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FEDERAL REGISTER

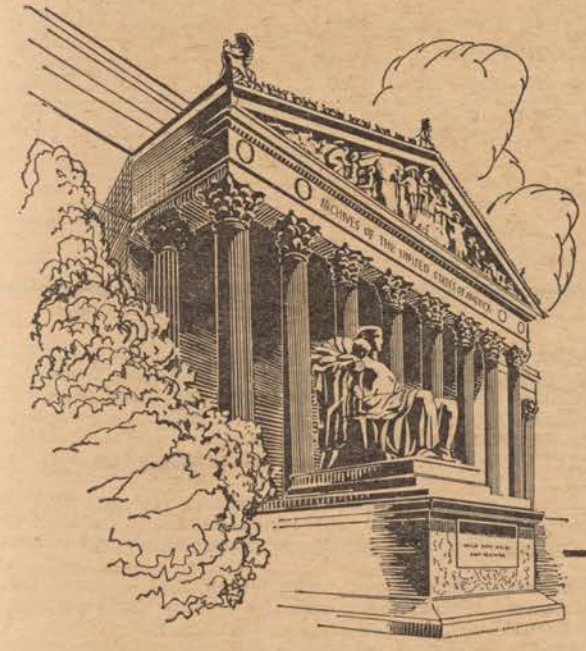
VOLUME 33 · NUMBER 115

Thursday, June 13, 1968 • Washington, D.C.

Pages 8637–8715

Agencies in this issue—

Detailed list of Contents appears inside.



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(As of January 1, 1968)

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**Order from Superintendent of Documents,
United States Government Printing Office,
Washington, D.C. 20402**

FEDERAL REGISTER

Area Code 202 Phone 962-8626

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Title 3—THE PRESIDENT

Executive Order 11413

ADJUSTING RATES OF PAY FOR CERTAIN STATUTORY SCHEDULES

By virtue of the authority vested in me by section 212 of the Federal Salary Act of 1967 (Public Law 90–206, 81 Stat. 634), and after seeking the views of employee organizations as provided therein, it is hereby ordered as follows:

General Schedule

SECTION 1. (a) The rates of basic pay in the General Schedule contained in section 5332(a) of title 5, United States Code, are adjusted as follows:

"GENERAL SCHEDULE

"Grade	Annual rates and steps									
	1	2	3	4	5	6	7	8	9	10
"GS–1	$3,889	$4,019	$4,149	$4,279	$4,408	$4,538	$4,668	$4,798	$4,928	$5,057
GS–2	4,231	4,372	4,513	4,655	4,796	4,937	5,078	5,219	5,360	5,501
GS–3	4,600	4,753	4,907	5,060	5,214	5,367	5,521	5,674	5,828	5,981
GS–4	5,145	5,316	5,487	5,658	5,829	6,000	6,171	6,342	6,513	6,684
GS–5	5,732	5,924	6,115	6,307	6,498	6,690	6,881	7,073	7,265	7,456
GS–6	6,321	6,532	6,743	6,955	7,166	7,377	7,588	7,799	8,010	8,221
GS–7	6,981	7,214	7,447	7,680	7,913	8,146	8,379	8,612	8,845	9,078
GS–8	7,699	7,956	8,213	8,470	8,727	8,984	9,241	9,498	9,755	10,012
GS–9	8,462	8,744	9,026	9,308	9,590	9,872	10,154	10,436	10,718	11,000
GS–10	9,297	9,607	9,917	10,227	10,537	10,847	11,157	11,467	11,777	12,087
GS–11	10,203	10,543	10,883	11,223	11,563	11,903	12,243	12,583	12,923	13,263
GS–12	12,174	12,580	12,986	13,392	13,798	14,204	14,610	15,016	15,422	15,828
GS–13	14,469	14,889	15,369	15,849	16,329	16,809	17,289	17,769	18,249	18,729
GS–14	16,946	17,511	18,076	18,641	19,206	19,771	20,336	20,901	21,466	22,031
GS–15	19,780	20,439	21,098	21,757	22,416	23,075	23,734	24,393	25,052	25,711
GS–16	22,835	23,596	24,357	25,118	25,879	26,640	27,401	*28,162	*28,923	
GS–17	26,264	27,139	*28,014	*28,889	*29,764					
GS–18	*30,239									

"*The salary for employees at these rates is limited by section 216 of the Federal Salary Act of 1967 to the rate for level V of the Executive Schedule (as of the effective date of this salary adjustment, $28,000)."

