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PART I

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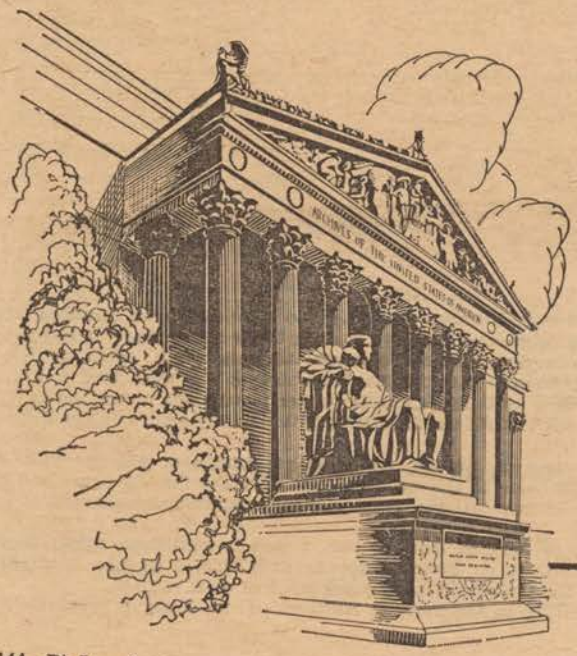

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Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by § 354.1 of the regulations concerning overtime services relating to imports and exports, effective July 14, 1968 (7 CFR 354.1), administrative instructions (7 CFR 354.2), effective August 19, 1967, as amended February 9, 1968, and April 19, 1968 (32 F.R. 11981, 33 F.R. 2757, 5987), prescribing the commuted travel time that shall be included in each period of overtime or holiday duty are hereby amended by adding to the "lists" therein as follows:

§ 354.2 Administrative instructions prescribing commuted travel time.

* * * * *

OUTSIDE METROPOLITAN AREA

* * * * *

FOUR HOURS

Add: Kahului, Maui, Hawaii (served from Honolulu, Hawaii).

FIVE HOURS

Add: Lihue, Kauai, Hawaii (served from Honolulu, Hawaii).

* * * * *

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Plant Quarantine Division. It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than 30 days after publication in the FEDERAL REGISTER.

(64 Stat. 561; 7 U.S.C. 2260)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 22d day of July 1968.

[SEAL] T. G. DARLING,
Acting Director,
Plant Quarantine Division.

[F.R. Doc. 68-8908; Filed, July 24, 1968; 8:51 a.m.]

[Interpretation 25]

PART 362—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Pesticides Containing Sodium Arsenite and Arsenic Trioxide Compounds

There was published in the FEDERAL REGISTER on November 25, 1967 (32 F.R. 16164) a notice of a proposed interpretation under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135–135k) regarding the registration of economic poisons containing sodium arsenite or arsenic trioxide. Under the proposed interpretation, products containing more than specified percentages of these chemicals would not be eligible for registration with directions for use in or around the home. In addition, certain warnings would be required on the labels of such products bearing acceptable directions for use.

Thirty days were permitted for interested persons to submit written data, views, or arguments in connection with this matter. After thorough consideration of all relevant matters, Interpretation 25 is issued to read as follows:

§ 362.123 Interpretation with respect to labeling of sodium arsenite or arsenic trioxide products.

(a) *Home use unacceptable.* Labeling for economic poisons submitted in connection with registration under the Act bearing directions for use of products containing more than 2 percent sodium arsenite or more than 1.5 percent arsenic trioxide in or around the home is not acceptable.

(b) *Required warning against home use.* In addition to other warning and caution statements required by the regulations and interpretations under the Act, labels for such products with acceptable directions for agricultural, commercial, or industrial use must bear, in a prominent position, the warning statement(s) as indicated below:

(1) All products; "Do Not Use or Store in or Around the Home."

(2) Products intended for area treatments such as herbicide use; "Do Not Allow Domestic Animals to Graze Treated Areas."

Effective date. This interpretation shall become effective 90 days after publication in the FEDERAL REGISTER. Revised labeling for registered products which are affected by this interpretation should be submitted before the effective date.

Done at Washington, D.C., this 22d day of July 1968.

HARRY W. HAYS,
Director,
Pesticides Regulation Division.

[F.R. Doc. 68-8909; Filed, July 24, 1968; 8:51 a.m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 409—ARIZONA DESERT VALLEY CITRUS CROP INSURANCE

Subpart—Regulations for the 1967 and Succeeding Crop Years

APPENDIX; COUNTY DESIGNATED FOR CITRUS CROP INSURANCE

Pursuant to authority contained in § 409.20 of the above-identified regulations, the following county is hereby added to the list of counties published October 12, 1967 (32 F.R. 14150), which were designated for citrus crop insurance for the 1968 crop year.

CALIFORNIA

Imperial.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager, Federal
Crop Insurance Corporation.

[F.R. Doc. 68-8910; Filed, July 24, 1968; 8:51 a.m.]

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

[Valencia Orange Reg. 249]

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

Limitation of Handling

§ 908.549 Valencia Orange Regulation 249.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C.

553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 23, 1968.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period July 26, 1968, through August 1, 1968, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 300,000 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated: July 24, 1968.

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

[F.R. Doc. 68–8970; Filed, July 24, 1968; 11:23 a.m.]

[Avocado Reg. 16, Amdt. 2]

PART 944—FRUIT; IMPORT REGULATIONS

Avocados

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the provisions of paragraph (a)(4) of § 944.8 (Avocado Reg. 16; 33 F.R. 8548, 9087) are hereby amended to read as follows:

§ 944.8 Avocado Regulation 16.

(a) * * *

(4) Avocados of the Trapp variety shall not be imported (i) prior to August 12, 1968; (ii) from August 12 through August 25, 1968, unless the individual fruit in each lot of such avocados weighs at least 14 ounces or measures at least $3^{10}/_{16}$ inches in diameter; and (iii) from August 26 through September 9, 1968, unless the individual fruit in each lot of such avocados weighs at least 12 ounces or measures $3^{7}/_{16}$ inches in diameter.

* * * * *

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this regulation beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) such regulation imposes the same grade and comparable maturity requirements on imports of avocados as are being made applicable to the shipment of avocados grown in Florida under Avocado Regulation 10, as amended, which becomes effective July 24, 1968; (c) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time hereof; (d) notice hereof in excess of 3 days, the minimum prescribed by said section 8e, is given with respect to this import regulation; and (e) such notice is hereby determined, under the circumstances, to be reasonable.

Dated, July 22, 1968, to become effective July 29, 1968.

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

[F.R. Doc. 68–8906; Filed, July 24, 1968; 8:51 a.m.]

PART 953—IRISH POTATOES GROWN IN SOUTHEASTERN STATES

Expenses and Rate of Assessment

Notice of rule making regarding the proposed expenses and rate of assessment, to be effective under Marketing Agreement No. 104, as amended, and Order No. 953, as amended (7 CFR Part 953; 33 F.R. 8502, 8506), regulating the handling of Irish potatoes grown in the southeastern States production area which is comprised of certain designated counties of Virginia and North Carolina, was published in the FEDERAL REGISTER March 14, 1968 (33 F.R. 4517). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than 15 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matter presented, including the proposals set forth in the aforesaid notice which were originally recommended on February 15 by the Southeastern Potato Committee and reaffirmed on June 13 by the new committee, established pursuant to said amended marketing agreement and order, it is hereby found and determined that:

§ 953.205 Expenses and rate of assessment.

(a) The expenses necessary to be incurred by the Southeastern Potato Committee, established pursuant to Marketing Agreement No. 104, as amended and this part, to enable such committee to carry out its functions pursuant to provisions of the aforesaid marketing agreement and order, during the fiscal period ending October 31, 1968, are reasonable and will amount to $10,150.

(b) The rate of assessment to be paid by each handler in accordance with the amended Marketing Agreement and this part shall be one-fourth of 1 cent ($0.0025) per hundredweight of potatoes handled by him as the first handler thereof during the fiscal period.

(c) Terms used in this section shall have the same meaning as when used in the said amended marketing agreement and this part.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable potatoes from the beginning of such fiscal period, and (2) the current fiscal period began on November 1, 1967, and the rate of assessment herein fixed will automatically apply to all assessable potatoes beginning with such date.

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

Dated: July 22, 1968.

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

[F.R. Doc. 68–8907; Filed, July 24, 1968; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 68-SO-43]

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

Alteration of Control Zones

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to alter the Brunswick, Ga. (NAS Glynco), and the Brunswick, Ga. (Malcolm-McKinnon Airport), control zones.

The Brunswick (NAS Glynco) and the Brunswick (Malcolm-McKinnon Airport) control zones are described in § 71.171 (33 F.R. 2058). A portion of the NAS Glynco control zone is described as "within a 1½-mile radius of the Brunswick Municipal Airport (lat. 31°11'00" N., long. 81°29'00" W.)." The Malcolm-McKinnon Airport basic control zone radius encompasses a portion of the airspace within a 1.5-mile radius of Brunswick Municipal Airport.

The Airport Manager has requested that Brunswick Municipal Airport be excluded from the control zones. Additionally, Coast and Geodetic Survey has verified the geographic coordinate for Brunswick Municipal Airport as "lat. 31°11'10" N., long. 81°28'50" W.".

Because of this request and the verification of the geographic coordinate, it is necessary to alter the control zones accordingly.

In the interest of safety, the exclusion pertaining to Brunswick Municipal Airport will be slightly reduced in comparative area in order to provide controlled airspace protection for minimum radar separation standards being provided for aircraft executing approaches to Runway 7.

Since these amendments either lessen the burden on the public or are editorial in nature, notice and public procedure hereon are unnecessary and action is taken herein to alter the descriptions accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (33 F.R. 2058), the Brunswick, Ga. (NAS Glynco), and Brunswick, Ga. (Malcolm-McKinnon Airport), control zones are amended as follows:

In the Brunswick, Ga. (NAS Glynco), control zone "* * * and within a 1½-mile radius of the Brunswick Municipal Airport (lat. 31°11'00" N., long. 81°-29'00" W.) * * *." is deleted and "* * * excluding the portion south of a line 3.5 miles south of and parallel to the NAS Glynco Runway 7 centerline extended and the portion within a 1.5-mile radius of Brunswick Municipal Airport (lat. 31°-11'10" N., long. 81°28'50" W.) * * *." is substituted therefor.

In the Brunswick, Ga. (Malcolm-McKinnon Airport), control zone "* * * excluding the portion within the Brunswick, Ga. (NAS Glynco), control zone * * *." is deleted and "* * * excluding the portion within the Brunswick, Ga. (NAS Glynco), control zone and the portion within a 1.5-mile radius of Brunswick Municipal Airport (lat. 31°11'10" N., long. 81°28'50" W.) * * *." is substituted therefor.

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

Issued in East Point, Ga., on July 15, 1968.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 68-8842; Filed, July 24, 1968; 8:46 a.m.]

[Airspace Docket No. 68-CE-37]

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

Alteration of Control Zone and Transition Area

On pages 7258 and 7259 of the FEDERAL REGISTER dated May 16, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Bozeman, Mont.

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

No objections have been received and the proposed amendments are hereby adopted without change and are set forth below.

These amendments shall be effective 0901 G.m.t., September 19, 1968.

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

Issued in Kansas City, Mo., on July 11, 1968.

EDWARD C. MARSH,
Director, Central Region.

(1) In § 71.171 (33 F.R. 2058), the following control zone is amended to read:

BOZEMAN, MONT.

Within a 5-mile radius of Gallatin Field (latitude 45°46'50" N., longitude 111°09'20" W.); within 2 miles each side of the Bozeman VOR 308° radial, extending from the 5-mile radius zone to 8 miles northwest of the VOR; and within 2 miles each side of the 308° bearing from the Bozeman RBN, extending from the 5-mile radius zone to 8 miles northwest of the RBN.

(2) In § 71.181 (33 F.R. 2137), the following transition area is amended to read:

BOZEMAN, MONT.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Gallatin Field (latitude 45°46'50" N., longitude 111°09'20" W.); and that airspace extending upward from 1,200 feet above the surface within 9 miles southwest and 5 miles northeast of the Bozeman VOR 308° radial, extending from the VOR to 13 miles northwest of the VOR.

[F.R. Doc. 68-8843; Filed, July 24, 1968; 8:46 a.m.]

[Airspace Docket No. 68-CE-3]

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

Alteration of Control Zone and Transition Area

On page 7726 of the FEDERAL REGISTER dated May 25, 1968, the Federal Aviation Administration published a supplemental notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Champaign, Ill.

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

No objections have been received and the proposed amendments are hereby adopted without change and are set forth below.

These amendments shall be effective 0901 G.m.t., September 19, 1968.

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

Issued in Kansas City, Mo., on July 12, 1968.

EDWARD C. MARSH,
Director, Central Region.

(1) In § 71.171 (33 F.R. 2058), the following control zone is amended to read:

CHAMPAIGN, ILL.

Within a 5-mile radius of the University of Illinois-Willard Airport (latitude 40°02'25" N., longitude 88°16'35" W.); within 2 miles each side of the Champaign VORTAC 030°, 123°, 237°, and 328° radials, extending from the 5-mile radius zone to 12 miles northeast, southeast, southwest, and northwest of the VORTAC; and within 2 miles each side of the University of Illinois-Willard Airport ILS localizer southeast course, extending from the 5-mile radius zone to the OM.

(2) In § 71.181 (33 F.R. 2137), the following transition area is amended to read:

CHAMPAIGN, ILL.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the University of Illinois-Willard Airport (latitude 40°02'25" N., longitude 88°16'35" W.); and within 8 miles southeast and 5 miles northwest of the Champaign VORTAC 030° radial extending from the VORTAC to 12 miles northeast of the VORTAC excluding the portion which overlies the Rantoul, Ill., transition area extending upward from 700 feet above the surface.

[F.R. Doc. 68-8844; Filed, July 24, 1968; 8:46 a.m.]

[Airspace Docket No. 68-CE-40]

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

Alteration of Control Zone and Transition Area

On pages 7581 and 7582 of the FEDERAL REGISTER dated May 22, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations

so as to alter the control zone and transition area at Devils Lake, N. Dak.

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

No objections have been received and the proposed amendments are hereby adopted without change and are set forth below.

These amendments shall be effective 0901 G.t.m., September 19, 1968.

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

Issued in Kansas City, Mo., on July 12, 1968.

EDWARD C. MARSH,
Director, Central Region.

(1) In § 71.171 (33 F.R. 2058), the following control zone is amended to read:

DEVILS LAKE, N. DAK.

Within a 5-mile radius of Devils Lake Municipal Airport (latitude 48°06'50" N., longitude 98°54'30" W.); within 2 miles each side of the Devils Lake VOR 134° radial, extending from the 5-mile radius zone to 10½ miles southeast of the VOR; within 2 miles each side of the Devils Lake VOR 324° radial, extending from the 5-mile radius zone to 10½ miles northwest of the VOR; and within 2 miles each side of the 026° bearing from Devils Lake Municipal Airport, extending from the 5-mile radius zone to 8 miles northeast of the airport. 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.

(2) In § 71.181 (33 F.R. 2137), the following transition area is amended to read:

DEVILS LAKE, N. DAK.

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the Devils Lake VOR; and that airspace extending upward from 1,200 feet above the surface within a 17-mile radius of the Devils Lake VOR, extending from a line 5 miles north of and parallel to the Devils Lake VOR 097° radial clockwise to a line 5 miles northeast of and parallel to the Devils Lake VOR 324° radial.

[F.R. Doc. 68-8845; Filed, July 24, 1968; 8:46 a.m.]

[Airspace Docket No. 68-CE-36]

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

Alteration of Transition Area

On page 7329 of the FEDERAL REGISTER dated May 17, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at St. Joseph, Mo.

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

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., September 19, 1968.

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

Issued in Kansas City, Mo., on July 11, 1968.

EDWARD C. MARSH,
Director, Central Region.

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

ST. JOSEPH, MO.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Rosecrans Memorial Airport (latitude 39°46'25" N., longitude 94°54'45" W.); and within 5 miles east and 8 miles west of the St. Joseph ILS localizer south course, extending from the 8-mile radius area to 12 miles south of the OM; that airspace extending upward from 1,200 feet above the surface bounded by a line starting at the intersection of the southeast edge of V-77 and the west edge of V-13; thence south along the west edge of V-13 to latitude 39°42'20" N., longitude 94°29'00" W.; thence to latitude 39°44'00" N., longitude 94°43'20" W.; to latitude 39°30'00" N., longitude 94°49'00" W.; thence west along latitude 39°30'00" N., to the southwest edge of V-71; thence northwest along the southwest edge of V-71 to the west edge of V-77; thence north along the west boundary of V-77 to the northeast edge of V-71; thence northwest along the northeast edge of V-71; to the south edge of V-50 thence to latitude 40°00'35" N., longitude 95°32'30" W.; thence to latitude 40°09'00" N., longitude 95°30'00" W.; thence to latitude 40°05'40" N., longitude 95°02'25" W., thence clockwise via the arc of a 14-mile radius circle centered on the St. Joseph VOR to the southeast edge of V-77; thence northeast along the southeast edge of V-77 to the point of beginning; and that airspace extending upward from 4,500 feet MSL in the vicinity of St. Joseph bounded by V-13 on the west, V-161 on the east and V-50 on the south; within the area bounded on the west by V-13, on the north by V-50, on the east by V-161 and on the south by a direct line from latitude 39°39'30" N., longitude 94°07'40" W. to latitude 39°40'45" N., longitude 94°18'35" W.; within the area bounded on the north by V-216, on the east by V-15 and on the southwest by a line starting at the intersection of the south edge of V-216 and the north edge of V-50, to the intersection of the north edge of V-50 and a line from latitude 40°00'35" N., longitude 95°32'30" W. to latitude 40°09'00" N.; longitude 95°30'00" W.; thence direct to latitude 40°09'00" N., longitude 95°30'00" W., to latitude 40°05'40" N., longitude 95°02'25" W., thence clockwise along the arc of a 14-mile radius circle centered on the St. Joseph VOR to its intersection with the west edge of V-15; and the area bounded on the southwest by V-15, on the north by V-216, on the southeast by V-77 and on the south by the arc of a 14-mile radius circle centered on the St. Joseph VOR.

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

[F.R. Doc. 68-8846; Filed, July 24, 1968; 8:46 a.m.]

[Airspace Docket No. 68-CE-22]

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

Alteration of Transition Area

On page 7727 of the FEDERAL REGISTER dated May 25, 1968, the Federal Aviation Administration published a supplemental notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Billings, Mont.

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

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., September 19, 1968.

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

Issued in Kansas City, Mo., on July 12, 1968.

EDWARD C. MARSH,
Director, Central Region.

BILLINGS, MONT.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Logan Field (latitude 45°48'25" N., longitude 108°31'55" W.); within a 12-mile radius of Billings VORTAC, extending from a line 5 miles southeast of and parallel to the Billings VORTAC 212° radial clockwise to the Billings VORTAC 347° radial; and within 2 miles each side of the Billings ILS localizer east course, extending from the 8-mile radius area to 8 miles east of the Billings RBN; that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of Billings VORTAC, extending from the south edge of V-2 west of Billings clockwise to the southwest edge of V-19 southeast of Billings; within 10 miles southwest and 7 miles northeast of the Billings VORTAC 301° radial, extending from the 25-mile radius area to 49 miles northwest of the VORTAC; within 10 miles southwest and 7 miles northeast of the Billings VORTAC 317° radial, extending from the 25-mile radius area to 45 miles northwest of the VORTAC; within 10 miles west and 7 miles east of the Billings VORTAC 347° radial, extending from the 25-mile radius area to 42 miles north of the VORTAC; within 10 miles north and 8 miles south of the Billings VORTAC 096° radial, extending from the 25-mile radius area to 38 miles east of the VORTAC; and the area southeast of Billings bounded on the northeast by V-86, on the south by latitude 45°20'00" N., and on the west by V-187; that airspace extending upward from 7,700 feet MSL within 8 miles each side of the Billings VORTAC 096° radial, extending from 38 to 99 miles east of the VORTAC; and the area northwest of Billings bounded on the northeast by V-187, on the southwest by V2-N, and on the northwest by the Lewistown, Mont., VORTAC 195° radial; and that airspace extending upward from 7,000 feet MSL within 7 miles north and 10 miles south of the Billings VORTAC 266° radial, extending from 6 to 43 miles west of the VORTAC.

[F.R. Doc. 68-8847; Filed, July 24, 1968; 8:46 a.m.]

[Airspace Docket No. 68-CE-30]

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

Alteration of Transition Area

On pages 7259 and 7260 of the FEDERAL REGISTER dated May 16, 1968, the Federal Aviation Administration published a notice of proposed rule making which

would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Reed City, Mich.

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

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following changes: The Miller Airport coordinates recited in the Reed City, Mich., transition area alteration as "latitude 43°53'-30'' N. and longitude 85°31'00'' W." are changed to read "latitude 43°54'05'' N., longitude 85°31'05'' W.".

This amendment shall be effective 0901 G.m.t., September 19, 1968.

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

Issued in Kansas City, Mo., on July 12, 1968.

EDWARD C. MARSH,
Director, Central Region.

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

REED CITY, MICH.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Miller Airport (latitude 43°54'05'' N., longitude 85°31'05'' W.); within 5 miles east and 8 miles west of the 352° bearing from Miller Airport, extending from the airport to 16 miles north of the airport; and within 5 miles east and 8 miles west of the 003° bearing from Miller Airport, extending from the airport to 12 miles north of the airport.

[F.R. Doc. 68-8848; Filed, July 24, 1968; 8:47 a.m.]

[Airspace Docket No. 68-CE-31]

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

Alteration of Transition Area

On page 7258 of the FEDERAL REGISTER dated May 16, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Burlington, Iowa.

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

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change: The coordinates recited in the Burlington, Iowa, Municipal Airport transition area alteration as "latitude 40°47'05'' N., longitude 91°07'25'' W." are changed to read "latitude 40°46'55'' N., longitude 91°07'40'' W.".

This amendment shall be effective 0901 G.m.t., September 19, 1968.

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

Issued in Kansas City, Mo., on July 12, 1968.

EDWARD C. MARSH,
Director, Central Region.

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

BURLINGTON, IOWA

That airspace extending upward from 700 feet above the surface within 2 miles each side of the 185° bearing from the Burlington Municipal Airport latitude 40°46'55'' N., longitude 91°07'40'' W.), extending from the arc of a 5-mile radius circle centered on Burlington Municipal Airport to 7.5 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 41°-10'00'' N., longitude 91°00'00'' W.; to latitude 41°10'00'' N., longitude 90°00'00'' W.; thence south to latitude 40°35'20'' N., longitude 90°-00'00'' W., thence west via latitude 40°35'20'' N., to a line 8 miles east of and parallel to the 185° bearing from Burlington Municipal Airport; thence to latitude 40°30'00'' N., longitude 91°00'00'' W.; thence to latitude 40°-31'00'' N., longitude 91°15'00'' W.; thence to latitude 40°36'00'' N., longitude 91°14'30'' W., thence clockwise along the arc of a 14-mile radius circle centered on the Burlington Municipal Airport to longitude 91°00'00'' W., thence to the point of beginning.

[F.R. Doc. 68-8849; Filed, July 24, 1968; 8:47 a.m.]

[Airspace Docket No. 68-CE-41]

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

Designation of Transition Area

On page 7330 of the FEDERAL REGISTER dated May 17, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Montevideo, Minn.

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

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., September 19, 1968.

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

Issued in Kansas City, Mo., on July 11, 1968.

EDWARD C. MARSH,
Director, Central Region.

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

MONTEVIDEO, MINN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Montevideo Municipal Airport (latitude 44°58'15'' N., longitude 95°42'40'' W.); and within 2 miles each side of the 326° bearing from Montevideo Municipal Airport, extending from the 5-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the 326° bearing from Montevideo Municipal Airport, extending from the airport to 12 miles northwest of the airport; and within 5 miles each side of the 138° bearing from Montevideo Municipal Airport, extending from the airport to 12 miles southeast of the airport; excluding the portion which overlies the Madison, Minn., transition area.

[F.R. Doc. 68-8850; Filed, July 24, 1968; 8:47 a.m.]

[Airspace Docket No. 68-CE-42]

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

Designation of Transition Area

On page 7260 of the FEDERAL REGISTER dated May 16, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Jackson, Minn.

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

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., September 19, 1968.

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

Issued in Kansas City, Mo., on July 11, 1968.

EDWARD C. MARSH,
Director, Central Region.

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

JACKSON, MINN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jackson Municipal Airport (latitude 43°-39'00'' N., longitude 94°59'10'' W.); and within 2 miles each side of the 327° bearing from Jackson Municipal Airport, extending from the 5-mile radius area to 8 miles northeast of the 327° bearing from Jackson extending upward from 1,200 feet above the surface within 8 miles southwest and 5 miles northeast of the 327° bearing from Jackson Municipal Airport, extending from the airport to 12 miles northwest of the airport; and within 5 miles each side of the 147° bearing from Jackson Municipal Airport, extending from the airport to 12 miles southeast of the airport.

[F.R. Doc. 68-8851; Filed, July 24, 1968; 8:47 a.m.]

[Airspace Docket No. 68-CE-25]

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

Designation of Transition Area

On pages 6374 and 6375 of the FEDERAL REGISTER dated April 26, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Fort Madison, Iowa.

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

No objections have been received and the amendment as so proposed is hereby

adopted, subject to the following changes: The coordinates recited in the Fort Madison, Iowa, Municipal Airport transition area designation as "latitude 40°39'00" N., longitude 91°19'20" W." are changed to read "latitude 40°39'30" N., longitude 91°19'30" W.".

This amendment shall be effective 0901 G.m.t., September 19, 1968.

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

Issued in Kansas City, Mo., on July 12, 1968.

EDWARD C. MARSH,
Director, Central Region.

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

FORT MADISON, IOWA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fort Madison Municipal Airport (latitude 40°39'30" N., longitude 91°19'30" W.); and within 2 miles each side of the Burlington, Iowa VORTAC 258° radial, extending from the 5-mile radius area to 12 miles west of the VORTAC excluding the portion which overlies the Burlington, Iowa, transition area.

[F.R. Doc. 68-8852; Filed, July 24, 1968; 8:47 a.m.]

[Airspace Docket No. 68-CE-38]

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

Designation of Transition Area

On page 7260 of the FEDERAL REGISTER dated May 16, 1968, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Carroll, Iowa.

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

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change: The Arthur N. Neu Airport coordinates recited in the Carroll, Iowa, transition area designation as "latitude 42°02'30" N., longitude 94°47'15" W." are changed to read "latitude 42°02'50" N., longitude 94°47'20" W."

This amendment shall be effective 0901 G.m.t., September 19, 1968.

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

Issued in Kansas City, Mo., on July 12, 1968.

EDWARD C. MARSH,
Director, Central Region.

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

CARROLL, IOWA

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Arthur N. Neu Airport (latitude 42°02'50" N., longitude 94°47'02" W.); and within 2 miles each side of the 143° bearing from Arthur N. Neu Airport, extending from the 6-mile radius area to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles southwest and 8 miles northeast of the 143° and 323° bearings from Arthur N. Neu Airport, extending from 5 miles northwest to 12 miles southeast of the airport.

[F.R. Doc. 68-8853; Filed, July 24, 1968; 8:47 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9023; Amdt. 95-169]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, 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 consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective August 22, 1968, as follows:

1. By amending Subpart C as follows:

From, To, and MEA

Section 95.1001 *Direct routes—United States* is amended to delete:

Priest, Calif., VOR; Salinas, Calif., VOR 6,000.

Section 95.1001 *Direct routes—United States* is amended by adding:

Dothan, Ala., VOR via DHN 050°/EUF 179°, Eufaula, Ala., VOR; *2,000. *1,700—MOCA.

*Gunnison, Colo., VORTAC; Jerome Int, Colo.; **17,000. *12,900—MCA Gunnison VORTAC northbound. **16,300—MOCA.

Jerome Int, Colo.; *Kremmling, Colo., VORTAC; **17,000. *12,500—MCA Kremmling, Colo. VORTAC. **14,000—MOCA.

Saufley, Fla., VOR; Spencer INT, Fla.; *2,000. *1,400—MOCA.

Section 95.6002 *VOR Federal airway 2* is amended to read in part:

*Spokane, Wash., VOR via N alter.; Int. 052° M rad, Spokane VOR and 271° M rad, Mullan Pass VOR via N alter., eastbound, **9,000; westbound, **8,000. *5,200—MCA Spokane, eastbound. **7,200—MOCA.

Int, 052° M rad, Spokane VOR and 271° M rad, Mullan Pass VOR via N alter.; Mullan Pass, Idaho, VOR via N alter.; *9,000, *8,800—MOCA.

Section 95.6003 *VOR Federal airway 3* is amended to read in part:

Raleigh-Durham, N.C., VOR; Chase City INT, Va.; *3,000. *1,700—MOCA.

From, To, and MEA

Section 95.6005 *VOR Federal airway 5* is amended to read in part:

Cartersville INT, Ga., via W alter.; Sale Creek INT, Ga., via W alter.; *4,500. *4,000—MOCA.

Sale Creek INT, Ga., via W alter.; Chattanooga, Tenn., VOR via W alter.; 3,000.

Section 95.6008 *VOR Federal airway 8* is amended to read in part:

*Hankville, Utah, VOR via S alter.; Grand Junction, Colo., VOR via S alter.; 10,700. *11,000—MCA Hanksville VOR, southwestbound.

Section 95.6009 *VOR Federal airway 9* is amended to read in part:

Marquette, Mich., VOR via E alter.; Houghton, Mich., VOR via E alter.; *3,300. *2,800—MOCA.

Section 95.6017 *VOR Federal airway 17* is amended to read in part:

Mission INT, Tex., *Buda INT, Tex.; **3,000. *3,500—MRA. **2,600—MOCA.

Blanco INT, Tex., via W alter.; *Cedar Valley INT, Tex., via W alter.; **3,200. *3,500—MRA. **2,700—MOCA.

San Antonio, Tex., VOR via E alter.; *Riverside INT, Tex., via E alter.; 3,000. *4,000—MRA.

Riverside INT, Tex., via E alter.; Austin, Tex., VOR via E alter.; 3,000.

Section 95.6018 *VOR Federal airway 18* is amended to read in part:

Barnett INT, Miss.; *Cone INT, Miss.; **2,300. *3,000—MRA. **1,700—MOCA.

Cone INT, Miss.; Meridian, Miss., VOR; *2,300. *1,700—MOCA.

Section 95.6020 *VOR Federal airway 20* is amended to delete:

Mobile, Ala., VOR via N alter.; Int, 028° M rad, Mobile VOR and 246° M rad, Monroeville VOR via N alter.; *2,000. *1,700—MOCA.

Int, 028° M rad, Mobile VOR and 246° M rad, Monroeville VOR via N alter.; Monroeville, Ala., VOR via N alter.; *2,100. *1,700—MOCA.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

Beaumont, Tex., VOR via N alter.; Orange INT, Tex., via N alter.; 1,500.

Section 95.6026 *VOR Federal airway 26* is amended to read in part:

Huron, S. Dak., VOR via S alter.; Redwood Falls, Minn., VOR via S alter.; *5,000. *3,400—MOCA.

Section 95.6035 *VOR Federal airway 35* is amended to read in part:

Cleveland INT, S.C.; Tuxedo INT, N.C.; *5,000. *4,400—MOCA.

Tuxedo INT, N.C.; Asheville, N.C., VOR; 6,000.

Section 95.6050 *VOR Federal airway 50* is amended to read in part:

Indianapolis, Ind., VOR; Dayton, Ohio, VOR; 3,000.

Section 95.6063 *VOR Federal airway 63* is amended to read in part:

Cordova, Ill., VOR; Thomson INT, Ill.; *2,600. *2,100—MOCA.

From, To, and MEA

Section 95.6072 *VOR Federal airway 72* is amended to read in part:

Maples, Mo., VOR; Delmar INT, Mo.; *3,000. *2,500—MOCA.

Delmar INT, Mo.; Imperial INT, Mo.; *3,000. *2,200—MOCA.

Section 95.6076 *VOR Federal airway 76* is amended to read in part:

Austin, Tex., VOR; *Butler INT, Tex.; **2,200. *3,000—MRA. **2,100—MOCA.

Section 95.6088 *VOR Federal airway 88* is amended to read in part:

Vichy, Mo., VOR; Delmar INT, Mo.; *3,000. *2,200—MOCA.

Delmar INT, Mo.; Crystal City INT, Mo.; *3,500. *1,900—MOCA.

Section 95.6101 *VOR Federal airway 101* is amended by adding:

Vernal, Utah, VOR; *Neola INT, Utah; 10,000. *12,000—MCA Neola INT, westbound.

Neola INT, Utah; Salt Lake City, Utah, VOR; 15,000.

Salt Lake City, Utah, VOR; Ogden, Utah, VOR; 7,200.

Section 95.6106 *VOR Federal airway 106* is amended to read in part:

Johnstown, Pa., VOR; Huntingdon INT, Pa.; 5,000.

Huntingdon INT, Pa.; Reedsville INT, Pa.; 5,500.

Section 95.6112 *VOR Federal airway 112* is amended by adding:

Spokane, Wash., VOR; Diamond INT, Wash., northeastbound, *11,000; southwestbound, *6,000. *5,500—MOCA.

Diamond INT, Wash.; United States-Canadian border; *11,000. *9,700—MOCA.

Section 95.6115 *VOR Federal airway 115* is amended to read in part:

Blaine INT, Tenn.; Powder Springs INT, Tenn.; 4,000.

Powder Springs INT, Tenn.; Rose Hill INT, Va.; 5,400.

Section 95.6119 *VOR Federal airway 119* is amended to read in part:

Henderson, W. Va., VOR; *Plains INT, W. Va.; 2,700. *3,500—MRA.

Plains INT, W. Va.; Parkersburg, W. Va., VOR; 2,700.

Section 95.6121 *VOR Federal airway 121* is amended by adding:

*Eugene, Oreg., VOR; Mohawk, INT, Oreg., northeastbound, 10,000; southwestbound, 5,200. *4,700—MCA Eugene VOR, northeastbound.

Mohawk INT, Oreg., Redmond, Oreg., VOR; *10,000. *9,800—MOCA.

Section 95.6133 *VOR Federal airway 133* is amended to read in part:

Marquette, Mich, VOR; Houghton, Mich., VOR; *3,300. *2,800—MOCA.

Hickory, N.C., VOR; Jefferson INT, N.C.; 5,000.

Jefferson INT, N.C.; Sugar Grove INT, Va.; 7,000.

Section 95.6137 *VOR Federal airway 137* is amended by adding:

Gorman, Calif., VOR; *Taft INT, Calif.; 10,000. *9,000—MCA Taft INT, southeastbound.

Taft INT, Calif.; Avenal, Calif., VOR; southeastbound, 5,500; northwestbound, 4,500.

From, To, and MEA

Avenal, Calif., VOR; Priest, Calif., VOR; 6,500.

Priest, Calif., VOR; Salinas, Calif., VOR; 6,000.

Section 95.6137 *VOR Federal airway 137* is amended to delete:

*Gorman, Calif., VOR; Ranger INT; Calif.; 11,000. *9,500—MCA Gorman VOR, westbound.

Ranger INT, Calif.; Fellows, Calif., VOR westbound, 7,000. Eastbound, 11,000.

Fellows, Calif., VOR; *San Luis Obispo, Calif., VOR; **7,000. *6,000—MCA San Luis Obispo VOR, Eastbound. **6,400—MOCA.

Section 95.6169 *VOR Federal airway 169* is amended to read in part:

Chadron, Nebr., VOR; Wayside INT, Nebr.; 6,600.

Wayside INT, Nebr., *Custer INT, Ill.; *6,600. *5,600—MOCA.

Section 95.6177 *VOR Federal airway 177* is amended to delete:

Janesville, Wis., VOR; Kokey INT, Wis.; *2,800. *2,100—MOCA.

Kokey INT, Wis.; Dells, Wis., VOR; 3,300.

Dells, Wis., VOR; Stevens Point, Wis., VOR; *3,000. *2,400—MOCA.

Section 95.6177 *VOR Federal airway 177* is amended by adding:

Janesville, Wis., VOR; Truax, Wis., VOR; *2,800. *2,100—MOCA.

Truax, Wis., VOR; Stevens Point, Wis., VOR; *3,000. *2,500—MOCA.

Truax, Wis., VOR via W alter.; Dells, Wis., VOR via Walter; 3,300.

Dells, Wis., VOR via W alter.; Stevens Point, Wis., VOR via W alter.; *3,000. *2,400—MOCA.

Section 95.6183 *VOR Federal airway 183* is amended to read in part:

*Santa Barbara, Calif., VOR; **Taft INT, Calif.; 9,000. *7,500—MCA Santa Barbara VOR, northbound. **6,000—MCA Taft INT, southbound.

Taft INT, Calif.; *Maricopa INT, Calif.; **6,000. *5,000—MCA Maricopa INT, southbound. **4,500—MOCA.

Maricopa INT, Calif.; Bakersfield, Calif., VOR; 3,000.

Section 95.6187 *VOR Federal airway 187* is amended to delete:

Farmington, N. Mex., VOR; Cortez, Colo., VOR; 10,600.

Cortez, Colo., VOR; Dove Creek, Colo., VOR; 9,800.

Dove Creek, Colo., VOR; Grand Junction, Colo., VOR; *12,000. *11,700—MOCA.

Section 95.6187 *VOR Federal airway 187* is amended by adding:

Farmington, N. Mex., VOR; Red Mesa INT, Colo.; 9,000. *12,000—MCA Mancos INT, northbound.

Red Mesa INT, Colo.; *Mancos INT, Colo; 10,800. *12,000—MCA Mancos INT, northbound.

Mancos INT, Colo.; Nucla INT, Colo.; *15,000. *13,700—MOCA.

Nucla INT, Colo.; *Grand Junction, Colo., VOR; **12,000. *10,400—MCA Grand Junction, southbound. **11,900—MOCA.

Farmington, N. Mex., VOR via W alter.; Cortez, Colo., VOR via W alter.; 10,600.

Cortez, Colo., VOR via W alter.; Dove Creek, Colo., VOR via W alter.; 9,800.

Dove Creek, Colo., VOR via W alter.; Grand Junction, Colo., VOR via W alter.; *12,000. *11,700—MOCA.

From, To, and MEA

Section 95.6213 *VOR Federal airway 213* is amended to read in part:

Rocky Mount, N.C., VOR; Mason INT., Va.; *2,000. *1,500—MOCA.

Mason INT., Va.; Hopewell, Va., VOR; 2,000.

