REYNOLDS,  
Administrator, Labor-Management Services Administration,  
U.S. Department of Labor.

[F.R. Doc. 67-2083; Filed, Feb. 23, 1967; 8:48 a.m.]

## Title 50—WILDLIFE AND FISHERIES

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

#### PART 33—SPORT FISHING

#### Wildlife Refuges in Arkansas and Certain Other States

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

#### § 33.5 Special regulations: sport fishing; for individual wildlife refuge areas.

##### ARKANSAS

##### WHITE RIVER NATIONAL WILDLIFE REFUGE

Sport fishing on the White River National Wildlife Refuge, DeWitt, Ark., is permitted only on the areas designated by signs as open to fishing. These open areas comprising 2,592 acres are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh



Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The sport fishing season on the refuge extends from March 16, 1967, through October 31, 1967.

(2) Boats without owner's name plate affixed in a conspicuous place may not be left overnight.

(3) Taking of frogs, water skiing, and firearms prohibited.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through October 31, 1967.

FLORIDA

LAKE WOODRUFF NATIONAL WILDLIFE REFUGE

Sport fishing on the Lake Woodruff National Wildlife Refuge, De Leon Springs, Fla., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 650 acres, are delineated on a map that is available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The sport fishing season is open year-round on refuge waters west of Norris Dead River, Lake Woodruff, and Spring Garden Creek. The open season extends from April 29, 1967, to October 15, 1967 in refuge waters east of the Norris Dead River, Lake Woodruff, and Spring Garden Creek.

(2) Fishing on refuge waters is permitted during daylight hours only.

(3) Airthrust boats are prohibited.

(4) Firearms of any type are prohibited.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1967.

GEORGIA

PIEDMONT NATIONAL WILDLIFE REFUGE

Sport fishing on the Piedmont National Wildlife Refuge, Round Oak, Ga., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 8 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The sport fishing season on the refuge extends from March 1, 1967, through November 15, 1967.

(2) Fishing permitted during daylight hours only.

(3) Boats with motors prohibited.

(4) Use of live minnows as bait prohibited.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through November 15, 1967.

LOUISIANA

LACASSINE NATIONAL WILDLIFE REFUGE

Sport fishing on the Lacassine National Wildlife Refuge, Lake Arthur, La., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 28,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The sport fishing season on the refuge extends from March 15, 1967, through October 15, 1967.

(2) Fishing permitted from 45 minutes before sunrise to 45 minutes after sunset.

(3) Entry to Lacassine Pool restricted to four roller-ways provided.

(4) Boats may not be left inside the refuge overnight.

(5) Boats with outboard motors no larger than 10 hp. permitted in Lacassine Pool. No size restrictions on boats and motors in the canals and streams.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through October 15, 1967.

SABINE NATIONAL WILDLIFE REFUGE

Sport fishing on the Sabine National Wildlife Refuge, Sulphur, La., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 40,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The sport fishing season on the refuge extends from March 15, 1967, through October 15, 1967.

(2) Fishermen must not enter refuge waters earlier than 45 minutes before sunrise and shall leave refuge waters by 45 minutes after sunset.

(3) Boats may be moored only at designated areas in Pool 1b or Pool 3. Boats left at these mooring sites must bear owner's name and address. Boats found moored outside designated areas or without required identification will be removed to refuge headquarters. All boats must be removed from the refuge prior to the close of the fishing season.

(4) Boats may not be dragged across levees for access to pool areas. Travel over the refuge is restricted to waterways. Fishermen are not to walk canal banks or levees except in Pool 1b. Boat access into Pool 1b is restricted to bridge sites on Road Canal.

(5) Boats with outboard motors no larger than 10 hp. permitted in refuge lakes and impoundments. No size restriction on boats and motors in the canals and bayous.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through October 15, 1967.

MISSISSIPPI

YAZOO NATIONAL WILDLIFE REFUGE

Sport fishing on the Yazoo National Wildlife Refuge, Hollandale, Miss., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 180 acres, are 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. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The sport fishing season on the refuge extends from March 15, 1967, through July 4, 1967.

(2) Fishing permitted during daylight hours only.

(3) Gasoline powered motors prohibited.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through July 4, 1967.

NORTH CAROLINA

MACKAY ISLAND NATIONAL WILDLIFE REFUGE

Sport fishing on the Mackay Island National Wildlife Refuge, N.C., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 720 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The sport fishing season on the refuge extends from March 16, 1967, through October 14, 1967. Fishing is permitted in Corey's Ditch and in the canal adjacent to the Knotts Island Causeway on a year-round basis, for bank fishing only.

(2) Fishing permitted during daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1967.

## SOUTH CAROLINA

## SANTÉE NATIONAL WILDLIFE REFUGE

Sport fishing on the Santee National Wildlife Refuge, Summerton, S.C., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 3,150 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The sport fishing season on the refuge extends from March 15, 1967, through October 31, 1967, on Jacks Creek, Dingle Pond, Taw Caw Creek, Potato Creek, and Pinopolis Pool Impoundments.

(2) Fishing permitted during daylight hours only.

(3) Boats with motors prohibited. Boats must be removed from the refuge at the close of each day unless permission is granted by refuge officer-in-charge.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through October 31, 1967.

## TENNESSEE

## CROSS CREEKS NATIONAL WILDLIFE REFUGE

Sport fishing on the Cross Creeks National Wildlife Refuge, Dover, Tenn., is permitted only on areas designated by signs as open to fishing. These open areas, comprising 2,500 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The sport fishing season is open year-round on Barkley Lake. The open season on Elk Creek and South Cross Creek Reservoirs extends from May 1, through September 15, 1967, and is restricted to daylight hours only.

(2) Methods of fishing on Elk Creek and South Cross Creek Reservoirs are limited to attended rod and reel and/or pole and line. Electric trolling motors are the only outboard motors permitted on these two reservoirs.

(3) Fishermen must follow designated routes of travel while on the refuge.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1967.

## VIRGINIA

## MACKAY ISLAND NATIONAL WILDLIFE REFUGE

Sport fishing on the Mackay Island National Wildlife Refuge, Va., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 720 acres, are delineated on a map available at the refuge

headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The sport fishing season on the refuge extends from March 16, 1967, through October 14, 1967. Fishing is permitted in Corey's Ditch and in the canal adjacent to the Knotts Island Causeway on a year-round basis, for bank fishing only.

(2) Fishing permitted during daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1967.

W. L. TOWNS,

Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[P.R. Doc. 67-2072; Filed, Feb. 23, 1967; 8:47 a.m.]

## PART 33—SPORT FISHING

## Washita National Wildlife Refuge, Okla.

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

§ 33.5 Special regulations: sport fishing: for individual wildlife refuge areas.

## OKLAHOMA

## WASHITA NATIONAL WILDLIFE REFUGE

Sport fishing on the Washita National Wildlife Refuge, Okla., is permitted only on areas designated by signs as open to fishing. These open areas, comprising 3,367 acres, are delineated on maps available at refuge headquarters, Butler, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from April 1 through October 15, 1967, inclusive.

(2) Seining is prohibited in all refuge waters.

(3) The use of boats and motors is permitted only south of State Highway 33. *Provided*, That boats may not exceed speeds of 10 miles per hour.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through October 15, 1967.

LESLIE F. BEATY,

Refuge Manager, Washita National Wildlife Refuge, Butler, Okla.

FEBRUARY 13, 1967.

[P.R. Doc. 67-2074; Filed, Feb. 23, 1967; 8:47 a.m.]

## PART 33—SPORT FISHING

## McKay Creek National Wildlife Refuge, Oreg.; Correction

In F.R. Doc. 67-1291, appearing on page 2377 of the issue for Friday, February 3, 1967, subparagraph (2) under special conditions should read as follows:

(2) Boats may not be used for fishing until the opening date of the Oregon general trout season.

PAUL T. QUICK,  
Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 10, 1967.

[P.R. Doc. 67-2073; Filed, Feb. 23, 1967; 8:47 a.m.]

## Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

## SUBCHAPTER C—AIRCRAFT

[Docket No. 7977; Amdt. 39-351]

## PART 39—AIRWORTHINESS DIRECTIVES

## Scheibe-Flugzeugbau Bergfalke Model II/55 Gliders, all Serial Numbers, and Model III Gliders, Serial Nos. 5500 Through 5586

There have been reports of cracks on the aileron bell crank located in the outer wing section on the Bergfalke Model II/55 gliders, all serial numbers, and on Model III gliders, Serial Nos. 5500 through 5586. This condition can result in the breaking of the bell crank during flight. Since this condition is likely to exist or develop in other gliders of the same type design, an airworthiness directive is being issued to require inspection for cracks in the aileron bell cranks on these gliders in the left and right outer wing section, and replacement of defective parts before further flight.

Since immediate action is required in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedure Act is not practicable, and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and under the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

**SCHIEBE-FLUGZEUGBAU.** Applies to Model Bergfalke II/55 gliders, all Serial Numbers, and Model Bergfalke III gliders, Serial Numbers 5500 through 5586.

Compliance required as indicated. To detect cracks on the aileron bell crank, Drawing No. 104B.41-S3, located in the outer wing section, accomplish the following:

(a) Within the next 10 hours' time in service after the effective date of this AD, unless already accomplished within the last 40 hours' time in service and thereafter at intervals not to exceed 50 hours' time in service from the date of the last inspection, visually inspect the aileron bell cranks, Drawing No. 104B.41-S3, in the left and right outer wing

section for cracks using a mirror, and at least a two-powered glass. If cracks are detected during any of these inspections, comply with paragraph (b) of this AD.

(b) Replace aileron bell cranks, Drawing No. 104B41-S3, found cracked during the inspection provided for in paragraph (a) before further flight with a new reinforced aileron bell crank, Drawing No. 104B41-S3-E1.

(c) The requirements of this AD are not applicable to those gliders that have been equipped with aileron bell cranks, Drawing No. 104B41-S3-E1, in the outer wing section.

(Scheibe-Flugzeugbau Technical Information Bulletin I/66 pertains to this subject.)

This amendment is effective March 1, 1967.

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

Issued in Washington, D.C., on February 16, 1967.

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

[F.R. Doc. 67-2052; Filed, Feb. 23, 1967; 8:45 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 66-CE-88]

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

**Alteration of Federal Airways**

On December 13, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 15703) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter segments of VOR Federal airways Nos. 4 and 47 in the vicinity of Evansville, Ind., and Louisville, Ky.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., April 27, 1967, as hereinafter set forth.

Section 71.123 (32 F.R. 2009) is amended as follows:

1. In V-4 "12 AGL INT Evansville 080° and Louisville, Ky., 269° radials; 12 AGL Louisville, including a 12 AGL N alternate;" is deleted and "12 AGL Louisville, Ky., including a 12 AGL N alternate via INT Evansville 068° and Louisville 280° radials" is substituted therefor.

2. In V-47 "12 AGL INT Evansville 065° and Nabb, Ind., 252° radials; 12 AGL Nabb;" is deleted and "12 AGL Nabb, Ind.;" is substituted therefor.

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

Issued in Washington, D.C., on February 16, 1967.

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

[F.R. Doc. 67-2053; Filed, Feb. 23, 1967; 8:45 a.m.]

[Airspace Docket No. 67-WA-3]

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

**Alteration of Designated Reporting Point**

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to redescribe the South Bangor, Maine, designated low altitude reporting point. This reporting point is described as the "INT of SE course Bangor, Maine, RR, centerline of Control 1143." The Bangor RR will be converted to a nondirectional radio beacon on April 27, 1967. Accordingly, action is taken herein to redescribe the South Bangor INT by substituting a bearing of 153° True from the RBN for the SE course of the Bangor RR. The geographical location of the intersection will remain unchanged.

Since this action relates to navigable airspace outside of the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Since this amendment is editorial in nature, the Administrator has determined that notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0001 e.s.t., April 27, 1967, as hereinafter set forth.

In § 71.203 (32 F.R. 2275), South Bangor INT is amended to read as follows:

South Bangor, INT: INT of Bangor, Maine, RBN 153° bearing and centerline of Control 1143.

(Secs. 307(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510); E.O. 10854 (24 F.R. 9565))

Issued in Washington, D.C., on February 16, 1967.

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

[F.R. Doc. 67-2054; Filed, Feb. 23, 1967; 8:45 a.m.]

[Airspace Docket No. 66-CE-92]

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

**Extension of Federal Airway**

On December 15, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 15814) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would extend VOR Federal airway No. 332 from Bradford, Ill., to Moline, Ill.

Interested persons were afforded an opportunity to participate in the pro-

posed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., April 27, 1967, as hereinafter set forth.

In § 71.123 (32 F.R. 2009) V-332 is amended by deleting "From Bradford, Ill.," and substituting "From Moline, Ill., 12 AGL Bradford, Ill.;" therefor.

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

Issued in Washington, D.C., on February 16, 1967.

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

[F.R. Doc. 67-2055; Filed, Feb. 23, 1967; 8:45 a.m.]

[Airspace Docket No. 66-WA-36]

**PART 73—SPECIAL USE AIRSPACE**

**Designation of Period of Use for Restricted Area**

On December 15, 1966, F.R. Doc. No. 66-13435 was published in the FEDERAL REGISTER (31 F.R. 15799) designating a period of use for the Blanding, Utah, Restricted Area R-6410, from March 1, 1967, to April 10, 1967.

Subsequent to the publication of the above document the Department of the Air Force (AF) submitted a request for the extension of the period of use for R-6410 from April 11, 1967, to December 15, 1967. The AF states that continuous designation during the requested period is necessary because training programs are accelerating at a tempo which precludes development of long-lead training schedules and notification of activation requirements in sufficient time to comply with processing schedules and charting dates. Also, close coordination will be maintained with the Denver ARTCC to assure that the area is withdrawn from public use for only the minimum time necessary to accommodate launches of individual Pershing Missiles.

The Administrator has determined that, in the interest of National Defense, the designation of the temporary restricted area should be continuous, therefore, notice and public procedure would be impracticable.

In consideration of the foregoing, F.R. Doc. No. 66-13435 (31 F.R. 15799, 32 F.R. 2332) is amended, effective immediately, as hereinafter set forth.

In the Time of Designation delete "through April 10, 1967," and substitute therefor "through December 15, 1967."

(Secs. 306, 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1347, 1348)

Issued in Washington, D.C., on February 16, 1967.

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

[F.R. Doc. 67-2056; Filed, Feb. 23, 1967; 8:45 a.m.]

## RULES AND REGULATIONS

## SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 7955; Amdt. 524]

## PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

## Miscellaneous Amendments

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

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

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

1. By amending the following automatic direction finding procedures prescribed in § 97.11 (b) to read:

## ADF STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

## PROCEDURE CANCELED, EFFECTIVE 13 MAR. 1967.

City, Augusta; State, Maine; Airport name, Augusta State; Elev., 357'; Fac. Class., BH; Ident., AUG; Procedure No. 1, Amdt. 1; Eff. date, 14 Jan. 67; Sup. Amdt. No. Orig.; Dated, 26 Sept. 64

Clarion VOR.....	Franklin RBN.....	Direct.....	3200	T-dn.....	300-1	300-1	200-1 $\frac{1}{2}$
Seneca Int.....	Franklin RBN.....	Direct.....	3200	C-dn.....	500-1	500-1	500-1 $\frac{1}{2}$
Wesley Int.....	Franklin RBN.....	Direct.....	3300	S-dn-29.....	500-1	500-1	500-1 $\frac{1}{2}$
				A-dn.....	800-2	800-2	800-2

Procedure turn N side of crs. 108° Outbd, 288° Inbd, 3200' within 10 miles.

Minimum altitude over facility on final approach crs, 2300'.

Crs and distance, facility to airport, 288°—3.9 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing Franklin RBN, climb straight ahead to 3200' and return to Franklin RBN. Hold E 1-minute right turns, 288° Inbd.

MSA within 25 miles of facility: 090°-360°—3100'.

City, Franklin; State, Pa.; Airport name, Chesebrough; Elev., 1540'; Fac. Class., MHW; Ident., FKL; Procedure No. NDB (ADF) Runway 29, Amdt. 3; Eff. date, 18 Mar. 67; Sup. Amdt. No. ADF 1, Amdt. 2; Dated, 10 Dec. 66

Buffalo VOR.....	IA LOM.....	Direct.....	2000	T-dn.....	300-1	300-1	*200-1 $\frac{1}{2}$
Grand Island Int.....	IA LOM.....	Direct.....	2000	C-dn.....	500-1	500-1	500-1 $\frac{1}{2}$
Wolcottville Int.....	IA LOM (final).....	Direct.....	1800	S-dn-28R.....	400-1	400-1	400-1
				A-dn.....	800-2	800-2	800-2

Radar available.

Procedure turn N side of crs. 098° Outbd, 278° Inbd, 1800' within 10 miles of LOM.

Minimum altitude over facility on final approach crs, 1800'.

Crs and distance, facility to airport, 278°—4.2 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing IA LOM, climb straight ahead on crs. 278° to 2000' within 10 miles, then make right turn and return to the LOM. Hold E, 1-minute right turns, Inbd crs. 278°.

\*300-1 required on Runways 10R and 28L.

MSA within 25 miles of facility: 060°-150°—2600'; 150°-240°—3700'; 240°-330°—2200'; 330°-060°—1700'.

City, Niagara Falls; State, N.Y.; Airport name, Niagara Falls Municipal; Elev., 590'; Fac. Class., LOM; Ident., IA; Procedure No. NDB (ADF) Runway 28R, Amdt. 9; Eff. date, 18 Mar. 67; Sup. Amdt. No. ADF, Amdt. 8; Dated, 12 Mar. 66

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.  
 If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition		Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums			
From—	To—			Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn..... 300-1	300-1	200-1½	
				C-dn*..... 500-1	500-1	500-1½	
				S-dn-17..... 500-1	500-1	500-1	
				A-dn..... NA	NA	NA	
				Following minimums authorized when control zone in effect:§			
				C-dn*..... 500-1	500-1	500-1½	
				S-dn-17..... 400-1	400-1	400-1	
				A-dn..... 800-2	800-2	800-2	

Procedure turn W side of crs, 354° Outbd, 174° Inbd, 5000' within 10 miles.  
 Minimum altitude over facility on final approach crs, 4300'.  
 Crs and distance, facility to airport, 174°—6 miles.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing Berger VOR, climb to 5000' on R 174° within 20 miles; or when directed by ATC, make right-climbing turn, proceed direct to Berger VOR at 5000' and hold N on R 354°.   
 NOTE: Use Amarillo altimeter setting when control zone not effective.  
 \*Ceiling not authorized E of Runways 17/35 below 600'.  
 †These minimums apply at all times for air carriers with approved weather reporting service.  
 MSA within 25 miles of facility: 000°-360°—5000'.

City, Berger; State, Tex.; Airport name, Hutchinson County; Elev., 3063'; Fac. Class., L-BVOR; Ident., BGD; Procedure No. VOR Runway 17, Amdt. 1; Eff. date, 18 Mar. 67; Sup. Amdt. No. VOR 1, Orig.; Dated, 23 May 64

Windsor VOR.....	Island Int (fina).....	Direct.....	2000	T-dn@..... 500-1	500-1	500-1
				C-dn..... 600-1	600-1	600-1½
				A-dn..... 800-2	800-2	800-2

Radar available.  
 Procedure turn not authorized.  
 Minimum altitude over Island Int on final approach, 2000'.  
 Crs and distance, Island Int to airport, 323°—4.2 miles.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing Island Int, climb to 2800' on QG VOR R 323° and proceed to OAK Int, or when directed by ATC, (1) make right-climbing turn to 2000' and proceed to Windsor VOR, or (2) make right-climbing turn to 2000' and proceed direct to QG RBN.  
 NOTE: VOR and ADF or Radar required.  
 @300-1 authorized Runway 33L.  
 MSA within 25 miles of facility: 000°-090°—1500'; 090°-180°—1800'; 180°-270°—2400'; 270°-360°—2800'.

City, Detroit; State, Mich.; Airport name, Detroit City; Elev., 926'; Fac. Class., BVOR; Ident., QG; Procedure No. VOR-1, Amdt. 5; Eff. date, 18 Mar. 67; Sup. Amdt. No. VOR 1, Amdt. 4; Dated, 24 Dec. 66

				T-d..... 500-2	500-2	500-2
				C-d..... 800-2	800-2	800-2
				A-d..... 1000-3	1000-3	1000-3

Procedure turn W side crs, 320° Outbd, 140° Inbd, 3600' within 10 miles.  
 Minimum altitude over facility on final approach crs, 3300'.  
 Crs and distance, facility to airport, 140°—5.7 miles.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing JCT VOR, climb to 3700' on R 140° within 15 miles.  
 NOTE: Part-time control zone. Weather service available full-time.  
 MSA within 25 miles of facility: 000°-090°—3400'; 090°-180°—3600'; 180°-360°—3700'.

City, Junction; State, Tex.; Airport name, Kimble County; Elev., 1729'; Fac. Class., H-BVORTAC; Ident., JCT; Procedure No. VOR-1, Amdt. 6; Eff. date, 18 Mar. 67; Sup. Amdt. No. VOR 1, Amdt. 5; Dated, 17 Apr. 65

				T-dn*..... 300-1	300-1	200-1½
				C-dn..... 1000-2	1000-2	1000-2
				S-dn-36%..... 1000-2	1000-2	1000-2
				A-dn#..... 1000-2	1000-2	1000-2
				If Bomar Fan Marker is identified, minimums become:		
				C-dn..... 600-1	600-1	600-1½
				S-dn-36..... 400-1	400-1	400-1

Procedure turn W side of crs, 193° Outbd, 013° Inbd, 2400' within 10 miles.  
 Minimum altitude over facility on final approach crs, 1800' (1300' if Bomar FM is identified).  
 Facility on airport. Crs and distance, Bomar FM to Runway 36, 013°—4.3 miles.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles of Bomar FM, or over SYI VOR, turn left, climb to 2400', return to SYI VOR, hold S, 193° Outbd, 013° Inbd, left turns, 1 minute.  
 NOTE: Use Nashville altimeter setting when local setting not available.  
 \*CAUTION: Due to high terrain NE and SE of airport, departing aircraft with limited climb capability should climb to 3000' on a westerly heading before continuing on crs.  
 †Reduction not authorized.  
 #Alternate minimums authorized for air carriers only, provided such air carriers have approval of their arrangement for weather service at this airport. Weather service not available to the general public.  
 MSA within 25 miles of facility: 000°-300°—2500'.

City, Shelbyville; State, Tenn.; Airport name, Bomar Field; Elev., 802'; Fac. Class., T-BVOR; Ident., SYI; Procedure No. VOR Runway 36, Amdt. 3; Eff. date, 18 Mar. 67; Sup. Amdt. No. TerVOR-36, Amdt. 2; Dated, 17 Dec. 66

3. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition		Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums		
From—	To—				2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
20-mile Fix (R 019°)	10-mile Fix (R 019°)	Direct	4200	T-dn*	300-1	300-1	200-1½
10-mile Fix (R 019°)	7-mile Fix (R 019°)	Direct	2700	C-dn	300-1	300-1	200-1½
7-mile Fix (R 019°)	4-mile Fix (final)	Direct	1400	S-dn-19#	300-1	300-1	200-1
				A-dn	300-2	300-2	200-2

Procedure turn not authorized.

Minimum altitude on approach radial: Over 10-mile DME Fix, R 019°, 4200'; over 7-mile DME Fix, R 019°, 2700'; over 4-mile DME Fix (final) 1400'.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished when over GFL VOR, climb straight ahead to 3000' to Miller Int. Hold S of Miller Int 1 minute right turns, 090° Inbnd.

CAUTION: (1) 635' antenna, 1.3 miles SSW of airport. (2) Turbulence may be encountered during this approach.

#Reduction not authorized.

\*300-1 required on Runway 30.

MSA within 25 miles of facility: 000°-090°-4000'; 090°-180°-5000'; 180°-270°-3500'; 270°-360°-4500'.

City, Glens Falls; State, N.Y.; Airport name, Warren County; Elev., 328'; Fac. Class., I-BVORTAC; Ident., GFL; Procedure No. VOR/DME Runway 19, Amdt. 3; Eff. date, 18 Mar. 67; Sup. Amdt. No. VOR/DME 1, Amdt. 2; Dated, 14 Jan. 67

4. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition		Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums		
From—	To—				2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELED, EFFECTIVE 18 MAR. 1967.

City, Akron; State, Ohio; Airport name, Akron-Canton; Elev., 1228'; Fac. Class., ILS; Ident., I-CAK; Procedure No. ILS-10 (back crs), Amdt. 8; Eff. date, 5 Feb. 66; Sup. Amdt. No. 7; Dated, 20 Apr. 63

FAY VOR	GR LOM	Direct	1700	T-dn	300-1	300-1	200-1½
				C-dn	400-1	500-1	500-1½
				S-dn-3*	200-1½	200-1½	200-1½
				A-dn	600-2	600-2	600-2

Radar available.

Procedure turn S side of crs, 215° Outbnd, 035° Inbnd, 1700' within 15 miles.

Minimum altitude at glide slope Int Inbnd, 1700'.

Altitude of glide slope and distance to approach end of runway at OM, 1678'—5.1 miles; at MM, 395'—0.6 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles after passing LOM, make right turn, intercepting 081° crs from LOM, climbing to 1700' within 15 miles, or when directed by ATC, turn right, climb to 1700' on R 091° of FAY VOR within 15 miles.

NOTE: Back crs unusable.

\*400-1½ required when glide slope not utilized. 400-1½ authorized with operative ALS except for 4-engine turbojets.

City, Fayetteville; State, N.C.; Airport name, Grannis Field; Elev., 189'; Fac. Class., ILS; Ident., I-GRA; Procedure No. ILS Runway 3, Amdt. 2; Eff. date, 18 Mar. 67; Sup. Amdt. No. ILS 3, Amdt. 1; Dated, 19 Nov. 66

ICT VOR	Kechi Int.	Direct via V-77 and N crs ICT ILS.	3000	T-dn#	300-1	300-1	200-1½
Whitewater Int.	Kechi Int (final)	Via V-12 and N crs ICT ILS.	3000	C-dn	400-1	500-1	500-1½
DeGraff Int.	Kechi Int (final)	Via V-12 and N crs ICT ILS.	3000	S-dn-19@	400-1	400-1	400-1
		Via 10-mile DME Arc.	3400	A-dn	800-2	800-2	800-2
10-mile DME Fix, ICT VOR R 241° clockwise.	10-mile DME Fix, ICT VOR R 028°	ICT localizer	3000				
10-mile DME Fix, ICT VOR R 028°	Kechi Int (final)	ICT localizer	3000				
IC LOM	Kechi Int.	ICT localizer	3000				

Radar available.

Procedure turn E side of crs, 011° Outbnd, 191° Inbnd, 3000' within 10 miles of Kechi Int.

Minimum altitude over Kechi Int on final approach crs, 3000'; over Goddard Int, 2100'.

Crs and distance, Kechi Int to airport, 191°—6 miles; Goddard Int to airport, 191°—2.7 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing Kechi Int make right turn, climbing to 3400' on ICT VOR R 216° within 20 miles of ICT VOR, or when directed by ATC, climb to 3000' on S crs of ICT ILS and proceed to Mayfield Int.

NOTES: (1) Dual VOR receivers or radar required. (2) No glide slope.

#RV R 2400' authorized Runway 01.

@400-1½ authorized with operative high-intensity runway lights, except for 4-engine turbojets.

City, Wichita; State, Kans.; Airport name, Wichita Municipal; Elev., 1332'; Fac. Class., ILS; Ident., I-ICT; Procedure No. LOC(BC) Runway 19, Amdt. 8; Eff. date, 18 Mar. 67; Sup. Amdt. No. ILS-19(BC), Amdt. 7; Dated, 11 Feb. 67

5. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
000°	270°	Within: 25 miles.....	1900	T-dn*	Surveillance approach		NA
270°	360°	0-10 miles.....	1900	C-dn**	300-1	300-1	NA
270°	360°	10-25 miles.....	2900	S-dn-22**	500-1	500-1	NA
				A-dn#	NA	NA	NA

Altitudes and distances are from antenna located on Shaw AFB. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runway 22: Climb to 2200' proceeding to Charles Int. via CAE VOR R 091°.

NOTE: Night operations not authorized on Runways 13-31.  
\*Aircraft will not take off under IFR conditions without prior ATC approval.  
\*\*IFR flight plan must be closed with Shaw AFB approach control on appropriate frequency upon reaching contact or immediately after landing.  
#Area weather available from CAE or Shaw APC. Use Shaw AFB altimeter setting.

City, Sumter, State, S.C.; Airport name, Municipal; Elev., 182'; Fac. Class. and Ident., Shaw AFB Radar; Procedure No. 1, Amdt. Orig.; Eff. date, 15 Mar. 67

034°	162°	Within: 30 miles.....	11,000	T-dn%	300-1	300-1	300-1 1/2
102°	147°	30 miles.....	9,500	C-dn	600-1	600-1	600-1 1/2
147°	198°	30 miles.....	11,500	S-dn-30R/12L*	500-1	500-1	500-1
198°	247°	30 miles.....	8,500	A-dn	800-2	800-2	800-2
247°	318°	30 miles.....	6,500				
318°	034°	30 miles.....	12,000				

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished Runway 12L, turn right, climb via TUS VOR R 260°/TUS NDB (H) 080° bearing to cross 17-mile DME Fix/TUS NDB/Z at 5000' minimum, or when directed by ATC, turn left, climb via TUS VOR R 308° to cross 20-mile DME Fix/Cortaro Int 6000' minimum, then direct TUS NDB/Z, or via 20-mile DME Arc to TUS VOR R 260°.

Runway 30R—turn left, climb via TUS VOR R 300°/TUS NDB (H) 080 bearing to cross 17-mile DME Fix/TUS NDB/Z at 5000' minimum, or when directed by ATC, turn right, climb via TUS VOR R 308° to cross 20-mile DME Fix/Cortaro Int 6000' minimum, then direct TUS NDB/Z, or via 20-mile DME Arc to TUS VOR R 260°.

\*Runway 30R—Maintain 3300' or above until within 3 miles of runway.

\*Runway 12L—Maintain 3800' or above until within 3 miles of runway.

%All directions (except V-16 and V-105 westbound) IFR departures must comply with published Tucson SID's.

City, Tucson; State, Ariz.; Airport name, Tucson International; Elev., 2630'; Fac. Class. and Ident., Davis-Monthan Radar; Procedure No. 1, Amdt. 4; Eff. date, 18 Mar. 67; Sup. Amdt. No. 3; Dated, 28 Jan. 67

These procedures shall become effective on the dates specified therein.

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

Issued in Washington, D.C., on February 9, 1967.

JAMES F. RUDOLPH,  
Acting Director, Flight Standards Service.

[P.R. Doc. 67-1698; Filed, Feb. 23, 1967; 8:45 a.m.]

SUBCHAPTER G—AIR CARRIER AND COMMERCIAL OPERATOR CERTIFICATION AND OPERATIONS

[Docket No. 6713; Amdt. 121-25]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Extension of Compliance Date; Emergency Flotation Equipment

The purpose of this amendment to Part 121 of the Federal Aviation Regulations is to extend the time for compliance with § 121.340, for 6 months.

On January 21, 1966, the Agency adopted Amendment 121-17 to Part 121 of the Federal Aviation Regulations (31 P.R. 1146) to require that each large airplane used in certain overwater operations under Part 121 be equipped with

either a life preserver or some other approved flotation means for each occupant. That amendment was based on a notice of proposed rule making issued as Notice No. 65-12 and published in the FEDERAL REGISTER on June 19, 1965 (30 P.R. 7963). The Agency believed that Amendment 121-17 provided adequate time for compliance. However, within the past several weeks the Agency received petitions from 17 Part 121 operators requesting extension of the March 2, 1967, compliance date and the Agency is informed that it is likely that at least 13 additional similar petitions will be received before that date. Some of these petitions indicate that due to delivery delays and seat modification problems, compliance with the March 2, 1967, date is impractical. The Agency has determined that a 6 month postponement of the compliance date would provide adequate time for compliance with § 121.340 and that such a postponement would be in the public interest.

In view of the imminence of the present compliance date and since this amendment imposes no additional burden on any person, I find that notice and public procedure thereon are impractical and that good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, effective February 28, 1967, paragraph (a) of § 121.340 of the Federal Aviation Regulations is amended by striking out the date "March 1" and by inserting in place thereof, the date "September 1".

(Secs. 313(a), 601, and 604 of the Federal Aviation Act of 1958, 49 U.S.C. 1354, 1421, and 1424)

Issued in Washington, D.C., on February 21, 1967.

D. D. THOMAS,  
Acting Administrator.

[P.R. Doc. 67-2155; Filed, Feb. 23, 1967; 9:31 a.m.]

## Title 20—EMPLOYEES' BENEFITS

### Chapter II—Railroad Retirement Board

#### PART 255—RECOVERY OF ERRONEOUS PAYMENTS

##### Miscellaneous Amendments

Pursuant to the general authority contained in section 10 of the act of June 24, 1937 (50 Stat. 314, as amended; 45 U.S.C. 228j), §§ 255.1(a), 255.3, 255.5, 255.6, and 255.8 of Part 255 (20 CFR 255.1(a), 255.3, 255.5, 255.6, and 255.8) of the regulations under such act are amended and §§ 255.1(e), 255.13, 255.14, and 255.15 are added by Board Order 67-21, dated February 8, 1967, to read as follows:

##### § 255.1 Statutory provisions.

(a) If the Board finds that at any time more than the correct amount of annuities, pensions, or death benefits has been paid to any individual under this Act or the Railroad Retirement Act of 1935 or a payment has been made to an individual not entitled thereto (including payments made prior to July 1, 1940), recovery by adjustments in subsequent payments to which such individual or, on the basis of the same compensation, any other individual, is entitled under this Act or any other Act administered by the Board may, except as otherwise provided in this section, be made under regulations prescribed by the Board. If the individual to whom more than the correct amount has been paid dies before recovery is completed, recovery may be made by setoff or adjustments, under regulations prescribed by the Board, in subsequent payments due, under this Act or any other Act administered by the Board, to the estate, designee, next of kin, legal representative, or surviving spouse of such individual, with respect to the employment of such individual.

(e) Section 3, Public Law 89-508, 80 Stat. 308, provides:

(a) The head of an agency or his designee, pursuant to regulations prescribed by him and in conformity with such standards as may be promulgated jointly by the Attorney General and the Comptroller General, shall attempt collection of all claims of the United States for money or property arising out of the activities of, or referred to, his agency.

(b) With respect to such claims of the United States that have not been referred to another agency, including the General Accounting Office, for further collection action and that do not exceed \$20,000, exclusive of interest, the head of an agency or his designee, pursuant to regulations prescribed by him and in conformity with such standards as may be promulgated jointly by the Attorney General and the Comptroller General, may (1) compromise any such claim, or (2) cause collection action on any such claim to be terminated or suspended where it appears that no person liable on the claim has the present or prospective financial ability to pay any significant sum thereon or that the cost of collecting the claim is likely to exceed the amount of recovery. The Comptroller General or his designee shall

have the foregoing authority with respect to claims referred to the General Accounting Office by another agency for further collection action. The head of an agency or his designee shall not exercise the foregoing authority with respect to a claim as to which there is an indication of fraud, the presentation of a false claim, or misrepresentation on the part of the debtor or any other party having an interest in the claim, or a claim based in whole or in part on conduct in violation of the antitrust laws; nor shall the head of an agency, other than the Comptroller General of the United States, have authority to compromise a claim that arises from an exception made by the General Accounting Office in the account of an accountable officer.

(c) A compromise effected pursuant to authority conferred by subsection (b) of this section shall be final and conclusive on the debtor and on all officials, agencies, and courts of the United States, except if procured by fraud, misrepresentation, the presentation of a false claim, or mutual mistake of fact. No accountable officer shall be liable for any amount paid or for the value of property lost, damaged, or destroyed, where the recovery of such amount or value may not be had because of a compromise with a person primarily responsible under subsection (b).

##### § 255.3 When erroneous payments to be recovered.

Erroneous payments shall be recovered in all cases except those in which recovery is waived under § 255.10 or a compromise is approved under § 255.13.

##### § 255.5 Recovery by cash payment.

The Board shall have the right to require that erroneous payments be immediately and fully repaid in cash and any individual shall have the absolute right to repay such erroneous payments in this manner. However, if the individual is financially unable to pay the indebtedness in a lump sum, payment may be accepted in regular installments. The amount and frequency of such installment payments should bear a reasonable relation to the size of the debt and the debtor's ability to pay. Whenever possible installment payments should be sufficient in amounts and frequency to liquidate the debt in not more than 3 years.

##### § 255.6 Recovery by setoff.

An erroneous payment made to an individual may be recovered from any subsequent payment determined payable, on the basis of the same compensation, under any Act administered by the Board. In any case in which full recovery is not effected by setoff, the balance due may be recovered by one or more of the other methods described in this part. If the overpaid individual dies before recovery is completed, such recovery shall be made from his estate or heirs.

##### § 255.8 Recovery by adjustment in connection with subsequent payments.

Adjustment with respect to erroneous payments received by any individual may be made by subtracting the total amount of the erroneous payments from the actuarial value, as determined by the Board, of any annuity or pension payments due and becoming due to any individual on the basis of the same compen-

sation and recertifying such annuity or pension on the basis of the reduced actuarial value. The adjustment described in this section may not be made unless all of the following conditions are shown to exist:

(a) That the person or persons whose annuities or pensions are being adjusted are alive on the date that the annuity or pension is recertified and on the due date of the first annuity or pension payment affected by the adjustment;

(b) That, on the dates mentioned in paragraph (a) of this section, there are annuities accruing or pensions becoming due to one of such persons;

(c) That the Board has waived in accordance with § 255.11, any right to recover by the methods described in §§ 255.5 and 255.6, but has not waived recovery in accordance with § 255.10.

##### § 255.13 Compromise of erroneous payments.

The Board or its designee may compromise an erroneous payment, provided such payment does not exceed \$20,000. Compromise of an erroneous payment may not be considered in any case in which there is an indication of fraud, the presentation of a false claim or misrepresentation on the part of the overpaid individual or his representative. Compromise is at all times within the discretionary authority of the Board or its designee.

##### § 255.14 Factors due to be considered in a compromise.

The following indicate the character of reasons which will be considered in approving a compromise:

(a) The debtor's ability to repay the full amount within a reasonable time;

(b) The debtor's refusal to pay the claim in full and the Board's inability to effect collection in full within a reasonable time by other collection methods;

(c) Doubt concerning the Board's ability to prove its case in court for the full amount because of a bona fide dispute as to the facts or because of the legal issues involved;

(d) The cost of collecting the erroneous payment does not justify the enforced collection of the full amount.

##### § 255.15 Suspension or termination of collection action.

Collection action on a Board claim may be suspended or terminated under the following conditions:

(a) Collection action on a Board claim may be suspended temporarily when the debtor cannot be located and there is reason to believe future collection action may be productive or collection may be effected by offset in the near future.

(b) Collection action may be terminated when:

(1) The debtor is unable to make any substantial payment;

(2) The debtor cannot be located and offset is too remote to justify retention of the claim;

(3) The cost of collection action will exceed the amount recoverable;

(4) The claim is legally without merit or cannot be substantiated by the evidence.



Dated: February 16, 1967.

By authority of the Board.

LAWRENCE GARLAND,  
Secretary of the Board.

[P.R. Doc. 67-2085; Filed, Feb. 23, 1967;  
8:48 a.m.]

## Title 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket No. C-1166]

#### PART 13—PROHIBITED TRADE PRACTICES

Dubrowsky & Joseph, Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition*: 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements*: 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition*: 13.1845-80 Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements*: 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 34 Stat. 1128-1130; 15 U.S.C. 45, 69) [Cease and desist order, Dubrowsky & Joseph, Inc., et al., New York City, N.Y., Docket C-1166, Feb. 7, 1967]

*In the Matter of Dubrowsky & Joseph, Inc., a Corporation, and Morris Dubrowsky, Morris Joseph, Irving Dubrowsky and Rubin Joseph, Individually and as Officers of Said Corporation.*

Consent order requiring a New York City manufacturer of ladies' coats to cease misbranding the fiber content of interlinings of its wool coats, and failing to comply with other statutory requirements.

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

It is ordered, That Dubrowsky & Joseph, Inc., a corporation, and its officers, and Morris Dubrowsky, Morris Joseph, Irving Dubrowsky, and Rubin Joseph, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment, or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.
2. Failing to securely affix to, or place on, each such product a stamp, tag, label,

or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

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

Issued: February 7, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[P.R. Doc. 67-2070; Filed, Feb. 23, 1967;  
8:46 a.m.]

[Docket No. C-1165]

#### PART 13—PROHIBITED TRADE PRACTICES

National Chinchilla Guild, Inc., and  
Robert E. Bouckhout

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections*: 13.15-125 Individual or private business being: 13.15-125(p) Guild; § 13.60 *Earnings and profits*; § 13.70 *Fictitious or misleading guarantees*; § 13.175 *Quality of product or service*. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1460 *Individual or private business as professional person, association or guild*; Misrepresenting oneself and goods—Goods: § 13.1615 *Earnings and profits*; § 13.1715 *Quality*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, National Chinchilla Guild Inc., et al., Prairie Village, Kans., Docket C-1165, Feb. 6, 1967]

*In the Matter of National Chinchilla Guild Inc., a Corporation, and Robert E. Bouckhout, Individually and as an Officer of Said Corporation*

Consent order requiring a Prairie Village, Kans., distributor of chinchilla breeding stock to cease misrepresenting the profits to be made from home breeding of chinchillas, their rate of reproduction, and making other false claims.

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

It is ordered, That respondents National Chinchilla Guild, Inc., a corporation, and its officers, and Robert E. Bouckhout, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of chinchilla breeding stock in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

- A. Representing, directly or by implication, that:
  1. It is practicable to raise chinchillas in the home or that large profits can be made in this manner.

2. Breeding chinchillas for profit can be achieved without previous knowledge or experience in the feeding, care, and breeding of such animals.

3. Chinchillas are not subject to diseases.

4. Chinchilla breeding stock sold by respondents is select or choice quality.

5. The initial chinchilla breeding stock of three females and one male purchased from respondents will produce live offspring of 12 the first year, 36 the second year, 108 the third year, or 324 the fourth year; or that they will produce live offspring in any number in excess of the number of live offspring generally produced by chinchilla breeding stock purchased from respondents, and their offspring.

6. All of the offspring of chinchilla breeding stock purchased from respondents will produce good quality pelts selling for the average price of \$30 per pelt; or representing that a purchaser of respondents' breeding stock will receive for chinchilla pelts any amount in excess of the amount usually received for pelts produced by chinchillas purchased from respondents, or their offspring.

7. A purchaser starting with three females and one male of respondents' breeding stock will have from the sale of pelts a gross income of \$9,720 in the fourth year after purchase, or that the earnings or profits from the sale of pelts is any amount in excess of the amount generally earned by purchasers of respondents' chinchilla breeding stock.

8. Each female chinchilla purchased from respondents and each female offspring will produce at least four live young per year; or that the number of live offspring per female is any number in excess of the number generally produced by females purchased from respondents or their offspring.

9. Respondents will buy back chinchillas from purchasers who are dissatisfied with their purchases.

10. Respondents provide a local priming, pelting or marketing facility.

11. Breeding stock purchased from respondents is guaranteed without disclosing the terms and conditions of such guarantee.

B. Using the word "guild" or any other word of similar import or meaning as part of respondents' trade or corporate name, or misrepresenting in any other manner the nature or status of respondents' business.

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

Issued: February 6, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[P.R. Doc. 67-2071; Filed, Feb. 23, 1967;  
8:46 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[ 7 CFR Part 29 ]

### TOBACCO INSPECTION

#### Flue-Cured Standard Grades

Notice is hereby given that the U.S. Department of Agriculture has under consideration a proposed amendment to the Official Standard Grades for Flue-cured Tobacco, U.S. Types 11, 12, 13, and 14, pursuant to the authority contained in The Tobacco Inspection Act (49 Stat. 731; 7 U.S.C. 511 et seq.).

*Statement of consideration leading to the proposed amendment.* With increased emphasis on ripe tobacco, an increasing volume of better quality variegated (K) flue-cured tobacco has been produced during the past few years. Observation during the 1964 marketing season pointed out the need to segregate the more desirable variegated tobacco from the less desirable. An amendment effective June 1965 provided this separation by adding three grades of variegated in the Smoking Leaf Group: H4K, H5K, and H6K.

Production of high percentages of better quality ripe and mellow variegated leaf continued in 1965 and 1966.

Observation of market offerings during this period indicates that more accurate classification would be accomplished by adding two grades in which to place good quality ripe and mellow variegated leaf. For this purpose the proposed amendment would establish a third-quality grade of Leaf, B3K, and a third-quality grade of Smoking Leaf, H3K.

This amendment would also delete two grades of Red Leaf, B1R and B2R. Records show that we have not classified any tobacco in these grades during the past four consecutive years.

All persons who desire to submit written data, views, or arguments in connection with this proposed amendment should file the same, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 30th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to the notice will be made available for public inspection at the office of the Hearing Clerk during official hours of business (7 CFR 1.27(b) as amended at 29 F.R. 7311).

The proposed amendment is as follows:

1. Section 29.1162 is amended by adding grade B3K after grade B6R and its specifications. The addition reads as follows:

B3K—Good Quality Variegated Leaf: Ripe, firm leaf structure, fleshy, oily, normal width,

over 16 inches in length. Uniformity 80 percent; injury tolerance, 15 percent.

2. Section 29.1163 is amended by adding grade H3K after grade H6FR and its specifications. The addition reads as follows:

H3K: Good Quality Variegated Smoking Leaf: Mellow, open leaf structure, medium body, lean in oil, strong color intensity, normal width, over 16 inches in length. Uniformity 80 percent; injury tolerance, 15 percent.