(b) Except as provided in section 5303 of title 5, United States Code, the rates of basic pay of officers and employees to whom the General Schedule set forth in this section applies shall be initially adjusted as of the effective date of this order as follows:

(1) If the officer or employee is receiving basic pay immediately prior to the effective date of this order at one of the rates of a grade in the General Schedule, he shall receive a rate of basic pay at the corresponding rate in effect on or after such date.

(2) If the officer or employee is receiving basic pay immediately prior to the effective date of this order at a rate between two rates of a grade in the General Schedule, he shall receive a rate of basic pay at the higher of the two corresponding rates in effect on and after such date.

(3) If the officer or employee is receiving basic pay immediately prior to the effective date of this order at a rate in excess of the maximum rate for his grade, he shall receive his existing rate of basic pay increased by the amount of increase made by this section in the maximum rate for his grade.

(4) If the officer or employee, immediately prior to the effective date of this order, is receiving, pursuant to section 2(b)(4) of the Federal Employees Salary Increase Act of 1955, an existing aggregate rate of pay determined under section 208(b) of the Act of September 1, 1954 (68 Stat. 1111), plus subsequent increases authorized by law, he shall receive an aggregate rate of pay equal to the sum of his existing aggregate rate of pay on the day preceding the effective date of this order, plus the amount of increase made by this section in the maximum rate of his grade, until (i) he leaves his position, or (ii) he is entitled to receive aggregate pay at a higher rate by reason of the operation of any provision of law; but, when such position becomes vacant, the aggregate rate of pay of any subsequent appointee thereto shall be fixed in accordance with applicable provisions of law. Subject to clauses (i) and (ii) of the immediately preceding sentence of this paragraph, the amount of the increase provided by this section shall be held and considered for the purposes of section 208(b) of the Act of September 1, 1954, to constitute a part of the existing rate of pay of the employee.

Schedules for the Department of Medicine and Surgery of the Veterans' Administration

SEC. 2. The schedules contained in section 4107 of title 38, United States Code, for certain positions within the Department of Medicine and Surgery of the Veterans' Administration, are adjusted as follows:

"Section 4103 Schedule

"Assistant Chief Medical Director, $30,239*.
"Medical Director, $26,264 minimum to $29,764* maximum.
"Director of Nursing Service, $19,780 minimum to $25,711 maximum.
"Director of Chaplain Service, $19,780 minimum to $25,711 maximum.
"Chief Pharmacist, $19,780 minimum to 25,711 maximum.
"Chief Dietitian, $19,780 minimum to $25,711 maximum.

"*The salary for employees at these rates is limited by section 216 of the Federal Salary Act of 1967 to the rate for level V of the Executive Schedule (as of the effective date of this salary adjustment, $28,000)."

"Physician and Dentist Schedule

"Director grade, $22,835 minimum to $28,923* maximum.
"Executive grade, $21,223 minimum to $27,586 maximum.
"Chief grade, $19,780 minimum to $25,711 maximum.
"Senior grade, $16,946 minimum to $22,031 maximum.
"Intermediate grade, $14,409 minimum to $18,729 maximum.
"Full grade, $12,174 minimum to $15,828 maximum.
"Associate grade, $10,203 minimum to $13,263 maximum.

"Nurse Schedule

"Assistant Director grade, $16,946 minimum to $22,031 maximum.
"Chief grade, $14,409 minimum to $18,729 maximum.
"Senior grade, $12,174 minimum to $15,828 maximum.
"Intermediate grade, $10,203 minimum to $13,263 maximum.
"Full grade, $8,462 minimum to $11,000 maximum.
"Associate grade, $7,330 minimum to $9,526 maximum.
"Junior grade, $6,321 minimum to $8,221 maximum.

"*The salary for employees at these rates is limited by section 216 of the Federal Salary Act of 1967 to the rate for level V of the Executive Schedule (as of the effective date of this salary adjustment, $28,000)."