Section 95.6218 *VOR Federal airway 218* is amended by adding:

Fairmont, Minn., VOR; Rochester, Minn., VOR; *3,100. *2,700—MOCA.

Section 95.6222 *VOR Federal airway 222* is amended to delete:

Industry, Tex., VOR; Cypress INT., Tex.; *2,500. *1,600—MOCA.

Cypress INT., Tex.; *Crosby INT., Tex.; **6,000. *2,000—MRA. **1,600—MOCA.

Crosby INT, Tex.; Fannett INT, Tex.; *2,000. *1,300—MOCA.

Fannett INT, Tex.; Beaumont, Tex., VOR; *2,000. *1,400—MOCA.

Cypress INT, Tex., via N alter.; Daisetta, Tex., VOR via N alter.; *3,000. *1,600—MOCA.

Section 95.6222 *VOR Federal airway 222* is amended by adding:

Industry, Tex., VOR; Sealy INT, Tex.; *2,000. *1,700—MOCA.

Sealy INT, Tex.; Houston, Tex., VOR; *2,000. *1,800—MOCA.

Houston, Tex., VOR; Fry INT, Tex.; 1,600.

Fry INT, Tex.; Beaumont, Tex., VOR; *1,600. *1,300—MOCA.

Houston, Tex., VOR via N alter.; *Crosby INT, Tex., via N alter.; 1,600. *2,000—MRA.

Crosby INT, Tex., via N alter.; Daisetta, Tex., VOR via N alter.; *1,800. *1,300—MOCA.

Section 95.6243 *VOR Federal airway 243* is amended to read in part:

Cartersville INT, Ga.; Sale Creek INT, Ga.; *4,500. *4,000—MOCA.

Sale Creek INT, Ga.; Chattanooga, Tenn., VOR; 3,000.

Section 95.6244 *VOR Federal airway 244* is amended to read in part:

Hanksville, Utah, VOR; *Moab Int, Utah; **10,700. *13,500—MCA Moab Int, eastbound. **8,500—MOCA.

Moab INT, Utah; Paradox INT, Colo.; 15,000.

*Paradox INT, Colo.; Nadine INT, Colo.; 12,000. *13,200—MCA Paradox INT, westbound.

*Nadine INT, Colo.; Montrose, Colo., VOR; 11,000. *12,000—MCA Nadine INT, westbound.

Montrose, Colo., VOR; Gunnison, Colo., VOR; 12,400.

Section 95.6289 *VOR Federal airway 289* is amended to read in part:

Texarkana, Ark., VOR; *Umpire INT, Ark.; 2,500. *3,500—MCA Umpire INT, northbound.

Umpire INT, Ark.; *Abbott INT, Ark.; **4,500. *3,000—MCA Abbott INT, southbound. **3,800—MOCA.

Abbott INT, Ark.; Fort Smith, Ark., VOR; *2,500. *2,000—MOCA.

Section 95.6297 *VOR Federal airway 297* is amended to read in part:

Strongville, Ohio, VOR; United States-Canadian border; *3,000. *2,200—MOCA.

Section 95.6300 *VOR Federal airway 300* is amended to delete:

United States-Canadian border; Whitefish, Mich., VOR; *6,500. *2,800—MOCA.

Whitefish, Mich., VOR; Sault Ste. Marie, Mich., VOR; 2,300.

Whitefish, Mich., VOR via N alter.; Sault Ste. Marie, Mich., VOR via N alter.; 2,400.

From, To, and MEA

Section 95.6300 *VOR Federal airway 300* is amended by adding:

United States-Canadian border; Shelldrake DME Fix, Mich.; *10,000. *2,200—MOCA.
Shelldrake DEM Fix, Mich.; Sault Ste. Marie, Mich., VOR; *3,000. *2,300—MOCA.

Section 95.6316 *VOR Federal airway 316* is amended by adding:

United States-Canadian border; Houghton, Mich., VOR; *3,100. *2,500—MOCA.
Houghton, Mich., VOR; Marquette, Mich., VOR; *3,300. *2,800—MOCA.
Marquette, Mich., VOR; Train INT, Mich.; *3,000. *2,800—MOCA.
Train INT, Mich.; Emerson INT, Mich.; *5,500. *2,200—MOCA.
Emerson INT, Mich.; Sault Ste. Marie, Mich., VOR; *2,800. *2,100—MOCA.

Section 95.6328 *VOR Federal airway 328* is amended by adding:

Rock Springs, Wyo., VOR; Big Piney, Wyo., VOR; *10,000. *9,700—MOCA.
Big Piney, Wyo., VOR; *Jackson, Wyo., VOR; 13,500. *11,200—MCA Jackson VOR, southbound.

Section 95.6434 *VOR Federal airway 434* is amended to read in part:

Ottumwa, Iowa, VOR; Packwood INT, Iowa; *2,400. *2,200—MOCA.
Packwood INT, Iowa; Grandview INT, Iowa; *2,300. *2,000—MOCA.
Grandview INT, Iowa; Moline, Ill., VOR; *2,300. *2,100—MOCA.

Section 95.6448 *VOR Federal airway 448* is amended to read in part:

*Spokane, Wash., VOR; Range INT, Idaho, eastbound, **9,000; westbound, **8,000. *5,200—MCA Spokane, eastbound. **7,200—MOCA.
Range INT, Idaho; Kalispell, Mont., VOR; *11,500. *9,600—MOCA.

Section 95.6462 *VOR Federal airway 462* is deleted.

Section 95.6470 *VOR Federal airway 470* is deleted.

Section 95.6484 *VOR Federal airway 484* is amended to read in part:

Grand Junction, Colo., VOR; Montrose, Colo., VOR; 10,500.
Montrose, Colo., VOR; Gunnison, Colo., VOR; 12,400.

Section 95.6536 *VOR Federal airway 536* is amended by adding:

*Corvallis, Oreg., VOR; Lebanon INT, Oreg., eastbound, 10,000; westbound, 4,100. *4,800—MCA Corvallis VOR, eastbound.
*Lebanon INT, Oreg.; Holly INT, Oreg., eastbound, 10,000; westbound, 4,100. *6,700—MCA Lebanon INT, eastbound.
Holly INT, Oreg.; Redmond, Oreg., VOR; *10,000. *9,800—MOCA.

Section 95.7004 *Jet route No. 4* is amended to read in part:

From, To, MEA, and MAA

Blythe, Calif., VORTAC; Gila Bend, Ariz., VORTAC; 18,000; 45,000.

Section 95.7006 *Jet route No. 6* is amended to read in part:

Little Rock, Ark., VORTAC; Bowling Green, Ky., VORTAC; #18,000; 45,000. #MEA is established with a gap in navigation signal coverage.
Bowling Green, Ky., VORTAC; Charleston, W. Va., VORTAC; 18,000; 45,000.

From, to, MEA, and MAA

Section 95.7009 *Jet route No. 9* is amended to read in part:

Salt Lake City, Utah, VORTAC; Dubois, Idaho, VORTAC; 18,000; 45,000.

Section 95.7045 *Jet route No. 45* is amended by adding:

Des Moines, Iowa, VORTAC; Sioux Falls, S. Dak., VORTAC; 18,000; 45,000.
Sioux Falls, S. Dak., VORTAC; Aberdeen, S. Dak., VORTAC; 18,000; 45,000.

Section 95.7063 *Jet route No. 63* is amended by adding:

Tuna INT, N.Y.; Kennedy, N.Y., VORTAC; 18,000; 45,000.

Section 95.7066 *Jet route No. 66* is amended by adding:

Little Rock, Ark., VORTAC; Memphis, Tenn., VORTAC; 18,000; 45,000.

Section 95.7151 *Jet route No. 151* is added to read:

Billings, Mont., VORTAC; Rapid City, S. Dak., VORTAC; #18,000; 45,000. #MEA is established with a gap in navigation signal coverage.
Rapid City, S. Dak., VORTAC; O'Neill, Nebr., VORTAC; 18,000; 45,000.
O'Neill, Nebr., VORTAC; Des Moines, Iowa, VORTAC; 18,000; 45,000.
Des Moines, Iowa, VORTAC; St. Louis, Mo., VORTAC; 18,000; 45,000.

Section 95.7153 *Jet route No. 153* is amended by adding:

Shat INT, Va.; Sea Isle, N.J., VORTAC; 18,000; 45,000.

Section 95.7548 *Jet route No. 548* is amended by adding:

Pullman, Mich., VORTAC; Sault Ste. Marie, Mich., VORTAC; 18,000; 45,000.

Section 95.7590 *Jet route No. 590* is amended by adding:

Sault St. Marie, Mich., VORTAC; Carlton, Mich., VORTAC; 18,000; 45,000.

2. By amending Subpart D as follows:

Section 95.8003 *VOR Federal airway changeover points:*

Airway segment: From, to—Changeover point: Distance; from

V–101 is amended by adding:
Vernal, Utah, VOR; Salt Lake City, Utah, VOR; 42; Salt Lake City.
V–113 is amended by adding:
San Luis Obispo, Calif., VOR; Paso Robles, Calif., VOR; 7; San Luis Obispo.
V–137 is amended to delete:
Fellows, Calif., VOR; San Luis Obispo, Calif., VOR; 19; Fellows.
V–137 is amended by adding:
Gorman, Calif., VOR; Avenal, Calif., VOR; 31; Gorman.
Spokane, Wash., VOR; Kalispell, Mont., VOR; 103; Spokane.
V–244 is amended to delete:
Hanksville, Utah, VOR; La Sal, Utah, VOR; 27; Hanksville.
V–300 is amended to delete:
Lakehead, Canada, VOR; Whitefish, Mich., VOR; 80; Whitefish.
V–300 is amended by adding:
United States-Canadian border; Sault Ste. Marie, Mich., VOR; 93; Sault Ste. Marie.
V–328 is amended by adding:
Big Piney, Wyo., VOR; Jackson, Wyo., VOR; 15; Jackson.
V–462 is amended to delete:
Houghton, Mich., VOR; Whitefish, Mich., VOR; 81; Houghton.

(Secs. 307, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510)

Issued in Washington, D.C., on July 15, 1968.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 68-8783; Filed, July 24, 1968; 8:45 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

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

2-Chloroallyl Diethyldithiocarbamate

A petition (PP 8F0644) was filed with the Food and Drug Administration by the Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, proposing the establishment of tolerances for negligible residues of the herbicide 2-chloroallyl diethyldithiocarbamate in or on the raw agricultural commodities broccoli, brussels sprouts, cabbage, cantaloups, cauliflower, celery, chicory, collards, corn (sweet and field), cucumbers, endive (escarole), hanover salad, kale, lettuce, lima beans, mustard greens, okra, potatoes, snap beans, soybeans, spinach, tomatoes, turnip greens, and watermelons at 0.2 part per million.

Subsequently the petitioner amended the petition to add bean vines, soybean forage and hay, and turnips, and to change corn (field and sweet) to corn fodder and forage, corn grain, and corn (kernels plus cobs with husks removed).

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

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerances established by this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner (21 CFR 2.120), Part 120 is amended as follows:

1. Section 120.3(e)(3) is amended by alphabetically inserting in the list of pesticides a new item, as follows:

§ 120.3 Tolerances for related pesticide chemicals.

* * * * *

(e) * * *

(3) * * *

2-Chloroallyl diethyldithiocarbamate.

* * * * *

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

§ 120.247 2-Chloroallyl diethyldithiocarbamate; tolerances for residues.

Tolerances are established for negligible residues of the herbicide 2-chloroallyl diethyldithiocarbamate in or on raw agricultural commodities bean vines, broccoli, brussels sprouts, cabbage, cantaloups, cauliflower, celery, chicory, collards, corn (kernels plus cob with husk removed), corn fodder and forage, corn grain, cucumbers, endive (escarole), hanover salad, kale, lettuce, lima beans, mustard greens, okra, potatoes, snap beans, soybeans, soybean forage and hay, spinach, tomatoes, turnip greens, turnips, and watermelons at 0.2 part per million.

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

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

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

Dated: July 16, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8899; Filed, July 24, 1968; 8:51 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

SYNTHETIC FLAVORING SUBSTANCE AND ADJUVANTS

The Commissioner of Food and Drugs, having evaluated data in petitions filed by Glidden-Durkee Division, SCM Corp., 900 Union Commerce Building, Cleveland, Ohio 44115 (FAP 8A2257), and The Coca-Cola Co. Foods Division (formerly Minute Maid Co.), Post Office Box 2711, Orlando, Fla. 32802 (FAP 8A2269), and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use in food of the synthetic flavoring substances specified below. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner (21 CFR 2.120), § 121.1164(b) is amended by alphabetically inserting in the list of substances new items, as follows:

§ 121.1164 Synthetic flavoring substances and adjuvants.

* * * * *

(b) * * *

Linalool oxide; *cis-* and *trans*-2-vinyl-2-methyl-5-(1' - hydroxy - 1' - methylethyl) tetrahydrofuran.

* * * * *

Methadienol; *p*-mentha-1,8(10)-dien-9-ol.
Methadienyl acetate; *p*-mentha-1,8(10)-dien-9-yl acetate.

* * * * *

Nootkatone; 5,6-dimethyl-8-isopropenyl-bicyclo[4,4,0]-dec-1-en-3-one.
Ocimene; *trans-β*-ocimene; 3,7-dimethyl-1,3,6-octatriene.

* * * * *

Perillaldehyde; 4-isopropenyl-1-cyclohexene-1-carboxaldehyde; *p*-mentha-1,8-dien-7-al.
Perillyl acetate; *p*-mentha-1,8-dien-7-yl acetate.

* * * * *

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

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

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

Dated: July 16, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8900; Filed, July 24, 1968; 8:51 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6964]

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

Allocation of Income and Deductions Among Taxpayers

In order to liberalize the rules with respect to the treatment under section 482 of the Internal Revenue Code (1954) of arrangements between related taxpayers for the sharing of the costs and risks of development of intangible property, subparagraph (4) of § 1.482-2(d) is amended to read as follows:

§ 1.482-2 Determination of taxable income in specific situations.

* * * * *

(d) *Transfer or use of intangible property.* * * *

(4) *Sharing of costs and risks.* Where a member of a group of controlled entities acquires an interest in intangible property as a participating party in a bona fide cost sharing arrangement with respect to the development of such intangible property, the district director shall not make allocations with respect to such acquisition except as may be appropriate to reflect each participant's arm's length share of the costs and risks of developing the property. A bona fide cost sharing arrangement is an agreement, in writing, between two or more members of a group of controlled entities providing for the sharing of the costs and risks of developing intangible property in return for a specified interest in the intangible property that may be produced. In order for the arrangement to qualify as a bona fide arrangement, it must reflect an effort in good faith by the participating members to bear their respective shares of all the costs and risks of development on an arm's length basis. In order for the sharing of costs and risk to be considered on an arm's length basis, the terms and conditions must be comparable to those which would have been adopted by unrelated parties similarly situated had they entered into such an arrangement. If an oral cost sharing arrangement, entered into prior to April 16, 1968, and continued in effect after that date, is otherwise in compliance with the standards prescribed in this subparagraph, it shall constitute a bona fide cost sharing arrangement if it is reduced to writing prior to January 1, 1969.

* * * * *

Because this Treasury decision merely liberalizes the rules with respect to the sharing of costs and risks of development of intangible property, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure

thereon under 5 U.S.C. 553(b), or subject to the effective date of limitation of 5 U.S.C. 553(d).

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

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

Approved: July 19, 1968.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 68-8880; Filed, July 24, 1968; 8:49 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order No. 399-68]

PART 45—STANDARDS OF CONDUCT

Reporting of Outside Interests

Under and by virtue of the authority vested in me by sections 509 and 510 of title 28 and section 301 of title 5, United States Code, § 45.735-22 of Part 45 of Chapter I of Title 28, Code of Federal Regulations, is amended as follows:

1. The introductory text of paragraph (a) is amended to read:

(a) Not later than 90 days after the effective date of this order, each employee occupying a position designated in paragraph (c) of this section shall submit to the head of his division, except that the Head, Executive Office for U.S. Marshals and the U.S. Marshals shall submit to the Deputy Attorney General, a statement on a form made available through the appropriate division administrative officers, setting forth the following information:

2. Paragraph (c)(2) is amended by adding the positions of "Head, Executive Office for U.S. Marshals" and "U.S. Marshals" to the list in subdivision (i), and by deleting these same positions from the list in subdivision (xv).

Dated: July 20, 1968.

RAMSEY CLARK,
Attorney General.

[F.R. Doc. 68-8876; Filed July 24, 1968; 8:49 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 742—CODE OF ETHICAL CONDUCT

Conflicts of Interest

In § 742.735-26 *Conflicts of interest* make the following amendments to make the Department's regulations regarding the holding of Stat or local offices by postal employees conform to those of the Civil Service Commission. These changes were approved by the Civil Service Commission on July 3, 1968.

Section 742.735-26(a)(4) is revised to clarify a cross reference and paragraph (c)(1)(vii) is deleted for clarification.

§ 742.735-26 Conflicts of interest.

(a) *Outside employment and other activities.* * * *

(4) An employee shall not engage in outside employment under a State or local government except in accordance with this Part 742 and section 744.34 of the Postal Manual.

* * * * *

NOTE: The corresponding Postal Manual section is 742.261d.

(c) *Political activity.* * * *
(1) *Permitted political activity.* * * *
(vii) [Deleted]

* * * * *

NOTE: The corresponding Postal Manual section is 742.263a(7).

As the foregoing amendments relate to a proprietary function of the Government and do not affect substantive rights public rule making procedures, advance notice, or a delayed effective date are unnecessary.

(5 U.S.C. 301, 39 U.S.C. 501; Executive Order 11222)

TIMOTHY J. MAY,
General Counsel.

JULY 22, 1968.

[F.R. Doc. 68-8904; Filed, July 24, 1968; 8:51 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

SUBCHAPTER C—MINERALS MANAGEMENT (3000)

[Circular 2245]

PART 3120—OIL AND GAS

Subpart 3120—Oil and Gas; General

ACREAGE LIMITATIONS

This amendment incorporates into the regulations the interpretation contained in Solicitor's Opinion M-36670 (71 I.D. 337, Sept. 17, 1964). That opinion clarified the provisions of 43 CFR 3120.1-2 as to acreage charged against an offeror in determining whether he has complied with acreage limitations imposed by statute. It held that an offeror is not chargeable with acreage embraced in an offer which is subject to drawing to determine priority; that once an offer has been succesfully drawn so that the offer has been given first priority, the acreage in that offer is included in the acreage charged to the offeror's account. This amendment also clarifies the regulations as to acreage under option, and as to "groups of applications" filed at the same time.

Since all of the amendments are clarifying in nature and place no additional restrictions upon the public, public comment thereon, and a delayed effective date, are determined to be unnecessary and not in the public interest. Therefore, these amendments shall take effect immediately upon publication in the FEDERAL REGISTER.

In § 3120.1-2, paragraph (e)(2) is amended to read as follows:

§ 3120.1-2 Acreage limitations.

* * * * *

(e) * * *

(2) Any person holding or controlling leases or interests in leases only, or applications or offers for leases only, or both leases or interest in leases and applications or offers or options or interests in options below the acreage limitation provided in this section, shall be subject to these rules:

(i) If he files an application or offer or option or interest in option which causes him to exceed the acreage limitation, that application or offer will be rejected.

(ii) For tracts not subject to the simultaneous filing procedures of § 3123.9, if he files a group of applications or options or offers or interests in options at the same time, any one of which causes him to exceed the acreage limitation, the entire group of applications, offers, options, or interests in options will be rejected.

(iii) If he files an offer for inclusion in the drawing procedures under § 3123.9, he shall be charged with the acreage thereof only if his offer is successfully drawn so that his offer has first priority. If that offer causes him to exceed the acreage limitation, the offer will be rejected. If he files at the same time a group of offers for tracts subject to the drawing procedures under § 3123.9, any offer which is successfully drawn after he reaches the acreage limitation shall be rejected.

(iv) An optionee is chargeable only for that acreage for which the optionor is chargeable.

STEWART L. UDALL,
Secretary of the Interior.

JULY 19, 1968.

[F.R. Doc. 68-8838; Filed, July 24, 1968; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 68-724]

PART 1—PRACTICE AND PROCEDURE

Discovery Procedures

1. The Commission has given further consideration to the recently adopted discovery procedures (FCC 68-18, 11 FCC 2d 185, 33 F.R. 460, Jan. 12, 1968), and has determined that they can be clarified and improved. Amendments to those procedures are set forth below and are discussed below.

2. Sections 1.315 and 1.316 have been amended to provide that a party who

has served a notice to take depositions may respond to a motion opposing the taking of depositions or to a motion to limit or suppress an interrogatory. Since the notice itself does not contain argument, the opportunity to respond is necessary to accord both parties to the dispute an opportunity to state their positions. These sections now also provide that additional pleadings will not be considered.

3. Under §§ 1.315 and 1.316, as amended, 7 days will be allowed for filing all responsive pleadings and interrogatories. In all but one case, this constitutes an increase in the pleading periods from 5 days to 7. In the case of opposition motions under § 1.315, the pleading period has been reduced from 10 days to 7. Under the amended rules, intermediate holidays are included in computing the number of days in which a responsive pleading is due, and additional time is not allowed in responding to a pleading served by mail. These principles were stated in paragraph 20 of the report and order adopting the discovery rules (FCC 68–18, supra), but were not then set out in the text of the rules. We appreciate that the filing periods are still brief but we expect them to be adequate. Counsel can often help make them so by making service by delivery rather than by mail or by notifying opposing counsel that a pleading is being filed.

4. Sections 1.315 and 1.316 have also been amended to clarify the situation where a motion opposing the taking of a deposition has not been acted on prior to the date for taking depositions specified in the notice. The amended rules provide that the depositions described in the notice shall not be taken until the presiding officer has acted on any opposition motion that has been filed. If in acting on such a motion the presiding officer authorizes the taking of depositions, he may specify a time, place, or officer for taking them different from that specified in the notice. Under §§ 1.315(c) and 1.316(e), as amended, the presiding officer may, on his own motion, issue a protective order at any time prior to the date specified in the notice for the taking of depositions.

5. Procedures in § 1.323 governing interrogatories to parties have been revised. The changes are based on a revision of Rule 33 of the Federal Rules of Civil Procedure proposed in November 1967 by the Committee on Rules of Practice and Procedure of the Judicial Conference of the United States. Under the new procedures, the party upon whom the interrogatories are served either answers or objects (with reasons) to each of them within 14 days. If the parties are satisfied with the information obtained, they will not pursue the matter further and any objections will not be ruled on. If any party is not satisfied with the information obtained, he may file a motion to compel an answer, which may be directed to an objection, a failure to answer, or to an evasive or incomplete answer. The presiding officer may order that an answer or an amended answer be served, may specify the scope and detail of the matters to be covered in an amended answer, and may specify any appropriate procedural consequences which will follow from failure to make a full and responsive answer. If a full and responsive answer is not then made, the presiding officer may then issue a second order invoking any of the procedural consequences specified. This second order is subject to appeal. The changes are designed to encourage parties to resolve discovery disputes informally among themselves rather than calling upon the presiding officer to resolve them, and to furnish the presiding officer, if he is called upon to resolve disputes, with such tools as he may need to require full and responsive answers.

6. Authority for the amendments set forth below is contained in sections 4 (i) and (j), 303(r), and 409 of the Communications Act of 1934, as amended, 47 U.S.C. 154 (i) and (j), 303(r), and 409. Because the amendments relate to matters of procedure, the procedural and effective date provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, are inapplicable. The amended procedures shall apply to proceedings under §§ 1.315, 1.316, and 1.323 in which notices to take depositions, or interrogatories, are served on or after July 25, 1968.

In view of the foregoing: *It is ordered*, Effective July 25, 1968, that the discovery procedures are amended as set forth below.

Adopted: July 17, 1968.

Released: July 22, 1968.

(Secs. 4, 303, 409, 48 Stat. as amended 1066, 1082, 1096; 47 U.S.C. 154, 303, 409)

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

Part I of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. In § 1.4, paragraph (g) is revised to read as follows:

§ 1.4 Computation of time.

* * * * *

(g) Where service of a document is required by statute or by the provisions of this chapter, where the document is in fact served by mail (see § 1.47(f)), and where the filing period for a response thereto is 10 days or less, an additional 3 days, excluding holidays, will be allowed for filing the response. This paragraph shall not apply to documents which are filed pursuant to the provisions of § 1.89, § 1.120(d), § 1.315(b), or § 1.316.

* * * * *

2. Section 1.315 is revised to read as follows:

§ 1.315 Depositions upon oral examination—notice and preliminary procedure.

(a) *Notice.* A party to a hearing proceeding desiring to take the deposition of any person upon oral examination shall give a minimum of 21 days notice in writing to every other party, to the person to be examined, and to the presiding officer. An original and three copies of the notice shall be filed with the Secretary of the Commission. Related pleadings shall be served and filed in the same manner. The notice shall contain the following information:

(1) The name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs.

(2) The time and place for taking the deposition of each person to be examined, and the name or descriptive title and address of the officer before whom the deposition is to be taken.

(3) The matters upon which each person will be examined. See § 1.319.

(b) *Responsive pleadings.* (1) Within 7 days after service of the notice to take depositions, a motion opposing the taking of depositions may be filed by any party to the proceeding or by the person to be examined. See § 1.319(a).

(2) Within 14 days after service of the notice to take depositions, a response to the opposition motion may be filed by any party to the proceeding.

(3) Additional pleadings should not be filed and will not be considered.

(4) The computation of time provisions set forth in § 1.4(g) shall not apply to pleadings filed under the provisions of this paragraph.

(c) *Protective order.* On an opposition motion filed under paragraph (b) of this section, or on his own motion, the presiding officer may issue a protective order. See § 1.313. A protective order issued by the presiding officer on his own motion may be issued at any time prior to the date specified in the notice for the taking of depositions.

(d) *Authority to take depositions.* (1) If an opposition motion is not filed within 7 days after service of the notice to take depositions, and if the presiding officer does not on his own motion issue a protective order prior to the time specified in the notice for the taking of depositions, the depositions described in the notice may be taken. An order for the taking of depositions is not required.

(2) If an opposition motion is filed, the depositions described in the notice shall not be taken until the presiding officer has acted on that motion. If the presiding officer authorizes the taking of depositions, he may specify a time, place or officer for taking them different from that specified in the notice to take depositions.

(3) If the presiding officer issues a protective order, the depositions described in the notice may be taken (if at all) only in accordance with the provisions of that order.

3. Section 1.316 is revised to read as follows:

§ 1.316 Depositions upon written interrogatories—notice and preliminary procedure.

(a) *Service of interrogatories; notice.* A party to the hearing proceeding desiring to take the deposition of any person upon written interrogatories shall serve

the interrogatories upon every other party and shall give a minimum of 35 days notice in writing to every other party and to the person to be examined. An original and three copies of the interrogatories and the notice (and of all related pleadings) shall be filed with the Secretary of the Commission. A copy of the interrogatories and the notice (and of all related pleadings) shall be served on the presiding officer. The notice shall contain the following information:

(1) The name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs.

(2) The time and place for taking the deposition of each person to be examined, and the name or descriptive title and address of the officer before whom the deposition is to be taken.

(3) The matters upon which each person will be examined. See § 1.319.

(b) *Additional interrogatories.* Within 7 days after the filing and service of the original interrogatories, any other party to the proceeding may, in the same manner, file and serve additional interrogatories to be asked of the same witness at the same time and place, with notice to the witness of any additional matters upon which he will be examined.

(c) *Cross interrogatories.* Within 14 days after the filing and service of the original interrogatories, any party to the proceeding may, in the same manner, file and serve cross interrogatories, which shall be limited to matters raised in the original or in the additional interrogatories.

(d) *Responsive pleadings.* (1) Within 21 days after service of the original interrogatories, any party to the proceeding may move to limit or suppress any original, additional or cross interrogatory, and the person to be examined may file a motion opposing the taking of depositions. See § 1.319(a).

(2) Within 28 days after service of the original interrogatories, a response to a motion to limit or suppress any interrogatory or to a motion opposing the taking of depositions may be filed by any party to the proceeding.

(3) Additional pleadings should not be filed and will not be considered.

(e) *Protective order.* On a motion to limit or suppress or an opposition motion filed under paragraph (d) of this section, or on his own motion, the presiding officer may issue a protective order. See § 1.313. A protective order issued by the presiding officer on his own motion may be issued at any time prior to the date specified in the notice for the taking of depositions.

(f) *Authority to take depositions.* (1) If an opposition motion is not filed within 21 days after service of the notice to take depositions, and if the presiding officer does not on his own motion issue a protective order prior to the time specified in the notice for the taking of depositions, the depositions described in the notice may be taken. An order for the taking of depositions is not required.

(2) If an opposition motion is filed, the depositions described in the notice shall not be taken until the presiding officer has acted on that motion. If the presiding officer authorizes the taking of depositions, he may specify a time, place or officer for taking them different from that specified in the notice to take depositions.

(3) If the presiding officer issues a protective order, the depositions described in the notice may be taken (if at all) only in accordance with the provisions of that order.

NOTE: The computation of time provisions of § 1.4(g) shall not apply to interrogatories and pleadings filed under the provisions of this section.

4. Section 1.323 is revised to read as follows:

§ 1.323 Interrogatories to parties.

(a) *Interrogatories.* Any party may serve upon any other party written interrogatories to be answered in writing by the party served or, if the party served is a public or private corporation or a partnership or association, by any officer or agent, who shall furnish such information as is available to the party. A copy of the interrogatories shall be served upon all parties to the proceeding. An original and three copies of the interrogatories, answers, and all related pleadings shall be filed with the Secretary of the Commission. A copy of the interrogatories, answers and all related pleadings shall be served on the presiding officer.

(1) Except as otherwise provided in a protective order, the number of interrogatories or sets of interrogatories is not limited.

(2) Except as provided in such an order, interrogatories may be served after a deposition has been taken, and a deposition may be sought after interrogatories have been answered.

(b) *Answers and objections.* Each interrogatory shall be answered separately and fully in writing under oath or affirmation, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The answers shall be signed by the person making them, and the objections by the attorney making them. The party upon whom the interrogatories were served shall serve a copy of the answers and objections upon all parties to the proceeding within 14 days after service of the interrogatories, or within such shorter or longer period as the presiding officer may allow. Answers may be used in the same manner as depositions of a party (see § 1.321(d)).

(c) *Motion to compel an answer.* Any party to the proceeding may, within 7 days, move for an order with respect to any objection or other failure to answer an interrogatory. For purposes of this paragraph, an evasive or incomplete answer is a failure to answer; and if the motion is based on the assertion that the answer is evasive or incomplete, it shall contain a statement as to the scope and detail of an answer which would be considered responsive and complete. The party upon whom the interrogatories were served may file a response within 7 days after the motion is filed, to which he may append an answer or an amended answer. Additional pleadings should not be submitted and will not be considered.

(d) *Action by the presiding officer.* If the presiding officer determines that an objection is not justified, he shall order that the answer be served. If an interrogatory has not been answered, the presiding officer may rule that the right to object has been waived and may order that an answer be served. If an answer does not comply fully with the requirements of this section, the presiding officer may order that an amended answer be served, may specify the scope and detail of the matters to be covered by the amended answer, and may specify any appropriate procedural consequences (including adverse findings of fact and dismissal with prejudice) which will follow from the failure to make a full and responsive answer. If a full and responsive answer is not made, the presiding officer may issue an order invoking any of the procedural consequences specified in the order to compel an answer.

(e) *Appeal.* An order to compel an answer is not subject to appeal. An order invoking adverse procedural consequences may be appealed to the Review Board under § 1.301.

[F.R. Doc. 68-8889; Filed, July 24, 1968; 8:50 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES & REGULATIONS

[Ex Parte Nos. MC-5, 159]

PART 1043—SURETY BONDS AND POLICIES OF INSURANCE

PART 1084—SURETY BONDS AND POLICIES OF INSURANCE

Security for the Protection of the Public

At a session of the Interstate Commerce Commission, the Insurance Board, held at its office in Washington, D.C., on the 12th day of July 1968.

Ex Parte No. MC-5, in the matter of security for the protection of the public as provided in Part II of the Interstate Commerce Act, and of rules and regulations governing filing of surety bonds, certificates of insurance, qualifications as a self-insurer, or other securities and agreements by motor carriers and brokers subject to Part II of the Interstate Commerce Act.

Ex Parte No. 159, in the matter of security for the protection of the public as provided in Part IV of the Interstate Commerce Act, and of rules and regulations governing filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities and agreements by freight forwarders subject to Part IV of the Act.

It appearing, that notice was given by notice of proposed rule making, dated May 8, 1968, published in 33 F.R. 7120, May 14, 1968, pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003) of the proposed amendment of § 1043.2(b) of Part 1043 (49 C.F.R. 1043.2(b)) of the Code of Federal Regulations governing the filing of insurance or other security for the protection of the public, under the authority contained in section 215 of the Interstate Commerce Act (49 Stat. 557, as amended; 49 U.S.C. 315), and the proposed amendment of § 1084.3(a) of Part 1084 (49 C.F.R. 1084.3(a)) of the Code of Federal Regulations governing the filing of insurance or other security for the protection of the public, under the authority contained in section 403(c) of the Interstate Commerce Act (56 Stat. 285; 49 U.S.C. 1003);

It further appearing, that no written statements of facts, opinions or arguments concerning the herein proposed amendments were filed with the Commission by interested parties within 30 days from the publication date:

It is ordered, That § 1043.2(b) of Title 49 of the Code of Federal Regulations be, and it is hereby, amended to read as follows:

§ 1043.2 Insurance, minimum amounts.

* * * * *

(b) *Motor common carriers; cargo liability.* Security required to compensate shippers or consignees for loss of or damage to property belonging to shippers or consignees and coming into the possession of motor common carriers in connection with their transportation service, (1) for loss of or damage to property carried on any one motor vehicle—$2,500; (2) for loss of or damage to or aggregate of losses or damages of or to property occurring at any one time and place—$5,000.

(Sec. 215, 49 Stat. 557, as amended; 49 U.S.C. 315)

It is further ordered, That § 1084.3(a) of Title 49 of the Code of Federal Regulations be, and it is hereby, amended to read as follows:

§ 1084.3 Limits of liability.

* * * * *

(a) *Cargo.* Limits for loss of or damage to property with respect to which a freight forwarder performs service subject to Part IV of the Act:

(1) For loss of or damage to property while carried on or resting in any one conveyance, other than a watercraft—$2,500.

(2) For loss of or damage to or aggregate of losses of or damages to property occurring at any one time and place, or while carried on or resting in any one watercraft—$5,000.

* * * * *

(Sec. 403(c), 56 Stat. 285; 49 U.S.C. 1003)

It is further ordered, That the rules herein prescribed, are hereby prescribed to become effective on January 1, 1969;

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission for inspection, and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Insurance Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-8884; Filed, July 24, 1968; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

San Andres National Wildlife Refuge, N. Mex.

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

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

NEW MEXICO

SAN ANDRES NATIONAL WILDLIFE REFUGE

Public hunting of deer (either sex) on the San Andres National Wildlife Refuge, N. Mex., is permitted from November 30 through December 1, 1968, inclusive, only on the area designated by signs as open to hunting. This area, comprising 57,215 acres, is delineated on maps available at refuge headquarters, Las Cruces, N. Mex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer, subject to the following special conditions:

(1) Hunters must check in and out in person at the check station at the junction of U.S. 70 and Jornada road. The check station will be open to allow hunters to start checking in during the afternoon of November 29, 1968. Time of entry to the hunting area will be at the discretion of the conservation officer in charge. Any entry permits required by the military authorities will be available at the check station. All hunters must check out no later than 10 p.m. December 1, 1968.

(2) No entry into the hunting area from the west will be permitted north of the Rope Springs road. Hunters will also not be permitted to enter the east side of the San Andres Range except at the discretion of the conservation officer in charge.

(3) The conservation officer in charge may restrict the number of hunters entering any one area. If required by the firing schedule, hunters will be cleared from all areas whereon their safety is endangered.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 1, 1968.

JOHN H. KIGER,
Acting Refuge Manager, San Andres National Wildlife Refuge, Las Cruces, N. Mex.

JUNE 26, 1968.

[F.R. Doc. 68-8860; Filed, July 24, 1968; 8:48 a.m.]

PART 32—HUNTING

Ouray National Wildlife Refuge, Utah

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

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

UTAH

OURAY NATIONAL WILDLIFE REFUGE

Public hunting of deer and antelope is permitted on the Ouray National Wildlife Refuge, Utah, for the 1968 archery and rifle seasons except in those areas designated by signs as closed to hunting. This open area, comprising 9,500 acres, is delineated on maps available at refuge headquarters, Vernal, Utah, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Archery deer season is August 24 through September 8, 1968, inclusive. Rifle deer season is October 19 through October 29, 1968, inclusive. Rifle season for antelope is August 17, 18, 19, and 24, 25, 26, 1968. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer and antelope subject to the following special conditions:

(1) Hunting on Indian lands east of Green River, as posted, requires the possession of a Ute Tribal Permit.

(2) Every deer or antelope killed must be checked out at refuge subheadquarters before hunters leave the area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 29, 1968.

H. J. JOHNSON,
Refuge Manager, Ouray National Wildlife Refuge, Vernal, Utah.

JULY 18, 1968.

[F.R. Doc. 68-8861; Filed, July 24, 1968; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Federal Water Pollution Control Administration

[18 CFR Part 604]

STANDARD-SETTING CONFERENCES, HEARINGS

Notice of Proposed Rule Making

Notice is hereby given that the Secretary of the Interior to amend Chapter V of Title 18, Code of Federal Regulations, by adding a new Part 604, as set forth below, applicable to water quality standards-setting conferences, public hearings, notices and hearings pursuant to section 10(c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466g).

Interested persons may submit written data, views, or arguments in triplicate in regard to the proposed regulations to the Secretary of the Interior, Washington, D.C. 20240. All relative material received not later than 30 days after publication of this notice will be considered.

The regulations will become effective upon republication.

Sec.

AUTHORITY: The provisions of this Part 604 issued under sec. 10, 70 Stat. 506, as amended; 33 U.S.C. 466i. Interpret or apply sec. 10(c), 79 Stat. 908, 33 U.S.C. 466g(c).

§ 604.1 Applicability.

The provisions of this part apply to proceedings under section 10(c) (2), (4), and (5) of the Federal Water Pollution Control Act, as amended (79 Stat. 908; 33 U.S.C. 466g(c) (2), (4), and (5)).

§ 604.2 Definitions.

(a) "Act" means the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq.).

(b) "Chairman" means the Chairman appointed by the Secretary to conduct the conference pursuant to section 10(c)(2) of the Act (33 U.S.C. 466g(c)(2)).