3. Section 29.1162 is further amended by deleting grades B1R and B2R.

4. In § 29.1181 the subheading "29 Grades of Leaf" is amended to read "28 Grades of Leaf," and grade symbols under this subheading are amended by adding "B3K" between "B6R" and "B4K" and deleting "B1R" and "B2R."

5. In § 29.1181 the subheading "19 Grades of Smoking Leaf" is amended to read "20 Grades of Smoking Leaf," and grade symbols under the subheading are amended by adding "H3K" between "H6FR" and "H4K."

(49 Stat. 734; 7 U.S.C. 511m)

Done at Washington, D.C., this 20th day of February 1967.

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

[F.R. Doc. 67-2105; Filed, Feb. 23, 1967;  
8:49 a.m.]

## FEDERAL AVIATION AGENCY

[ 14 CFR Parts 25, 37, 121 ]

[Docket No. 7976; Notice 67-6]

### FLIGHT RECORDERS; ADDITIONAL PARAMETERS

#### Advance Notice of Proposed Rule Making

The Federal Aviation Agency is considering rule making to increase the required number of recorded flight data parameters for flight recorders used in large turbine-powered airplanes operated under Part 121 of the Federal Aviation Regulations.

The need for recording an increased number of flight data parameters as an aid to the investigation of catastrophic accidents has been recognized by those who are responsible for the investigation of accidents. In specific recognition of this need, the Civil Aeronautics Board has recommended to the Agency that certain additional parameters, discussed below, be required by regulatory action at an early date, to assist in the proper investigation of accidents. It appears that it would be advantageous to require the recording of additional parameters as soon as practicable. However, the Agency recognizes that in matters of this

kind careful consideration must be given to the availability and suitability of equipment before a specific implementation date can be established. It is the Agency's policy to provide sufficient lead time for the design, procurement, and installation of aircraft equipment and that policy would be continued with respect to any specific requirements that may evolve from this advance notice. Therefore, the Agency believes it premature to specify a particular date upon which regulatory requirements for the recording of additional parameters must be met.

This advance notice of proposed rule making is being issued pursuant to the Agency's policy for the early institution of public rule-making proceedings. An "advance" notice is issued when it is found that the resources of the Agency and reasonable inquiry outside the Agency do not yield a sufficient basis to identify and select tentative or alternate courses of action upon which a rule-making procedure might be undertaken, or when it would otherwise be helpful to invite early public participation in the identification and selection of such tentative or alternate courses of action. The subject matter has been found to involve the situation contemplated by this policy.

Interested persons are invited to participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should identify the notice or docket number, and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. Communications should be received on or before May 25, 1967, to assure proper consideration. All comments submitted will be available in the Rules Docket, both before and after the closing date for comments, for examination by interested persons. If it is determined to proceed further, after consideration in the light of the available data and the comments received in response to this notice, a notice of proposed rule making will be issued.

Section 121.343 of the FARs currently requires the recording of at least time, altitude, air speed, vertical acceleration, and heading, by an approved flight recorder, on all large airplanes certificated for operation above 25,000 feet and on all large turbine-engine powered airplanes.

Since the CAB first adopted flight recorder regulations in the middle 1950's, establishing the present parameters, improved techniques for sensing, transmitting, recording, and reading out measurements of physical phenomena (e.g., heat, pressure, vibration and motion) have been developed by industry. A great variety of recording devices have

also recently been developed as a result of space and military application research programs. In addition, air carriers and the Agency have been conducting experimental and developmental work on various kinds of airborne recorders for a number of purposes.

The additional parameters that have been suggested relate to airplane attitude and response to aerodynamic forces, control and control surface positions, and key indicators of engine performance. In addition to the parameters that are currently being recorded, these would include—

- (1) Pitch attitude;
- (2) Angle of attack;
- (3) Angle of bank;
- (4) Pitch rate;
- (5) Yaw rate;
- (6) Roll rate;
- (7) Position-control column;
- (8) Position-control wheel;
- (9) Position-rudder pedals;
- (10) Position-pitch trim;
- (11) Position-wing flaps;
- (12) Ambient air temperature; and
- (13) Engine parameters (two of the following for each engine):
  - (a) Engine torque,
  - (b) Engine pressure ratio,
  - (c) Engine gas temperature, and
  - (d) RPM.

Tentative specifications for the recording of these parameters are set forth in Appendix A of this advance notice.

Recording at specified intervals would be permitted as is currently the case for recorders approved under TSO-C51a. To avoid restrictions that may preclude the use of recent advances in the art of electronic data recording, the Agency is considering methods whereby alternate means of scheduling the interval between successive recordings of a parameter would be permitted. One of these is the commonly used system of recording each time a particular parameter is sampled at a fixed rate. The other is the more recently developed system of sampling each parameter at a fixed rate but recording only when there is a significant change in any parameter. Either system should sample at rates not less than those specified in Appendix A. The latter system should record at signal level changes not in excess of those given for readout in Appendix A.

Consideration is also being given to the establishment of a 1-hour retention requirement for the data related to the additional parameters. This would permit automatic erasure of the additional data, and would offer practical advantages to operators who might elect to use a recorder meeting present requirements plus a supplemental recorder that would record the data from the additional parameters. Consideration is also being given to permitting automatic erasure of all recorded data (including presently required data) that is in excess of the last 25 hours of operation. This would be a relaxation of the present requirements of 60 days for retention contained in section 121.343 of the FARs.

The Agency is encouraging the development of multiparameter (150-300)

sophisticated recorders which could serve as a maintenance tool to monitor airborne performance of airplane powerplants and systems, provide a basis for operational performance analysis, and insure recording of information essential for accident investigation purposes. The Agency emphasizes, therefore, that the proposals outlined in this notice should not inhibit industry development of such devices, including telemetering techniques. The Agency, in fact, welcomes information and specific recommendations for technically and economically feasible integration of the various presently available and planned airborne recorder systems, so long as the data relative to the key parameters set forth above can be recorded and preserved for accident investigating purposes.

Rapid reduction of recorded data is vital to the conduct of an accident investigation. Consequently, it is essential that there be standardization of

recorded data to the greatest practicable degree. It would be advantageous if data were recorded in one of the commonly used digital codings with a record medium that is directly acceptable to the computer without undergoing intermediate conditioning with its attendant delay. Should any of the procedures for data reduction that might be adopted impose an unjustifiable economic burden on an operator, provision would be made for a separate agreement between the operator and the appropriate Government authority permitting use of "non-standard" procedures for data reduction. In such a case, however, the requirements as to accuracy, frequency of recording, crash and fire protection, and retention of the parameters recorded would be the same as those otherwise specified.

Issued in Washington, D.C., on February 16, 1967.

C. W. WALKER,  
Director, Flight Standards Service.

APPENDIX A—AIRCRAFT FLIGHT RECORDER  
(Tentative parameter specifications)

Number parameter	Range	Sample interval (Seconds)	Record variation or Interval (Seconds)	Accuracy	Sample duration (Milli-seconds)	Readout capability
1. Time	25 hr. min. <sup>1</sup>	16	6	0.1%/hr.	30	
2. Pressure altitude	-1000 to +80,000 ft. <sup>1</sup>	( <sup>2</sup> )	1	±150 to ±800 ft. (see TSO-C 51).	250	100 ft. <sup>1</sup>
3. Magnetic heading	360° azimuth	( <sup>2</sup> )	12	±2°	100	1°
4. Air speed	80 to 500 knots <sup>1</sup>	( <sup>2</sup> )	1	±3 to 175 knots, ±5 knots above. <sup>2</sup>	250	1 to 175 knots, 2 knots above. <sup>1</sup>
5. Vertical acceleration	-3 to +6 g	( <sup>2</sup> )	0.1	±0.1 g or 3% <sup>1</sup>	75	0.1 g. <sup>1</sup>
6. Pitch attitude	-45° to +45°	2	2	±1° or 3%	50	1°
7. Angle of attack	-60° to +60°	( <sup>2</sup> )	1	±1° or 3%	50	1°
8. Angle of bank	-90° to +90°	( <sup>2</sup> )	2	±1° or 3%	50	1°
9. Pitch rate	0 to ±25°/sec.	( <sup>2</sup> )	1	±1°/sec.	50	1°
10. Yaw rate	0 to ±15°/sec.	( <sup>2</sup> )	1	±1°/sec.	50	1°
11. Roll rate	0 to ±180°/sec.	( <sup>2</sup> )	1	±1°/sec. or 3%	50	1°
12. Position-control column	Full range	1	1	±1°	50	1°
13. Position-control wheel	Full range	1	1	±1°	50	1°
14. Position-rudder pedals	Full range	1	1	±1°	50	1°
15. Position-pitch trim	Full range	2	2	±1°	50	1°
16. Position-wing flaps	Full range	2	2	±1°	50	1°
17. Ambient air temperature	-70° to +55° C.	( <sup>2</sup> )	2	±1° C. or 5%	50	1° C.
18-25. Engine parameters—include two of following for each engine:						
Engine torque	20 to 100%	( <sup>2</sup> )	2	±2%	100	2%
Engine pressure ratio	0.5 to 3.5	( <sup>2</sup> )	2	±2%	100	2%
Engine gas temperature	400 to 1200° C.	( <sup>2</sup> )	2	±1%	100	1%
RPM	20 to 110%	( <sup>2</sup> )	2	±1% (of reading)	100	1% (of range)

<sup>1</sup> Channels 1 to 5 inclusive—denotes change from TSO-C51 requirement.  
<sup>2</sup> Minimum duration in milliseconds.  
<sup>3</sup> Continuously.

[P.R. Doc. 67-2060; Filed, Feb. 23, 1967; 8:45 a.m.]

[ 14 CFR Part 71 ]

[Airspace Docket No. 67-WE-1]

CONTROL ZONE

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would designate controlled airspace in the San Jose, Calif., terminal area.

On or about October 12, 1967, the Federal Aviation Agency proposes to commission an air traffic control tower

for Reid-Hillview Airport, San Jose, Calif., for the control of VFR traffic.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 45 days after publication of this notice in the FEDERAL

REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

In view of the foregoing, the FAA proposes the following airspace action:

In § 71.171 (32 F.R. 2071) the following control zone is added:

**SAN JOSE, CALIF. (REID-HILLVIEW AIRPORT)**

That airspace within a 3-mile radius of the Reid-Hillview Airport (latitude 37°19'58" N., longitude 121°49'08" W.), excluding that portion within the San Jose control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on February 15, 1967.

LEE E. WARREN,  
*Acting Director, Western Region.*

[P.R. Doc. 67-2059; Filed, Feb. 23, 1967;  
8:46 a.m.]

**[ 14 CFR Parts 71, 75 ]**

[Airspace Docket No. 66-EA-51]

**FEDERAL AIRWAY AND JET ROUTE  
Proposed Alteration and Designation**

The Federal Aviation Agency is considering amendments to Parts 71 and 75 of the Federal Aviation Regulations which would extend VOR Federal airway No. 128 from Charleston, W. Va., to Casanova, Va., with a floor of 1,200 feet above the surface; and designate a new jet route from Charleston, W. Va., via the intersection of the Charleston 083° T (086° M) and Herndon, Va., 254° T (261° M) radials to Herndon.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments

as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Extension of VOR Federal airway No. 128 as proposed would provide an additional routing for aircraft departing Washington, D.C., and proceeding westbound to and beyond Charleston, W. Va., and would reduce the airway mileage between Washington and Charleston by approximately 10 NM. A uniform floor of 1,200 feet above the surface is proposed for simplicity in depicting the airway floors on aeronautical charts.

Designation of the jet route as proposed between Charleston and Herndon would establish a transition routing on which eastbound traffic en route to the Washington terminal area could be descended with westbound traffic operating on Jet Routes Nos. 6 and 8. This procedure is presently accomplished by issuing radar vectors which approximate the radials of the proposed jet route.

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

Issued in Washington, D.C., on February 16, 1967.

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

[P.R. Doc. 67-2058; Filed, Feb. 23, 1967;  
8:46 a.m.]

**[ 14 CFR Part 75 ]**

[Airspace Docket No. 67-WA-4]

**JET ROUTES**

**Proposed Alteration**

The Federal Aviation Agency is considering amendments to Part 75 of the

Federal Aviation Regulations which would realign J-4 in part from Blythe, Calif., via Gila Bend, Ariz., to San Simon, Ariz.; and would realign J-2 in part from Gila Bend to San Simon.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

J-4 is presently aligned in part from Blythe via INT of Blythe 096° (082° M) and Gila Bend 315° (301° M) radials; Gila Bend; INT of Gila Bend 098° T (084° M) and San Simon 286° T (273° M) radials; to San Simon. The present alignment of J-2 between Gila Bend and San Simon coincides with J-4.

Realignment of these routes as proposed herein would eliminate two doglegs, and would reduce the jet route distance between Blythe and San Simon by 6 miles. The proposed realignment of J-4 transits R-2308A, R-2308B, and R-2306B; however, these are joint use restricted areas. Further, R-2308A and R-2308B extend only to FL 200, and R-2306B extends only to FL 240. Most aircraft operating on this segment of J-4 presently receive radar vectors from Gila Bend direct to Blythe.

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

Issued in Washington, D.C., on February 16, 1967.

T. McCORMACK,  
*Acting Chief, Airspace and  
Air Traffic Rules Division.*

[P.R. Doc. 67-2057; Filed, Feb. 23, 1967;  
8:46 a.m.]

# Notices

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[AR 033050]

#### ARIZONA

#### Notice of Classification of Public Lands

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 described below are hereby classified for disposal under the Recreation and Public Purposes Act (43 U.S.C. 869, et seq.).

2. The lands affected by this classification are located to Pinal County and are described as follows:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 9 S., R. 9 E.,

Sec. 4, S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , and SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 9, S $\frac{1}{2}$ NW $\frac{1}{4}$ , and W $\frac{1}{2}$ NE $\frac{1}{4}$ ;

Sec. 21;

Sec. 22;

Sec. 23.

Aggregating 2,760 acres.

For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240 (43 CFR 2411.1-2(d)).

RILEY E. FOREMAN,  
Acting State Director.

FEBRUARY 15, 1967.

[P.R. Doc. 67-2078; Filed, Feb. 23, 1967;  
8:47 a.m.]

[Los Angeles 0158928]

#### CALIFORNIA

#### Notice of Termination of Proposed Withdrawal and Reservation of Lands; Correction

FEBRUARY 16, 1967.

The notice of termination of proposed withdrawal and reservation of lands, published on pages 2387 and 2388 of the FEDERAL REGISTER as Document No. 67-1263 of the issue for February 3, 1967, is hereby canceled in its entirety. The applicant agency has canceled its request for the termination of the application as it affected the lands described therein.

HALL H. McCLAIN,  
Manager.

[P.R. Doc. 67-2093; Filed, Feb. 23, 1967;  
8:48 a.m.]

[Colorado 1308]

#### COLORADO

#### Notice of Proposed Withdrawal and Reservation of Lands

FEBRUARY 16, 1967.

The U.S. Forest Service of the Department of Agriculture has filed an applica-

tion, Serial No. Colorado 1308, for the withdrawal from location and entry under the general mining laws but not the mineral leasing laws subject to existing valid claims certain public lands in the sections and townships described below.

The lands are to be used for the development or expansion of public recreational facilities in the Gunnison and Pike National Forests.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the Land Office Manager, Bureau of Land Management, Room 15019, Federal Building, 1961 Stout Street, Denver, Colo. 80202.

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

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

The lands affected are:

GUNNISON NATIONAL FOREST  
NEW MEXICO PRINCIPAL MERIDIAN  
Rainbow Lake Campground

T. 50 N., R. 3 W.,

In Section 3.

T. 51 N., R. 3 W. (unsurveyed),

In Section 34.

Ute Campground

T. 49 N., R. 5 W.,

In Section 10.

SIXTH PRINCIPAL MERIDIAN  
Beaver Pond Picnic Ground

T. 14 S., R. 87 W.,

In Sections 26 and 27.

Castleview Campground

T. 15 S., R. 87 W. (unsurveyed),

In Section 8.

Costo Lake Back Area Camp

T. 15 S., R. 88 W. (unsurveyed),

In Section 12.

Crested Butte Winter Sports Area Addition

T. 13 S., R. 85 W.,

In Sections 19, 20, 29, 30.

T. 13 S., R. 86 W.,

In Section 24.

Lost Lake Recreation Area

T. 13 S., R. 88 W.,

In Section 34.

T. 14 S., R. 88 W.,

In Sections 2, 3, 10, 11.

PIKE NATIONAL FOREST  
SIXTH PRINCIPAL MERIDIAN  
Molly Gulch Campground

T. 10 S., R. 71 W. (unsurveyed),

In Section 9.

Hangin' Tree Campground

T. 9 S., R. 78 W.,

In Sections 11 and 12.

Buffalo Springs Campground

T. 12 S., R. 77 W.,

In Section 3.

Lands proposed to be withdrawn in the above designated areas aggregate approximately 2,077 acres.

J. ELLIOTT HALL,  
Land Office Manager.

[P.R. Doc. 67-2081; Filed, Feb. 23, 1967;  
8:47 a.m.]

[I-769]

#### IDAHO

#### Notice of Proposed Withdrawal and Reservation of Lands

FEBRUARY 16, 1967.

The Department of Agriculture has filed an application, Serial No. I-769, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for public purposes for recreation areas in the Nez Perce National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 2237, Boise, Idaho 83701.

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

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

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

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

The lands involved in the application are:

**BOISE MERIDIAN**

**NEEPERCE NATIONAL FOREST**

**Dry Saddle Recreation Area**

T. 27 N., R. 12 E., unsurveyed, which probably will be when surveyed:

Sec. 17, E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , and SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ .

Totaling 20 acres.

**Granite Springs Hunter Camp**

T. 28 N., R. 11 E., unsurveyed, which probably will be when surveyed:

Sec. 32, S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , and E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ .

Totaling 22.5 acres.

**Rhett Creek Campground**

T. 25 N., R. 9 E., unsurveyed.

A tract of land within the unsurveyed SE $\frac{1}{4}$ , sec 30, more particularly described as:

Beginning at a point on the high waterline of the Big Salmon River 75 feet upstream from the intersection of the high waterline with the east bank of Rhett Creek, thence continuing upstream on the high waterline of the Big Salmon 375 feet; thence N. 45° W., 250 feet; thence S. 45° W., 450 feet; thence S. 63° E., 420 feet to the point of beginning.

Totaling 2.3 acres.

The areas described aggregate 44.8 acres in Idaho County, Idaho.

**ORVAL G. HADLEY,**  
Manager, Land Office.

[P.R. Doc. 67-2082; Filed, Feb. 23, 1967; 8:48 a.m.]

[Montana 1373]

**MONTANA**

**Order Providing for Opening of Public Lands**

FEBRUARY 16, 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. 3 N., R. 25 E.,

Sec. 7, Lots 1 and 2, E $\frac{1}{2}$  and E $\frac{1}{2}$ W $\frac{1}{2}$ ;

Sec. 17, All.

T. 3 N., R. 26 E.,

Sec. 9, All.

The areas described aggregate 1,828.70 acres.

2. The above lands comprise three parcels of range land and are located in Yellowstone County, Mont., approximately 12 miles north of Billings, Mont. The lands are presently used for grazing livestock. The lands are part of larger pastures and their efficient use and management are closely related to adjoining lands.

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., March 24, 1967, shall be con-

sidered 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.

[P.R. Doc. 67-2079; Filed, Feb. 23, 1967; 8:47 a.m.]

[Nevada 067101]

**NEVADA**

**Notice of Public Sale**

FEBRUARY 16, 1967.

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988; 43 U.S.C. 1421-1427), 43 CFR Subpart 2243, a tract of land will be offered for sale to the highest bidder, but at not less than the appraised value plus the publication costs, at a public sale to be held at 1:30 p.m., local time, on Tuesday, March 28, 1967, at the Winnemucca District Office, Bureau of Land Management, East Highway 40, Winnemucca, Nev. The land to be offered for sale is described as follows:

**MOUNT DIABLO MERIDIAN, NEVADA**

T. 36 N., R. 38 E.,

Sec. 28, E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ .

The area described contains 5 acres. The appraised value of the tract is \$2,000, and the publication costs to be assessed are \$10.75.

The land will be sold subject to all valid existing rights and reservations for rights-of-way. Reservations will be made to the United States for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). Also, an easement of 30 feet along the east boundary of the tract will be reserved for access and public utility purposes. All mineral rights are to be reserved to the United States and withdrawn from appropriation under the public land laws, including the general mining laws.

Bids may be made by the principal or his agent, either personally at the sale, or by mail. Bids must be for all the lands in the parcel. Bids sent by mail will be considered only if received at the Winnemucca District Office, Bureau of Land Management, East Highway 40, Post Office Box 71, Winnemucca, Nev. 89445, prior to 1:30 p.m., on Tuesday, March 28, 1967. Bids made prior to the public auction must be submitted in sealed envelopes, accompanied by certified checks, postal money orders, bank drafts, or cashier's checks, made payable to the Bureau of Land Management, for the full amount of the bid, which may not be less than the appraised value plus the publication costs. The envelopes must be marked in the lower left-hand corner "Publication Sale Bid, Parcel No. 1, Sale held March 28, 1967."

The authorized officer shall publicly declare the highest qualifying sealed bid received. Oral bids shall then be invited in increments specified by the authorized officer. After oral bids are received, the authorized officer shall declare the highest qualifying bid. The person declared to have entered the highest qualifying bid shall be required to make full payment for the tract plus the cost of publication at the close of bidding.

All bids, sealed and oral, must be accompanied by a certified statement indicating that the principal is a citizen or otherwise a national of the United States (or who has declared his intention to become a citizen) aged 21 years or more. A partnership or association must show that each of the members is a qualified individual, as stated above. Agents must furnish the principal's certification of qualification, as stated above.

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

The lands described in this notice have been segregated from all forms of appropriation, including locations under the general mining laws, except for sale under this Act, from the date of the proposed classification decision. Inquiries concerning this sale shall be addressed to the Land Office Manager, Bureau of Land Management, Room 3008, Federal Building, 300 Booth Street, Reno, Nev. 89502.

**DANIEL P. BAKER,**  
Manager, Nevada Land Office.

[P.R. Doc. 67-2080; Filed, Feb. 23, 1967; 8:47 a.m.]

[New Mexico 435]

**NEW MEXICO**

**Notice of Classification of Lands**

FEBRUARY 16, 1967.

In F.R. Doc. 67-1425 starting on page 2579 of the issue for February 7, 1967, the following lands, inadvertently omitted from the description, are added:

T. 12 S., R. 7 W.,

Sec. 17, SE $\frac{1}{4}$ SW $\frac{1}{4}$  and S $\frac{1}{2}$ SE $\frac{1}{4}$ ;

Sec. 19, lot 15 (SW $\frac{1}{4}$ SE $\frac{1}{4}$ );

Sec. 20, E $\frac{1}{2}$  and E $\frac{1}{2}$ W $\frac{1}{2}$ ;

Sec. 21, S $\frac{1}{2}$ SW $\frac{1}{4}$  and W $\frac{1}{2}$ SE $\frac{1}{4}$ .

T. 22 S., R. 7 W.,

Sec. 5, lots 4, 5, 6, 7, 8, S $\frac{1}{2}$ NE $\frac{1}{4}$  and SE $\frac{1}{4}$ ;

Sec. 7, E $\frac{1}{2}$ ;

Sec. 8;

Sec. 17, NW $\frac{1}{4}$  and N $\frac{1}{2}$ SW $\frac{1}{4}$ ;

Sec. 18, N $\frac{1}{2}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ , and NE $\frac{1}{4}$ SE $\frac{1}{4}$ .

T. 20 S., R. 8 W.,

Sec. 18, lot 6 (SE $\frac{1}{4}$ NW $\frac{1}{4}$ ).

T. 20 S., R. 9 E.,

Sec. 15, W $\frac{1}{2}$ W $\frac{1}{2}$ .

T. 21 S., R. 9 E.,

Sec. 33, W $\frac{1}{2}$ W $\frac{1}{2}$ .

T. 11 S., R. 0 $\frac{1}{2}$  E.,

Sec. 29, lot 1 and NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

T. 11 S., R. 10 E.,

Sec. 19, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , and

S $\frac{1}{2}$ ;

Sec. 20, lots 2, 3, and 4;

Sec. 29, lots 1, 3, and 4;

Secs. 30 and 31;

Sec. 32, lots 1, 2, 3, and 4.

Also, the following corrections are made:

- In T. 27 S., R. 7 W. (on page 2582), Sec. 35, "S $\frac{1}{2}$ " is corrected to "N $\frac{1}{2}$ ".  
 In T. 27 S., R. 8 W. (on page 2581), "Sec. 34" is corrected to "Sec. 34, NW $\frac{1}{4}$ ".  
 In T. 29 S., R. 11 W. (on page 2581), Sec. 12 "N $\frac{1}{2}$ SW $\frac{1}{4}$  and N $\frac{1}{2}$ SE $\frac{1}{4}$ " is corrected to "N $\frac{1}{2}$ , SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ ".  
 In T. 31 S., R. 16 W. (on page 2582), "Sec. 1, E $\frac{1}{2}$  and E $\frac{1}{2}$ NW $\frac{1}{4}$ " is corrected to "Sec. 1"; "Sec. 11" is corrected to "Sec. 11, E $\frac{1}{2}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ "; "Sec. 25" is corrected to "Sec. 35".

W. J. ANDERSON,  
State Director.

[P.R. Doc. 67-2076; Filed, Feb. 23, 1967;  
8:47 a.m.]

[Oregon 015973]

## OREGON

### Notice of Classification

FEBRUARY 16, 1967.

Pursuant to section 2 of the act of September 19, 1964 (43 U.S.C. 1412), the lands described below are hereby classified for disposal through exchange under section 8 of the act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g), as amended. The exchange will improve the public land pattern by disposing widely scattered tracts and acquiring private tracts intermingled with or adjoining large blocks of public domain programed for range rehabilitation under the Vale Project.

The lands affected by this classification are the same as described in the notice of proposed classification published in the FEDERAL REGISTER, May 19, 1966 (31 F.R. 7292). The lands are located south of the intersection of State Highway 78 and U.S. Highway 95 and approximately 50 miles southwest of Jordan Valley, Oreg., and are described as follows:

#### WILLAMETTE MERIDIAN

- T. 33 S., R. 40 E.,  
 Sec. 31, lots 1, 2, 3, and 4, W $\frac{1}{2}$ NE $\frac{1}{4}$  and E $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
 Sec. 32;  
 Sec. 34.  
 T. 33 S., R. 39 E.,  
 Sec. 24, W $\frac{1}{2}$ ;  
 Sec. 26;  
 Sec. 34.  
 T. 33 S., R. 40 E.,  
 Sec. 2;  
 Sec. 4, W $\frac{1}{2}$  and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 6;  
 Sec. 8;  
 Sec. 10;  
 Sec. 14;  
 Sec. 18;  
 Sec. 20, NE $\frac{1}{4}$  and S $\frac{1}{2}$ ;  
 Sec. 22;  
 Sec. 24, NW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , and W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 25;  
 Sec. 26;  
 Sec. 27, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 28;  
 Sec. 30;  
 Sec. 32;  
 Sec. 34;  
 Sec. 35.  
 T. 33 S., R. 40 $\frac{1}{2}$  E.,  
 Sec. 30, lots 1, 2, 3, and 4;  
 Sec. 31, lots 1, 2, 3, and 4.

- T. 33 S., R. 41 E.,  
 Sec. 30, lots 1, 2, 3, and 4, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ , and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 31.  
 T. 33 $\frac{1}{2}$  S., R. 40 E.,  
 Sec. 32;  
 Sec. 34;  
 Sec. 35.  
 T. 34 S., R. 39 E.,  
 Sec. 1, SE $\frac{1}{4}$ .  
 T. 34 S., R. 40 E.,  
 Secs. 1 to 4, inclusive;  
 Sec. 5, S $\frac{1}{2}$ ;  
 Sec. 6.  
 T. 34 S., R. 41 E.,  
 Sec. 6, N $\frac{1}{2}$  and SW $\frac{1}{4}$ .

The areas described aggregate 20,011.09 acres.

For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240.

MURL W. STORMS,  
Acting State Director.

[P.R. Doc. 67-2077; Filed, Feb. 23, 1967;  
8:47 a.m.]

### AREA MANAGERS; CARSON CITY DISTRICT, NEV.

#### Delegation of Authority

Under authority of Bureau Order 701, dated July 23, 1964, and as amended April 26, 1966, and subject to the limitations in Part III of that order the Area Managers administering the Reno, Fallon, Yerington, and Hawthorne Resource Areas of the Carson City District, Nevada, are authorized to act on the following matters within their respective areas of responsibility in accordance with existing policies and regulations of the Department, and under direct supervision of the Carson City District Manager:

#### DELEGATIONS OF AUTHORITY IN SPECIFIC MATTERS

##### SEC. 3.3 Fiscal affairs.

(d) Trespass: Determine liability and issue notice of grazing trespass; recommend as to acceptance of settlement offer made.

##### SEC. 3.7 Range management.

(a) Within grazing districts, the issuance of licenses and permits to graze or trail livestock.

(3) Permits or cooperative agreements to construct and maintain range improvements and determine the value of such improvements.

(4) Expenditure of funds appropriated by Congress or contributed by individuals, associations, advisory boards, or others for the construction, purchase or maintenance of range improvements.

(d) Soil and moisture conservation; control of halogeton glomeratus.

##### SEC. 3.8 Forest management.

(a) Disposition of forest products including sales of timber not exceeding \$100 in value.

##### SEC. 3.9 Land use.

(g) Disposition of materials other than forest products, not exceeding \$100 in value.

The District Manager may at any time temporarily reserve, restrict, or withhold any portion of the above delegated authority through use of Form 1213-1 District Office Authority and Responsibility Guide.

This order will become effective upon date of publication in the FEDERAL REGISTER.

Dated: February 3, 1967.

VAL B. RICHMAN,  
District Manager.

Approved:

NOLAN F. KEIL,  
State Director, Nevada.

[P.R. Doc. 67-2075; Filed, Feb. 23, 1967;  
8:47 a.m.]

## DEPARTMENT OF AGRICULTURE

### Commodity Credit Corporation

### JUTE BAGGING AND BALE TIES USED IN WRAPPING COTTON

#### Notice of Specifications

The Department of Agriculture announced on April 14, 1965, after receiving suggestions and recommendations from interested persons, specifications for bagging and ties for wrapping cotton of the 1967 and subsequent crops of cotton tendered to CCC for price support. These specifications were published in the FEDERAL REGISTER on June 14, 1966. Since that time interested persons have pointed out that a number of problems would be encountered by bagging manufacturers, suppliers, ginners, and producers under the specifications. It has been determined that certain modifications should be made in these specifications. The June 14, 1966, notice is hereby rescinded, and notice is hereby given that, beginning with the 1967 crop of cotton, when cotton tendered to Commodity Credit Corporation for price support is wrapped in jute bagging, the total weight of bale ties and buckles shall be 9 pounds per bale plus or minus one-half pound, and the bagging (1) must be new material which has been manufactured specifically for cotton bale covering and which meets the Physical Requirements for New Jute Bagging set forth in this notice or must be used bagging which meets the Physical Requirements for Jute Bagging Manufactured from Used Jute Bags (and Commonly Referred to as "Sugar Cloth Bagging") set forth in this notice, and (2) must meet the Other Requirements for All Bagging set forth in this notice: *Provided, however*, That carryover non-specification bagging intended for use on the 1966 crop of cotton which was physically in the United States in the inventory of (owned by and in the possession of) cotton ginners and suppliers on December 1, 1966, may be used to wrap 1967-crop cotton which is tendered to CCC for price support if the ginner or

supplier certifies to CCC (State ASCS office of State where the bagging is physically located at the time of certification) not later than March 31, 1967, or by such later date as may be approved by the Executive Vice President, CCC, the quantity (expressed in patterns) of such carryover nonspecification bagging he had on hand on December 1, 1966, which is still in his inventory at the time of certification, subject to the following requirements: If the quantity of such nonspecification bagging in the inventory of any ginner or supplier on December 1, 1966, which is still in his inventory at the time of certification, plus the quantity of all bagging (specification and nonspecification bagging) used by the ginner or distributed by the supplier for wrapping 1966-crop cotton, is in excess of the average quantity of bagging used or distributed by him for wrapping 1964 and 1965 crops of cotton, the excess may not be used to wrap 1967-crop cotton which is tendered to CCC for price support, unless approved by the Executive Vice President, CCC, or his designee. After verification by CCC of the ginner's or supplier's inventory (including physically inventorying the bagging) CCC will issue to the ginner or supplier bale tags for the approved number of nonspecification patterns in his inventory. Bales of 1967-crop cotton which are wrapped in nonspecification bagging will be eligible for CCC price support only if identified by such bale tags.

#### PHYSICAL REQUIREMENTS FOR NEW JUTE BAGGING<sup>1</sup>

Length: 108 inches minimum for flat bales; 96 inches minimum for standard density bales; 112 inches maximum for flat or standard density bales.

Weight: 32 ounces per running (linear) yard of bagging (plus or minus two ounces) at 13.75 percent moisture content (not moisture regain). Bagging which is not more than 4 ounces per running yard heavier than this prescribed weight may be used for standard density bales if the bagging is 96 inches but not to exceed 100 inches in length.

Width: 47½ inches minimum, 50 inches maximum.

Weft (Filling) Yarns: Minimum size of 40 pounds per spynole (14,400 yards).

Warp Yarns: Equal to or larger than weft yarns but not less than 75 pounds per spynole.

Number of Warp Yarns: Minimum of 41 per 12 inches.

Number of Weft (Filling) Yarns: Minimum of 25 per 12 inches.

#### PHYSICAL REQUIREMENTS FOR JUTE BAGGING MANUFACTURED FROM USED JUTE BAGS (AND COMMONLY REFERRED TO AS "SUGAR CLOTH BAGGING")<sup>2</sup>

Length: 108 inches minimum for flat bales; 96 inches minimum for standard density bales; 112 inches maximum for flat or standard density bales.

Weight: 32 ounces per running (linear) yard of bagging (plus or minus 2 ounces) at 13.75 percent moisture content (not moisture regain). Bagging

<sup>1</sup> The bagging must not contain any hard fibers, such as sisal.

which is not more than 4 ounces per running yard heavier than this prescribed weight may be used for standard density bales if the bagging is 96 inches but not to exceed 100 inches in length. The weight of each piece of bag cloth, without hems, patches and/or seams, composing each one-half pattern of bagging must also not be less than 17.6 ounces per square yard. (Bagging manufactured from bag cloth weighing 17.6 ounces per square yard must be 56 inches wide to meet minimum weight requirements.)

Width: 48 inches minimum, 56 inches maximum.

The bagging must have been manufactured from once used good quality closely woven heavy jute bags previously used for sugar, coffee, cocoa, or other products approved by the Executive Vice President, CCC, and must be clean, in sound condition, and of sufficient strength to adequately protect the cotton, and must not contain stenciling or other materials which will contaminate or adversely affect cotton as determined by the Executive Vice President, CCC. The bags used in the manufacture of the bagging must not contain any fibers which would adversely affect the cotton.

Pattern construction. Each one-half pattern, having the dimensions specified under "Length" and "Width," must be composed of not more than three pieces of used bag cloth of same construction and weight. There must not be more than two crosswise sewn seams and no lengthwise sewn seams in any one-half pattern. (Seams, hems, and necessary patches in the original bags from which the bagging is made will not be considered sewn seams). Overlap at seams and patches must not be greater than 2½ inches. Overlaps, patches and hems sewn into the bagging to increase the weight of lightweight material will not be permitted. Sewn seams must be such that the edges of the joined pieces coincide to make a symmetrical one-half pattern without appreciable displacement of the edge of one piece of bagging relative to the edge of the adjoining piece in the seam. Sewing must be with strong thread with not larger than ⅜ inch stitching.

#### OTHER REQUIREMENTS FOR ALL BAGGING

Cotton wrapped in bagging to which any kind of salt or other corrosive or hygroscopic material has been added will not be eligible for tender to CCC.

#### TEST METHODS

The following testing methods will be used by Commodity Credit Corporation

$$\text{Ounces per running yard} = \frac{\text{Weight of the sample in ounces} \times 36}{\text{length of the sample in inches}}$$

The weight will be calculated on the basis of 13.75 percent moisture content.

Weight per square yard: <sup>3</sup> The weight of bag cloth in ounces per square yard will be determined by taking a cut consisting of 1 square foot in area (without stretch, wrinkles, seams, hems, or patches) from each piece of bagging in

<sup>3</sup> Not applicable to new jute bagging.

in determining whether jute bagging used to wrap cotton tendered for CCC loan beginning with the 1967-crop of cotton meets the above specifications. Each sample of bagging selected for testing will consist of one panel or sample strip (one-half pattern).

#### Length:

The length of the sample will be measured directly using a measuring stick, steel tape, or other suitably graduated device.

The sample will be laid out flat on a smooth horizontal surface without stretch and the length of both selvages measured. The length of the sample will be the average of the two selva measurements rounded to the nearest inch.

Measurement will be made on the sample in equilibrium with standard atmospheric conditions as specified in A.S.T.M. D 1776-62T.

Width: The width of the sample will be measured directly using a measuring stick, steel tape, or other suitably graduated device, and will include the selvages.

The sample will be laid out flat on a smooth horizontal surface without stretch and the measurements made perpendicular to the selvages. Three width measurements will be taken on each sample. One measurement will be made at the center of the sample and two other measurements will be made approximately 12 inches in from each end of the sample. The average of the three measurements, rounded to the nearest one-half inch, will be the width.

Measurements will be made on the sample in equilibrium with standard atmospheric conditions as specified in A.S.T.M. D 1776-62T.

Warp yarn count: <sup>4</sup> The number of warp ends in the width of the sample, including the selvages, will be counted at each end of the sample. The average of the two counts divided by the width, as determined above, and multiplied by 12 will be the warp yarn count per 12 inches.

Weft yarn count: <sup>5</sup> The number of weft (filling) yarns over a measured length of 36 inches on each sample will be counted. The number counted divided by 3 will be the weft yarn count per 12 inches.

#### Weight:

The ounces per running yard of the sample will be calculated by multiplying the weight of the sample in ounces by 36 and dividing the result by the length of the sample in inches.

$$\text{Ounces per running yard} = \frac{\text{Weight of the sample in ounces} \times 36}{\text{length of the sample in inches}}$$

the sample, weighing it in ounces, and multiplying the result by nine. The weight is to be calculated on the basis of 13.75 percent moisture content.

Warp rove size: <sup>6</sup> Ten warp ends spaced equally across the width of the sample

<sup>6</sup> Not applicable to jute bagging manufactured from used jute bags commonly referred to as "sugar cloth bagging."



will be removed, measured and cut to 1½ yards each for a total of 15 yards. The 15 yards of warp rove will be weighed in ounces and converted to pounds per spynkle by multiplying the weight in ounces by 60.<sup>1</sup>

Pounds per spynkle = weight in ounces × 60.

Warp rove size will be calculated on the basis of 13.75 percent moisture content.

Weft rove size: <sup>2</sup>Slightly more than 15 yards of unbroken weft rove will be removed from the sample. Fifteen yards of weft rove will be obtained by winding on a measuring reel with the strands distributed so that there is no overlapping. The 15 yards of weft rove will be weighed in ounces and converted to pounds per spynkle by multiplying the weight in ounces by 60.<sup>1</sup>

Pounds per spynkle = weight in ounces × 60.

Weft rove size will be calculated on the basis of 13.75 percent moisture content.

Signed at Washington, D.C., on February 16, 1967.

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

[P.R. Doc. 67-2088; Filed, Feb. 23, 1967;  
8:48 a.m.]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SECRETARY OF HEALTH, EDUCATION,  
AND WELFARE

### Assignment of Compliance Functions Under Title VI of Civil Rights Act of 1964

Notice is hereby given that the Secretary of Housing and Urban Development has assigned certain compliance functions under Department regulations (codified at 24 CFR Part 1—Nondiscrimination in Federally Assisted Programs of the Department of Housing and Urban Development) to effectuate Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d-1, to the Secretary of Health, Education, and Welfare, and the latter has accepted the assignment of such functions. These assignments are contained in the two letters dated April 22, 1966, and the letter dated May 25, 1966, to the Secretary of Health, Education, and Welfare, copies of which are set forth below.

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

THE SECRETARY OF HOUSING AND URBAN  
DEVELOPMENT

WASHINGTON, D.C. 20410,  
April 22, 1966.

HON. JOHN W. GARDNER,  
*Secretary of Health, Education, and Welfare,  
Washington, D.C. 20201.*

DEAR MR. SECRETARY: Pursuant to the authority contained in section 1.12(c) of the

<sup>1</sup>Not applicable to jute bagging manufactured from used jute bags commonly referred to as "sugar cloth bagging."

<sup>2</sup>Additional tests will be made as may be necessary to obtain a value for the rove size that is representative of the sample.

regulations of the Department of Housing and Urban Development effectuating Title VI of the Civil Rights Act of 1964, I hereby assign to you the responsibilities listed below of the Department of Housing and Urban Development with respect to hospitals and other health facilities:

1. Compliance Reports, including the mailing, receiving and evaluation thereof under section 1.6(b) of the Department's regulations;

2. Other actions under section 1.6;

3. All actions under section 1.7 including periodic compliance reviews, receiving of complaints, investigations, determination of recipient's apparent failure to comply, and resolution of matters by informal means.

The Department of Housing and Urban Development specifically reserves to itself the responsibilities for the effectuation of compliance under sections 1.8, 1.9, and 1.10 of the Department's regulations.

The responsibilities so designated to you are to be exercised in accordance with the Coordinated Enforcement Procedures for Medical Facilities under Title VI of the Civil Rights Act of 1964 dated February 1966, developed by the interested governmental agencies and approved by the Department of Justice, and may be redelegated by you to other officials of your Department. The Department of Housing and Urban Development also retains the right to exercise these responsibilities itself in special cases with the agreement of the appropriate official of your Department.

If you consent to this assignment, please indicate your acceptance by signing in the space provided below.

Sincerely yours,

ROBERT C. WEAVER.

Accepted: May 13, 1966.

JOHN W. GARDNER,  
*Secretary of Health,  
Education, and Welfare.*

THE SECRETARY OF HOUSING AND URBAN  
DEVELOPMENT

WASHINGTON, D.C. 20410,  
April 22, 1966.

HON. JOHN W. GARDNER,  
*Secretary of Health, Education, and Welfare,  
Washington, D.C. 20201.*

DEAR MR. SECRETARY: Pursuant to the authority contained in section 1.12(c) of the regulations of the Department of Housing and Urban Development effectuating Title VI of the Civil Rights Act of 1964, I hereby assign to you the responsibilities listed below of the Department of Housing and Urban Development with respect to institutions of higher education:

1. Compliance Reports, including the mailing, receiving and evaluation thereof under section 1.6(b) of the Department's regulations;

2. Other actions under section 1.6;

3. All actions under section 1.7 including periodic compliance reviews, receiving of complaints, investigations, determination of recipient's apparent failure to comply, and resolution of matters by informal means.

The Department of Housing and Urban Development specifically reserves to itself the responsibilities for the effectuation of compliance under sections 1.8, 1.9, and 1.10 of the Department's regulations.

The responsibilities so designated to you are to be exercised in accordance with the Plan for Coordinated Enforcement Procedures for Higher Education dated February 1966, developed by the interested governmental agencies and approved by the Department of Justice, and may be redelegated by you to other officials of your Department. The Department of Housing and Urban Development also retains the right to exercise these responsibilities itself in special cases

with the agreement of the appropriate official in your Department.

If you consent to this assignment, please indicate your acceptance by signing in the space provided below.

Sincerely yours,

ROBERT C. WEAVER.

Accepted: May 26, 1966.

WILBUR J. COHEN,  
*Acting Secretary of Health,  
Education, and Welfare.*

THE SECRETARY OF HOUSING AND URBAN  
DEVELOPMENT

WASHINGTON, D.C. 20410,  
May 25, 1966.

HON. JOHN W. GARDNER,  
*Secretary of Health, Education, and Welfare,  
Washington, D.C. 20201.*

DEAR MR. SECRETARY: Pursuant to the authority of 24 CFR 1.12(c), I hereby assign to you the responsibilities listed below of the Department of Housing and Urban Development and of the responsible HUD official under Title VI and HUD's regulations issued thereunder (24 CFR Part 1) with respect to elementary and secondary schools and school systems:

1. Soliciting, receiving, and determining the adequacy of assurances of compliance, voluntary desegregation plans, and final court orders under 24 CFR 1.5.

2. Mailing, receiving, and evaluating compliance reports under 24 CFR 1.6(b).

3. All other actions related to securing voluntary compliance, or related to investigations, compliance reviews, complaints, determinations of apparent failure to comply, and resolutions of matters by informal means.

The Department of Housing and Urban Development specifically reserves to itself the responsibilities for the effectuation of compliance under 24 CFR 1.8, 1.9, and 1.10.

The responsibilities so designated to you are to be exercised in accordance with the Plan for Coordinated Enforcement Procedures for Elementary and Secondary Schools and school systems dated May 1966, developed by the interested governmental agencies and approved by the Department of Justice, and may be redelegated by you to other officials of your Department. The Department of Housing and Urban Development also retains the right to exercise these responsibilities itself in special cases with the agreement of the appropriate official in your Department.

If you consent to this assignment, please indicate your acceptance by signing in the space provided below.

Sincerely yours,

ROBERT C. WEAVER.

Accepted: June 22, 1966.

WILBUR J. COHEN,  
*Acting Secretary of Health,  
Education, and Welfare.*

[P.R. Doc. 67-2095; Filed, Feb. 23, 1967;  
8:48 a.m.]