Foreign Service Schedules

SEC. 3. (a) The per annum salaries of Foreign Service officers in the schedule contained in section 412 of the Foreign Service Act of 1946, as amended (22 U.S.C. 867), are adjusted as follows:

"Class 1	*$28,170	*$29,110	*$30,239				
"Class 2	22,376	23,122	23,868	$24,614	$25,360	$26,106	$26,852
"Class 3	17,943	18,541	19,139	19,737	20,335	20,933	21,531
"Class 4	14,409	14,889	15,369	15,849	16,329	16,809	17,289
"Class 5	11,762	12,154	12,546	12,938	13,330	13,722	14,114
"Class 6	9,721	10,045	10,369	10,693	11,017	11,341	11,665
"Class 7	8,153	8,425	8,697	8,969	9,241	9,513	9,785
"Class 8	6,981	7,214	7,447	7,680	7,913	8,146	8,379

"*The salary for employees at these rates is limited by section 216 of the Federal Salary Act of 1967 to the rate for level V of the Executive Schedule (as of the effective date of this salary adjustment, $28,000)."

(b) The per annum salaries of staff officers and employees in the schedule contained in section 415 of the Foreign Service Act of 1946, as amended (22 U.S.C. 870(a)), are adjusted as follows:

"Class 1	$17,943	$18,541	$19,139	$19,737	$20,335	$20,933	$21,531	$22,129	$22,727	$23,325
"Class 2	14,409	14,889	15,369	15,849	16,329	16,809	17,289	17,769	18,249	18,729
"Class 3	11,762	12,154	12,546	12,938	13,330	13,722	14,114	14,506	14,898	15,290
"Class 4	9,721	10,045	10,369	10,693	11,017	11,341	11,665	11,989	12,313	12,637
"Class 5	8,718	9,009	9,300	9,591	9,882	10,173	10,464	10,755	11,046	11,337
"Class 6	7,823	8,084	8,345	8,606	8,867	9,128	9,389	9,650	9,911	10,172
"Class 7	7,112	7,349	7,586	7,823	8,060	8,297	8,534	8,770	9,007	9,244
"Class 8	6,309	6,519	6,729	6,939	7,149	7,359	7,569	7,780	7,990	8,200
"Class 9	5,742	5,934	6,125	6,317	6,509	6,700	6,892	7,083	7,275	7,466
"Class 10	5,145	5,316	5,487	5,658	5,829	6,000	6,171	6,342	6,513	6,684."

Salary Limitation

SEC. 4. In accordance with section 216 of the Federal Salary Act of 1967 (Public Law 90–206, 81 Stat. 638), and notwithstanding the adjustments effected by sections 1, 2, and 3 of this order, no salary rate shall be paid which is in excess of the rate for level V of the Executive Schedule in section 5316 of title 5, United States Code. If the rate for level V is increased during the period the adjustments effected by sections 1, 2, and 3 are in effect, the new higher rate for level V or the appropriate rate as shown in the schedules, whichever is the lesser, shall automatically become effective.

Effective Date

SEC. 5. This order shall become effective on the first day of the first pay period beginning on or after July 1, 1968.

Lyndon B. Johnson

THE WHITE HOUSE,
June 11, 1968.

[F.R. Doc. 68–7050; Filed, June 11, 1968; 4:31 p.m.]

Executive Order 11414

ADJUSTING THE RATES OF MONTHLY BASIC PAY FOR MEMBERS OF THE UNIFORMED SERVICES

By virtue of the authority vested in me as President of the United States and as Commander in Chief of the armed forces of the United States, and in accordance with section 8 of the Act of December 16, 1967, Public Law 90–207 (81 Stat. 654), the rates of monthly basic pay for members of the uniformed services within each pay grade are, effective on July 1, 1968, adjusted upwards as set forth in the following tables:

COMMISSIONED OFFICERS

Pay Grade	Years of service computed under section 205			
	2 or less	Over 2	Over 3	Over 4
O–10 [1]	$1,607.70	$1,664.40	$1,664.40	$1,664.40
O–9	1,425.00	1,462.20	1,493.70	1,493.70
O–8	1,290.60	1,329.30	1,360.80	1,360.80
O–7	1,072.20	1,145.40	1,145.40	1,145.40
O–6	794.40	873.30	930.30	930.30
O–5	635.40	746.70	797.70	797.70
O–4	536.10	652.20	696.30	696.30
O–3 [2]	498.30	556.80	594.60	658.50
O–2 [2]	399.30	474.30	569.70	588.60
O–1 [2]	343.20	379.80	474.30	474.30