(c) "Department" means the Department of the Interior.

(d) "Secretary" means the Secretary of the Interior.

(e) "Commissioner" means Commissioner of the Federal Water Pollution Control Administration in the Department of the Interior.

(f) "Water Quality Standards" means water quality criteria applicable to specific interstate waters and a plan for the implementation and enforcement of such criteria, all of which shall be such as to protect the public health or welfare, enhance the quality of water and serve the purposes of the Act, taking into consideration the use and value of such waters for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial and other legitimate uses.

(g) The definitions of terms contained in subsection 10(j) and section 13 of the Act shall be applicable to such terms as used in this part unless the context otherwise requires.

§ 604.3 Initiation of proceedings for conferences; appointment of Chairman.

(a) In any case where the Secretary finds that the conditions precedent to his establishment or revision of water quality standards exist, he will give notice of his intention to do so and call a conference in connection therewith. He may fix the time and place of such conference in his notice of intention to establish or revise water quality standards or he may authorize the Commissioner to do so.

(b) The Chairman of such conference shall be the Secretary or the Commissioner of the Federal Water Pollution Control Administration in the Department of the Interior or such other employee of that Administration as the Secretary may appoint.

§ 604.4 Organization and general procedures of the conference.

(a) The Chairman shall convene the conference and schedule such other meetings as may be necessary, including meetings for the settlement or simplification of issues.

(b) The Chairman shall preside at all conference sessions and meetings called by him.

(c) The conference shall be conducted in an informal but orderly manner in accordance with this part. Questions of procedures during a conference shall be determined by the Chairman.

(d) The Federal Water Pollution Control Administration in the Department of the Interior shall provide such clerical and technical assistance as may be necessary.

(e) The Chairman shall maintain and have custody of all official records and documents pertaining to the conference and shall perform such other duties related to the functioning of the conference as may be necessary.

(f) The Chairman shall execute, issue or serve such notices, reports, communications, and other documents relating to the functions of the conference as he may deem proper.

§ 604.5 Notice of conference.

(a) The Secretary or the Commissioner shall issue and serve notice of a conference as herein provided including the time and place of the conference.

(b) The notice of conference shall briefly describe the location and nature of the interstate waters to be covered by the conference.

(c) The notice shall include the name of the Chairman before whom the conference will be conducted upon a day and at a time and place specified not earlier than thirty (30) days after the service of the notice.

(d) Notice of the conference shall be served on representatives of Federal departments and agencies, interstate agencies, States, municipalities, and industries the Secretary or Commissioner has reason to believe are contributing to, affected by, or have an interest in water quality standards for the waters to be covered by the conference.

§ 604.6 Service.

Notice of the conference may be served by mailing a copy thereof to each person, department, or agency to be served at their residence, office or place of business as ascertained by the Secretary or Commissioner, as the case may be. Service by mail is complete upon mailing.

§ 604.7 Publication of notice.

Notice of the water quality standards-setting conference shall be published in the FEDERAL REGISTER at least thirty (30) days prior to the conference.

§ 604.8 Parties.

(a) The parties to a conference shall include the persons, departments, and agencies specified in § 604.5(d).

(b) The Chairman shall have all the rights of a party to the conference.

(c) Upon application and good cause shown, the Chairman may permit any interested Federal departments and agencies, interstate agencies, States, municipalities, industries, or other persons to appear at the conference and be admitted as parties to such extent and upon such terms as the Chairman shall determine proper.

(d) Any party may appear in person or by counsel.

(e) The failure of any party to file an appearance or appear at the conference in response to the notice of conference shall not delay the conference and the Chairman shall proceed, hear, receive statements, make determinations, and take other appropriate action affecting such party.

§ 604.9 Presentation of material by the Federal Water Pollution Control Administration of the Department of the Interior.

The Commissioner shall arrange for the presentation of material concerning the quality of waters to be covered by the conference, the uses, both existing and potential, of such waters, the criteria necessary to protect such uses, the person or persons, if any, contributing or discharging any matter affecting the quality of such waters, and remedial measures, if any, recommended by the Federal Water Pollution Control Administration.

§ 604.10 Conference procedure.

(a) Persons making statements need not be sworn or make affirmation. Each party shall be given an opportunity to make a statement concerning the water quality standards for the waters covered by the conference, an opportunity after all parties have been heard to make a further statement which may include comments on or rebuttal of other parties' views, and an opportunity to make recommendation for water quality standards in either his first or subsequent statement.

(b) When necessary, in order to prevent undue prolongation of the conference, the Chairman may limit the number of times any party may make a statement and may direct that further statements be made in writing.

(c) The Chairman shall exclude irrelevant, immaterial, or unduly repetitious material.

§ 604.11 Record of proceedings.

(a) Statements given and other procedures of a formal conference shall be reported verbatim. A transcript of such report shall be a part of the record and the sole official transcript of the proceedings.

(b) All statements, charts, tabulations, and other data shall be received in the record. If a party to a proceeding under this section objects to the admissibility of such material, the objection shall be noted and the Chairman shall have a right to rule thereon.

(c) When the statement refers to a statute, or a report or document, the Chairman shall, after satisfying himself of the identification of such statute, report, or document, determine whether the same shall be produced at the conference and physically be made part of the record or shall be incorporated in the record by reference.

(d) The Chairman may take official notice of statutes of States and of duly promulgated regulations of any Federal agency.

(e) The Chairman shall submit to the Secretary the verbatim transcript including all charts, tabulations, and similar data which are part of the conference record.

§ 604.12 Preparation, publication, and promulgation of water quality standards; effective date; petition for public hearing.

(a) Subsequent to submission of the conference transcript and record, the Secretary shall prepare regulations setting forth water quality standards for interstate waters or portions thereof which were covered by the conference. Such regulations shall be published as part of a notice of proposed rule making in the FEDERAL REGISTER.

After publication of such regulations and notice of proposed rule making, interested persons may submit written data, views, or arguments in triplicate in regard to the regulations setting forth water quality standards to the Secretary of the Interior, Washington, D.C. 20240. All relevant material received not later than 150 days after such publication will be considered.

(c) If, within 6 months from the date the Secretary publishes such regulations, the State has not adopted water quality standards found by the Secretary to be consistent with section 10(c)(3) of the Act, or a petition for public hearing has not been filed under section 10(c)(4) of the Act and paragraph (d) of this section, the Secretary shall promulgate water quality standards by publication thereof in the FEDERAL REGISTER. Such water quality standards shall be effective thirty (30) days after such publication unless a petition for public hearing has been first filed under section 10(c)(4) of the Act and paragraph (d) of this section.

(d) At any time prior to thirty (30) days after water quality standards have been promulgated under paragraph (c) of this section, the Governor of any State affected by such standards may petition the Secretary for a public hearing under section 10(c)(4) of the Act. A petition for a public hearing need not observe any fixed form, but it must be in writing directed to the Secretary and state that the petitioning Governor desires the Secretary to call a public hearing with respect to water quality standards under section 10(c)(4) of the Act, identifying the interstate waters with respect to which such hearing is to be called.

§ 604.13 Initiation of proceedings for water quality public hearings; appointment of Hearing Board.

(a) In any case where the Secretary finds that the conditions precedent to the calling of a water quality public hearing under the Act exist, he will call such a hearing, and may either fix the time and place thereof, or authorize the Commissioner to do so.

(b) Prior to the hearing, the Secretary will appoint a Hearing Board of five or more persons, as provided in the Act, and will designate one of the members as chairman. A majority of the Hearing Board shall be persons other than officers or employees of the Department. The Secretary may revoke appointment to the Hearing Board in the event of disability of a member or for other cause, and may fill any vacancy in the membership of the Hearing Board, or in the office of Chairman. The Secretary of Commerce, the Secretary of Health, Education, and Welfare, other affected Federal departments and agencies, and each State which would be affected by such standards shall each be given an opportunity to select a member of the Hearing Board and shall further be given an opportunity to select another person to fill any vacancy resulting from the resignation or revocation of appointment of any member originally so selected.

§ 604.14 Organization and general procedures of the Hearing Board.

(a) The Chairman shall convene the Hearing Board for hearing sessions and for such other meetings as may be necessary.

(b) The Chairman shall preside at all hearing sessions and meetings of the Hearing Board. In case of the absence or incapacity of the Chairman, the Hearing Board may elect from its members an acting chairman to preside and to perform the duties of the Chairman.

(c) The hearing shall be conducted in an informal but orderly manner in accordance with this part. A quorum of the Hearing Board for the purpose of the hearing shall consist of not less than five members. Questions of procedure during a hearing shall be determined by the Chairman. Rulings of the Chairman may be appealed to the Hearing Board.

(d) The Hearing Board shall have the power to rule upon offers of proof and the admissibility of evidence, to receive relevant evidence, to examine witnesses and parties, to regulate the course of the hearing, to change the time and place of the hearing or any of its sessions upon reasonable notice to the parties, and to hold conferences for the settlement or simplification of issues.

(e) The Commissioner shall provide for the Hearing Board such clerical and technical assistance as may be necessary.

(f) The Hearing Board shall designate an executive secretary, from personnel provided by the Commissioner, who shall maintain and have custody of all official records and other documents pertaining to the functions of the Hearing Board, and shall perform such other duties related to its functions as the Hearing Board may prescribe.

(g) The Hearing Board may authorize the Chairman and the executive secretary on its behalf to execute, issue or serve such notices, reports, communications, and other documents relating to the functions of the Hearing Board as it may deem proper.

§ 604.15 Notice of hearing.

(a) The Secretary or Commissioner shall issue and serve notice of hearing as herein provided.

(b) The notice of hearing shall briefly describe the location and nature of the interstate waters to be covered by the hearing and the water quality regulations therefor, if any, prepared pursuant to section 10(c)(2) of the Act.

(c) The notice shall include the names of the persons constituting the Hearing Board before whom the hearing will be held and shall designate a day, a time and place therefor not earlier than thirty (30) days after the service of the notice.

(d) Notice of the hearing shall be served on representatives of Federal departments and agencies, interstate agencies, States, municipalities, and industries the Secretary or Commissioner has reason to believe are contributing to, affected by, or have an interest in water quality standards for the waters to be covered by the hearing.

§ 604.16 Service.

Notice of the hearing and other documents relating to the function of the hearing may be served by mailing a copy thereof to each person, department, or agency to be served at their residence, office or place of business as ascertained by the Secretary or Commissioner, as the case may be. Service by mail is complete upon mailing.

§ 604.17 Publication of notice.

Notice of the public hearing shall be published in the FEDERAL REGISTER at least thirty (30) days prior to the hearing.

§ 604.18 Parties.

(a) The parties to a hearing shall include the persons and agencies specified in § 604.15(d).

(b) The Commissioner shall have all the rights of a party to the hearing.

(c) Upon application and good cause shown, the Hearing Board may permit any interested person or agency to appear before it and be admitted as a party to such extent and upon such terms as the Hearing Board shall determine proper.

(d) Any party may appear in person or by counsel.

(e) The failure of any party to file an appearance or appear at the hearing in response to the notice of hearing shall not delay the hearing and the Hearing Board may proceed, hear and receive evidence and take other appropriate action affecting such party.

§ 604.19 Presentation of standards and supporting material by the Commissioner.

The Commissioner shall arrange for the presentation of the regulations, if any, prepared by the Secretary and setting forth the standards of water quality for the waters covered by the hearing, and such other material as he deems relevant to the issues in the hearing.

§ 604.20 Hearing procedure.

(a) Each witness shall, before testifying, be sworn or make affirmation.

(b) When necessary, in order to prevent undue prolongation of the hearing, the Hearing Board may limit the number of times any witness may testify, the repetitious examination or cross-examination of witnesses or the amount of corroborative or cumulative testimony.

(c) The Hearing Board shall exclude irrelevant, immaterial, or unduly repetitious evidence.

(d) Every party shall have the right to present evidence and cross-examine witnesses.

§ 604.21 Record of proceedings.

(a) Testimony given and other proceedings had at a hearing shall be reported verbatim. A transcript of such report shall be a part of the record and the sole official transcript of the proceedings.

(b) All written statements, charts, tabulations, and similar data offered in evidence at the hearing shall, upon a showing satisfactory to the Hearing Board of their authenticity, relevancy, and materiality, be received in evidence and shall constitute a part of the record.

(c) Where the testimony of a witness refers to a statute, or a report or document, the Hearing Board shall, after satisfying itself of the identification of such statute, report, or document, determine whether the same shall be produced at the hearing and physically be made a part of the record or shall be incorporated in the record by reference.

(d) The Hearing Board may take official notice of statutes of the United States or of any State and of duly promulgated regulations of any Federal agency.

(e) The Hearing Board may take official notice of a material fact not appearing in the evidence in the record, but any party, prior to the conclusion of the hearing, shall be afforded an opportunity to show the contrary.

§ 604.22 Oral argument.

Oral argument may be permitted in the discretion of the Hearing Board, and shall be reported as part of the record unless otherwise ordered by the Hearing Board.

§ 604.23 Final findings and recommendations.

(a) The Hearing Board shall make its final findings, conclusions, and recommendations, if any, based on the evidence presented at the hearing, and submit the same to the Secretary.

(b) Upon submission of such findings, conclusions, and recommendations, the Hearing Board shall be terminated and all records pertaining to its functions transferred to the custody of the Commissioner.

(c) A copy of the findings, conclusions, and recommendations, if any, of the Hearing Board shall be served on all parties to the hearing by the Secretary and the Secretary shall cause their publication in the FEDERAL REGISTER.

§ 604.24 Notification of alleged violators of water quality standards.

The Secretary shall notify those persons responsible for the discharge of matter into interstate waters or portions thereof which is not in compliance with the water quality standards established under section 10 of the Act (whether the matter causing or contributing to such violation is discharged directly into such waters or reaches such waters after discharge into tributaries of such waters) and other interested parties of the alleged violation of such standards. In all such notices, the Secretary shall designate a time when and place where any person receiving such notice may appear before and participate in an informal hearing before the Secretary, his designee, or such Board as he may appoint relative to the alleged violation of standards so that, if possible, there can be voluntary agreement reached as to appropriate remedial action.

Dated: July 19, 1968.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 68-8837; Filed, July 24, 1968; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 993]

DRIED PRUNES PRODUCED IN CALIFORNIA

Notice of Proposed Suspension or Termination of Certain Provisions

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California (hereinafter referred to collectively as the "order"), effective under said act, notice is hereby given of a proposal to suspend the operation of certain provisions in § 993.49(c) of the order. Notice is also given of a proposal to terminate certain rules and regulations operative pursuant to the aforesaid provisions of § 993.49(c). These provisions require handlers receiving lots of prunes with certain defects (i.e., mold, imbedded dirt, insect infestation, and decay) in excess of such maximum percentage as shall be prescribed to dispose of such lots in their entirety in nonhuman consumption outlets. Section 993.149(d)(1) of the administrative rules and regulations (Subpart—Administrative Rules and Regulations; 7 CFR 993.101–993.174) fixes such percentage at 50 percent. The proposals were recommended by the Committee, established under the order.

During the 7-year period beginning with the 1961–62 crop year, the number of lots subject to said provisions of § 993.49(c) that were received by handlers and required to be disposed of by them has ranged from two to nine. In the current 1967–68 crop year, handlers have received nine lots totaling 12.1 tons. It is unduly expensive and administratively burdensome to keep these lots under surveillance, and such a requirement poses a difficult compliance problem. Were it not for the aforesaid provisions in § 993.49(c), the lots could have been dealt with the same as other incoming lots with defects in excess of tolerances therefor, but not in excess of the 50 percent maximum; namely, to dispose of the required quantity of defective prunes in nonhuman consumption outlets. According to the data and information submitted by the Committee with the proposals, the mandatory prescription, pursuant to § 993.49(c), of a maximum percentage of defective prunes in lots received by handlers that would require disposition of such lots in their entirety in nonhuman consumption outlets is not now necessary to effectuate the declared policy of the act.

In the light of the foregoing, the Committee has proposed the suspension beginning with the 1968–69 crop year of the operation of the relevant provisons in § 993.49(c) relating to the mandatory prescription of a maximum percentage for defects. The Committee also proposed that, in the event said suspension becomes effective, § 993.149(d)(1) of the administrative rules and regulations be terminated effective at the same time.

The proposals are:

1. To suspend for the 1968–69 crop year and subsequent crop years the operation of the following provision in the first sentence of § 993.49(c):

Provided, That the Committee, by its rules and regulations, shall prescribe a maximum percentage of such defects in any lot received by a handler; and any lot so received which contains a greater percentage of such defects shall be disposed of in its entirety in nonhuman consumption outlets.

2. To suspend for the 1968–69 crop year and subsequent crop years the operation of the following provision in the third sentence of § 993.49(c): "(including the prescription of a maximum percentage)".

3. To terminate § 993.149(d)(1) of the administrative rules and regulations (Subpart—Administrative Rules and Regulations) effective at the beginning of the 1968–69 crop year.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same in quadruplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than August 8, 1968. All written submissions made pursuant to this 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)).

Dated: July 19, 1968.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 68-8874; Filed, July 24, 1968; 8:49 a.m.]

[9 CFR Part 311]

MEAT INSPECTION

Disposition of Swine Carcasses With Sexual Odor

Notice is hereby given in accordance with administrative procedure provisions in 5 U.S.C. 553 that the Department of Agriculture, pursuant to the authority conferred by the Federal Meat Inspection Act (34 Stat. 1260, 21 U.S.C. 71–91, as amended by Public Law 90–201), proposes to amend § 311.21 of the Meat Inspection Regulations (9 CFR 311.21), relating to the disposition of swine carcasses with a sexual odor, in the following respects:

The present paragraph (b) would be deleted and new paragraphs (b) and (c) would read as follows:

§ 311.21 Sexual odor of swine; disposition of carcasses.

* * * * *

(b) The meat from all boars and cryptorchids, not condemned under paragraph (a) of this section, may be passed for use in comminuted cooked meat food product or for rendering. Otherwise, such meat shall be condemned.

(c) The meat from swine, other than boars and cryptorchids, which gives off a sexual odor less than pronounced may be passed for use in comminuted cooked meat food product or for rendering. Otherwise, such meat shall be condemned.

Statement of considerations. Preventing adulteration of the meat supply is a prime function of the consumer protective services of the Department of Agriculture under the Federal Meat Inspection Act. Animal tissues containing objectionable or foreign odors are deemed unfit for human food and, therefore, adulterated under the Act.

As a result of continuing consumer complaints regarding sexual odor in pork, a test was set up to obtain appropriate data. Three hundred and twenty samples of pork were examined. These samples were obtained from 124 boars, 103 sows, and 93 cryptorchids slaughtered in various areas of the country. Meat from over 75 percent of the boars and 50 percent of the cryptorchids was found to contain the undesirable odor. Meat from only about 20 percent of the sows was found to contain the odor.

The present regulations provide authority to condemn carcasses with pronounced sexual odor and to pass carcasses for use in cooked comminuted product or rendering when the odor is less than pronounced. However, experience has proven that an inspector cannot consistently and effectively detect sexual odor unless it is pronounced. This is partially because of the nature of slaughtering departments and the prevalence of strong odors from many sources that greatly interfere with the inspector's sense of smell. This is particularly true in establishments slaughtering large numbers of boars.

Although the test revealed that sexual odor does exist in some sow meat, the odor was not usually pronounced. It is believed this rather minor problem can be handled under the provisions of § 311.21(a) of existing Meat Inspection Regulations and the proposed § 311.21(c). The main problem appears to be with meat from boars and cryptorchids. The proposed amendments would continue the requirement of condemnation of meat from any swine found to have a pronounced sexual odor and would limit the use of other meat from boars and cryptorchids to comminuted meat food products and rendering. Meat from other swine found to have a sexual odor that is less than pronounced would be required to be used in comminuted product or rendered. This would provide a needed measure of assurance that meat products from swine entering the Nation's meat supply would be free of a detectable sexual odor, thus removing this stigma from the image of pork and pork products.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 60 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 19th day of July 1968.

H. M. STEINMETZ,
Acting Deputy Administrator,
Consumer Protection.

[F.R. Doc. 68-8873; Filed, July 24, 1968; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 18]

IMITATION MILKS AND CREAMS

Extension of Time for Filing Comments on Proposed Standards of Identity and Quality

The notice published in the FEDERAL REGISTER of May 18, 1968 (33 F.R. 7456), proposing the establishment of standards of identity and standards of quality for imitation milks and creams, provided for the filing of comments thereon within 60 days of said publication date.

The Commissioner of Food and Drugs has received requests for an extension of such time from the American Academy of Pediatrics Committee on Nutrition and others and, good reasons therefor appearing, the time for filing comments on the subject proposal is extended to October 15, 1968.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: July 16, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8901; Filed, July 24, 1968; 8:51 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 43, 91, 135]

[Docket No. 9026; Notice 68-16]

AIR TAXI OPERATIONS WITH LARGE AIRCRAFT

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Parts 43, 91, and 135 of the Federal Aviation Regulations to require air taxi operators using large aircraft to comply with the rules of Part 121 that are applicable to domestic or supplemental air carriers and to give these air taxi operators the same maintenance privileges that those air carriers presently have under Parts 43 and 91.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention. Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before October 23, 1968, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

On March 17, 1967, the FAA issued an advance notice of proposed rule making (Notice 67-9, 32 F.R. 4500, Mar. 24, 1967) requesting public comment on possible solutions to a number of regulatory problems involving persons who operate aircraft under Part 135 of the Federal Aviation Regulations. One of these regulatory problems is the handling of large aircraft operated under the exemption authority of Part 298 of the economic regulations of the Civil Aeronautics Board. Section 135.1 provides that these aircraft are subject to Part 135. However, that part is not suitable for operations with large aircraft and the FAA has required, through operations specifications, that these aircraft be operated in accordance with portions of Part 121. In Notice 67-9, it was suggested that a direct regulatory requirement might be established to place these large aircraft under the appropriate provisions of Part 121. The comments on this portion of Notice 67-9 can best be characterized as qualified concurrences with this course of action.

Therefore, the FAA is proposing to amend Part 135 by adding a new § 135.2 to require that persons operating large aircraft in air taxi operations comply with the operating rules of Part 121 that are applicable to supplemental air carriers. The operator would also have to meet the certification requirements contained in Subpart C of Part 121 which would include submission of the information required by § 121.47(b). The operator would not be issued a Part 121 certificate, but would be required to obtain appropriate operations specifications issued as provided in Part 121. Those operators of large aircraft under Part 135 who engage in scheduled operations would be required to conduct their operations in accordance with operations specifications and the regulations of Part 121 applicable to domestic air carriers.

In addition, the FAA believes that large aircraft involved in air carrier type operations should be maintained in accordance with a continuous airworthiness program as required for Part 121 certificate holders. Compliance with the domestic or supplemental air carrier rules will require establishment of such a program but the operator must also have maintenance privileges similar to those granted to Part 121 certificate holders. For this reason §§ 43.3, 43.7, and 91.161(b) are amended to include air carriers under Part 135, i.e., air taxi operators. In conjunction with these changes, new § 135.2 would permit only the air taxi operators of large aircraft to utilize these new maintenance privileges. These operators would also be permitted to maintain their small aircraft under the same continuous airworthiness program although this would not be required.

The FAA is interested in opinions as to the desirability of the proposed course of action. However, to obtain the full benefit of comments on the proposals, supporting statements and data, where available, are solicited to justify conclusions. If particular sections of Part 121 present problems, these should be identified and discussed.

In consideration of the foregoing, it is proposed to amend Parts 43, 91, and 135 of the Federal Aviation Regulations as follows:

1. By amending § 43.3(f) to read as follows:

§ 43.3 Persons authorized to perform maintenance, preventive maintenance, rebuilding, and alterations.

* * * * *

(f) An air carrier may perform maintenance, preventive maintenance, and alterations as provided in Part 121, 127, or 135 of this chapter, as applicable.

* * * * *

2. By amending § 43.7(e) to read as follows:

§ 43.7 Persons authorized to approve aircraft, airframes, aircraft engines, propellers, and appliances for return to service after maintenance, preventive maintenance, rebuilding, or alteration.

* * * * *

(e) An air carrier may approve an aircraft, airframe, aircraft engine, propeller, or appliance for return to service as provided in Part 121, 127, or 135 of this chapter, as applicable.

* * * * *

§ 91.161 [Amended]

3. By amending § 91.161(b) by deleting the words "under Part 121 or 127" and inserting the words "as provided in Part 121, 127, or 135" in place thereof.

4. By adding a new section after § 135.1 to read as follows:

§ 135.2 Air taxi operations with large aircraft.

(a) No person may conduct air taxi operations in large aircraft under the exemption authority of Part 298 of this title unless that person—

(1) Has complied with the certification requirements for supplemental air carriers as set forth in Part 121 of this chapter, except that he need not obtain, nor is he eligible for, a certificate under Part 121 of this chapter; and

(2) Conducts those operations in accordance with the rules of Part 121 of this chapter that are applicable to supplemental air carriers, or, in the case of scheduled operations, the rules applicable to domestic air carriers, and in accordance with appropriate operations specifications issued as provided in those rules. For the purposes of this subparagraph, scheduled operations are those operations conducted with the frequency set forth in § 121.7 of this chapter.

(b) The holder of an air taxi certificate who is required to have a continuous airworthiness program under subparagraph (a)(2) of this section, may also maintain its small aircraft in accordance with that program.

(c) Operations that are subject to paragraph (a) of this section are not subject to Subparts B through E of this part.

These amendments are proposed under the authority of sections 313(a), 601, 604, and 605 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1424, 1425).

Issued in Washington, D.C., on July 18, 1968.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 68-8854; Filed, July 24, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-SO-52]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Tuscaloosa, Ala., control zone and transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Memphis Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 18097, Memphis, Tenn. 38118. 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. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. 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 proposals contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Tuscaloosa control zone described in § 71.171 (33 F.R. 2058) would be redesignated as follows:

Within a 5-mile radius of Van De Graaff Airport (lat. 33°13'35" N., long. 87°36'36" W.); within 2 miles each side of the Tuscaloosa VORTAC 061° radial, extending from the 5-mile radius zone to 8 miles northeast of the VORTAC.

The Tuscaloosa transition area described in § 71.181 (33 F.R. 2137) would be redesignated as follows:

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Van De Graaff Airport (lat. 33°13'35" N., long. 87°36'36" W.).

The alteration of the current instrument approach procedure requires an extension to the control zone to provide requird airspace protection for IFR aircraft executing this approach.

Current transition area criteria appropriate to Van De Graaff Airport requires an increase in the basic radius circle from 7 to 11 miles as turbojet type aircraft have begun using this airport.

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

Issued in East Point, Ga., on July 15, 1968.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 68-8855; Filed, July 24, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-WA-14]

FEDERAL AIRWAY SEGMENT

Proposed Designation

The Federal Aviation Administration is considering a proposal received from the Canadian Department of Transport for the designation of the U.S. portion of VOR Federal airway No. 34 south alternate segment from Kleinburg, Ontario, Canada, to Rochester, N.Y., via the intersection of the Kleinburg 133° T (140° M) and Rochester 289° T (298° M) radials. The floor for the U.S. portion would be designated at 1,200 feet AGL. This south alternate would provide a primary arrival airway for aircraft destined to airports within the Toronto Terminal Area from the Rochester area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, JFK 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 Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is 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 July 17, 1968.

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

[F.R. Doc. 68-8856; Filed, July 24, 1968; 8:47 a.m.]

[14 CFR Parts 71, 75]

[Airspace Docket No. 68-EA-28]

JET ROUTES AND HIGH ALTITUDE REPORTING POINTS

Proposed Alterations and Establishment

The Federal Aviation Administration (FAA) is considering amendments to Parts 71 and 75 of the Federal Aviation Regulations which would alter several jet routes and high altitude reporting points in the northeast portion of the United States. The proposals contained herein constitute one of four notices of proposed rule making designed to increase the traffic handling capacity of the high altitude structure in this area. The three other notices of proposed rule making are being processed in Airspace Docket Nos. 68-EA-34, 68-EA-50, and 68-EA-52.

Within the past 4 years, the amount of high altitude traffic operating within the northeast portion of the United States has more than tripled. In order to increase our capacity to accommodate this additional traffic, we are planning extensive jet route modifications. The proposals are divided into four separate notices of proposed rule making since the effective dates of most of the proposed alterations would be determined by the varied dates on which the associated navaid frequency changes can be made. Also, separation of the many proposed alterations into separate groups with different effective dates would reduce the requirement to use substitute routes. Some new jet routes would be designated, some existing jet route segments would be realigned, and others revoked. The route distances between terminal areas would be increased in some instances and decreased in others. However, the most significant goal in these proposals is the restructure of the jet route system so that more aircraft can operate therein.

In consideration of the foregoing, the following amendments to Parts 71 and 75 of the Federal Aviation Regulations are proposed.

1. Realignment of Jet Route No. 24 from Indianapolis, Ind., via Falmouth, Ky., to Charleston, W. Va.

2. Realignment of Jet Route No. 29 from Evansville, Ind., via intersection of Evansville 051° T (048° M) and Rosewood, Ohio, 230° T (231° M) radials; Rosewood; Cleveland, Ohio; Jamestown, N.Y.; to Syracuse, N.Y.

3. Realignment of Jet Route No. 39 from Louisville, Ky., to Rosewood, Ohio.

4. Realignment of Jet Route No. 43 from Knoxville, Tenn., via Falmouth, Ky.; Rosewood, Ohio; to Salem, Mich.

5. Realignment of Jet Route No. 82 from Cleveland, Ohio, via Jamestown, N.Y., to Albany, N.Y.

6. Extension of Jet Route No. 134 from St. Louis, Mo., via Falmouth, Ky.; intersection of Falmouth 085° T (085° M) and Front Royal 264° T (270° M) radials; to Front Royal, Va.

7. Designation of a new Jet Route No. 152 from Ellwood City, Pa., via intersection of Ellwood City 256° T (261° M) and and Front Royal 264° T (270° M) ralials; Rosewood; intersection of Rosewood 263° T (264° M) and Capital, Ill., 091° T (087° M) radials; to Capital.

8. Revocation of the domestic high altitude reporting points at Lexington, Ky., and Dayton, Ohio.

9. Resignation of domestic high altitude reporting points at Falmouth, Ky., and Rosewood, Ohio.

The jet route modifications proposed herein would normally be used as follows:

1. Jet Route No. 24, as bidirection route.

2. Jet Route No. 29, as bidirection route.

3. Jet Route No. 39, as bidirection route.

4. Jet Route No. 43, as bidirection route.

5. Jet Route No. 82, as bidirection route.

6. Jet Route No. 134, as eastbound route for traffic landing Washington, D.C., and New York City terminal areas; as bidirection route for aircraft overflying these terminals.

7. Jet Route No. 152, as a westbound route for departures out of Pittsburgh, Pa.

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 Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. 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 amendments. The proposals contained in this notice may be changed in the light of comments received.

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

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 July 18, 1968.

J. F. BIRON,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-8857; Filed, July 24, 1968; 8:47 a.m.]

[14 CFR Parts 71, 75]

[Airspace Docket No. 68-EA-34]

JET ROUTES AND DOMESTIC HIGH ALTITUDE REPORTING POINTS

Proposed Alteration, Revocations, and Designation

The Federal Aviation Administration (FAA) is considering amendments to Parts 71 and 75 of the Federal Aviation Regulations which would alter several jet routes and high altitude reporting points in the northeast portion of the United States. The proposals contained herein constitute one of four notices of proposed rule making designed to increase the traffic handling capacity of the high altitude structure in this area. The three other notices of proposed rule making are being processed in Airspace Docket Nos. 68-EA-28, 68-EA-50, and 68-EA-52.

Within the past 4 years, the amount of high altitude traffic operating within the northeast portion of the United States has more than tripled. In order to increase our capacity to accommodate this additional traffic, we are planning extensive jet route modifications. The proposals are divided into four separate notices of proposed rule making since the effective dates of most of the proposed alterations would be determined by the varied dates on which the associated navaid frequency changes can be made. Also, separation of the many proposed alterations into separate groups with different effective dates would reduce the requirement to use substitute routes. Some new jet routes would be designated, some existing jet route segments would be realinged, and others revoked. The route distances between terminal areas would be increased in some instances and decreased in others. However, the most significant goal in these proposals is the restructure of the jet route system so that more aircraft can operate therein.

In consideration of the foregoing, the following amendments to Parts 71 and 75 are proposed:

1. Realignment of Jet Route No. 53 from Pulaski, Va., via the intersection of Pulaski, 015° T (018° M) and Ellwood City, Pa., 177° T (182° M) radials; Ellwood City; to Kleinburg, Ontario, Canada.

2. Realignment of Jet Route No. 63 from Huguenot, N.Y., via intersection of Huguenot 321° T (332° M) and Syracuse, N.Y., 149° T (160° M) radials to Syracuse.

3. Realignment and extension of Jet Route No. 68 from Providence, R.I., via Putnam, Conn.; intersection of Putnam 293° T (307° M) and Hancock, N.Y., 082° T (093° M) radials; Hancock; to Jamestown, N.Y.

4. Realignment of Jet Rout No. 70 from Pullman, Mich., via Salem, Mich.; Jamestown, N.Y.; to Huguenot, N.Y.

5. Realignment of Jet Route No. 85 from Cleveland, Ohio, to Salem, Mich.

6. Realignment of Jet Route No. 518 from Salem, Mich., via intersection of Salem 117° T (120° M) and Ellwood City, Pa., 306° T (311° M) radials; Ellwood City; to Westminster, Md.

7. Realignment and extension of Jet Route No. 554 from Buffalo, N.Y., to Carleton, Mich.

8. Realignment of Jet Route No. 586 from London, Ontario, Canada, to Carleton, Mich.

9. Designation of new Jet Route No. 522 from Kleinburg, Ontario, Canada, via Hancock, N.Y.; to Huguenot, N.Y.

10. Revocation of Jet Route No. 90 from Northbrook, Ill., to Windsor, Ontario, Canada.

11. Revocation of Jet Route No. 91 from Cleveland, Ohio, to Windsor, Ontario, Canada.

12. Revocation of Jet Route No. 549 in its entirety.

13. Revocation of Jet Route No. 550 in its entirety.

14. Revocation of Erie, Pa., as a domestic high altitude reporting point.

15. Designation of Hancock, N.Y., Salem, Mich., Carleton, Mich., Putnam, Conn., and Jamestown, N.Y., as domestic high altitude reporting points.

The jet route modifications proposed herein would normally be used as follows:

1. Jet Route No. 53 as bidirection route.

2. Jet Route No. 63 as southbound departure route from Syracuse, N.Y., to the New York City terminal area.

3. Jet Route No. 68 as arrival and departures route from Bradley, Conn., Westover, Mass., Providence, R.I., and Otis AFB, Mass., and as westbound departure route from the Boston terminal area.

4. Jet Route No. 70 as westbound departure route from the New York City terminal area.

5. Jet Route No. 85 as southeastbound departure route from the Detroit, Mich., terminal area.

6. Jet Route No. 518 as southeastbound departure route from the Detroit, Mich., terminal area en route Baltimore, Md., and Washington, D.C.

7. Jet Route No. 554 as eastbound departure route from Detroit terminal area en route Buffalo, N.Y.; Syracuse, N.Y.; Albany, N.Y.; and Boston, Mass.

8. Jet Route No. 586 as bidirection route.

9. Jet Route No. 522 as southeastbound departure route from Toronto, Ontario, Canada, en route New York City terminal area.

Jet Route No. 90 is presently designated in part between Northbrook, Ill., and Windsor, Ontario, Canada, and is duplicated by Jet Route No. 584 between Northbrook and the vicinity of Litchfield, Mich. The nonduplicated portion of Jet Route No. 90 between Litchfield and Windsor is used extensively; however, by use of a combination of J-584 with the proposed realignments of J-554 or J-586, route distance would be increased by only 2 miles and the Windsor

VOR could be removed from the high altitude structure. Jet Route No. 90 is not required west of Litchfield since it is coexistent with Jet Route No. 584.

Jet Route Nos. 85 and 91 are presently designated in part between Cleveland, Ohio, and Windsor, Ontario, Canada. These routes are rarely used since most aircraft along this routing would generally be in a transition phase between the high and low altitude structures. The fiscal year 1967 IFR peak day merely indicated five movements on Jet Route No. 85 and zero movements on Jet Route No. 91. In order to provide a convenient routing for traffic overflying Windsor, it is proposed herein to realign Jet Route No. 85 from Cleveland to Salem, Mich., for transition to Jet Route No. 70.

Jet Route No. 549 (Erie, Pa., toward Kleinburg, Ontario, Canada) is proposed for revocation since the fiscal year 1967 IFR peak day survey indicated only one movement along this route. Further, the proposed realignment of Jet Route No. 53 would continue to provide a jet route between the Pittsburgh, Pa., and Toronto, Ontario, Canada, areas.

Jet Route No. 550 is proposed for revocation since the fiscal year 1967 IFR peak day survey indicated zero movements along this route.

The Canadian Department of Transport has concurred with the transborder route modifications proposed herein, and has agreed to effect corresponding modifications to the Canadian route structure if these proposals are adopted.

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 Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. 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 amendments. The proposals contained in this notice may be changed in the light of comments received.

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

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 July 18, 1968.

J. F. BIRON,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68-8858; Filed, July 24, 1968; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 16222]

STANDARD METHOD FOR CALCULATING RADIATION IN STANDARD BROADCAST SERVICE

Order Extending Time for Filing Reply Comments

In the matter of amendment of Part 73 of the Commission rules to specify, in lieu of the existing MEOV concept, a standard method for calculating radiation for use in evaluating interference, coverage, and overlap of mutually prohibited contours in the standard broadcast service, Docket No. 16222.

1. This proceeding was initiated by a notice of proposed rule making on October 18, 1965. The deadlines for filing comments and reply comments have been extended by subsequent orders from dates early in 1966, to June 14, 1968, and July 16, 1968, respectively.

2. A number of substantial comments were filed on or prior to June 14, 1968. On July 15, 1968, The Association of Federal Communications Consulting Engineers (AFCCE), one of the parties to this proceeding, filed a petition requesting the time for filing reply comments be extended for a 60-day period.

3. AFCCE states that while it does not intend to file reply comments, some of its members have indicated their intention of doing so, and the extension is sought in their behalf. The bulk and complexity of the various proposals contained in the comments make it desirable that additional time be afforded for the preparation of meaningful reply comments.

4. We find that the nature of the comments is such as to justify the petitioner's request, and that it would be in the public interest to make available the additional 60-day period which it seeks.

5. *Accordingly, it is ordered,* That the time for filing reply comments in this proceeding is extended from July 16, 1968, to September 16, 1968.

6. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: July 16, 1968.

Released: July 17, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JAMES O. JUNTILLA,
Acting Chief, Broadcast Bureau.

[F.R. Doc. 68-8890; Filed, July 24, 1968; 8:50 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S 1683]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

JULY 19, 1968.

The Bureau of Reclamation, U.S. Department of the Interior, has filed an application, Serial No. S 1683, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining laws (30 U.S.C., Ch. 2) and the mineral leasing laws.

The applicant desires the land for the operation and maintenance of the Orland Project which adjoins the Stony Gorge Dam and Reservoir in Glenn County. The area proposed for withdrawal will be fully utilized for its fish and wildlife and water resource values. Its scenic and recreation values will be preserved as much as possible.

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, U.S. Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Mall, Sacramento, Calif. 95814.

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

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

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

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

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

T. 20 N., R. 6 W.,
Sec. 16, E½NE¼.

The above-described area contains approximately 80 acres.

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

[F.R. Doc. 68-8862; Filed, July 24, 1968; 8:48 a.m.]

[Colorado 4390]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

JULY 18, 1968.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. C–4390, for the withdrawal of the lands described below, from prospecting, location, and entry under the general mining laws only, subject to valid existing rights.

The applicant desires the lands for the Niwot Ridge Special Planning Area.

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

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

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

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

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

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN

T. 1 N., R. 73 W.,
Sec. 4, S½S½SW¼, NE¼SW¼SE¼, S½SW¼SE¼;
Sec. 7, lots 3 and 4, S½SE¼NW¼, E½SW¼, SE¼;
Sec. 8, S½NE¼, S½;
Sec. 9, W½E½NW¼, W½NW¼, SW¼, S½N½SE¼, S½SE¼;
Sec. 10, N½NE¼NE¼ less portion M.S. 17356, S½N½NE¼, S½NE¼, S½NE¼NW¼SE¼NW¼, S½;
Sec. 11, W½W½ less portion of M.S. 17359 and area to the north;
Sec. 15, N½, N½SE¼;
Sec. 17, E½ less portion M.S. 5879, E½NW¼, NE¼SW¼;
Sec. 21 NE¼NE¼, S½NE¼, SE¼NW¼;
Sec. 22, NW¼, NW¼SW¼, NW¼SE¼, S½SE¼;
Sec. 23 (Surface owned by University of Colorado), S½NE¼SW¼, SW½SW¼SW¼NW¼SE¼, SW¼SE¼.

The area described aggregates approximately 3,347.80 acres.

J. ELLIOTT HALL,
Land Office Manager.

[F.R. Doc. 68-8863; Filed, July 24, 1968; 8:48 a.m.]

[C–3898]

COLORADO

Notice of Classification of Public Lands for Multiple-Use Management

JULY 19, 1968.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2410 and 2411, the public lands within the areas described below are hereby classified for multiple-use management. Publication of this notice segregates all the public lands described (a), from appropriation only under the agricultural land laws (43 U.S.C., Parts 7 and 9; 25 U.S.C. sec. 334); Small Tract Act of June 1, 1938, as amended (43 U.S.C. 682 (a) and (b)); and (b) further segregates the land described in paragraph 3 of this notice from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171); and the Public Land Sale Act of September 19, 1964 (43 U.S.C. 1421–27); and (c) further segregates the land described in paragraph 4 of this notice from operation of the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869; 869–1 to 869–4); and (d) further segregates the lands described in paragraph 5 of this notice from the operation of the general mining laws (30 U.S.C. 21), and the Materials Act of July 31, 1947, as amended, but not from the mineral leasing laws.

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

2. No protests or objections were received following publication of a notice of proposed classification (33 F.R. 7265–7266) or at the public hearing held on June 13, 1968, at Grand Junction, Colo. The record showing the comments received and other information is on file and can be examined in the Grand Junction District Office, Grand Junction, Colo. The public lands affected by this classification are located within the following described area and are shown on a map designated by Serial No. C–3898 in the Grand Junction District Office, Bureau of Land Management, Federal Building, Fourth and Rood, Grand Junction, Colo. 81502 and at the Land Office, Bureau of Land Management, Room 15019, Federal Building, 1961 Stout Street, Denver, Colo. 80202.

UTE PRINCIPAL MERIDIAN, COLORADO

MESA COUNTY

T. 1 S., R. 1 E.,
Sec. 22, lot 4;
Sec. 31, NE¼SW¼.
T. 1 S., R. 2 E.,
Sec. 10, NE¼NW¼.
T. 2 S., R. 1 E.,
Sec. 4, N½NE¼.
T. 2 S., R. 2 E.,
Sec. 8, NE¼NE¼;
Sec. 9, NW¼NW¼.

The above areas aggregate approximately 333.43 acres of public land.

3. As provided in paragraph 1(b) above, the following lands are further segregated from sale under section 2455 of the Revised Statutes and the Public Land Sale Act of September 19, 1964:

UTE PRINCIPAL MERIDIAN, COLORADO

MESA COUNTY

T. 1 S., R. 1 W.,
Sec. 36, lot 13.
T. 1 S., R. 2 E.,
Sec. 17, SE¼SW¼;
Sec. 19, N½SE¼.
T. 2 S., R. 1 E.,
Sec. 2, N½;
Sec. 4, S½NW¼, N½SW¼;
Sec. 5, S½NE¼, SE¼NW¼;
Sec. 6, lots 3, 4, 5, and SE¼NW¼.
T. 2 S., R. 1 W.,
Sec. 1, lot 1.

The areas described aggregate approximately 826.35 acres of public lands.

4. As provided in paragraph 1(c) above, the following lands are further segregated from appropriation under the Recreation and Public Purposes Act:

UTE PRINCIPAL MERIDIAN, COLORADO

MESA COUNTY

T. 1 S., R. 1 E.,
Sec. 25;
Sec. 35.
T. 1 S., R. 2 E.,
Sec. 1, W½ and that part of E½ lying west of the high rim;
Secs. 10 to 17, inclusive;
Secs. 19 to 36, inclusive.
T. 2 S., R. 1 E.,
Secs. 1 to 5, inclusive;
Sec. 6, portion of SE¼ east of Gunnison River;
Secs. 9 and 10;
Secs. 13 to 16, inclusive;
Secs. 23 to 27, inclusive;
Secs. 35 and 36.
T. 2 S., R. 2 E.,
Secs. 1 to 23, inclusive;
Secs. 26 to 34, inclusive.
T. 3 S., R. 2 E.,
Secs. 1 and 2;
Secs. 4 to 30, inclusive;
Secs. 32 to 34, inclusive.

SIXTH PRINCIPAL MERIDIAN, COLORADO

MESA COUNTY

T. 11 S., R. 97 W.,
Sec. 30, lots 1 to 4, inclusive;
Sec. 31, lots 5 to 8, inclusive, E½W½, and W½SE¼.
T. 11 S., R. 98 W.,
Sec. 13, SW¼SW¼ that portion lying south of Rapid Creek Divide;
Sec. 14, lot 4 that portion lying west of Rapid Creek Divide;
Secs. 23 and 24, portion west of Rapid Creek Divide;
Secs. 25 and 26;
Secs. 35 and 36.
T. 12 S., R. 97 W.,
Secs. 6 and 7;
Secs. 18 and 19;
Sec. 30;
Secs. 32 to 34, inclusive.
T. 12 S., R. 98 W.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive;
Secs. 23 to 25, inclusive.
T. 13 S., R. 97 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 31, inclusive.
T. 13 S., R. 98 W.,
Sec. 1;
Secs. 11 to 14, inclusive;
Secs. 23 to 26, inclusive;
Secs. 35 to 36.
T. 13 S., R. 99 W.,
Sec. 10, east of the Gunnison River;
Sec. 11;
Sec. 14;
Sec. 15, east of the Gunnison River;
Sec. 22, east of the Gunnison River;
Sec. 23;
Sec. 26, east of the Gunnison River;
Sec. 27, east of the Gunnison River;
Sec. 35, east of the Gunnison River.
T. 14 S., R. 98 W.,
Sec. 8, east of the Gunnison River;
Sec. 18, east of the Gunnison River.

The area described in paragraph 4 aggregates approximately 60,520 acres of public lands.

The total area described above aggregates approximately 61,679.78 acres of public land.

5. As provided in paragraph 1(d) above, the following lands are further segregated from appropriation under the mining laws and the Materials Act, as amended:

SIXTH PRINCIPAL MERIDIAN, COLORADO

MESA COUNTY

T. 12 S., R. 97 W.,
Sec. 19, lot 7, S½SE¼NW¼.

These lands aggregate 49.90 acres (included in total area shown in paragraph 4).

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

E. I. ROWLAND,
State Director.

[F.R. Doc. 68-8839; Filed, July 24, 1968; 8:46 a.m.]

[Serial No. N–2573]

NEVADA

Notice of Proposed Classification of Public Lands for Transfer out of Federal Ownership

JULY 19, 1968.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1412) it is proposed to classify the public lands described in paragraph 4 below for transfer out of Federal ownership under the following statute: Section 8 of the Taylor Grazing Act (43 U.S.C. 315g).

2. Notice of this proposal has been sent to Nevada State and local government officials, State and District advisory boards, range users, and other interested parties.

3. Publication of this notice segregates the affected lands from all forms of disposal under the public land laws, including the general mining laws, except the form of disposal for which it is proposed to classify the lands. However, publication does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources, other than under the general mining laws.

4. The public lands affected by this proposed classification are shown on a map on file in the Carson City District Office, 801 North Plaza Street, Carson City, Nev. The lands are located in Washoe County, Nev., and are described as follows:

MOUNT DIABLO MERIDIAN, NEVADA

T. 21 N., R. 21 E.,
Sec. 24, all;
Sec. 36, all.
T. 21 N., R. 22 E.,
Sec. 12, all;
Sec. 24, all;
Sec. 32, all;
Sec. 34, all;
Sec. 36, all.
T. 22 N., R. 22 E.,
Sec. 36, all.

The lands described above aggregate 5,120 acres.

5. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish

to submit comments, objections, or suggestions in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, Carson City District Office, 801 North Plaza Street, Carson City, Nev. 89701.

For the State Director.

HORACE E. JONES,
District Manager.

[F.R. Doc. 68-8905; Filed, July 24, 1968; 8:51 a.m.]

[Serial No. 5496]

UTAH

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

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411–18), and to the regulations in Title 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple-use management the public lands within the area described below. Publication of this notice has the effect of segregating the described lands from appropriation under the agricultural land laws (43 U.S.C., Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171). The lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws, except as described below. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (43 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The lands proposed to be classified are those lands administered by the Bureau of Land Management within the following described area, of Emery and Sevier Counties, Utah:

SALT LAKE MERIDIAN

Beginning at a point where the Carbon-Emery County line intersects the Manti-LaSal National Forest boundary at the northwest corner of sec. 3, T. 16 S., R. 8 E.; thence southwesterly along said forest boundary to the northwest corner of SW¼SE¼, sec. 24, T. 23 S., R. 4 E.; thence southeasterly along the district boundary common to the Bureau of Land Management's Price and Richfield districts to the Emery-Wayne County line; thence east along said line to the Green River; thence northerly along said river to the Carbon-Emery County line; thence west along said line to the point of beginning; except the following described lands:

T. 16 S., R. 9 E.,
Sec. 25, SE¼NE¼.
T. 16 S., R. 10 E.,
Sec. 9, N½;
Sec. 10, N½, N½S½, SE¼SE¼;
Sec. 11, S½N½, N½S½, S½SW¼, SW¼SE¼;
Sec. 14, NW¼NE¼, SE¼NE¼;
Sec. 15, S½S½, N½SW¼, S½NW¼;
Sec. 17, SE¼SW¼;
Sec. 19, SW¼SE¼;
Sec. 20, NE¼NW¼;
Sec. 21, N½N½, SW¼NE¼, W½SE¼;
Sec. 22, N½N½, SE¼NE¼, SW¼NW¼, NW¼SW¼;
Sec. 33, NW¼NW¼, S½SE¼, NW¼SE¼.
T. 17 S., R. 9 E.,
Sec. 9, NW¼SW¼, SE¼SW¼;
Sec. 21, all;
Sec. 29, NW¼SW¼;
Sec. 30, SW¼NE¼, SE¼SW¼;
Sec. 31, NW¼NE¼, NE¼NW¼.
T. 18 S., R. 8 E.,
Sec. 1, NW¼NE¼, NE¼NW¼, NE¼SW¼;
Sec. 12, E½SE¼;
Sec. 14, NE¼NE¼;
Sec. 19, NE¼NE¼;
Sec. 23, SE¼SE¼;
Sec. 24, N½SW¼;
Sec. 26, NE¼NE¼;
Sec. 35, NE¼, NE¼NW¼, N½SE¼.
T. 18 S., R. 9 E.,
Sec. 6, NW¼SE¼;
Sec. 7, NE¼NE¼, N½SW¼, SE¼SW¼, SW¼SE¼;
Sec. 9, SE¼, E½SW¼;
Sec. 17, SE¼NW¼, W½SE¼;
Sec. 18, N½NE¼, NW¼SW¼, SW¼SE¼;
Sec. 20, W½NW¼, SE¼NW¼, W½NE¼.
T. 19 S., R. 8 E.,
Sec. 3, SE¼SE¼;
Sec. 11, SE¼SE¼;
Sec. 12, SW¼SW¼;
Sec. 15, S½SW¼;
Sec. 17, NW¼NW¼, E½SW¼;
Sec. 27, W½NW¼;
Sec. 28, NE¼, E½NW¼, SW¼NW¼, NE¼SW¼, NE¼SE¼;
Sec. 29, S½NE¼, N½SE¼, NE¼SW¼.

The public lands proposed to be classified for multiple-use management in the area described aggregate approximately 1,948,303 acres.

3. Publication of this notice also has the effect of segregating the lands described below from entry under the general mining laws and surface use and occupancy under the mineral leasing laws:

CLEVELAND LLOYD DINOSAUR QUARRY

T. 17 S., R. 11 E.,
Sec. 21, SE¼SE¼;
Sec. 28, NE¼NE¼.
80 acres.

CEDAR MOUNTAIN RECREATION AREA

T. 19 S., R. 11 E.,
Sec. 13, NE¼NW¼, NW¼NE¼, E½NE¼.
265 acres.
T. 19 S., R. 12 E.,
Sec. 18, lots 1, 2, and 3.

SAN RAFAEL BRIDGE CAMPGROUND

T. 20 S., R. 11 E.,
Sec. 14, NW¼SW¼;
Sec. 15, NE¼SE¼.
80 acres.

THE WEDGE RECREATION AREA

T. 20 S., R. 11 E.,
Sec. 6, S½NE¼, SE¼NW¼.
120 acres.

LINK FLATS NATURAL AREA

T. 23 S., R. 9 E.,
Sec. 29, S½NE¼, SE¼, E½SW¼;
Sec. 30, SE¼NW¼, E½SW¼;
Sec. 31, W½NW¼, S½NE¼, S½.
792 acres.

Containing approximately 1,337 acres.

4. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments or suggestions in connection with this proposed classification may present their views in writing to the District Manager, Bureau of Land Management, Post Office Box AB, Price, Utah 84501, or to the State Director, Bureau of Land Management, Post Office Box 11505, Salt Lake City, Utah 84111.

5. Maps depicting these lands are on file and may be reviewed at the Bureau of Land Management District Office at Price, Utah, and the State Office, Federal Building, 125 South State Street, Salt Lake City, Utah 84111.

6. A public hearing on the proposed classification will be held in the courtroom of the Emery County Courthouse, Castle Dale, Utah, on August 8, 1968, at 7:30 p.m. At this time statements in support of or in opposition to the proposal may be presented.

R. D. NIELSON,
State Director.

[F.R. Doc. 68-8841; Filed, July 24, 1968; 8:46 a.m.]

[Wyoming 12668]

WYOMING

Notice of Classification of Public Lands for Multiple-Use Management

JULY 19, 1968.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2410 and 2411, the public lands within the areas described below, are hereby classified for multiple-use management. Publication of this notice segregates: (a) All the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171); (b) the public lands described in paragraph 4 of this notice from appropriation under the general mining laws (30 U.S.C. 21). Except as provided in (a) and (b) above, the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. A public hearing on the proposed classification (33 F.R. 96) was held in Green River, Wyo., on June 26, 1968. Comments were received from three individuals. Comments were of an inquiry nature. No opposition was received.

3. Public lands located within the following described areas are shown on the Fremont, Sublette, and Sweetwater County Planning Unit Classification Maps, which are on file in the District Office, Bureau of Land Management, Rock Springs, Wyo., and the Land Office, Bureau of Land Management, Federal Building, Cheyenne, Wyo. The general description of the areas are as follows:

SIXTH PRINCIPAL MERIDIAN

FREMONT COUNTY, WYO.

All public lands within the following described area:

Beginning at the junction of Sublette-Fremont-Sweetwater County lines; thence east to the proposed district boundary between Lander and Rock Springs Grazing Districts; thence northerly along the proposed boundary between Lander and Rock Springs Grazing Districts to the Shoshone National Forest boundary; thence northwesterly along the Shoshone and Bridger National Forest boundaries to the Fremont-Sublette County line; thence south along the Fremont-Sublette County line to the point of beginning.

SIXTH PRINCIPAL MERIDIAN

SUBLETTE COUNTY, WYO.

All public lands within the following described area:

Beginning at a point along the Sublette and Lincoln County line, where the south section line of sec. 32, T. 27 N., R. 112 W., intersects the Green River; thence east along the Sublette County line to the junction of Sublette, Fremont, and Sweetwater Counties; thence north along the Sublette-Fremont County line to the Bridger National Forest boundary; thence westerly along the Bridger National Forest boundary to the northwest corner of sec. 5, T. 30 N., R. 105 W.; thence southwesterly and westerly along the existing proposed Pinedale and Rock Springs Grazing District boundary to the Green River; thence south and southwesterly along the Green River to the point of beginning.

SIXTH PRINCIPAL MERIDIAN

SWEETWATER COUNTY, WYO.

All public lands within the following described area, except those lands within Planning Units 0472, 0451, and 0471, as said planning units are delineated upon the maps previously referred to:

Beginning at the junction of the Sweetwater-Uinta County line at the Wyoming-Utah border; thence north along the Sweetwater-Uinta County line to the Sweetwater-Lincoln County line; thence north along the Sweetwater-Lincoln County line to the Sweetwater-Sublette County line; thence east along the Sweetwater-Sublette County line to the Sweetwater-Fremont County line; thence east along the Sweetwater-Fremont County line to the Rock Springs-Rawlins District boundary; thence southerly along the Rock Springs-Rawlins District boundary to the Wyoming-Colorado State line; thence west along the Wyoming-Colorado State line to the Wyoming-Utah border; thence west along the Wyoming-Utah State line to the point of beginning.

The total area of the public lands included within the purview of this notice of classification aggregates approximately 3,821,095 acres.

4. As provided in paragraph 1 above, the following lands are further segregated from appropriation under the mining laws (aggregating approximately 4,423 acres):

SIXTH PRINCIPAL MERIDIAN

FREMONT COUNTY, WYO.

T. 27 N., R. 102 W.,
Sec. 10, SW¼NE¼.
T. 28 N., R. 100 W.,
Sec. 28, NW¼NW¼.
T. 28 N., R. 101 W.,
Sec. 1, W½NW¼.
T. 29 N., R. 100 W.,
Sec. 18, S½SE¼NW¼, NW¼NE¼SW¼, SW¼SW¼NW¼, and NW¼NW¼SW¼.
T. 29 N., R. 101 W.,
Sec. 13, S½NE¼NE¼ and N½NE¼SW¼;
Sec. 14, SE¼NE¼, SW¼NE¼NE¼, and NW¼NE¼;
Sec. 15, N½NE¼;
Sec. 19, NE¼SE¼;
Sec. 29, NW¼SE¼;
Sec. 34, SW¼NE¼.
T. 29 N., R. 102 W.,
Sec. 5, lot 4.
T. 30 N., R. 102 W.,
Sec. 32, SW¼SW¼.

SUBLETTE COUNTY, WYO.

T. 29 N., R. 103 W.,
Sec. 10, SE¼SW¼.
T. 30 N., R. 103 W.,
Sec. 28, SW¼SW¼;
Sec. 29, SE¼SE¼;
Sec. 32, SE¼SE¼.
T. 30 N., R. 104 W.,
Sec. 15, SW¼NW¼.

SWEETWATER COUNTY, WYO.

T. 12 N., R. 103 W.,
Sec. 1, SE¼NW¼.
T. 12 N., R. 104 W.,
Sec. 1, lot 9.
T. 13 N., R. 105 W.,
Sec. 18, lots 2, 3, 5, SE¼ of lot 6, and lot 9;
Sec. 19, lot 9;
Sec. 30, SE¼NW¼.
T. 13 N., R. 106 W.,
Sec. 15, NE¼SW¼;
Sec. 23, S½NW¼SE¼ and N½SW¼SE¼;
Sec. 25, NE¼.
T. 14 N., R. 100 W.,
Sec. 1, SE¼NW¼.
T. 14 N., R. 107 W.,
Sec. 27, W½NE¼ and E½NW¼.
T. 14 N., R. 109 W.,
Sec. 30, NW¼NE¼.
T. 14 N., R. 111 W.,
Sec. 32, NE¼NW¼.
T. 15 N., R. 100 W.,
Sec. 4, W½NW¼.
T. 17 N., R. 107 W.,
Sec. 24, NW¼SE¼.
T. 18 N., R. 104 W.,
Sec. 8, SE¼NE¼, SW¼SE¼, and NE¼NE¼.
T. 18 N., R. 106 W.,
Sec. 2, NW¼SE¼ and SW¼NE¼.
T. 18 N., R. 107 W.,
Sec. 18, lots 5 and 6.
T. 19 N., R. 105 W.,
Sec. 18, SE¼SE¼.
T. 19 N., R. 106 W.,
Sec. 10, SE¼.
T. 20 N., R. 106 W.,
Sec. 12, NW¼SW¼.
T. 21 N., R. 105 W.,
Sec. 32, SE¼SE¼, SW¼NE¼SE¼, SE¼NW¼SE¼, and NE¼SW¼SE¼.
T. 22 N., R. 103 W.,
Sec. 4, lot 4.
T. 22 N., R. 105 W.,
Sec. 14.
T. 22 N., R. 109 W.,
Sec. 20, lots 4, 5, and 6, E½SE¼;
Sec. 28, SW¼.
T. 23 N., R. 102 W.,
Sec. 1, W½NW¼;
Sec. 9, SE¼NE¼;
Sec. 11, SE¼NW¼.
T. 23 N., R. 104 W.,
Sec. 21, NW¼NE¼ and NE¼NW¼.
T. 23 N., R. 105W.,
Sec. 13, NW¼SW¼.
T. 23 N., R. 108 W.,
Sec. 19.
T. 23 N., R. 111 W.,
Sec. 17, portion north of river;
Sec. 18, portion north of river.

5. The record showing testimony made by members of the public attending the hearing is on file and can be examined in the Rock Springs District Office, Rock Springs, Wyo., and the Land Office, Bureau of Land Management, Federal Building, Cheyenne, Wyo.

6. For a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2411.2c.

ED PIERSON,
State Director.

[F.R. Doc. 68-8840; Filed, July 24, 1968; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

CHICAGO MERCANTILE EXCHANGE

Designation as Contract Market for Frozen Skinned Hams Under Commodity Exchange Act

Pursuant to the authorization and direction contained in the Commodity Exchange Act, as amended (7 U.S.C. 1–17b), I hereby designate the Chicago Mercantile Exchange, of Chicago, Ill., as a contract market for frozen skinned hams effective on this date, as shown below. The said exchange has applied for and has otherwise complied with the requirements imposed by the said act as a condition precedent to such designation.

This designation is subject to suspension or revocation in accordance with the provisions of the said act. For the purpose of any such suspension or revocation, this designation and the orders issued by the Secretary of Agriculture on September 11, 1936, August 22, 1955, and June 13, 1968, designating the said exchange as a contract market for the commodities specified in such orders, shall constitute a single designation.

Issued this 19th day of July 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-8911; Filed, July 24, 1968; 8:52 a.m.]

DEPARTMENT OF COMMERCE

National Bureau of Standards

NATIONAL BUREAU OF STANDARDS RADIO STATIONS

Notice of Standard Frequency and Time Broadcasts

In accordance with National Bureau of Standards policy of giving monthly notices regarding changes of phases in seconds pulses, notice is hereby given that there will be no adjustment in the phase of seconds pulses emitted from radio station WWVB, Fort Collins, Colo.,

on September 1, 1968. The carrier frequency of WWVB is 60 kHz and is broadcast without offset. These emissions are made following the stepped atomic time (SAT) system as coordinated by the Bureau International de l'Heure (BIH).

Notice is also hereby given that there will be no adjustments in the phases of time pulses emitted from radio stations WWV, Fort Collins, Colo. and WWVH, Maui, Hawaii, on September 1, 1968. These pulses at present occur at intervals which are longer than 1 second by 300 parts in 10^{10}. This is due to the offset maintained in the carrier frequencies of these stations following the universal time (UTC) system as coordinated by the BIH.

ALLEN V. ASTIN,
Director.

[F.R. Doc. 68-8859; Filed, July 24, 1968; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CHEMAGRO CORP.

Notice of Filing of Petition for Food Additive Coumaphos

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by Chemagro Corp., Post Office Box 4913, Kansas City, Mo. 64120, proposing that § 121.304 *Coumaphos (O,O-diethyl O-3-chloro-4-methyl-2-oxo-2H-1-benzopyran-7-yl phosphorothioate)* be amended to provide for the safe use of coumaphos in the feed of beef and dairy cattle for the treatment of infestations of the internal parasites (gastrointestinal nematodes): *Haemonchus, Cooperia, Ostertagia, Nematoridus,* and *Trichostrongylus* species.

Dated: July 16, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8902; Filed, July 24, 1968; 8:51 a.m.]

WHITMOYER LABORATORIES, INC.

Notice of Filing of Petition for Food Additives Carbarsone (Not U.S.P.), Zoalene, Procaine Penicillin, Bacitracin Methylene Disalicylate, Zinc Bacitracin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by Whitmoyer Laboratories, Inc., Myerstown, Pa. 17067, proposing that the food additive regulations (21 CFR Part 121, Subpart C) be amended to provide for the safe use in turkey feed of carbarsone (not U.S.P.) and zoalene with certain combinations of:

1. Penicillin (as procaine penicillin); or
2. Bacitracin (as bacitracin methylene disalicylate or zinc bacitracin); or
3. Penicillin plus bacitracin (as procaine penicillin and bacitracin methylene disalicylate or zinc bacitracin);

as an aid in the prevention of blackhead, for prevention and control of coccidiosis, and for growth promotion and feed efficiency.

Dated: July 16, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-8903; Filed, July 24, 1968; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 19485; Order 68-7-107]

EASTERN AIR LINES, INC., ET AL.

Order Regarding Reservations in East Coast-Florida Market

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22d day of July 1968.

Agreement adopted by Eastern Air Lines, Inc., National Airlines, Inc., and Northeast Airlines, Inc., relating to reservations practices and procedures in the East Coast-Florida Market, Docket 19485, Agreement CAB 20236.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between Eastern Air Lines, Inc., National Airlines, Inc., and Northeast Airlines, Inc., which provides for ticketing time limits in certain East Coast Markets[1] in an effort to alleviate reservation problems during the peak year-end holiday and Easter periods.[2]

Under the agreement the following limits upon the time for ticketing and payment of the tariff fares would be applied to all reservations for transportation in these markets during peak travel periods:

Reservations accepted before departure date	*Ticketing time limit*
More than 8 weeks	4 weeks from booking date.
Less than 8 weeks	2 weeks from booking date.
Less than 4 weeks	1 week from booking date.
Less than 2 weeks	24 hours from booking date.
Less than 1 week	No later than 1 hour before departure.

[1] Between Fort Lauderdale, Fort Myers, Key West, Miami, Sarasota/Bradenton, Tampa/St. Petersburg, and West Palm Beach, on the one hand, and Baltimore, Boston, Hartford/Springfield, New Haven, New York/Newark, Philadelphia, Providence, Washington, D.C., and Wilmington, on the other hand.

[2] Southbound from Dec. 15, through Dec. 26, 1968, and northbound from Dec. 30, 1968, through Jan. 10, 1969; Southbound, 1 week prior to Easter, and Northbound, Easter plus 2 weeks.

It also contains a provision that reservations made prior to the effective date of the rule must be ticketed within 45 days after the effective date of the rule. These ticketing limitations would apply to all bookings made by the three carriers and by travel agents; the agreement also provides certain ticketing procedures to be followed by travel agents to assure proper application of the rules.

The agreement differs in substance from a similar agreement filed last year[3] in that it applies to the Easter season in addition to the year-end holiday period and makes minor changes in the reservation and ticketing time limits.[4]

For the same reason we approved last year's agreement, the Board has determined to approve the subject agreement for this year's year-end holiday season. In our view the plan may help to alleviate the serious problem which the traveling public has had in obtaining reservations in the Florida market during this peak travel season. By establishing ticketing time limits, the problem of multiple reservations and large block holding of seats by travel agents should be reduced substantially and many more seats made available for bona fide advance reservations. While we regard the prepayment element of this plan as undesirable in any normal situation, since it gives the carriers the free use of passenger funds for extended periods, the peak period problem in these markets has been of such magnitude that unusual action appears necessary to control the widespread abuses which have deprived the traveling public of the opportunity to obtain advance reservations on flights where seats were ultimately available. We, therefore, do not find this agreement to be adverse to the public interest or in violation of the Act but will limit our approval to the 1968-69 year-end holiday season.[5] In the interim we will expect the carriers to continue to explore other means of resolving the peak period reservation problem which will be less burdensome on persons who are not responsible for the present situation.[6] We will also expect the carriers to file in this docket detailed information on the operation of the plan within 30 days after January 10, 1969, and show specifically how it resulted in benefits to the public in terms of the availability of advance reservations, the clearing of wait listed passen-

[3] Order E-25423, July 17, 1967.

[4] Last year's agreement was in terms of months and days, while this year's is in terms of weeks. The resulting time changes are not significant.

[5] See the following table:

Southbound	*Northbound*
Dec. 15 through Dec. 26, 1968.	Dec. 30, 1968, through Jan. 10, 1969.

[6] e.g. Consideration could be given to such possibilities as requiring advance payment of something less than the full tariff fares or reasonable deposits which will not be refunded after certain periods.

gers, and any periods when the carriers would not wait list passengers for travel during the season.

The carriers have also agreed to extend ticketing time limits to travel during the Easter season. However, no data have been submitted demonstrating that reservation problem of similarly serious proportions exists during this period. In view of the undesirable aspects of the plan, we have concluded that the extension of the agreement to apply ticketing time limits on Easter season travel should not be approved in the absence of data indicating a clear need for taking such unusual measures during that period.

We have also concluded that this agreement, insofar as it applies to the year-end holiday season, should be approved for the 1968–69 year-end period in view of the undesirable aspects noted above. We will expect the carriers to explore other possible solutions to this problem and to continue to supply us with data upon which the results of this plan can be evaluated.

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

It is ordered, That:

1. Agreement CAB 20236 be and is hereby approved for the 1968–69 year-end holiday season, and disapproved to the extent it would establish ticketing time limits for travel during the Easter period.

2. This order shall be served upon Eastern Air Lines, Inc., National Airlines, Inc., and Northeast Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-8897; Filed, July 24, 1968; 8:50 a.m.]

[Docket No. 19505]

SKY COURIER, INC., ET AL.

Notice of Postponement of Hearing Regarding Approval of Control and Interlocking Relationships

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding now assigned to be held on August 6, 1968, is hereby postponed indefinitely.

Dated at Washington, D.C., July 19, 1968.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[F.R. Doc. 68-8898; Filed, July 24, 1968; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 68-673]

FM STATION POWER

Specifications

JUNE 27, 1968.

Inquiries and comments have been received by the Commission indicating that some FM broadcasters are improperly announcing authorized effective radiated power (ERP). While Commission rules do not require on-the-air announcements concerning station power, when such announcements are used they should be delivered as accurately as possible. The problem usually arises when an FM station changes its antenna system to add vertical polarization.

Although the addition of vertical polarization at an FM station helps to "fill in" pockets of poor reception within the station's service area and improves FM reception in automobiles, it does not significantly extend the service contours. It follows that expressions of authorized ERP as the sum of the vertical and horizontal planes are misleading and, as such, contrary to Commission policy.

Announcements relating to ERP should therefore either conform to the authorized horizontal plane value or, if the licensee wishes to differentiate the horizontal and vertical power components, they should be announced exactly as expressed in the license.

Action by the Commission[1] June 26, 1968.

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

[F.R. Doc. 68-8891; Filed, July 24, 1968; 8:50 a.m.]

[Docket No. 18140 etc.; FCC 68-685]

DELAWARE COUNTY CABLE TELEVISION CO. ET AL.

Memorandum Opinion and Order Instituting Consolidated Hearing

In re petitions by Delaware County Cable Television Co. et al., Docket No. 18140, File No. CATV 100–18, 18141, 18142, 18143, 18144, 18145, 18146, 18147, 18148, 18149, 18150, 18151, 18152, 18153, 18154, 18155, 18156, 18157, 18158, 18159, 18160, 18161, 18162 and 18163, for authority pursuant to § 74.1107 of the rules to operate CATV systems in the Philadelphia, Pa., Television Market (ARB 4), and the Harrisburg-Lancaster-Lebanon-York, Pa., Television Market (ARB 30), or the Wilkes-Barre-Scranton, Pa., Television Market (ARB 69).

[1] Commissioners Hyde (Chairman), Bartley, Lee, Cox, Loevinger, Wadsworth, and Johnson.

In re applications of Rollins, Inc., Newark, Del., Docket No. 18164, File No. 20077–IB–15X; Jerrold-South Jersey T.V. Cable Corp., Mount Holly, N.J., Docket No. 18165, File No. 9538–IB–96X; for construction permits for new Point-to-Point Microwave stations.

In re applications of Rollins, Inc., Docket No. 18166, File Nos. BPCAR–2, BPCAR–3, BPCAR–4, BPCAR–5, for construction permits for new community antenna relay stations to serve a CATV system at Wilmington, Del.

Lower Bucks Cablevision, Inc., Penndel Borough, Pa., Docket No. 18228, SR–26815, request for special relief filed pursuant to § 74.1109 of the Commission's rules.

1. On January 24, 1968, Lower Bucks Cablevision, Inc., gave notification persuant to § 74.1105 of the Commission's rules of its intention to commence CATV operation in Penndel Borough, Bucks County, Pa. On February 23, 1968, WIBF Broadcasting Co., permittees of Station WIBF–TV, Philadelphia, Pa., and U.S. Communications of Philadelphia, Inc., licensee of Station WPHL–TV, Philadelphia, Pa., filed a petition requesting temporary and permanent relief pursuant to § 74.1109 of the rules against carriage of New York signals by Lower Bucks on its CATV system in Penndel Borough. This petition is opposed by Lower Bucks, and WIBF Broadcasting and U.S. Communications have replied. On February 23, 1968, Westinghouse Broadcasting Co., Inc., licensee of Station KYW–TV, Philadelphia, Pa., filed objection to Lower Bucks proposal. All pleadings are considered below.

2. Lower Bucks proposes to commence operations in Penndel Borough carrying the following local signals: KYW–TV, WFIL–TV, WCAU–TV, WIBF–TV, WUHY–TV, WKBS–TV, Philadelphia, Pa.; WLVT–TV, Allentown, Pa.; WHYY–TV, Wilmington, Del.; and WNEW–TV, WOR–TV, WPIX, WNDT, New York, N.Y.[1] WIBF Broadcasting and U.S. Communications urge that the rationale of footnote 69 of the second report and order requires that the New York signals not be carried on Lower Bucks' Penndel system pending hearing.

3. In the second report and order, the Commission determined that CATV systems should generally carry the signals of all local television stations; that is, those providing predicted Grade B contours over the systems. See also, Shen-Heights TV Association, FCC 68–168, 11 FCC 2d 814. Footnote 69 recognizes that there may be special circumstances that would justify an exception to this rule when there is predicted Grade B overlap between two major markets.

4. New York is the first major market and Philadelphia is the fourth, according

[1] On Apr. 24, 1968, Lower Bucks gave 74.1105 notification of its intention to carry WCBS–TV, WNBC–TV, and WABC–TV, New York, N.Y.

to the 1967 ARB ranking. The carriage of New York signals in the Philadelphia market may interfere with the development of the independent UHF stations in the area. Accordingly, consistent with the rationale of footnote 69, we will explore the question in hearing.[2]

Accordingly, a hearing is ordered, to be consolidated with the hearing in Docket Nos. 18140–18166 at a time and place to be specified in a further order, upon the following issues:

1. To determine the present and proposed penetration and extent of CATV service in the Philadelphia television market.

2. To determine the effects of current and proposed CATV service in the Philadelphia television market upon existing, proposed, and potential television broadcast stations in the market.

3. To determine (a) 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; (b) the potential for such services; and (c) the impact of such services upon television broadcast stations in the market.

4. To determine whether carriage of predicted grade B or better signals from New York City stations should be authorized.

5. To determine whether the applications and proposals are consistent with the public interest.

Lower Bucks Cablevision, Inc., WIBF Broadcasting Co., and U.S. Communications of Philadelphia, Inc., are made parties to the proceeding and to participate must comply with the applicable provisions of § 1.221 of the Commission's rules.

It is further ordered, That respondent, Lower Bucks Cablevision, Inc., has the burden of proceeding and the burden of proof with respect to Issue 1, Issue 2, and Issue 3 insofar as it relates to its own CATV system, and that petitioners have the burden of proceeding and the burden of proof with respect to Issue 4. Issue 5 is conclusory.

Accordingly, the petition of WIBF Broadcasting Co. and U.S. Communications of Philadelphia, Inc., is granted to the extent indicated above and is otherwise denied.

Adopted: June 26, 1968.

Released: July 18, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[3]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 68-8892; Filed, July 24, 1968; 8:50 a.m.]

[2] Lower Bucks may operate in the interim carrying the Philadelphia, Allentown, and Wilmington signals.

[3] Commissioners Bartley, Loevinger and Wadsworth absent.

[Docket No. 18140, etc.; FCC 68-684]

DELAWARE COUNTY CABLE TELEVISION CO. ET AL.