## ATOMIC ENERGY COMMISSION

STATE OF LOUISIANA

### Proposed Agreement for Assumption of Certain AEC Regulatory Authority

On July 12, 19, 26, and August 2, 1966, the U.S. Atomic Energy Commission published for public comment prior to action thereon a proposed agreement received from the Governor of the State of Louisiana for assumption of certain

of the Commission's regulatory authority, pursuant to section 274b. of the Atomic Energy Act of 1954, as amended. The proposed effective date included in the proposed agreement was September 1, 1966. Because of continuing discussions with the State concerning the regulation of licensed activities in the areas offshore of the State in the Gulf of Mexico, the proposed agreement did not become effective on September 1, 1966.

It is now proposed that the agreement become effective on May 1, 1967, and it is hereby republished. Also published herewith are: (1) A proposed Memorandum of Understanding between the State of Louisiana and the Commission designed to facilitate the parties' administration of the proposed section 274b. agreement, and (2) a proposed agreement between the State of Louisiana and the AEC, to be entered into under section 274i. of the Atomic Energy Act of 1954, as amended, under which the State would be authorized to perform certain functions on behalf of the Commission.

All interested persons desiring to submit comments and suggestions for consideration by the Commission in connection with the proposed section 274b. agreement, the proposed Memorandum of Understanding, or the proposed section 274i. agreement should send them in triplicate to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, within 30 days after initial publication in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement the proposed section 274b. agreement were published as part 150 of the Commission's regulations in FEDERAL REGISTER issuances of February 14, 1962, 27 F.R. 1351; September 22, 1965, 30 F.R. 12069; and March 19, 1966, 31 F.R. 4668. In reviewing this proposed agreement, interested persons should also consider the aforementioned exemptions.

Dated at Washington, D.C., this 30th day of January 1967.

For the Atomic Energy Commission.

W. B. McCool,  
Secretary.

**PROPOSED AGREEMENT BETWEEN THE U.S. ATOMIC ENERGY COMMISSION AND THE STATE OF LOUISIANA FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED**

Whereas the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8 and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas the Governor of the State of Louisiana is authorized under West's LSA-R.S. 51:1051 et seq., to enter into this Agreement with the Commission; and

Whereas, the Governor of the State of Louisiana certified on June 15, 1966, that the State of Louisiana (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on -----, 1967, that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement; and

Whereas, this Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I. Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

- A. Byproduct materials;
- B. Source materials; and
- C. Special nuclear materials in quantities not sufficient to form a critical mass.

ART. II. This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

- A. The construction and operation of any production or utilization facility;
- B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ART. III. Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ART. IV. This Agreement shall not affect the authority of the Commission under subsection 161 b. or 1. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ART. V. The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

ART. VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ART. VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ART. VIII. This Agreement shall become effective on May 1, 1967, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VII.

**PROPOSED MEMORANDUM OF UNDERSTANDING BETWEEN THE STATE OF LOUISIANA AND THE U.S. ATOMIC ENERGY COMMISSION**

The State of Louisiana ("State") and the U.S. Atomic Energy Commission ("Commission") have this date entered into an "Agreement between the United States Atomic Energy Commission and the State of Louisiana for Discontinuance of Certain Commission Regulatory Authority and Responsibility within the State pursuant to section 274 of the Atomic Energy Act of 1954, as Amended" ("274b. Agreement"), the effective date of which is May 1, 1967.

An area of submerged land off the coast of the State is currently in dispute between the State and the United States in a cause pending before the U.S. Supreme Court, styled United States of America v. State of Louisiana et al. No. 9 Original ("pending litigation").

This Memorandum of Understanding between the State and the Commission is made solely to facilitate the parties' administration of the 274b. Agreement in view of, but without prejudice to, the pending litigation.

It is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State as follows:

First: The State shall not license or regulate, on its own behalf, those materials subject to the 274b. Agreement ("agreement materials") and located in the disputed area or seaward thereof which (a) are in the possession of noncitizens of the State or (b) are on or in the seabed or structures affixed thereto.

Second: The Commission acknowledges its present practice of regarding possession and use of agreement materials on the high seas by the citizens of littoral states which have

entered into agreements with the Commission pursuant to section 274b. of the Atomic Energy Act of 1954, as amended, as properly subject to the regulatory authority assumed by such states pursuant to such agreements: *Provided, however*, That nothing herein shall in any way be construed to affect or limit the right of the Commission to alter or amend such practice at any time. Should the Commission decide to eliminate or alter or amend such practice, it will consult with the State before taking action to implement such decision offshore of the State.

Third: Nothing herein nor in the 274b. Agreement nor any action or abstention taken pursuant to either document shall in any manner affect, or be alleged to affect, the position of either party in the pending litigation.

Fourth: This Memorandum of Understanding shall become effective on May 1, 1967, and shall remain in effect so long as the 274b. Agreement remains in effect, but shall be subject to modification from time to time by agreement of the parties and shall be subject to the outcome of the pending litigation.

**PROPOSED AGREEMENT BETWEEN THE STATE OF LOUISIANA AND THE U.S. ATOMIC ENERGY COMMISSION PURSUANT TO SECTION 274I. OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED**

The State of Louisiana ("State") and the U.S. Atomic Energy Commission ("Commission") have this date entered into an "Agreement between the United States Atomic Energy Commission and the State of Louisiana for Discontinuance of Certain Commission Regulatory Authority and Responsibility within the State pursuant to section 274 of the Atomic Energy Act of 1954, as Amended" ("274b. Agreement"), the effective date of which is May 1, 1967.

The State and the Commission have this date also entered into a "Memorandum of Understanding between the State of Louisiana and the U.S. Atomic Energy Commission," with the same effective date, in order to facilitate the parties' administration of the 274b. Agreement in view of, but without prejudice to, a cause pending before the U.S. Supreme Court, styled *United States of America v. State of Louisiana et al.*, No. 9 Original ("pending litigation") concerning an area of submerged land off the coast of the State which is currently in dispute between the State and the United States.

Under section 274i. of the Atomic Energy Act of 1954, as amended, the Commission in carrying out its licensing and regulatory responsibilities under the Act is authorized to enter into agreements with any State to perform inspections or other functions on a cooperative basis as the Commission deems appropriate. In view of the pending litigation, but without prejudice thereto, the parties deem it appropriate that the State be authorized to perform certain functions for and on behalf of the Commission.

It is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

First: The Commission hereby authorizes the State to perform, for and on behalf of the Commission, the following functions with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass in the possession of Commission licensees in and seaward of the area of submerged land which is the subject of the pending litigation:

(a) perform inspections to determine compliance with the Commission's rules and regulations and with the provisions of the applicable Commission licenses;

(b) notify Commission licensees in writing of any items of noncompliance disclosed by such inspections, and request the licensees

concerned to advise the State of corrective action taken or to be taken;

(c) with respect to emergency situations in which an immediate and serious hazard to public health and safety, or property, exists, take such temporary emergency measures as may be required to eliminate the hazard.

Such functions as are performed by the State pursuant hereto shall be performed without cost or expense to the Commission.

Second: The functions authorized to be performed hereunder shall be subject to the Commission's supervision and shall be performed by the State in accordance with such standards, criteria, policies, and procedures as may be specified by the Commission from time to time. The State shall promptly notify the Commission of all activities performed by the State hereunder.

Third: In taking any actions authorized hereunder, the State shall not undertake to amend or revoke Commission licenses, nor to institute judicial action against Commission licensees.

Fourth: Nothing herein nor in the 274b. Agreement nor any action or abstention taken pursuant to either document shall in any manner affect, or be alleged to affect, the position of either party in the pending litigation.

Fifth: Nothing herein shall be deemed to preclude or affect in any manner the authority of the Commission to perform or to have performed by others any or all of the functions described herein. Should the Commission decide to have others perform such functions, it will use its best efforts to provide the State with advance notice thereof.

Sixth: This Agreement shall become effective on May 1, 1967, and shall remain in effect so long as the 274b. Agreement remains in effect unless sooner terminated by either party on thirty days' prior written notice.

[P.R. Doc. 67-1241; Filed, Feb. 2, 1967; 8:46 a.m.]

[Docket No. 50-261]

**CAROLINA POWER & LIGHT CO.**

**Notice of Hearing on Application for Provisional Construction Permit**

In the matter of Carolina Power & Light Co. (H. B. Robinson Unit No. 2).

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities", and Part 2, "Rules of Practice", notice is hereby given that a hearing will be held at 10 a.m., local time, on March 28, 1967, at the County Courthouse, Public Square, Darlington, S.C., to consider the application filed under section 104b. of the Act by Carolina Power & Light Co. for a provisional construction permit for a pressurized water reactor designed to operate at 2300 megawatts (thermal) to be located at its H. B. Robinson site, about 4.5 miles from Hartsville, S.C.

The hearing will be conducted by the Atomic Safety and Licensing Board designated by the Atomic Energy Commission consisting of Mr. Warren E. Nyer, Idaho Falls, Idaho, Dr. Lawrence R. Quarles, Charlottesville, Va., and Valentine B. Deale, Esq., Chairman, Washington, D.C. Dr. Stuart G. Forbes, Redondo Beach, Calif., has been designated as a technically qualified alternate.

A prehearing conference will be held by the Board at 9 a.m., local time, on

March 10, 1967, at the County Courthouse, Public Square, Darlington, S.C. 29532, to consider the matters provided for consideration by § 2.752 of 10 CFR, Part 2 and section II of Appendix "A" to 10 CFR, Part 2.

The Director of Regulation proposes to make affirmative findings on Item Numbers 1-3 and a negative finding on Item 4 specified below as the basis for the issuance of a provisional construction permit to the applicant substantially in the form proposed in Appendix "A" hereto.

1. Whether in accordance with the provisions of 10 CFR § 50.35(a)

(a) The applicant has described the proposed design of the facility, including, but not limited to, the principal architectural and engineering criteria for the design and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted, a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facility and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public;

2. Whether the applicant is technically qualified to design and construct the proposed facility;

3. Whether the applicant is financially qualified to design and construct the proposed facility; and

4. Whether the issuance of a permit for the construction of the facility will be inimical to the common defense and security or to the health and safety of the public.

In the event that this proceeding is not a contested proceeding, as defined by § 2.4 of the Commission's "Rules of Practice," 10 CFR, Part 2, the Board will, without conducting a de novo evaluation of the application, consider the issues of whether the application and the record of the proceeding contain sufficient information, and the review by the Commission's regulatory staff has been adequate, to support the findings proposed to be made and the provisional construction permit proposed to be issued by the Director of Regulation.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as the

issues in this proceeding, Item Numbers 1 through 4 above as the basis for determining whether a provisional construction permit should be issued to the applicant. As they become available, the application, the report of the Commission's Advisory Committee on Reactor Safeguards (ACRS), and the Safety Analysis by the Commission's regulatory staff will be placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., where they will be available for inspection by members of the public. Copies of the ACRS report and the regulatory staff's Safety Analysis may be obtained by request to the Director of the Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Petitions for leave to intervene, pursuant to the provisions of § 2.714 of the Commission's "Rules of Practice," must be received in the Office of the Secretary, U.S. Atomic Energy Commission, Germantown, Md., or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., not later than March 10, 1967, or in the event of a postponement of the specific hearing date, at such time as the Board may specify.

Any person who wishes to make an oral or written statement setting forth his position on the issues specified, but who does not wish to file a petition to intervene, may request permission to make a limited appearance pursuant to the provisions of § 2.715 of the Commission's "Rules of Practice." Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, by March 10, 1967.

Answers to this notice, pursuant to the provisions of § 2.705 of the Commission's "Rules of Practice" must be filed by the applicant on or before March 10, 1967.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, or may be filed by delivery to the Office of the Secretary, U.S. Atomic Energy Commission, Germantown, Md., or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Pending further order of the Board, parties are required to file, pursuant to the provisions of § 2.708 of the Commission's "Rules of Practice," an original and 20 conformed copies of each such paper with the Commission.

Dated at Germantown, Md., this 20th day of February 1967.

UNITED STATES ATOMIC  
ENERGY COMMISSION,  
W. B. McCool,  
Secretary.

## APPENDIX A

CAROLINA POWER & LIGHT CO. (H. B. ROBINSON UNIT No. 2)

DOCKET NO. 50-261

## PROVISIONAL CONSTRUCTION PERMIT

Construction Permit No. -----

1. Pursuant to § 104b. of the Atomic Energy Act of 1954, as amended (the Act), and Title 10, Chapter 1, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and pursuant to the order of the Atomic Safety and Licensing Board, the Atomic Energy Commission (the Commission) hereby issues a provisional construction permit to Carolina Power & Light Co. (the applicant) for a utilization facility (the facility) described in the application and amendments thereto filed in this matter by the applicant and as more fully described in the evidence received at the public hearing upon that application. The facility, known as H. B. Robinson Unit No. 2, will be located at the applicant's H. B. Robinson site, Darlington County, about 4.5 miles from Hartsville, S.C.

2. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act, and rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the conditions specified or incorporated below:

A. The earliest date for the completion of the facility is December 31, 1969, and the latest date for completion of the facility is December 31, 1970.

B. The facility shall be constructed and located at the site as described in the application, as amended, designated as the H. B. Robinson site, Darlington County, about 4.5 miles from Hartsville, S.C.

C. This construction permit authorizes the applicant to construct the facility described in the application and the hearing record in accordance with the principal architectural and engineering criteria set forth therein.

3. This permit is provisional to the extent that a license authorizing operation of the facility will not be issued by the Commission unless (a) the applicant submits to the Commission, by amendment to the application, the complete final safety analysis report, portions of which may be submitted and evaluated from time to time; (b) the Commission finds that the final design provides reasonable assurance that the health and safety of the public will not be endangered by the operation of the facility in accordance with procedures approved by it in connection with the issuance of said license; and (c) the applicant submits proof of financial protection and the execution of an indemnity agreement as required by § 170 of the Act.

For the Atomic Energy Commission.

[F.R. Doc. 67-2127; Filed, Feb. 23, 1967; 8:50 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 17164; FCC 67-156]

AMERICAN TELEVISION RELAY, INC.,  
AND SANTA FE CABLEVISION CO.

Memorandum Opinion and Order  
Instituting Hearing

In re petitions by American Television  
Relay, Inc., Albuquerque, N. Mex., Docket

No. 17164, File No. CATV 100-11; Santa Fe Cablevision Co., Santa Fe, N. Mex., File No. CATV 100-103; for authority pursuant to § 74.1107 to serve and operate CATV systems in the Albuquerque television market, ranked 100.

1. The following are before us for consideration:

(a) ATR requests authority to supply to the Vumore Co.'s CATV system in Albuquerque (the 100th television market) the four Los Angeles VHF commercial independent television signals.<sup>1</sup> Additionally, Vumore would carry the four local Albuquerque signals.

(b) Santa Fe Cablevision proposes to operate a system in Santa Fe, also in the Albuquerque market, carrying the four Albuquerque signals, the six distant independent commercial signals from Los Angeles, together with the independent VHF commercial signal from Phoenix, Ariz.

ATR's request (filed April 6, 1966) is opposed by the three commercial Albuquerque stations; Santa Fe Cablevision's request (filed September 6, 1966) is opposed by two of the Albuquerque stations (channels 4 and 13).

2. The Albuquerque market has a net weekly circulation of 179,300 TV homes. The city has assigned to it channels 4 (NBC), \*5 (Educ.), 7 (ABC) and 13 (CBS), all licensed and operating, plus channels 14, 23, and \*32, for which no applications are pending.

3. Vumore (holder of a permit granted to it by the city on February 19, 1957),<sup>2</sup> proposes to operate in Albuquerque (population 201,189), in Bernalillo County (population 262,199). The county constitutes the Albuquerque standard metropolitan statistical area. In support of its request, ATR relies on the general contention that its system would provide Albuquerque subscribers vastly expanded programming, and would at the same time afford an immediate audience for any new UHF stations. The supplying of the first independent programming to the city of Albuquerque is insufficient in this case to support the request for a waiver of the hearing requirements. The reasons advanced do not clearly meet our concern for the preservation of UHF potential. The proposed CATV community is the central city in the market, contains the great bulk of the TV homes within the Albuquerque census areas and within the predicted Grade A contour area of the market. TV homes in this area would provide the prime base of support for new local UHF stations. Hearing, thus seems necessary.

4. Santa Fe (population 34,676), in Santa Fe County (population 44,970), is approximately 55 miles from Albuquerque and beyond the market census areas.

<sup>1</sup> The Los Angeles signals would be provided to Vumore by ATR's microwave application (3611-C1-P-66) now on file, but not yet processed. The application, when processed, will be consolidated with this proceeding.

<sup>2</sup> No position is taken at this time with respect to the challenged Vumore franchise. The question whether ATR has a valid customer will be considered when action is taken on the microwave application.

Santa Fe Cablevision urges approval of its proposal, pointing to the attraction of improved and diversified television reception in the area. A waiver of hearing in the circumstances of this proposal would serve the public interest. Santa Fe, 55 miles from Albuquerque and at the fringe of the market, is in a comparatively sparsely populated neighboring county. In view of the location and size of the community, new UHF stations in Albuquerque would appear to be minimally dependent upon Santa Fe for significant support. Nor does there appear to be substantial likelihood that there will be activation in the near future of the Santa Fe allocations for local programming. Santa Fe has allocated four channels—2, 9, 11, and 13. However, the only channel in which any interest has been shown is channel 2, and when activated, this station proposes to duplicate the CBS programming of the parent CBS station in Albuquerque.

Accordingly, it is ordered, This 1st day of February 1967, that the provisions of § 74.1107 of the rules are waived in order to permit Santa Fe Cablevision's CATV system to carry, as proposed, the distant signals from Los Angeles and Phoenix. It is further ordered, Pursuant to sections 4(f), 303, and 307(b) of the Communications Act and § 74.1107 of the Commission's rules, that with respect to the petition filed by American Television Relay, Inc., hearing is ordered on the following issues:

1. To determine the present and proposed penetration and extent of CATV service in the Albuquerque market.
2. To determine the effects of current and proposed CATV service in the Albuquerque market upon existing, proposed, and potential television broadcast stations in the market.
3. To determine (1) the present policy and proposed future plans of respondents with respect to the furnishing of any service other than the relay of the signals of broadcast stations; (2) the potential for such services; and (3) the impact of such services upon television broadcast stations in the market.
4. To determine whether the CATV proposals are consistent with the public interest.

American Television Relay, Inc., Vumore Co., Hubbard Broadcasting, Inc., New Mexico Broadcasting Co., Inc., and WGAL Television, Inc., are parties to this proceeding and, to participate, must comply with the applicable provisions of § 1.221 of the Commission's rules. The burden of proof is upon petitioner. A time and place for the hearing will be specified in another order.

Released: February 17, 1967.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] BEN F. WAPLE,

Secretary.

[P.R. Doc. 67-2097; Filed, Feb. 23, 1967; 8:48 a.m.]

<sup>1</sup> Concurring and dissenting statements of Commissioners Bartley and Johnson and statement of Commissioner Cox filed as part of original document.

[Docket No. 17164; FCC 67M-287]

## AMERICAN TELEVISION RELAY, INC.

### Order Scheduling Hearing

In re petition by American Television Relay, Inc., Albuquerque, N. Mex., Docket No. 17164, File No. CATV 100-11; for authority pursuant to § 74.1107 to serve and operate CATV system in the 100th television market:

It is ordered, This 6th day of February 1967, that David I. Kraushaar shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on April 3, 1967, at 10 a.m.; and that a prehearing conference shall be held on March 6, 1967, commencing at 9 a.m. And it is further ordered, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: February 17, 1967.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] BEN F. WAPLE,

Secretary.

[P.R. Doc. 67-2096; Filed, Feb. 23, 1967; 8:48 a.m.]

[Docket Nos. 16476-16478; FCC 67M-293]

## ARTHUR A. CIRILLI ET AL.

### Memorandum of Ruling and Statement

In re applications of Arthur A. Cirilli, trustee in bankruptcy (WIGL), Superior, Wis., Docket No. 16476, File No. BR-4080, BRRE-7740, for renewal of license of Station WIGL; Quality Radio, Inc. (WAKX), Superior, Wis., Docket No. 16477, File No. BP-16497, for construction permit; Arthur A. Cirilli, trustee in bankruptcy (Assignor), and D.L.K. Broadcasting Co., Inc. (Assignee), Superior, Wis., Docket No. 16478, File No. BAL-5627, BALRE-1336, for assignment of license of Station WIGL.

In order to formalize and publicize a ruling which provides for a further prehearing conference, which ruling was made on the record at the prehearing conference held this date: It is ordered, This 17th day of February 1967, that a further prehearing conference will be held on February 28, 1967 at 10 a.m. in the offices of the Commission, Washington, D.C., to consider rescheduling of procedural dates and also hear oral argument by counsel on the amendatory petition of D.L.K. Broadcasting Co., Inc., filed on August 24, 1966.

Applicants Arthur A. Cirilli, trustee in bankruptcy (WIGL) and D.L.K. Broadcasting Co., Inc., are hereby forewarned that failure on their part to be represented by counsel at, or otherwise participate in, the further prehearing conference could result in a ruling by the Hearing Examiner that these parties are in default for failure to prosecute their applications and accordingly lead to denial of their above-captioned applications. The Examiner takes this opportunity to note also that neither of these parties was represented by coun-

sel at the prehearing conference held this date and there has been received no communication from them, since withdrawal of former counsel by his letter of February 13, 1967, to the Secretary of the Commission, that they intend to further prosecute their applications. In effect, the scheduling of the further prehearing conference for February 28, 1967, is designed to afford Cirilli and D.L.K. a reasonable and final opportunity under the circumstances of the recent withdrawal of their counsel to proceed with the prosecution of their applications with requisite dispatch.

Released: February 17, 1967.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] BEN F. WAPLE,

Secretary.

[P.R. Doc. 67-2098; Filed, Feb. 23, 1967; 8:49 a.m.]

[Docket Nos. 16589, 16848; FCC 67R-58]

## COLUMBIA BROADCASTING SYSTEM, INC. (WCAU), AND PLAINS BROADCASTING CO., INC. (KGYN)

### Memorandum Opinion and Order Enlarging Issues

In re applications of Columbia Broadcasting System, Inc. (WCAU), Philadelphia, Pa., Docket No. 16589, File No. BP-15446; the Plains Broadcasting Co., Inc. (KGYN), Guymon, Okla., Docket No. 16848, File No. BP-17192; for construction permits.

1. This proceeding originally involved the application of Columbia Broadcasting System, Inc. (CBS), to change the radiation pattern of its Class I-A station, WCAU, at Philadelphia, Pa.; and three applications seeking Class II-A stations on 1210 kc/s at Hutchinson, Kans.; Wichita, Kans.; and Guymon, Okla., respectively. However, on February 6, 1967, the Review Board released a memorandum opinion and order, FCC 67R-43, dismissing the applications for Hutchinson and Wichita and retaining the application of the Plains Broadcasting Co., Inc. (KGYN), for a station at Guymon, and CBS's application, in hearing status. Presently before the Board is a motion to modify and enlarge issues, filed by CBS on September 26, 1966, requesting action pertaining to all of the other applications.<sup>1</sup> However, these requests are now moot, except as to KGYN.

2. In the designation order, FCC 66-782, released September 6, 1966, the Commission concluded that an interference issue against KGYN was not warranted but, in order to insure adequate protection to WCAU, specified that in the event of a grant of KGYN's application, the following condition would apply: A study, based upon anticipated variations in

<sup>1</sup> The following related pleadings are also before the Board: (a) Broadcast Bureau's opposition, filed on Oct. 19, 1966; (b) reply to (a), filed on Oct. 24, 1966, by CBS; and (c) opposition, filed on Jan. 6, 1967, by KGYN.

phase and magnitude of current in the individual antenna towers, must be submitted with the application for license to indicate clearly that the inverse distance field strength of one mile can be maintained within the maximum operating values of radiation.

CBS urges that this condition is insufficient to insure protection to WCAU, and requests that the condition be modified to permit the allowable deviations to be determined by record evidence in this proceeding and incorporated in the instrument of authorization, and that a hearing issue under which such determination can be made be added to this proceeding.

3. In support of its requests, CBS argues that because of the characteristics of KGYN's proposed antenna system and the critical protection requirements, more specific conditions should be elicited at the hearing; that in a comparable case, Circle L, Inc., FCC 66-275, 3 FCC 2d 318, the Commission did specify a condition and issue such as requested here; and that the KGYN proposal is more restrictive in its design than those proposed in the Circle L case. Engineering statements designed to support these arguments and comparing KGYN's directional antenna with those proposed in Circle L were submitted by CBS.

4. In its opposition, KGYN contends that adequate protection of WCAU is provided by the condition already specified by the Commission, and that Circle L is inapposite here because in that case, the Commission reexamined the directional arrays involved in the context of facts as to possible interference, whereas no similar showing has been made here. In an affidavit, KGYN's engineer seeks to show that the KGYN array, when built and instrumented as proposed, can be adjusted so that initial radiation values will not exceed those designated as "maximum adjustment values" and that the field ratio and phase variations can be maintained within 1 percent and 0.5 degree; and that, under these conditions, the radiated field will not exceed the specified maximum expected operating values incorporated in the KGYN amendment of June 29, 1966. The Broadcast Bureau also opposes CBS's requests.

5. The Board agrees with KGYN and the Bureau that CBS did not make a showing comparable to that made in Circle L, Inc., supra. However, we believe that where, as here, a valid dispute arises in a hearing as to whether determinations made unilaterally in a post-grant study can effectively protect an existing station, it is desirable that all of the parties have an opportunity to participate in formulating those determinations. This procedure would not only insure that the determinations are based on a full explanation of all pertinent factors, but might also avoid the possibility of future objections being raised by the existing stations, causing further delay in the inauguration of the new service. Therefore CBS's motion will be granted.

Accordingly, it is ordered, This 16th day of February 1967, that the motion to modify and enlarge issues, filed September 26, 1966, by Columbia Broadcasting

System, Inc., is granted; and that the issues in this proceeding are enlarged by the addition of the following issue: To determine the allowable deviations in phase and magnitude of current in the individual antenna towers of the KGYN proposal.

It is further ordered, That the condition herein which is applicable to The Plains Broadcasting Co., Inc.'s application is modified to read as follows: Allowable deviations in phase and magnitude of current as determined by record evidence in this proceeding will be incorporated in the instrument of authorization.

Released: February 17, 1967.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[P.R. Doc. 67-2099; Filed, Feb. 23, 1967;  
8:49 a.m.]

[Docket Nos. 17200-17208; FCC 67-223]

### FETZER CABLE VISION ET AL.

#### Memorandum Opinion and Order Instituting Hearing

In re petitions by Fetzer Cable Vision, Kalamazoo, Mich., Docket No. 17200, File No. CATV 100-12; Booth American Co., North Muskegon, Muskegon, Muskegon Township, Muskegon Heights, Norton Township, and Roosevelt Park, Mich., Docket No. 17201, File No. CATV 100-45; Allegan Tele-Ception, Inc., Allegan, Mich., Docket No. 17202, File No. CATV 100-116; GT&E Communications, Inc., South Haven, Mich., File No. CATV 100-144; for authority pursuant to § 74.1107 of the rules to operate CATV systems in the Grand Rapids-Kalamazoo market (ARB-36); and in re petitions by Jackson TV Cable Co., Jackson and Blackman Township, Mich., Docket No. 17203, File No. CATV 100-83; Cascade Cable Television Co., Jackson and Blackman Township, Mich., File No. CATV 100-100; Coldwater Cablevision, Inc., Coldwater, Mich., Docket No. 17204, File No. CATV 100-111; Calhoun Telephone Cable Television Co., Homer, Mich., Docket No. 17205, File No. CATV 100-126; Gross Telecasting, Inc., Lansing, Mich., Docket No. 17206, File No. CATV 100-131; Booth American Co., Summit and Leoni Townships, Mich., File No. CATV 100-147; for authority pursuant to § 74.1107 of the rules to operate CATV systems in the Lansing television market (ARB-48); and in re petitions by Triad Cablevision, Inc., Albion, Marshall, Battle Creek, Battle Creek Township, Emmett Township, Bedford Township, Pennfield Township, and Springfield, Mich., Docket No. 17207, File No. CATV 100-14; Wolverine Cable Vision, Inc., Albion, Marshall, Battle Creek, Battle Creek Township, and Springfield, Mich., Docket No. 17208, File No. CATV 100-49; for authority pursuant to § 74.1107 of the rules to operate CATV systems in the Grand Rapids-Kalamazoo and Lansing television markets.

<sup>2</sup> Review Board Member Nelson dissenting.

1. The Commission has before it for consideration the above-captioned petitions which request waiver of the hearing requirement of § 74.1107 of the rules to permit the immediate importation of distant television signals to various Michigan communities by CATV systems in the Grand Rapids-Kalamazoo and/or the Lansing television markets. The Grand Rapids-Kalamazoo market is currently ranked as the 36th television market based upon a total net weekly circulation of 453,700 in the 1966 American Research Bureau's "Television Market Analysis." Grand Rapids is assigned Channels 8 (NBC), 13 (ABC), 17 (permittee proposes independent operation) and \*35 (idle). Kalamazoo, about 47 miles south of Grand Rapids, is assigned Channels 3 (CBS) and \*52 (idle). Located within the predicted Grade A contour of the Grand Rapids ABC affiliate is Muskegon, about 35 miles northwest of Grand Rapids and 72 miles northwest of Kalamazoo, with Channel 54 (permittee proposes independent operation) assigned to it. Located within the predicted Grade A contours of the CBS and NBC affiliates is Battle Creek, about 52 miles southeast of Grand Rapids and 23 miles east of Kalamazoo, with Channel 41 (applicant proposes ABC affiliation). Located on the periphery of the Grade A of the market are: Lansing, about 60 miles southeast of Grand Rapids and 60 miles northeast of Kalamazoo; and Onondaga, about 67 miles northwest of Grand Rapids and 55 miles southwest of Kalamazoo.

2. The Lansing market is currently ranked as the 48th television market based upon a total net weekly circulation of 397,700. Lansing is assigned Channels 6 (CBS), 47, and 53 (both idle)<sup>1</sup> and East Lansing, contiguous thereto, is assigned Channels 23 and \*69 (both idle). Parma (Onondaga), the latter about 20 miles south of Lansing, is assigned Channel 10 (NBC and Educational on share-time basis). Located within the predicted Grade A contours of the Lansing stations (Channels 6 and/or 10) are: Jackson, about 37 miles southeast of Lansing, with Channel 18 (permittee proposes ABC affiliation); and Battle Creek, about 42 miles southwest of Lansing, with Channel 41 (applicant proposes ABC affiliation).

3. The market data included above indicate that Lansing, the 48th television market, is located on the periphery of the predicted Grade A of the Grand Rapids-Kalamazoo market, ranked 36th, that these two markets overlap and that large areas received service from both markets. As a reflection of the basic unity of these two markets, Fetzer Cable Vision's proposal for Kalamazoo (CATV 100-12) indicates that the CATV system there will carry the off-the-air signals of Lansing stations which provide a predicted Grade B to that community.

<sup>1</sup> On Jan. 20, 1967, the Commission released a notice of proposed rule making (FCC 67-88) in Docket No. 17109 which proposed an amendment of the table of assignments in § 73.606(b) to delete Channel 47 from Lansing and to substitute Channel 36.

Gross Telecasting's proposal for Lansing (CATV 100-131), on the other hand, demonstrates that both the CBS and NBC affiliates in the Grand Rapids-Kalamazoo market provide a predicted Grade B to Lansing. The basically similar proposals of Triad Cablevision (CATV 100-14) and of Wolverine Cable Vision (CATV 100-49) for Albion-Marshall-Battle Creek emphasize CATV activity in communities which lie within the predicted Grade A contours of stations in both markets. Since these markets do overlap to the extent that large areas receive service from both markets' stations and CATV systems located in the principal cities of the markets are required to carry the Grade B signals of the other market, and since these signals are available off-the-air in these communities, all CATV systems in one market which propose to import the distant signals from the other market will be permitted to do so. For these very same reasons, we have consolidated our consideration of all CATV proposals which involve either or both of the markets.

4. While we do recognize that, in footnote 69 of the second report and order in Docket Nos. 14895, 15233, and 15971 (2 FCC 2d 725, 31 F.R. 4540), we expressed concern for the "unusual" situation where two major markets fall within one another's Grade B contour, here, there already are extensive common service areas and CATV systems in these areas are required to carry signals from stations in both markets, as their pending proposals suggest. To deny carriage of distant signals from one market by CATV systems located in the other market just beyond the predicted Grade B of those signals would, in effect, penalize those communities with greater need for additional service. A strict application of the considerations which prompted footnote 69 to this proceeding would result in precluding carriage of one market's signals by CATV systems located in the common service areas. We view the disruption of established viewing habits which would result from the application of such a test to be unrealistic in view of the fact that the signals from both markets are generally receivable in most communities. Additionally, we note that Lansing is the State capital, that the two markets are relatively close to one another and that both markets are in the same State.

5. As we recognized in the second report and order, CATV can contribute to the public interest and the demand for television service: (1) In areas too small in population or too remote in distance to support a local station; and (2) by meeting the public's demand for good reception of multiple program choices, particularly the three full network services. See, also, Coldwater Cablevision, Inc., 4 FCC 2d 351. In order to achieve these goals, with little risk to the establishment and maintenance of UHF service, we approve the importation of distant signals here to provide needed network, independent and educational television services to the various CATV communities. In order to minimize po-

tential harm to UHF development, the accommodation of these waiver requests is, where possible, limited to the other market's signals and to Michigan signals generally and is, where appropriate, conditioned upon existing service and upon the future activation of UHF service. In regard to the latter observation, we note the UHF activity in Grand Rapids, Muskegon, Battle Creek, and Jackson where independent and network programming is proposed on UHF channels allocated to these communities. While it is recognized that the carriage and nonduplication provisions of the rules would apply to protect the network programming of a UHF station, proposed carriage of certain distant signals is denied where an independent UHF service is expected to commence in the community of a CATV system. Appropriate conditions are employed to protect the future activation of UHF educational service.

6. As a general proposition, we would also permit CATV systems to import the distant signals of UHF stations where the rules require the carriage of competing VHF stations from the same market. Application of this principle is consistent with our recent rulings in Athens TV Cable Co., Inc., 5 FCC 2d 577 and in Greater Television, 5 FCC 2d 699. In regard to the remaining portions of the relief requested herein, including proposals to import certain distant signals from Milwaukee, Chicago, Windsor, etc., we are unable to find that such extension of signals would be consistent with the public interest, and, specifically, with the establishment and maintenance of television service in the CATV communities involved. Therefore, such proposals would be denied insofar as waiver of § 74.1107 of the rules is concerned and these matters would be set for consolidated hearing.

7. The foregoing observations apply generally to most of the CATV proposals already captioned. Where special considerations arise in regard to any one proposal, however, they will be treated in the summary and disposition of the waiver requests now before us as follows:

(a) Fetzer Cable Vision (CATV 100-12) proposes to operate in Kalamazoo (population 82,089), a principal city of the Kalamazoo urbanized area and of the 36th television market, which receives predicted Grade B or better service from the NBC affiliate in Grand Rapids, the CBS affiliates in Kalamazoo and Lansing and the share-time NBC-educational operation in Onondaga. Fetzer would import the distant signals of the independent and educational stations from Chicago (Channels 9 and \*11) and from Detroit (Channels 50 and \*56) and of Channel 9 (CBC) from Windsor, Ontario, Canada. In reply to an opposition filed by West Michigan Telecasters, Inc., permittee of Channel 13 (ABC), Grand Rapids, and of VHF translator (W12AI), Channel 12 in Kalamazoo (less than 100 watts), Fetzer states it will carry Channel 13 on a parity with the other network affiliates. Since the proposed UHF independent operations on Channels 17 in Grand Rapids and 54 in Muskegon do

not provide predicted Grade B service to Kalamazoo (which, itself, has no commercial UHF allocation) and since BCU-TV, applicant for Channel 41 in Battle Creek, which does provide Kalamazoo with Grade A service, proposes ABC and UBS network programming: *It is ordered*, That the provisions of § 74.1107 of the rules are waived in order to permit Fetzer's Kalamazoo CATV system to carry, as proposed, the distant signals of the Chicago and Detroit independent and educational stations. *It is further ordered*, That the waiver to permit carriage of Channels \*11 and \*56 is conditioned upon the hours when educational Channel 10, Onondaga, is not operational and will terminate upon activation of Channel \*52, Kalamazoo; that, pursuant to sections 4(d), 303, 307(b), and 309 of the Communications Act and § 74.1107 of the Commission's rules, Fetzer's further request in regard to carriage of Channel 9 from Windsor is denied; and, that hearing is ordered as to said request upon issues to be designated subsequently herein.

(b) (1) Triad Cablevision, Inc. (CATV 100-14), proposes to operate in the following communities in Calhoun County (population 138,858; 42,600 TV homes) which are not contained within any Michigan urbanized area or standard metropolitan statistical area: Albion (population 12,749); Marshall (population 6,736); Battle Creek, including the city of Battle Creek (population 44,169), the townships of Battle Creek (population 19,010), Emmett (population 9,087), Bedford (population 10,486), and Pennfield (population 6,626), and the city of Springfield (population 4,605).<sup>2</sup> Each community is within the predicted Grade A contours of stations in both markets and the following stations provide Grade B or better service thereto: Channels 8 (NBC), Grand Rapids, 3 (CBS), Kalamazoo, 6 (CBS), Lansing, and 10 (NBC-educational), Onondaga. Triad would import the distant signals of Channels 2 (CBS), 4 (NBC), 7 (ABC), and 50 (independent) from Detroit (Channels 2 and 4 to be replaced by Channels 9 and 32, both independent stations, from Chicago upon the availability of microwave service and Channel 7 to be replaced by Channel 41 from Battle Creek upon its activation as an ABC outlet); Channel 12 (ABC) from Flint; and Channel 9 (CBC) from Windsor. BCU-TV, applicant for Channel 41 in Battle Creek, supports Triad's proposal while Gerity Broadcasting Co., licensee of WNEM-TV, Channel 5 (NBC), Bay City, claims all stations in the Saginaw-Bay City-Flint market (ARB-45) should be carried and not just Channel 12, Flint. Channel 13 (ABC), Grand Rapids, withdrew its oppositions when Triad agreed to its carriage. In light of Triad's amendment of its waiver request in regard to its carriage of Channel 13 (ABC), Grand Rapids, and in order to provide ABC and

<sup>2</sup> These communities range from about 50 to 70 miles southeast of Grand Rapids; from about 20 to 45 miles east of Kalamazoo; and from about 35 to 45 miles southwest of Lansing.

independent service to the communities involved (of which only Battle Creek has a commercial UHF allocation): *It is ordered*, That the provisions of § 74.1107 of the rules are waived to permit Triad's carriage of Channels 13, Grand Rapids, and 50, Detroit. *It is further ordered*, Pursuant to the above-noted statutory and regulatory authority, that all other aspects of Triad's proposal, including the possibility of carriage of Chicago independent stations, are denied; and, that hearing is ordered in regard thereto upon issues to be designated subsequently herein.

(b) (2) Wolverine Cable Vision, Inc. (CATV 100-49), proposes CATV service to essentially the same communities as Triad including: Albion, Marshall, Battle Creek, Battle Creek Township, and Springfield. The Grade B or better signals received are the same as those indicated in the Triad proposal; however, Wolverine, unlike Triad, proposes two separate head-end sites, identified as the Battle Creek System and the Marshall-Albion System, which would provide the distant signals of the independent and educational stations from Chicago (Channels 9 and \*11) and from Detroit (Channels 50 and \*56), upon microwave availability, and Channel 13 (ABC) from Grand Rapids on the Battle Creek System and Channel 7 (ABC) from Detroit on the Marshall-Albion System, both to be replaced by Channel 41 in Battle Creek (assuming ABC affiliation). In a petition for immediate, temporary and limited relief, filed October 4, 1966, Wolverine requests permission to carry Channel 13 from Grand Rapids to provide ABC service to Calhoun County but reserves the right to seek further relief to substitute Channel 7 (ABC) from Detroit on the Marshall-Albion System if carriage of Channel 13 is not technically feasible. Channel 13 does not object to the temporary relief requested. In a letter of June 29, 1966, the city manager of Marshall states that Wolverine's request for franchise is not being considered. In order to provide ABC, independent and educational services to these communities in Calhoun County: *It is ordered*, That the provisions of § 74.1107 are waived to permit Wolverine's carriage of Channels 13 from Grand Rapids, 50 and \*56 from Detroit and \*11 from Chicago (with carriage of Channels \*56 and \*11 conditioned upon the hours when educational Channel 10, Onondaga, is not operational): *It is further ordered*, That the remaining aspects of Wolverine's proposal are denied; and, that hearing is ordered in regard thereto upon issues to be designated subsequently herein.\*

(c) Booth American Co. (CATV) 100-45) would operate in the following communities in Muskegon County (population 149,943; 44,100 TV homes): North Muskegon (population 3,855); Muskegon (population 46,485); Muskegon Town-

ship (population 17,537); Muskegon Heights (population 19,552); Norton Township (population 17,816); and Roosevelt Park (population 2,578). These communities or parts of them comprise the Muskegon-Muskegon Heights urbanized area which is located about 35 miles northwest of Grand Rapids and 72 miles northwest of Kalamazoo. In our decision (4 FCC 2d 509), released July 18, 1966, in Docket No. 16635, we found that Booth's CATV systems in Muskegon and North Muskegon (the other systems were not operational) were within the Grade A of Channel 13 (ABC), Grand Rapids, and within the Grade B of Channels 8 (NBC), Grand Rapids, and 3 (CBS), Kalamazoo, and that the predicted Grade B of Channel 9 (ABC, CBS), Cadillac, Mich., penetrated a portion of each community which permitted its carriage. We, also, ordered Booth to cease and desist from importing distant signals from Milwaukee and Chicago in violation of § 74.1107 of the rules and, on Booth's appeal to the U.S. Court of Appeals for the District of Columbia Circuit in Case No. 20367, our order was affirmed on January 26, 1967. Booth's pending waiver request involves the same distant signals which were the subject of the cease and desist proceeding; i.e., Channels 4 (NBC), 6 (ABC), \*10 (educational), and 12 (CBS) from Milwaukee; Channel 5 (NBC) from Chicago; and Channel 9 (ABC, CBS) from Cadillac. Included in the waiver request is a plea for temporary authority to continue present service pending our disposition of the merits of the waiver request. This plea is renewed in a letter, dated January 31, 1967, from Booth's counsel who notes that existing CATV operations in North Muskegon and Muskegon must be terminated with the final dissolution of an interlocutory stay order previously imposed by the court. In an attachment to the Booth waiver request, Muskegon Telecasting Co., Inc., permittee of Channel 54, Muskegon, supports the proposal. Allendale Enterprises, Inc., permittee of Channel 17, Grand Rapids, whose predicted Grade A includes part of Muskegon, opposes the request and claims that such CATV operation would result in the fractionalization of the viewing audience in a major part of the market. Our earlier finding in regard to Booth's carriage of Channel 9 from Cadillac in Muskegon and North Muskegon renders that portion of the waiver request moot and, accordingly, it is dismissed. Since we are unable to find that the importation of distant signals from Cadillac (on Booth's other CATV systems), Milwaukee and Chicago (mainly network services) is consistent with the maintenance of independent UHF services in the area, and in view of our stated policy in Buckeye Cablevision, Inc., 3 FCC 2d 808, released May 27, 1966: *It is ordered*, That the remaining portions of Booth's waiver request are denied; and, that hearing is ordered in regard thereto upon issues to be designated subsequently herein. In view of the court's decision affirming our prior cease and desist order and our action designating Booth's waiver request for

hearing, Booth's further requests for temporary authority are denied. See Appendix A for a fuller treatment of this matter.

(d) (1) Jackson TV Cable Co. (CATV 100-83) operates in Jackson (population 50,720), the county seat of Jackson County and the principal city of the Jackson urbanized area, and in Blackman Township (population 16,060), which lies within Jackson County contiguous to the city of Jackson on the west, north, and east. Both communities are within the Lansing television market and lie about 37 miles southeast of Lansing. Based upon our cease and desist order (4 FCC 2d 979) in Docket No. 16711, both communities receive Grade B or better service from Channels 2 (CBS), 4 (NBC), and 7 (ABC), Detroit; Channel 6 (CBS), Lansing; Channel 19 (NBC-educational), Onondaga; Channel 3 (CBS), Kalamazoo; and Channel 9 (CBC), Windsor. Channel 8 (NBC), Grand Rapids, provides Grade B service to only Blackman Township and Channel 11, Toledo, penetrates only the city of Jackson with its Grade B contour. Jackson TV Cable proposes to import the distant signals of Channels 50 (Independent) and \*56 (educational) from Detroit and Channels 11 (CBS) and 13 (ABC) from Toledo. The Detroit stations support their proposed carriage while the licensee of Channel 10 (NBC), Onondaga, opposes the waiver request and claims potential dilution of viewing audience. In a request for early partial consideration, filed November 7, 1966, Jackson TV Cable requests authority to carry the Detroit stations (Channels 50 and \*56) and notes its compliance with our cease and desist order in Docket No. 16711 in response to an opposition filed by Cascade Cable Television Co., a competitor (see CATV 100-100). In order to provide independent and educational services to communities whose only TV allocation (Channel 18) is proposed as an ABC affiliate and to equalize the competitive position of the Detroit stations: *It is ordered*, That the provisions of § 74.1107 are waived to permit Jackson TV Cable's carriage of Channels 50 and \*56 from Detroit (the latter's carriage conditioned upon the hours when educational Channel 10, Onondaga, is not operational): *It is further ordered*, That the remaining requests for carriage of Toledo Channels 11 (in Blackman Township only) and 13 (in both communities) are denied; and, that hearing is ordered in regard thereto upon issues to be designated subsequently herein.\*

(d) (2) Cascade Cable Television Co. (CATV 100-100), also, would operate in Jackson and Blackman Township. Off-the-air service available to these communities is similar to that already noted for Jackson TV Cable's proposal (CATV 100-83). Cascade, however, only requests permission to carry the Detroit UHF stations, Channels 50 and \*56. Channel 10

\*Since Wolverine has not demonstrated the availability of a franchise from the city of Marshall, Commission action here is not to be construed as permitting operation without city approval.