COMMISSIONED OFFICERS

Pay Grade	Years of service computed under section 205			
	Over 6	Over 8	Over 10	Over 12
O–10 [1]	$1,664.40	$1,728.00	$1,728.00	$1,860.60
O–9	1,493.70	1,531.20	1,531.20	1,594.80
O–8	1,360.80	1,462.20	1,462.20	1,531.20
O–7	1,196.40	1,196.40	1,265.70	1,265.70
O–6	930.30	930.30	930.30	930.30
O–5	797.70	797.70	822.60	866.40
O–4	708.60	740.40	790.80	835.20
O–3 [2]	689.70	714.90	753.30	790.80
O–2 [2]	600.90	600.90	600.90	600.90
O–1 [2]	474.30	474.30	474.30	474.30

COMMISSIONED OFFICERS

Pay Grade	Years of service computed under section 205			
	Over 14	Over 16	Over 18	Over 20
O–10 [1]	$1,860.60	$1,993.80	$1,993.80	$2,126.70
O–9	1,594.80	1,728.00	1,728.00	1,860.60
O–8	1,531.20	1,594.80	1,664.40	1,728.00
O–7	1,329.30	1,462.20	1,563.00	1,563.00
O–6	962.10	1,113.90	1,170.90	1,196.40
O–5	924.30	993.60	1,050.60	1,082.10
O–4	873.30	911.40	936.90	936.90
O–3 [2]	810.00	810.00	810.00	810.00
O–2 [2]	600.90	600.90	600.90	600.90
O–1 [2]	474.30	474.30	474.30	474.30

COMMISSIONED OFFICERS

Pay Grade	Years of service computed under section 205		
	Over 22	Over 26	Over 30
O–10 [1]	$2,126.70	$2,259.60	$2,259.60
O–9	1,860.60	1,993.80	1,993.80
O–8	1,797.60	1,797.60	1,797.60
O–7	1,563.00	1,563.00	1,563.00
O–6	1,265.70	1,373.10	1,373.10
O–5	1,120.20	1,120.20	1,120.20
O–4	936.90	936.90	936.90
O–3 [2]	810.00	810.00	810.00
O–2 [2]	600.90	600.90	600.90
O–1 [2]	474.30	474.30	474.30

[1] While serving as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, basic pay for this grade is $2,493.00 regardless of cumulative years of service computed under section 205 of this title.

[2] Does not apply to commissioned officers who have been credited with over 4 years' active service as enlisted members.

COMMISSIONED OFFICERS WHO HAVE BEEN CREDITED WITH OVER 4 YEARS' ACTIVE SERVICE AS ENLISTED MEMBERS

Pay Grade	Years of service computed under section 205				
	Over 4	Over 6	Over 8	Over 10	Over 12
O-3	$658.50	$689.70	$714.90	$753.30	$790.80
O-2	588.60	600.90	620.10	652.20	677.40
O-1	474.30	506.40	525.30	544.20	563.10

COMMISSIONED OFFICERS WHO HAVE BEEN CREDITED WITH OVER 4 YEARS' ACTIVE SERVICE AS ENLISTED MEMBERS

Pay Grade	Years of service computed under section 205			
	Over 14	Over 16	Over 18	Over 20
O-3	$822.60	$822.60	$822.60	$822.60
O-2	696.30	696.30	696.30	696.30
O-1	588.60	588.60	588.60	588.60

COMMISSIONED OFFICERS WHO HAVE BEEN CREDITED WITH OVER 4 YEARS' ACTIVE SERVICE AS ENLISTED MEMBERS

Pay Grade	Years of service computed under section 205		
	Over 22	Over 26	Over 30
O-3	$822.60	$822.60	$822.60
O-2	696.30	696.30	696.30
O-1	588.60	588.60	588.60

WARRANT OFFICERS

Pay Grade	Years of service computed under section 205				
	2 or less	Over 2	Over 3	Over 4	Over 6
W-4	$507.30	$544.20	$544.20	$556.80	$582.00
W-3	461.10	500.40	500.40	506.40	512.70
W-2	403.80	436.80	436.80	449.40	474.30
W-1	336.60	386.10	386.10	417.90	436.80