Memorandum Opinion and Order Instituting Consolidated Hearing

In re petitions by Delaware County Cable Television Co. et al., Docket No. 18140, File No. CATV 100–18, 18141, 18142, 18143, 18144, 18145, 18146, 18147, 18148, 18149, 18150, 18151, 18152, 18153, 18154, 18155, 18156, 18157, 18158, 18159, 18160, 18161, 18162 and 18163, for authority pursuant to § 74.1107 of the Rules to Operate CATV Systems in the Philadelphia, Pa., Television Market (ARB 4) and the Harrisburg-Lancaster-Lebanon-York, Pa., Television Market (ARB 30) or the Wilkes-Barre-Scranton, Pa., Television Market (ARB 69).

In re applications of Rollins, Inc., Newark, Del., Docket No. 18164, File No. 20077–IB–15X; Jerrold-South Jersey T.V. Cable Corp., Mount Holly, N.J., Docket No. 18165, File No. 9538–IB–96X; for construction permits for new point-to-point microwave stations.

In re applications of Rollins, Inc., Docket No. 18166, File Nos. BPCAR–2, BPCAR–3, BPCAR–4, and BPCAR–5, for construction permits for new community antenna relay stations to serve a CATV system at Wilmington, Del.

Lower Bucks Cablevision, Inc., Levittown, Pa., Docket No. 18227, SR–1687, request for special relief filed pursuant to § 74.1109 of the Commission's rules.

1. On December 21, 1966, Lower Bucks Cablevision, Inc. (formerly Telemax of Lo Bux, Inc.) gave notification pursuant to § 74.1105 of the Commission's rules of its intention to commence CATV operation in Levittown and Bristol, Pa., carrying local signals from Philadelphia, Pa.; Burlington, N.J.; Wilmington, Del.; and New York, N.Y.[1] On January 10, 1968, WIBF Broadcasting Co., permittee of Station WIBF–TV, Philadelphia, Pa., and Philadelphia Television Broadcasting Co., licensee of Station WPHL–TV, Philadelphia, Pa., filed a petition for special relief asking the Commission to declare Lower Bucks' 74.1105 notification insufficient, and to prohibit the carriage of New York signals on Lower Bucks' system.[2] On February 12, 1968, and February 15, 1968, respectively, Seven Arts Broadcasting Co., Inc., permittee of Station WGTI, Philadelphia, Pa., and Westinghouse Broadcasting Co., Inc., licensee of Station KYW–TV, Philadelphia, Pa., filed comments regarding this petition. Lower Bucks opposed the petition, and petitioners have replied.

2. The petitions directed against the § 74.1105 notification were not timely filed to invoke the mandatory stay provided by § 74.1109 of the Commission's rules. Petitioners seek to justify their failure to object in a timely manner on two grounds: That service of the § 74.1105 notification was inadequate, and that the notification itself did not adequately identify the area to be served by the proposed CATV systems. In addition, petitioners argue that since Lower Bucks' CATV systems are located within the Philadelphia market (the fourth television market according to 1967 ARB ranking), the rationale of footnote 69 of the second report and order requires that New York television signals not be carried without prior hearing. In view of the failure to obtain a mandatory stay, petitioners urge that special relief be granted pursuant to § 74.1109 of the rules, in accordance with Midwest Television, Inc., FCC 66–683, 4 FCC 2d 612.

3. On the record before us, it appears that § 74.1105 notifications were mailed on behalf of the CATV systems. One petitioning television operator received it at its transmitter site, and one of the petitioners denies recollection of having received it. The Commission's rules are not specific as to the address to which a § 74.1105 notification should be mailed; however, we accept the petitioner's argument that the only address available to it was that of the transmitter. Certainly, it does not seem to impose a burden on the television licensee to require that the mail received by its staff—even at a different address—be forwarded to corporate management. Nor can we accept the argument of "no recollection" as decisive since it does not, by its own terms, deny receipt of the § 74.1105 notification. Moreover, it is undisputed that the § 74.1105 notification was mailed (which is all that the rules call for), and it is an accepted rule that a letter mailed is presumed to be received by the addressee unless a showing to the contrary can be made. Consequently, we hold that Lower Bucks complied with the requirements of § 74.1105 in giving notifications. Nor can we attach great weight to the argument that the notification was deficient in indicating proposed service to a larger area than is actually involved. It seems obvious that, in any event, such notification should have had an even more alarming effect on a station receiving it.[3] Thus, we hold that Lower Bucks fully satisfied the requirements of § 74.1105.

[1] Lower Bucks has since begun operation in Levittown and in Bristol carrying the following signals: KYW–TV, WFIL–TV, WCAU–TV, WPHL–TV, WIBF–TV, WUHY–TV, Philadelphia; WKBS–TV, Burlington, WHYY–TV, Wilmington, and WNEW–TV, WOR–TV, WPIX, and WNDT, New York.

[2] The license for WPHL–TV has been transferred from Philadelphia Television Broadcasting Co. to U.S. Communications of Philadelphia, Inc.

[3] Lower Bucks' notification stated that it intended to serve Middletown Township, Bristol Township, and Bristol Borough. Levittown is an unincorporated housing development located within portions of four municipalities; the townships of Middletown, Bristol, and Falls and the Borough of Tullytown, in Bucks County, Pa.

4. Notwithstanding the fact that petitioners did not avail themselves of their full procedural rights under the rules, they argue that Midwest Television, Inc., supra, warrants granting of special relief at this time, and we have recognized that footnote 69 problems are presented by operation of CATV around Philadelphia carrying New York signals. Delaware County Cable Television Co., FCC 68–294, 12 FCC 2d 529. This presents a difficult problem since, due to petitioners' delay in raising objections, and the CATV systems' good faith reliance on the lack of objections, the CATV systems have gone ahead with construction and begun offering service to the public. We believe the most equitable solution to this problem is to confine carriage by the Lower Bucks systems in Levittown and Bristol of those signals proposed in its notification of December 21, 1966, as well as WLVT–TV, Allentown, Pa., for which § 74.1105 notification was given on January 24, 1968, to those areas where main trunkline cable is located as of the date of this order. Buckeye Cablevision, Inc., FCC 67–1281, 11 FCC 2d 745. Beyond this, we feel that hearing is necessary before Lower Bucks is permitted to supply service to the estimated 14,930 households it ultimately hopes to serve.[4]

Accordingly, a hearing is ordered, to be consolidated with the hearing in Docket No. 18140–18166 at a time and place to be specified in a further order, upon the following issues:

1. To determine the present and proposed penetration and extent of CATV service in the Philadelphia television market.

2. To determine the effects of current and proposed CATV service in the Philadelphia Television market upon existing, proposed, and potential television broadcast stations in the market.

3. To determine (a) 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; (b) the potential for such services; and (c) the impact of such services upon television broadcast stations in the market.

4. To determine whether carriage of predicted grade B or better signals from New York City stations should be authorized.

5. To determine whether the applications and proposals are consistent with the public interest.

It is further ordered, That Lower Bucks Cablevision, Inc., WIBF Broadcasting Co., U.S. Communications of Philadelphia, Inc., Seven Arts Broadcasting Co., Inc., and Westinghouse Broadcasting Co., Inc., are made parties to this proceeding.

It is further ordered, That respondent, Lower Bucks Cablevision, Inc., has the burden of proceeding and the burden of proof with respect to Issue 1, Issue 2, and Issue 3 insofar as it relates to its own CATV system, and that petitioners have the burden of proceeding and the burden of proof with respect to Issue 4. Issue 5 is conclusory.

It is further ordered, That pending the outcome of this proceeding, respondent, Lower Bucks Cablevision, Inc., is directed to limit the operations of its CATV systems in Levittown and Bristol as set forth in paragraph 4, above.

It is further ordered, That the "Petition for Declaratory Ruling and for Immediate Temporary and for Permanent Relief Against Carriage of New York Television Signals on CATV systems in the Philadelphia Television Market (Levittown and Bristol)" filed January 11, 1968, by WIBF Broadcasting Co., permittee of Station WIBR–TV, Philadelphia, Pa., is granted to the extent indicated above, but is otherwise denied.

Adopted: June 26, 1968.

Released: July 18, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[5]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68–8893; Filed, July 24, 1968; 8:50 a.m.]

[Docket No. 18196; FCC 68M–1078]

HARVEY Z. GHESSER

Order Continuing Hearing

In the matter of Harvey Z. Ghesser, Los Angeles, Calif., suspension of amateur radio operator license (WB6TTF).

On the Hearing Examiner's own motion:

It is ordered, That the hearing now scheduled for September 6, 1968, is continued to September 10, 1968, at 9 a.m. in Los Angeles, Calif.

Issued: July 18, 1968.

Released: July 19, 1968.

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

[F.R. Doc. 68–8895; Filed, July 24, 1968; 8:50 a.m.]

[Docket No. 18197; FCC 68M–1079]

THIRESIA SPIROPOULOU

Order Continuing Hearing

In the matter of Thiresia Spiropoulou, 1028 North Emerson Street, Portland, Oreg. 97217, order to show cause why the license for radio station KRC–0535 in the citizens radio services should not be revoked.

On the Hearing Examiner's own motion:

It is ordered, That the hearing now scheduled for September 11, 1968, is continued to September 13, 1968, at 9 a.m. in Portland, Oreg.

Issued: July 18, 1958.

Released: July 19, 1968.

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

[F.R. Doc. 68–8896; Filed, July 24, 1968; 8:50 a.m.]

[Docket Nos. 18251–18257; FCC 68–731]

LOUIS VANDER PLATE ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Louis Vander Plate, Franklin, N.J., Docket No. 18251, File No. BP–16837, requests: 1000 kc, 250 w, Day; Radio New Jersey, Hackettstown, N.J., Docket No. 18252, File No. BP–16987, requests: 1000 kc, 1 kw, DA, Day; Mid-State Broadcasting Co., Lakewood, N.J., Docket No. 18253, File No. BP–17087, requests: 1170 kc, 5 kw, DA, Day; Arthur S. Steloff, Toms River, N.J., Docket No. 18254, File No. BP–17249, requests: 1170 kc, 1 kw, Day; Seashore Broadcasting Co., Inc., Orleans, Mass., Docket No. 18255, File No. BP–17483, requests: 1170 kc, 1 kw, DA, Day; Lake-River Broadcasting Corp.,[1] Lakewood, N.J., Docket No. 18256, File No. BP–17485, requests: 1170 kc, 5 kw, DA, Day; Somerset Valley Broadcasting Co., Somerville, N.J., Docket No. 18257, File No. BP–17505, requests: 1170 kc, 500 w, DA, Day; for construction permits.

1. The Commission has before it for consideration (a) the above-captioned and described applications; (b) a "Petition to Dismiss Application or in the Alternative to Designate Issues in a Consolidated Proceeding" by Louis Vander Plate ("Vander Plate") directed against Radio New Jersey's ("Radio") application; (c) pleadings in opposition and reply thereto; (d) a "Petition to Deny" by Mid-State Broadcasting Co. ("Mid-State") directed against the application of Arthur S. Steloff ("Steloff"); (e) a "Petition for Waiver of Other Appropriate Relief" by Somerset Valley Broadcasting Co. ("Somerset"); and (f) letters with accompanying engineering affidavits filed on behalf of Basic Communications, Inc., licensee of Station WWVA, Wheeling, W. Va. (1170 kc, 50 kw, DA–N, U) requesting that any grant of the applications of Mid-State, Steloff, Lake-River, or Somerset be subject to a specified condition.

[4] On Apr. 24, 1968, Lower Bucks gave 74.1105 notification of its intention to carry WCBS–TV, WNBC–TV, and WABC–TV, New York, N.Y., on its systems. The proposal was opposed on May 29, 1968, by Westinghouse Broadcasting, Inc., licensee of Station KYW–TV, Philadelphia, Pa. In view of the footnote 69 problems discussed above and in the absence of any equitable considerations, Lower Bucks may not carry these New York signals, before hearing.

[5] Commissioners Bartley, Loevinger, and Wadsworth absent.

[1] Lake-River Broadcasting Corp. is the successor to Radio New Jersey, the corporate entity which filed the Lakewood application originally. Radio New Jersey principals retained a sufficient interest in the new corporate applicant so that the assignment of a new file number was not necessary. See § 1.571(j)(2) of the Commission's rules.

2. The captioned applications fall into two groups. In the first group are the mutually exclusive applications of Vander Plate and Radio. In the second group are the mutually exclusive applications of Mid-State, Steloff, Lake-River Broadcasting Corp. ("Lake-River"), and Somerset.[2] Also in the second group is the application of Seashore Broadcasting Co., Inc. ("Seashore"), which is mutually exclusive with the Steloff proposal. There is no engineering conflict between the two groups. However, because of a factual dispute raised by the Vander Plate petition, described hereinafter, and involving principals common to both Radio and Lake-River, the Commission will, pursuant to § 1.227(a)(1) of the Commission's rules, consolidate the two groups to permit an orderly resolution of the questions presented.

3. In the letters and accompanying affidavits previously mentioned, WWVA requests that any construction permit granted to Mid-State, Steloff, Lake-River, or Somerset be subject to a condition requiring the permittee to make field intensity measurements to assure adequate protection to WWVA. Examination of the applications and amendments thereto together with the material submitted by WWVA indicates that only in the case of the Steloff proposal will protection to WWVA be critical. Accordingly, in the event of a grant of the Steloff application, an appropriate condition will be specified.

4. With respect to the petition to deny the Steloff application filed by Mid-State, there is no indication that Mid-State served a copy of the petition on Steloff. Therefore, it does not appear that Mid-State complied with the service requirements contained in section 309(d)(1) of the Communications Act of 1934, as amended, and § 1.47 of the rules. Thus, the petition is procedurally defective and will be dismissed. Moreover, Mid-State's substantive contentions are unsupported and without merit. Mid-State requests the denial of the acceptance of Steloff's application alleging that his proposal will not provide a minimum field intensity of 25 mv/m over the business or factory areas of Toms River and, therefore, is not in compliance with § 73.188(b)(1) of the Commission's rules. The Commission's examination of Steloff's showing indicates that the proposed operation will, in fact, comply with § 73.188(b)(1). In any event, although a question of compliance with the requirements of that section would raise an issue to be resolved, it would not constitute grounds for dismissal of an application.

5. Somerset, in its petition for waiver or other relief, requests that the Commission waive § 73.37 of the rules or any other provision in order that the Somerset proposal may be considered not mutually exclusive with the other proposals. The allocation standards applicable to the Somerset proposal are set forth in § 73.37(a) of the rules. The proposed 0.025 mv/m contours of the two Lakewood proposals and the Toms River proposal would overlap the proposed 0.5 mv/m contour of Somerset. Therefore, pursuant to the standards contained in § 73.37(a) of the rules, the Somerset application is mutually exclusive with the applications for Lakewood and Toms River.

6. Section 73.37(b) provides what in effect constitute exceptions to the general standard laid down in § 73.37(a). Section 73.37(b) provides, inter alia:

> An application for a new daytime station or a change in the daytime facilities of an existing station may be granted notwithstanding overlap of the proposed 0.5 mv/m contour and the 0.025 mv/m contour of another cochannel station, where the applicant station is or would be the first standard broadcast facility of a community of any size wholly outside of an urbanized area (as defined by the latest U.S. Census), or the first standard broadcast facility in a community of 25,000 or more population wholly or partly within an urbanized area * * *
>
> *Provided*, That: * * *
>
> (2) No overlap would occur between the 1 mv/m contour of the proposed facilities and the 0.05 mv/m contour of any cochannel station.

Section 73.37(b) is not applicable to the Somerset proposal because Somerville is wholly within the New York-Northeastern New Jersey Urbanized Area and has a population of 12,458 (1960 Census). Somerset argues that the purpose behind the adoption of the more liberal provisions of § 73.37(b) and various factors set out in its petition require a grant of the requested waiver.[3]

7. Somerset states that the reason for the basic relaxation for applications for cities without standard broadcast facilities was the importance of providing a first local outlet for self-expression. The assertion is apparently an allusion to the Commission's statement to the effect that:

> Although it is impossible to devise a system under which every local community, no matter how small, can have its own local station, the benefits of at least one local station in as many communities as possible are obvious. AM Station Assignment Standards, 2 RR 2d 1658, at 1668, paragraph 19.

Somerset also cites the Commission's reason for excluding cities of less than 25,000 located in urbanized areas from this relaxation, namely, that relaxation of the general standard is not warranted for relatively small communities largely of a suburban character, located relatively close to large communities and served by stations therein. Id. at 1669, note 10.

8. Among the factors claimed by Somerset as justifying the application of a more liberal standard are the following: Somerville is the largest community in and the county seat of Somerset County as well as the largest community within the proposed 2 mv/m contour. The coverage of the proposed Somerville station will be concentrated around the community of Somerville. Excluding Station WAWZ, Zarepath, N.J., which shares time with WBNX, N.Y., and operates approximately 31 hours per week, there is no standard broadcast station in Somerset County. Although Somerville is located within the New York-New Jersey Urbanized Area near the western edge, neither Somerville nor the county in which it is located, Somerset, is part of any Standard Metropolitan Statistical Area. Most workers residing in Somerville are employed in Somerset County. Somerset also points out that the New York-Northeastern New Jersey Urbanized Area is the most extensive in the United States and that Somerville is approximately 85 miles from the most distant point in the urbanized area, 36 miles from New York City and some 25 miles from Newark, the nearest principal city in the urbanized area. Somerset claims that Somerville is not a suburb of any principal city and not relatively close to a large community and claims further that service provided by other standard broadcast stations located in the urbanized area is limited.

9. Upon consideration of the foregoing, the Commission recognizes that, absent the pendency of conflicting applications, it might be appropriate in Somerset's case to waive the strict requirements of § 73.37(a) of the rules and treat the application under the less stringent standards of § 73.37(b). However, in the present instance, a hearing is necessary in which one of the ultimate determinations will be the question of which proposal or proposals would best provide a fair, efficient, and equitable distribution of radio service within the meaning of section 307(b) of the Act and a finding at this stage that these less stringent standards should be applied might tend to prejudice the outcome of that hearing. This being the case, the Commission finds that a grant of Somerset's waiver request is justified only to the extent of permitting a consideration of whether circumstances are such that the application of the § 73.37(b) standards would tend to achieve the 307(b) objective. Accordingly, the Hearing Examiner is hereby authorized to receive, for the purposes of the 307(b) determination, all material and relevant evidence, including the location of the pertinent contours, and make findings and conclusions on the question of whether the public interest would be served by treating the Somerset application as one within the purview of the allocation standards set forth in § 73.37(b) of the rules.

[2] The Somerset proposal was also in conflict with an application for a new station in Cornwall, N.Y., which was filed by William L. Edmonds, Jr., trading as Radio Cornwall, BP-17504. That conflict has been removed by an amendment to the Cornwall proposal.

[3] Somerset alleges that there would be no overlap of its proposed one mv/m contour by either proposed Lakewood 0.05 mv/m contour and claims that its proposal would be compatible with either Lakewood proposal. Somerset also claims that the Toms River application could be amended to eliminate the conflict with its proposal. Assuming, arguendo, that Somerset is correct with regard to the Lakewood applications, the conflict between the Toms River and Somerville proposals has not been eliminated, and they continue to be mutually exclusive under either standard since the 0.05 mv/m contour of Toms River overlaps the 1 mv/m contour of Somerville.

10. In the petition filed by Vander Plate requested that Radio's application requested. In the alternative, Vander Plate requested that Radio's application be designated for hearing and that issues be specified to determine (i) whether Radio has made material misrepresentations to the Commission; (ii) whether Radio's proposed site was under its legal control at the time the proposal was filed; (iii) whether Radio's principals made similar misrepresentations with respect to the proposed transmitter site specified in the Lake-River application for the station at Lakewood; and (iv) whether in light of the evidence adduced pursuant to the foregoing issues, Radio (and Lake-River), possess the requisite character qualifications to be broadcast licensees.

11. Radio's application was tendered for filing on October 29, 1965. The proposed transmitter site was described as being located approximately 1.3 miles north of Hackettstown at 40°52'17.3" N., 74°49'49.1" W. In the financial portion of the application, Radio stated that the land was "to be leased." Thus, no stated amount of capital was allocated for its acquisition. Vander Plate states that during the summer of 1966 he interviewed the landowner, Mrs. Florence E. Sheldon, when she stated that she had optioned the proposed transmitter site (included in a parcel consisting of about 32 acres) to one Samuel Kaplan of Paterson, N.J. Examination of a copy of the contract attached to the petition indicates that for $100 Kaplan, on May 20, 1966, received a 3-month option to purchase the property for a total of $85,000 with 29 percent down and the balance payable over a 10-year period at 6 percent interest. Attached also was an extension agreement dated July 20, 1966, signed by Mrs. Sheldon, which, written in longhand, reads as follows:

> I do extend the within option until December 1, 1966. There are no contracts, leases, oral or written to sell or lease this property to anyone else.

Vander Plate claims that he visited Mrs. Sheldon again in November of 1966, and was informed by her that, although Radio continued to list her land as the proposed transmitter site, it was no longer interested in the property and had, in fact, purchased another site. According to Vander Plate, Mrs. Sheldon allowed her property to be listed as the proposed transmitter site simply as an accommodation. Vander Plate alleges that Radio had no intention at the outset of using the site and that negotiations with Mrs. Sheldon which ultimately led to an agreement (dated Dec. 10, 1966) to purchase the land for $96,000 did not begin until after Radio became aware of his investigation into the matter. In light of the above, Vander Plate concludes that since Radio had no arrangements for lease of the land on the day its application was filed, i.e., October 29, 1965, its representation to the Commission to that effect was false.

12. According to Vander Plate, Radio's principals [4] also made false representations in the pending application for a new station at Lakewood, N.J. The application, BP-17485, was filed on October 26, 1966, and listed the proposed transmitter site as being in the town of Lakehurst near the intersection of New Jersey Highways 70 and 571 at 40°01'16" N., 74°16'06" W. Vander Plate alleges that one Gustave Heterbrugge of Bloomfield, N.J., is the owner of the land in question and that he has never met any of the principals of Radio nor has he any interest in disposing of the property.[5]

13. In opposing the Vander Plate petition, Radio relies chiefly upon affidavits by Mrs. Sheldon. In these affidavits, Mrs. Sheldon states that she initially agreed to enter into a written lease option agreement with a right to purchase the land; that Radio mailed her a written option agreement and a check for $150; [6] and that instead of signing the agreement, she extended an oral lease option and agreed to notify Radio so that it would have the opportunity of matching any firm offers to purchase the land which might be received during the term of the oral lease option. According to Mrs. Sheldon, the principals of Radio mentioned that they would undertake to locate a new site and notify her if and when a suitable site was found. After not hearing from Radio for 6 months, Mrs. Sheldon said that she granted an option to Kaplan on the assumption that Radio was no longer interested in her land or had found another site. Mrs. Sheldon avers that she failed to notify Radio of the Kaplan option; that the Kaplan option was an error; that, although she did sign the extension of the Kaplan option, the text is not in her handwriting; that she does not believe that the sentence "there are no contracts, leases, oral or written, to sell or lease this property to anyone else" was part of the extension; and, that she does recall that there was a substantial space between the words "I do extend the within option until December 1, 1966" and the line to which she affixed her signature. Furthermore, Mrs. Sheldon states that although Vander Plate visited her in the summer of 1966, he did not return in November of 1966, as he alleges, and that she did not tell him that she was permitting Radio to list her land as a proposed transmitter site merely as an accommodation.

14. With respect to the allegations concerning the Lakewood transmitter site, Radio claims that at the time the application was filed it had reasonable assurance that the site would be available, but that negotiations with Mr. Heterbrugge failed to produce a contract. In support of this contention, the applicant submitted a letter from a Lakewood real estate broker. In the letter, the broker stated that he showed the property to Robert H. Boughrum, a principal of Radio; that the listed price was $7,500; that he (the broker) called Heterbrugge and was informed that an option price of $9,500 would be satisfactory; that Boughrum was willing, but when Heterbrugge was contacted again, he raised the price to $11,000; and, that Heterbrugge subsequently took the property off the market. Radio also points out that its communications counsel, by letter dated November 18, 1966, informed the Commission that after the application had been filed (i.e., after Oct. 26, 1966), negotiations had fallen through and that the application would be amended within 30 days to specify a new site near the original one.

15. In his reply to Radio's opposition, Vander Plate notes that Mrs. Sheldon is a licensed real estate broker and postulates that she was completely free to option the land to Kaplan because there was no other agreement outstanding. Vander Plate supports this argument by pointing out that the option agreement sent to Mrs. Sheldon by Radio was never signed by her and that she never cashed the $150 check. Vander Plate once again categorically states that he visited Mrs. Sheldon in November of 1966 and that she did say that Radio had apparently found another site since she had not made any arrangements with them. Based on these allegations, Vander Plate asserts that there is ample justification for the Commission to make a full inquiry.

16. With respect to proposed transmitter sites, the Commission has long held that an applicant is not required to establish that it has a binding arrangement, or legal control of the land. Greater New Castle Broadcasting Corp., 8 RR 291, 318 (1953); Suburban Broadcasting Co., Inc., 19 RR 956a (1960). It is sufficient that an applicant propose a site with reasonable assurance in good faith that the site will be available. Brennan Broadcasting Co., 15 RR 12e (1957); Milam & Lansman et al., 4 FCC 2d 610, 7 RR 2d 765 (1966); affirmed sub nom. Christian Fundamental Church v. Federal Communications Commission, ------U.S. App. D.C.------, ------ F.2d ------, 12 RR 2d 2116 (1968). An oral promise by the landowner to sell or lease property is sufficient. Eastside Broadcasting Co., FCC 63 R-528, 1 RR 2d 763.

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[4] In this and the following three paragraphs, the term, "Radio", refers to Radio New Jersey as both the applicant for the Hackettstown station and the predecessor of Lake-River Broadcasting Corp. As previously indicated, there are principals common to both corporations, and Radio New Jersey was the applicant for the Lakewood proposal at the time the pleadings under discussion were filed.

[5] There is some confusion over the spelling of the landowner's name. In the material submitted by Vander Plate the spelling, Heterburgge, appears. In the pleadings of Radio New Jersey (now Lake-River Broadcasting Corp.) the name appears as Heterbrugge. Apparently under both spellings the same individual is intended.

[6] A copy of the check and the agreement were attached. The agreement (unsigned) granted Radio a 2-year lease of a 7-acre parcel at the specified location for $2,000 and gave Radio a right of first refusal on any future sale.

Although the principals of the Hackettstown and Lakewood applicants maintain that, at the time of the filing of each application, they had taken steps to make reasonably certain that the sites specified were available, there are inconsistencies between the contentions of Vander Plate on the one hand and those of the Hackettstown-Lakewood principals on the other. It is apparent, therefore, that it is necessary to resolve the conflict on the basis of an evidentiary hearing wherein it may be determined which of the inconsistent representations may be relied upon. Also to be determined in the hearing is the question of whether representations made during the pendency of these applications by either faction have a bearing on the qualifications of the respective applicants. Since the question of the availability of transmitter sites was raised by Vander Plate, he will have the burden of proceeding with the introduction of evidence on this question. The burden of proof of the availability of the sites, however, will be on Radio and Lake-River (Issue 5, below). The burden of establishing the effects of the facts developed on basic qualifications will be on the respective applicants (Issue 6, below).

17. The application of Vander Plate, tendered in July of 1965, was filed before the release of the Commission's report and order adopting a revised form for an applicant's statement of program service to be included in standard and FM broadcast applications. Amendment of section IV (Statement of Program Service) of Broadcast Application Forms 301, etc., 5 RR 2d 1773 (1965). Therefore, the applicant's original program statement was filed on the old form. As originally filed, the applicant did not contain the required schedule of a typical week but did contain what appears to be a schedule for a single day on the applicant's FM station, WLVP. Subsequently the applicant submitted a second program schedule which, again, appears to be a schedule for a single day on WLVP. In a recent amendment, the applicant submitted a schedule of a proposed typical week but failed to comply with the instructions in paragraph 4(b) of the old form in that the classification of each program is not indicated. Percentages to be devoted to the various types of programs were included, but it is difficult to determine whether those percentages accurately reflect the program schedule. For example, it is indicated that 14 percent of the broadcast time will be devoted to talks. However, on the schedule, the programs classified as talks appear to be scheduled for approximately 7 percent of the time. It is evident from an examination of the applicant's material that efforts made to submit complete and accurate information are less than satisfactory. This, in the Commission's view, raises a question of whether the applicant made adequate efforts to inform himself of the needs and interests of the area and whether the service proposed would be responsive to those needs and interests. Therefore, the applicant will be afforded an opportunity to offer evidence concerning his efforts to ascertain the needs and interests of the area to be served and the means by which those needs and interests will be met. In this connection, the Commission notes that, while there is provision on both the old form and the current form for indicating whether an FM station will duplicate the programs of an AM station, there is no provision for indicating whether an AM station will duplicate the programs of an FM station. However, in the present instance, it will be helpful in resolving the program question if the applicant includes information with respect to the extent to which he may duplicate programs on his existing FM station and the proposed AM station.

18. Vander Plate proposes to locate his transmitter at a site lying west of the borough limits of Franklin, N.J. The standard broadcast station will be operated by remote control from studios at the studio-transmitter building of his FM Station, WLVP, located east of the northern limits of Franklin and outside the borough. Thus, the proposed standard broadcast operation will not be in compliance with § 73.30(a) of the Commission's rules inasmuch as the WLVP studio is not located within the community of Franklin, and Vander Plate requests a waiver of that section. In support of the request for waiver, the applicant makes the bare allegation that the waiver will permit the operation of the standard broadcast station from the FM transmitter location. The Commission finds that the reason advanced is not a sufficient basis to warrant the waiver, but the applicant will be given an opportunity to offer any further justification he may have at the hearing.

19. Vander Plate, to meet the cost of construction and 1 year's operation of the proposed standard broadcast station, will require an estimated $11,750 for construction and $3,500 for 1 year's operating expenses or a total of $15,250. The estimated construction cost includes land, $3,750; building, $600; and miscellaneous, $2,000. Vander Plate relies on existing capital of $2,000 and a loan from a banking institution of $15,000. The loan commitment is evidenced by two letters, the first submitted being dated July 16, 1965, and the second submitted being dated July 6, 1965. In each of the letters, it is stated that the commitment expires on July 15, 1968, and neither letter complies with the requirements of paragraph 4(h), page 2, section III of FCC Form 301, in that the letters do not state the terms of repayment and security for the loan. Therefore, an issue will be specified to determine the terms of repayment, including interest, and the security and whether the commitment can be extended beyond July 15, 1968.

20. With respect to the first year's operating expense, Vander Plate's estimate is only $3,500. The applicant's basis for this estimate is not shown. Although the applicant states that the present WLVP staff will be utilized in the operation of the proposed AM station and mentions the possibility of employing an unspecified number of new staff members, this does not appear to provide a clear basis for such a low estimated operating expense. Accordingly, an issue will be specified to permit a showing of the basis for the estimated annual operating expense and whether the estimate is reasonable.

21. The application of Radio New Jersey was tendered on October 29, 1965, and contained the Statement of Program Service (section IV, FCC Form 301) prescribed for applications tendered before November 1, 1965. Thereafter, Radio elected to amend its application to include the program statement on the revised form adopted by the Commission for applications tendered on or after November 1, 1965. Amendment of section IV (Statement of Program Service) of Broadcast Application Forms 301, etc. The applicant's amended program statement indicates that a survey was conducted and that a cross-section of leaders in various fields were interviewed. The names of 12 specific individuals contacted were given. The applicant cites the obvious need for an outlet of local expression and claims that its interviews with community leaders confirmed the needs for national and international news. As to what specific program suggestions may have been made, the applicant's evaluation of those needs and how the evaluation has been related to the program services to be offered, the applicant's statements are silent. The Commission finds that an inquiry should be made in this area to establish the extent of the awareness of the applicant of the needs and interests of the public it proposes to serve and whether its service will be responsive to those needs. See Minshall Broadcasting Co., Inc., et al., 11 FCC 2d 796, 12 RR 2d 502 (1968).

22. Site photographs submitted by Mid-State do not show sufficient detail for a determination that conditions in the vicinity of the antenna system would or would not distort the proposed antenna radiation pattern. Therefore, an appropriate issue will be specified.

23. In the Steloff statement of program service, the applicant mentioned discussions held with civic and community leaders in 1962. He also stated that he had reviewed the record in an FM proceeding on applications for an FM station in Toms River (Ocean County Radio Broadcasting Co., et al., 4 FCC 2d 953, 8 RR 2d 695 (1966)) for the purpose, at least in part, of planning his program service to contribute to the overall diversity of local service. Among the methods used to ascertain the needs and interests of the area were an unspecified number of interviews, research and discussion with personal friends. The applicant also cites his residence in the area for several years. Regarding the applicant's proposal to meet the needs of the area, his statement is a general indication of what may be his own views but does not clearly indicate whether it is directly responsive to whatever needs may have been ascertained. An issue will be specified to permit clarification in this area.

24. Examination of the Lake-River application indicates that, based on the applicant's estimates, approximately $93,944 will be required to meet the cost

of construction and 1 year's operation. These costs consist of the following: Down payment on equipment, $13,944; building, $6,000; miscellaneous, $4,000; working capital, $70,000. The $70,000 working capital includes payments on principal ($13,944) and interest ($2,092) on equipment. To meet these costs the applicant relies on existing capital of $10,000 and a loan of $100,000 from Donald Towbin of Lakewood who is treasurer, director, and one of the stockholders of the corporation. In lieu of a corporate balance sheet as contemplated by paragraph 2(a), section III of FCC Form 301, the applicant filed a statement captioned "Plan of Financing." In the statement, it is indicated that unspecified stockholders have purchased 1,000 shares of stock for a total of $10,000. This amount, it is said, will be used to meet the costs of prosecuting the application and of miscellaneous items. In the absence of the required balance sheet, it is not clear whether the entire $10,000 is available for the purposes intended. With respect to the loan commitment of Mr. Towbin, the information supplied indicates that the prospective lender appears to have a maximum of $47,900 in cash and liquid assets and is the debtor on a note on which there is no indication of what part may be a current liability. Moreover, Mr. Towbin's commitment does not indicate the terms of repayment, interest, and security for the loan. Therefore, Lake-River will be afforded an opportunity to provide clarification of its financial plans.

25. Lake-River proposes an antenna site and directional antenna system oriented in such a manner that part of the city of Lakewood is located in a null area of the proposed radiation pattern. In addition, the site photographs are unsatisfactory. Accordingly, issues on these matters will be included.

26. It appears that, in order to meet construction cost and operating expenses for 1 year, Somerset will require $56,664 for equipment, $2,500 for building, $15,000 for miscellaneous expenses and $92,000 for 1 year's working capital. These figures are based on the applicant's estimates. To meet these expenses the applicant has $50,000 in existing capital and a loan commitment from a banking institution in the amount of $120,000. The statement from the bank, however, does not indicate the terms of repayment or what security may be required. Therefore, it appears that in addition to the funds previously mentioned, the applicant may require funds to meet payments on the principal of the loan and interest. Accordingly, it will be necessary to include an issue to permit clarification of Somerset's financial plan.

27. Except as indicated below, each of the applicants is qualified to construct and operate as proposed. However, because of the matters indicated above, the Commission is unable to make a statutory finding that a grant of the applications would serve the public interest, convenience, and necessity, and is of the opinion that they must be designated for hearing on the issues set forth below.

28. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, and § 1.227(a)(1) of the Commission's rules, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the areas and populations which would receive primary service from the proposed operations and the availability of other primary service to such areas and populations.

(2) To determine whether the proposal of Louis Vander Plate is in compliance with § 73.30(a) of the Commission's rules with respect to location of the main studio, and, if not, whether circumstances exist which would warrant a waiver of said section.

(3) To determine whether the transmitter sites proposed by the Mid-State Broadcasting Co. and the Lake-River Broadcasting Corp. are satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation patterns.

(4) To determine what circumstances, if any, exist which would justify the selection of the site and antenna design proposed by the Lake-River Broadcasting Corp. which would produce signals over the city of Lakewood, N.J., from a null area of the proposed radiation pattern.

(5) To determine whether, at the time of the filing of the applications of Radio New Jersey for construction permits for stations in Hackettstown and Lakewood, N.J., there was reasonable assurance that the antenna sites proposed in both applications were available for the use then proposed.

(6) To determine the facts and circumstances with respect to the efforts made to secure the aforementioned sites and the facts and circumstances with respect to the ensuing controversy and their effect on the requisite and comparative qualifications of Louis Vander Plate, Radio New Jersey, and Lake-River Broadcasting Corp. to receive a grant of their respective applications.

(7) To determine the efforts made by Louis Vander Plate, Radio New Jersey, and Arthur S. Steloff to ascertain the community needs and interests of the respective areas to be served and the means by which the applicants propose to meet those needs.

(8) To determine with respect to the application of Louis Vander Plate:

(a) The basis of the applicant's estimate of construction costs and annual operating expenses and whether the estimate is reasonable;

(b) The terms of repayment including interest and the security for the loan from the banking institution and whether the commitment may be extended beyond July 15, 1968, if necessary; and

(c) In the light of the evidence adduced pursuant to the foregoing (a) and (b), whether Louis Vander Plate is financially qualified.

(9) To determine with respect to the application of the Lake-River Broadcasting Corp.:

(a) Whether the proceeds from the sale of capital stock are available in whole or in part for the purposes intended;

(b) To determine the source of additional funds required to meet the commitment of Donald Towbin to lend funds to the applicant, and the terms of repayment including interest and security for the loan; and

(c) In the light of the evidence adduced pursuant to the foregoing (a) and (b), whether the Lake-River Broadcasting Corp. is financially qualified.

(10) To determine with respect to the application of the Somerset Valley Broadcasting Co.:

(a) The terms of repayment including interest and security for the loan to be secured from a banking institution;

(b) The source of additional funds that may be required; and

(c) In the light of the evidence adduced pursuant to the foregoing (a) and (b), whether the Somerset Valley Broadcasting Co., is financially qualified.

11. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of radio service.

12. To determine, in the event it is concluded that a choice between the applicants should not be based solely on considerations relating to section 307(b), which of the proposals would best serve the public interest.

(13) To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

29. *It is further ordered,* That the burden of proceeding with the introduction of evidence with respect to Issue 5 shall be upon Louis Vander Plate and the burden of proof shall be upon Radio New Jersey and Lake-River Broadcasting Corp; and that the burden of proceeding with the introduction of evidence and the burden of proof with respect to Issue 6 shall be upon the respective applicants.

30. *It is further ordered,* That the "Petition to Dismiss Application or in the Alternative to Designate Issues in a Consolidated Proceeding" filed against the application of Radio New Jersey by Louis Vander Plate *Is granted* to the extent indicated herein and *Is denied* in all other respects.

31. *It is further ordered,* That the "Petition to Deny" the application of Arthur S. Steloff filed by Mid-State Broadcasting Co. is dismissed.