\*By earlier order (5 FCC 2d 744), the Commission waived § 74.1107 of the rules to permit carriage of Channel 8 (NBC) from Grand Rapids on petitioner's CATV system in the city of Jackson.



(NBC), Onondaga, opposes the request again claiming potential dilution of audience. Petitioner, in support of its request, notes that the permittee of channel 18 in Jackson, which, also, owns an interest in Jackson TV Cable Co. has not opposed that CATV system's request to carry Channel 50 from Detroit. Consistent with our disposition of CATV 100-83: *It is ordered*, That the provisions of § 74.1107 are waived to permit Cascade's carriage of Channels 50 and \*56 from Detroit (the latter's carriage conditioned upon the hours when educational Channel 10, Onondaga, is not operational. *It is further ordered*, That, consistent with our prior ruling in Docket No. 16711 (5 FCC 2d 744), the provisions of § 74.1107 are waived to permit carriage of Channel 8 (NBC) from Grand Rapids on Cascade's CATV system in the city of Jackson.<sup>4</sup>

(e) Coldwater Cablevision Inc. (CATV 100-111) seeks authority to import the following additional distant signals into Coldwater (population 8,880): Channel \*56 (educational), Detroit; Channels 15 (CBS) and 33 (NBC), Fort Wayne, Ind.; and Channel 28 (ABC), South Bend, Ind. By our order (4 FCC 2d 351), released July 1, 1966, we granted petitioner's earlier waiver request (CATV 100-17) to carry, in addition to Channels 10 (NBC-educational), Onondaga, 3 (CBS), Kalamazoo, 8 (NBC), Grand Rapids, and 6 (CBS), Lansing, the following distant signals: Channels 7 (ABC) and 50 (independent) from Detroit; Channels 13 (ABC) and 24 (Independent) from Toledo; Channel 21 (ABC) from Fort Wayne; Channel 22 (CBS) from South Bend; and Channel 9 (CBC) from Windsor. In order to provide a full-time educational service to the community: *It is ordered*, That the provisions of § 74.1107 are waived to permit Coldwater's carriage of Channel \*56 from Detroit, conditioned upon the hours when educational Channel 10, Onondaga, is not operational. *It is further ordered*, That the remaining requests for additional network services from out-of-State are denied; and, that hearing is ordered in regard thereto upon issues to be designated subsequently herein.

(f) Allegan Tele-Ception, Inc. (CATV 100-116) would operate in Allegan (population 4,822), about 32 miles southwest of Grand Rapids and 21 miles northwest of Kalamazoo. Allegan receives Grade B or better service from Channels 8 (NBC) and 13 (ABC), Grand Rapids; and Channel 3 (CBS), Kalamazoo and petitioner proposes to import the distant signals of Channels 6 (CBS), Lansing; 10 (NBC-educational), Onondaga; and 9 (independent), Chicago. In order to provide the network and educational services of the Lansing market to this relatively small community: *It is ordered*, That the provisions of § 74.1107 are waived to permit Allegan's carriage of Channels 6, Lansing, and 10, Onon-

daga. In view of the anticipated activation of UHF Channel 17 in Grand Rapids as an independent service whose predicted Grade B includes Allegan: *It is further ordered*, That the remaining request to carry the distant signal of a Chicago independent station is denied; and, that hearing is ordered in regard thereto upon issues to be designated subsequently herein.

(g) Calhoun Telephone Cable Television Co. (CATV 100-126) would operate in Homer (population 1,629), about 41 miles southwest of Lansing, 43 miles southeast of Kalamazoo and 22 miles southwest of Jackson. Homer is located in the southeastern portion of Calhoun County (population 138,858) and is not contained within any urbanized area or standard metropolitan statistical area. Off-the-air signals (at least Grade B) received in Homer include Channels 10 (NBC-educational), Onondaga, 6 (CBS), Lansing, 3 (CBS), Kalamazoo, and 8 (NBC), Grand Rapids. Calhoun would import the distant signals of Channels 7 (ABC) and 50 (independent) from Detroit; Channel 13 (ABC) from Toledo; Channel 9 (CBC) from Windsor; and MPATI educational television (KS2XGD and KS2XGA), Lafayette, Ind. In order to provide ABC, independent and educational programming to a relatively small community in the Lansing market: *It is ordered*, That the provisions of § 74.1107 are waived to permit Calhoun's carriage of Channels 7 and 50 from Detroit and of MPATI educational television (when available).<sup>7</sup> *It is further ordered*, That the remaining requests to carry the Toledo and Windsor stations are denied; and, that hearing is ordered in regard thereto upon issues to be designated subsequently herein.

(h) Gross Telecasting, Inc. (CATV 100-131) proposes to operate in Lansing (population 107,807; 30,802 TV homes), the State capital and the principal city of the Lansing Urbanized Area. The Lansing television market, ranked 48th, has a total net weekly circulation of 397,700. Lansing receives Grade B or better service from the following stations: Channels 6 (CBS), Lansing, 10 (NBC-educational), Onondaga, 12 (ABC), Flint, 2 (CBS) and 4 (NBC), Detroit,<sup>8</sup> 9 (CBC), Windsor, 3 (CBS), Kalamazoo, 8 (NBC), Grand Rapids, and 5 (NBC), Bay City. Gross would import the distant signals of Channels 7 (ABC),<sup>9</sup> 50 (independent) and \*56 (educational) from Detroit; Channel 13 (ABC) from Grand

<sup>7</sup>In the event Channel 18 at Jackson is activated as an ABC affiliate, as proposed, and encompasses Homer with a Grade B signal, then Channel 18 would derive carriage and nonduplication protection against the distant Detroit ABC affiliate.

<sup>8</sup>Gross alleges Channel 4's Grade B penetrates Lansing; however, it appears from the Commission's files that the predicted Grade B either falls tangent to or just intersects the city limits. Channel 2's Grade B contour is similarly located.

<sup>9</sup>Gross alleges that Channel-7's Grade B contour penetrates the Lansing urbanized area and falls less than 1 mile short of the East Lansing city limits. No engineering exhibit is offered to support its allegation.

Rapids; and Channel 25 (CBS) from Saginaw. Gross claims that all of the distant signals proposed for carriage on its system are competitively disadvantaged and should be carried to equalize the situations in their markets. Classroom 10 Television Council, an organization of public and parochial school districts using Channel 10 (educational), Onondaga, opposes the plan to import Channel \*56 (educational) from Detroit and the manager of Channel 10 (educational), Onondaga, offers considerations concerning the same proposal generally in opposition thereto. The licensee of Channel 10 (NBC), Onondaga, opposes the waiver request because of the claimed dilution of the market. The licensee of Channel 12 (ABC), Flint, opposes the proposal to import Channels 7 and 50 from Detroit and Channel 13 from Grand Rapids without an evidentiary hearing and, also, pursuant to § 74.1109, requests the Commission to prohibit Gross from carrying the Grade B signals of Channels 2 and 4, Detroit, 9, Windsor, 8, Grand Rapids, and 3, Kalamazoo. The licensee of Channel 12, Flint, however, does agree that Lansing should receive unavailable network and additional nonnetwork services. Fetzner Cable Vision (CATV 100-12) opposes the suggestions of Channel 12, Flint and Gross, in reply, asks that the § 74.1109 request be summarily rejected. The § 74.1109 request will be considered here in connection with the Gross waiver petition and, accordingly: *It is ordered*, That the request of Channel 12, Flint, pursuant to § 74.1109 of the rules, is granted in part to prohibit Gross from carrying the Grade B signals of Channels 2 (CBS) and 4 (NBC), Detroit, and of Channel 9 (CBC), Windsor, on its CATV system in Lansing pending final disposition of the consolidated hearing ordered herein; and, that hearing is ordered upon an issue to be designated subsequently herein to determine whether carriage of such signals by Gross on its CATV system in Lansing is consistent with the public interest; and, that, in all other respects, the request is denied. *It is further ordered*, That the provisions of § 74.1107 are waived to permit Gross to carry the distant signals of Channel 13, Grand Rapids; Channel 25, Saginaw and Channel \*56, Detroit (the latter's carriage conditioned upon the nonoperational hours of Channel 10 (educational), Onondaga, and the waiver in regard thereto to terminate upon activation of Channel \*69, East Lansing); and, that the remaining requests to carry the distant signals of Channels 7 and 50 from Detroit are denied; and, that hearing is ordered in regard thereto upon issues to be designated subsequently herein. Our waiver of § 74.1107 to permit Gross to carry certain distant signals is predicated upon the following: (1) Channel 13 (ABC), Grand Rapids, pursuant to our general introductory comments above; (2) Channel 25 (CBS), to enable carriage of a UHF competitor in an otherwise VHF market (Saginaw-Bay City-Flint); and (3) Channel \*56 (educational), Detroit, to provide additional educational service on a conditional and

<sup>4</sup>Since Cascade has not requested waiver in regard to the carriage of Channel 11 (CBS), Toledo, on petitioner's CATV system in Blackman Township, as did Jackson TV Cable, that matter is not now before us.

temporary basis. The exclusion of the Detroit commercial stations (including Windsor) from the Lansing CATV system is predicated upon the following:

(1) The Detroit commercial stations either do not provide predicted Grade B service to the city of Lansing (Channels 7 and 50) or their Grade B contours fall tangent to or just intersect the city limits (Channels 2 and 4);

(2) Gross, in an appendix to its waiver petition, concedes that programs aired on Detroit and Windsor channels are not seen in Lansing, about 75 miles away; and

(3) Three commercial UHF channels are presently allocated to Lansing and East Lansing.

Our disposition of these requests enables the Lansing CATV system to provide 3 CBS services; 3 NBC services; 2 ABC services; and 2 educational services (combined as one full-time service).

(i) GT&E Communications Inc. (CATV 100-144) would operate in South Haven (population 6,149), about 50 miles southwest of Grand Rapids and 30 miles west of Kalamazoo. The city of South Haven is located in the northwest corner of Van Buren County (population 48,395) and is not within any urbanized area or standard metropolitan statistical area. Television service available to South Haven includes Channels 8 (NBC), Grand Rapids (periphery of Grade A), 3 (CBS), Kalamazoo (Grade B), and 22 (CBS), South Bend (Grade B). GT&E would import the distant signals of Channels 16 (NBC) and 28 (ABC) from South Bend; Channel 13 (ABC) from Grand Rapids; and Channels 9 and 32 (both independent) from Chicago. It should be noted that South Bend is an all-UHF market and is about 52 miles south of South Haven and that there is a similar absence of independent service from available UHF operations in South Haven as exists in Kalamazoo (see CATV 100-12). Therefore, in order to equalize the market conditions in Grand Rapids and South Bend and to provide additional services to this relatively small and removed community; *It is ordered*, That the provisions of § 74.1107 are waived to permit GT&E's carriage of distant signals from Grand Rapids (Channel 13), South Bend (Channels 16 and 28) and Chicago (Channels 9 and 32) on its CATV system in South Haven.

(j) Booth American Co. (CATV 100-147) proposes to operate in Summit Township (population 18,101) and Leoni Township (population 11,430), both of which are located in Jackson County (population 131,994) and portions of which form the Jackson urbanized area along with the city of Jackson and Blackman Township. A single head-end site in the north central portion of Summit Township serves both communities. Off-the-air signals received (Grade B or better) in these communities include Channel 6 (CBS), Lansing; Channel 10 (NBC-educational), Onondaga; Channels 2 (CBS), 4 (NBC) and 7 (ABC), Detroit; Channel 9 (CBC), Windsor;

Channel 3 (CBS), Kalamazoo; and Channel 11 (CBS), Toledo. Booth would import the distant signals of Channels 50 (independent) and \*56 (educational) from Detroit and Channel 8 (NBC) from Grand Rapids. In order to provide additional services, especially the independent and educational services proposed, and consistent with our approach in CATV 100-83 and CATV 100-100: *It is ordered*, That the provisions of § 74.1107 are waived to permit Booth to carry the distant signals of Channels 50 and \*56 from Detroit and Channel 8 from Grand Rapids on its CATV systems in Summit and Leoni Townships. Carriage of Channel \*56 is limited to those hours when Channel 10 (educational), Onondaga, is not operational.

*It is further ordered*, This 15th day of February 1967, pursuant to sections 4(i), 303, 307(b), and 309 of the Communications Act and §§ 74.1107 and 74.1109 of the Commission's rules, that, with respect to our denials of certain portions of the waiver requests and to our partial grant of a § 74.1109 request already ordered above, hearing is ordered as to said matters on the following issues:

1. To determine the present and proposed penetration and extent of CATV service in the Grand Rapids-Kalamazoo and Lansing markets.

2. To determine the effects of current and proposed CATV service in the Grand Rapids-Kalamazoo and Lansing markets upon existing, proposed and potential television broadcast stations in the markets.

3. To determine the effects of the proposed carriage by Gross Telecasting, Inc., of the predicted Grade B signals of certain Detroit and Windsor television broadcast stations on its CATV system in Lansing upon existing, proposed and potential television broadcast stations in the Lansing market.

4. To determine (1) the present policy and proposed future plans of petitioners with respect to the furnishing of any service other than the relay of the signals of broadcast stations; (2) the potential for such services; and (3) the impact of such services upon television broadcast stations in the markets.

5. To determine whether the applications and proposals are consistent with the public interest.

Fetzer Cable Vision, Fetzer Broadcasting Co., West Michigan Telecasters, Inc., Triad Cablevision, Inc., Wolverine Cable Vision, Inc., Booth American Co., Allendale Enterprises, Inc., Jackson TV Cable Co., Television Corp. of Michigan, Inc., Coldwater Cablevision, Inc., Allegan Cable-Teption, Inc., Calhoun Telephone Cable Television Co., Gross Telecasting, Inc., Classroom 10 Television Council, Michigan State University, and WJRT, Inc., are made parties to this proceeding and, to participate, must comply with the applicable provisions of § 1.221 of the Commission's rules. The burden of proof with respect to Issues 1, 2, 4, and 5 is upon the petitioning CATV systems and with respect to Issue 3 is upon WJRT, Inc., licensee of Channel 12, Flint. A time

and place for the hearing will be specified in another order.

Released: February 17, 1967.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>18</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

APPENDIX A

APPENDIX ON THE MUSKEGON AREA

The Booth American request for a waiver in North Muskegon and Muskegon warrants particular consideration in view of the dissent and the history of that aspect of the various matters now before us. To recapitulate, there are four "local" signals, from Grand Rapids, Kalamazoo, and Cadillac, all in the State of Michigan, which reach the Muskegon communities with a Grade B signal and which Booth American may freely distribute under the rules. There are five "distant" signals, one from Chicago and four from Milwaukee, which Booth American has also distributed in Muskegon and North Muskegon, in conceded violation of the rules. Booth American is under an order to cease and desist from distributing these five distant signals, and that order has been affirmed by the U.S. Court of Appeals for the District of Columbia Circuit. Booth American Co. v. Federal Communications Commission, Case No. 20,367, decided January 26, 1967, rehearing denied February 15, 1967 (petition for rehearing en banc pending).

We have carefully considered whether we should exercise our discretion to waive § 74.1107(a) in order to permit Booth American to bring the five distant signals into the Muskegon area without the full evidentiary hearing into the economic impact of such action which the rule requires. We are not persuaded that we should do so, for we are not persuaded that the distribution of these signals will not adversely affect the amount of "free" television available, and to be available, to all of the public in the area and in the greater Grand Rapids-Kalamazoo market—in particular the service of the new UHF stations (proposing primarily nonnetwork programming) being constructed in Grand Rapids and Muskegon itself. We recognize that the Muskegon permittee has written a letter stating that he does not object to the CATV operation and believes carriage on it may help his station. But our rules provide for such carriage in any event, and we do not wish to run the risk that some initial benefit to that operation may turn into the very long-run detriment that the rules are designed to avoid. (As more all-channel sets are sold, the benefit to a UHF station of carriage on a CATV system will diminish.) The Grand Rapids UHF permittee has opposed the CATV system fearing fragmentation of its audience.

It is crucial to our consideration of this and other waiver requests to note clearly the nature of the rule sought to be waived. Section 74.1107(a) is not a rule of substantive prohibition; it merely requires a hearing to determine the impact of the distribution of distant signals by CATV prior to approval of such distribution. And we have made amply clear in the second report adopting the rules the possible public injury in terms of loss of "free" service if CATV develops prior to determination of its impact.

<sup>18</sup> Concurring and dissenting statements of Commissioners Bartley and Loevinger and statement of Commissioner Cox filed as part of original document; Commissioner Wadsworth absent; Commissioner Johnson not participating.

In the light of these considerations, we believe it essential to proceed with a hearing in this area and not to waive the hearing requirement. To the extent that the four "local" signals are unsatisfactory (weak) in the Muskegon area, and enough people are willing to pay to receive them to support the CATV system, we interpose no obstacle. The distant signals are in a different category. We recognize fully that there are also many people who are willing and able to pay to receive these additional distant signals. But we must first determine—and no facts are before us to indicate that this can be done without a full hearing<sup>1</sup>—the effect on all the people which may result from special service for a part of the population.<sup>2</sup> That is the heart of the matter.

We note, finally, that we are refusing to permit Booth American to continue to violate the rule pending the required hearing. Little more need be said on this aspect of the matter. At the time of the issuance of the cease and desist order, we made clear that any temporary operation in violation of the rule, even pending a ruling on the waiver request, could not be permitted, taking full account of Booth American's contentions with respect to an allegedly unique situation, claimed special equities, and its insistence that it was arbitrary to require it to comply with the rule pending a decision on the waiver petition. We found that it commenced its illegal operation without such justification as would warrant us in permitting it to continue until we could consider the waiver petition. That determination, as noted above, has been judicially sustained. Now that the waiver request has been fully considered and is being denied, there is a fortiori no justification for permitting operation in violation of the rule. Certainly the fact that Booth American commenced the operation illegally is not a ground for continuing it. We decline to exercise our discretion to do so.

[F.R. Doc. 67-2100; Filed, Feb. 23, 1967; 8:49 a.m.]

[Docket No. 17171; FCC 67M-288]

### VALLEY-VISION, INC.

#### Order Scheduling Hearing

In the matter of cease and desist order to be directed against Valley-Vision, Inc.,

<sup>1</sup>We note that while the Examiner admitted certain evidence in the cease and desist order hearing which we found not to be pertinent to that proceeding, this did not include evidence on the impact of the distribution by CATV of distant signals upon the local existing or proposed television stations in the greater Grand Rapids-Kalamazoo market (including Muskegon). Booth American's testimony was that it had made no such studies, but had limited itself to the question of inadequate strength of the "local" stations' signals. As pointed out in the text, Booth American is fully free to improve such local service, and it was evidence on this latter question, *inter alia*, which we rejected as irrelevant in the earlier proceeding. We make this point not to suggest that we would have permitted the petitioner, by violating the rule, to convert the cease and proceeding into the full economic hearing the rule requires, in derogation of the rights of complying parties entitled to be heard first, but merely to note that no economic evidence was tendered.

<sup>2</sup>The only close question is whether a waiver should be given for the educational station. But it too is out-of-State and no adequate showing has been made to warrant this departure from our practice. We would require a fuller showing of the attention to Muskegon needs and interests.

owner and operator of a community antenna television system at Placerville, Calif.; Docket No. 17171:

It is ordered, This 13th day of February 1967, that Isadore A. Honig shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on April 18, 1967, at 10 a.m.; and that a prehearing conference shall be held on March 24, 1967, commencing at 9 a.m.: And, it is further ordered, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: February 17, 1967.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 67-2102; Filed, Feb. 23, 1967; 8:49 a.m.]

[Docket No. 17050; FCC 67M-285]

### WESTERN NORTH CAROLINA BROADCASTERS, INC.

#### Order Continuing Hearing

In re application of Western North Carolina Broadcasters, Inc., Docket No. 17050, File No. BR-2977; for renewal of license of Station WWIT, Canton, N.C.

A prehearing conference having been held on February 17, 1967, whereat certain procedures were established:

It is ordered, This 17th day of February 1967, that hearing herein for the limited purpose stated on the record of the said conference shall commence on April 24, 1967; and that further hearing for the purpose of adducing the oral testimony of witness shall commence on May 31, 1967, both at 10 a.m. in the offices of the Commission at Washington, D.C.

Released: February 17, 1967.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 67-2103; Filed, Feb. 23, 1967; 8:49 a.m.]

### STANDARD BROADCAST APPLI- CATIONS READY AND AVAILABLE FOR PROCESSING

FEBRUARY 21, 1967.

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on March 31, 1967 the standard broadcast applications listed below will be considered as ready and available for processing. Pursuant to §§ 1.227(b)(1) and 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the list below or with any other application on file by the close of business on March 30, 1967, which involves a conflict necessitating a hearing with an application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on March 30, 1967,

or (b) the earlier effective cutoff date which a listed application or by any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: February 15, 1967.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

Applications from the top of the processing  
line

- BP-11373 KTAC, Tacoma, Wash. Radio 850 Corp. Has: 850 kc, 1 kw, DA-N, U. Req: 850 kc, 1 kw, 10 kw-LS, DA-2, U.
- BP-12137 New, Bellaire, Tex. J. T. Shriner. Req: 1170 kc, 250 w, D.
- BP-16887 WKKO, Cocoa, Fla. WKKO Radio, Inc. Has: 860 kc, 1 kw, D. Req: 860 kc, 1 kw, DA-N, U.
- BP-16903 WKEN, Dover, Del. Capitol Broadcasting Corp. Has: 1600 kc, 500 w, D. Req: 1600 kc, 1 kw, 500 w-LS, DA-N, U.
- BP-17021 New, Lexington, N.C. Harry D. Stephenson and Robert E. Stephenson. Req: 1140 kc, 1 kw, DA, D.
- BP-17126 KESM, El Dorado Springs, Mo. Paul Vaughn. Has: 1580 kc, 250 w, D. Req: 1580 kc, 500 w, D.
- BP-17159 New, Lenoir, N.C. Robert L. Baker, Jr. Req: 1080 kc, 1 kw, D.
- BP-17280 New, Alexander City, Ala. Martin Lake Broadcasting Co. Req: 1590 kc, 1 kw, D.
- BP-17285 New, Del Rio, Tex. Amistad Broadcasting Co. Req: 1490 kc, 250 w, U.
- BP-17286 New, De Soto, Mo. Desoto Broadcasting Co., Inc. Req: 1190 kc, 1 kw, DA, D.
- BP-17288 KNX, Los Angeles, Calif. Columbia Broadcasting System, Inc. Has: 1070 kc, 50 kw, U. Req: 1070 kc, 50 kw, DA-D, U.
- BP-17289 New, Leominster, Mass. Nashua Valley Broadcast, Inc. Req: 1000 kc, 1 kw, D.
- BP-17290 New, Noblesville, Ind. White River Radio Corp. Req: 1110 kc, 1 kw, DA, D.
- BP-17292 WRAL, San Juan, P.R. Abacoa Radio Corp. Has: 1520 kc, 250 w, U. Req: 1520 kc, 10 kw, DA-1, U.
- BP-17293 KAND, Corsicana, Tex. Alto, Inc. Has: 1340 kc, 250 w, U. Req: 1340 kc, 250 w, 1 kw-LS, U.
- BP-17295 KVON, Napa, Calif. KVON, Inc. Has: 1440 kc, 500 w, 1 kw-LS, DA-2, U. Req: 1440 kc, 500 w, 5 kw-LS, DA-2, U.

- BP-17298 New, Alnsworth, Nebr.  
K.B.R. Broadcasting Co.  
Req: 1400 kc, 250 w, 1 kw-LS, U.
- BML-2172 WOPI, Bristol, Tenn.-Va.  
Tri-Cities Broadcasting Co.  
Has: 1490 kc, 250 w, 1 kw-LS, U  
(Bristol, Tenn.)  
Req: 1490 kc, 250 w, 1 kw-LS, U  
(Bristol, Tenn.-Va.).
- BP-17305 New, Jackson, Ky.  
The Intermountain Broadcasting  
Co., Inc.  
Req: 810 kc, 1 kw, D.
- BP-17307 New, Hondo, Tex.  
Medina Broadcasting Co.  
Req: 1460 kc, 500 w, D.
- BP-17316 New, Auburn, Maine  
Andy Valley Broadcasting System,  
Inc.  
Req: 1530 kc, 1 kw, D.
- BP-17317 New, Richmond, Ky.  
Lewis P. Young.  
Req: 1110 kc, 250 w, D.
- BP-17318 New, Berlin, Wis.  
Beacon Radio, Inc.  
Req: 1090 kc, 500 w, DA, D.
- BP-17321 New, McConnellsburg, Pa.  
Town Radio, Inc.  
Req: 1530 kc, 1 kw, 250 w-CH, D.
- BP-17322 New, Albuquerque, N. Mex.  
Frank Quinn.  
Req: 1190 kc, 1 kw, D.
- BP-17323 New, Jackson, Mo.  
Jackson Missouri Broadcasting  
Co.  
Req: 1170 kc, 250 w, DA, D.
- BP-17324 New, Reno, Nev.  
George A. Carr and Thompson  
Magowan doing business as  
K—  
Req: 1550 kc, 10 kw, DA, D.
- BP-17325 KASK, Ontario, Calif.  
WCBC-TV, Inc.  
Has: 1510 kc, 1 kw, DA-1, U.  
Req: 1510 kc, 1 kw, 10 kw-LS,  
DA-2, U.
- BP-17328 New, Vista, Calif.  
North County Broadcasting Co.,  
Inc.  
Req: 1000 kc, 1 kw, DA, D.
- BP-17336 New, Olney, Tex.  
Olney Broadcasting, Inc.  
Req: 850 kc, 1 kw, DA, D.
- BP-17337 KWXY, Cathedral City, Calif.  
Glen Barnett.  
Has: 1340 kc, 250 w, U.  
Req: 1340 kc, 250 w, 1 kw-LS, U.
- BP-17338 New, Quitman, Miss.  
A. C. Elliott, Jr.  
Req: 1500 kc, 1 kw, D.
- BP-17341 KLEO, Wichita, Kans.  
Swanco Broadcasting of Kansas,  
Inc.  
Has: 1480 kc, 1 kw, 5 kw-LS,  
DA-2, U.  
Req: Change site and antenna  
system
- BP-17342 New, Wiggins, Miss.  
Stone County Broadcasters, Inc.  
Req: 1420 kc, 1 kw, D.
- BP-17344 New, Yazoo City, Miss.  
Gateway Broadcasting Co., Inc.  
Req: 1520 kc, 250 w, D.
- BP-17347 New, Cabo Rojo, P.R.  
David Ortiz Radio Corp.  
Req: 930 kc, 500 w, DA, D.
- BP-17348 KENO, Las Vegas, Nev.  
Lotus Broadcasting Corp.  
Has: 1480 kc, 1 kw, DA-N, U.  
Req: 1460 kc, 1 kw, 5 kw-LS,  
DA-N, U.
- BP-17349 New, Blacksburg, Va.  
William B. Matthews, Jr.  
Req: 1430 kc, 1 kw, D.
- BP-17351 New, Statesboro, Ga.  
Farnell O'Quinn.  
Req: 850 kc, 1 kw, D.
- BP-17355 KENT, Prescott, Ariz.  
Central Arizona Broadcasting,  
Inc.  
Has: 1340 kc, 250 w, U.  
Req: 1340 kc, 250 w, 1 kw-LS, U.
- BP-17378 New, Safford, Ariz.  
Tri-County Broadcasting Co.  
Req: 1380 kc, 500 w, 5 kw-LS,  
DA-N, U.
- BP-17396 WKSK, West Jefferson, N.C.  
Childress Broadcasting Corp. of  
West Jefferson  
Has: 1600 kc, 1 kw, D.  
Req: 580 kc, 500 w, D.
- BP-17397 New, Monticello, Ind.  
Iroquois County Broadcasting Co.  
Req: 1510 kc, 250 w, DA, D.
- BP-17399 New, Geneseo, N.Y.  
Oxbow Broadcasting Corp.  
Req: 1140 kc, 500 w, D.
- BP-17400 New, Warsaw, N.Y.  
John B. Weeks.  
Req: 1140 kc, 1 kw, DA, D.
- BP-17401 KXLW, Clayton, Mo.  
Saint Louis County Broadcasting  
Co.  
Has: 1320 kc, 1 kw, D.  
Req: 1320 kc, 5 kw, DA, D.
- BP-17403 New, Monroe, N.C.  
Monroe Broadcasting Co., Inc.  
Req: 1190 kc, 500 w, D.
- BP-17406 New, Rose Hill, N.C.  
Duplin County Broadcasters.  
Req: 710 kc, 250 w, DA, D.
- BP-17407 New, Chardon, Ohio.  
Radio Buckeye, Inc.  
Req: 1560 kc, 1 kw, DA, D.
- BP-17408 KDOL, Mojave, Calif.  
Golden Desert Broadcasting Corp.  
Has: 1340 kc, 100 w, U.  
Req: 1340 kc, 250 w, 500 w-LS, U.
- BP-17409 New, Blue Ridge, Ga.  
Click Broadcasting Co.  
Req: 1500 kc, 500 w, D.
- BP-17411 WEAL, Greensboro, N.C.  
WEAL, Inc.  
Has: 1510 kc, 1 kw, 250 w-CH, D.  
Req: 710 kc, 50 kw, DA, D.
- BP-17412 KNUI, Makawao, Hawaii.  
Qualitron Aero, Inc.  
Has: 1310 kc, 1 kw, U.  
Req: 1310 kc, 5 kw, U.
- BP-17413 New, Williams, Ariz.  
Grand Canyon Broadcasters.  
Req: 1240 kc, 250 w, 1 kw-LS, U.
- BP-17414 KDOK, Tyler, Tex.  
KDOK Broadcasting Co.  
Has: 1490 kc, 250 w, U.  
Req: 1490 kc, 250 w, 1 kw-LS, U.
- BP-17415 New, Graham, N.C.  
Smiles of Graham, Inc.  
Req: 1190 kc, 250 w, DA, D.
- BP-17432 New, Hurricane, W. Va.  
Putnam Broadcasting Co., Inc.  
Req: 1080 kc, 250 w, D.
- Application deleted from Public Notice of  
April 2, 1965 (Mimeo No. 65244, FCC 65-  
287)*
- BP-16461 New, Sioux Center, Iowa.  
Tri-State Broadcasters.  
Req: 1070 kc, 500 w, D.  
(Assigned new File Number BP-17557)

[P.R. Doc. 67-2101; Filed, Feb. 23, 1967;  
8:49 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[812-2032]

BASFIN CORP.

### Notice of Filing of Application for Order Exempting Company From All Provisions of the Act

FEBRUARY 17, 1967.

Notice is hereby given that Basfin Corp. ("applicant"), c/o Shearman & Sterling, 20 Exchange Place, New York, N.Y. 10005, a New York corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting applicant from all provisions of the Act. 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 was organized by BASF Overzee N.V. ("Overzee"), at the direction of Badische Anilin & Soda-Fabrik A.G. ("Badische"), on January 27, 1966. All of applicant's outstanding securities, consisting of 20,000 shares of \$100 par value common stock, are owned by Overzee. Applicant represents that it will not issue any securities (other than debt securities) to any person other than Overzee and it is also represented that Overzee has agreed that it will not dispose of any security issued by applicant now or hereafter owned by it, except to applicant. It is represented that Badische will continue to own, directly or through a subsidiary all of whose outstanding securities (other than debt securities) are owned by Badische (which subsidiary is hereinafter referred to as a "fully owned subsidiary"), all of the capital stock of Overzee now outstanding and which may be issued in the future.

Badische, a German corporation, with its subsidiaries and affiliates, comprises one of the three largest manufacturers of chemicals in Europe. It produces such products as plastics and raw materials for synthetic fibers, dye-stuffs, agricultural chemicals, organic chemicals, vitamins, and magnetic tapes.

Overzee, a Netherlands Antilles corporation, was organized by Badische in 1956 primarily for the purposes of (1) owning 50 percent or more of the voting and other securities of corporations located in the United States and engaged primarily in the manufacture of products similar to those manufactured by Badische and (2) licensing certain of Badische's technical manufacturing information on a royalty basis. Overzee is engaged in the management, operation, and control of the companies in which it has a 50-percent interest.

Applicant was organized as a borrowing vehicle to finance Dow Badische Co. ("Dow Badische") a Delaware corporation whose outstanding capital stock is

owned 50 percent by Overzee and 50 percent by the Dow Chemical Co., a Delaware corporation. Dow Badische is primarily engaged in the business of manufacturing and marketing chemicals and synthetic organic fibers in the United States and does not engage in any business outside of the United States.

Applicant has no assets or liabilities of any significance; will not deal or trade in securities of any corporation; and does not propose to make any public offering of any securities issued or to be issued by it. Applicant proposes to borrow, during 1967 and 1968, an aggregate principal amount of \$30,000,000 from the Mutual Life Insurance Co. of New York, Massachusetts Mutual Life Insurance Co. and New England Life Insurance Co. to be evidenced by applicant's 6 percent secured promissory notes due June 30, 1981, ("Insurance Company Notes"). The three insurance companies will represent to applicant that they are acquiring the Insurance Company Notes for their own account for investment and not for resale.

Overzee and Badische will unconditionally guarantee the Insurance Company Notes. The proceeds of these loans, together with the proceeds of an additional \$30,000,000 of loans to be made to Dow Badische by its 50 percent stockholder, Dow Chemical Co., will be used by Dow Badische for capital construction or general working capital purposes in its business in the United States.

The loans by applicant to Dow Badische will be evidenced by Dow Badische's promissory notes ("Dow Notes") payable to the order of applicant in installments and having the same final maturity as the Insurance Company Notes.

As security for applicant's obligations under the Insurance Company Notes, the Dow Notes will be pledged under a trust indenture with the First National City Bank as trustee for the holders of the Insurance Company Notes. Additional collateral, including all stock of Dow Badische owned by Overzee, certain bonds of Dow Badische previously issued to Overzee and certain royalty payments payable by Dow Badische to Overzee, will also be held under said indenture as security for the Insurance Company Notes, subject however, to the prior lien of an existing indenture with the First National City Bank as trustee, securing \$11,000,000 in original principal amount of long term promissory notes of Overzee held by the Mutual Life Insurance Co. of New York.

Applicant states it may also engage in interim financing, prior to or between the issuance of the Insurance Company Notes, to the extent required by Dow Badische, but not exceeding \$15,000,000 in aggregate principal amount at any one time outstanding from the First National City Bank. These interim borrowings will be repaid by applicant from the proceeds of the Insurance Company Notes.

In addition, applicant from time to time may borrow from a commercial bank or banks not exceeding \$2,000,000 in aggregate principal amount outstanding with a maturity of less than 1 year.

The proceeds of these short term bank loans will be used by applicant for financing Dow Badische or other operating subsidiaries owned wholly or in part by Overzee or Badische and located in the United States.

It appears that applicant is an "investment company" as defined in section 3(a)(3) of the Act. Section 3(b)(3) of the Act, generally speaking, excepts from the definition of investment company any issuer all of the outstanding securities of which (other than short term paper and directors' qualifying shares) are owned by a company primarily engaged in a business other than that of investing, reinvesting, owning, holding, or trading in securities. As stated hereinabove, all of the outstanding securities of the applicant are now owned by Overzee. Also as noted hereinabove, applicant has stated that it will not issue any securities (other than debt securities) to any person other than Overzee and that Overzee will continue to own all of the securities of applicant and will not dispose of any security of applicant except to applicant and Badische will continue to own all of the capital stock of Overzee, directly or through a fully owned subsidiary of Badische. Therefore, it appears that applicant would be entitled to an exemption under section 3(b)(3) of the Act except for the fact that its long-term debt to be outstanding will be owned by institutions rather than by Badische or Overzee.

Section 6(c) of the Act provides that the Commission may, conditionally or unconditionally, exempt any persons, securities or transactions from any provision of the Act or of any rule 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.

Applicant has agreed, in the event that the Commission grants the application, that the Commission's order may be issued subject to the following conditions:

Applicant will:

(a) File with the Commission, within 90 days after the close of each fiscal year of the applicant, the data required by Items 1.08 (except with respect to information relating to persons under common control with applicant), 1.09, 1.10, and 1.11 of Form N-1R adopted by the Commission pursuant to Section 30 of the Act;

(b) File with the Commission, within 180 days after the close of the fiscal years of applicant, Overzee and Badische respectively, a balance sheet as of the close of such fiscal year, a statement of income and expense for such fiscal year, and a statement of surplus as of the close of such fiscal year for applicant and Overzee, respectively, and a schedule of investments as of the close of such fiscal year for applicant, and a copy of the annual report sent by Badische to its shareholders;

(c) File with the Commission, within 30 days after the happening of any of the following events, information as to

(1) any request to exchange any of applicant's notes for notes of smaller denominations, and (2) any transfer of applicant's notes, or notes issued in exchange therefor, and the name and address of each transferee, to the extent that such information shall be available to, or can reasonably be obtained by, the applicant; *Provided, however*, That no filing shall be required if a request to exchange or a transfer is made by a bank, or its nominee, which holds such notes as trustee or agent, for the purpose of effecting transfers among the accounts of such bank and its nominees; and

(d) Not issue any additional debt securities (other than short-term paper, as defined in the Act) following completion of the interim financing and the issuance of the \$30 million of insurance company notes unless it gives at least 45 days prior written notice to the Commission of such proposed issuance setting forth the details thereof, subject, however, to the right of the Commission, upon request of the applicant, to decrease such number of days. The applicant further agrees that if the Commission shall, after receipt of said written notice, determine that a substantial question shall exist as to whether or not the exemption granted by the order hereby requested should continue and shall mail or otherwise give notice to that effect to the applicant in care of Shearman & Sterling at 20 Exchange Place, New York, N.Y. 10005 (or at such other address as the applicant may have previously specified in writing to the Commission), within 15 days after the receipt by the Commission of said written notice from the applicant, the applicant will not issue such additional debt securities unless after receipt by the applicant of such notice from the Commission and not less than 15 days prior to the issuance of such additional debt securities, the applicant shall mail or otherwise give written notice to the Commission stating its intention to issue such additional securities and upon the giving of such notice by the applicant the exemption granted by the order hereby requested shall be deemed to have been terminated as of the date the applicant shall have mailed or otherwise given such notice to the Commission.

Notice is further given that any interested person may, not later than March 9, 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 (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall

be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[P.R. Doc. 67-2086; Filed, Feb. 23, 1967;  
8:48 a.m.]

### RAND DEVELOPMENT CORP.

#### Order Suspending Trading

FEBRUARY 17, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 5 cents par value, of Rand Development Corp., Cleveland, Ohio, and the Class B Common Stock, 5 cents par value, 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 February 19, 1967, through February 28, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[P.R. Doc. 67-2087; Filed, Feb. 23, 1967;  
8:48 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. G-9314, etc.]

### AMERADA PETROLEUM CORP. ET AL.

#### Findings and Order

FEBRUARY 14, 1967.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending certificates, permitting and approving abandonment of service, terminating certificates, making successor co-respondent, redesignating proceeding, accepting surety bond for filing and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and neces-

sity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC gas rate schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued.

Edwin Allday (Operator), et al., Applicant in Docket No. CI67-145, proposes to continue in part the sales of natural gas heretofore authorized in Docket Nos. G-15166 and G-15373 to be made pursuant to Atlantic Richfield Co., FPC Gas Rate Schedule No. 142 and Sinclair Oil & Gas Co., FPC Gas Rate Schedule No. 61, respectively. The contract comprising said rate schedules will also be redesignated as a rate schedule of Allday. The presently effective rate under Sinclair's rate schedule is in effect subject to refund in Docket No. RI64-305. Allday has filed a surety bond to assure the refund of any amounts collected by him in excess of the amount determined to be just and reasonable in said proceeding. Therefore, he will be made party respondent in said proceeding; the proceeding will be redesignated accordingly; and the surety bond will be accepted for filing.

After due notice, no petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on February 9, 1967, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record.

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Appli-

cants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G-8789, G-9314, G-13633, G-15166, G-15373, G-17039, G-17379, CI61-524, CI61-710, CI61-1091, CI62-60, CI63-980, CI64-856, CI66-1077, CI66-1282, CI66-1285, and CI67-374 should be amended as hereinafter ordered and conditioned.

(6) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to the respective Applicants relating to the abandonments hereinafter permitted and approved should be terminated.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Edwin Allday (Operator), et al., should be a co-respondent in the proceeding pending in Docket No. RI64-305, that said proceeding should be redesignated accordingly, and that the surety bond submitted by Allday in said proceeding should be accepted for filing.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more

fully described in the respective applications, amendments, supplements and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after April 15, 1965, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d) of the Commission's statement of general policy No. 61-1, as amended, shall be filed prior to the applicable dates, as indicated by footnotes 3 and 5 in the attached tabulation.

(E) The grant of the certificate issued herein in Docket No. CI67-794 shall not be construed as Commission's approval of advance payment provisions in producer gas sales contracts and is without prejudice to any future action the Commission may take with respect to advance payment provisions in producer gas sales contracts.

(F) A certificate is issued herein in Docket No. CI67-795 and acceptance of the related rate schedule is contingent upon Applicant filing three copies of a billing statement.

(G) A certificate is issued herein to Gulf Oil Corporation, in Docket No. CI67-787, authorizing Applicant to continue the sale of natural gas previously covered by the operator, International Petroleum Corp., in Docket No. CI61-710.

(H) The certificate heretofore issued in Docket No. CI61-710 is amended by deleting therefrom the interests of Gulf Oil Corp.

(I) The certificates heretofore issued in Docket Nos. G-9314, G-13633, G-17039, G-17379, CI66-1077, CI66-1282, CI66-1285, and CI67-374 are amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(J) The authorization granted in paragraph (I) above in Docket No. G-13633, involving the sale of gas by Union Producing Co. (Operator), et al., to its affiliate, United Gas Pipe Line Co., determines the rate which legally may be paid by the buyer to the seller, and is without prejudice to any action which the Commission may take in any rate proceeding involving either company.

(K) The certificates heretofore issued in Docket Nos. CI61-524 and CI61-1091 are amended to include the sales of natural gas from the additional acreage, subject to the conditions set forth in paragraphs (C), (D) and (E) of the order accompanying Opinion No. 353 (27 FPC 449), except that said certificates shall not be subject to the Commission's ultimate determination in Docket No. R-200.

(L) Acceptance of the related rate schedule in Docket No. CI61-524 is contingent upon Applicant filing three copies of a billing statement reflecting the 15 cents price.

(M) The certificates heretofore issued in Docket Nos. G-15166 and G-15373 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicant in Docket No. CI67-145; and the certificate heretofore issued in Docket No. G-8789 is amended by deleting therefrom authorization to

sell natural gas from acreage assigned to Applicant in Docket No. CI66-1282.

(N) The certificates heretofore issued in Docket Nos. CI62-60, CI63-980, and CI64-856 are amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(O) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications are granted.

(P) The certificates heretofore issued in Docket Nos. G-4169, G-6144, G-10877, and CI66-613 are terminated.

(Q) Edwin Allday (Operator), et al., shall be co-respondent in the proceeding pending in Docket No. RI64-305, said proceeding is redesignated accordingly,<sup>1</sup> and the surety bond submitted by Allday in said proceeding is accepted for filing.

(R) Edwin Allday (Operator), et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the surety bond filed by him in Docket No. RI64-305 shall remain in full force and effect until discharged by the Commission.