WARRANT OFFICERS

Pay Grade	Years of service computed under section 205				
	Over 8	Over 10	Over 12	Over 14	Over 16
W-4	$607.50	$632.70	$677.40	$708.60	$734.10
W-3	550.20	582.00	600.90	620.10	638.70
W-2	500.40	519.30	537.90	556.80	576.00
W-1	455.70	474.30	493.80	512.70	531.60

WARRANT OFFICERS

Pay Grade	Years of service computed under section 205				
	Over 18	Over 20	Over 22	Over 26	Over 30
W-4	$753.30	$778.20	$804.00	$866.40	$866.40
W-3	658.50	683.70	708.60	734.10	734.10
W-2	594.60	613.50	638.70	638.70	638.70
W-1	550.20	569.70	569.70	569.70	569.70

ENLISTED MEMBERS

Pay Grade	Years of service computed under section 205				
	2 or less	Over 2	Over 3	Over 4	Over 6
E-9 [1]					
E-8					
E-7	$303.90	$364.20	$377.70	$391.20	$404.40
E-6	261.90	318.00	331.20	344.70	358.20
E-5	226.20	278.70	291.90	304.80	324.90
E-4	190.20	238.50	251.70	271.50	285.00
E-3	137.70	192.00	205.50	218.70	218.70
E-2	113.40	159.00	159.00	159.00	159.00
E-1	109.50	145.50	145.50	145.50	145.50
E-1 (under 4 months)	102.30				

Footnote at end of table.

ENLISTED MEMBERS

Pay Grade	Years of service computed under section 205				
	Over 8	Over 10	Over 12	Over 14	Over 16
E-9 [1]		$576.30	$589.50	$603.30	$616.50
E-8	$483.60	497.10	510.30	523.80	537.00
E-7	417.30	430.50	444.30	464.10	477.30
E-6	371.10	384.60	404.40	417.30	430.50
E-5	338.10	351.30	364.20	371.10	371.10
E-4	285.00	285.00	285.00	285.00	285.00
E-3	218.70	218.70	218.70	218.70	218.70
E-2	159.00	159.00	159.00	159.00	159.00
E-1	145.50	145.50	145.50	145.50	145.50

ENLISTED MEMBERS

Pay Grade	Years of service computed under section 205				
	Over 18	Over 20	Over 22	Over 26	Over 30
E-9 [1]	$630.00	$642.60	$676.50	$742.20	$742.20
E-8	549.90	563.40	596.70	663.00	663.00
E-7	490.50	497.10	530.40	596.70	596.70
E-6	437.40	437.40	437.40	437.40	437.40
E-5	371.10	371.10	371.10	371.10	371.10
E-4	285.00	285.00	285.00	285.00	285.00
E-3	218.70	218.70	218.70	218.70	218.70
E-2	159.00	159.00	159.00	159.00	159.00
E-1	145.50	145.50	145.50	145.50	145.50

[1] While serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps, basic pay for this grade is $902.40 regardless of cumulative years of service computed under section 205 of this title.

Lyndon B. Johnson

THE WHITE HOUSE,
June 11, 1968.

[F.R. Doc. 68-7051; Filed, June 11, 1968; 4:31 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 407—TUNG NUT CROP INSURANCE

Subpart—Regulations for the 1965 and Succeeding Crop Years

APPENDIX; COUNTY DESIGNATED FOR TUNG NUT CROP INSURANCE

Pursuant to authority contained in § 407.1 of the above-identified regulations, the following county has been designated for tung nut crop insurance for the 1969 crop year.

FLORIDA

Jackson.

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

[SEAL] JACK H. MORRISON,
Acting Manager, Federal Crop Insurance Corporation.

[F.R. Doc. 68-6958; Filed, June 12, 1968; 8:47 a.m.]

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

[Valencia Orange Reg. 243]

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

Limitation of Handling

§ 908.543 Valencia Orange Regulation 243.

(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 June 11, 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 June 14, 1968, through June 20, 1968, are hereby fixed as follows:

(i) District 1: 35,000 cartons;
(ii) District 2: 275,000 cartons;
(iii) District 3: 35,000 cartons.

(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: June 12, 1968.

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

[F.R. Doc. 68-7087; Filed, June 12, 1968; 8:51 a.m.]