32. *It is further ordered,* That the "Petition for Waiver or Other Appropriate Relief" filed by Somerset Valley Broadcasting Co. *Is granted* to the extent indicated above and *Is denied* in all other respects.

33. *It is further ordered,* That the requests of Basic Communications, Inc. (WWVA), that any grant of the applications of Mid-State Broadcasting Co., Arthur S. Steloff, Lake-River Broadcasting Corp., or Somerset Valley Broadcasting Co. be subject to a condition to assure adequate protection to Station

WWVA are denied except to the extent that, in the event of a grant of the application of Arthur S. Steloff, the construction permit shall be subject to the following condition: Before program tests are authorized, permittee shall submit sufficient field intensity measurement data made in pertinent directions toward WWVA, Wheeling, W. Va., to establish that the inverse distance field does not exceed 190 mv/m/kw as proposed.

34. *It is further ordered,* That, in the event of a grant of any of the applications, the construction permit shall include the following condition: Any presunrise operation must conform with §§ 73.87 and 73.99 of the rules as amended June 28, 1967 (32 F.R. 10437), supplementary proceedings (if any) involving Docket No. 14419, and/or the final resolution of matters at issue in Docket No. 17562.

35. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants, herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this memorandum opinion and order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

36. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 17, 1968.

Released: July 22, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[7]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-8894; Filed, July 24, 1968; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

PIONEER ALASKA LINE AND ALASKA STEAMSHIP CO.

Notice of Agreement Filed for Approval

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Raymond J. Petersen, Attorney for Kimbrell-Lawrence Transportation, Inc., d.b.a. Pioneer Alaska Line, Kumm, Maxwell, Petersen and Lee, 1505 Norton Building, Seattle, Wash. 98104.

Amended agreement designated No. DC-25(4) between Kimbrell-Lawrence Transportation, Inc., doing business as Pioneer Alaska Line (KLTI) and Alaska Steamship Co. (ASSCO) proposes to modify their approved agreement for the bare boat charter of C1-M-AV1 type vessel by ASSCO to KLTI for a period of 3 years and annually thereafter.

Under the proposed amendment KLTI will pay the first $100,000 or 75 percent thereof from its annual net profit to ASSCO in order to amortize a loan at 6 percent per annum in an amount equivalent to the direct cost incurred by ASSCO in outfitting the Polar Pioneer.

Furthermore, the proposed amendment provides that when and if ASSCO has received any reduction of its liability for Federal income taxes by reason of a tax benefit arising from its investment in the Polar Pioneer, the direct cost to ASSCO in the outfitting of the Polar Pioneer, shall be decreased by the amount of such a tax benefit.

Agreement No. DC-25(4) is proposed to become effective upon the approval by the Federal Maritime Commission under section 15, Shipping Act, 1916.

Dated: July 22, 1968.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68-8881; Filed, July 24, 1968; 8:49 a.m.]

U.S. ATLANTIC AND GULF/AUSTRALIA-NEW ZEALAND CONFERENCE

Notice of Petition Filed for Approval

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the current contract forms and of the petition, reflecting the changes proposed to be made in the language of said contracts, at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the petition (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of application to modify an approved dual rate contract filed by:

Mr. Marcus E. Rough, Secretary, U.S. Atlantic & Gulf/Australia-New Zealand Conference, 17 Battery Place, New York, N.Y. 10004.

The U.S. Atlantic & Gulf/Australia-New Zealand Conference, Agreement 6200, has filed with the Commission an application to modify its approved form of dual rate contract pursuant to section 14b of the Shipping Act, 1916. The proposed modification would establish "currency devaluation by governmental action" as a force majeure circumstance warranting suspension of the contract system pursuant to Article 15(a) of the contract; or an appropriate increase in rates in lieu of suspension pursuant to Article 15(b).

Dated: July 19, 1968.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68-8882; Filed, July 24, 1968; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2317]

APPALACHIAN POWER CO.

Notice of Amended Application for License for Constructed Project

JULY 17, 1968.

Public notice is hereby given that an amended application for license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Appalachian Power Co. (Appalachian) (correspondence to: H. B. Cohn, Vice President, Appalachian Power Co., Post Office Box 7, Church Street Station, New York, N.Y. 10008) for unconstructed Project No. 2317, known as the Blue Ridge project, on the New River and which would be located in the counties of Grayson, Carroll, and Wythe, all in the Commonwealth of Virginia; and the Ashe and Alleghany in the State of North Carolina.

This present filing by Appalachian is for a modification of the plan of development proposed in its application for license for the Blue Ridge Project No. 2317, filed on February 26, 1965.

The modified project, as presently proposed, would consist of: An upper,

[7] Commissioner Lee concurring in the result.

pumped storage development comprising: (1) A 300-foot high, 1,700-foot long rock-fill dam to be about 1,500 feet downstream of Shoal Creek; (2) a gated concrete ogee spillway in a saddle near the right abutment of the dam; (3) several dikes around the rim of the reservoir; (4) a 26,000-acre reservoir (at elevation 2,652 feet, U.S.C. & G.S. datum, the normal maximum pool elevation) with a usable storage capacity of 290,000 acre-feet at a maximum drawdown of 12 feet; the maximum drawdown during the recreation season is to be 10 feet; (5) eight tunnels to the powerhouse, each with a headgate; (6) a powerhouse near the toe of the dam, with eight vertical-shaft, Francis-type pump-turbines each connected to a 200,000-kw. motor-generator; (7) two 31-mile-long single circuit 765-kv. trans. mission lines to connect to a switching station near Jackson Ferry, Va.; and a lower, conventional hydroelectric development comprising: (1) A 255-foot high, 1,900-foot-long rockfill dam to be about 2,300 feet downstream of Meadow Creek (30 river miles downstream of the upper dam); (2) a gated concrete ogee spillway 3,000 feet from the left abutment of the dam; (3) several dikes around the rim of the reservoir; (4) a 14,500-acre reservoir (at elevation 2,430 feet which is the maximum surface elevation during nonflood periods); it is planned to store up to 160,000 acre-feet of flood flows between elevations 2,430 and 2,440 feet when necessary; 466,000 acre-feet of storage capacity for power purposes and water quality control would be available between elevations 2,390 and 2,440 feet; (5) two tunnels to the powerhouse, each with a headgate; (6) a powerhouse near the toe of the dam with two conventional Francis-type turbines each connected to a 100,000-kw. generator; (7) a double circuit 138-kv. transmission line, about 4 miles long, to connect with a switching station near Fries, Va.; and (8) appurtenant facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 11, 1968, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). Those persons or groups already granted intervention in this proceeding need not file new petitions. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-8828; Filed, July 24, 1968; 8:45 a.m.]

[Project No. 2205]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Notice of Extension of Time

JULY 18, 1968.

Upon consideration of the request filed July 16, 1968, by counsel for Central Vermont Public Service Corp. for an extension of time from July 19, 1968, to August 30, 1968, to comply with paragraph (C) of the order issued June 21, 1968, providing for filing of direct testimony in the above-designated proceeding, and for postponement of hearing now scheduled for July 30, 1968, to September 16, 1968;

Notice is hereby given that the time is extended to and including August 30, 1968, within which applicant and Secretary of Interior shall comply with paragraph (C) of the order issued June 21, 1968; and that the date of the hearing is postponed to September 16, 1968.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-8829; Filed, July 24, 1968; 8:45 a.m.]

[Docket No. CP69-5]

LYONS GAS CO., INC., AND MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

JULY 17, 1968.

Take notice that on July 9, 1968, Lyons Gas Co., Inc. (Applicant), filed in Docket No. CP69-5 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Michigan Wisconsin Pipe Line Co. (Respondent) to establish physical connection of its natural gas transmission facilities with the facilities proposed to be constructed by Applicant, and to sell and deliver to Applicant the natural gas requirements for the Village of Lyons, Ohio, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that Respondent's transmission pipeline comes within 2 miles of the village limits of Lyons. Applicant proposes to construct a welded steel coated and wrapped line from the delivery point to the village limits and then convert to Aldyl "A" plastic pipe distribution system.

The natural gas service sought herein will be initial service. Applicant states that Lyons is a farming village trying to encourage small industry to locate and it is felt that natural gas service would be one of the first incentives needed to attract such industry.

The estimated third year annual and peak day requirements of Applicant are 47,660 Mcf and 847 Mcf, respectively.

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 August 12, 1968.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-8830; Filed, July 24, 1968; 8:45 a.m.]

[Docket No. E-7429]

MONTANA-DAKOTA UTILITIES CO.

Notice of Application

JULY 17, 1968.

Take notice that on July 9, 1968 Montana-Dakota Utilities Co. (Applicant) filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of $12 million in promissory notes.

Applicant is incorporated under the laws of the State of Delaware with its principal business office at Minneapolis, Minn., and is engaged in the gas and electric utility business in the States of Montana, North Dakota, South Dakota, and Wyoming.

Applicant proposes to issue the notes to commercial banks on or before February 28, 1969. Each note will bear interest at the prime commercial rate and will mature not more than 1 year from the date of its issuance.

The purpose for which such notes are to be issued is (1) to provide for the payment of $3 million of promissory notes due in 1968, which were issued in 1967 to provide temporary financing for part of the cost of constructing additions to the Applicant's electric, gas, and common utility plant during the year 1967, and (2) to provide temporary financing for part of the cost of the 1968 construction program. This program includes $1.9 million from electric transmission and distribution facilities and $2.9 million for gas facilities.

Any person desiring to be heard or to make any protest with reference to said application should, on or before August 12, 1968, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-8831; Filed, July 24, 1968; 8:45 a.m.]

[Docket No. CP69-6]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

JULY 17, 1968.

Take notice that on July 11, 1968, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP69-9 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities and for a certificate of public convenience and necessity authorizing Applicant to construct and operate certain natural gas facilities in the La Salle-Peru and Depue, Ill., areas, and to continue the sale and delivery of natural gas to Illinois Power Co. (Illinois), all as more fully set forth in the application which is on file with

the Commission and open to public inspection.

Specifically, Applicant seeks authorization to: (1) Construct a meter station on its La Salle Sales Lateral No. 1 to replace two existing meter stations located approximately 1½ and 3½ miles, respectively, from Applicant's main Amarillo Line transmission pipeline on said La Salle Sales Lateral No. 1 and its La Salle Sales Lateral No. 3, a stub line therefrom, in La Salle County, Ill.; (2) abandon the two existing meter stations; (3) abandon its La Salle Sales Lateral No. 1 (except for the first 250 feet thereof) in La Salle County, Ill.; (4) abandon its La Salle Sales Lateral No. 3 in La Salle County, Ill., by sale to Illinois the only customer being served by said facilities; and (5) abandon its existing Depue meter station in Depue, Ill., and appurtenant facilities thereto.

Total estimated cost of Applicant's proposed facilities is $15,000, which cost will be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 15, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on 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/or permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-8832; Filed, July 24, 1968; 8:45 a.m.]

[Docket No. RI68-613, etc.]

READING & BATES OFFSHORE DRILLING CO. ET AL.

Order Severing and Terminating Proceeding

JULY 18, 1968.

Reading & Bates Offshore Drilling Co. (operator) et al., Docket No. RI68-613; area rate proceeding (Permian Basin Area, order to show cause), Docket No. AR61-1.

On April 12, 1968, Reading & Bates Offshore Drilling Co. (operator) et al. (Reading) filed a proposed increase in rate from 9 cents to 10 cents per Mcf, for a sale of natural gas to El Paso Natural Gas Co. in the Permian Basin area of New Mexico. The sale is made from the North Justis Blinebry and North Justis Tubb Drinkard Fields, Lea County, N. Mex. The proposed increase in rate was designated as Supplement No. 11 to Reading's FPC Gas Rate Schedule No. 2.

Reading, by succession is a respondent in the Permian Basin Area Rate Proceeding, Docket No. AR61-1, under the order to show cause issued therein. 34 FPC 424.

Because Reading had not filed a quality statement for the subject sale of natural gas, the Commission by order dated May 9, 1968, suspended the proposed increase in rate for a period of 1 day, ending May 14, 1968.

On May 27, 1968, Reading filed an acceptable quality statement which establishes an applicable ceiling rate of 15.68 cents per Mcf.[1] Concurrently Reading filed with the quality statement a related motion requesting that the proceeding in Docket No. RI68-613 be terminated and that it be relieved of any refund obligation in the proceeding.

The Commission finds: The quality statement filed by Reading on May 27, 1968, should be accepted as filed, the proceeding in Docket No. RI68-613 should be terminated, and Reading be relieved of any refund obligation in the proceeding.

The Commission orders:

(A) The quality statement filed by Reading on May 27, 1968, is accepted for filing as Supplement No. 12 to Reading's FPC Gas Rate Schedule No. 2, and said quality statement is made effective as of September 1, 1965.

(B) The proceeding in Docket No. RI68-613 is terminated and Reading is relieved of any refund obligation in said proceeding, and Reading is severed from the proceeding instituted by the order to show cause (issued August 5, 1965, 34 FPC 424) in the Permian Basin Area Rate Proceeding, Docket No. AR61-1.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc 68-8833; Filed, July 24, 1968; 8:45 a.m.]

[Docket No. RI68-693, etc.]

SHELL OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

JULY 16, 1968.

In order providing for hearings on and suspension of proposed changes in rates, issued June 26, 1968, and published in the FEDERAL REGISTER July 1, 1968 (F.R. Doc. 68-7942), 33 F.R. 9798, Docket No. RI68-693 et al., the attached page was inadvertently omitted from that order.

GORDON M. GRANT,
Secretary.

APPENDIX A

Signal Oil and Gas Co. (Operator) (Signal) request waiver of the statutory notice and a retroactive effective date of January 1, 1968, for its proposed rate increase. Shell Oil Co. (Shell) requests an effective date of July 1, 1968, for its proposed rate increases. Texaco, Inc. (Texaco) requests waiver of the statutory notice to permit its proposed rate increase to become effective as of June 1, 1968. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Signal, Shell, and Texaco's rate filings and such requests are denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

[F.R. Doc. 68-8834; Filed, July 24, 1968; 8:45 a.m.]

[Docket No. RI69-10]

TESORO PETROLEUM CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

JULY 18, 1968.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate suplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from

[1] Base rate of 14.44 cents per Mcf, including tax reimbursement, plus 1.24 cents per Mcf upward B.t.u. adjustment for 1,140 B.t.u. gas, in accordance with the Commission's Opinion No. 468, Permian Basin Area Rate Proceeding, Docket No. AR61-1, 34 FPC 159.

the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved.

Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 4, 1968.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI69-10	Tesoro Petroleum Corp., 533 Busby Dr., San Antonio, Tex. 78209.	[1] 1	4	Cities Service Gas Co. (East Antelope Mississippi Gas Field, Marion County, Kans.).	$4,000	6-19-68	[2] 7-20-68	[3] 7-21-68	[6] 15.0	[4 5 6] 16.0	

[1] Basic contract dated after Sept. 28, 1960, the date of issuance of general policy statement No. 61-1 and proposed rate does not exceed 16-cent area initial rate ceiling.
[2] The stated effective date is the effective date proposed by Respondent.
[3] The suspension period is limited to 1 day.
[4] Periodic rate increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] Subject to a downward B.t.u. adjustment.

The contract related to the rate filing of Tesoro Petroleum Corp. (Tesoro) was executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed increased rate of 16 cents per Mcf exceeds the area increased rate ceiling of 11 cents per Mcf for Kansas, but does not exceed the initial service ceiling of 16 cents per Mcf established for the area involved. We believe, in this situation, Tesoro's proposed rate filing should be suspended for 1 day from July 20, 1968, the proposed effective date.

[F.R. Doc. 68-8836; Filed, July 24, 1968; 8:45 a.m.]

[Docket Nos. RI68-698, etc.]

TEXACO, INC., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund; Correction

JULY 16, 1968.

In order providing for hearing on and suspension of proposed changes in rates, and allowing rate changes to become effective subject to refund, issued June 27, 1968, and published in the FEDERAL REGISTER July 6, 1968 (F.R. Doc. 68-8008), 33 F.R. 9799, Docket Nos. RI66-698 et al., the attached page was inadvertently omitted from that order.

GORDON M. GRANT, *Secretary.*

APPENDIX A

Sarkeys, Inc. (Operator) et al., (Sarkeys) request waiver of the statutory notice to permit their proposed rate increase to become effective as of June 15, 1968. Calvert-Mid America, Inc., and Calvert Exploration Co. (Operator) et al., (both referred to herein as Calvert) request waiver of the statutory notice to permit their proposed rate increases to become effective "immediately". Good cause has not been shown for waiving the 30-day notice requirement provided in section 4 (d) of the Natural Gas Act to permit earlier effective dates for Sarkeys and Calvert's rate filings and such requests are denied.

Texaco, Inc. (Texaco), proposes a periodic rate increase from 13 cents to 14 cents per Mcf, amounting to $13,062 annually, for a wellhead sale of gas to Phillips Petroleum Co. (Phillips) from the Texas Hugoton Field, Moore and Sherman Counties, Tex. (Railroad District No. 10). Phillips gathers and processes the gas and resells the residue gas to either of two interstate pipeline companies. Phillips resale rates are both in effect subject to refund.[13] Although the proposed increase is not dependent upon a corresponding increase in rate by Phillips, it does exceed the applicable area increased rate ceiling of 11 cents per Mcf for Texas Railroad District No. 10 as announced in the Commission's statement of general policy No. 61-1, as amended. Consistent with prior Commission action on similar sales to Phillips, Texaco's proposed rate increase should be suspended for 1 day from July 21, 1968, the proposed effective date.

Sarkeys and Calvert's proposed rate increases are for tax reimbursement only and exceed the area increased rate ceilings of 11 cents per Mcf for Oklahoma "Other" and Panhandle Areas as announced in the Commission's statement of general policy No. 61-1, as amended, and should be suspended. Since the proposed increases relate to tax reimbursement only, we conclude that they should be suspended for 1 day from July 11, 1968 (Sarkeys), and July 7, 1968 (Calvert), the dates of expiration of the statutory notice.

[F.R. Doc. 68-8835; Filed, July 24, 1968; 8:45 a.m.]

[13] The dedicated acreage is in the area where the gas could go to Phillips' Sherman, or Dumas Plants for processing. Phillips resells the gas in the area from its Sherman Plant to Michigan Wisconsin Pipe Line Co. under its FPC Gas Rate Schedule No. 4 and from its Dumas Plant to El Paso Natural Gas Co. under its FPC Gas Rate Schedule No. 32 at rates which are in effect subject to refund.

SECURITIES AND EXCHANGE COMMISSION

AMERICAN CHECKMASTER SYSTEM, INC.

Order Suspending Trading

JULY 19, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of American Checkmaster System, Inc., Houston, Tex., 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 July 21, 1968, through July 30, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 68-8864; Filed, July 24, 1968; 8:48 a.m.]

[File No. 1-3909]

BSF CO.

Order Suspending Trading

JULY 19, 1968.

The capital stock (66⅔ cents par value) and the 5¾ percent convertible subordinated debentures due 1969 of BSF Co. being listed and registered on the American Stock Exchange, and such capital stock being listed and registered

on the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934; and all other securities of BSF Co. being traded otherwise than on a national securities exchange; and

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

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in the said common stock on such exchanges and in the debenture on the American Stock Exchange, and trading otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 19, 1968, at 10:45 a.m., e.d.t., through July 28, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 68-8868; Filed, July 24, 1968; 8:48 a.m.]

[File No. 1-4672]

CAMEO-PARKWAY RECORDS, INC.

Order Suspending Trading

JULY 19, 1968.

The common stock, 10 cents par value, of Cameo-Parkway Records, Inc., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Cameo-Parkway Records, Inc., Philadelphia, Pa., being traded otherwise than on a national securities exchange; and

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

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 22, 1968, through July 31, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 68-8867; Filed, July 24, 1968; 8:48 a.m.]

ROVER SHOE CO.

Order Suspending Trading

JULY 19, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Rover Shoe Co., Bushnell, Fla., and stock purchase warrants of Rover Shoe Co. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 20, 1968, through July 29, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 68-8865; Filed, July 24, 1968; 8:48 a.m.]

[File No. 1-2879]

ROYSTON COALITION MINES, LTD.

Order Suspending Trading

JULY 19,1968.

The capital stock 1-cent par value of Royston Coalition Mines, Ltd., being listed and registered on the Salt Lake Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Royston Coalition Mines, Ltd., being traded otherwise than on a national securities exchange; and

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

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Salt Lake Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 20, 1968, through July 29, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 68-8866; Filed, July 24, 1968; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 677]

TEXAS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of July 1968, because of the effects of certain disasters, damage resulted to residences and business property located in the county of Collingsworth, in the State of Texas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the condition in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Acting Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid county, and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on or about July 16, 1968.

OFFICE

Small Business Administration Regional Office, 1616 19th Street, Lubbock, Tex. 79401.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1969.

Dated: July 18, 1968.

HOWARD GREENBERG, *Acting Administrator.*

[F.R. Doc. 68-8869; Filed, July 24, 1968; 8:49 a.m.]

AMERICAN BUSINESS CAPITAL CORP. ET AL.

Notice of License Revocations

Notice is hereby given that the corporations listed below, each licensed by the Small Business Administration (SBA) to operate solely as small business investment companies (SBICs) under the Small Business Investment Act of 1958, as amended (Act) were defendents in civil actions brought by the Small Business Administration. The complaint in each action alleged among other matters violations of the Act and the SBA regulations promulgated thereunder (regulations). In each action the court determined and adjudged that the respective corporation had violated, or failed to comply with, the Act and the regulations; in addition, the court appointed SBA as receiver.

Name: American Business Capital Corp.
Location: Los Angeles, Calif.
Licensing date: Sept. 1, 1960.
License No.: 14-0010.
Court, Docket No., and date of court order: U.S. District Court for the Central District of California, Civil Action No. 67-212-F, May 18, 1967.

Name: Applied Science Capital Corp.
Location: Denver, Colo.
Licensing date: Sept. 28, 1961.
License No.: 11-0009.
Court, Docket No., and date of court order: U.S. District Court for the District of Colorado, Civil Action No. 66-C-266, Apr. 21, 1967.

Name: California Capital Corp. (formerly Northern California Cap. Corp.).
Location: Orange, Calif.
Licensing date: Feb. 26, 1962.
License No.: 12-0058.

Court, Docket No., and date of court order: U.S. District Court for the Central District of California, Civil Action No. 66-347-F, Jan. 30, 1967.
Name: Capital Infusion, Inc.
Location: San Diego, Calif.
Licensing date: July 31, 1961.
License No.: 14-0027
Court, Docket No., and date of court order: U.S. District Court for the Central District of California, Civil Action No. 3566-SD-C, Dec. 8, 1966.
Name: First Preferred Capital Investment Corp.
Location: Anaheim, Calif.
Licensing date: Nov. 16, 1961.
License No.: 14-0025.
Court, Docket No., and date of court order: U.S. District Court for the Central District of California, Civil Action No. 66-1064-TC, Jan. 30, 1967.
Name: Harvard Small Business Investment Co.
Location: San Francisco, Calif.
Licensing date: Sept. 8, 1961.
License No.: 14-0015.
Court, Docket No., and date of court order: U.S. District Court for the Central District of California, Civil Action No. 68-398-WPG May 23, 1968.
Name: Mutual Equity Capital Corp.
Location: Los Angeles, Calif.
Licensing date: Dec. 24, 1963.
License No.: 14-0048.
Court, Docket No., and date of court order: U.S. District Court for the Central District of California, Civil Action No. 66-1933-WPG, June 21, 1967.
Name: Newman Capital Corp.
Location: Denver, Colo.
Licensing date: June 28, 1963.
Licensing No.: 11-0022.
Court, Docket No., and date of court order: U.S. District Court for the District of Colorado, Civil Action No. 66-C-195, Feb. 13, 1967.
Name: Reliance Small Business Investment Corp.
Location: Scottsdale, Ariz.
Licensing date: Feb. 20, 1962.
License No.: 14-0026.
Court, Docket No., and date of court order: U.S. District Court for the District of Arizona, Civil Action No. 6144-PHX, Jan. 5, 1967.
Name: San Francisco Capital Corp.
Location: Los Angeles, Calif.
Licensing date: Nov. 13, 1961.
License No.: 12-0028.
Court, Docket No., and date of court order: U.S. District Court for the Central District of California, Civil Action No. 66-186-F, June 13, 1967.
Name: Technology Investors, Inc. (formerly Southeast Business Investment Corp.).
Location: Arcadia, Calif.
Licensing date: Feb. 10, 1960.
License No.: 14-0008.
Court, Docket No., and date of court order: U.S. District Court for the Central District of California, Civil Action No. 66-1860-CC, Dec. 7, 1967.
Name: Westwood Capital Co.
Location: Van Nuys, Calif.
Licensing date: May 29, 1962.
License No.: 14-0059.
Court, Docket No., and date of court order: U.S. District Court for the Central District of California, Civil Action No. 67-780-TC, June 5, 1967.
Name: American Capital Corp.
Location: Brookline, Mass.
Licensing date: Jan. 22, 1962.
License No.: 01-0028.
Court, Docket No., and date of court order: U.S. District Court for the District of Massachusetts, Civil Action No. 66-837-F, July 10, 1967.
Name: Cambridge Capital Corp.
Location: Boston, Mass.
Licensing date: June 6, 1961.
License No.: 01-0016.
Court, Docket No., and date of court order: U.S. District Court for the District of Massachusetts, Civil Action No. 67-15-J, June 27, 1967.
Name: Hartford Small Business Capital Corp.
Location: Pine Meadow, Conn.
Licensing date: Feb. 8, 1962.
License No.: 02-0087.
Court, Docket No., and date of court order: U.S. District Court for the District of Connecticut, Civil Action No. 11099, Feb. 16, 1967.
Name: Union Capital Corp.
Location: Boston, Mass.
Licensing date: Apr. 6, 1961.
License No.: 01-0012.
Court, Docket No., and date of court order: U.S. District Court for the District of Massachusetts, Civil Action No. 66-852-W, Jan. 3, 1967.
Name: Capital Interests Corp.
Location: King of Prussia, Pa.
Licensing date: May 16, 1962.
License No.: 03-0045.
Court, Docket No., and date of court order: U.S. District Court for the Eastern District of Pennsylvania, Civil Action No. 41656, July 27, 1967.
Name: Cleveland Small Business Investment Co.
Location: Cleveland, Ohio.
Licensing date: Jan. 8, 1960.
License No.: 06-0002.
Court, Docket No., and date of court order: U.S. District Court for the Northern District of Ohio, Civil Action No. 66-925, Dec. 12, 1966.
Name: First Central Penn Investment Corp.
Location: Lancaster, Pa.
Licensing date: Aug. 6, 1962.
License No.: 03-0043.
Court, Docket No., and date of court order: U.S. District Court for the Middle District of Florida, Civil Action No. 67-381, Jan. 15, 1968.
Name: First Equity Capital Corp.
Location: Rahway, N.J.
Licensing date: Apr. 16, 1961.
License No.: 02-0069.
Court, Docket No., and date of court order: U.S. District Court of the District of New Jersey, Civil Action No. 901-66, Nov. 22, 1966.
Name: Kohler Capital Corp.
Location: Brooklyn, N.Y.
Licensing date: Jan. 17, 1963.
License No.: 02-0206.
Court, Docket No., and date of court order: U.S. District Court for the Eastern District of New York, Civil Action No. 66-C-1040, Aug. 19, 1967.
Name: Newton Capital Corp.
Location: New York, N.Y.
Licensing date: Mar. 30, 1961.
License No.: 02-0072.
Court, Docket No., and date of court order: U.S. District Court for the Southern District of New York, Civil Action No. 67-CIV-2365, July 19, 1967.
Name: Westchester Capital Corp.
Location: New York, N.Y.
Licensing date: July 5, 1961.
License No.: 02-0086.
Court, Docket No., and date of court order: U.S. District Court for the Southern District of New York, Civil Action No. 66-CIV-1520, Dec. 5, 1966.
Name: Clearwater Capital Corp.
Location: Clearwater, Fla.
Licensing date: Dec. 24, 1963.
License No.: 05-0083.
Court, Docket No., and date of court order: U.S. District Court for the Northern District of Florida, Civil Action No. 66-238, Jan. 18, 1967.
Name: Florida Equity Investments, Inc.
Location: St. Petersburg, Fla.
Licensing date: May 15, 1961.
License No.: 05-0032.
Court, Docket No., and date of court order: U.S. District Court for the Middle District of Florida, Civil Action No. 67-416, Dec. 2, 1966.
Name: Eastern Small Business Investment Corp.
Location: Atlanta, Ga.
Licensing date: Apr. 23, 1962.
License No.: 02-0165.
Court, Docket No., and date of court order: U.S. District Court for the District of Georgia, Civil Action No. 11168, Jan. 9, 1968.
Name: First Southern Investment Co., Inc.
Location: St. Petersburg, Fla.
Licensing date: June 5, 1959.
License No.: 05-0005.
Court, Docket No., and date of court order: U.S. District Court for the Middle District of Florida, Civil Action No. 67-381, Jan. 15, 1968.
Name: Cascade Capital Corp.
Location: Spokane, Wash.
Licensing date: Apr. 26, 1961.
License No.: 13-0004.
Court, Docket No., and date of court order: U.S. District Court for the Eastern District of Washington, Civil Action No. 2998, May 11, 1967.
Name: New Capital Investments, Inc.
Location: San Francisco, Calif.
Licensing date: Sept. 26, 1961.
License No.: 12-0049.
Court, Docket No., and date of court order: U.S. District Court for the Northern District of California, Civil Action No. 47062, June 2, 1967.
Name: Science Investment Co.
Location: San Francisco, Calif.
Licensing date: July 27, 1961.
License No.: 12-0037.
Court, Docket No., and date of court order: U.S. District Court for the Northern District of California, Civil Action No. 46849, Aug. 3, 1967.
Name: Stanford Capital Corp.
Location: San Francisco, Calif.
Licensing date: July 13, 1962.
License No.: 12-0059.
Court, Docket No., and date of court order: U.S. District Court for the Northern District of California, Civil Action No. 46845, June 26, 1967.
Name: Greater Michigan Investment Co.
Location: Detroit, Mich.
Licensing date: May 29, 1962.
License No.: 15-0014.
Court, Docket No., and date of court order: U.S. District Court for the Eastern District of Michigan, Civil Action No. 28587, Dec. 13, 1966.
Name: Security Capital Corp. (formerly Delta Capital Corporation).
Location: Walnut Creek, Calif.
Licensing date: July 24, 1961.
License No.: 12-0038.
Court, Docket No., and date of court order: U.S. District Court for the Northern District of California, Civil Action No. 46850, May 15, 1967.
Name: Western States Small Business Investment Co.
Location: Oakland, Calif.
Licensing date: Apr. 18, 1962.
License No.: 12-0078.
Court, Docket No., and date of court order: U.S. District Court for the Northern District of California, Civil Action No. 46846, Feb. 7, 1968.

Name: Wilshire Capital Corp.
Location: Los Angeles, Calif.
Licensing date: May 11, 1961.
License No.: 14–0019.
Court, Docket No., and date of court order: U.S. District Court for the Central District of California, Civil Action No. 66–1862–TC, May 12, 1967.
Name: United Midwestern Capital Corp.
Location: Oklahoma City, Okla.
Licensing date: Jan. 10, 1962.
License No.: 10–0078.
Court, Docket No. and date of court order: U.S. District Court for Western District of Oklahoma, Civil Action No. 67–26, Jan. 11, 1968.
Name: Grocers Investment Corp.
Location: Houston, Tex.
Licensing date: Oct. 18, 1960.
License No.: 10–0029.
Court, Docket No., and date of court order: U.S. District Court for the Southern District of Texas, Civil Action No. 67–H–167, June 1, 1967.
Name: Gulf Investors, Inc.
Location: Navasota, Tex.
Licensing date: July 27, 1961.
License No.: 10–0053.
Court, Docket No., and date of court order: U.S. District Court for the Southern District of Texas, Civil Action No. 67–H–650, Nov. 3, 1967.
Name: Partake Capital Corp.
Location: Oklahoma City, Okla.
Licensing date: Apr. 9, 1964.
License No.: 10–0140.
Court, Docket No., and date of court order: U.S. District Court for the Western District of Oklahoma, Civil Action No. 67–307, Feb. 13, 1968.
Name: Texas Business Investment Co.
Location: Houston, Tex.
Licensing date: Sept. 21, 1961.
License No.: 10–0068.
Court, Docket No., and date of court order: U.S. District Court for the Southern District of Texas, Civil Action No. 67–H–816, Dec. 29, 1967.
Name: Sullivan Investment Corp.
Location: Houston, Tex.
Licensing date: July 13, 1961.
License No.: 10–0060.
Court, Docket No., and date of court order: U.S. District Court for the Southern District of Texas, Civil Action No. 67–H–88, Jan. 18, 1968.

Section 308(d) of the Act provides that the license of a small business investment company may be forfeited if such company is determined and adjudged by a court of the United States to have violated the provisions of the Act.

Pursuant to the above authority, and subsequent to the determination and adjudication of the Court in each noted case, SBA revoked the licenses of the corporations identified above and, accordingly, all powers, privileges, rights and franchises heretofore derived from such licenses have been forfeited.

This notice shall be published in the FEDERAL REGISTER and a copy thereof furnished to the receiver in each case.

Dated: July 17, 1968.

For the Small Business Administration.

GLENN R. BROWN,
Associate Administrator for Investment.

[F.R. Doc. 68–8870; Filed, July 24, 1968; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1202]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JULY 19, 1968.

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

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

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

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

No. MC 531 (Sub-No. 239), filed July 5, 1968. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid synthetic plastics*, in bulk, in tank vehicles, from Meredosia, Ill., to Albuquerque, N. Mex., and (2) *liquid chemicals*, in bulk, in tank vehicles, from Bridgeport, N.J.; Cincinnati, Ohio; Kearny, N.J.; Springfield, Mass.; Trenton, Mich.; and Nitro, W. Va., to points in California. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 531 (Sub-No. 240), filed July 5, 1968. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from the plantsite of E. I. duPont de Nemours & Co., Pineville (Rapides Parish), La., to points in Arkansas, Mississippi, and Texas. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 1477 (Sub-No. 5), filed June 28, 1968. Applicant: YORKOFF TRUCKING CORP., 180 Erie Street, Jersey City, N.J. 07302. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766; (1) between New York, N.Y., on the one hand, and, on the other, points in Westchester, Nassau, Suffolk, Orange, Rockland, Putnam, Dutchess, Ulster, and Sullivan Counties, N.Y.; Philadelphia, Bucks, Delaware, Northampton, Montgomery, and Chester Counties, Pa.; Fairfield and New Haven Counties, Conn.; New Castle and Kent Counties, Del.; and points in New Jersey (except Jersey City and Newark, N.J.); and (2)

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

between Jersey City and Newark, N.J., on the one hand, and, on the other, points in Putnam, Dutchess, Ulster, and Sullivan Counties, N.Y.; Bucks, Montgomery, Delaware, Northhampton (except Easton), and Chester Counties, Pa.; Kent and New Castle Counties, Del.; Fairfield (except Bridgeport, Danbury, and Stamford) and New Haven (except New Haven) Counties, Conn., under contract with Swift & Co. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 2452 (Sub-No. 10), filed July 12, 1968. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale Avenue, Summit, Ill. 60502. Applicant's representative: Eugene L. Cohn, 1 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Printed matter and materials, supplies, and equipment* used in the maintenance and operation of printing houses, between the plantsite of R. R. Donnelley & Sons Co., at or near Dwight (Livingston County) Ill., on the one hand, and, on the other, Jeffersonville, Ind., Piqua and Cincinnati, Ohio, and points in Ohio on and south of U.S. Highway 36 from the Indiana-Ohio State line to Piqua and on and west of U.S. Highway 25 from Piqua to Cincinnati; and Holland, Grand Rapids, and Lansing, Mich., and points in Michigan on and south of U.S. Highway 16 from Grand Rapids to Lansing, and on and west of U.S. Highway 27 from Lansing to the Michigan-Indiana State line. NOTE: Applicant states a portion of the territory sought can be served over circuitous routes through the North Judson and San Pierre, Ind., and Cook County, Ill., gateways. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 2633 (Sub-No. 53), filed July 5, 1968. Applicant: CROSSETT, INC., Post Office Box 946, Warren, Pa. 16365. Applicant's representative: Ronald W. Malin, Bank of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, from points in Steuben County, N.Y., to points in Butler County, Pa. NOTE: Applicant indicates tacking possibilities with its presently held authority under MC 2633 (Sub-No. 30) wherein it is authorized to operate in Pennsylvania. Applicant further states that no duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 3874 (Sub-No. 14), filed July 12, 1968. Applicant: L. C. CORP., doing business as GREY LINES, 25 Webber Street, Roxbury (Boston), Mass. 02119. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter*, from Boston, Mass., to points in that portion of Connecticut east of alternate U.S. Highway 5, restricted to traffic having a prior movement by motor or rail carrier. NOTE: Applicant states it now holds authority to transport "magazines and parts of magazines," and "newspaper inserts and supplements and parts of said commodities" from and to the points here involved. The purpose of the instant application is to permit applicant to provide a complete service by the clarification and modification of its commodity authorization. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 8948 (Sub-No. 81), filed July 3, 1968. Applicant: WESTERN GILLETTE, INC., 2550 East 28th Street, Post Office Box 58267, Los Angeles, Calif. 90058. Applicant's representative: Theodore W. Russell, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, other than explosive, incendiary, gas, smoke, or tear-producing ammunition, and except livestock, articles of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Houston, Tex., and New Orleans, La., over U.S. Highway 90 and return over the same route, serving all intermediate points in Louisiana; (2) between Houston, Tex., and Lafayette, La., over Interstate Highway 10 and return over the same route, serving all intermediate points in Louisiana; (3) between Dallas, Tex., and New Orleans, La., over Interstate Highway 20 to Shreveport, La., thence over U.S. Highway 71 to junction U.S. Highway 190, thence over U.S. Highway 190 to Baton Rouge, La., thence over U.S. Highway 61 to New Orleans, La., and return over the same route, serving the intermediate points of Shreveport and Alexandria, La., and all intermediate points on U.S. Highway 190 and U.S. Highway 61, and the off-route points of Bossier City, and Pineville, La., Louisiana Army Ammunition Plant (near Doyline, La.), and England Air Force Base (near Alexandria, La.); (4) between Lafayette and Opelousas, La., over U.S. Highway 167 and return over the same route, serving all intermediate points; (5) between Opelousas, La., and junction U.S. Highways 71 and 190, over U.S. Highway 190 and return over the same route, serving all intermediate points; (6) between junction U.S. Highway 190 and Louisiana Highway 1 (near Baton Rouge, La.), and junction U.S. Highway 90 and Louisiana Highway 18 (near New Orleans, La.), over Louisiana Highways 1 and 18, serving all intermediate points; (7) between junction U.S. Highways 71 and 165 (near Alexandria, La.), and junction U.S. Highways 165 and 90 (near Iowa, La.), over U.S. Highway 165, serving no intermediate points except as otherwise authorized; (8) serving all points between Baton Rouge and New Orleans, La., within the territory bounded by Louisiana Highways 1 and 18, and by U.S. Highways 90, 61, and 190 as off-route points in connection with routes (1), (3), and (6) above described. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., Houston or Dallas, Tex., or Los Angeles or San Francisco, Calif.