(S) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further, the rate schedules relating to the successions herein are accepted and redesignated, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

<sup>1</sup> Sinclair Oil & Gas Co. and Edwin Allday (Operator), et al.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G-9314..... D 12-19-66	Amerada Petroleum Corp. (partial abandonment).	Colorado Interstate Gas Co., Greenwood Field, Morton County, Kansas and Baca County, Colo.	Notice of partial cancellation 12-14-66. <sup>1</sup>	42	13
G-13633..... C 12-16-66 <sup>2</sup>	Union Producing Co. (Operator) et al.	United Gas Pipe Line Co., Greenwood-Waskom Field, Caddo Parish, La.	Amendatory agreement 12-6-66.	76	13
G-17039..... D 12-19-66	Amerada Petroleum Corp. (partial abandonment).	Panhandle Eastern Pipe Line Co., Southwest Lerado Field, Reno County, Kans.	Notice of partial cancellation 12-11-66. <sup>1</sup>	73	2
G-17379..... D 11-16-66	Texaco, Inc. (Operator) et al.	Transwestern Pipeline Co., Cimarron, Ellis, and Harper Counties, Oklahoma, and Clark County, Kans.	Amendment 10-3-66. <sup>1</sup>	214	13
CI61-524..... C 12-15-66 <sup>3</sup>	Shell Oil Co. (Operator) et al.	Michigan Wisconsin Pipe Line Co., Lenora Field, Dewey County, Okla.	Amendatory agreement 10-26-66. <sup>4</sup>	268	29
CI61-1091..... C 12-19-66 <sup>4</sup>	Amerada Petroleum Corp. <sup>4</sup>	Michigan Wisconsin Pipe Line Co., Woodward Area, Dewey County, Okla.	Amendatory agreement 11-15-66. <sup>5</sup>	92	8

Filing code: A—Initial service.  
B—Abandonment.  
C—Amendment to add acreage.  
D—Amendment to delete acreage.  
E—Succession.  
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FFC rate schedule to be accepted		Applicant	Purchaser, field, and location	FFC rate schedule to be accepted	
			Description and date of document	No.			Description and date of document	No.
C167-507 A 11-16-66	I. C. Baker & Son, Inc.	Cumberland & Allegheny Gas Co., Buckhannon District, Upshur County, W. Va.	Contract 3-30-66	2				
C167-708 (G-4100) (G-10877) B 11-17-66	Sam Sklar et al.	United Gas Pipe Line Co., Rodessa Field, Cass County, Tex.	Notice of cancellation 11-17-66	6				8
C167-786 A 12-15-66	Standard Oil & Gas Co.	Kansas-Nebraska Natural Gas Co., Inc., Castle Garden Field, Fremont County, Wyo.	Contract 3-15-66	370				
C167-787 A 12-9-66 (C161-710)	Gulf Oil Corp.	Pachonville Eastern Pipe Line Co., Southeastern Liberal Light Field, Beaver County, Okla.	Contract 7-3-61	378				
C167-792 A 12-15-66	Standard Oil & Gas Co.	Arkansas Louisiana Gas Co., Willbourn Area, Pittsburg County, Okla.	Contract 11-9-66	389				
C167-794 A 12-15-66	John Briggs	Northern Natural Gas Co., Casey and Gage Fields, Ellis County, Okla.	Contract 5-19-66	1				
C167-795 A 12-15-66	Apache Corp. (Operator) et al.	Pachonville Eastern Pipe Line Co., Beattyman Field, Ellis County, Okla.	Contract 10-17-66	37				
C167-796 (G-166-613) B 12-19-66	Consolidated Oil & Gas, Inc. (Operator) et al.	Arkansas Louisiana Gas Co., NorthEast Webb Field, Kay County, Okla.	Notice of cancellation 12-15-66	22				1
C167-797 A 12-19-66	Finny Point Petroleum.	Tennessee Gas Pipeline Co., a division of Tennessee, Inc., Escalon Field, Fort Bend County, Tex.	Contract 12-7-66	2				
C167-804 A 12-20-66	The Superior Oil Co.	Comanche Field, Jackson County, Tex.	Contract 12-7-66	3				
C167-804 (G-4144) B 12-14-66	McKinley Trust, Trustee.	Mountain Fuel Supply Co., West Side Canal Field, Carbon County, Wyo.	Contract 11-4-66	120				
		United Fuel Gas Co., Kermit Field, Minago County, W. Va.	(?)	(?)				

1 Source of gas depleted.  
 2 Effective date: Date of this order.  
 3 Jan. 1, 1968, moratorium pursuant to the Commission's Statement of General Policy No. 61-1, as amended.  
 4 Deletion savings due to expired leases.  
 5 July 1, 1967, moratorium pursuant to the Commission's Statement of General Policy No. 61-1, as amended.  
 6 Contract provides for 19.5 cents per Mcf plus B.L.U. adjustment; however, Applicant states willingness to accept authorization for the additional savings conditioned as the certificate issued in Opinion No. 333, FFC Form 1007.  
 7 Effective date: Date of initial delivery (Applicant should advise the Commission as to such date).  
 8 From Davis Oil Co. to Security Resources Co.  
 9 From Security Resources Co. to Delta Producing Corp.  
 10 From Kellor and Clark et al. to E. A. Jones et al.  
 11 From Haddad Oil & Gas Corp. to P. F. Gunn.  
 12 Assigns interest from Colorado Oil & Gas Corp. to Applicant.  
 13 Assigns interest from Sam F. Wallingford, Inc. et al. to Applicant.  
 14 Assignment of interest from Art Shalinski & Associates, Inc. to Methin Oil, Ltd.  
 15 Station terms of Basic contract (Case) dated June 9, 1962; currently on file as Atlantic Richfield Co. FFC GRS No. 140 and Sinclair Oil & Gas Co. FFC GRS No. 81.  
 16 30-day term.  
 17 30-day term.  
 18 Establishes 30-year contract term.  
 19 Establishes 30-year contract term.  
 20 Rate increase to 15.5 cents collected subject to refund in Docket No. R159-139 (Atlantic) and Docket No. R164-308 (Sinclair).



- \* Conveys interest in acreage to a depth of 7,610 feet, with Atlantic and Sinclair each retaining 25 percent interest.
- \* Instrument whereby Allday conveyed one-thirtieth interest in acreage to George Baxter Adams, Jr.
- \* Instrument whereby Allday conveyed five-twelfth interest in acreage to Curtis K. Canter.
- \* Applicant previously covered by Operator, Sunset International Petroleum Corp. FPC GRS No. 29 (Docket No. C161-710).
- \* Provides for a depth limitation to the 8,400-foot sand.
- \* No rate schedule filed for this sale (Contract covering sale was dated Dec. 16, 1946).

[F.R. Doc. 67-2019; Filed, Feb. 23, 1967; 8:45 a.m.]

[Docket No. CP67-225]

## NORTHERN NATURAL GAS CO.

### Notice of Application

FEBRUARY 15, 1967.

Take notice that on February 9, 1967, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP67-225 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas and continued operation of facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests authority to install and operate a side valve to enable it to receive volumes of natural gas transported by and exchanged with West Texas Gathering Co. in Winkler County, Tex.

Applicant estimates the installed cost of the required side valve at approximately \$1,757.

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 March 15, 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.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 67-2062; Filed, Feb. 23, 1967; 8:46 a.m.]

[Project No. 1982]

## NORTHERN STATES POWER CO.

### Notice of Application for Amendment of License for Constructed Project

FEBRUARY 15, 1967.

Public notice is hereby given that application for amendment of license has been filed under the Federal Power Act

(16 U.S.C. 791a-825r) by Northern States Power Co. (correspondence to: James A. Riley, Secretary and General Counsel, Northern States Power Co., Eau Claire, Wis. 54701), for constructed Project No. 1982 known as the Holcombe Project located on the Chippewa River in Chippewa and Rusk Counties, Wis.

The Licensee seeks to exclude from the project license a 115 kv transmission line extending from the 115 kv bus at the Holcombe substation to the Jim Falls substation. The Licensee represents that as a result of an interconnection with the Dairyland Power Cooperative, the 115 kv bus of Licensee's Holcombe substation is now the point of junction with the interconnected primary transmission system to which the entire power output of Project No. 1982 is delivered.

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 of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is March 29, 1967. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 67-2063; Filed, Feb. 23, 1967; 8:46 a.m.]

[Docket No. CP67-224]

## OHIO FUEL GAS CO.

### Notice of Application

FEBRUARY 15, 1967.

Take notice that on February 9, 1967, the Ohio Fuel Gas Co. (Applicant), 99 North Front Street, Columbus, Ohio 43215, filed in Docket No. CP67-224 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon certain sections of its existing pipeline and a certificate of public convenience and necessity authorizing the construction and operation of certain replacement 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 permission and approval to abandon 8.5 miles of 8 $\frac{3}{8}$ -inch transmission pipeline located on Applicant's Line V in Stark and Columbiana Counties, Ohio, said pipeline having deteriorated to a point where unusual maintenance is required and replacement is necessary to assure continuity of service.

Applicant also seeks authorization for the construction and operation of 8.5 miles of 12 $\frac{3}{4}$ -inch O.D. by 203-inch wall transmission pipeline to replace the above-mentioned section of Line V Applicant seeks to abandon.

Applicant estimates the total cost of the proposed construction at approximately \$430,000, said cost to be financed

through the issuance and sale of promissory notes or common stock to Applicant's parent company, the Columbia Gas System, Inc. Applicant estimates a salvage recovery of approximately \$35,000.

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 March 15, 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.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 67-2064; Filed, Feb. 23, 1967; 8:46 a.m.]

[Docket Nos. G-17090, CI65-1143]

## ROLAND S. BOND AND PAYNE PETROLEUM CORP.

### Findings and Order After Statutory Hearing Issuing Certificate of Public Convenience and Necessity, Amending Order Issuing Certificate, and Severing Proceedings

FEBRUARY 15, 1967.

On November 19, 1964, Roland S. Bond (Bond) filed in Docket No. G-17090 a petition to amend the order issuing a certificate of public convenience and necessity in said docket pursuant to section 7(c) of the Natural Gas Act by authorizing the sale of natural gas to Michigan Wisconsin Pipe Line Co. from additional acreage in the Laverne Field, Harper County, Okla., at an initial rate of 19.5 cents per Mcf at 14.65 p.s.i.a. plus upward B.t.u. adjustment, all as more fully set forth in the petition to amend.

On April 27, 1965, Jennings Petroleum Corp. (Jennings) filed in Docket No. CI65-1143 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Michigan Wisconsin Pipe Line Co. from the Woodward Area, Woodward County, Okla., at an initial rate of 19.5 cents per Mcf at 14.65 p.s.i.a. plus tax reimbursement and upward B.t.u. adjustment, all as more fully set forth in

the application. On July 23, 1965, Payne Petroleum Corp. (Payne) filed a motion to be substituted in lieu of Jennings Petroleum Corp. as applicant.

Petitioner and Applicant have made the necessary rate filings for the subject sales which have heretofore been accepted for filing as Supplement No. 2 to Roland S. Bond FPS Gas Rate Schedule No. 1 and as Payne Petroleum Corp. FPC Gas Rate Schedule No. 1 and Supplement Nos. 1 through 3 thereto.

The subject petition and application are consolidated for hearing and decision with other applications for certificates for sales from the Oklahoma "Panhandle" pricing area.<sup>1</sup>

Bond and Payne have expressed their willingness to accept certificate authorization conditioned as were the certificates issued by Opinion No. 353, Michigan Wisconsin Pipe Line Co., et al., CP61-102, et al., 27 FPC 449. Opinion No. 353 provides for an initial price of 17.0 cents per Mcf including tax reimbursement plus upward and downward B.t.u. adjustment.

After due notice petitions for leave to intervene were filed in both dockets by Michigan Wisconsin Pipe Line Co. and the county of Wayne, Mich. No further petitions for leave to intervene, notices of intervention or protests to the granting of the applications have been received.

Intervenors have expressed no objections to the issuance of certificates at the 17.0-cent rate; and, inasmuch as said rate has been found to be required by the public convenience and necessity for similar sales from the same area, the subject application and petition will be severed from the consolidated proceeding and granted.

At a hearing held on February 9, 1967, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the application and petition, submitted in support of the authorizations sought herein, and upon consideration of the record.

**The Commission finds:**

(1) Applicant in Docket No. CI65-1143 is engaged in the sale for resale of natural gas in interstate commerce for ultimate public consumption and is, therefore, a "natural-gas company" within the meaning of the Natural Gas Act.<sup>2</sup>

(2) The sale of natural gas hereinbefore described, as more fully described in the application in Docket No. CI65-1143, will be made in interstate commerce subject to the jurisdiction of the Commission, and such sale by Applicant, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, is subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicant in Docket No. CI65-1143 is able and willing properly to do

<sup>1</sup> The consolidated proceeding was initially designated as The Superior Oil Co. (Operator) et al., Docket No. G-16878, et al., by order issued Sept. 15, 1966, and published in the FEDERAL REGISTER on Sept. 24, 1966, 31 F.R. 12618.

<sup>2</sup> Payne is rendering service pursuant to a temporary certificate.

the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The proposed sale of natural gas by Applicant in Docket No. CI65-1143 is required by the public convenience and necessity, and a certificate therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the order issuing a certificate in Docket No. G-17090 should be amended as hereinafter ordered.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the subject application and petition should be severed from the consolidated proceeding in Docket No. G-16878 et al.

**The Commission orders:**

(A) A certificate of public convenience and necessity is issued upon the terms and conditions of this order authorizing the sale by Applicant in Docket No. CI65-1143 of natural gas in interstate commerce for resale for ultimate public consumption, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the application in this proceeding.

(B) The certificate issued herein is not transferable and shall be effective only so long as Applicant continues the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificate issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against Applicant. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contract herein involved. The grant of the certificate herein for service to the particular customer involved shall not imply approval of all of the terms of the contract, particularly as to the cessation of service upon termination of said contract, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificate herein be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sale of natural gas subject to said certificate.

(D) The order issuing a certificate in Docket No. G-17090 is amended by authorizing the sale of natural gas from additional acreage as hereinbefore described and as more fully described in the petition herein, and in all other re-

spects said order shall remain in full force and effect.

(E) The certificate and certificate amendment herein are subject to the conditions set forth in paragraphs (C), (D), and (E) of the order accompanying Opinion No. 353, 27 FPC 449, and paragraphs (B) and (C) of the order accompanying Opinion No. 464, 33 FPC 1228.

(F) Within 30 days from the issuance of this order Bond shall file a supplement to his FPC Gas Rate Schedule No. 1 for the sale of natural gas from acreage added by Supplement No. 2 thereto providing for a rate of 17.0 cents per Mcf, including tax reimbursement, adjusted for a proportional downward price for the sale of natural gas containing less than 1,000 B.t.u.'s per cubic foot as required by Opinion Nos. 353 and 464.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

[P.R. Doc. 67-2065; Filed, Feb. 23, 1967;  
8:46 a.m.]

[Docket No. CP67-223]

**VILLAGE OF SIMS, ILL., AND  
TRUNKLINE GAS CO.**

**Notice of Application**

FEBRUARY 15, 1967.

Take notice that on February 7, 1967, the village of Sims, Ill. (Applicant), filed in Docket No. CP67-223 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Trunkline Gas Co. (Respondent) to establish physical connection with a transmission line to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution within the village of Sims and along its 4 miles of transmission line, all in Wayne County, in the State of Illinois, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct approximately 4 miles of 2-inch welded steel transmission lateral pipeline from the point of interconnection with Respondent's facilities, at a point approximately 4 miles west of Applicant, to Applicant's proposed distribution system. Rural customers will be served by short line taps of Applicant's transmission lateral.

Estimated peak day and annual volumes required by Applicant are as follows:

	First year	Second year	Third year
Annual requirements (Mcf).....	18,450	20,450	21,050
Peak day requirements (Mcf).....	213	227	242

Applicant estimates the total cost of the proposed construction at approximately \$120,000, said cost to be financed through the issuance of 30-year gas revenue bonds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and

procedure (18 CFR 1.8 or 1.10) on or before March 15, 1967.

JOSEPH H. GUTRIDE,  
Secretary.

[P.R. Doc. 67-2066; Filed, Feb. 23, 1967;  
8:46 a.m.]

## INTERSTATE COMMERCE COMMISSION

[Notice 1031]

### MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FOR- WARDER APPLICATIONS

FEBRUARY 17, 1967.

The following applications are governed by Special Rule 1.247<sup>1</sup> of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL 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 hearings, 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 1824 (Sub-No. 40), filed February 1, 1967. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Boulevard, Preston, Md. 21655. Applicant's representative: Frank V. Klein (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs* (other than in bulk in tank vehicles), in vehicles equipped with mechanical refrigeration, from the plantsite and/or warehouses of the Pillsbury Co. at or near East Greenville, Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2484 (Sub-No. 43), filed February 1, 1967. Applicant: E. & L. TRANSPORT COMPANY, a corporation, Post Office Box 299, 14201 Prospect Avenue, Dearborn, Mich. Applicant's representative: Eugene C. Ewald, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors and parts and accessories thereof*, moving at the same time and with the tractors of which they are a part, and on which they are or are to be installed in truck-away service, from Romeo, Mich., to points in Illinois, Indiana, Kentucky, Michigan, Missouri, New Jersey, New York, Ohio, West Virginia, Pennsylvania, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 6031 (Sub-No. 40), filed January 30, 1967. Applicant: BARRY TRANSFER & STORAGE COMPANY, a corporation, 120 East National Avenue, Milwaukee, Wis. 53204. 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: *Such merchandise as is dealt in by wholesale, retail, and chain grocery, and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such businesses, from the plantsite of Associated Grocers, Inc.,*

New Berlin, Wis., to points in Illinois and north of U.S. Highway 30 (except points in the Chicago commercial zone), under contract with Associated Grocers, Inc. NOTE: Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 6992 (Sub-No. 10), filed February 6, 1967. Applicant: AMERICAN RED BALL TRANSIT COMPANY, INC., 200 Illinois Building, Indianapolis, Ind. 46209. Applicant's representative: Homer S. Carpenter, 618 Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Hawaii, restricted to the handling of traffic originating at or destined to out-of-state points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 13123 (Sub-No. 42), filed February 3, 1967. Applicant: WILSON FREIGHT COMPANY, 3636 Pollett Avenue, Cincinnati, Ohio 45223. Applicant's representative: Milton H. Bortz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles* from Sharon and Wheatland, Pa., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island; (2) *iron and steel* from Masury, Ohio, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island; and (3) *iron and steel, and iron and steel articles* from Sharon, Pa., to points in Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, Pittsburgh, Pa., or Washington, D.C.

No. MC 13499 (Sub-No. 3), filed February 1, 1967. Applicant: PACIFIC TRANSPORTATION LINES, INC., 443 Delaware Avenue, 901 Fuhrman Boulevard, Buffalo, N.Y. 14202. Applicant's representative: John H. Baker, 435 Delaware Avenue, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and fixtures, equipment, supplies and materials* used in the conduct of such business (except commodities in bulk in tank vehicles), from the facilities of The Great Atlantic & Pacific Tea Co., Inc., at Horseheads, N.Y., to points within the territory bounded by a line beginning at Buffalo, N.Y., and extending in a southwesterly direction along the shore of Lake Erie to Erie, Pa., thence in a southeasterly direction through Union City to Tionesta, Pa., thence east through Ridgway and Saint Marys to Renovo, Pa., thence in a northeasterly direction to Savona, N.Y., thence east to Greene, N.Y., thence in a northeasterly direction to Richfield Springs, N.Y., thence north through

<sup>1</sup> Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Mohawk, Herkimer, Newport, Old Forge, and Newton Falls to Massena, N.Y., thence in a northwesterly direction to Louisville Landing, N.Y., thence along the bank of the St. Lawrence River and the shore of Lake Ontario to Youngstown, N.Y., and thence south along the east bank of the Niagara River (including Grand Island) to Buffalo, N.Y., including the points named, and returned merchandise and empty cartons on return, under contract with The Great Atlantic & Pacific Tea Co., Inc. Note: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 16831 (Sub-No. 14), filed January 31, 1967. Applicant: LAVERNE W. SIMSON, doing business as MID SEVEN TRANSPORTATION COMPANY, 2323 Delaware Avenue, Des Moines, Iowa 50317. Applicant's representative: Robert L. Page (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* as described in appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, between points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone and Alton, Ill., on the one hand, and, on the other, points in Iowa and Nebraska. Note: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 29919 (Sub-No. 14), filed January 30, 1967. Applicant: KOWALSKY'S EXPRESS SERVICE, 2235 West Main Street, Millville, N.J. Applicant's representative: Charles E. Creager, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Glassware, plastic articles, and closures therefor*, from Gloucester City, N.J., to points in Nassau and Suffolk Counties, N.Y., points in the New York, N.Y., commercial zone, and Suffern, N.Y.; points in Connecticut, and points in that part of Pennsylvania, Maryland, and Delaware bounded by a line beginning at Easton, Pa., and extending along U.S. Highway 22 to Allentown, Pa., thence along U.S. Highway 222 to Lancaster, Pa., thence along U.S. Highway 30 to the bank of the Susquehanna River, and thence southeast along the east bank of the Susquehanna River to U.S. Highway 1 in Maryland, thence along U.S. Highway 1 to Baltimore, Md., thence southeast, across the Chesapeake Bay to Centreville, Md., thence through Carville and Ingleside, Md., to the Maryland-Delaware State line, at or near Maryland, Md., thence along Delaware Highway 8 to Dover, Del., and thence north along the Delaware River to point of beginning, including all points on the described line; and (2) *Pallets and Containers* used for the transportation of commodities specified above, and returned rejected shipments of (1) above, from Suffern, N.Y., and points in Nassau and Suffolk Counties, N.Y., and points in the New York, N.Y., commercial zone, points in Connecticut, and points in that part of Pennsylvania, Maryland, and Delaware bounded by a line beginning at Easton, Pa., and extending along U.S.

Highway 22 to Allentown, Pa., thence along U.S. Highway 222 to Lancaster, Pa., thence along U.S. Highway 30 to the bank of the Susquehanna River and thence southeast along the east bank of the Susquehanna River to U.S. Highway 1 in Maryland, thence along U.S. Highway 1 to Baltimore, Md., thence southeast, across the Chesapeake Bay to Centreville, Md., thence through Carville and Ingleside, Md., to the Maryland-Delaware State line, at or near Maryland, Md., thence along Delaware Highway 8 to Dover, Del., and thence north along the Delaware River to point of beginning, including all points on the described line, to Gloucester, N.J. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 30022 (Sub-No. 88), filed February 7, 1967. Applicant: PAUL S. CREBS, 277 Ninth Street, Northumberland, Pa. Applicant's representative: Richard V. Zug, 1418 Packard Building, Philadelphia, Pa. 19102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dishwashers*, crated, from Muncie, Ind., to Allentown, Danville, Pottsville, and Williamsport, Pa., and points in Adams, Blair, Bedford, Cambria, Centre, Clearfield, Clinton, Cumberland, Fulton, Franklin, Huntingdon, Juniata, Mifflin, Perry, and Snyder Counties, Pa., and Allegany County, Md., and refused, damaged, or defective merchandise, on return. Note: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 30844 (Sub-No. 234), filed February 2, 1967. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial, Waterloo, Iowa 5074. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Site Building, Denver, Colo. 80202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Machinery and machine parts*, crated and uncrated, and (2) *machinery and machine parts* crated and uncrated which are of unusual value and, because of their size, require special equipment of special handling, from Cedar Rapids, Iowa, to points in the United States (except Alaska and Hawaii). Note: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Washington, D.C.

No. MC 32948 (Sub-No. 15), filed February 2, 1967. Applicant: P.A.K. TRANSPORT, INC., 96 Laurel Street, Newport, N.H. Applicant's representative: Andre J. Barbeau, 795 Elm Street, Manchester, N.H. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Junk, salvage, scrap, waste, and reprocessed materials* in dump and especially designed scrap trailers, between points in New Hampshire and Vermont on the one hand, and, on the other, Hartford, Norwich, and New Haven, Conn., Providence, R.I., and Hopedale and Braintree, Mass. Note: Applicant indicates tacking possibilities at a point in New Hampshire serving points in Connecticut and Maine. No duplicating authority sought. Applicant holds

contract carrier authority under MC-21945 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Concord or Manchester, N.H.

No. MC 35540 (Sub-No. 15), filed February 6, 1967. Applicant: SCHRODER'S EXPRESS, INC., 1550 Perin Street, Cincinnati, Ohio 45204. Applicant's representative: George M. Catlett, 703-706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Plastic bags, boxes, sheeting and film, plastic resins* in bags or cartons, *machines and machine parts* used in the manufacture of plastic articles, and cardboard cartons, between the plantsites of the Mehl Manufacturing Co., at Providence, Ky., and Evansville, Ind.: From Providence over Kentucky Highway 120 to junction Alternate U.S. Highway 41, thence over Alternate U.S. Highway 41 to junction U.S. Highway 60, thence over U.S. Highway 60 to junction U.S. Highway 41, thence over U.S. Highway 41 to Evansville, and return over the same route, serving no intermediate points. Note: Applicant states it proposes to tack the authority sought herein with its existing regular route authority at Evansville, Ind., in connection with the authority between St. Louis, Mo., and Cincinnati, Ohio. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio, or Louisville, Ky.

No. MC 35628 (Sub-No. 275), filed February 3, 1967. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville, SW., Grand Rapids, Mich. 49502. Applicant's representative: Leonard D. Verdier, Jr., 1 Vandenberg Center, Grand Rapids, Mich. 49502. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except class A and B explosives, household goods as defined by the Commission, and commodities in bulk), between Wilkes-Barre and Bedford, Pa., over U.S. Highway 309 to junction Pennsylvania Highway 118, thence over Pennsylvania Highway 118 to junction U.S. Highway 220, thence over U.S. Highway 220 to Bedford, and return over the same route, as an alternate route for operating convenience only in connection with carrier's presently authorized regular-route operations. Note: If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 36291 (Sub-No. 3), filed February 6, 1967. Applicant: PETTIGREW TRUCKING, INC., Rural Delivery 4, White Township, Indiana, Pa. 15701. Applicant's representative: Harry M. Wick, Jr., 1515 Park Building, Pittsburgh, Pa. 15222. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Plumbing fixtures and fittings* therefor, from Scranton, Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, under contract with American Radiator and Standard Sanitary Corp.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Newark, N.J.

No. MC 39443 (Sub-No. 19) filed February 1, 1967. Applicant: THOMPSON, INC., 4800 Broadway, Quincy, Ill. 62301. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feeds*, in bulk, and, *dry animal and poultry feed ingredients*, in bulk, between Quincy, Ill., on the one hand, and, on the other, points in Indiana, Kansas, Michigan, Minnesota, and Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill., or St. Louis, Mo.

No. MC 42261 (Sub-No. 92), filed January 31, 1967. Applicant: LANGER TRANSPORT CORP., Route 1, Foot of Danforth Avenue, Jersey City, N.J. 07303. 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 regular routes, transporting: *Petroleum and petroleum products* (except petroleum chemicals), in bulk, in tank vehicles, from Marcus Hook, Pa., to points in Georgia and South Carolina. NOTE: Applicant states that it intends to tack at Marcus Hook, Pa., with its present authority in MC-42261 and Sub 33, wherein it is authorized to operate in Connecticut, Delaware, New Hampshire, New Jersey, New York, and Pennsylvania. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 43654 (Sub-No. 69), filed February 3, 1967. Applicant: DIXIE OHIO EXPRESS, INC., Post Office Box 750, Akron, Ohio 44309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plantsite of the Tennessee Valley Authority (TVA) Nuclear Power Plant at or near Browns Ferry, Ala., located on the north bank of the Tennessee River near Athens, Ala., and points located in those parts of Lawrence, Lauderdale, Limestone, and Morgan Counties, Ala., bounded by Alabama Highway 101 on the west, U.S. Highway 72 on the north, U.S. Highway 31 on the east and Alabama Highway 20 on the south, including points thereon, as off-route points in connection with applicant's regular route authority between Akron, Ohio, and Birmingham, Ala., in Docket MC 43654 and subs thereto. NOTE: Applicant states it will tack at points on U.S. Highway 31 between Athens and Decatur, Ala., including both of these points, in connection with applicant's regular route authority in MC 43654 and subs thereto. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., Washington, D.C., or Columbus, Ohio.

No. MC 45736 (Sub-No. 28), filed February 6, 1967. Applicant: GUIGNARD FREIGHT LINES, INC., Highway 21 North, Post Office Box 26067, Charlotte, N.C. 28213. Applicant's representative: W. D. Turner, Sr., 1415 East Boulevard, Post Office Box 3715, Charlotte, N.C. 28203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Newsprint paper, groundwood paper, printing paper, and woodpulp*, from Catawba, S.C., to points in Florida, (2) *materials, equipment, and supplies used in the manufacture of paper* (except commodities in bulk), from points in Florida, to Catawba, S.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 51146 (Sub-No. 52), filed January 30, 1967. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: Charles W. Singer, 33 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellulose materials and products, cellulose materials and products joined to or combined with paper, plastics, cloth and other materials, supplies incidental to the use of the foregoing described commodities, products manufactured or distributed by manufacturers or converters of hospital and medical supplies, and related premiums and advertising materials*, when shipped with the above described commodities, from Greenwood, S.C., to St. Louis, Mo., and points in Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, and Wisconsin. NOTE: Applicant states the purpose of the application is not to allow tacking. This would be done only as an incidental part of operations if the need arises in the future. This could be done under many of the applicants pending and present subs. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 52858 (Sub-No. 106), filed February 2, 1967. Applicant: CONVOY COMPANY, a corporation, 3900 Northwest Yeon Avenue, Portland, Ore. 97210. Applicant's representative: Marvin Handier, 405 Montgomery Street, Suite 1401, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, from the plantsite of Thiokol Chemical Corp. at Logan, Utah, to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, and Alaska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 57688 (Sub-No. 3), filed January 18, 1967. Applicant: CHICAGO & EASTERN ILLINOIS RAILROAD COMPANY, a corporation, 646 Chicago Road, Chicago Heights, Ill. 60411. Applicant's representative: P. C. Mullen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (1) between Watseka and Villa Grove, Ill.: From

Watseska over U.S. Highway 24 to junction Illinois Highway 49, thence over Illinois Highway 49 to junction U.S. Highway 36, thence over U.S. Highway 36 to junction Illinois Highway 130 at Camargo, Ill., thence over Illinois Highway 130 to Villa Grove, and return over the same route serving the intermediate and off-route points of Ellis, Carlock, Coaler, Woodland, Bryce, Goodwine, Fountain Creek, Hustle, Reilly, Gerald, Dalley, Royal, Pauline, Glover, Tipton, Rutherford, Block, and Bongard, Ill.; (2) between Watseka and Danville, Ill.: From Watseka over U.S. Highway 24 to junction Illinois Highway 1, thence over Illinois Highway 1 to Danville, and return over the same route serving the intermediate and off-route points of Milford, Wellington, Hoopston, Canning Spur, Rossville, Carlock, Coaler, Woodland, Alvin, Bismarck, and West Newell, Ill.

(3) Between Danville and Villa Grove, Ill.: From Danville over Illinois Highway 1 to junction U.S. Highway 150, thence over U.S. Highway 150 to junction U.S. Highway 36 near Chrisman, thence over U.S. Highway 36 to junction Illinois Highway 130 at Camargo, thence over Illinois Highway 130 to Villa Grove, and return over the same route serving the intermediate and off-route points of Westville, Bunsen, Switch, Maring, Grape Creek, Riola, Indianola, Scone, Sidell, Hastings, Allerton, Broadlands, Long View, and Fairland, Ill.; (4) between Rossville and Sidell, Ill.: From Rossville over Illinois Highway 1 to junction U.S. Highway 136, thence over U.S. Highway 136 to junction Illinois Highway 49, thence over Illinois Highway 49 to junction U.S. Highway 150, thence over U.S. Highway 150 to junction unnumbered highway at Muncie, Ill., thence over unnumbered highway to Sidell, and return over the same route serving the intermediate and off-route points of Henning, Bennett, Ryan, Jamaica, Matzertown, Jamesburg, Collison, Brothers, and Bronson, Ill.; (5) between Dawson Park, Ill., and Cissna Park, Ill.: From Dawson Park over unnumbered highway to junction Illinois Highway 1 at Milford, Ill., thence over Illinois Highway 1 to junction unnumbered highway north of Wellington, Ill., thence over unnumbered highway to Cissna Park, and return over the same route serving the intermediate and off-route points of Honeywell, Stockland, Crawford Switch, Milford, Alonzo, Hickman, Goodwine, and Claytonville, Ill.

(6) (a) Between Villa Grove, and Thebes, Ill.: From Villa Grove over unnumbered county highway to junction U.S. Highway 45 at Tuscola, Ill., thence over U.S. Highway 45 to junction Illinois Highway 133, thence over Illinois Highway 133 to junction Illinois Highway 32, thence over Illinois Highway 32 to junction unnumbered county highway near Bruce, Ill., thence over unnumbered county highway to junction Illinois Highway 128, thence over Illinois Highway 128 to Shelbyville, Ill., thence over Illinois Highway 16 to junction unnumbered county highway, thence over unnumbered county highway to junction Illinois

Highway 33, thence over Illinois Highway 33 to junction Illinois Highway 128, thence over Illinois Highway 128 to junction U.S. Highway 40, thence over U.S. Highway 40 to Altamont, Ill., thence over U.S. Highway 40 to junction unnumbered county highway southwest of St. Elmo, Ill., thence over unnumbered county highway to junction Illinois Highway 185 (Also: From Shelbyville, Ill., over Illinois Highway 16 to junction Illinois Highway 32, thence over Illinois Highway 32 to junction U.S. Highway 40 at Effingham, Ill., thence over U.S. Highway 40 through Altamont, Ill., and St. Elmo, Ill., to junction Illinois Highway 185, thence over Illinois Highway 185 to Loggotee, Ill.), thence over Illinois Highway 185 to junction Illinois Highway 37, thence over Illinois Highway 37 to junction unnumbered county highway south of Joppa Junction, thence over unnumbered county highway to junction U.S. Highway 51 at Wetaugh, Ill., thence over U.S. Highway 51 to junction unnumbered county highway at Ullin, Ill., thence over unnumbered county highway to junction Illinois Highway 127, thence over Illinois Highway 127 to junction unnumbered county highway at Tamms, Ill., thence over unnumbered county highway to junction Illinois Highway 3, thence over Illinois Highway 3 to Thebes, Ill. (Also: From Joppa Junction over Illinois Highway 37 to junction unnumbered county highway north of Grand Chain, Ill., thence over unnumbered county highway to junction Illinois Highway 127, thence over Illinois Highway 127 to junction Illinois Highway 3, thence over Illinois Highway 3 to Olive Branch), and (b) between Joppa Junction and Joppa, Ill.: From Joppa Junction over Illinois Highway 37 to junction Illinois Highway 169, thence over Illinois Highway 169 to junction U.S. Highway 45, thence over U.S. Highway 45 to junction unnumbered county highway south of Choat, Ill., thence over unnumbered county highway to Joppa, Ill., and return over the same routes, serving the intermediate and off-route points of West Ridge, Tuscola, Craigs, Bourbon, Arthur, Cadwell, Chipps, Sullivan, Kirksville, Findlay, Shelbyville, Clarksburg, Mode, Holland, Moccasin, Altamont, St. Elmo, St. James, Loggotee, St. Peter, Kinmundy, Brubaker, Salem, Carter, Kell, Texico, Mount Vernon, Bonnie, Ina, Whittington, Benton, Orient, West Frankfort, Johnston City, Marion, Goreville, Buncombe, West Vienna, Cypress, Joppa Junction, Oberts, Perks, Ullin, Tamms, Olive Branch, Fayville, Chasco, Mains, Spur, Karnak, and Boaz, Ill. in connection with (a) and (b) above.

(7) between Findlay and East St. Louis, Ill.: From Findlay over unnumbered county highway to junction Illinois Highway 128, thence over Illinois Highway 128 to junction unnumbered highway, thence over unnumbered county highways through Westervelt and Henton, Ill., to Dolville, Ill., thence over unnumbered county highways to junction Illinois Highway 16 (Also: From Findlay over unnumbered county highway to

junction Illinois Highway 128, thence over Illinois Highway 128 to junction Illinois Highway 16, thence over Illinois Highway 16 to Pana, Ill.), thence over Illinois Highway 16 through Tower Hill, Pana, Rosamon, Nokomis, Witt, and Irving, Ill., to junction Illinois Highway 127 at Hillsboro, Ill., thence over Illinois Highway 127 to Taylor Springs, thence over Illinois Highway 127 to junction Illinois Highway 16 at Hillsboro, thence over Illinois Highway 16 to junction U.S. Highway 66; between Hamel, Ill., and intersection Illinois State line and U.S. Highway bypass 40 and bypass 66; between junction U.S. Highway bypass 66 and U.S. Highway 66 at Hamel, Ill., and intersection Illinois State line and Interstate Highways 55 and 70 over U.S. Highway 66 and Interstate Highways 55 and 70; between junction U.S. Highway bypass 66 and U.S. Highway 66 at Hamel, Ill., and intersection of Illinois State line and U.S. Highway 66 over U.S. Highway 66 and Interstate Highways 55 and 70; between junction Illinois Highway 111 and U.S. Highway bypass 40 and bypass 66 and junction Illinois Highway 11 and Interstate Highways 55 and 70 over Illinois Highway 111; between junction Illinois Highway 111 and Illinois Highway 162 and intersection of Illinois State line and Main Street, Venice, Ill., at McKinley Bridge over Illinois Highway 162, thence over U.S. Highway Alternate 67 to junction Illinois Highway 3 into Venice, Ill., thence over Broadway to Main Street, thence over Main Street and over McKinley Bridge to East St. Louis, and return over the same route serving the intermediate and off-route points of Westervelt, Henton, Dolville, Pana, Rosamond, Ohlman, Nokomis, Witt, Irving, Hillsboro, Taylor Springs, Livingston, Mitchell Yard, Mitchell, Nameoki, Granite City, and Madison, Ill. and

(8) Between Chicago, and Watseka, Ill.: From Chicago at 12th and Clark Streets, thence over 12th Street to junction Wabash Avenue, thence over Wabash Avenue to 63d Street, thence over 63d Street to State Street, thence over State Street to 95th Street (Also: From Clark and Taylor Streets over Taylor Street to junction State Street, thence over State Street to junction 95th Street), thence over 95th Street to Michigan Avenue, thence over Michigan Avenue to 126th Street, Kensington, thence over 126th Street to junction Indiana Avenue, thence over Indiana Avenue to junction Leyden Avenue, thence over Leyden Avenue to junction South Park Avenue, thence over South Park Avenue through South Holland to junction Eleanor Street, Thornton, thence over Eleanor Street to junction Illinois Highway 83 (Also: From junction 126th Street and Indiana Avenue over Indiana Avenue to junction Illinois Highway 83, thence over Illinois Highway 83 through Thornton and Glenwood to junction unnumbered highway (known as Glenwood-Chicago Heights Road), thence over unnumbered highway (known as Glenwood-Chicago Heights Road) to junction Illinois Highway 1, thence over Illinois Highway 1 to junction with 14th Street,

Chicago Heights, thence over 14th Street to junction East End Avenue, thence over East End Avenue through South Chicago Heights and Steger to junction Illinois Highway 1, thence over Illinois Highway 1 through Crete, Goodenow, Beecher, Grant Park, and Momence to junction unnumbered highway south of Momence, thence over unnumbered highway to Wichert, thence over unnumbered highway to junction Illinois Highway 1, thence over Illinois Highway 1 through St. Anne, to junction unnumbered highway south of St. Anne, thence over unnumbered highway to Parineau, thence over said unnumbered highway to junction Illinois Highway 1, thence over Illinois Highway 1 through Martinton to junction unnumbered highway south of Martinton, thence over said unnumbered highway to Pittwood, thence over said unnumbered highway to Illinois Highway 1, thence over Illinois Highway 1 to Watseka, and return over the same route serving the intermediate and off-route points of Kensington, Dolton, South Holland, Thornton, Chicago Heights, South Chicago Heights, Steger, Crete, Goodenow, Beecher, Grant Park, Momence, Wichert, St. Anne, Parineau, Martinton, and Pittwood, Ill. Note: Applicant states that the Commission's order authorizing the Missouri Pacific Railroad Co. to acquire stock control of applicant has been affirmed by the Supreme Court, thus this application. The Louisville & Nashville Railroad Co. has beneficial ownership of 275,464 shares of applicant's stock out of 1,297,006.798 shares. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 61396 (Sub-No. 178), filed February 6, 1967. Applicant: HERMAN BROS., INC., Post Office Box 189, 2501 North 11th Street, Omaha, Nebr. 68102. 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: Cement, in bulk, between points in Alabama, Arkansas, Georgia, Iowa, Illinois, Kansas, Kentucky, Upper Peninsula of Michigan, Minnesota, Missouri, Mississippi, North Dakota, North Carolina, Nebraska, Oklahoma, South Carolina, South Carolina, Tennessee, Virginia, and Wisconsin, restricted to shipments having a prior rail or water movement from plantsites and shipping origins of Dundee Cement Co. Note: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., Chicago, Ill., or St. Louis, Mo.

No. MC 64820 (Sub-No. 8), filed January 30, 1966. Applicant: PARADIS TRANSFER AND STORAGE CO., INC., 908 South Grape, Medford, Oreg. Applicant's representative: Earle V. White, 2130 Southwest Fifth Avenue, Portland, Oreg. 97201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Fruit bins, (1) from points in Jackson County, Oreg., to points in Klickitat and Yakima Counties, Wash., and (2) from points in Yakima County, Wash., to points in Jackson County, Oreg. Note:

If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 64932 (Sub-No. 423), filed January 30, 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: *Diammonium phosphate*, in bulk, except in dump vehicles from De Pue, Ill., to points in Illinois, Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, South Dakota, North Dakota, Indiana, Ohio, and Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 64994 (Sub-No. 89), filed January 30, 1967. Applicant: HENNIS FREIGHT LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Applicant's representatives: Frank C. Phillips (same address as above) and James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Clay*, other than in bulk, from Gardner, McIntyre, Oconee, Huber, and Stapleton, Ga., to points in Illinois, Indiana, Ohio, and those in that part of Michigan on and south of Michigan Highway 21. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 68539 (Sub-No. 25), filed February 12, 1967. Applicant: ROMANS MOTOR FREIGHT, INC., Ord, Nebr. Applicant's representatives: Duane W. Ackle, Post Office Box 2028, Lincoln, Nebr., and Jack Romans, Box 278, Broken Bow, Nebr. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Plastic articles* (except foam, cellular, or expanded, and commodities in bulk), from the plantsite of Plasti-Vac Corp. at Montgomery, Pa., to points in Nebraska on and west of U.S. Highway 77; and, (2) *glass tubing*, from the plantsite of Owens-Illinois Glass Co., at Vineland, N.J., to points in Nebraska on and west of U.S. Highway 77. NOTE: Applicant states that the above-proposed operations will be restricted to traffic originating at the two above-mentioned plantsites. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 73464 (Sub-No. 106) (Clarification), filed January 9, 1967, published FEDERAL REGISTER issue of January 26, 1967, clarified February 13, 1967, and republished as clarified this issue. Applicant: JACK COLE COMPANY, a corporation, 1900 Vanderbilt Road, Birmingham, Ala. 35201. Applicant's representatives: R. J. Reynolds III, 403 Healey Building, Atlanta, Ga. 30303, and James R. Stiverson, 59 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as de-

finied by the Commission, commodities in bulk, and those requiring special equipment), (1) between Detroit and Bay City, Mich.; from Detroit over Interstate Highway 75 to Saginaw, Mich., thence over Michigan Highway 13 to Bay City, and return over the same route, serving the intermediate points of Flint, Pontiac, Saginaw, and Troy, Mich., and the off-route points of Ann Arbor, East Lansing, Jackson, Lansing, Midland, Swartz Creek, Willow Run, and Ypsilanti, Mich., and serving Detroit for the purposes of joinder only, (2) between Toledo, Ohio, and Bay City, Mich.; from Toledo over U.S. Highway 223 to junction U.S. Highway 23, thence over U.S. Highway 23 to junction Interstate Highway 75, thence over Interstate Highway 75 to junction Michigan Highway 13, thence over Michigan Highway 13 to Bay City, and return over the same route, serving the intermediate points of Ann Arbor, Flint, Ypsilanti, and Saginaw, Mich., and the off-route points of East Lansing, Jackson, Lansing, Midland, Pontiac, Swartz Creek, Troy, and Willow Run, Mich., and serving Toledo for the purposes of joinder only, and

(3) Between Birmingham, Ala., and Detroit, Mich.; from Birmingham, over U.S. Highway 31 to Nashville, Tenn. (also from Pulaski, Tenn., over Alternate U.S. Highway 31 to Nashville, Tenn.), thence over U.S. Highway 31W to Elizabethtown, Ky., thence over Interstate Highway 65 to Louisville, Ky., thence over U.S. Highway 42 to Cincinnati, Ohio (also from Bedford, Ky., over U.S. Highway 421 to Versailles, Ind., thence over U.S. Highway 50 to Cincinnati), thence over U.S. Highway 25 to Detroit, and return over the same route, serving Birmingham, Ala., serving the intermediate point of Toledo, Ohio, only for the purpose of joinder with existing and proposed routes, serving the terminal point of Detroit only for the purpose of joinder with existing and proposed routes, and serving all points within 15 miles of Birmingham, Ala., as off-route points. NOTE: Applicant states it intends to tack or join the proposed routes at Detroit, Mich., and Toledo, Ohio, with presently held irregular route authority, thereby providing a single line service between the involved Michigan points, on the one hand, and, on the other Andalusia, Anniston, Attalla, Birmingham, and points within 15 miles thereof, Brewton, Demopolis, Dothan, Elba, Enterprise, Eufala, Evergreen, Gadsden, Georgiana, Greenville, Montgomery, Opelika, Opp, Ozark, and Prattville, Ala. At the aforesaid Alabama points, as well as the terminal point of Birmingham, Ala., specified in (3) above, applicant intends to interline the involved traffic with all available carriers, including its subsidiary, Dixie Highway Express, Inc., which applicant controls pursuant to authority granted in Docket No. MC-F-8373. Dixie Highway Express, Inc., holds authority under Docket No. MC 108185 and effective Subs, and operates over a system of regular routes in the States of Alabama, Georgia, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee.

At Birmingham, Ala., applicant also intends to join the proposed routes with existing and proposed regular routes under Docket No. MC 73464 and MC 73464 Sub 96. The purpose of this application is to provide for all regular routes between Birmingham, Ala., and the involved Michigan points. The above-described regular route between Birmingham, Ala., and Detroit, Mich., is via the same highways as specified for operations between those points in applicant's "conversion" application MC 73464 (Sub-No. 95) filed March 1, 1965, pursuant to MC-C-4366. The instant application is deemed necessary in order that the authority sought between Birmingham, Ala., and the involved Michigan points will be entirely via regular routes and thereby conform (a) to the actual operations presently being conducted between Birmingham and Toledo-Detroit as described in applicant's aforesaid "conversion" application (MC 73464 Sub 95), and (b) to the true nature of the operations contemplated by the instant proposal. The instant application is further deemed necessary in order that the link between applicant's proposed Michigan regular routes numbers (1) and (2) supra, and applicant's existing regular route south of Birmingham will be a regular route and not an irregular route in the event the instant application should be granted prior to the aforesaid "conversion" application. Applicant does not seek duplicating authority. To the extent the authority sought herein duplicates any authority proposed by applicant in MC 73464 Subs 95 and 101, applicant requests only one operating right. The purpose of this republication is to clarify the application. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., and Detroit, Mich.