No. MC 8973 (Sub-No. 13), filed July 12, 1968. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition boards and materials and accessories* used in the installation thereof, from points in Henry County, Tenn., to points in Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, Connecticut, New York, Massachusetts, Rhode Island, Maine, Vermont, New Hampshire, Tennessee, and the District of Columbia, and (2) *materials* used in the manufacture and distribution of composition boards, from points in the States named in (1) above, to points in Henry County, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa Fla., Washington, D.C., or New York, N.Y.

No. MC 10655 (Sub-No. 11), filed July 10, 1968. Applicant: ROETHLISBERGER TRANSFER COMPANY, a corporation, Mohican Street, Shelby, Ohio. Applicant's representative: James R. Stiverson, 50 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, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Shelby and Willard, Ohio, (1) from Shelby over Ohio Highway 61 to junction Ohio Highway 598, thence over Ohio Highway 598 to junction Ohio Highway 194, thence over Ohio Highway 194 to Willard, and return over the same routes serving no intermediate points, and (2) from Shelby over Ohio Highway 61 to junction U.S. Highway 224, thence over U.S. Highway 224 to Willard, and return over the same route, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 19227 (Sub-No. 128), filed July 5, 1968. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, Fla. 33152. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Internal combustion engines* (except aircraft), which require the use of special equipment or handling and parts, *attachments, equipment, materials, and supplies* moving in connection therewith, between East Hartford and Southington, Conn., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to traffic originating at or destined to plants and facilities of United Aircraft Corp., and subsidaries in

Connecticut. NOTE: Common control may be involved. Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Hartford, Conn.

No. MC 20872 (Sub-No. 11), filed July 8, 1968. Applicant: LIME CITY TRUCKING COMPANY, INCORPORATED, 1455 Swan Street, Huntington, Ind. 46750. Applicant's representative: Alki E. Scopelitis, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Syracuse, Ind., as an off-route point in connection with carrier's authorized regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 29988 (Sub-No. 114), filed July 11, 1968. Applicant: DC INTERNATIONAL, INC., 45th Avenue at Jackson Street, Denver, Colo. 80216. Applicant's representative: Arnold L. Burke, 39 South La Salle Street, Chicago, Ill. 60603. 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 Ford Motor Co. plantsite at the junction of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with applicant's authorized regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 42487 (Sub-No. 694), filed July 3, 1968. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: A. John Warren, Post Office Box 3062, Portland, Oreg. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine vinegar* in bulk, in tank vehicles, from Geyserville, Calif., to Chicago and Streator, Ill. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 47760 (Sub-No. 6), filed July 12, 1968. Applicant: DRENNING DELIVERY SYSTEM, a corporation, 2300 North Branch Avenue, Altoona, Pa. 16601. Applicant's representative: Paul S. Foreman, 1311 Twelfth Street, Altoona, Pa. 16601. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts and articles distributed by meat packinghouses*, as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766 (except such commodities in bulk) in vehicles equipped with mechanical refrigeration, between Monroeville (Allegheny County) Pa., on the one hand, and, on the other, points in Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral, Monongalia, Morgan, and Preston Counties, W. Va., Allegany, Carroll, Frederick, Garrett, and Washington Counties, Md., and Clarke and Frederick Counties, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Altoona, Pa.

No. MC 51146 (Sub-No. 102), filed July 3, 1968. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representatives: Donald F. Martin (same address as applicant) and Charles Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, and container ends and accessories; and materials and supplies used in connection with the manufacture and distribution of metal containers and container ends when moving with metal containers and container ends* from Detroit, Mich., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52709 (Sub-No. 303), filed July 1, 1968. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo. 80216. Applicant's representative: Eugene Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Explosives, blasting materials, agents, and supplies;* (1) between points and over the regular routes which applicant is certificated for the transportation of general commodities (except explosives), in MC 52709 and all effective sub numbers thereto, wherein applicant is authorized to operate in California, Colorado, Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, Nevada, Utah, and Wyoming, and subject to all route restrictions, if any, as otherwise specified in said certificates; and (2) serving all points not on its regular routes in California, Colorado, Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, Nevada, Utah, and Wyoming, as off-route points in connection with carrier's regular route operations. NOTE: Applicant states no duplicate authority is being sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Washington, D.C.

No. MC 59367 (Sub-No. 59), filed July 9, 1968. Applicant: DECKER TRUCK LINE, INC., Post Office Box 915, Fort Dodge, Iowa 50501. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* (except hides and commodities in bulk), and *articles distributed by meat packinghouses* (except commodities in bulk), as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766; (1) from Denison, Iowa, to points in Wisconsin; and (2) from Fort Dodge, Iowa, to points in Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 59583 (Sub-No. 118), filed July 10, 1968. Applicant: THE MASON & DIXON LINES, INCORPORATED, Eastman Road, Kingsport, Tenn. 37660. Applicant's representative: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. 37669. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the plantsite of General Electric Co. located at Hendersonville, Tenn., which is approximately 12 miles north of Nashville, Tenn., on U.S. Highway 31E, as an intermediate point in connection with applicant's presently authorized regular route authority between Chattanooga, Tenn., and Chicago, Ill., over U.S. Highways 41, 31E, 31, Alternate 31; Indiana Highways 144 and 135; U.S. Highway 52; and Indiana Highways 39 and 38. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Nashville, Tenn.

No. MC 64112 (Sub-No. 38), filed July 11, 1968. Applicant: NORTHEASTERN TRUCKING COMPANY, a corporation, 2508 Starita Road, Post Office Box 1493, Charlotte, N.C. 28201. Applicant's representative: John M. Dunn, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textiles and textile products*, from Farmville, N.C., to points in the New York, N.Y., commercial zone, as defined by the Commission. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 66194 (Sub-No. 9), filed July 11, 1968. Applicant: OWL TRUCK COMPANY, a corporation, 500 South Alameda Street, Compton, Calif. 90224. Applicant's representative: Raymond A. Greene, Jr., 405 Montgomery Street, San Francisco, Calif. 64104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum plaster and gypsum wall board*, from Blue Diamond, Nev., to points in Los Angeles, Orange, San Bernardino, and Riverside Counties, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco or Los Angeles, Calif.

No. MC 73688 (Sub-No. 26) (Correction), filed June 27, 1968, published in FEDERAL REGISTER issue of July 18, 1968, and republished, as corrected this issue. Applicant: SOUTHERN TRUCKING CORPORATION, 1500 Orenda Road, Post Office Box 7182, Memphis, Tenn. 38107. Applicant's representative: Charles H. Hudson, Jr., 833 Stahlman

Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials* (except lumber, steel, and commodities in bulk), between Lockland, Ohio, on the one hand, and, on the other, points in Kentucky and Tennessee; and (2) *roofing materials, asphalt, siding, insulating material, and accessories* thereto, not to exceed 10 percent of the total weight of the shipment (except lumber, steel, and commodities in bulk), from Memphis, Tenn., to points in Illinois. NOTE: The purpose of this republication is to include the commodity "siding" in (2) above, which was erroneously omitted. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Cincinnati, Ohio.

No. MC 83539 (Sub-No. 233), filed July 3, 1968. 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: *Conduit or pipe, with or without accessories, attachments, or fittings*, other than cement asbestos, concrete, metal, or plastic, from the plantsites or warehouses of United Technology Center at or near Riverside and Sunnyvale, Calif., to points in the United States, except Arizona, California, Hawaii, Nevada, and Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Washington, D.C.

No. MC 97699 (Sub-No. 26), filed July 1, 1968. Applicant: BARBER TRANSPORTATION CO., a corporation, 321 Sixth Street, Rapid City, S. Dak. Applicant's representative: Leslie R. Kehl, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Chamberlain and Sioux Falls, S. Dak.; (1) from Chamberlain over U.S. Highway 16 to Sioux Falls, S. Dak., and return over the same route, serving all intermediate points; (2) from Chamberlain over U.S. Highway 16 to junction South Dakota Highway 38 at Alexandria, S. Dak., thence over South Dakota Highway 38 to Sioux Falls, S. Dak., and return over the same route serving no intermediate points; and (3) from Chamberlain, S. Dak., over U.S. Highway 16 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction Interstate Highway 29, thence south over Interstate Highway 29 to Sioux Falls, S. Dak., and return over the same route serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it to be held at Sioux City, Iowa.

No. MC 99208 (Sub-No. 8), filed July 11, 1968. Applicant: SKYLINE TRANSPORTATION, INC., 131 Quincy Avenue, Knoxville, Tenn. 37917. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. 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 because of size or weight); (1) between Newport and Greeneville, Tenn., over U.S. Highway 411, serving all intermediate points; and (2) between Knoxville and Greeneville, Tenn., over U.S. Highway 11E, serving no intermediate points, as an alternate route for operating convenience only. NOTE: Applicant states no duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Knoxville, Tenn.

No. MC 103051 (Sub-No. 218), filed July 5, 1968. Applicant: FLEET TRANSPORT COMPANY, INC., 1000 44th Avenue North, P.O. Box 7645. Applicant's representative: R. H. Reynolds, Jr., 604–09 Healey Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, having a prior movement by rail, from points in Broward and Hillsborough Counties, Fla., to points in Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 104399 (Sub-No. 5), filed July 8, 1968. Applicant: WARD FREIGHT LINE, INC., Post Office Box 8, Greenville, Ala. 36037. Applicant's representative: Elisha C. Poole, Post Office Box 308, Greenville, Ala. 36037. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate and fertilizer materials in bags* (not in bulk), from Yazoo City and Pascagoula, Miss., to Greenville, Ala. NOTE: If a hearing is deemed necessary, applicant requests it be held at Montgomery, or Birmingham, Ala.

No. MC 104523 (Sub-No. 41), filed July 15, 1968. Applicant: HUSTON TRUCK LINE, INC., Friend, Nebr. 68359. Applicant's representative: Earl H. Scudder, Jr., Post Office Box 2028, 605 South 14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Products* used in the agricultural, water treatment, food processing, wholesale grocery and institutional supply industries, when shipped in mixed loads with salt or salt products (presently authorized), from Lyons, Kans., and points within 5 miles thereof to points in Iowa and Wyoming; and (2) *salt and salt products and products* used in the agricultural, water treatment, food processing, wholesale grocery and institutional supply industries, when shipped in mixed loads with salt and salt products, from Kanopolis, Kans., and points within 5 miles thereof to points in Iowa, Nebraska, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas, City, Mo.

No. MC 106644 (Sub-No. 89), filed July 5, 1968. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30321. Applicant's representative: Guy H. Postell, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from Birmingham, Ala., to points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 107515 (Sub-No. 619), filed July 10, 1968. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799 Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (address same as applicant's). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products* from (1) Salem, Va., to points in New York, Pennsylvania, New Jersey, Delaware, Connecticut, Massachusetts, Maryland, and the District of Columbia, and (2) from Fulton and New York, N.Y., to Salem, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held in Atlanta, Ga., or Washington, D.C.

No. MC 107882 (Sub-No. 13), filed July 2, 1968. Applicant: ARMORED MOTOR SERVICE CORPORATION, 160 Ewingville Road, Trenton, N.J. 08638. Applicant's representative: Nathan N. Schildkraut, Post Office Box 1413, 143 East State Street, Trenton, N.J. 08607. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records, audits, accounting media, and records, data processing, bookkeeping records, payrolls, checks, documents, interoffice records and memoranda, billing, and office records*, between New York, N.Y., on the one hand, and, on the other, points in Passaic, Bergen, Morris, Hudson, Union, and Somerset Counties, N.J., under contract with New Jersey Hospital Association, and others. NOTE: Applicant holds common carrier authority under MCC 125729, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Trenton, N.J., or Washington, D.C.

No. MC 108703 (Sub-No. 25), filed July 5, 1968. Applicant: LEE & EASTES TANK LINES, INC., 2418 Airport Way South, Seattle, Wash. 98134. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, in bulk, in shipper-owned trailers, from the plantsite of Utah and Idaho Sugar Co., at or near Durham, Oreg., to Ridgefield, Wash. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 109026 (Sub-No. 11), filed July 11, 1968. Applicant: HALL K. DAVIS, AND LELLA H. DAVIS, PARTNERS, doing business as BURKESVILLE TRANSFER COMPANY, Post Office Box 192,

Glasgow, Ky. 42141. Applicant's representative: Walter Harwood, 515 Nashville Bank & Trust Building, Nashville, Tenn. 37201. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, and commodities in bulk), serving the Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., in conjunction with carrier's present authority to serve Louisville, Ky., in conjunction with carrier's present authority to serve Louisville, Ky., in MC-109026, as an off-route point. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 109326 (Sub-No. 97), filed July 5, 1968. Applicant: C & D TRANSPORTATION CO., INC., Post Office Drawer 1503, Mobile, Ala. 36601. Applicant's representative: Robert E. Keene (address same as applicant's). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and vegetables* from points in Baldwin County, Ala., to points in California, Nevada, Arizona, New Mexico, Nebraska, Kansas, Oklahoma, Texas, Iowa, Missouri, Arkansas, Louisiana, Illinois, Indiana, Kentucky, Tennessee, Mississippi, Ohio, Georgia, Florida, South Carolina, North Carolina, West Virginia, Virginia, Maryland, Delaware, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala.

No. MC 109584 (Sub-No. 145), filed July 10, 1968. Applicant: ARIZONA-PACIFIC TANK LINES, 3201 Ringsby Court, Denver, Colo. 80216. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk in tank vehicles, (1) between points in Arizona on the one hand, and, on the other, points in California and (2) from Aguila, Ariz., to Eugene and The Dalles, Oreg., Springer, N. Mex., and Laramie, Wyo. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 109637 (Sub-No. 342), filed July 1, 1968. Applicant: SOUTHERN TANK LINES INC., Post Office Box 1047, 4107 Bells Lane, Louisville, Ky. 40201. Applicant's representative: Harris G. Andrew (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from points in Robertson County, Tenn., to points in Alabama, Arkansas, Georgia, Kentucky, Indiana, Illinois, Michigan, Missouri, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, and Virginia. NOTE: Applicant states it intends to tack with any appropriate authority held, especially its present authority in Sub 165. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Birmingham, Ala.

No. MC 109772 (Sub-No. 25), filed July 11, 1968. Applicant: ROBERTSON TRUCK-A-WAYS, INC., 7101 East Slauson Avenue, Los Angeles, Calif. 90022. Applicant's representative: Phil Jacobson, 510 West Sixth Street, Los Angeles, Calif., 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm and industrial tractors, wheeled, with or without attachments, and parts and accessories for said units* when moving with said vehicles, in truckaway service, between points in California, Arizona, Nevada, and Utah. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 110420 (Sub-No. 568), filed July 2, 1968. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Allan B. Torhorst, Post Office Box 339, Burlington, Wis. 53105. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, from Janesville, Wis., to points in Iowa. NOTE: Applicant indicates tacking possibilities with its Sub 321 at Clinton, Iowa. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Chicago, Ill.

No. MC 111103 (Sub-No. 29), filed June 28, 1968. Applicant: PROTECTIVE MOTOR SERVICE COMPANY, INC., 725-29 South Broad Street, Philadelphia, Pa. 19147. Applicant's representative: John M. Demcisak, 1035 Land Title Building, Philadelphia, Pa. 19110. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Checks, payroll records, business papers, reports, and records, and audit and accounting media* (excluding plant removals), between points in Dauphin County, Pa., on the one hand, and, on the other, points in Prince Georges County, Md., under contract with D & H Distributing Co., Inc. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 111401 (Sub-No. 255), filed July 8, 1968. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Alvin L. Hamilton (same address as applicant's). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feed supplements*, in bulk, from Arkansas City, Kans., and Enid, Okla., to points in Arkansas, Colorado, Kansas, Oklahoma, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Kansas City, Mo.

No. MC 114194 (Sub-No. 150), filed July 12, 1968. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. 62201. Applicant's representative: Gene Kreider (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Syrup coloring* (burnt sugar caramel), in bulk, in tank vehicles, from the plantsite of Sethness Products Co. at Clinton, Iowa, to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, restricted to traffic originating at the above-named plantsite and destined to the named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115331 (Sub-No. 255), filed July 2, 1968. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, Mo. 63131. Applicant's representative: Thomas F. Kilroy, 913 Colorado Building, 1341 G Street, NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica sand and silica flour*, from points in Izard and Independence Counties, Ark., to points in Tennessee, Alabama, Arkansas, Mississippi, Louisiana, Texas, Oklahoma, Missouri, and Kansas. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 115669 (Sub-No. 91), filed July 10, 1968. 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: (1) *Salt and salt products*, and (2) *products* used in agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries, when shipped in mixed loads with salt and salt products, from Kanopolis, Kans., and points within 5 miles thereof, to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 115841 (Sub-No. 335), filed July 10, 1968. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representative: C. E. Wesley (same address as applicant's). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yeast, and related bakery items* (except in bulk), in vehicles equipped with mechanical refrigeration, from Belleville, N.J., to Lynchburg and Bristol, Va.; Nashville and Knoxville, Tenn.; and Birmingham, Ala. NOTE: Applicant indicates tacking possibilities with its presently held authority in Sub. 134, to enable service to Louisiana

and Mississippi. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.; or Knoxville, Tenn.; or Washington, D.C.

No. MC 116763 (Sub-No. 133), filed July 5, 1968. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs* from Paris, Tex., to points in Mississippi and South Carolina restricted to traffic originating at the plantsites and/or warehouses of the Campbell Soup Co. NOTE: Applicant states it would tack with its Sub 56 at Woodruff, S.C., to enable service to Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Indiana, Michigan, New Jersey, New York, Pennsylvania, and Cincinnati, Ohio. Applicant also states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 117439 (Sub-No. 35), filed July 12, 1968. Applicant: BULK TRANSPORT, INC., U.S. Highway 190, Post Office Box 89, Port Allen, La. 70767. Applicant's representative: John Schwab, 617 North Boulevard, Post Office Box 3036, Baton Rouge, La. 70821. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in bags; (1) from Shreveport, La., to points in Texas, Oklahoma, Arkansas, and Mississippi; and (2) from Alexandria, La., to points in Texas, Arkansas, and Mississippi, restricted to traffic having a prior movement by rail, from any point in Texas in Nos. (1) and (2) above. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., Houston or Dallas, Tex., or Birmingham, Ala.

No. MC 119531 (Sub-No. 87), filed July 10, 1968. Applicant: DEICKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers and closures therefor, and paper cartons*, from Rockdale, Ill., to points in Indiana, Kentucky, Michigan, Missouri, Ohio, and Wisconsin; and, (2) *materials and supplies used in the manufacture, sale, and distribution of glass containers*, on return. NOTE: Applicant states there is possibility of tacking at Zanesville, Ohio, to serve points in West Virginia, Maryland (except Baltimore), and Western Pennsylvania (except Pittsburgh and Washington). If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119639 (Sub-No. 3) (Clarification), filed April 29, 1968, published in FEDERAL REGISTER issue of May 23, 1968, and republished as clarified, this issue. Applicant: INCO EXPRESS, INC., 426 South Massachusetts Street, Seattle, Wash. 98134. Applicant's representative: Joseph O. Earp, 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats and meat products and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766; (2) *foods*, frozen, or those requiring refrigeration; (3) *dairy products*, frozen or requiring refrigeration; and (4) *commodities*, the transportation of which would otherwise be exempt from regulation pursuant to the provisions of section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with (1), (2), and (3) above; (a) between points in Washington on the one hand, and, on the other, points in California and Oregon; (b) between points in California, on the one hand, and, on the other, points in Oregon; and (c) from points in Oregon to points in Nevada and Arizona. NOTE: The purpose of this republication is to redescribe and clarify the commodity description and territorial scope of the application. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 119670 (Sub-No. 13), filed July 11, 1968. Applicant: THE VICTOR TRANSIT CORPORATION, Post Office Box 115, Winton Place Station, Cincinnati, Ohio 45232. Applicant's representative: Robert H. Kinker, Post Office Box 464, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn and soybeans products*, in containers, from the plantsite and facilities of The A. E. Staley Manufacturing Co., at Decatur, Ill., to points in Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 209), filed April 25, 1968. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Allan B. Torhorst, Post Office Box 339, Burlington, Wis. 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and prepared foodstuffs*, from Bellwood, Ill., to points in Kentucky. NOTE: Applicant states it would tack the proposed authority with its present authority between points in Wisconsin to enable service to Minnesota, Illinois, and Indiana. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119918 (Sub-No. 6), filed July 3, 1968. Applicant: C & H FREIGHTWAYS, a corporation, 402 West Watkins Road, Phoenix, Ariz. 85036. Applicant's representatives: J. P. Welsh, Post Office Box 5976, Dallas, Tex. 75222, and 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: *Conduit or pipe, with or without accessories, attachments, or fittings, other than cement asbestos, concrete, metal, or plastic*, from the plantsites or warehouses of United Technology Center at Riverside and Sunnyvale, Calif., to points in Arizona, Nevada, and Utah. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Washington, D.C.

No. MC 120686 (Sub-No. 3), filed July 8, 1968. Applicant: L. & E. FREIGHT LINE, INC., Post Office Box AN, Limon, Colo. 80828. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Denver and Limon, Colo., over Interstate Highway 70 (also U.S. Highway 40), serving all intermediate points and off-route points within 3 miles of the above-described highways. NOTE: If a hearing is deemed necessary, applicant requests it be held at Limon or Denver, Colo.

No. MC 123048 (Sub-No. 137), filed July 1, 1968. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53401. Applicant's representatives: C. Ernest Carter, Post Office Box A, Racine, Wis. 53401, and Paul Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, farm equipment, and parts*, from points in Jefferson and Navarro Counties, Tex., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Mississippi, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, Wisconsin, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Houston, or Fort Worth, Tex.

No. MC 123383 (Sub-No. 35), filed July 8, 1968. Applicant: BOYLE BROTHERS, INC., 276 River Road, Edgewater, N.J. 07020. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition boards and materials and accessories* used in the installation thereof, from points in Henry County, Tenn., to points in Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, Connecticut, New York, Massachusetts, Rhode Island, Maine, Vermont, New Hampshire, Mississippi, Ohio, Georgia, Florida, Alabama, Tennessee, and the District of Columbia; and (2) *materials* used in the manufacture and distribution of composition boards, from points in Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, Connecticut, New York, Massachusetts, Rhode Island, Maine, Vermont, New Hampshire, Mississippi, Ohio, Georgia, Florida, Alabama, Tennessee, and the District of Columbia, to points in Henry County, Tenn. NOTE: Applicant states that joinder will be made at points in Henry County, Tenn., on traffic from Deposit, N.Y., to destinations applied for herein by combining with MC 123383 (Sub-No. 23). If a hearing is deemed

necessary, applicant requests it be held at Tampa, Fla., or Atlanta, Ga.

No. MC 124078 (Sub-No. 335), filed July 1, 1968. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Starch of all kinds, blends of starch, corn products, and products made of corn*, having a prior rail movement, between points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124078 (Sub-No. 337), filed July 12, 1968. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, from Wilsonville, Ala., to points in Georgia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Atlanta, Ga.

No. MC 124230 (Sub-No. 10), filed July 12, 1968. Applicant: C. B. JOHNSON, INC., Post Office Drawer S, Cortez, Colo. 81321. Applicant's representative: Leslie R. Kehl, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ores and concentrates* (a) between points in Mineral, Hinsdale, and Rio Grande Counties, Colo.; El Paso and Amarillo, Tex.; Midvale and Toole, Utah; (b) from San Juan County, Utah, to Douglas and Miami, Ariz.; (2) *scrap metal*, from Albuquerque, N. Mex. and Phoenix, Ariz., to San Juan County, Utah, and (3) *aggregate, sand, and gravel*, between points in San Juan County, Utah, and San Juan County, N. Mex.; Montezuma, Archuleta, and La Plata Counties, Colo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 125433 (Sub-No. 7), filed July 10, 1968. Applicant: F–B TRUCK LINE COMPANY, a corporation, 4255 South Second West, Salt Lake City, Utah. Applicant's representative: Duane W. Acklie, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Tanks, pump dispensing units, pipe, absorbers, vessels, hoppers, iron and steel articles, valves, and fabricated metal products*, (1) from Salt Lake City, Utah, to points in Oregon, Washington, California, Idaho, Nevada, Arizona, Utah, Montana, Wyoming, Colorado, New Mexico, Texas, Oklahoma, Kansas, Nebraska, South Dakota, Iowa, and Minnesota, (2) from points in Colorado, to points in Utah, and (3) from Seattle, Wash., to points in Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 125687 (Sub-No. 4), filed July 10, 1968. Applicant: EASTERN STATES TRANSPORTATION, INC., 1060 Lafayette Street, Post Office Box 1761, York, Pa. 17405. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned beverages including carbonated beverages and flavored syrups*, from Garfield, N.J., to points in Massachusetts, Rhode Island, and Connecticut. NOTE: Applicant states it holds contract carrier authority under MC 117496 which is being converted to that of a common carrier in MC 125687. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 125708 (Sub-No. 92), filed July 1, 1968. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. 62087. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, between Greenfield, Ind., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Illinois, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, Texas, Virginia, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Indianapolis, Ind.

No. MC 125826 (Sub-No. 5), filed July 5, 1968. Applicant: BARTLESON BROTHERS, INC., Courses Landing Road, Penns Grove, N.J. 08069. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and compressed gasses* (excluding petroleum gases), in shipper-owned trailers from the plantsite of Air Reduction Co., Inc., at Olean, N.Y., to points in New Jersey, New York, Ohio, Pennsylvania, West Virginia, and Connecticut, under contract with Air Reduction Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it to be held at Washington, D.C.

No. MC 126372 (Sub-No. 4), filed July 5, 1968. Applicant: SUREFINE TRANSPORTATION COMPANY, a corporation, 3540 East 26th Street, Los Angeles, Calif. 90023. 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) *Appliances, equipment, fixtures, furniture, and furnishings* for commercial, noncommercial, and public establishments and institutions, uncrated and otherwise unpacked, and, in connection therewith, *accessories, appurtenances, fittings, and parts* incidental thereto (packed or unpacked) when transported with and in connection with shipments of the above-described commodities; (2) *fixtures, furniture and furnishings, and accessories; and appurtenances, fittings, and parts* incidental thereto, when transported with, and in connection with such commodities; (a) between points in Idaho, Montana, Oregon, and Washington; (b) between points in Idaho, Montana, Oregon, and Washington, on the one hand, and, on the other, points in Arizona and Nevada; and (c) from points in Idaho, Montana, Oregon, and Washington to points in California. *Defective, rejected, returned, or traded in commodities* described in (1) and (2) above, on return. NOTE: Applicant states it will tack with its presently held authority to enable service to points in Arizona, California, and Nevada. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 126516 (Sub-No. 6), filed July 11, 1968. Applicant: SKYLINE MOTORS AIR CARGO, INC., West 15th Street, Beaver Falls, Pa. 15010. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the Greater Pittsburgh Airport (Allegheny County), Pa., on the one hand, and, on the other, points in Crawford County, Pa., restricted to traffic having an immediately prior or immediately subsequent movement by air. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 126899 (Sub-No. 32), filed July 1, 1968. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, Paducas, Ky. 42001. 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 irregular routes, transporting: *Polyurethane pads and padding*, from Cairo, Ill., to Springfield, Tenn., Bowling Green and Carrollton, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 127580 (Sub-No. 1), filed July 1, 1968. Applicant: H. P. HALE, Post Office Box 177, Roswell, N. Mex. 88201. Applicant's representative: Wayne Wolf, 415 First National Bank Building West, Albuquerque, N. Mex. 87101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and plywood*, from Roswell, N. Mex., and from lumber mills or sawmills at or near Navajo, N. Mex.; Durango, Pagosa Spring, Dolores, Southfork, Antonito, Alamosa, Montrose, Trinidad, and Monte Vista, Colo.; to points in that part of Oklahoma on and west of U.S. Highway 69 extending from the Oklahoma-Kansas State line to Durant, Okla., thence on and west of U.S. Highway 75 to the Oklahoma-Texas State line, thence extending to points in Texas on and west of U.S. Highway

75 from the Texas-Oklahoma State line to Dallas, Tex., thence on and west of U.S. Highway 77 or Interstate Highway 35E, whichever is furtherest east to junction U.S. Highway 81, thence on or west of U.S. Highway 81 or Interstate Highway 35 whichever is furtherest east to San Antonio, Tex., thence on and north of U.S. Highway 90 to Van Horn, Tex., thence on and north of U.S. Highway 80 to El Paso at the Texas-New Mexico State line; and from lumber mills or sawmills at or near Durango, Pagosa Springs, Dolores, Southfork, Antonito, Alamosa, Montrose, Trinidad, and Monte Vista, Colo., to Roswell, N. Mex., under contract with Dodson Wholesale Lumber Co. NOTE: Applicant states it intends to tack with its present authority to serve points in Oklahoma and Texas. If a hearing is deemed necessary, applicant requests it be held at Albuquerque or Roswell, N. Mex.

No. MC 127668 (Sub-No. 2), filed July 5, 1968. Applicant: WILLIAM WELCH AND JOHN WELCH, a partnership, doing business as WELCH TRUCKING COMPANY, 1105 South Boulder, Portales, N. Mex. 88130. Applicant's representative: Edwin E. Piper, Jr., Suite 715–718, Simms Building, Albuquerque, N. Mex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hides, pelts, skins, hair, tails, switches, and bone meal*, from (1) Denver, Pueblo, Colorado Springs, Montrose, Grand Junction, Durango and Cortez, Colo.; Lubbock, El Paso, Dallas, Fort Worth, Amarillo, Hereford, Plainview, Friona, Tex.; Guymon, Okla.; Albuquerque and Clovis, N. Mex.; to Phoenix, Ariz.; and (2) from Phoenix, Ariz., to Houston, Laredo, Fort Worth, and Dallas, Tex., under contract with Southwest Hide Co., Phoenix, Ariz. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex.

No. MC 128273 (Sub-No. 34), filed July 9, 1968. Applicant: MIDWESTERN EXPRESS, INC., Post Office Box 189, Fort Scott, Kans. 66071. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass, and glass articles*, from St. Louis, Mo., and East St. Louis and Alton, Ill., to points in Colorado, New Mexico, Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Minnesota, Iowa, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, Tennessee, Kentucky, Indiana, Illinois, Wisconsin, and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 128652 (Sub-No. 3), filed July 5, 1968. Applicant: LARSON TRANSFER & STORAGE CO., INC., 9500 Bloomington Freeway, Minneapolis, Minn. 55431. Applicant's representative: Will S. Tomljanovich, 2327 Wycliff, St. Paul, Minn. 55114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sawdust and floor sweeping compounds* from Minneapolis, Minn., to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin, and the Upper Peninsula of Michigan, under contract with American Excelsior Corp. and E-Z Killdust Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 129203 (Sub-No. 1), filed July 8, 1968. Applicant: M & Y FREIGHT SYSTEM, INC., Post Office Box 23, Topeka, Ind. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, and ingredients* used in the manufacturing, and processing of core oil and resins, from points in Pennsylvania, New York, Michigan, Illinois, Ohio, Missouri, Wisconsin, Minnesota, Iowa, and Kentucky, to Mishawaka, Ind. NOTE: Applicant states it holds contract carrier authority under MC 126532, therefore dual operations may be involved. Applicant further states no duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 129604 (Sub-No. 1), filed July 5, 1968. Applicant: WYLIE BARNES, Post Office Box 111, Troy, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough and unfinished lumber*, from Bardwell and Hickman, Ky.; and Dyersburg, Halls, Henning, McKenzie, Obion, Ridgeley, and Troy, Tenn., to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Mississippi, Missouri, North Carolina, South Carolina, Virginia, Tennessee, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Jackson, Tenn.

No. MC 129908 (Sub-No. 1), filed July 1, 1968. Applicant: AMERICAN FARM LINES, a corporation, 641 North Meridian, Post Office Box 75337, Oklahoma City, Okla. 73102. Applicant's representatives: William L. Peterson, Jr., 401 North Hudson, Suite 200, Oklahoma City, Okla. 73102, Harry Ross, Warner Building, Washington, D.C. 20004, Rufus H. Lawson, 106 Bixler Building, Post Office Box 75124, Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, including classes A and B explosives (except commodities in bulk and household goods), between points in Kentucky, Indiana, Illinois, Missouri, Arkansas, Louisiana, Texas, Oklahoma, and Kansas, on the one hand, and, on the other, points in Washington, California, Nevada, Utah, and Arizona, when moving (1) on Government bills of lading and (2) on commercial bills of lading containing endorsements approved in *Interpretation of Government Rate Tariff—Eastern Central*, 332 I.C.C. 161, 164, 165. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 129982, filed June 17, 1968. Applicant: SALMON'S TRANSFER LIMITED, 2884 Grandview Highway, Vancouver 12, British Columbia, Canada. Applicant's representative: Thomas David Carney (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods and personal effects*, between points in Washington and points on the international boundary line between the United States and Canada, located in Washington, restricted to shipments originating at or destined to points in Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 129983, filed June 18, 1968. Applicant: PIER AIR CARGO TRUCKING, INC., 182 10th Street, Brooklyn, N.Y. 11215. 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: *Such merchandise as is dealt in by a wholesale dealer in athletic goods for sporting and outdoor use*, between points in New York, N.Y., harbors and harbors contiguous thereto as defined in Title 49 CFR 1070.1 and Suffern, N.Y., under contract with Precise Import Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 129991 (Sub-No. 1), filed July 11, 1968. Applicant: JENSEN TRUCKING CO., INC., 830 North First East, American Fork, Utah 84003. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Farm production supplies, such as fencing and wire products, steel posts, baler and binder twine, tires, antifreeze, insecticides and weed killers, fertilizers, animal and poultry feeds, grain, and seed*, between points in Arizona, California, Colorado, Idaho, Nevada, Oregon, Washington, and Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 133008, filed June 27, 1968. Applicant: MILLAR & BROWN LTD., a corporation, Post Office Box 669, Cranbrook, British Columbia, 611 71st Southeast, Calgary, Alberta, Canada. Applicant's representative: George R. LaBissoniere, 920 Logan Building, Seattle, Wash. 98101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities of unusual value, commodities in bulk, and household goods as defined by the Commission), between ports of entry located on the United States-Canada boundary line at or near Eastport or Porthill, Idaho; Blaine, Sumas, or Oroville, Wash.; Sweetgrass, Mont.; and Portal or Noyes, N. Dak., for purposes of interline or interchange only with connecting carriers. If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 133013, filed July 5, 1968. Applicant: E. P. & P. TRUCKING CO., a

corporation, 3500 Walnut Street, McKeesport, Pa. 15130. Applicant's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Awnings, car ports, and patios and component parts thereof; coated sheet metals; and materials, equipment, and supplies* used in the production, manufacture, or distribution of said commodities, between McKeesport, Pa., on the one hand, and, on the other, points in Illinois, Indiana, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, and West Virginia. Restriction: The operations authorized herein are limited to a transportation service to be performed under continuing contract, or contracts with Enamel Products & Plating Co. and its wholly owned subsidiaries, Artcraft Awning Co. and Artcraft Venetian Blind Manufacturing Co. of Pittsburgh, all of McKeesport, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 133015, filed July 1, 1968. Applicant: JAMES G. LYNCH, Rural Delivery 1, Carbondale, Pa. Applicant's representatives: James K. Peck and James K. Peck, Jr., 912 Northeastern National Bank Building, Scranton, Pa. 18503. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Natural cleft split faced veneer and sawed split faced veneer, irregular stone (also called rubble and sawed treads), sills, and patterns, and crushed stone*, from sites of Laurel Mountain Stone Corp. quarries at or near Newton Road, Scranton, Lackawanna County, Pa., to points in Pennsylvania, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, New Hampshire, Maine, Vermont, Maryland, Virginia, Ohio, Delaware, and Washington, D.C., under contract with Laurel Mountain Stone Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Scranton, Pa.

No. MC 133018 (Sub-No. 1), filed July 11, 1968. Applicant: RICHARDSON TRUCK LINE, INC., Post Office Box 753, Macon, Ga. 31202. Applicant's representative: William Addams, Suite 527, 1776 Peachtree Street, NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay face brick*, from Macon, Ga., to points in Florida on and north of Interstate Highway 4. NOTE: If a hearing is deemed necessary, applicant requests it be held at Macon or Atlanta, Ga.

No. MC 133026, filed July 12, 1968. Applicant: W. T. MARSHALL, Rural Route No. 5, Box 161D, Springfield, Ill. 62707. Applicant's representative: Mack Stephenson, 301 Building, 301 North Second Street, Springfield, Ill. 62702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from St. Louis, Mo., to points in Illinois. NOTE: Applicant holds various permits under MC 125136 and subs thereto. The purpose of the instant application is (1) to convert permits to certificates and (2) extend destination territory as common carrier. If this application is granted, applicant also requests his present permits be canceled and certificate be issued in lieu thereof. If a hearing is deemed necessary, applicant requests it be held at Springfield or Chicago, Ill.

MOTOR CARRIERS OF PASSENGERS

No. MC 61016 (Sub-No. 32), filed July 3, 1968. Applicant: PETER PAN BUS LINES, INC., 144 Bridge Street, Springfield, Mass. 01103. Applicant's representative: Frank Daniels, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in round-trip pleasure and sightseeing tours, in combination with air travel through arrangements with air carriers, beginning and ending at Springfield, Mass., and extending to points in the United States, including Alaska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Mass.

No. MC 129038 (Sub-No. 4), filed July 1, 1968. Applicant: TRI-STATE COACH LINES, INC., 2978 Orchard Place, Des Plaines, Ill. 60018. Applicant's representative: John T. Porter, 16 North Carroll Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, newspapers, and express*, in the same vehicle with passengers, in vehicles transporting not more than 13 passengers plus driver (exclusive of those passengers under 10 years of age who do not occupy a seat), between Milwaukee, Wis. (including Mitchell Field Airport), on the one hand, and, on the other, O'Hare Field (International Airport), Chicago, Ill., and Midway Airport, Chicago, Ill., from Milwaukee over U.S. Highway 94 and 294, to Chicago, and return over the same route, serving junction Wisconsin Highway 50 and U.S. Highway 94, as an intermediate point. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 129524 (Sub-No. 1), filed July 5, 1968. Applicant: MALVERN JOHN REID, doing business as REID BUS LINE, 1107 Seventh Street, Harlan, Iowa 51537. Applicant's representative: John F. Sawin, 711 Court Street, Harlan, Iowa 51537. 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 vehicles with passengers between Harlan, Iowa, and Omaha, Nebr., from Harlan, Iowa, to Avoca, Iowa, over U.S. Highway 59, thence over Iowa Highway 83 to junction Iowa Highway 64, thence over Iowa Highway 64 to Council Bluffs, Iowa, thence over U.S. Highway 6 to Omaha, Nebr., and return over the same route serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

APPLICATIONS FOR BROKERAGE LICENSES

No. MC 130060, filed June 24, 1968. Applicant: DENSLO F. HAMLIN, doing business as SKI HAUS TOURS, Route 22, Pawling, N.Y. 12564. For a license (BMC 5) to engage in operations as a *broker* at Pawling, N.Y., in arranging for the transportation, in interstate or foreign commerce, of *passengers and their baggage*, in tours, in special and charter operations, beginning and ending at points in Dutchess, Columbia, Putnam, and Northern Westchester Counties, N.Y., and points in Litchfield and Fairfield Counties, Conn., and extending to points in the United States.

No. MC 130062, filed July 8, 1968. Applicant: SUNDOWNER TRAVEL, INC., 92 Middle Neck Road, Great Neck, N.Y. Applicant's representative: Samuel B. Zinder, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. For a license (BMC 5) to engage in operations as a *broker* at New York, N.Y., in arranging for the transportation in interstate or foreign commerce of *passengers and their baggage*, restricted to students accompanied by tour directors and supervisors or chaperones and their baggage, in all-expense tours, beginning and ending at New York, N.Y., and points in Nassau County, N.Y., and extending to points in the United States, except Alaska and Hawaii.

No. MC 130063, filed July 8, 1968. Applicant: LEANDER ELROY TUTTLE, doing business as MAINE TRUCKERS EXCHANGE, 154 State Street, Presque Isle, Maine. For a license (BMC 4) to engage in operations as a *broker* at Presque Isle, Maine, in arranging for the transportation in interstate or foreign commerce of *preserved and prepared foodstuffs (including frozen prepared foodstuffs)*, from points in Maine, to points in the United States (including Alaska and Hawaii).

No. MC 130064, filed July 10, 1968. Applicant: MELVIN B. LEPOW, 222 Worthington Street, Springfield, Mass. 01103. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. For a license (BMC 5) to engage in operations as a *broker* at Springfield, Mass. in arranging for the transportation in interstate or foreign commerce of *Passengers and their baggage*, both as individuals and in groups, in special and charter operations, between points in the United States including Alaska and Hawaii.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 115570 (Sub-No. 5), filed July 10, 1968. Applicant: WALTER A. JUNGE, INC., Post Office Box 98, Antioch, Calif. 94509. Applicant's representative: William B. Adams, Pacific Building, Portland, Oreg. 97204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard*, from Port Townsend, Seattle, and Tacoma, Wash., to Longview, Wash., for export, under contract with Fibreboard Paper Products Corp.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 68-8808; Filed, July 24, 1968; 8:45 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 22, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41396—*Barite (barytes) from points in Arkansas and Missouri.* Filed by Southwestern Freight Bureau, agent (No. B-9097), for interested rail carriers. Rates on barite (barytes), ground, in carloads, from specified points in Arkansas and Missouri, to Raceland, La.

Grounds for relief—Market competition.

Tariff—Supplement 24 to Southwestern Freight Bureau, agent, tariff ICC 4703.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-8885; Filed, July 24, 1968; 8:49 a.m.]

[Notice 654]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 22, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 52579 (Sub-No. 111 TA), filed July 18, 1968. Applicant: GILBERT CARRIER CORP., 1 Gilbert Drive, Secaucus, N.J. 07094. Applicant's representative: Wilfred Abel (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wearing apparel*, loose, on hangers, from Hialeah and Miami, Fla., to Lumberton, N.C.; (2) *Materials and supplies used in the manufacture of wearing apparel*, between Lumberton, N.C., on the one hand, and Miami and Hialeah, Fla., on the other, for 150 days. Supporting shipper: Tiffany Apparel, Inc., 152 Madison Avenue, New York, N.Y. Send protests to: District Supervisor W. J. Grossmann, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 69901 (Sub-No. 19 TA), filed July 18, 1968. Applicant: COURIER-NEWSOM EXPRESS, INC., Post Office Box 509, U.S. Highway 31 Bypass, Columbus, Ind. 47201. 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 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 Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with applicant's otherwise authorized regular-route operations, for 180 days. Supporting shipper: Ford Motor Co., The American Road, Dearborn, Mich. Send protests to: District Supervisor James W. Habermehl, Bureau of Operations, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 107906 (Sub-No. 24 TA), filed July 18, 1968. Applicant: TRANSPORT MOTOR EXPRESS, INC., Post Office Box 958, 958 Meyer Road, Fort Wayne, Ind. 46801. 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 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 Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with applicant's otherwise authorized regular-route operations, for 180 days. Supporting shipper: Ford Motor Co., The American Road, Dearborn, Mich. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 111545 (Sub-No. 107 TA), filed July 18, 1968. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road SE., Post Office Box 6426, Station A, Marietta, Ga. 30060. Applicant's representative: Robert E. Born (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked down, or in sections, mounted on their own wheeled undercarriages, equipped with hitch ball or pintle hook connector, from points in Franklin County, Va., to points in Connecticut, Delaware, Indiana, Kentucky, Maryland, Massachusetts, Maine, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, Vermont, and West Virginia, for 180 days. Supporting shipper: Continental Homes, Post Office Box 1800, Roanoke, Va. 24008. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 129618 (Sub-No. 1 TA), filed July 15, 1968. Applicant: EISENBACH ENTERPRISES LIMITED, 327 Murray Street, Brantford, Ontario, Canada. Applicant's representative: Frank J. Kerwin, Jr., 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glue stock*, between the ports of entry on the international boundary line between the United States and Canada on the Niagara River near Buffalo, N.Y., on the one hand, and, on the other, Gowanda, N.Y.; and (2) *hides*, between ports of entry on the international boundary line between the United States and Canada on the Detroit, St. Mary's, and St. Clair Rivers, on the one hand, and, on the other, points in Michigan; restricted to traffic having an origin or destination in the Dominion of Canada, and further restricted to traffic having an origin or destination at a plantsite or manufacturer or processor of hides, skin, or glue, for 180 days. NOTE: Applicant intends to combine the U.S. authority with the Canadian authority to provide a through movement. Supporting shippers: H. Elken & Co., Inc., 833-845 Haines Street, Chicago, Ill. 60622; Peter Cooper Corporations, Gowanda, N.Y. 14070; Robson-Lang Leathers, Oshawa, Ontario, Canada; Barrie Tanning Ltd., Barrier, Ontario, Canada; Geo. A. Wainright & Co., Ltd., Post Office Box 173, Galt, Ontario, Canada; Philadelphia Hide Trading Corp., 1518 Walnut Street, Philadelphia, Pa. 19102; Hide Trading (1965) Ltd., 222 Cherry Street, Toronto, Ontario, Canada. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Office Building, 121 Ellicott Street, Buffalo, N.Y. 14203.

No. MC 129866 (Sub-No. 1 TA), filed July 18, 1968. Applicant: R. R. THOMPSON AND S. M. BAXTER, a partnership, doing business as TATTNALL TRUCKING COMPANY, Route 4, Box 230, Glennville, Ga. 30427. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rosin and turpentine*, in containers, from Baxley and Douglas, Ga., to Savannah, Ga., for 180 days. Supporting shipper: Filtered Rosin Co., Baxley, Ga. 31513. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission,

Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 133034 TA, filed July 18, 1968. Applicant: ANDREW J. DAVIDSON, doing business as ANDY DAVIDSON TRUCKING, 3026 Southeast 112th Avenue, Portland, Oreg. 97266. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Oregon, to Bangor, Aloha, and Vancouver, Wash., for 180 days. Supporting shipper: Whipple Moshofsky Lumber Co., 2041 Southwest 58th Avenue, Skyline Building, Portland, Oreg. 97221. Send protests to: R. V. Dubay, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg. 97204.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-8886; Filed, July 24, 1968; 8:50 a.m.]

[No. 34733]

SOUTHERN PACIFIC CO.

Adequacies; Passenger Service Between California and Louisiana

Order. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 18th day of July 1968.

Upon consideration of the report and recommended order of the hearing examiner served in the above-entitled proceeding on April 22, 1968; the exceptions filed to said report by the Southern Pacific Co. and the Association of American Railroads; the replies filed by the California Public Utilities Commission, the Railway Labor Executives' Association, the National Association of Railroad Passengers, and the State Corporation Commission of New Mexico to the exceptions; and the requests for oral argument made by the Southern Pacific Co., the Association of American Railroads, the California Public Utilities Commission, and the Railway Labor Executives' Association; and good cause appearing therefor:

It is ordered, That the proceeding be, and it is hereby, assigned for oral argument before this Commission on September 18, 1968, at 10 a.m., e.d.s.t., on (1) the extent of this Commission's jurisdiction over railroad passenger service, (2) whether minimum operating and service standards for interstate passenger trains should be promulgated in the event jurisdiction thereover is found to be vested in the Commission and the type of such standards to be promulgated, and (3) the merits of the instant proceeding;

It is further ordered, That all passenger carriers by railroad be, and they are hereby, permitted to intervene and present oral argument on (1) and (2) above by filing, not later than August 21, 1968, verified statements for the record of their position on the aforesaid questions (1) and (2); and that parties now of record may, but are not required to, file verified statements for the record setting forth, or amplifying, their positions with respect to (1) and (2) not later than the foregoing date;

It is further ordered, That other interested parties may file, not later than August 5, 1968, petitions for leave to intervene for the purpose of filing, not later than August 21, 1968, verified statements for the record and participating in oral argument on (1) and (2) upon compliance with § 1.72 of this Commission's general rules of practice; and

It is further ordered, That a copy of this order be (1) served on all State regulatory commissions and on all common carriers by railroad subject to regulation under part I of the Interstate Commerce Act and on each party to this proceeding, (2) deposited in the Office of the Secretary of this Commission for public inspection, and (3) filed with the Director, Office of the Federal Register.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-8887; Filed, July 24, 1968; 8:50 a.m.]

[S.O. 994; ICC Order 13]

ST. LOUIS SOUTHWESTERN RAILWAY CO.

Rerouting and Diversion of Traffic

In the opinion of R. D. Pfahler, agent, the St. Louis Southwestern Railway Co. is unable to transport traffic between Plano, Tex., and Sherman, Tex., because of a bridge out of service.

It is ordered, That:

(a) Rerouting traffic: The St. Louis Southwestern Railway Co., being unable to transport traffic between Plano, Tex., and Sherman, Tex., because of a bridge out of service, that carrier and its connections are hereby authorized to reroute or divert such traffic over the Southern Pacific Co. to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The St. Louis Southwestern Railway Co. shall receive the concurrence of the Southern Pacific Co. before the rerouting or diversion is ordered.

(c) Notification to shippers: The St. Louis Southwestern Railway Co., when rerouting cars in accordance with this order, shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 11 a.m., July 19, 1968.

(g) Expiration date: This order shall expire at 11:59 p.m., July 31, 1968, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 19, 1968.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 68-8888; Filed, July 24, 1968; 8:50 a.m.]

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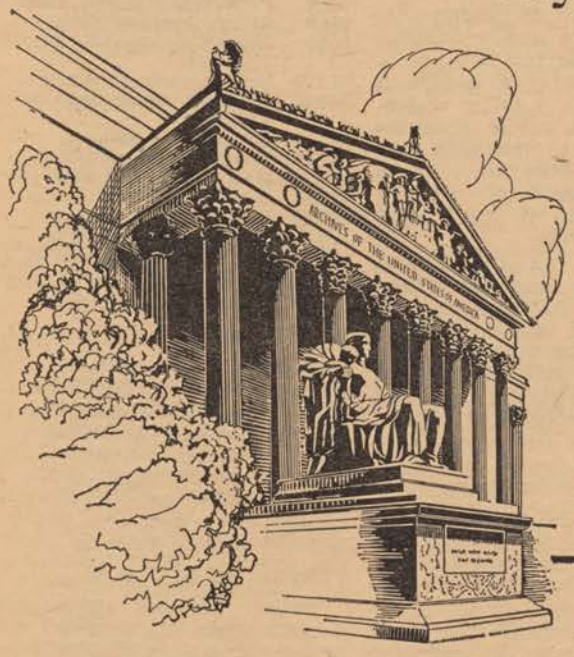
PART II

Federal Trade Commission

Proposed Amended Guides for Advertising Allowances and Other Merchandising Payments and Services



FEDERAL TRADE COMMISSION

[16 CFR Part 240]

GUIDES FOR ADVERTISING ALLOWANCES AND OTHER MERCHANDISING PAYMENTS AND SERVICES

Proposed Amendment of Guides and Notice of Opportunity To Present Written Views, Suggestions or Objections

Notice is hereby given that pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41–58 and the provisions of Part 1, Subpart A, of the Commission's procedures and rules of practice, 16 CFR 1.5, 1.6, the Federal Trade Commission proposes to amend its "Guides for Advertising Allowances and Other Merchandising Payments and Services; Compliance with Sections 2(d) and 2(e) of the Clayton Act, as Amended by the Robinson-Patman Act."

The Commission feels that in the light of the Supreme Court's recent decision in the Matter of Federal Trade Commission v. Fred Meyer, Inc., et al. (Docket 7492), there exists a need to further advise and assist the business community in acquainting itself with legal requirements under provisions of the Clayton Act as amended by the Robinson-Patman Act and, more specifically, to offer additional guidance as to the application of such requirements to problems arising in connection with the furnishing of promotional allowances or services falling within the purview of such Act. Additionally, the Commission feels this advice and assistance can best be supplied through amendment of its existing Guides for Advertising Allowances and Other Merchandising Payments and Services; Compliance with sections 2(d) and 2(e) of the Clayton Act as amended by the Robinson-Patman Act.

It is the Commission's hope that when finalized the amended Guides will provide businessmen with a useful and comprehensive tool for assessing the impact of legal requirements and applying them to affected business practices. In the development of Guides which will provide meaningful assistance, the Commission invites and urges all affected members of the business community to participate to the fullest extent practicable.

Accordingly, opportunity is hereby extended by the Commission to any and all persons, firms, corporations, organizations or other parties affected by or having an interest in the proposed amendments of the Guides, to present to the Commission their views concerning the proposals including such pertinent information, suggestions, or objections as they may desire to submit. For this purpose, copies of the proposed amended Guides may be obtained upon request to the Commission. Such data, views, information, or suggestions may be submitted by letter, memorandum, brief, or other written communication not later than August 30, 1968, to the Chief, Division of Industry Guides, Bureau of Industry Guidance, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, D.C. 20580. Written comments received in the proceeding will be available for examination by interested parties at the Commission's Washington address and will be fully considered by the Commission.

While the Commission is interested in receiving information on each of the proposed amendments, it is especially interested in receiving informative comments on proposed § 240.3 (Guide 3) "Who is a Customer?", § 240.8 (Guide 8) "Seller's Duty To Inform" and § 240.9 (Guide 9) "Availability to All Competing Customers".

Text of the proposed amended Guides follows:

NOTE: These proposed amended Guides have not been approved by the Federal Trade Commission. They are a draft of proposed amended Guides which are made available to all interested or affected parties for their consideration and for submission of such views, suggestions, or objections as they may care to present, due consideration to which will be given by the Commission before proceeding to final action on the proposed amended Guides.

What the guides are meant to do. These guides can be of great value to businessmen who want to avoid violating the laws against giving or receiving improper promotional allowances, including advertising or special services, for promoting products. The guides will make possible a better understanding of the obligations of sellers and their customers in joint promotional activities.

The Commission's responsibility is to obtain compliance with these laws. It has a duty to move against violators. However, as an administrative agency, the Commission believes the more knowledge businessmen have with respect to the laws enforced by the Commission, the greater the likelihood that voluntary compliance with the laws will be obtained.

For the Commission to perform its responsibilities properly, and for business to avoid violation of the law, it is necessary that every effort be made to furnish individual businessmen a better understanding of these laws. It will help businessmen—and the Commission's law enforcement efforts—if they have a good general knowledge of what they can and cannot do in the field of promotional allowances and services.

These guides are designed to be both practical and understandable. They contain carefully considered suggestions, or general rules of thumb, which business may find useful in avoiding unintentional violations. They are designed to highlight the requirements of the law and offer means for complying with it.

What they are not meant to do. It should be made clear too that the Guides are not meant to do several things:

(1) They are not meant to cover every situation. Decided cases dealing with unusual situations are not covered.

(2) They are not a substitute for sound legal advice.

(3) They are not intended to be a legal treatise. They should be read as a nontechnical explanation of what the law means.

(4) They do not make it mandatory (nor does the law itself) that sellers provide promotional allowances, services or facilities to any customer. They only come into play when the seller determines to employ such promotional practices.

What the law covers generally. The Robinson-Patman Act is an amendment to the Clayton Act. It is directed at preventing competitive inequalities that come from certain types of discrimination by sellers in interstate commerce. Sections 2 (d) and (e) of the Act deal with discriminations in the field of promotional payments and services made available to customers who buy for resale. Where the seller pays the buyer to perform the service, section 2(d) applies. Where the seller furnishes the service itself to the buyer, section 2(e) applies. Both sections require a seller to treat competing customers on proportionally equal terms.

Other law covered. In two places, the Guides go beyond sections 2 (d) and (e):

(1) A seller who pays a customer for services that are not rendered, or who overpays for services which have been rendered, may thereby violate Section 2(a) of the Clayton Act as amended. (See § 240.11.)

(2) A customer who receives discriminatory or other improper payments, services, or facilities may thereby violate section 2(f) of the Clayton Act, as amended by the Robinson-Patman Act, or section 5 of the Federal Trade Commission Act. (See §§ 240.11 and 240.16.)

Sec.

AUTHORITY: The provisions of this Part 240 issued under secs. 5, 6, 38 Stat. 719, as amended, 721; 15 U.S.C. 45, 46; 49 Stat. 1526; 15 U.S.C. 13, as amended.

§ 240.1 When does the law apply?

Sections 2 (d) and (e) apply to a seller of products in interstate commerce, if he either directly or through an intermediary (a) pays for services or facilities furnished by his customers in connection with the distribution of his products (section 2(d)), or (b) furnishes such services or facilities to his customers (section 2(e)). [Guide 1]

§ 240.2 Who is a seller?

"Seller" includes anyone who sells products for resale, with or without further processing. Selling candy to a

retailer is a sale for resale without processing. Selling corn syrup to a candy manufacturer is an example of a sale for resale with processing. [Guide 2]

§ 240.3 Who is a customer?

A "customer" is someone who buys directly from the seller, the seller's agent or broker; and, in addition, a "customer" is any buyer of the seller's product for resale who purchases from or through a wholesaler or other intermediate reseller. In this part, the word "customer" which is used in section 2(d) of the Act includes "purchaser" which is used in section 2(e). [Guide 3]

§ 240.4 What is interstate commerce?

This term has not been precisely defined in the statute. In general, if there is any part of a business which is not wholly within one State (for example, sales or deliveries of products, their subsequent distribution or purchase, or delivery of supplies or raw materials), the business may be subject to the Robinson-Patman Act. Sales in the District of Columbia are also covered by the Act. [Guide 4]

§ 240.5 What are services or facilities?

This term has not been exactly defined by the statute or in decisions. The following are merely examples—the Act covers many other services and facilities.

(a) The following are some of the services or facilities covered by the Act where the seller pays the buyer for furnishing them:

Any kind of advertising, including cooperative advertising,
Handbills,
Window and floor displays,
Special sales or promotional efforts for which "push money" is paid to clerks, salesmen, and other employees of the customers,
Demonstrators and demonstrations,
Furnishing complete distribution of seller's line.

(b) Here are some examples of services or facilities covered by the Act when the seller furnishes them to a customer:

Any kind of advertising,
Catalogs,
Demonstrators,
Display and storage cabinets,
Display materials,
Special packaging, or package sizes,
Accepting returns for credit,
Prizes or merchandise for conducting promotional contests.

NOTE: In this part, the term "services" is used to encompass both "services and facilities."

[Guide 5]

§ 240.6 Need for a plan.

If a seller makes payments or furnishes services that come under section 2 (d) or (e) of the Clayton Act, as amended, he must do it under a plan that meets several requirements. In addition, for the seller's own protection, the plan should be in writing, particularly if there are many competing customers to be considered, or if the plan is at all complex. Briefly, the requirements are:

(a) The payments or services under the plan must be available on a proportionally equal basis to all competing customers. (See § 240.7.)

(b) The seller must take action to assure that all competing customers are informed of the promotion in ample time to take full advantage of it. (See § 240.8.)

(c) If the basic plan is not functionally available to (i.e., suitable for and usable by) some competing customers, alternative means of participation must be provided. (See § 240.9.)

(d) The seller and customer must have a clear understanding about the exact terms of the offer, and the conditions upon which payments will be made for services and facilities furnished. (See § 240.10.)

(e) The seller must take reasonable precautions to see that the services are actually furnished and also that he is not overpaying for them. (See § 240.11.)

§ 240.7 Proportionally equal terms.

The payment or services under the plan must be made available to all competing customers on proportionally equal terms. This means that payments or services must be proportionalized on some basis that is fair to all customers who compete in the resale of the seller's products. No single way to proportionalize is prescribed by law. Any method that treats competing customers on proportionally equal terms may be used. Generally, this can best be done by basing the payments made or the services furnished on the dollar volume or on the quantity of goods purchased during a specified period. Other methods which are fair to all competing customers are also acceptable.

Example. A seller may properly offer to pay a specified part (say 50%) of the cost of local advertising up to an amount equal to a set percentage (such as 5%) of the dollar volume of purchases during a specified time.

Example. A seller may properly place in reserve a specified amount of money for each unit purchased, and use it to reimburse customers for the actual cost of their advertising of the seller's product.

Example. A seller may not select one or a few customers to receive special allowances (e.g., 5% of purchases) to promote his product, while making allowances available on some lesser basis (e.g., 2% of purchases) to customers who compete with them.

Example. A seller's plan may not provide an allowance on a basis that has rates graduated with the amount of goods purchased, as, for instance, 1 percent of the first $1,000 purchases per month, 2 percent of second $1,000 per month, and 3 percent of all over that.

Example. A seller may not identify or feature one or a few customers in his own advertising without making the same service (or a usable alternative) available on proportionally equal terms to customers competing with the identified customer or customers.

Example. A seller of raw materials who wishes to promote through retailing customers, finished products which include his raw material, may not make allowances for such promotion available to some retailing customers unless he makes such allowances available on proportionally equal terms to all retailing customers competing in the sale of the same type of finished product.

[Guide 7]

§ 240.8 Seller's duty to inform.

(a) The seller must take effective action to inform all his competing customers of the availability of the plan, including its terms and conditions. He can do this by any means he chooses, including letter, telegram, notice on invoices, salesmen, brokers, etc. However, if a seller wants to be able to show later that he made an offer to a certain customer, he is in a better position to do so if he made it in writing.

(b) The seller has the responsibility for seeing to it that all competing customers are informed of the availability of his promotional plan (or any plan provided or administered by a third party (e.g., promoter) for the promotion of the seller's product) including the terms and the alternatives provided, even if customers purchase from intervening wholesalers, distributors, or other intermediaries. Thus, in a retailer-oriented plan, the seller's wholesalers, distributors, or other intermediaries may be utilized to inform retailers who purchase the seller's products from them, of the promotional plan, but this does not relieve the seller of his responsibility to see that the retailers are so informed.

Example. Seller has a plan for the retail promotion of his products in Philadelphia. Some of his retailing customers purchase directly, and he offers the plan to them. Some other Philadelphia retailers purchase his products through wholesalers. The seller may use the wholesalers to reach the retailing customers who buy through them, either by having the wholesalers notify those retailing customers, or by using the wholesalers' customer lists for direct notification by the seller. The seller must be sure that the wholesalers actually notify all the customers or supply a complete customer list to him, because a seller may be in violation of the law if a wholesaler fails to perform completely.

Example. A seller of raw materials has a program for promotion by retailing customers of finished products which include his raw material. He may utilize the sellers of the finished products to notify his retailing customers, or he may use the customer lists of the sellers of the finished product and notify the retailing customers directly. If the raw material has gone through intermediate processors before reaching the seller of the finished product, the seller of the raw material must make certain that he traces the raw material through each link in the chain if he is to be sure that his offer reaches all competing retailing customers.[1]

Example. Seller has a plan for the retail promotion of his products in Kansas City. Some of his retailing customers purchase directly, and he offers the plan to them. Some other Kansas City retailers purchase his products through wholesalers, and the seller doesn't have enough information to identify all of them. If the wholesalers of the product refuse to provide customer lists, or if the seller believes that the wholesalers may not inform all the retailing customers, or if the wholesalers refuse to do so, the seller must inform those retailing customers buying through wholesalers in some other way. Some ways in which this may be done include:

[1] Comment is invited on the possible use of third party mailing services in the event wholesalers are unwilling to turn over their customer lists to suppliers.

A. Printing the promotional offer on the shipping container, or on the product package.

B. If the promotional plan calls for display materials, including the materials in the shipping container.

C. Placing brochures announcing the promotional offer in the shipping container and attaching a conspicuous notice thereof to the outside of the container.

D. Advising customers from accurate and complete mailing lists. "Yellow Pages" listings are often not complete. If the product may be sold lawfully only under Government license (alcoholic beverages, for example), informing all license holders would be sufficient.

E. Publishing in a conspicuous manner complete details of the plan in trade publications directed to retailers, but only if all eligible retailers receive the publications.

NOTE: Whatever procedure is used to give notice to the customers, it must prove to be effective in practice. If results obtained by the seller show that the notice is not effectively reaching the customers purchasing through all or some of the wholesalers or other intermediate sellers, a more effective means must be adopted promptly.

Example. The seller has a wholesaler-oriented plan whereby he pays wholesalers to advertise the seller's product in the wholesalers' order books, or in the wholesalers' price lists directed to retailers purchasing from the wholesalers. He must notify all competing wholesalers of the availability of this plan, but the seller is not required to notify retailing customers.

Example. A seller who sells on a direct basis to some retailers in an area, and to others in the area through wholesalers, has a plan for the promotion of his products at the retail level. If the seller directly notifies not only all competing direct-purchasing retailers, but also all competing retailers purchasing through the wholesalers, as to the availability, terms, and conditions of the plan, the seller is not required to notify his wholesalers of the plan.

Example. A seller regularly promotes his products at the retail level, and during the year he has various special promotional offers. His competing customers include large direct-purchasing retailing customers and smaller customers who purchase through wholesalers. Many of the promotions he offers can best be used by his smaller customers if the funds to which the smaller customers are entitled are pooled and used by the wholesalers in their behalf (newspaper advertisements, for example). The seller may permit the retailer purchasing through a wholesaler to designate a wholesaler as his agent for receiving notice of, collecting, and using promotional allowances for him. Such pooling may not be compelled or induced by the seller or the wholesaler. The retailer who purchases through wholesalers must be given the option of receiving and using the promotional benefits directly if he prefers, as well as the opportunity to change his choice at reasonable intervals.

Example. A seller has communicated the details of his promotional plan to his direct-buying retailers and utilized his wholesalers to notify the retailers who buy from them. After a period of time, the seller finds from his record of payments made and proof-of-performance submissions that most of his direct-buying retailers participated, while few, if any, of the customers buying through certain wholesalers took advantage of the plan. Such a seller is on notice that the wholesalers in question may not be communicating the plan to their customers. In these circumstances, the seller must take immediate steps to see that all customers are promptly notified of the availability of the plan.

[Guide 8]

§ 240.9 Availability to all competing customers.

The plan must be such that all types of competing customers may participate. It must not be tailored to satisfy a particular favored customer or class of customers, but must in its terms be suitable for and usable by all competing customers. This may require offering all such customers more than one way to participate in the plan. The seller cannot either expressly, or by the way the plan operates, eliminate some competing customers. Where a seller's basic plan is not functionally available to (i.e., suitable for and usable by) all competing customers, and he therefore offers alternative plans, all of the plans offered must provide the same proportionate equality. With respect to promotional plans offered to retailers, the seller must assure that his plans are usable in a practical business sense by all retailers competing in the resale of his products, whether they purchase directly from him or through a wholesaler or other intermediary. One indication as to the suitability and usability of such a plan may be the extent to which various types of retailers participate in it. If the seller's review of payments made or proof of performance submissions under the plan discloses that one type or class of customer (such as retailers purchasing through wholesalers) participated in the plan to a substantially lesser degree than other types or classes of customers (such as retailers buying directly from the seller), the seller is on notice that, as a practical matter, his plan may not be suitable for and usable by the under-participating type or class of customers. If this is so, the seller must provide such additional alternatives to the plan as will permit participation by all competing customers on proportionally equal terms.

Example. The seller offers a plan for cooperative advertising on radio, television, or in daily and Sunday newspapers of general circulation. Some of his customers are too small to use the offer. He must offer them some usable alternative on proportionally equal terms, such as advertising in neighborhood or weekly newspapers, envelope stuffers, handbills, etc. (See § 240.7.)

Example. The seller's plan provides for furnishing demonstrators to large department store customers. He must provide usable alternatives on proportionally equal terms to those competing customers who cannot use demonstrators. The alternatives may be usable services furnished by the seller, or payments by the seller to customers for their advertising or promotion of the seller's products. (See § 240.7.)

Example. A seller of appliances makes his plan available to those customers purchasing at least some minimum number (such as eight) of his appliances in a single order or during a stated period. If this requirement is beyond the reach of some competing customers, the plan may be illegal.

Example. A seller should not require as a prerequisite to the granting of advertising allowances to customers that such customer's advertising feature prices which, by prearrangement, are acceptable to both seller and customer, regardless of whether the seller or the customer established the prices. Price-limiting provisions of this type include: "Suggested Retail Price," "Regular Price," "Retailer's Regular Price." Such provisions do not accord with section 2(d) of the amended Clayton Act if they result in the denial of allowances for advertisements that do not adhere to those prices, and also violate section 5 of the Federal Trade Commission Act if they tend to coerce resale price maintenance not sanctioned by law.

Example. A seller has informed direct-buying retailers as to the terms and conditions of a plan under which he will provide, on proof of performance, a fixed payment per product case purchased, to apply against cooperative newspaper advertising costs, specifying the minimum size of ad to qualify. The seller, at the same time, arranged for his wholesalers to inform retailers buying from them as to the availability, terms, and conditions of this plan. After 3 months of the plan's operation, the seller's record of payments made and proof-of-performance submissions revealed that a disproportionate number of direct-buying retailers had participated in the plan as compared with the participation of retailers purchasing from wholesalers. All retailers having, in fact, received timely notice of the availability, terms, and conditions of the seller's plan, the seller is on notice that his plan may not be suitable for and usable by retailers supplied through wholesalers.

[Guide 9]

§ 240.10 Need to understand terms.

There must be a clear understanding between the seller and each competing customer as to the exact terms of the offer and the conditions upon which payments will be made for services and facilities furnished. [Guide 10]

§ 240.11 Checking customer's use of payments.

(a) The seller must take reasonable precautions to see that the services he is paying for are furnished, and also that he is not overpaying for them. Moreover, the customer must expend the allowance solely for the purpose for which it was given. If the seller knows or should know that what he pays or furnishes is not being properly used by some customers, the improper payments or services must be discontinued. It should be noted that payments by the seller where the customer performs no services may result in unlawful activity by the seller under section 2(a) of the amended Clayton Act and by the customer under section 2(f) of the Act. Likewise, a seller may not properly pay, nor may a customer properly receive and retain, any amount in excess of that actually used by the customer to perform the service.

(b) Sellers are not relieved of this duty with respect to all competing customers regardless of whether they purchase directly or through intermediaries. Just as in the case of giving notice (see § 240.8), the seller may utilize the service of the intermediaries to distribute payments to those entitled to them, or to check their proper use of such payments, but the responsibility for seeing that the payments are actually made and properly used rests squarely upon sellers. Such sellers may obtain lists of customers purchasing through wholesalers or other intermediaries and, upon receipt of proof of performance, make payment directly to those customers. Or, they may arrange for their wholesalers or other intermediaries to distribute the payments

to customers upon receipt by the wholesalers or other intermediaries of adequate proof of performance; the seller, however, must take action to assure himself that the payments have been made, and services performed, in accordance with his plan. [Guide 11]

§ 240.12 Competing customers.

The seller is required to provide in his plan only for those customers who compete with each other in the resale or distribution of the seller's product. Therefore, a seller must make available to all competing wholesalers any plan providing promotional payments or services to wholesalers, and similarly, must make available to all competing retailers any plan providing promotional payments or services to retailers. With these requirements met, a seller can limit the area of his promotion.

Example. Manufacturer A, located in Wisconsin and distributing shoes nationally, sells shoes to three retailers who compete with each other and sell only in the Roanoke, Va. area. He has no other customers selling in Roanoke or its vicinity. If he offers his promotion to one Roanoke customer, he must include all three, but he can limit it to them. The trade area selected must be a natural one and not drawn arbitrarily so as to exclude competing retailers.

Example. A national seller has direct-buying retailing customers reselling exclusively within the Baltimore City trade area, and other customers within that area purchasing through wholesalers. The seller may lawfully engage in a promotional campaign confined to the Baltimore area, provided he affords all of his retailing customers within the area the opportunity to participate, including those who purchase through wholesalers.

Example. A seller produces and sells a fabric which is used in a number of types of wearing apparel, e.g., ladies' blouses, dresses, men's shirts, etc. He may restrict a promotion to a particular type of product, such as men's shirts, and offer the program to his customers solely for the promotion of that one type of finished product.

Example. A seller manufactures and sells men's suits and sport jackets to retail stores nationally. He may restrict allowances to Philadelphia area retailers for their promotion of sport jackets during a particular season. He may not restrict allowances in the Philadelphia area for the promotion of certain styles of sport jackets unless all retailers of his sport jackets in the area are offered the opportunity to purchase the promoted styles and participate in the promotion.

NOTE: The seller must be careful here not to discriminate against customers located on the fringes but outside the area selected for the special promotion, since they may be actually competing with those participating.

[Guide 12]

§ 240.13 Indirect payments.

(a) Promotional assistance plans are sometimes devised and/or administered by third parties who are neither suppliers nor customers. Such plans are sometimes called "tripartite" plans. Typically, the intermediary will enroll many suppliers in a common plan for the promotion of the suppliers' products in retail outlets. The fact that an intermediary has devised and/or is administering the promotional plan in no way insulates suppliers of customers (see § 240.16) from the requirements of the law. Furthermore, the third party intermediary may himself be liable if the use, administration or operation of the plan results in violation of law.

Example. A seller may not buy advertising time from a radio station and have the station furnish free radio time only to certain favored customers of the seller.

Example. A seller may not participate in a tripartite promotional plan providing for in-store promotion of his products unless all his competing customers are given an opportunity to participate in the intermediary's basic plan, or are provided a suitable and usable alternative on proportionally equal terms. The supplier may agree that the intermediary will inform the supplier's customers of the availability, terms and conditions of the program, but the supplier does not escape responsibility if the intermediary fails in this respect, or if the intermediary otherwise operates the program in discriminatory fashion.

Example. A seller may not participate in a tripartite plan involving many suppliers if the customers to whom the plan is offered must purchase the products of other participating suppliers before they are eligible to receive the benefits of the promotional program. The customer of any one seller may not be required to purchase or promote other suppliers' products as a condition to receiving promotional payments or services from the seller, even though a tripartite program is involved.

(b) Sellers, customers, or intermediaries contemplating the use of tripartite promotional plans may obtain an advisory opinion concerning the legality of a specific proposed plan by submitting a request, together with complete details of the proposed plan, to the Secretary, Federal Trade Commission, Washington, D.C. 20580. Assistance with respect to existing plans may be obtained by writing to the Commission's Bureau of Industry Guidance. [Guide 13]

§ 240.14 Meeting competition in good faith.

A seller charged with discrimination in violation of section 2(d) or section 2 (e) may defend his actions by showing that the payments were made or the services were furnished in good faith to meet equally high payments made by a competing seller to the particular customer, or to meet equivalent services furnished by a competing seller to the particular customer. This defense, however, is subject to important limitations. For instance, it is insufficient to defend a charge of violating either section 2(d) or 2(e) solely on the basis that competition in a particular industry is very keen, requiring that special allowances must be given to some customers if a seller is "to be competitive." [Guide 14]

§ 240.15 Cost justification.

It is no defense to a charge of unlawful discrimination in the payment of an allowance or the furnishing of a service for a seller to show that such payment, service, or facility could be justified through savings in the cost of manufacture, sale or delivery. [Guide 15]

§ 240.16 Customer's liability.

Sections 2 (d) and (e) apply only to sellers and not to customers. However, a customer who knows, or should know, that he is receiving payments or services which are not available on proportionally equal terms to his competitors engaged in the resale of the same seller's products, may be proceeded against by the Commission under section 5 of the Federal Trade Commission Act, which prohibits unfair methods of competition.

Example. A customer may not solicit sellers to grant him advertising allowances for special promotion of the sellers' products in connection with the customer's anniversary sale or new store opening, and receive such allowances, unless he has taken such affirmative steps as would satisfy a reasonable and prudent businessman that such allowances are affirmatively offered and otherwise made available by such seller on proportionally equal terms to all of its other customers competing with the customer in the distribution of the seller's products and that usable and suitable alternatives are offered them.

Example. A customer may not request and receive seller contributions to the cost of his institutional advertising, unless he has taken such affirmative steps as would satisfy a reasonable and prudent businessman that such allowances are affirmatively offered and otherwise made available by such seller on proportionally equal terms to all of its other customers competing with the customer in the distribution of the seller's products and that usable and suitable alternatives are offered them.

Example. A customer, an experienced buyer, is offered an allowance of 25 percent of his purchase volume by a seller for cooperative advertising to be paid for 100 percent by the seller. The customer knows, or should know, that most cooperative advertising programs in the industry allow payments of from 3 to 7 percent of purchases, and require 50–50 sharing by the seller and the customer. He would be on notice to inquire of the seller as to the availability of these unusual terms to the seller's other customers who compete with him.

[Guide 16]

Issued: July 24, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

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