No. MC 79496 (Sub-No. 2) (Amendment), filed January 19, 1965, published FEDERAL REGISTER issue of February 10, 1965, amended February 9, 1967, and republished as amended this issue. Applicant: WHITE STAR VAN AND STORAGE, INC., 3324 Smith Street, Everett, Wash. Applicant's representative: George R. LaBlissoniere, 920 Logan Building, Seattle, Wash. 98101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Washington. NOTE: The purpose of this republication is to remove the restriction, thereby, broadening the scope of the application. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 83539 (Sub-No. 204), filed February 6, 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: (1) *Iron or steel articles*, in bales or bundles, which require the use of special equipment; *plates, posts, angles, forms, sheets,*

rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bars, wire mesh, and pipe; from Baytown, Beaumont, Brownsville, Corpus Christi, Eagle Pass, Freeport, Galveston, Hidalgo, Houston, Laredo, Orange, Port Arthur, Port Isabella, Presidio, and Victoria, Tex., to points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas, and (2) iron or steel articles, which require the use of special equipment; sheets, beams, plates, and coils, from Baytown, Beaumont, Brownsville, Corpus Christi, Eagle Pass, Freeport, Galveston, Hidalgo, Houston, Laredo, Orange, Port Arthur, Port Isabella, Presidio and Victoria, Tex., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 87720 (Sub-No. 57), filed February 6, 1967. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, Flemington, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Paper, paper products, and supply items, from East Pepperell, Mass., to New York, N.Y., points in Nassau, Suffolk, Westchester, Putnam, Dutchess, Columbia, Rensselaer, Albany, Greene, Ulster, Orange, and Rockland Counties, N.Y., New Jersey, and those in Pennsylvania on and east of U.S. Highway 11, and (2) rejected, returned, and damaged shipments, on return, under contract with Bemis Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 102616 (Sub-No. 813), filed February 1, 1967. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. 17405. Applicant's representative: Samuel E. Smith (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Packaged petroleum products, on specially mounted racks on semitrailers, from Baltimore, Md., to service stations of the Hess Oil & Chemical Corp. located in Fairfax, Woodbridge, and Acotink, Va., and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 103880 (Sub-No. 379), filed January 30, 1967. Applicant: PRODUCERS TRANSPORT, INC., 215 East Waterloo Road, Akron, Ohio 44306. 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: Diammonium phosphate, in bulk (except in dump vehicles), from De Pue, Ill., to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Michigan, Ohio, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 104896 (Sub-No. 20), filed February 1, 1967. Applicant: WOMELDORF, INC., Post Office Box 232, Lewisport, Pa. Applicant's representative:

V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Glass or plastic containers, jars, packing glasses, and jelly tumblers; caps, covers, stoppers, and tops; corrugated paper boxes and paper containers, from Freehold, N.J., to points in New York, Pennsylvania, Ohio, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 105413 (Sub-No. 27), filed February 9, 1967. Applicant: PETROLEUM TRANSPORT SERVICE, INC., Highway No. 275, Council Bluffs, Iowa 51501. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Anhydrous ammonia and fertilizer solutions, in bulk, in tank vehicles, from the plantsite of Phillips Petroleum Co. located at or near Hoag, Nebr., to points in Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 105813 (Sub-No. 148), filed February 2, 1967. Applicant: BELFORD TRUCKING CO., INC., 3500 Northwest 79th Avenue, Miami, Fla. 33144. 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: Meats, packinghouse products, and commodities used by packinghouses as described in sections A, B, and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Downs, Kans., to points in Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina, restricted to traffic originating at the plantsites and storage facilities of Griffith Provisions Co., located at Downs, Kans. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 105813 (Sub-No. 149), filed February 3, 1967. Applicant: BELFORD TRUCKING CO., INC., 3500 Northwest 79th Avenue, Miami, Fla. 33144. 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: Meats, meat products, meat byproducts and articles distributed by meat packinghouses (except in bulk, in tank vehicles), from the plantsite of Aurora Packing Co., Inc., at or near Aurora, Ill., to points in Alabama, Georgia, Florida, North Carolina, and South Carolina, restricted to traffic originating at said plantsite. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 106920 (Sub-No. 23), filed February 6, 1967. Applicant: RIGGS FOOD EXPRESS, INC., Post Office Box 26, West Monroe Street, New Bremen, Ohio 45869. Applicant's representative: Carroll V. Lewis, 122 East North Street, Sidney, Ohio 45365. Authority sought to operate as a common carrier, by motor

vehicle, over irregular routes, transporting: Oleomargarine, salad dressing, coconut oil, vegetable oil, cooking oil, shortening, stearine, stearate, mayonnaise, and related advertising matter when moving in mixed shipments with the specified commodities (except in bulk in tank vehicles), from Columbus, Ohio, to points in Michigan, New York, Pennsylvania, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Alabama, and Florida. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 107110 (Sub-No. 5), filed February 1, 1967. Applicant: GERALD L. DINNISON, LAWRENCE E. BLACK, F. A. BRION (ANNE E. BRION, EXECUTRIX), AND R. H. GOODALL, a partnership, doing business as B AND D TRANSFER, Liberty, Pa. 16930. Applicant's representative: David A. Sutherland, Suite 930, 1120 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those which because of size or weight require the use of special equipment), between Galeton, Pa., and points within 12 miles of Galeton, on the one hand, and, on the other, Cleveland, Ohio, and Baltimore, Md. NOTE: If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y., or Washington, D.C.

No. MC 107295 (Sub-No. 101), filed February 6, 1967. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Post Office Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Fencing, netting, wire, barbed or plain, fence stretchers, gates, fence posts and accessories used in the installation thereof when shipped therewith (except commodities which because of size or weight require the use of special equipment), from Houston, Tex., to points in the United States (except Alaska, Hawaii, and Texas). NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 107460 (Sub-No. 20), filed February 6, 1967. Applicant: WILLIAM Z. GETZ, INC., 2454 Harrisburg Pike, Lancaster, Pa. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Aluminum ingots and extrusions; aluminum doors and windows, glazed and unglazed, fabricated metal products; and hardware, accessories, and parts thereof, when moving in connection therewith, from the plantsite of Capitol Products Corp. located in Hampden Township, Cumberland County, Pa., and from its warehouses in Harrisburg, Pa., and the Borough of Lemoyne, Pa., to points in Kansas, under a continuing contract or contracts with



Capitol Products Corp. of Hampden Township, Cumberland County, Pa. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 108053 (Sub-No. 75), filed February 2, 1967. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., 1520 West 23d Street, Fremont, Nebr. 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: *Meats, packinghouse products and commodities used by packinghouses* as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766, from Downs, Kans., to points in Arizona, Utah, Idaho, Washington, Oregon, Nevada, and California restricted to traffic originating at the plantsites and/or storage facilities of Griffith Provisions Co. located at Downs, Kans. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 108449 (Sub-No. 250), filed January 30, 1967. Applicant: INDIAN-HEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylenbeck (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Minneapolis, Minn., to points in Iowa, North Dakota, South Dakota, Wisconsin, and the Upper Peninsula of Michigan (except cement in bags to points in Iowa and Wisconsin). **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 108911 (Sub-No. 7), filed January 23, 1967. Applicant: BUTTERFIELD TRUCKING, INC., Route 1, Georgetown, Pa. 15043. Applicant's representative: Paul F. Berry, Suite 1800, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Refractories*, between Newell, W. Va., on the one hand, and, on the other, points in Ohio and Pennsylvania within 85 miles of Newell, under contract with The Globe Brick Co. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 110988 (Sub-No. 232), filed January 30, 1967. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. Applicant's representative: E. Stephen Heisley, 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, in tank or hopper type vehicles, from Depue, Ill., to points in Illinois, Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, South Dakota, North Dakota, Indiana, Ohio, and Michigan. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110144 (Sub-No. 9), filed December 21, 1966. Applicant: JACK C. ROBINSON, doing business as ROBINSON FREIGHT LINES, Post Office Box 4126, Knoxville, Tenn. Applicant's representatives: Harold G. Hernly, 711 14th Street NW., Washington, D.C. 20005, and James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, blasting supplies, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) between junction Interstate Highway 40 and Tennessee Highway 95 at or near Eaton Crossroads, Tenn., and Greenback, Tenn., and junction U.S. Highway 411, as follows: From junction Interstate Highway 40 and Tennessee Highway 95, thence on presently marked (Temporary 95) to Greenback, Tenn., continuing to junction U.S. Highway 411, and return over the same route; (2) between junction Interstate Highway 40 and also junction Interstate Highway 75, at or near Eaton Crossroads, Tenn., and Knoxville, Tenn., from junction Interstate Highway 40 and also junction Interstate Highway 75 at or near Eaton Crossroads, Tenn., where said Interstate Highways connect with Tennessee Highway 95, over Interstate Highway 40 and Interstate Highway 75 to Knoxville, Tenn., and return over the same routes; (3) between junction Singleton Road and U.S. Highway 129 near Singleton, Tenn., and Greenback, Tenn., to junction U.S. Highway 411 as follows: From junction Station Road and U.S. Highway 129 near Singleton, Tenn., over unnumbered highways through Miser Station, Louisville, and Friendsville, Tenn., to junction Tennessee Highway 95 and present Tennessee Highway (Temporary 95), thence to Greenback, Tenn., and to junction U.S. Highway 411 and return over the same route;

(4) Between junction Interstate Highway 40 and junction U.S. Highway 75 and Tennessee Highway 95 at or near Eaton Crossroads, Tenn., and Memphis, Tenn., as follows: From junction Interstate Highway 40 and junction U.S. Highway 75 and Tennessee Highway 95 at or near Eaton Crossroads, Tenn., where these two Interstate highways connect with Tennessee Highway 95, to Memphis, Tenn., and return over the same routes, serving no intermediate points between these two specific junction points on Interstate Highway 40 to Memphis, Tenn.; (5) between Calderwood, Tenn., and Interstate Highway 40 at or near Kingston, Tenn., as follows: From Calderwood, Tenn., over Tennessee Highway 72 to junction Tennessee Highway 58 on said Tennessee Highway 58 to junction Interstate Highway 40 at or near Kingston, Tenn., serving said junction point specifically for purpose of joinder only; serving no intermediate points at or from said junction point to Memphis, Tenn.; and, (6) between Lenoir City, Tenn., over proposed Tennessee Highway 95 and

Maryville, Tenn., from Lenoir City, Tenn., over proposed Tennessee Highway 95 to junction U.S. Highway 129 and Tennessee Highway 115 at or near Maryville, Tenn. Service is authorized to and from all intermediate points on the above-described routes; except as specifically restricted, and to off-route points within 5 miles of said routes as described in paragraphs (1), (3), (4), (5), and (6) above. **NOTE:** Applicant states that should this application be granted, applicant would relinquish its duplicating route between Knoxville and Memphis, restricted to operating convenience only. If a hearing is deemed necessary, applicant requests it be held at Knoxville or Nashville, Tenn.

No. MC 111045 (Sub-No. 54), filed February 6, 1967. Applicant: REDWING CARRIERS, INC., Post Office Box 426, Palm River Road, Tampa, Fla. 33601. Applicant's representative: David E. Wells (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn starch*, in bulk, in covered hopper trucks, ex-rail shipments, from Tampa and Jacksonville, Fla., to points in the State of Florida. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 111231 (Sub-No. 152), filed February 1, 1967. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. 72764. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials, and supplies*, used in the manufacture or processing of iron and steel articles, including *iron and steel roofing and iron and steel pipe*, covered or coated with composition or plastic, or wrapped, from Alton and Madison, Ill., and points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission, to points in Arkansas, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Oklahoma, Tennessee, Texas, Wisconsin, Minnesota, Iowa, and Nebraska. **NOTE:** Applicant states that tacking is possible in conjunction with its present authority in MC-111321 and subs thereunder. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 111401 (Sub-No. 217), filed February 2, 1967. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and fertilizer solutions*, in bulk, in tank vehicles, from the plantsite of Phillips Petroleum Co. located at or near Hoag, Nebr., to points in Iowa. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Kans.

No. MC 112304 (Sub-No. 21), filed February 3, 1967. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative:

Robert J. Doran (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles and equipment, materials, and supplies* used in the manufacture and processing of iron and steel articles, between points in the St. Louis, Mo., and East St. Louis, Ill., commercial zone, and Alton and Madison, Ill., on the one hand, and on the other, points in Minnesota, North Dakota, South Dakota, Nebraska, Iowa, Kansas, Missouri, Oklahoma, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Tennessee, Kentucky, Indiana, Michigan, Wisconsin, Ohio, and Illinois. NOTE: Applicant states it would tack at any point in the State of Ohio to serve points in New York, New Jersey, West Virginia, and Pennsylvania. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 113514 (Sub-No. 100), filed January 30, 1967. Applicant: SMITH TRANSIT, INC., 3300 Republic National Bank Building, Dallas, Tex. 75201. Applicant's representative: William D. White, Jr., 2505 Republic National Bank Tower, Dallas, Tex. 75201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foundry moulding sand treating compounds*, liquid, in bulk, from points in Dallas County, Tex., to Birmingham, Ala., and points in Georgia. NOTE: Applicant states that it intends to tack its entire operating authority, wherein it conducts operations in Alabama, Georgia, Louisiana, Mississippi, and Texas, with that sought in this application. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 113828 (Sub-No. 119), filed January 30, 1967. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington, D.C. 20014. Applicant's representative: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Sulphur dioxide*, in bulk, in tank vehicles, from Copperhill, Tenn., to West Norfolk, Va. NOTE: Applicant states it would tack at West Norfolk, Va., to serve points in New York, New Jersey, Rhode Island, Massachusetts, Delaware, Connecticut, Maine, and Maryland, if the proposed authority is conducted in shipper-owned tank trailers. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113855 (Sub-No. 151), filed February 1, 1967. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55902. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Machine tools and parts, attachments, and accessories for machine tools*, from points in Cuyahoga County, Ohio, to points in California, Colorado, Idaho, Illinois, Kansas, Minnesota, Montana, Nebraska, Nevada,

North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Cleveland, Ohio.

No. MC 114019 (Sub-No. 167), filed February 1, 1967. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. 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: *Edible coating compounds*, in bulk, in tank vehicles, from Cincinnati, Ohio, to Grand Rapids, Mich., and Denver, Colo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio.

No. MC 114019 (Sub-No. 168), filed February 3, 1967. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. 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: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C, appendix 1, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and except commodities in bulk, in tank vehicles), from the plantsite of Oscar Mayer & Co., Inc., Perry, Iowa, to points in Illinois, Indiana, Michigan, Minnesota, Nebraska, Ohio, and Wisconsin, restricted to traffic originating at the plantsite of Oscar Mayer & Co., Inc., Perry, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114045 (Sub-No. 262), filed February 3, 1967. Applicant: TRANSCOLD EXPRESS, INC., Finby and Belt Line Road, Post Office Box 5842, Dallas, Tex. 75222. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs*, in vehicles equipped with mechanical refrigeration (except in bulk, in tank vehicles), from the plantsite and warehouse facilities of The Pillsbury Co. located at East Greenville, Pa., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Minneapolis, Minn.

No. MC 114045 (Sub-No. 264), filed February 3, 1967. Applicant: TRANSCOLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. 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: *Meats, packinghouse products and commodities used by packinghouses* as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from

Downs, Kans., to points in Minnesota, Wisconsin, Illinois, Indiana, Kentucky, Tennessee, Michigan, Ohio, Virginia, West Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, and Washington, D.C., restricted to traffic originating at the plantsites and storage facilities of Griffith Provisions Co. located at Downs, Kans. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114312 (Sub-No. 9) (Amendment), filed January 25, 1967, published FEDERAL REGISTER February 16, 1967, amended February 9, 1967, and republished as amended, this issue. Applicant: ABBOTT TRUCKING, INC., Delta, Ohio. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemical fertilizer*, from Toledo, Ohio, to points in Pennsylvania, West Virginia, Illinois, Wisconsin, and the Upper Peninsula of Michigan. NOTE: The purpose of this republication is to broaden the territorial scope. Applicant states it would tack at Toledo, Ohio, on similar traffic moving from authorized Ohio, Michigan, or Indiana points. If a hearing is deemed necessary, applicant requests it be held at Columbus or Toledo, Ohio.

No. MC 115669 (Sub-No. 70), filed February 2, 1967. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, Nebr. 68933. 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: *Salt and salt products*, from Kansas City, Mo., to points in Kansas, Nebraska, and Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 115826 (Sub-No. 164) (Amendment), filed December 15, 1966, published in the FEDERAL REGISTER issue of January 6, 1967, amended February 2, 1967, and republished this issue. Applicant: W. J. DIGBY, INC., Post Office Box 5088, Terminal Annex, Denver, Colo. 80217. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Lafayette, Ind., to points in Kentucky, Tennessee, Georgia, Missouri, Arkansas, and Oklahoma. NOTE: The purpose of this republication is to (1) broaden the scope of the application by adding Missouri, Arkansas, and Oklahoma, as destination points, and (2) to change the place of the requested hearing from Chicago, Ill., to Washington, D.C., or Indianapolis, Ind. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Indianapolis, Ind.

No. MC 115841 (Sub-No. 301) (Amendment), filed January 5, 1967, published in FEDERAL REGISTER issue of January 26, 1967, amended February 7, 1967, and republished as amended this issue. Applicant: COLONIAL REFRIGERATED

TRANSPORTATION, INC., Post Office Box 2169, 1215 Bankhead Highway West, 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: *Frozen foods*, from Quincy, Ill., to points in Ohio, New York, Pennsylvania, New Jersey, Connecticut, Indiana, Massachusetts, West Virginia, Maryland, Delaware, Rhode Island, Virginia, Lower Peninsula of Michigan, Kentucky, North Carolina, South Carolina, Tennessee (except Memphis and its commercial zone), Alabama, Georgia, Florida, and the District of Columbia. NOTE: The purpose of this republication is to add the additional states specified, in lieu of only Ohio, as previously published. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 116273 (Sub-No. 87), filed February 2, 1967. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. 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: *Chemicals*, in bulk, in tank or hopper type vehicles, from Ottawa, Ill., and points within 5 miles thereof to points in Indiana, Ohio, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Kansas, Arkansas, Tennessee, Kentucky, Pennsylvania, and Nebraska. NOTE: Applicant states it intends to tack the proposed authority with its Subs 6, 20, 48, 52, and 57 at Ottawa, Ill., to provide service to points in Arkansas, Tennessee, Minnesota, Iowa, Nebraska, Kansas, Pennsylvania, Missouri, Michigan, Indiana, Kentucky, and Ohio. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116273 (Sub-No. 88), filed February 2, 1967. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. 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: *Coal tar and coal tar products*, in bulk, in tank vehicles, from Indianapolis, Ind., to Waukegan, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117698 (Sub-No. 3) (Amendment), filed November 28, 1966, published FEDERAL REGISTER issue of December 15, 1966, amended December 22, 1966, and republished as amended this issue. Applicant: LEO H. SEARLES, doing business as L. H. SEARLES, South Worcester, N.Y. Applicant's representative: Harold C. Vrooman, 140 Main Street, Oneonta, N.Y. 13820. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods, and processed meats*, from New York, N.Y., to Oneonta, N.Y., (2) *cheese and processed cottage cheese products*, from St. Albans, Vt., to Auburn, Norwich, Saratoga, Syracuse, Cortland, Ithaca,

Elmira, Waverly, Oswego, Binghamton, Sidney, and Oneonta, N.Y., (3) *silos and wood laminated beams, saddles, arches, decking, and fixtures* for construction of buildings having wood laminated arches and beams, from Sidney and Unadilla, N.Y., to the construction jobsite of the designated consignees at points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, Pennsylvania, New Jersey, Maryland, Delaware, Virginia, West Virginia, Indiana, Michigan, and Ohio, and (4) *ice cream, ice cream products, ice confections and ice mix*, such as *ice cream*, in bulk or in small containers, *judgsicles, popsicles, cones, candied ice cream, and sherbets*, in bulk or in small containers or on sticks, from Suffield, Conn., to Lake George, Ravina, Utica, and Buffalo, N.Y., Pittsburgh, Pa., and Boston, Mass. NOTE: Applicant states no duplication of authority sought. The purpose of this republication is to broaden the application. If a hearing is deemed necessary, applicant requests it be held at Binghamton, N.Y.

No. MC 119268 (Sub-No. 64), filed February 1, 1967. Applicant: OSBORN, INC., 125 Milton Avenue SE., Atlanta, Ga. Applicant's representative: John P. Carlton, 325-29 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture, aluminum tubular, and pipe or tubing, aluminum, and artificial Christmas trees*, from Austell and Waynesboro, Ga., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 119441 (Sub-No. 14), filed January 30, 1967. Applicant: BAKER HI-WAY EXPRESS, INC., Stone Creek, Ohio 43840. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, (1) from points in Stark and Carroll Counties, Ohio, and Zoarville and Strasburg, Ohio, and points within 5 miles of each to points in Delaware, District of Columbia, Maryland, New Jersey, Virginia, and those in that part of Pennsylvania east of U.S. Highway 15, and (2) from East Palestine, Ohio, and points within 5 miles thereof and from points in Carroll County, Ohio, to points in Michigan and Indiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119700 (Sub-No. 11) (Amendment), filed January 3, 1967, published in FEDERAL REGISTER issue of January 26, 1967, amended February 8, 1967, and republished as amended this issue. Applicant: STEEL HAULERS, INC., 306 Ewing Street, Kansas City, Mo. 64125. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron*

*and steel articles*, between St. Louis, Mo., and Granite City, Ill., on the one hand, and, on the other, points in Kentucky, Tennessee, Mississippi, Alabama, Georgia, Louisiana, North Dakota, South Dakota, Nebraska, and Minnesota. NOTE: The purpose of this republication is to add St. Louis, Mo., as a point in the origin territory thereby broadening the scope of the application. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 119750 (Sub-No. 1), filed February 1, 1967. Applicant: D. B. FORD, INC., 51 Lowry Avenue North, Minneapolis, Minn. 55411. Applicant's representative: R. E. Powell, 621 Terminal Building, Lincoln, Nebr. 68508. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which because of size or weight require the use of special equipment for loading, unloading, or transporting, and of *related parts*, when their transportation is incidental to the transportation of commodities, which because of size or weight require the use of special equipment for loading, unloading, or transporting, between points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin. NOTE: Applicant states in the event this instant application is granted it is willing to have its present authority revoked and canceled. Applicant also states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Minneapolis, Minn., Omaha, Nebr., or Chicago, Ill.

No. MC 119774 (Sub-No. 7), filed February 6, 1967. Applicant: MARY ELLEN STIDHAM, N. M. STIDHAM, A. E. MANKINS, JAMES E. MANKINS, SR., a partnership, doing business as EAGLE TRUCKING COMPANY, Post Office Box 471, Kilgore, Tex. 75662. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical transformers, circuit breakers, switchgear, insulators, air switches, and parts and accessories for these commodities*; and (2) *transformer oil in containers, paint in containers, and iron and steel forms used in or on the commodities named in (1) above*, when transported in mixed loads with the commodities named in (1) above, from Crystal Springs, Miss., to points in the United States (except Alaska, Florida, Hawaii, Maine, Mississippi, and Vermont). NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., New Orleans, La., or Jackson, Miss.

No. MC 120800 (Sub-No. 5), filed February 6, 1967. Applicant: CAPITOL TRUCK LINE, INC., 2500 North Alameda Street, Compton, Calif. 90222. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Argon, helium, hydrogen, nitrogen*

and oxygen, each in liquid form; *Gaseous helium*, in bulk, in tank or otherwise specially designed vehicles, between points in Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming; and (2) *petroleum and petroleum products* in bulk, between all points in California. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Los Angeles, or San Francisco, Calif.

No. MC 123048 (Sub-No. 102), filed February 2, 1967. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., Post Office Box A, 1919 Hamilton Avenue, Racine, Wis. 53401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, farm machinery, parts and accessories for farm machinery*, (1) from ports of entry on the international boundary line between the United States and Canada at Detroit and Port Huron, Mich., and Buffalo, N.Y., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Missouri, New York, Ohio, Pennsylvania, Vermont, and Wisconsin; (2) from ports of entry on the international boundary line between the United States and Canada at Noyes, Minn., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, North Dakota, and Wisconsin; (3) from Bartlesville, Okla.; Blair, Nebr.; Cedar Rapids, Dubuque, and Manning, Iowa; Chicago, Gibson City, and Goodfield, Ill.; Filer, Idaho; Meade, Kans.; Minneapolis, Minn.; New Holstein, Wis.; and New York, N.Y., to ports of entry on the international boundary line between the United States and Canada, to Portal, N. Dak.; Noyes, Minn.; Detroit, and Port Huron, Mich.; Alexandria Bay, Buffalo, and Rouses Point, N.Y.; (4) from Bartlesville, Okla.; Blair, Nebr.; Cedar Rapids, and Dubuque, and Manning, Iowa; Goodfield, Ill.; Manhattan, Meade, and Salina, Kans.; New York, N.Y., and Filer, Idaho, to Portland, Ore., and Stockton, Calif.; (5) from Bartlesville, Okla.; Blair, Nebr.; Meade, Kans.; Manning, Iowa; New York, N.Y.; and Filer, Idaho, to Belvidere and Springfield, Ill., and Fargo, N. Dak.; (6) from Dubuque, Iowa, and Goodfield, Ill., to Fargo, N. Dak.; (7) from Manhattan and Salina, Kans., to Belvidere and Springfield, Ill.; (8) from Gwinner, N. Dak., to Portland, Ore.; and (9) from New York, N.Y., to Baker, Mont. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123067 (Sub-No. 54), filed January 30, 1967. Applicant: M & M TANK LINES, INC., Post Office Box 4174, North Station, Winston-Salem, N.C. 27102. Applicant's representatives: Frank C. Phillips, Post Office Box 612, Winston-Salem, N.C. 27102, and James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Purifying agents for edible and inedible oils*, liquid, in bulk, in tank vehicles, from Norfolk, Va., and points within 10 miles thereof to points in the United States (except Alaska and

Hawaii), including ports of entry on the international boundary line between the United States and the Provinces of Alberta and Ontario, Canada. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Raleigh, N.C.

No. MC 123744 (Sub-No. 3), filed February 3, 1967. Applicant: BUTLER TRUCKING COMPANY, a corporation, Post Office Box 44, Drifting, Pa. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products*, from points in Clearfield County, Pa. (except Curwensville), to New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, and Maine. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 123415 (Sub-No. 10), filed January 30, 1967. Applicant: JAMES STUFFO, INC., Box 1061 (Route 130 and Prince Avenue, Pennsauken, N.J.), Merchantsville, N.J. Applicant's representative: Raymond A. Thistle, Jr., Suite 1408-09, 1500 Walnut Street, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Illuminated signs and component parts thereof*, from the plantsite of Spangler Sign Corp., Philadelphia, Pa., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Hampshire, New York, Ohio, Tennessee, Virginia, and Wisconsin. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 123920 (Sub-No. 1), filed January 30, 1967. Applicant: ELDON H. RIECK, Bay City, Wis. Applicant's representative: Clinton R. Bentley, Goodhue County National Bank Building, Red Wing, Minn. 55066. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, machinery, machinery parts, consisting of screens used in processing and mining of sand, empty cloth bags used in packing and shipping of sand, and oil for lubricating machinery*, from points in Pierce County, Wis., to points in Minnesota and Wisconsin, under contract with Maiden Rock Silica Sand Co., Maiden Rock, Wis. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Red Wing, Minn.

No. MC 124796 (Sub-No. 26), filed February 3, 1967. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 7236 East Slauson Avenue, Los Angeles, Calif. 90022. Applicant's representative: J. Max Harding, NSEA Building, 14th and J Streets, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automotive parts and accessories, automotive jacks and cranes (not self-propelled), hand, electric, and pneumatic tools, and advertising material, premiums, racks, display cases and signs*, from Racine, Wis., Jackson, Mich.,

Batavia, Ill., Aberdeen and Holly Springs, Miss., Mason City and Lake Mills, Iowa, and Harrisonburg, Va., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming; and (2) *raw materials and supplies, components parts and merchandise used in the sale and manufacturing of automotive parts and accessories, automotive jacks and cranes, hand, electric, and pneumatic tools advertising material, premiums, racks, display cards, and signs* on return, under contract with Walker Manufacturing Co. of Racine, Wis. Restrictions: (1) Service shall be limited to the transportation of shipments originating or terminating at the plants and warehouse sites of the Walker Manufacturing Co., and (2) no service may be performed in the transportation of articles which because of size, shape, weight, or inherent nature require the use of special equipment or special handling. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 125136 (Sub-No. 5), filed January 31, 1967. Applicant: W. T. MARSHALL, 1285 Nickey Avenue, Decatur, Ill. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from St. Louis, Mo., to Decatur, Ill., under contract with Skeff Distributing Co., Inc., Decatur, Ill. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

No. MC 125756 (Sub-No. 5), filed January 30, 1967. Applicant: JOHN M. KELLY, doing business as KELLY TRUCKING COMPANY, 534 Woodbine Drive, Lexington, Ky. Applicant's representative: Harry V. McChesney, Jr., 711 McClure Building, Frankfort, Ky. 40601. 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 1 to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from Lexington, Ky., to points in Anderson, Bath, Bourbon, Boyle, Clark, Fayette, Fleming, Franklin, Garrard, Harrison, Jessamine, Madison, Mason, Mercer, Montgomery, Nicholas, Scott, and Woodford Counties, Ky., under contract with Wilson & Co., Inc., Chicago, Ill. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Lexington or Louisville, Ky.

No. MC 126198 (Sub-No. 3), filed February 6, 1967. Applicant: EARL MICHAUD, 133 Birch Street, Kingsford, Mich. 49801. Authority sought to oper-

ate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, namely beer and ale, beer tonics, porter, and/or stout*, in straight or mixed shipments, (1) from Fort Wayne, Ind., to points in Marquette, Delta, Dickinson, and Menominee Counties, Mich., (2) from South Bend, Ind., to points in Houghton County, Mich., and (3) from St. Paul, Minn., to points in Keweenaw, Houghton, Marquette, Menominee, and Delta Counties, Mich., and *empty containers* on return. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 127557 (Sub-No. 5), filed February 3, 1967. Applicant: COMMERCIAL TRANSPORTATION, INC., 856 Warner Street SW., Atlanta, Ga. 30310. Applicant's representative: Virgil H. Smith, 431 Title Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Oyster shell*, crushed, in bags and fish meal in bags, from Jacksonville and Fernandina, Fla., to points in Georgia; and (2) *citrus pulp or pumice*, from points in Pasco and Orange Counties, Fla., to points in Georgia. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 127834 (Sub-No. 7), filed February 6, 1967. Applicant: CHEROKEE HAULING & RIGGING, INC., 540-42 Merritt Avenue, Nashville, Tenn. 37203. 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: *Iron or steel rods, angles, and reinforcing bars, iron and steel and iron and steel articles* from the plantsite of Tennessee Forging Steel Corp. near Harriman, Tenn., to points in Virginia. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 127981 (Sub-No. 1), filed February 1, 1967. Applicant: H. R. MILLER TRUCKING, INC., 510 Dana Avenue, Columbus, Ohio. Applicant's representative: Paul P. Beery, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal burial caskets*, from Columbus, Ohio, to points in Alabama, Arkansas, Louisiana, Mississippi, Nebraska, Oklahoma, and Texas; and (2) *returned metal burial caskets*, from points in Alabama, Arkansas, Louisiana, Mississippi, Nebraska, Oklahoma, and Texas to Columbus, Ohio. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 128262 (Sub-No. 1), filed February 6, 1967. Applicant: F & G TRUCKING COMPANY, INC., Rural Route 3, Fort Wayne, Ind. Applicant's representative: Thomas R. Chapman, 1700 Lincoln Tower, Fort Wayne, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic malt beverages*, from Fort Wayne, Ind., to Elk Grove, Chicago Heights, and Elm-

hurst, Ill., and *empty containers* on return, under contract with Falstaff Brewing Co. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 128273 (Sub-No. 4), filed February 7, 1967. Applicant: MIDWESTERN EXPRESS, INC., Post Office Box 189, Fort Scott, 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) *Oil well sealing mixture*, in bulk and in bags, from Gravelle, Ark., to points in Oklahoma, Louisiana, Texas, Kansas, New Mexico, Colorado, Wyoming, Montana, North Dakota, and Mississippi and (2) *materials and supplies* used in the manufacture of oil well sealing mixture, on return. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 128464 (Sub-No. 2), filed January 20, 1967. Applicant: M TRANSPORT COMPANY, INC., Post Office Box 291, East Alton, Ill. 62024. Applicant's representative: C. E. Vaughn (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Common empty glass bottles*, 1 gallon or less in capacity, (a) from Lincoln, Ill., to points in New York, (b) from East St. Louis, Ill., to points in Arkansas, Indiana, Iowa, Kansas, Kentucky, Minnesota, Michigan, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, and Wisconsin, and *empty wooden shells and cullet*, on return, (2) *building and roofing materials*, from East St. Louis, Ill., to points in Arkansas, Kentucky, Missouri, Ohio, and Tennessee, under contract with Obear Nester Glass Co., and Certain-teed Products Corp. **NOTE:** Applicant has pending in MC 128378 an application for common carrier authority, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 128472 (Sub-No. 4) (Clarification), filed January 16, 1967, published FEDERAL REGISTER issue of February 2, 1967, clarified February 9, 1967, and republished this issue. Applicant: BARTZ CARTAGE COMPANY, INC., 2611 Industrial Drive, Racine, Wis. 53403. Applicant's representative: John T. Porter, 1 South Pinckney Street, Room 708, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Chicago, Ill., and points in its commercial zone as defined by the Commission, on the one hand, and, on the other, points in Racine and Kenosha Counties, Wis. **NOTE:** Applicant states it intends to render not only single-line service of the usual type on its own bills of lading between any consignors and consignees to and from

points indicated above; and in addition joint-line service to the same territorial extent as the single-line with other common carriers on freight having an immediate prior or subsequent movement by air, motor, or rail. The purpose of this republication is to clarify the note as previously published. If a hearing is deemed necessary, applicant requests it be held at Racine, Kenosha, or Milwaukee, Wis.

No. MC 128594 (Correction), filed September 9, 1966, published in the FEDERAL REGISTER issue of February 2, 1967, corrected and republished as corrected, this issue. Applicant: EDWARD G. THIGPEN, 3520 Krameria Street, Denver, Colo. 80207. Applicant's representatives: G. Gordon Whitman and/or James F. Culver, 9981 North Washington Street, Suite 15, Denver, Colo. 80229. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Junk metal*, between points in Colorado, Wyoming, Utah, and New Mexico. **NOTE:** The purpose of this republication is to change the commodity description from general commodities to scrap metal. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 128685 (Sub-No. 2), filed February 6, 1967. Applicant: DIXON BROS., a corporation, Post Office Box 636, Newcastle, Wyo. 82701. Applicant's representative: Ward A. White, Post Office Box 568, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and grain*, in bulk, from rail sidings at Newcastle, Wyo., to points in Weston and Platte Counties, Wyo. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Cheyenne, Wyo.

No. MC 128712 (Sub-No. 1), filed February 1, 1967. Applicant: TED OWENS, 910 Macauley Avenue, Rice Lake, Wis. 54868. Applicant's representative: George E. Norman, 103 North Main Avenue, New Richmond, Wis. 54017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed*, from Minneapolis, Minn., to Rice Lake, Wis., and (2) *beer, carbonated beverages, and wine*, from St. Paul and Minneapolis, Minn., to Rice Lake, Wis. **NOTE:** (1) and (2) above are under contract with A. A. Bergeron Co., Inc., and Sirlanni & Co., Inc. both of Rice Lake, Wis., respectively. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 128786 (Sub-No. 3), filed January 30, 1967. Applicant: W. B. HERBICK TRUCKING CO., INC., Post Office Box 414, Kendallville, Ind. 46755. Applicant's representative: Wm. L. Carney, 105 East Jennings Avenue, South Bend, Ind. 46614. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cookies and cakes*, from plantsite of Continental Baking Co., Schiller Park, Ill., to South Bend, Elkhart, Warsaw, Wolcottville, Goshen, La Porte, South Haven, and Rensselaer, Ind., and points in Berrien, Cass, Kalamazoo, Saint Joseph, and

Van Buren Counties, Mich., under contract with Continental Baking Co., Schiller Park, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 128792, filed December 27, 1966. Applicant: ELDRED R. HILL, R.F.D. 1, Clintonville, Wis. 54929. Applicant's representative: Ralph M. Lauer, 46 South Main Street, Clintonville, Wis. 54929. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage, and air express and air freight* in the same vehicle with passengers, in special operations, restricted to traffic incidental to transportation by aircraft, between the airport in Clintonville, Wis., on the one hand, and, on the other, Austin Straubel Field, Green Bay, Wis.; Outagamie County Airport, Appleton, Wis.; Winnebago County Airport, Oshkosh, Wis.; and Wausau Municipal Airport, Wausau, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Clintonville, Appleton, Green Bay, or Oshkosh, Wis.

No. MC 128860, filed February 2, 1967. Applicant: BEN LARRY, doing business as LARRY'S EXPRESS, 720 Lake Street, Tomah, Wis. 54660. Applicant's representative: Edward Solie, Executive Building, Suite 100, 4513 Vernon Boulevard, Madison, Wis. 53705. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Malt beverages and incidental advertising materials, premiums, and malt beverage dispensing equipment* when shipped with malt beverages, (1) from Denver, Colo., St. Louis, Mo., La Crosse, Wis., Chicago, Ill., South Bend, Ind., Detroit, Mich., New York City, N.Y., and Newark, N.J., to Minneapolis, Minn.; under continuing contract with Kuether Distributing Co., Minneapolis, Minn.; and (2) from Denver, Colo., St. Louis, Mo., La Crosse, Wis., South Bend, Ind., Detroit, Mich., New York City, N.Y., and Newark, N.J., to Long Lake, Minn., under a continuing contract with Ingram L. Thorpe, Long Lake, Minn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Minneapolis, Minn.

No. MC 128863, filed February 7, 1967. Applicant: SANNER BROS. TRUCKING CO., INC., Route 1, Rockwood, Pa. Applicant's representative: Arthur J. Diskin, 302 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Coal*, from points in Somerset County, Pa., to points in Maryland and West Virginia, and (2) *Cinders*, from points in Maryland to points in Somerset County, Pa., under continuing contract with Sanner Bros. Coal Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 128867, filed February 6, 1967. Applicant: GERALD A. McCALL AND JAMES W. NADEAU, a partnership, doing business as G & J

CARTAGE COMPANY, 20536 Pennsylvania Road, Taylor, Mich. 48180. Applicant's representative: Anthony Nicita, 23394 Goddard Road, Taylor, Mich. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Refractory products* in containers, from River Rouge (Wayne County), Mich., to Cleveland, Ohio, and containers on return, under contract with National Foundry & Sand Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No MC 128868, filed January 19, 1967. Applicant: COBO, INC., R.F.D. 2, Box 78-A, Round Rock, Tex. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, in specialized equipment, from points in Comal, Harris, Hill, Travis, and Williamson Counties, Tex., to points in Louisiana, Arkansas, Oklahoma, New Mexico, and Colorado. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, or San Antonio, Tex.

No. MC 128870, filed January 19, 1967. Applicant: NATIONAL MATERIALS CORPORATION, Post Office Box 187, New Braunfels, Tex. 78131. Applicant's representative: Joe T. Lanham, 1102 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, in specialized equipment, from points in Comal, Harris, Hill, Travis, and Williamson Counties, Tex., to points in Louisiana, Arkansas, Oklahoma, New Mexico, and Colorado. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, or San Antonio, Tex.

No. MC 128871, filed January 27, 1967. Applicant: GULF COAST PRE-MIX TRUCKING, INC., Scott Highway, Lafayette, La. Applicant's representative: Howard L. Franques, Jr., Post Office Drawer 3743, 117 West Convent Street, Lafayette, La. 70501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *All liquids pertaining to the drilling, bringing in, cleaning out, and working over of oil wells and gas wells, including salt water and fresh water*, in tank trucks, but excluding acids and fuel for combustion purposes, from points in Louisiana to points in Mississippi. NOTE: If a hearing is deemed necessary, applicant requests it be held at Baton Rouge, or New Orleans, La.

No. MC 128872, filed January 30, 1967. Applicant: GELDBACH TRANSPORT, INC., 5884 Lemay Ferry Road, St. Louis, Mo. 63129. Applicant's representative: Joseph R. Nacy, 117 West High Street, Post Office Box 352, Jefferson City, Mo. 65101. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases*, from Wood River and Hartford, Ill., to Valley Park and Foristell, Mo., under contract with Geldbach

Petroleum Co., Inc., and Marlen Gas Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 128873, filed January 30, 1967. Applicant: HOOPER OIL COMPANY, INC., 102 East Powell Street, Brownsville, Tenn. 38012. Applicant's representative: C. T. Hooper, Jr. (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Lumber*, from Leola, Ark., to Warren, Prescott, Malvern, and Sheridan, Ark., and Brownsville, Jackson, and Union City, Tenn., and that part of Tennessee west of the Tennessee River, under contract with Riddle Lumber Sales Co., Jackson, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis or Nashville, Tenn.

No. MC 128876, filed January 31, 1967. Applicant: ZION FOODS CORPORATION, 482 Austin Place, Bronx, N.Y. 10445. Applicant's representative: Michael H. Greenberg, 40 Wall Street, New York, N.Y. 10005. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Meat and meat products*, between Bronx, N.Y., and Somerset, N.J., and points in Connecticut, Delaware, Illinois, Maryland, Massachusetts, Minnesota, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, West Virginia, Virginia, and Wisconsin, under contracts with wholly owned subsidiaries, H & H Provision Co., Inc., Zion Kosher Meat Products, Inc., Anderson & Tarlow, Inc., Vermont Packing Co., Inc., Atco Foods, Inc., and K D Kosher Food Products, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

#### MOTOR CARRIERS OF PASSENGERS

No. MC 3700 (Sub-No. 53), filed February 7, 1967. Applicant: MANHATTAN TRANSIT COMPANY, a corporation, Route 46, East Paterson, N.J. 07407. Applicant's representative: Robert E. Goldstein, 8 West 40th Street, New York, N.Y. 10018. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special round trip operations, beginning and ending at New York, N.Y., and extending to Freehold Race Track, Freehold, N.J., restricted to the authorized racing season of each year for the track named. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 114757 (Sub-No. 6), filed February 1, 1967. Applicant: EMPIRE BUS LINES, INC., 186 Smith Street, Poughkeepsie, N.Y. 12601. Applicant's representative: Louis H. Shereff, 292 Madison Avenue, New York, N.Y. 10017. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, mail, and newspapers* in the same vehicle with passengers, between Stormville, N.Y., over New York Highway 52 to junction with U.S. Highway 6, and Interstate Highway 84,

thence over U.S. Highway 6 and Interstate Highway 84 to Danbury, Conn., and return over the same route, serving all intermediate points, with restriction against picking up passengers between Brewster, N.Y., and Danbury, Conn., for discharge between these two points. **NOTE:** Applicant states it would tack the proposed authority with its present authority at Stormville, N.Y., to serve points in Connecticut between Danbury and New Haven to Stormville and Poughkeepsie, N.Y. Applicant holds contract carrier authority in MC 126689 Sub 2, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 115116 (Sub-No. 18), filed January 30, 1967. Applicant: SUBURBAN TRANSIT CORP., 750 Somerset Street, New Brunswick, N.J. 08901. Applicant's representative: Michael J. Marzano, 17 Academy Street, Newark, N.J. 07102. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and newspapers, and express*, in the same vehicle with passengers, between Trenton and Montgomery Township, N.J., over New Jersey Highway 69 to its junction with county Highway 518 Spur in Hopewell Township, N.J., thence over county Highway 518 Spur to its junction with county Highway 518 in the Borough of Hopewell, N.J., thence over county Highway 518 to its junction with U.S. Highway 206 in Montgomery Township, N.J., and return over the same route, in connection with carrier's presently authorized regular-route operations, serving all intermediate points. **NOTE:** Applicant holds contract carrier authority in MC 127542, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Trenton or Newark, N.J.

No. MC 127379 (Sub-No. 1), filed January 31, 1967. Applicant: DRIVE-U-SERVICE, INC., 429 Deaderick Street, Nashville, Tenn. Applicant's representative: Bernard C. Pestcoe, 412 City National Bank Building, 25 West Flagler Street, Miami, Fla. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Used passenger automobiles* by employed drivers in driveway service, in secondary movements with or without passengers and with or without baggage or personal effects, (1) from points in Dade, Broward, and Palm Beach Counties, Fla., to points in the United States (excluding Alaska and Hawaii), and (2) from points in the United States (excluding Alaska and Hawaii) to points in Dade, Broward, and Palm Beach Counties, Fla. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Miami, Fort Lauderdale, or Palm Beach, Fla.

No. MC 128766 (Sub-No. 1), filed December 22, 1966. Applicant: GEORGE V. HESSELGRAVE, doing business as BELLINGHAM-FERNDALE STAGES, Box 55, Rock Road, Sumas, Wash. 98295. Authority sought to operate as a common

carrier, by motor vehicle, over regular and irregular routes, transporting: *Passengers and baggage, and express and newspapers* in the same vehicle with passengers: (A) Over regular routes: (1) Between Bellingham, Wash., and Ferndale, Wash., from Bellingham over Washington Highway 540 (also over U.S. Highway 99 or Interstate Highway 5), to Ferndale, and return over the same routes, serving all intermediate points; (2) between Bellingham, Wash., and Legoe Bay, Wash., from Bellingham over unnumbered highway (known as Marine Drive) via Marietta to junction unnumbered highway (known as Lummi Shore Road), thence over Lummi Shore Road to Gooseberry Point, Wash., thence via ferry to Lummi Island, thence over unnumbered highways to Legoe Bay, and return over the same route, serving all intermediate points; (3) between Bellingham, Wash., and Birch Bay, Wash., from Bellingham over Marine Drive to Marietta, thence over unnumbered highway (known as Ferndale River Road) to Ferndale, thence over unnumbered highway (known as Old Blaine-Ferndale Highway) to Pleasant Valley, thence over unnumbered highway (known as Birch Bay Road) to Birch Bay, and return over the same route serving all intermediate points.

(4) Between Birch Bay and Blaine, Wash., from Birch Bay over unnumbered highway (known as Shintaffer Road) to junction unnumbered highway (known as Drayton Harbor Road), thence over Drayton Harbor Road to Old Blaine-Ferndale Highway, thence over Old Blaine-Ferndale Road to junction U.S. Highway 99, and thence over U.S. Highway 99 to Blaine, Wash., and return over the same routes, serving all intermediate points, and (5) between Bellingham, Wash., and Neptune Beach, Wash., from Bellingham over Marine Drive to junction unnumbered highway (known as Slater Road), thence over Slater Road to junction unnumbered highway (known as Kickerville Road), thence over Kickerville Road to Neptune Beach (also from Bellingham over unnumbered highway (known as Mountain View Road) to junction Kickerville Road, and thence over Kickerville Road to Neptune Beach), and return over the same routes, serving all intermediate points. (B) Over irregular routes: In charter operations, beginning and ending at points on the regular routes in (A) above, and extending to points of entry on the international boundary line between the United States and Canada at or near Blaine, and Sumas, Wash., and points in Oregon, Idaho, Washington, California, Nevada, Arizona, Montana, and Utah. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 128823, filed December 30, 1966. Applicant: ROBERT C. BELL, JR., 1 East 44th Street, New York, N.Y. 10017. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and pets*, limited to the transportation of not more than 11 pas-

sengers in any one vehicle, not including the driver thereof, (1) between LaGuardia Airport and Kennedy International Airport, both at New York, N.Y., and Suffern, N.Y., (a) from the airports over city streets and parkways to the George Washington Bridge (the Hudson River crossing between New York and New Jersey); thence via New Jersey Highway 4 to intersection of New Jersey Highway 17; thence via New Jersey Highway 17 and New York Highway 17 to Suffern, N.Y., and (b) (Alternate Route) from the George Washington Bridge to Suffern via Teterboro Airport on U.S. Highway 46 and New Jersey Highway 505; thence to Fair Lawn, N.J., on New Jersey Highways 4 and 504; thence to Glen Rock, Ridgewood, Hohenokus, Waldwick, Ramsey, and Mahwah, N.J., and Suffern, N.Y., via New Jersey Highway 507, and return over the same routes serving all intermediate points in connection with (a) and (b) above, (2) between LaGuardia Airport and Kennedy International Airport, both at New York, N.Y., and Parsippany, N.J., from the airports over city streets and parkways to Verrazano Narrows Bridge between Brooklyn and Staten Island, and Goethals Bridge between Staten Island and Elizabeth, N.J.; thence to Newark Airport via the New Jersey Turnpike; thence to Union, Orange, Bloomfield, Montclair, and Caldwell to Parsippany via New Jersey Highway 21 and the Garden State Parkway and New Jersey Highway 506, and return over the same routes serving all intermediate points.

(3) Between LaGuardia Airport and Kennedy International Airport, both at New York, N.Y., and Raritan, N.J., (a) from the airports over city streets and parkways to Verrazano Narrows Bridge between Brooklyn and Staten Island, and Outerbridge Crossing between Staten Island and Perth Amboy, N.J.; thence over U.S. Highway 1 or New Jersey Highway 27 as the case may be to Metuchen and New Brunswick and thence via New Jersey Highway 18 and U.S. Highway 22 to Raritan, and (b) from the airports over city streets and parkways to Verrazano Narrows Bridge between Brooklyn and Staten Island, and Goethals Bridge between Staten Island and Elizabeth, N.J.; thence to Westfield, Plainfield, Bound Brook, and Raritan via New Jersey Highway 28, and return over the same routes serving all intermediate points in connection with (a) and (b) above, and (4) between LaGuardia Airport and Kennedy International Airport both at New York, N.Y., and Trenton, N.J., from the airports over city streets and parkways to Verrazano Narrows Bridge between Brooklyn and Staten Island, and Outerbridge Crossing between Staten Island and Perth Amboy, N.J.; thence via U.S. Highway 1 or New Jersey Highway 27 as the case may be to Metuchen, New Brunswick, Princeton, Lawrenceville, and Trenton, and return over the same routes serving all intermediate points. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

APPLICATIONS IN WHICH HANDLING WITH-  
OUT ORAL HEARING HAVE BEEN REQUESTED

No. MC 110420 (Sub-No. 538) (Clarification), filed December 14, 1966, published in the FEDERAL REGISTER issue of January 12, 1967, amended January 18, 1967, republished as amended February 9, 1967, clarified February 9, 1967, and republished as clarified, this issue. Applicant: QUALITY CARRIER, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Allan B. Torhorst, Burlington, Wis. 53105. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Coating compounds*, edible, in bulk, in tank vehicles, from Cincinnati, Ohio, to Grand Rapids, Mich., and Denver, Colo. NOTE: The purpose of this republication is to clarify the application to show Denver, Colo., as a destination point in lieu of Chicago, Ill.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Sub-No. 114), filed January 31, 1967. Applicant: GREYHOUND LINES, INC., 10 South Riverside Plaza, Chicago, Ill. 60606. Applicant's representative: W. T. Meinhold, c/o Western Greyhound Lines, 371 Market Street, San Francisco, Calif. 94105. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express, and newspapers*, in the same vehicle with passengers. Proposed Alternate Route No. 78 on Revised Certificate Sheet No. 20 to adopt segments of Bradshaw Road Junction, and Grant Line Road Junction in lieu of present segment of Alternate Route No. 79 between Scott Road Junction on U.S. Highway 50 and Grant Line Road Junction on U.S. Highway 99, herein requested that the former alternate route previously revoked be reauthorized and available for operation whenever the hazardous fog condition prevails. Proposed Alternate Route No. 78: Between Bradshaw Road Junction and Grant Line Road Junction: From junction U.S. Highway 50 and Bradshaw Road (Bradshaw Road Junction), over Bradshaw Road to junction Grant Line Road, thence over Grant Line Road to junction U.S. Highway 99 (Grant Line Road Junction), to be used for operating convenience only, with no service at intermediate points. NOTE: Applicant states all present operating authority of applicant, so far as affects the territory and subject matter herein involved, is contained in Fourth Revised Certificate of Public Convenience and Necessity dated November 2, 1966, in Docket No. MC 1515 (Sub-No. 7). Common control may be involved.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 67-2032; Filed, Feb. 23, 1967;  
8:45 a.m.]

[Notice 1480]

MOTOR CARRIER TRANSFER  
PROCEEDINGS

FEBRUARY 20, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69390. By order of February 15, 1967, the Transfer Board approved the transfer to Wilson Truck Line, Inc., Oakland, Iowa, of the operating rights in certificate No. MC-60915, issued October 11, 1949, to Duane Wilson, Oakland, Iowa, and authorizing the transportation, over irregular routes, of livestock, agricultural implements, feed and lumber, between Oakland, Iowa, and points and places within 15 miles of Oakland, on the one hand, and, on the other, Omaha, Nebr. Duane Wilson, Rural Route No. 2, Oakland, Iowa 51560, representative for applicants.

No. MC-FC-69394. By order of February 15, 1967, the Transfer Board approved the transfer to Trip Transport, Inc., Philadelphia, Pa., of certificate No. MC-42087, issued January 14, 1964, to Salvatore Finocchiaro, doing business as Finocchiaro Motor Freight, Philadelphia, Pa., and authorizing the transportation of, among other things, agricultural commodities, from Swedesboro, N.J., to Baltimore, Md., Philadelphia, Pa., Wilmington, Del., and New York, N.Y., and from Bridgeton, N.J., to Philadelphia, Pa.; canned goods, from Baltimore, Md., to Philadelphia, Pa., and from Philadelphia, Pa., to Swedesboro, N.J., and other specified commodities from and to and between these and other eastern points. Robert B. Einhorn, 1540 P.S.F.S. Building, Philadelphia, Pa. 19107, and Erwin L. Pincus, 1103 Robinson Building, Philadelphia, Pa. 19102, attorneys for applicants.

MC-FC-69404. By order of February 15, 1967, the Transfer Board approved the transfer to P. Bradley Findlen, Norfolk, Mass., of the operating rights in certificate No. MC-103613, issued February 8, 1965, to Charles Glenn, St. Petersburg, Fla., authorizing the transportation of: *Flowers and plants, and Horses*, other than ordinary, and equipment and paraphernalia incidental to their transportation, between points in New York, Connecticut, Delaware, Maryland, Massachusetts, New Jersey, Pennsylvania, Rhode Island, Maine, New Hampshire,

North Carolina, Ohio, South Carolina, Virginia, West Virginia, and the District of Columbia. James E. Wharton, Post Office Box 231, Orlando, Fla. 32802, attorney for applicants.

No. MC-FC-69406. By order of February 15, 1967, the Transfer Board approved the transfer to Robbins Motor Transportation, Inc., Eddystone, Pa., of the operating rights in certificate Nos. MC-45764 (Sub-No. 1), MC-45764 (Sub-No. 7), MC-45764 (Sub-No. 9), and MC-45764 (Sub-No. 11), issued August 24, 1962, June 19, 1958, May 12, 1959, and April 8, 1965, respectively, to Maurice Robbins, doing business as Robbins Motor Transportation, Eddystone, Pa., authorizing the transportation of: *General commodities, with the usual exceptions, and numerous specifically named commodities, between points in Pennsylvania, New Jersey, Delaware, New York, Maryland, Connecticut, Massachusetts, and the District of Columbia.* Alvin S. Moses, 1632 Bankers Security Building, Philadelphia, Pa. 19107, attorney for applicants.

No. MC-FC-69409. By order of February 15, 1967, the Transfer Board approved the transfer to the Brisson Trucking Co., Inc., Golden, Colo., of the operating rights in certificates Nos. MC-115944 (Sub-No. 1), MC-115944 (Sub-No. 2), and MC-115944 (Sub-No. 5), issued November 26, 1958, March 12, 1962, and December 27, 1965, respectively, to Walter B. Cosper, Central Bank & Trust Co., Gladys M. Cosper, trustees, Golden, Colo., authorizing the transportation of: *Malt beverages, from Golden, Colo., to points in Arizona, and empty malt beverage containers, on return.* Leslie R. Kehl, 420 Denver Club Building, Denver, Colo. 80202, attorney for applicants.

No. MC-FC-69421. By order of February 21, 1967, the Transfer Board approved the transfer to Kenneth J. Lee and Edward Losli, a partnership, doing business as Sunset Freight Line, Hillsboro, Ore., of that portion of certificate No. MC-105167 (Sub-No. 2), issued November 10, 1950, to C. W. McPeak, doing business as McPeak Truck Service, Banks, Ore., and transferred June 30, 1965, pursuant to No. MC-FC-67854, to Orville John Alder and Frances Fluno Alder, a partnership, doing business as Sunset Freight Line, Hillsboro, Ore., and assigned No. MC-127386, authorizing the transportation of general commodities, with exceptions, over a regular route, between Portland, Ore., and Buxton, Ore., serving the intermediate points of Cedar Mill, North Plains, and Manning, Ore., and the off-route point of Mountandale, Ore., and between Portland and junctions Oregon Highways 2 and 47 with New Oregon Highway 2 (north of Banks, Ore.), serving the intermediate point of Banks, and the off-route points of Wilksboro, Roy, and Berboort, Ore. Earle V. White, White & Southwell, 2130 Southwest Fifth Avenue, Portland, Ore. 97201, attorney for applicants.



No. MC-PC-69437. By order of February 14, 1967, the Transfer Board approved the transfer to W. D. Wills, doing business as W. D. Wills & Sons, Garland, Nebr. 68360; of certificate in No. MC-123565, issued September 4, 1962, to Nelson Truck Lines, Inc., 201 South Locust, Twin Falls, Idaho 83301; authorizing the transportation of: Animal, poultry, and fish feed ingredients, from points in Iowa and Nebraska and a specified part of Minnesota, to Buhl and Twin Falls, Idaho.

[SEAL] H. NEIL GARSON,  
Secretary.

[P.R. Doc. 67-2106; Filed, Feb. 23, 1967;  
8:49 a.m.]

[Notice 341]

### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 20, 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 in Ex Parte No. MC 67 (49 CFR Part 240) 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 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-99780 (Sub-No. 7 TA), filed February 16, 1967. Applicant: CHIPPER CARTAGE COMPANY, INC. (Id-Corp.), 1327 Northeast Bond Street, Peoria, Ill. 61605. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago, Ill. 60641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Frozen foods, including fish, meat, and meat byproducts, bakery goods, prepared foods, fruits and vegetables, soups, fruit and vegetable juices, also fresh fruits and vegetables, cold pack or frozen, from East Peoria, Ill., to points in Illinois, Indiana, Iowa, Michigan, Missouri, Ohio, and Wisconsin, for 180 days.* Supporting shipper: United States Cold Storage Corp., 255 Cilco Lane, East Peoria, Ill. 61611. Send protests to:

Raymond E. Mauk, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, U.S. Courthouse, Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 113624 (Sub-No. 35 TA), filed February 16, 1967. Applicant: WARD TRANSPORT, INC., Post Office Box 133, Pueblo, Colo. 81002. Applicant's representative: Marion F. Jones, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Coal tar products, from Pueblo, Colo., to points in New Mexico, Texas, Kansas, and Kansas City, Mo., and its commercial zone, for 150 days.* Supporting shipper: CF&I Steel Corp., Pueblo, Colo. Send protests to: Herbert C. Ruoff, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2022 Federal Office Building, Denver, Colo. 80202.

No. MC 117698 (Sub-No. 4 TA), filed February 16, 1967. Applicant: LEO H. SEARLES, doing business as L. H. SEARLES, South Worcester, N.Y. 12197. Applicant's representative: Harold C. Vrooman, 140 Main Street, Oneonta, N.Y. 13820. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Ice cream and ice cream products; ice confections, and ice mix, such as ice cream in bulk, or in small containers, fudgesicles, popsicles, cones, candied ice cream, sherbets in bulk, or in small containers, or on sticks, for 180 days.* Supporting shipper: Simonson Bros. Ice Cream, Inc., Oneonta, N.Y., H. P. Hood and Sons, Inc., Ravena, N.Y. Send protests to: Charles F. Jacobs, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 215-217 Post Office Building, Binghamton, N.Y. 13902.

No. MC 119988 (Sub-No. 15 TA), filed February 16, 1967. Applicant: GREAT WESTERN TRUCKING CO., INC., 811 1/2 North Timberland Drive, Box 1384, Lufkin, Tex. 75901. Applicant's representative: Bennie W. Haskins (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Brick and tile (clay products), not including pottery, from points in Henderson and Rusk Counties, Tex., to points in Arkansas, for 180 days.* Supporting shipper: Timberlake Brick Co., Inc. (Mr. Wm. B. Timberlake), 1324 West Capitol, Little Rock, Ark. 72201. Send protests to: District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 128570 (Sub-No. 1 TA), filed February 16, 1967. Applicant: BROOKS ARMORED CAR SERVICE, INC., 13 East 35th Street, Wilmington, Del. Applicant's representative: H. James Conway, Jr., Bank of Delaware Building, Wilmington, Del. 19801. Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, as follows: *Accounting, bookkeeping, billing, and office records, memoranda, media and documents, and interoffice records and memoranda, between points in Kent and Sussex Counties, Del., on the one hand, and, on the other, points in Cecil, Harford, Baltimore, Anne Arundel, Prince Georges, Wicomico, and Howard Counties, Md., the city of Baltimore, Md.; points in Philadelphia, Delaware, Chester, Montgomery, Berks, Bucks, Adams, York, and Lancaster Counties, Pa.; and points in Atlantic, Camden, and Burlington, N.J., for 180 days.* Supporting shipper: Farmers Bank of the State of Delaware, Post Office Box 1287, Wilmington, Del. 19899. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 128862 (Sub-No. 1 TA), filed February 16, 1967. Applicant: B. J. CECIL, doing business as B. J. CECIL TRUCKING, Box 278, Claypool, Ariz. 85532. Applicant's representative: Richard Minne, Luhrs Building, Phoenix, Ariz. 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Shredded iron and grinding balls, from railyard at Kingman, Ariz., to Duval Potash and Sulphur Mineral Park Mine located approximately 17 miles West of Kingman, Ariz., for 180 days.* Supporting shipper: Duval Corp., Post Office Box 1271, Kingman, Ariz. 86401. Send protests to: Andrew V. Baylor, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Phoenix, Ariz. 85025.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[P.R. Doc. 67-2107; Filed, Feb. 23, 1967;  
8:49 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 17876]

### SALT LAKE CITY-LAS VEGAS-SOUTH- ERN CALIFORNIA SERVICE CASE

#### Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on March 9, 1967, at 10 a.m., e.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner William J. Madden.

Dated at Washington, D.C., February 20, 1967.

[SEAL] THOMAS L. WRENN,  
Associate Chief Examiner.

[P.R. Doc. 67-2094; Filed, Feb. 23, 1967;  
8:48 a.m.]

## CUMULATIVE LIST OF PARTS AFFECTED—FEBRUARY

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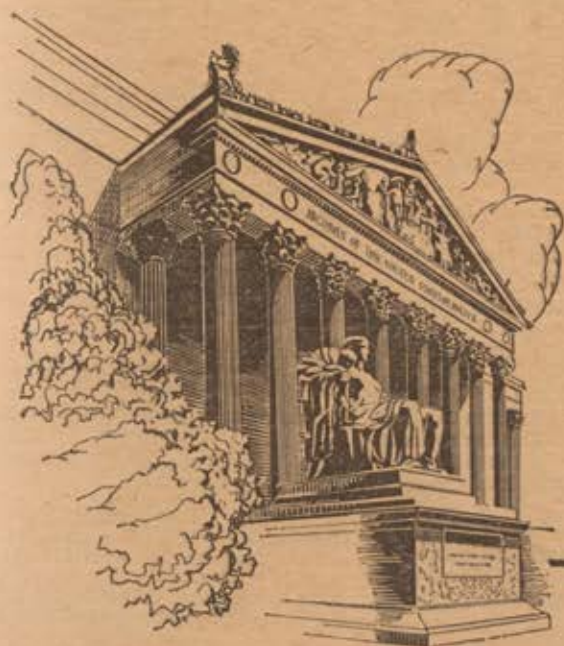
Friday, February 24, 1967 • Washington, D.C.

PART II

Department of Agriculture

Agricultural Research Service

Laboratory Animal  
Welfare



## Title 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Agricultural Research Service, Department of Agriculture

#### SUBCHAPTER A—LABORATORY ANIMAL WELFARE

#### REGULATIONS AND STANDARDS

On December 15, 1966, there was published in the FEDERAL REGISTER (31 F.R. 16110) a notice of proposed rule making concerning the issuance of regulations and standards under the Act of August 24, 1966 (P.L. 89-544), commonly known as the Laboratory Animal Welfare Act. After due consideration of all relevant material submitted in connection with such notice and pursuant to the provisions of the Act of August 24, 1966, a new Subchapter A is hereby added to Chapter I of Title 9 of the Code of Federal Regulations, to be designated "Laboratory Animal Welfare," reading as follows:

#### PART 1—DEFINITIONS OF TERMS

##### § 1.1 Definitions.

For the purposes of this subchapter, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

(a) "Act" means the Act of August 24, 1966 (P.L. 89-544), commonly known as the Laboratory Animal Welfare Act.

(b) "Department" means the U.S. Department of Agriculture.

(c) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated or to whom authority may hereafter be delegated, to act in his stead.

(d) "Division" means the Animal Health Division, Agricultural Research Service, of the Department.

(e) "Director" means the Director of the Division or any other official of the Division to whom authority has heretofore been delegated or to whom authority may hereafter be delegated, to act in his stead.

(f) "Veterinarian in Charge" means the Veterinarian who is assigned by the Director to supervise and perform the official work of the Division in a given State and who reports directly to the Director. As used in Part 2 of this subchapter, the Veterinarian in Charge shall be deemed to be the one in charge of the official work of the Division in the State in which the dealer or research facility has his principal place of business.<sup>1</sup>

(g) "Division representative" means any inspector or other person employed full time by the Division who is responsi-

ble for the performance of the function involved.

(h) "State" means a State, the District of Columbia, Commonwealth of Puerto Rico, or a territory or possession of the United States.

(i) "Person" means any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity.

(j) "Dog" means any live dog (*Canis familiaris*).

(k) "Cat" means any live cat (*Felis catus*).

(l) "Animal" means any live dog, cat, nonhuman primate, guinea pig, hamster, or rabbit.

(m) "Nonhuman primate" means any nonhuman member of the highest order of mammals including prosimians, monkeys, and apes.

(n) "Research facility" means any school, institution, organization, or person that uses or intends to use dogs or cats in research, tests, or experiments, and that (1) purchases or transports dogs or cats in commerce, or (2) receives funds under a grant, award, loan, or contract from a department, agency, or instrumentality of the United States for the purpose of carrying out research, tests, or experiments with animals.

(o) "Dealer" means any person who for compensation or profit delivers for transportation, or transports, except as a common carrier, buys, or sells dogs or cats in commerce for research purposes.

(p) "Class 'A' dealer" means a dealer whose business involving dogs or cats includes only those dogs or cats that he breeds and raises as a closed or stable colony and dogs or cats that he acquires for the sole purpose of maintaining or enhancing his breeding colony.

(q) "Class 'B' dealer" means any dealer who does not meet the definition of Class "A" dealer.

(r) "Commerce" means commerce between any State, territory, possession, or the District of Columbia, or the Commonwealth of Puerto Rico, and any place outside thereof; or between points within the same State, territory, or possession, or the District of Columbia, or the Commonwealth of Puerto Rico, but through any place outside thereof; or within any territory, possession, or the District of Columbia.

(s) "Licensee" means any person licensed as a dealer pursuant to the provisions of the Act and the regulations in Part 2 of this subchapter.

(t) "Registrant" means any research facility registered pursuant to the provisions of the Act and the regulations in Part 2 of this subchapter.

(u) "Standards" means the requirements with respect to the humane handling, care, treatment, and transportation of animals by dealers and research facilities set forth in Part 3 of this subchapter.

(v) "Primary enclosure" means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, run, cage, compartment or hutch.

(w) "Housing facility" means any room, building, or area used to contain a primary enclosure or enclosures.

(x) "Sanitize" means to make physically clean and to remove and destroy to a practical minimum, agents injurious to health.

(y) "Euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent which causes painless loss of consciousness, and death during such loss of consciousness.

(z) "Ambient temperature" means the temperature surrounding the animal.

(aa) "Nonconditioned dogs or cats" means dogs or cats which have not been subjected to special care and treatment for sufficient time to stabilize and, where necessary, to improve their health to make them suitable for research purposes.

(bb) "Dwarf hamster" means any species of hamster, such as the Chinese and Armenian species, whose adult body size is substantially less than that attained by the Syrian or Golden species of hamsters.

(Laboratory Animal Welfare Act of Aug. 24, 1966; P.L. 89-544)

#### PART 2—REGULATIONS

##### LICENSING

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<sup>1</sup> The name and address of the Veterinarian in Charge in the State concerned can be obtained by writing to the Director, Animal Health Division, Agricultural Research Service, U.S. Department of Agriculture, Hyattsville, Md. 20782.

- 2.127 Publication of names of dealers and research facilities.
- 2.128 Inspection for missing animals.
- 2.129 Confiscation and destruction of animals.

**AUTHORITY:** The provisions of this Part 2 issued under Laboratory Animal Welfare Act of Aug. 24, 1966; P.L. 89-544.

**LICENSING**

**§ 2.1 Application.**

(a) Any person operating or desiring to operate as a dealer, except persons who are exempted from the licensing requirements under section 3 of the Act, shall apply for a license on a form which will be furnished, upon request, by the Veterinarian in Charge in the State in which such person operates or intends to operate. If such person operates in more than one State, he shall apply in the State in which he has his principal place of business. The completed application form shall be filed with such Veterinarian in Charge.

(b) Any person who is not a dealer but who desires to obtain a license, shall follow the requirements for dealers set forth in paragraph (a) of this section and in §§ 2.2 and 2.3 and shall agree in writing, on a form furnished by the Division, to comply with all the requirements of the Act and the provisions of this subchapter.

**§ 2.2 Acknowledgment of standards.**

A copy of the applicable standards will be supplied with each application for a license, and the applicant shall acknowledge receipt of such standards and agree to comply with them by signing a form provided for such purpose by the Division. Such form shall be filed with the application for a license.

**§ 2.3 Demonstration of compliance with standards.**

Each applicant must demonstrate that his facilities comply with the standards set forth in Part 3 of this subchapter. In connection therewith, the applicant must make his facilities available at a time or times mutually agreeable to said applicant and the Division for inspection by a Division representative for the purpose of ascertaining compliance with said standards. If the applicant's facilities do not meet the requirements of the standards, the applicant will be advised of existing deficiencies and the corrective measures that must be taken before such facilities will be in compliance with the standards.

**§ 2.4 Issuance of licenses.**

A license will be issued to any applicant when the requirements of §§ 2.1, 2.2, and 2.3 have been met, when the Secretary has determined that the applicant's facilities comply with the standards and when the applicant has submitted to the Veterinarian in Charge the fee prescribed in § 2.6 by certified check, cashier's check or money order.

**§ 2.5 Duration of license.**

A license issued under this part shall be valid and effective unless:

(a) Said license has been revoked or is suspended pursuant to section 19 of the Act.

(b) Said license is automatically terminated pursuant to § 2.8, or

(c) Said license is voluntarily terminated upon the request of the licensee.

**§ 2.6 Annual fees.**

(a) The amount of the annual license fee will be based on the total gross amount, expressed in dollars, derived from the sale of dogs and cats to research facilities and other dealers by the licensee or applicant during his preceding business year (calendar or fiscal) in the case of a person who operated during such year. In the case of an applicant for a license who operated during a substantial portion of his preceding business year but not the entire year, the annual license fee shall be computed by estimating the yearly volume of business on the basis of the business done during the period of operation. In the case of a person who has not so previously operated or has not so operated for a substantial part of the previous 12 months, the annual license fee will be based on the anticipated total gross amount, expressed in dollars, to be derived from the sale of dogs and cats to research facilities or other dealers.

(b) The license fee shall be computed in accordance with the following table:

Total gross dollar amount		Fee	
Over	But not over	Class "A" dealer	Class "B" dealer
\$0	\$2,000	\$15	\$15
2,000	10,000	25	50
10,000	25,000	100	200
25,000	50,000	150	300
50,000	100,000	200	500
100,000	500,000	250	750
500,000		300	1,000

(c) In any situation in which an applicant for a license demonstrates to the satisfaction of the Secretary that his operations during his preceding business year or substantial portion thereof, as the case may be, will not be representative of his operations during the license period, the Secretary shall base the license fee upon the anticipated operations demonstrated by the applicant.

**§ 2.7 Notification of change of name, address, control or ownership of business.**

A licensee shall promptly notify the Veterinarian in Charge of any change in the name, address, management or substantial control or ownership of his business or operation.

**§ 2.8 Renewal and termination.**

(a) Each year within 30 days prior to the anniversary date of his license, a licensee shall file with the Veterinarian in Charge a report, upon a form which will be furnished to him upon request, setting forth the gross dollar amount derived from the sale of dogs and cats to research facilities and other dealers during his preceding business year and such

other information as may be requested thereon.

(b) Each license shall automatically terminate on its anniversary date unless on or before such date the report provided for in paragraph (a) of this section and the fee, by certified check, cashier's check, or money order, as set forth in § 2.6, have been filed with the Veterinarian in Charge. If such report and fee are not filed by the anniversary date, the licensee may obtain reinstatement of his license at any time within 30 days after such anniversary date by paying an additional fee of \$10.

**§ 2.9 Officers, agents, and employees of licensees whose licenses have been suspended or revoked.**

Any person who has been or is an officer, agent, or employee of a licensee whose license has been suspended or revoked and who was responsible for or participated in the violation upon which the order of suspension or revocation was based will not be licensed within the period during which the order of suspension or revocation is in effect.

**§ 2.10 Licensees whose licenses have been suspended or revoked.**

Any person whose license has been suspended or revoked will not again be licensed in his own name or in any other manner within the period during which the order of suspension or revocation is in effect, and no partnership, firm or corporation in which any such person has a substantial financial interest will be licensed during said period.

**REGISTRATION**

**§ 2.25 Requirements and procedures.**

Each research facility shall register with the Secretary by completing and filing a properly executed form which will be furnished, upon request, by the Veterinarian in Charge. Such registration form shall be filed with such Veterinarian in Charge. Where a school or department of a university or college uses or intends to use dogs or cats for research, tests, or experiments, the university or college rather than the school or department will generally be considered the research facility and be required to register with the Secretary. In any situation in which a school or department of a university or college is a separate legal entity and its operations and administration are independent of those of the university or college, upon a proper showing thereof to the Secretary, the school or department will be registered rather than the university or college. A subsidiary of a business corporation, rather than the parent corporation, will be registered as a research facility unless the subsidiary is under such direct control of the parent corporation that to effectuate the purposes of the Act the Secretary determines that it is necessary that the parent corporation be registered.

**§ 2.26 Acknowledgment of standards.**

A copy of the applicable standards will be supplied with each registration form and the registrant shall acknowledge receipt of such standards and agree to

comply with them by signing a form provided for such purpose by the Division. Such form shall be filed with the Veterinarian in Charge.

#### § 2.27 Notification of change of operation.

A registrant shall promptly notify the Veterinarian in Charge of any change in his name or address or any change in his operations which would affect his status as a research facility.

#### IDENTIFICATION OF DOGS AND CATS

#### § 2.50 Time and method of identification.

(a) Except as otherwise provided in this section, when a Class "A" dealer sells or otherwise removes dogs or cats from his premises for delivery to a research facility or to another dealer, each such dog or cat shall be identified by an official tag of the type described in § 2.51 affixed to the animal's neck by means of a collar made of material generally considered acceptable to pet owners as a means of identifying their pet dogs or cats: *Provided, however,* That no official tag need be affixed to any such dog that has been identified by means of a distinctive and legible tattoo marking acceptable to the Director.

(b) Except as otherwise provided in this section, when a Class "B" dealer purchases or otherwise acquires a dog or cat he shall immediately affix to such animal's neck an official tag of the type described in § 2.51 by means of a collar made of material generally considered acceptable to pet owners as a means of identifying their pet dogs or cats: *Provided, however,* That if such dog or cat is already identified with an official tag which has been applied by a previous dealer, he shall not remove such previously attached tag, but shall treat it as if he had applied it himself.

(c) When any dealer has made a reasonable effort to affix an official tag to an adult cat as set forth in paragraphs (a) and (b) of this section and has been unable to do so, or when the cat exhibits extreme distress from the attachment of a collar and tag, the dealer shall attach the collar and tag to the door of the primary enclosure containing the cat and take proper measures to maintain the identity of the cat in relation to the tag.

(d) Unweaned puppies or kittens need not be individually identified as required by paragraphs (a) and (b) of this section while they are maintained as a litter with their dam provided she has been so identified.

<sup>2</sup>In general, well fitted collars made of leather or plastic will be acceptable under this provision. The use of certain types of chains presently used by some dealers may also be deemed acceptable. A determination of the acceptability of a material proposed for use as collars from the standpoint of humane considerations will be made by the Division on an individual basis in consultation with dealers. The use of materials such as wire or elastic that might readily cause discomfort or injury to dogs or cats will not be acceptable.

#### § 2.51 Form of official tag.

The official tag shall be made of a durable alloy such as brass, bronze, or steel or of a durable plastic. Such tag shall be circular in shape and not less than 1¼ inches in diameter. Each tag shall be embossed or stamped with the letters "USDA", and numbers and letters identifying the State, dealer, and animal, as set forth in Figure 1. Such tags shall be serially numbered and there shall be no duplication of numbers by any one dealer within a period of 3 years.

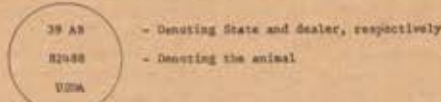


Figure 1

#### § 2.52 How to obtain tags.

Dealers may obtain, at their own expense, official tags from commercial tag manufacturers.<sup>3</sup> At the time a dealer is issued a license the Department will assign him dealer identification letters and inform him of the State number to be used on his official tags.

#### § 2.53 Use of tags.

Official tags obtained by a dealer shall be applied to dogs or cats in the manner set forth in § 2.50 and in as near consecutive numerical order as possible. No tag shall be used to identify more than one animal.

#### § 2.54 Lost tags.

Each dealer shall account for all official tags that he acquires. In the event an official tag is lost from the neck of a dog or cat while in the possession of a dealer a diligent effort shall be made to locate and reapply such tag to the proper animal. If the lost tag is not located, the dealer shall affix another official tag to the animal in the manner prescribed in § 2.50.

#### § 2.55 Removal of tag.

(a) Upon arrival at a research facility of a dog or cat wearing or identified by an official tag, such tag shall be removed and retained by the research facility: *Provided, however,* That at the discretion of the research facility such tag may be used to continue the identification of such dog or cat.

(b) If a dealer or research facility finds it necessary to humanely dispose of a dog or cat to which is affixed or which is identified by an official tag, or upon the death of such dog or cat from other causes, the dealer or research facility shall remove and retain such tag.

(c) All official tags removed and retained by a dealer or research facility shall be held until called for by a Division representative or for a period not to exceed 1 year.

<sup>3</sup>A list of the commercial manufacturers who produce such tags, known to the Department, may be obtained from the Veterinarian in Charge. Any manufacturer who desires to be included in such list should notify the Director.

#### RECORDS

#### § 2.75 Records, dealers.

In connection with each dog and cat purchased or otherwise acquired, held, transported, or sold or otherwise disposed of, a dealer shall keep and maintain the following information on the forms supplied and in the manner prescribed by the Division:

(a) The name and address of the person from whom acquired, and the person to whom sold or otherwise disposed of, and his license number if licensed as a dealer;

(b) The dates of acquisition and disposition;

(c) The description and identification of the animals, including the official tag number or tattoo number as affixed pursuant to §§ 2.50 and 2.54.

(d) When dogs or cats are sold by a dealer, the method of transportation of such animals and (1) the name of the common carrier or (2) the license number or other identification of the means of conveyance and the name and address of the driver of the means of conveyance; and

(e) The nature and method of disposition, e.g., sale, death, euthanasia, or donation.

#### § 2.76 Records, research facilities.

(a) In connection with each dog and cat purchased or otherwise acquired, a research facility shall keep and maintain the following information on the forms supplied and in the manner prescribed by the Division:

(1) The name and address of the person from whom such animal was purchased or acquired, and his license number if licensed as a dealer;

(2) The date acquired; and

(3) The description and identification of such animal, including the official tag number or tattoo number, if one is affixed, and any identification number or letter assigned to the animal by such research facility.

(b) In connection with all dogs and cats transported, sold, or otherwise disposed of by a research facility to another person, such research facility shall keep and maintain, on forms supplied and in the manner prescribed by the Division:

(1) The name and address of the person to whom the animal is transported, sold, or otherwise disposed of;

(2) The date of such sale or disposition;

(3) The method of transportation; and

(4) The name of the common carrier, or the identification of the means of conveyance and the name and address of the driver of such means of conveyance.

#### § 2.77 Records disposition.

(a) Except as otherwise provided in paragraph (b) of this section, no dealer or research facility shall, within a period of 1 year from the making thereof, destroy or dispose of, without the consent in writing of the Director, any books, records, documents or other papers re-



quired to be kept and maintained under this part.

(b) The records required to be kept and maintained under this part shall be held for such period in excess of the 1 year period specified in paragraph (a) of this section as may be required to comply with any Federal, State, or local law. When the Director notifies a dealer or research facility in writing that specified records shall be retained pending completion of an investigation or proceeding under the Act, such dealer or research facility shall hold such records until their disposition is authorized by the Director.

**COMPLIANCE WITH STANDARDS AND HOLDING PERIOD**

**§ 2.100 Compliance with standards.**

Each dealer and research facility shall comply in all respects with the standards set forth in Part 3 of this subchapter setting forth the standards for the humane handling, care, treatment and transportation of animals: *Provided, however,* That such standards shall not apply to the handling, care, or treatment of animals during actual research or experimentation by a research facility as determined by such research facility.

**§ 2.101 Holding period.**

(a) All dogs and cats acquired by a dealer shall be held by him, under his supervision and control, for a period of 5 business days after the acquisition of such animals: *Provided, however,* That dogs or cats suffering from disease, emaciation or injury may be destroyed by euthanasia prior to the expiration of the 5-day holding period. Business day shall mean any day of the week during which the dealer normally operates his business.

(b) If the dealer obtains the prior approval of the Veterinarian in Charge, he may arrange to have another person hold such animals for him for the 5-day period provided for in paragraph (a) of this section: *Provided, however,* That such other person agrees in writing to comply with the Standards in Part 3 of this subchapter, and to allow inspection by a Division representative of his premises: *And provided further,* That the dogs and cats still remain under the control of the dealer.

**MISCELLANEOUS**

**§ 2.125 Information as to business; furnishing of by dealers and research facilities.**

Each dealer and research facility shall furnish to Division representatives, any information concerning the business of the dealer or research facility which may be requested by them in connection with the enforcement of the provisions of the Act, the regulations and the Standards in this subchapter, within such reasonable time as may be specified in the request for such information.

**§ 2.126 Inspection of records and property of dealers and research facilities.**

Each dealer and research facility shall, upon request, during ordinary business hours, permit Division representatives,

or other Federal officers or employees designated by the Secretary to enter his place of business to examine records required to be kept by the Act and the regulations in this Part, and to make copies of such records, and permit Division representatives to enter his place of business, to inspect such property and animals as such representatives consider necessary to enforce the provisions of the Act, the regulations and the standards in this subchapter. The use of a room, table, or other facilities necessary for the proper examination of such records and inspection of such property or animals shall be extended to such authorized representatives of the Secretary by the dealer or research facility, his agents and employees.

**§ 2.127 Publication of names of dealers and research facilities.**

Lists of persons licensed as dealers and lists of research facilities which are registered, pursuant to the provisions of this part, shall be published periodically by the Division in the FEDERAL REGISTER. Such lists may also be obtained upon request from the Veterinarian in Charge.

**§ 2.128 Inspection for missing animals.**

(a) Each licensed dealer and each research facility shall, upon request, during ordinary business hours, permit, under the following conditions, police or law officers of legally constituted law enforcement agencies with general law enforcement authority (not those agencies whose duties are limited to enforcement of local animal regulations) to enter the place of business of such dealer or research facility to inspect animals and records for the purpose of seeking animals that are missing:

(1) The police or law officer shall furnish to the dealer or research facility a written description of the missing animal and the name and address of its owner; and

(2) The police or law officer shall abide by all security measures required by the dealer or research facility to prevent the spread of disease, including the use of sterile clothing, footwear, and masks where required.

(b) Such inspection shall not extend to animals that are undergoing actual research or experimentation as determined by such research facility.

**§ 2.129 Confiscation and destruction of animals.**

If an animal being held by a dealer, or an animal being held by a research facility which is no longer required by such research facility to carry out the research test or experiment for which it has been utilized, is found by a Division representative to be suffering as a result of the failure of the dealer or research facility to comply with any provision of the Act or any provision of the regulations or the standards set forth in this subchapter, the Division representative shall notify the dealer or research facility of the condition of such animal and request that the condition be corrected and that adequate veterinary care be given when necessary to alleviate the

animal's suffering, or that the animals be destroyed by euthanasia. In the event that the dealer or research facility refuses to comply with such request, the Division representative may confiscate and destroy such animal by euthanasia if in the opinion of the Director the circumstances warrant such action.

**PART 3—STANDARDS**

**Subpart A—Specifications for the Human Handling, Care, Treatment, and Transportation of Dogs and Cats**

**FACILITIES AND OPERATING STANDARDS**

- Sec.  
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**ANIMAL HEALTH AND HUSBANDRY STANDARDS**

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**Subpart C—Specifications for the Humane Handling, Care, Treatment and Transportation of Rabbits**

**FACILITIES AND OPERATING STANDARDS**

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**Subpart D—Specifications for the Humane Handling, Care, Treatment, and Transportation of Nonhuman Primates**

**FACILITIES AND OPERATING STANDARDS**

- 3.75 Facilities, general.
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**ANIMAL HEALTH AND HUSBANDRY STANDARDS**

- 3.79 Feeding.
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- 3.85 Vehicles.
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**AUTHORITY:** The provisions of this Part 3 issued under Laboratory Animal Welfare Act of Aug. 24, 1966; P.L. 89-544.

**Subpart A—Specifications for the Humane Handling, Care, Treatment, and Transportation of Dogs and Cats**

**FACILITIES AND OPERATING STANDARDS**

**§ 3.1 Facilities, general.**

(a) *Structural strength.* Housing facilities for dogs or cats shall be structurally sound and shall be maintained in good repair, to protect the animals from injury, to contain the animals, and to restrict the entrance of other animals.

(b) *Water and electric power.* Reliable and adequate electric power, if required to comply with other provisions of this subpart, and adequate potable water shall be available.

(c) *Storage.* Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against infestation or contamination by vermin. Refrigeration shall be provided for supplies of perishable food.

(d) *Waste disposal.* Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals, and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors, and disease hazards.

(e) *Washrooms and sinks.* Facilities, such as washrooms, basins, or sinks, shall be provided to maintain cleanliness among animal caretakers.

**§ 3.2 Facilities, indoor.**

(a) *Heating.* Indoor housing facilities for dogs or cats shall be sufficiently heated when necessary to protect the dogs or cats from cold, and to provide for their health and comfort. The ambient temperature shall not be allowed to fall below 50° F. for dogs and cats not acclimated to lower temperatures.

(b) *Ventilation.* Indoor housing facilities for dogs or cats shall be adequately ventilated to provide for the health and comfort of the animals at all times. Such facilities shall be provided with fresh air either by means of windows, doors, vents, or air conditioning and shall be ventilated so as to minimize drafts, odors, and moisture con-

densation. Auxiliary ventilation, such as exhaust fans and vents or air conditioning, shall be provided when the ambient temperature is 85° F. or higher.

(c) *Lighting.* Indoor housing facilities for dogs or cats shall have ample light, by natural or artificial means, or both, of good quality and well distributed. Such lighting shall provide uniformly distributed illumination of sufficient light intensity to permit routine inspection and cleaning during the entire working period. Primary enclosures shall be so placed as to protect the dogs or cats from excessive illumination.

(d) *Interior surfaces.* The interior building surfaces of indoor housing facilities shall be constructed and maintained so that they are substantially impervious to moisture and may be readily sanitized.

(e) *Drainage.* A suitable method shall be provided to rapidly eliminate excess water from indoor housing facilities. If drains are used, they shall be properly constructed and kept in good repair to avoid foul odors therefrom. If closed drainage systems are used, they shall be equipped with traps and so installed as to prevent any backup of sewage onto the floor of the room.

**§ 3.3 Facilities, outdoor.**

(a) *Shelter from sunlight.* When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to allow all dogs and cats kept outdoors to protect themselves from the direct rays of the sun.

(b) *Shelter from rain or snow.* Dogs and cats kept outdoors shall be provided with access to shelter to allow them to remain dry during rain or snow.

(c) *Shelter from cold weather.* Shelter shall be provided for all dogs and cats kept outdoors when the atmospheric temperature falls below 50° F. Sufficient clean bedding material or other means of protection from the weather elements shall be provided when the ambient temperature falls below that temperature to which a dog or cat is acclimated.

(d) *Drainage.* A suitable method shall be provided to rapidly eliminate excess water.

**§ 3.4 Primary enclosures.**

All primary enclosures for dogs and cats shall conform to the following requirements:

(a) *General—(1) Requirements for primary enclosures for dogs and cats.*

(i) Primary enclosures shall be structurally sound and maintained in good repair to protect the dogs and cats from injury, to contain them, and to keep predators out.

(ii) Primary enclosures shall be constructed and maintained so as to enable the dogs and cats to remain dry and clean.

(iii) Primary enclosures shall be constructed and maintained so that the dogs or cats contained therein have convenient access to clean food and water as required in this subpart.

(iv) The floors of the primary enclosures shall be constructed so as to protect the dogs' and cats' feet and legs from injury.

(2) *Additional requirements for primary enclosures housing cats.* (i) In all enclosures having a solid floor, a receptacle containing sufficient clean litter shall be provided to contain excreta.

(ii) Each primary enclosure shall be provided with a solid resting surface or surfaces which, in the aggregate, shall be of adequate size to comfortably hold all occupants of the primary enclosure at the same time. Such resting surface or surfaces shall be elevated in primary enclosures housing two or more cats.

(b) *Space requirements—(1) Dogs and cats.* Primary enclosures shall be constructed and maintained so as to provide sufficient space to allow each dog and cat to turn about freely and to easily stand, sit and lie in a comfortable normal position.

(2) *Dogs.* (i) In addition to the provisions of subparagraph (1) of this paragraph, each dog housed in any primary enclosure shall be provided a minimum square footage of floor space equal to the mathematical square of the sum of the length of the dog in inches, as measured from the tip of its nose to the base of its tail, plus 6 inches, expressed in square feet.\* Not more than 12 adult nonconditioned dogs shall be housed in the same primary enclosure.

(ii) *Dog houses with chains.* If dog houses with chains are used as primary enclosures for dogs kept outdoors, the chains used shall be so placed or attached that they cannot become entangled with the chains of other dogs or any other objects. Such chains shall be of a type commonly used for the size dog involved and shall be attached to the dog by means of a well fitted collar. Such chains shall be at least three times the length of the dog as measured from the tip of its nose to the base of its tail and shall allow the dog convenient access to the dog house.

(3) *Cats.* In addition to the provisions of subparagraph (1) of this paragraph, each adult cat housed in any primary enclosure shall be provided a minimum of 2½ square feet of floor space. Not more than 12 adult nonconditioned cats shall be housed in the same primary enclosure.

**ANIMAL HEALTH AND HUSBANDRY STANDARDS**

**§ 3.5 Feeding.**

(a) Dogs and cats shall be fed at least once each day except as otherwise might be required to provide adequate veterinary care. The food shall be free from

\* This requirement may be computed by using the following equation:

$$\frac{(\text{length of dog in inches} + 6) \times (\text{length of dog in inches} + 6)}{\text{Required area in square inches}} = \text{Required square feet of floor space}$$

contamination, wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the dog or cat.

(b) Food receptacles shall be accessible to all dogs or cats and shall be located so as to minimize contamination by excreta. Feeding pans shall be durable and kept clean. The food receptacles shall be sanitized at least once every 2 weeks. Disposable food receptacles may be used but must be discarded after each feeding. Self feeders may be used for the feeding of dry food, and they shall be sanitized regularly to prevent molding, deterioration or caking of feed.

#### § 3.6 Watering.

If potable water is not accessible to the dogs and cats at all times, potable liquids shall be offered to such animals at least twice daily for periods of not less than 1 hour, except as might otherwise be required to provide adequate veterinary care. Watering receptacles shall be kept clean and shall be sanitized at least once every 2 weeks.

#### § 3.7 Sanitation.

(a) *Cleaning of primary enclosures.* Excreta shall be removed from primary enclosures as often as necessary to prevent contamination of the dogs or cats contained therein and to reduce disease hazards and odors. When a hosing or flushing method is used for cleaning a primary enclosure commonly known as a cage, any dog contained therein shall be removed from such enclosure during the cleaning process, and adequate measures shall be taken to protect the animals in other such enclosures from being contaminated with water and other wastes.

(b) *Sanitization of primary enclosures.* (1) Prior to the introduction of nonconditioned dogs or cats into empty primary enclosures previously occupied, such enclosures shall be sanitized in the manner provided in subparagraph (3) of this paragraph.

(2) Primary enclosures for dogs or cats shall be sanitized often enough to prevent an accumulation of debris or excreta, or a disease hazard: *Provided, however,* That such enclosures shall be sanitized at least once every 2 weeks in the manner provided in subparagraph (3) of this paragraph.

(3) Cages, rooms and hard-surfaced pens or runs shall be sanitized by washing them with hot water (180° F.) and soap or detergent as in a mechanical cage washer, or by washing all soiled surfaces with a detergent solution followed by a safe and effective disinfectant, or by cleaning all soiled surfaces with live steam. Pens or runs using gravel, sand, or dirt shall be sanitized by removing the soiled gravel, sand, or dirt and replacing it as necessary.

(c) *Housekeeping.* Premises (buildings and grounds) shall be kept clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this subpart. Premises shall remain free of accumulations of trash.

(d) *Pest control.* An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.

#### § 3.8 Employees.

A sufficient number of employees shall be utilized to maintain the prescribed level of husbandry practices set forth in this subpart. Such practices shall be under the supervision of an animal caretaker who has a background in animal husbandry or care.

#### § 3.9 Classification and separation.

Animals housed in the same primary enclosure shall be maintained in compatible groups, with the following additional restrictions:

(a) Females in season (estrus) shall not be housed in the same primary enclosure with males, except for breeding purposes.

(b) Any dog or cat exhibiting a vicious disposition shall be housed individually in a primary enclosure.

(c) Puppies or kittens shall not be housed in the same primary enclosure with adult dogs or cats other than their dams, except when permanently maintained in breeding colonies.

(d) Dogs shall not be housed in the same primary enclosure with cats, nor shall dogs or cats be housed in the same primary enclosure with any other species of animals.

(e) Dogs or cats under quarantine or treatment for a communicable disease shall be separated from other dogs or cats and other susceptible species of animals in such a manner as to minimize dissemination of such disease.

#### § 3.10 Veterinary care.

(a) Programs of disease control and prevention, euthanasia, and adequate veterinary care shall be established and maintained under the supervision and assistance of a doctor of veterinary medicine.

(b) Each dog and cat shall be observed daily by the animal caretaker in charge, or by someone under his direct supervision. Sick or diseased, injured, lame, or blind dogs or cats shall be provided with veterinary care or humanely disposed of unless such action is inconsistent with the research purposes for which such animal was obtained and is being held: *Provided, however,* That the provision shall not effect compliance with any State or local law requiring the holding, for a specified period, of animals suspected of being diseased.

#### TRANSPORTATION STANDARDS

#### § 3.11 Vehicles.

(a) Vehicles used in transporting dogs or cats shall be mechanically sound and equipped to provide fresh air to all animals being transported without injurious drafts.

(b) The animal cargo space shall be so constructed and maintained as to prevent the ingress of exhaust from the vehicle's engine.

(c) The interior of the animal cargo space shall be kept clean.

#### § 3.12 Primary enclosures used to transport dogs and cats.

(a) Primary enclosures, such as compartments or transport cages, cartons or crates, used to transport dogs or cats, shall be well-constructed and well-ventilated and designed to protect the health and insure the safety of the animals. Such enclosures shall be constructed or positioned in the vehicle in such a manner that (1) each animal in the vehicle has access to sufficient air for normal breathing, (2) the openings of such enclosures are easily accessible at all times for emergency removal of the animals and (3) the animals are afforded adequate protection from the elements. The temperature within such enclosures shall not be allowed to exceed the atmospheric temperature. Moreover, the ambient temperature shall not be allowed to exceed 95° F. at any time nor exceed 85° F. for a period of more than 4 hours, nor be allowed at any time to fall below 45° F. unless the animals are acclimated to lower temperatures.

(b) Animals transported in the same primary enclosure shall be of the same species and maintained in compatible groups. Puppies or kittens shall not be transported in the same primary enclosure with adult dogs or cats other than their dams. Any dog or cat exhibiting a vicious disposition shall be transported individually in a primary enclosure. Any female dog or cat in season (estrus) shall not be transported in the same primary enclosure with any male.

(c) Primary enclosures used to transport dogs or cats shall be large enough to insure that each animal contained therein has sufficient space to turn about freely, to stand erect, and to lie in a natural position.

(d) Animals shall not be placed in primary enclosures over other animals in transit unless each enclosure is fitted with a floor of a material which prevents animal excreta from entering lower enclosures.

(e) Primary enclosures used to transport dogs or cats shall be cleaned and sanitized between shipments. All litter in the vehicle shall be clean at the beginning of each trip.

#### § 3.13 Food and water requirements.

(a) If dogs or cats are transported for a period of more than 12 hours:

(1) The vehicle shall stop at least once every 12 hours, and remain stopped for a period of at least 1 hour, during which time potable water shall be continuously provided for the dogs and cats.

(2) Each adult dog and cat shall be fed at least once in each 24-hour period. Puppies and kittens shall have food made available to them every 6 hours.

(b) Dogs shall be removed from the vehicle and given fresh water and an opportunity for exercise if they have been confined in the vehicle for a period of 36 hours.

#### § 3.14 Care in transit.

It shall be the responsibility of the attendant or driver to inspect the animals

frequently to determine whether they need emergency veterinary care and if so, to obtain such care at the earliest opportunity.

### Subpart B—Specifications for the Humane Handling, Care, Treatment, and Transportation of Guinea Pigs and Hamsters

#### FACILITIES AND OPERATING STANDARDS

##### § 3.25 Facilities, general.

(a) *Structural strength.* Housing facilities for guinea pigs or hamsters shall be structurally sound and shall be maintained in good repair, to protect the animals from injury, to contain the animals, and to restrict the entrance of other animals.

(b) *Water and electric power.* Reliable and adequate electric power, if required to comply with other provisions of this subpart, and adequate potable water shall be available.

(c) *Storage.* Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against spoilage or deterioration and infestation or contamination by vermin. Food supplies shall be stored in containers with tightly fitting lids or covers or in the original containers as received from the commercial sources of supply. Refrigeration shall be provided for supplies of perishable food.

(d) *Waste disposal.* Provisions shall be made for the removal and disposal of animal and food wastes, bedding, dead animals, and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors, and disease hazards.

(e) *Washroom and sinks.* Facilities, such as washrooms, basins, or sinks, shall be provided to maintain cleanliness among animal caretakers.

##### § 3.26 Facilities, indoor.

(a) *Heating.* Indoor housing facilities for guinea pigs or hamsters shall be sufficiently heated when necessary to protect the animals from the cold, and to provide for their health and comfort. The ambient temperature shall not be allowed to fall below 60° F. nor to exceed 85° F.

(b) *Ventilation.* Indoor housing facilities for guinea pigs or hamsters shall be adequately ventilated to provide for the health and comfort of the animals at all times. Such facilities shall be provided with fresh air either by means of windows, doors, vents, or air conditioning, and shall be ventilated so as to minimize drafts, odors, and moisture condensation. The ambient temperature shall not be allowed to rise above 85° F.

(c) *Lighting.* Indoor housing facilities for guinea pigs or hamsters shall have ample light, by natural or artificial means, or both, of good quality and well distributed. Such lighting shall provide uniformly distributed illumination of sufficient light intensity to permit routine inspection and cleaning during the entire working period. Primary enclosures shall be so placed as to protect

the guinea pigs or hamsters from excessive illumination.

(d) *Interior surfaces.* The interior building surfaces of indoor housing facilities shall be constructed and maintained so that they are substantially impervious to moisture and may be readily sanitized.

##### § 3.27 Facilities, outdoor.

(a) Hamsters shall not be housed in outdoor facilities.

(b) Guinea pigs shall not be housed in outdoor facilities unless such facilities are located in an appropriate climate and prior approval for such outdoor housing is obtained from the Director.

##### § 3.28 Primary enclosures.

All primary enclosures for guinea pigs and hamsters shall conform to the following requirements:

(a) *General.* (1) Primary enclosures shall be structurally sound and maintained in good repair to protect the guinea pigs and hamsters from injury. Such enclosures, including their racks, shelving and other accessories, shall be constructed of smooth material substantially impervious to liquids and moisture.

(2) Primary enclosures shall be constructed and maintained so that the guinea pigs or hamsters contained therein have convenient access to clean food and water as required in this subpart.

(3) Primary enclosures having a solid floor shall be provided with clean bedding material.

(4) Primary enclosures equipped with mesh or wire floors shall be so constructed as to allow feces to pass through the spaces of the mesh or wire: *Provided, however,* That such floors shall be constructed so as to protect the animals' feet and legs from injury.

(b) *Space requirements.*—(1) *Guinea pigs and hamsters.* Primary enclosures shall be constructed and maintained so as to provide sufficient space for each animal contained therein to make normal postural adjustments with adequate freedom of movement.

(2) *Guinea pigs.* In addition to the provisions of subparagraph (1) of this paragraph, the following space requirements are applicable to primary enclosures for guinea pigs:

(i) The interior height of any primary enclosure used to confine guinea pigs shall be at least 6½ inches.

(ii) Each guinea pig housed in a primary enclosure shall be provided a minimum amount of floor space in accordance with the following table:

Weight or stage of maturity	Minimum space per guinea pig (square inches)
Weaning to 350 grams.....	60
350 grams or more.....	90
Breeders.....	180

(3) *Hamsters.* In addition to the provisions of subparagraph (1) of this paragraph the following space requirements are applicable to primary enclosures for hamsters:

(i) The interior height of any primary enclosure used to confine hamsters shall be at least 5½ inches, except that in the case of dwarf hamsters, such interior height shall be at least 5 inches.

(ii) A nursing female hamster, together with her litter, shall be housed in a primary enclosure which contains no other hamsters and which provides at least 121 square inches of floor space: *Provided, however,* That in the case of dwarf hamsters such floor space shall be at least 25 square inches.

(iii) The minimum amount of floor space per individual hamster and the maximum number of hamsters allowed in a single primary enclosure, except as provided for nursing females in subdivision (ii) of this subparagraph, shall be in accordance with the following table:

Age	Minimum space per hamster (square inches)		Maximum population per enclosure
	Dwarf	Other	
Weaning to 5 weeks.....	5.0	10.0	20
5 to 10 weeks.....	7.5	12.5	16
10 weeks or more.....	9	15.0	12

#### ANIMAL HEALTH AND HUSBANDRY STANDARDS

##### § 3.29 Feeding.

(a) Guinea pigs and hamsters shall be fed each day except as otherwise might be required to provide adequate veterinary care. The food shall be free from contamination, wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the guinea pig or hamster.

(b) Food comprising the basic diet shall be at least equivalent in quality and content to pelleted rations produced commercially and commonly available from feed suppliers.

(c) The basic diet of guinea pigs and hamsters may be supplemented with good quality fruits or vegetables consistent with their individual dietary requirements.

(d) Food receptacles, if used, shall be accessible to all guinea pigs or hamsters in a primary enclosure and shall be located so as to minimize contamination by excreta. All food receptacles shall be kept clean and shall be sanitized at least once every 2 weeks. If self-feeders are used for the feeding of pelleted feed, measures must be taken to prevent molding, deterioration or caking of the feed. Hamsters may be fed pelleted feed on the floor of a primary enclosure.

(e) Fruit or vegetable food supplements may be placed upon the bedding within the primary enclosure: *Provided, however,* That the uneaten portion of such supplements and any bedding soiled as a result of such feeding practices shall be removed from the primary enclosure when such uneaten supplements accumulate or such bedding becomes soiled to a degree that might be harmful or uncomfortable to animals therein.

§ 3.30 Watering.

Unless food supplements consumed by guinea pigs or hamsters supply them with their normal water requirements, potable water shall be provided daily except as might otherwise be required to provide adequate veterinary care. Open containers used for dispensing water to guinea pigs or hamsters shall be so placed in or attached to the primary enclosure as to minimize contamination from excreta. All watering receptacles shall be sanitized when dirty: *Provided, however*, That such receptacles shall be sanitized at least once every 2 weeks.

§ 3.31 Sanitation.

(a) *Cleaning and sanitation of primary enclosures.* (1) Primary enclosures shall be cleaned and sanitized often enough to prevent an accumulation of excreta or debris: *Provided, however*, That such enclosures shall be sanitized at least once every 2 weeks in the manner provided in subparagraph (4) of this paragraph.

(2) In the event a primary enclosure becomes soiled or wet to a degree that might be harmful or uncomfortable to the animals therein due to leakage of the watering system, discharges from dead or dying animals, spoiled perishable foods, or moisture condensation, the guinea pigs or hamsters shall be transferred to clean primary enclosures.

(3) Prior to the introduction of guinea pigs or hamsters into empty primary enclosures previously occupied, such enclosures shall be sanitized in the manner provided in subparagraph (4) of this paragraph.

(4) Primary enclosures for guinea pigs or hamsters shall be sanitized by washing them with hot water (180° F.) and soap or detergent as in a mechanical cage washer, or by washing all soiled surfaces with a detergent solution followed by a safe and effective disinfectant, or by cleaning all soiled surfaces with live steam.

(b) *Housekeeping.* Premises (buildings and grounds) shall be kept clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this subpart. Premises shall remain free of accumulations of trash.

(c) *Pest control.* An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.

§ 3.32 Employees.

A sufficient number of employees shall be utilized to maintain the prescribed level of husbandry practices set forth in this subpart. Such practices shall be under the supervision of an animal caretaker who has a background in animal husbandry or care.

§ 3.33 Classification and separation.

Animals housed in the same primary enclosure shall be maintained in compatible groups, with the following additional restrictions:

(a) Except where harem breeding is practiced, preweaning guinea pigs shall not be housed in the same primary enclosure with adults other than their parents.

(b) Guinea pigs shall not be housed in the same primary enclosure with hamsters, nor shall guinea pigs or hamsters be housed in the same primary enclosure with any other species of animals.

(c) Guinea pigs or hamsters under quarantine or treatment for a communicable disease shall be separated from other guinea pigs or hamsters and other susceptible species of animals in such a manner as to minimize dissemination of such disease.

(d) Each guinea pig and hamster shall be observed at least every 48 hours by the animal caretaker in charge, or by someone under his direct supervision, for evidence of disease or injury. Sick or diseased, injured, lame, or blind guinea pigs or hamsters shall be provided with veterinary care or humanely disposed of unless such action is inconsistent with the research purposes for which such animal was obtained and is being held.

§ 3.34 Veterinary care.

(a) Programs of disease control and prevention, euthanasia, and adequate veterinary care shall be established and maintained under the supervision and assistance of a doctor of veterinary medicine.

(b) Each guinea pig and hamster shall be observed at least every 48 hours by the animal caretaker in charge, or by someone under his direct supervision, for evidence of disease or injury. Sick or diseased, injured, lame, or blind guinea pigs or hamsters shall be provided with veterinary care or humanely disposed of unless such action is inconsistent with the research purposes for which such animal was obtained and is being held.

TRANSPORTATION STANDARDS

§ 3.35 Vehicles.

(a) Vehicles used in transporting guinea pigs or hamsters shall be mechanically sound and equipped to provide fresh air to all animals being transported without injurious drafts.

(b) The animal cargo space shall be so constructed and maintained as to prevent the ingress of exhaust from the vehicle's engine.

(c) The interior of the animal cargo space shall be kept clean.

§ 3.36 Primary enclosures used to transport guinea pigs and hamsters.

(a) Primary enclosures, such as cartons, boxes, or transport cages, used to transport guinea pigs or hamsters shall be well-constructed, well-ventilated, and designed to protect the health and insure the safety of the animals. Any such primary enclosures which cannot be readily sanitized shall be constructed of new material and shall be discarded after one usage. Any such primary enclosures which may be readily sanitized may be reused but shall be sanitized prior to the introduction of guinea pigs or hamsters for shipment. All primary enclosures used to transport guinea pigs or hamsters shall be positioned in the vehicle in such a manner that each animal in the vehicle has access to sufficient air for normal breathing. The ambient temperature shall not be allowed to exceed 85° F. nor fall below 60° F.

(b) Animals transported in the same primary enclosure shall be of the same species and in compatible groups.

(c) Primary enclosures used to transport guinea pigs or hamsters shall be large enough to insure that each animal contained therein has sufficient space

to turn about freely and to make normal postural adjustments.

(d) Not more than 15 guinea pigs shall be transported in the same primary enclosure. Not more than 25 hamsters shall be transported in the same primary enclosure.

(e) In addition to the other provisions of this section, the following requirements shall also apply to primary enclosures used to transport guinea pigs or hamsters:

(1) *Guinea pigs.* (i) The interior height of primary enclosures used to transport guinea pigs shall be at least 8 inches.

(ii) Each guinea pig transported in a primary enclosure shall be provided a minimum amount of floor space in accordance with the following table:

(Weight (grams))	Minimum space per guinea pig (square inches)
Up to 350.....	30
350 to 600.....	45
Over 600.....	55

(2) *Hamsters.* (i) The interior height of primary enclosures used to transport hamsters shall be at least 6 inches except that in the case of dwarf hamsters such interior height shall be at least 5 inches.

(ii) Each hamster transported in a primary enclosure shall be provided a minimum amount of floor space in accordance with the following table:

Age	Minimum space per hamster (square inches)	
	Dwarf	Other
Weaning to 3 weeks.....	5	7.0
3 to 10 weeks.....	7.5	11.0
Over 10 weeks.....	9	15.0

§ 3.37 Feed and water requirements.

If guinea pigs or hamsters are transported for a period of more than 6 hours, the animals shall be fed the quantity and quality of fruits or vegetables sufficient to satisfy their food and water needs during transit.

§ 3.38 Care in transit.

It shall be the responsibility of the attendant or driver to provide or obtain adequate care for the animals in case of an emergency.

Subpart C—Specifications for the Humane Handling, Care, Treatment and Transportation of Rabbits

FACILITIES AND OPERATING STANDARDS

§ 3.50 Facilities, general.

(a) *Structural strength.* Housing facilities for rabbits shall be structurally sound and shall be maintained in good repair, to protect the animals from injury, to contain the animals, and to restrict the entrance of other animals.

(b) *Water and electric power.* Reliable and adequate electric power, if required to comply with other provisions of this subpart, and adequate potable water shall be available.

(c) *Storage.* Supplies of food and bedding shall be stored in facilities which

adequately protect such supplies against infestation or contamination by vermin. Refrigeration shall be provided for supplies of perishable food.

(d) *Waste disposal.* Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals, and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors, and disease hazards.

(e) *Washroom and sinks.* Facilities, such as washrooms, basins, or sinks, shall be provided to maintain cleanliness among animal caretakers.

#### § 3.51 Facilities, indoor.

(a) *Heating.* Indoor housing facilities for rabbits need not be heated.

(b) *Ventilation.* Indoor housing facilities for rabbits shall be adequately ventilated to provide for the health and comfort of the animals at all times. Such facilities shall be provided with fresh air either by means of windows, doors, vents or air conditioning and shall be ventilated so as to minimize drafts, odors, and moisture condensation. Auxiliary ventilation, such as exhaust fans and vents or air conditioning, shall be provided when the ambient temperature is 85° F. or higher.

(c) *Lighting.* Indoor housing facilities for rabbits shall have ample light, by natural or artificial means, or both, of good quality and well distributed. Such lighting shall provide uniformly distributed illumination of sufficient light intensity to permit routine inspection and cleaning during the entire working period. Primary enclosures shall be so placed as to protect the rabbits from excessive illumination.

(d) *Interior surfaces.* The interior building surfaces of indoor housing facilities shall be constructed and maintained so that they are substantially impervious to moisture and may be readily sanitized.

#### § 3.52 Facilities, outdoor.

(a) *Shelter from sunlight.* When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to allow all rabbits kept outdoors to protect themselves from the direct rays of the sun. When the atmospheric temperature exceeds 90° F., artificial cooling shall be provided by a sprinkler system or other means.

(b) *Shelter from rain or snow.* Rabbits kept outdoors shall be provided with access to shelter to allow them to remain dry during rain or snow.

(c) *Shelter from cold weather.* Shelter shall be provided for all rabbits kept outdoors when the atmospheric temperature falls below 40° F.

(d) *Protection from predators.* Outdoor housing facilities for rabbits shall be fenced or otherwise enclosed to minimize the entrance of predators.

(e) *Drainage.* A suitable method shall be provided to rapidly eliminate excess water.

#### § 3.53 Primary enclosures.

All primary enclosures for rabbits shall conform to the following requirements:

(a) *General.* (1) Primary enclosures shall be structurally sound and maintained in good repair to protect the rabbits from injury, to contain them, and to keep predators out.

(2) Primary enclosures shall be constructed and maintained so as to enable the rabbits to remain dry and clean.

(3) Primary enclosures shall be constructed and maintained so that the rabbits contained therein have convenient access to clean food and water as required in this subpart.

(4) The floors of the primary enclosures shall be constructed so as to protect the rabbits' feet and legs from injury. Litter shall be provided in all primary enclosures having solid floors.

(5) A suitable nest box containing clean nesting material shall be provided in each primary enclosure housing a female with a litter less than one month of age.

(b) *Space requirements.* Primary enclosures shall be constructed and maintained so as to provide sufficient space for the animal to make normal postural adjustments with adequate freedom of movement. Each rabbit housed in a primary enclosure shall be provided a minimum amount of floor space, exclusive of the space taken up by food and water receptacles, in accordance with the following table:

Category	Individual weights (pounds)	Minimum space per rabbit (square inches)
Groups	3 through 5	144
	6 through 8	288
	9 or more	432
Individual adults	3 through 5	180
	6 through 8	360
	9 through 11	540
Nursing females	12 or more	720
	3 through 5	370
	6 through 8	720
	9 through 11	864
	12 or more	1080

#### ANIMAL HEALTH AND HUSBANDRY STANDARDS

#### § 3.54 Feeding.

(a) Rabbits shall be fed at least once each day except as otherwise might be required to provide adequate veterinary care. The food shall be free from contamination, wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the rabbit.

(b) Food receptacles shall be accessible to all rabbits in a primary enclosure and shall be located so as to minimize contamination by excreta. All food receptacles shall be kept clean and sanitized at least once every 2 weeks. If self feeders are used for the feeding of dry feed, measures must be taken to prevent molding, deterioration or caking of the feed.

#### § 3.55 Watering.

Sufficient potable water shall be provided daily except as might otherwise be required to provide adequate veterinary care. All watering receptacles shall be sanitized when dirty: *Provided, however,*

That such receptacles shall be sanitized at least once every 2 weeks.

#### § 3.56 Sanitation.

(a) *Cleaning of primary enclosures.* (1) Primary enclosures shall be kept reasonably free of excreta, hair, cobwebs and other debris by periodic cleaning. Measures shall be taken to prevent the wetting of rabbits in such enclosures if a washing process is used.

(2) In primary enclosures equipped with solid floors, soiled litter shall be removed and replaced with clean litter at least once each week.

(3) If primary enclosures are equipped with wire or mesh floors, the troughs or pans under such enclosures shall be cleaned at least once each week. If worm bins are used under such enclosures they shall be maintained in a sanitary condition.

(b) *Sanitization of primary enclosures.* (1) Primary enclosures for rabbits shall be sanitized at least once every 30 days in the manner provided in subparagraph (3) of this paragraph.

(2) Prior to the introduction of rabbits into empty primary enclosures previously occupied, such enclosures shall be sanitized in the manner provided in subparagraph (3) of this paragraph.

(3) Primary enclosures for rabbits shall be sanitized by washing them with hot water (180° F.) and soap or detergent as in a mechanical cage washer, or by washing all soiled surfaces with a detergent solution followed by a safe and effective disinfectant, or by cleaning all soiled surfaces with live steam or flame.

(c) *Housekeeping.* Premises (buildings and grounds) shall be kept clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this subpart. Premises shall remain free of accumulations of trash.

(d) *Pest control.* An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.

#### § 3.57 Employees.

A sufficient number of employees shall be utilized to maintain the prescribed level of husbandry practices set forth in this subpart. Such practices shall be under the supervision of an animal caretaker who has a background in animal husbandry or care.

#### § 3.58 Classification and separation.

Animals housed in the same primary enclosure shall be maintained in compatible groups, with the following additional restrictions:

(a) Rabbits shall not be housed in the same primary enclosure with any other species of animals unless required for scientific reasons.

(b) Rabbits under quarantine or treatment for a communicable disease shall be separated from other rabbits and other susceptible species of animals in such a manner as to minimize dissemination of such disease.

#### § 3.59 Veterinary care.

(a) Programs of disease control and prevention, euthanasia, and adequate

veterinary care shall be established and maintained under the supervision and assistance of a doctor of veterinary medicine.

(b) Each rabbit shall be observed at least every 48 hours by the animal caretaker in charge, or by someone working under his direct supervision, for evidence of disease or injury. Sick or diseased, injured, lame or blind rabbits shall be provided with veterinary care or humanely disposed of unless such action is inconsistent with the research purposes for which such animal was obtained and is being held.

#### TRANSPORTATION STANDARDS

##### § 3.60 Vehicles.

(a) Vehicles used in transporting rabbits shall be mechanically sound and equipped to provide fresh air to all animals being transported without injurious drafts.

(b) The animal cargo space shall be so constructed and maintained as to prevent the ingress of exhaust from the vehicle's engine.

(c) The interior of the animal cargo space shall be kept clean.

##### § 3.61 Primary enclosures used to transport rabbits.

(a) Primary enclosures, such as compartments or transport cages, cartons or crates, used to transport rabbits, shall be well-constructed, well-ventilated and designed to protect the health and insure the safety of the animals. Such enclosures shall be constructed or positioned in the vehicle in such a manner that (1) each animal in the vehicle has access to sufficient air for normal breathing, (2) the openings of such enclosures are easily accessible at all times for emergency removal of the animals, and (3) the animals are afforded adequate protection from the elements. The ambient temperature shall not be allowed to exceed 85° F, nor fall below that temperature to which the animals are acclimated.

(b) Rabbits transported in the same primary enclosure shall be in compatible groups and shall not be transported in the same primary enclosures with other species of animals.

(c) Primary enclosures used to transport rabbits shall be large enough to insure that each rabbit contained therein has sufficient space to turn about freely, and to make normal postural adjustments. Not more than 15 rabbits shall be transported in the same primary enclosure.

(d) Rabbits shall not be placed in primary enclosures over other animals in transit unless each enclosure is fitted with a floor of a material which prevents animal excreta from entering lower enclosures.

(e) Primary enclosures used to transport rabbits shall be cleaned and sanitized between shipments. All litter in the vehicle shall be clean at the beginning of each trip.

##### § 3.62 Food and water requirements.

If rabbits are transported for a period of more than 6 hours, they shall be pro-

vided with food and water. This requirement may be met by providing feedstuff and water, or the quantity and quality of vegetables, sufficient to satisfy their food and water needs during transit.

##### § 3.63 Care in transit.

It shall be the responsibility of the attendant or driver to provide or obtain adequate care for the animals in case of an emergency.

#### Subpart D—Specifications for the Humane Handling, Care, Treatment, and Transportation of Nonhuman Primates\*

##### FACILITIES AND OPERATING STANDARDS

##### § 3.75 Facilities, general.

(a) *Structural strength.* The housing facilities for nonhuman primates shall be structurally sound and shall be maintained in good repair, to protect the animals from injury, to contain the animals, and to restrict the entrance of other animals.

(b) *Water and electric power.* Reliable and adequate electric power, if required to comply with other provisions of this subpart, and adequate potable water shall be available.

(c) *Storage.* Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against infestation or contamination by vermin. Refrigeration shall be provided for supplies of perishable food.

(d) *Waste disposal.* Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals, and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors, and disease hazards.

(e) *Washroom and sinks.* Facilities, such as washrooms, basins, or sinks, shall be provided to maintain cleanliness among animal caretakers.

##### § 3.76 Facilities, indoor.

(a) *Heating.* Indoor housing facilities for nonhuman primates shall be sufficiently heated when necessary to protect the animals from the cold, and to provide for their health and comfort. The ambient temperature shall not be allowed to fall below 50° F.

(b) *Ventilation.* Indoor housing facilities for nonhuman primates shall be adequately ventilated to provide for the health and comfort of the animals at all times. Such facilities shall be provided with fresh air either by means of windows, doors, vents, or air conditioning and shall be ventilated so as to minimize drafts, odors, and moisture condensation.

\* Nonhuman primates include a great diversity of forms, ranging from the marmoset weighing only a few ounces, to the adult gorilla weighing hundreds of pounds. They come from Asia, Africa, and Central and South America, and they live in different habitats. Their nutritional and activity requirements differ as do their social and environmental requirements. As a result, the conditions appropriate for one species do not necessarily apply to another; therefore, discretion must be used in interpreting these standards.

Auxiliary ventilation, such as exhaust fans and vents or air conditioning, shall be provided when the ambient temperature is 85° F. or higher.

(c) *Lighting.* Indoor housing facilities for nonhuman primates shall have ample light, by natural or artificial means, or both, of good quality and well distributed. Such lighting shall provide uniformly distributed illumination of sufficient light intensity to permit routine inspection and cleaning during the entire working period. Primary enclosures shall be so placed as to protect the nonhuman primates from excessive illumination.

(d) *Interior surfaces.* The interior building surfaces of indoor housing facilities shall be constructed and maintained so that they are substantially impervious to moisture and may be readily sanitized.

(e) *Drainage.* A suitable method shall be provided to rapidly eliminate excess water from indoor housing facilities. If drains are used, they shall be properly constructed and kept in good repair to avoid foul odors therefrom. If closed drainage systems are used, they shall be equipped with traps and so installed as to prevent any backup of sewage onto the floor of the room.

##### § 3.77 Facilities, outdoor.

(a) *Shelter from sunlight.* When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to allow all nonhuman primates kept outdoors to protect themselves from the direct rays of the sun.

(b) *Shelter from rain or snow.* Nonhuman primates kept outdoors shall be provided with access to shelter to allow them to remain dry during rain or snow.

(c) *Shelter from cold weather.* Shelter shall be provided for all nonhuman primates kept outdoors to afford comfort and protection to such animals appropriate for the local climatic conditions and the nonhuman primate species concerned.

(d) *Drainage.* A suitable method shall be provided to rapidly eliminate excess water.

##### § 3.78 Primary enclosures.

All primary enclosures for nonhuman primates shall conform to the following requirements:

(a) *General.* (1) Primary enclosures shall be structurally sound and maintained in good repair to protect the nonhuman primates from injury, to contain them, and to keep predators out.

(2) Primary enclosures shall be constructed and maintained so as to enable the nonhuman primates to remain dry and clean.

(3) Primary enclosures shall be constructed and maintained so that the nonhuman primates contained therein have convenient access to clean food and water as required in this subpart.

(4) The floors of the primary enclosures shall be constructed so as to protect the nonhuman primates from injury.

(b) *Space requirements.* (1) Primary enclosures shall be constructed and maintained so as to provide sufficient

space to allow each nonhuman primate to make normal postural adjustments with adequate freedom of movement.

(2) Each nonhuman primate housed in a primary enclosure shall be provided with a minimum floor space equal to an area of at least three times the area occupied by such primate when standing on four feet.

#### ANIMAL HEALTH AND HUSBANDRY STANDARDS

##### § 3.79 Feeding.

(a) Nonhuman primates shall be fed at least once each day except as otherwise might be required to provide adequate veterinary care. The food shall be free from contamination, wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the nonhuman primate.

(b) Food, and food receptacles if used, shall be accessible to all nonhuman primates and shall be placed so as to minimize contamination by excreta. Food receptacles shall be kept clean and shall be sanitized at least once every 2 weeks. If self feeders are used, measures shall be taken to prevent molding, deterioration or caking of food.

##### § 3.80 Watering.

If potable water is not accessible to the nonhuman primates at all times, such water shall be offered to them at least twice daily except as might otherwise be required to provide adequate veterinary care. All watering receptacles shall be kept clean and all such receptacles shall be sanitized at least once every 2 weeks.

##### § 3.81 Sanitation.

(a) *Cleaning of primary enclosures.* Excreta shall be removed from primary enclosures as often as necessary to prevent contamination of the nonhuman primates contained therein and to reduce disease hazards and odors. When hosing or flushing methods are used for this purpose, measures shall be taken to prevent animals confined in such enclosures from being wetted involuntarily.

(b) *Sanitization of enclosures.* (1) Prior to the introduction of nonhuman primates into primary enclosures previously occupied by other nonhuman primates, such enclosures shall be sanitized in the manner provided in subparagraph (3) of this paragraph.

(2) Primary enclosures for nonhuman primates shall be sanitized often enough to prevent an accumulation of debris or excreta, or a disease hazard: *Provided, however,* That such enclosures shall be sanitized at least once every 2 weeks in the manner provided in subparagraph (3) of this paragraph.

(3) Cages, rooms and hard surfaced pens or runs shall be sanitized either by washing them with hot water (180° F.) and soap or detergent, as in a mechanical cage washer, or by washing all soiled surfaces with a detergent solution followed by a safe and effective disinfectant, or by cleaning all soiled surfaces with live steam. Pens or runs using gravel, sand, or dirt, shall be sanitized by remov-

ing the soiled gravel, sand, or dirt and replacing it as necessary.

(c) *Housekeeping.* Premises (buildings and grounds) shall be kept clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this subpart. Premises shall remain free of accumulations of trash.

(d) *Pest control.* An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.

##### § 3.82 Employees.

A sufficient number of employees shall be utilized to maintain the prescribed level of husbandry practices set forth in this subpart. Such practices shall be under the supervision of an animal caretaker who has a background in animal husbandry or care.

##### § 3.83 Classification and separation.

Nonhuman primates housed in the same primary enclosure shall be maintained in compatible groups and shall not be housed in the same primary enclosure with animal species other than nonhuman primates.

##### § 3.84 Veterinary care.

(a) Programs of disease control and prevention, euthanasia, and adequate veterinary care shall be established and maintained under the supervision and assistance of a doctor of veterinary medicine.

(b) Each nonhuman primate shall be observed daily by the animal caretaker in charge or by someone working under his direct supervision. Sick or diseased, injured, lame, or blind nonhuman primates shall be provided with veterinary care or humanely disposed of unless such action is inconsistent with the research purposes for which the animal was obtained and is being held.

##### § 3.85 Vehicles.

(a) Vehicles used in transporting nonhuman primates shall be mechanically sound and equipped to provide fresh air to all animals being transported, without injurious drafts.

(b) The animal cargo space shall be so constructed and maintained as to prevent the ingress of exhaust from the vehicle's engine.

(c) The interior of the animal cargo space shall be kept clean.

##### § 3.86 Primary enclosures used to transport nonhuman primates.

(a) Primary enclosures such as compartments, transport cages or crates, used to transport nonhuman primates shall be well-constructed, well-ventilated, and designed to protect the health and insure the safety of the animals. Such enclosures shall be constructed or positioned in the vehicle in such a manner that (1) each animal in the vehicle has access to sufficient air for normal breathing, (2) the openings of such enclosures are easily accessible at all times for emergency removal of the animal and (3) the animals are afforded adequate protection from the elements. The tem-

perature within such enclosures shall not be allowed to exceed the atmospheric temperature. Moreover the ambient temperature shall not be allowed to exceed 85° F. for more than 4 hours continuously nor allowed to fall below 45° F.

(b) Nonhuman primates transported in the same primary enclosure shall be in compatible groups and shall not be transported in the same primary enclosures with other species of animals.

(c) Primary enclosures used to transport nonhuman primates shall be large enough to insure that each nonhuman primate contained therein has sufficient space to turn about freely and to make normal postural adjustments. Not more than 10 nonhuman primates shall be transported in the same primary enclosures.

(d) Nonhuman primates shall not be placed in primary enclosures over other animals in transit unless each enclosure is fitted with a floor of a material which prevents animal excreta from entering lower enclosures.

(e) Primary enclosures used to transport nonhuman primates shall be cleaned and sanitized between shipments. All litter in the vehicle shall be clean at the beginning of each trip.

##### § 3.87 Food and water requirements.

If nonhuman primates are transported for a period of more than 12 hours:

(a) Potable water shall be provided to each nonhuman primate at least once in each 12-hour period.

(b) Each nonhuman primate shall be fed at least once in each 24-hour period.

##### § 3.88 Care in transit.

It shall be the responsibility of the attendant or driver to provide or obtain adequate care for the animals in case of an emergency.

*Statement of considerations.* The notice of proposed rule making concerning the issuance of regulations and standards under the Laboratory Animal Welfare Act, published on December 15, 1966, has generated widespread public interest. The Department received more than 6,000 written communications which expressed the views and counterproposals of educational and research institutions, local, state and national organizations, and numerous individuals, interested in animal welfare. Many of such submissions were of a comprehensive nature and recommended conflicting courses of action. Consideration has been given to all views and comments submitted, as well as to other information available to the Department. The foregoing regulations and standards represent the Department's considered judgment as to the requirements to be imposed at this time in the light of presently available knowledge concerning the humane care of laboratory animals.

A large majority of the comments were directed to the issue of whether dogs should be released from cages periodically for exercise purposes. The evidence received on this issue was conflicting.



Many comments received by the Department from individuals and organizations outside the research community expressed the opinion that exercise should be required. These opinions were based on humane considerations and it was also suggested that the health of the dog would be improved by exercise thereby producing a better research specimen. A majority of the comments received from dealers and members of the research community expressed opposition to a mandatory exercise requirement. Some scientists stated that exercise of laboratory dogs is necessary and should be mandatory. On the other hand, some scientists felt that exercise was not at all essential to the health and well-being of the animal. The majority of scientists who commented based their opposition to a mandatory exercise requirement generally upon the contentions that current scientific knowledge does not justify the conclusion that mandatory removal of laboratory animals from enclosures for exercise is necessary or desirable for the health of the animals and that the cost of such a requirement would be prohibitive and would impede research. Many scientists also expressed the view that although the exercise of dogs outside their cages might be desirable under certain circumstances, it should not be mandatory under all conditions and the determination for the need of this type of exercise should be left to the professional judgment of the personnel of the research facility.

On the basis of the facts available it has been determined that the standards on space requirements should provide that enclosures housing dogs allow the dogs sufficient space to turn about freely and to easily stand, sit and lie in comfortable normal positions. A review of the available information concerning exercise reveals that such information consists mainly of observations on humans, and of observations and opinions based on research data with reference to exercise only in relation to the major objective for which the research project was designed. The Department believes that more definitive experimental justification is needed before a determination can be made whether exercise outside a cage should be included as a mandatory requirement.

A number of comments were received recommending that the regulations differentiate between dealers whose operations are limited to breeding and raising dogs or cats and dealers whose operations involve the acquisition of such animals from various sources. It was pointed out in this connection that many of the requirements made applicable to all dealers in the proposal are not necessary with respect to breeders to effectuate the purposes of the Act. Upon further consideration, the Department has determined that there is adequate basis for this differentiation and, therefore, the regulations provide for two classes of dealers—Class A, consisting of dealers who are breeders, and class B, consisting of all other dealers. Different

requirements are applicable to such classes of dealers with respect to identification of dogs and cats and the amount of license fees.

The Department's proposed method of determining the amount of the annual license fees for dealers was also a subject of considerable interest. Objections were made to the method of establishing such fees, the amount of the fees, and the failure to differentiate between breeders and other dealers. Suggestions were made that provisions be included permitting the fees to be paid quarterly rather than annually. In the light of such comments, and the provisions of the statute requiring that license fees shall be adjusted on an equitable basis taking into consideration the type and nature of the operations to be licensed, the proposal concerning license fees has been modified to provide for a somewhat different method of establishing the fees, lower license fees, and different fees for the two classes of dealers. The suggestion that provision be made permitting quarterly payments of the license fees has not been adopted as it is not considered to be administratively feasible.

The provision contained in the notice of proposed rulemaking that the license fee shall accompany the application for a license has been deleted. It is now contemplated that the fee will be paid after a determination has been made that the license will be issued. In view of this change in procedure, the provision contained in the proposal for refunding a license fee if the license is not to be issued has been deleted as it is no longer necessary.

Objection was made by various educational institutions to the provision contained in the notice that a university or college rather than one or more of its schools or departments would be registered as a research facility. In addition, the suggestion was made by research organizations and pharmaceutical manufacturers that their divisions be permitted to register rather than the corporations. The Act provides for the issuance of cease and desist orders against research facilities that fail to comply with the provisions of the Act or the regulations thereunder and for civil penalties for the failure to obey such cease and desist orders. To effectuate these provisions and the purposes of the Act it is essential that the registrant be a legal entity. Accordingly, the proposal has been modified to provide that in any situation in which a school or department of a university or college is a separate legal entity and its operations and administration are independent of those of the university or college, the school or department will be registered rather than the university or college. Provision has also been made that a subsidiary of a business corporation rather than the parent corporation will be registered as a research facility unless the subsidiary is under such direct control of the parent corporation that to effectuate the purposes of the Act the Secretary determines that it is necessary that the parent corporation register as a research facility.

A number of objections were raised with reference to the proposed requirement that dealers and research facilities retain records for a period of 2 years. Upon further consideration it has been determined that the purposes of the Act will be effectuated if such records are retained for a shorter period. The retention period has, therefore, been changed to 1 year, except where written notice is given to the dealer or research facility that an investigation or proceeding is pending or contemplated and that specified records should be retained, in which event such records must be retained until further notice. Provision has also been made for a longer retention period when required to comply with Federal, State, or local law.

Various changes from the proposal were made in the Standards with regard to temperature requirements for the various animals. These temperature requirements were clarified by the use of the term ambient which is defined as the temperature surrounding the animal. Other changes in regard to the temperature requirements were made to take into consideration the fact that many animals, and in particular dogs, cats, and rabbits, are acclimated to temperatures lower than those generally prescribed in the standards.

A number of changes have been made which recognize practices or customs commonly used in the industry, and which the Secretary has determined are reasonable and humane. Such changes generally relate to lighting, availability of electricity under certain circumstances, shade, bedding in outside facilities, flooring in primary enclosures, maximum population in enclosures, and separation of sexes.

Provisions contained in the proposal for specific interior dimensions of cages have been modified to assure that the animal has adequate freedom of movement and at the same time permit greater latitude in the configuration of the cage design.

Various changes have been made in the regulations and standards for the purpose of clarification. A number of other changes have been made as a result of careful consideration of the views and comments received in response to the notice of rulemaking and other information available to the Department. All changes incorporated in the foregoing regulations and Standards take into consideration the views of other Federal agencies concerned with the welfare of animals used for research.

The Department proposes to provide for studies on environmental and behavioral factors influencing the health, comfort, and safety of animals being transported and maintained for research purposes, including the element of exercise. The Department also plans to make extensive visits to the premises of dealers and research facilities where research dogs are maintained to get information first hand on the subject of exercise through observing the dogs involved and discussing the overall problem with scientists and other individuals holding

opposing views on the subject. In addition, the Department plans to work closely on a continuing basis with representatives of other Federal agencies using laboratory animals so that their considerable knowledge in laboratory animal medicine can be fully utilized. Continuing consideration will be given to the modification of the standards in the light of further experience, research and scientific developments.

As heretofore noted the Department received 6,000 submissions in response to the notice of proposed rulemaking. The Act provides in effect that regulations and standards shall be promulgated by the Secretary not later than February 24, 1967. Although the Department has ex-

pedited this matter as much as possible, in view of the tremendous volume of submissions and the novel nature of the subject matter, it has not been possible for the Department to arrive at its final determinations in time to provide for an additional notice of rulemaking with further opportunity to submit views. Also, the widespread response to the original notice of rulemaking has afforded the Department the benefit of the views of all groups of affected persons.

Accordingly, pursuant to the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that further notice of proposed rulemaking is unnecessary and impracticable and the

regulations and standards may be made effective in less than 30 days after issuance thereunder.

The foregoing regulations and standards shall become effective upon publication in the FEDERAL REGISTER.

The reporting and/or record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D.C., this 17th day of February 1967.

GEORGE W. IRVING, Jr.,  
Administrator.

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8:45 a.m.]