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

PART 953—IRISH POTATOES GROWN IN SOUTHEASTERN STATES

Order Amending Order Regulating Handling

Correction

In F.R. Doc. 68-6793, appearing at page 8502 of the issue for Saturday, June 8, 1968, the last paragraph is corrected to read as follows:

Effective date. Issued at Washington, D.C., June 5, 1968, to become effective June 10, 1968.

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1968 Crop Dry Edible Bean Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1968 Crop Dry Edible Bean Loan and Purchase Program

The General Regulations Governing Price Support for the 1964 and Subsequent Crops (Revision 1) (31 F.R. 5941) and the 1966 and Subsequent Crops Dry Edible Bean Loan and Purchase Program regulations (31 F.R. 6904), which contain regulations of a general nature with respect to price support operations, are further supplemented for 1968 crop dry edible beans as follows:

Sec.
1421.2480 Purpose.
1421.2481 Availability.
1421.2482 Maturity of loans.
1421.2483 Support rates.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.2480 Purpose.

This supplement contains additional program provisions which together with the provisions of the General Regulations Governing Price Support for the 1964 and Subsequent Crops (Revision 1) and any amendments thereto or revisions thereof, and the 1966 and Subsequent Crop Dry Edible Bean Loan and Purchase Program regulations, and any amendments thereto, apply to loans and purchases for 1968 crop dry edible beans.

§ 1421.2481 Availability.

A producer desiring a price support loan must request a loan on his eligible beans on or before March 31, 1969. To obtain price support through a sale to CCC, a producer must give the appropriate ASCS county office notice of his intent to sell his eligible beans to CCC on or before the loan maturity date specified in § 1421.2482.

§ 1421.2482 Maturity of loans.

Unless demand is made earlier, loans on dry edible beans will mature on April 30, 1969.

§ 1421.2483 Support rates.

The support rate for beans placed under a loan other than a loan on beans stored commingled in an approved warehouse shall be the applicable basic support rate specified in paragraph (a) of this section for the county in which the beans were produced, adjusted as provided in paragraph (d) of this section. The support rate for loans on beans stored commingled in approved warehouse storage and for settlement of all loans and purchases shall be the applicable basic support rate specified in paragraph (a) of this section for the county in which the beans were produced, (1) adjusted in accordance with paragraphs (b), (c), and (d) this section, and (2) adjusted also, in the case of settlements, by such discounts as CCC may establish for class, grade, and quality factors not specified in this section which affect the value of the beans, such as (but not limited to) splits, damage, contrasting classes, and foreign material. The discounts established for the purposes of settlement will be based upon the market discounts for such factors at the time the beans are delivered to CCC, as determined by CCC. Producers may obtain schedules of such factors and discounts at ASCS county offices approximately one month prior to the loan maturity date. Except in the case of large lima beans, if the beans have been moved by truck to approved storage in a higher support rate county, or if the warehouse guarantees delivery by truck to approved storage or on track in a higher support rate county, the support rate shall be determined on the basis of the basic support rate specified in paragraph (a) of this section for the county in which the beans are stored or to which delivery is guaranteed, rather than the county in which the beans were produced. Settlement shall be made in accordance with the provisions of § 1421.-72.

(a) *Basic county support rates.* The basic county support rates per 100 pounds net weight for beans of all classes grading U.S. No. 1 are as follows:

Class and area	Rate per 100 pounds U.S. No. 1 in jute bags
Pinto:	
Area I—In New Mexico, all counties except McKinley, Rio Arriba, San Juan, Taos, and Valencia	$6.57
Area II—Kansas, Nebraska, Oklahoma, and Texas. In Colorado, the counties of Larimer, Boulder, Gilpin, Clear Creek, Jefferson, Teller, Fremont, Pueblo, Huerfano, and Las Animas and all counties east thereof in Colorado. In Wyoming the counties of Goshen, Laramie, and Platte	6.47
Area III—New Mexico, the counties of McKinley and Valencia	6.37
Area IV—Arizona, California, Idaho, Montana, South Dakota, and Utah. In Wyoming all counties not in Area II. In Colorado, all counties not in Area II. In New Mexico the counties of Rio Arriba, San Juan, and Taos	6.27
Area V—Washington	5.97
Area VI—Other States	6.07
Great Northern:	
Area I—Nebraska, Minnesota, and North Dakota. In Colorado all counties east of 106° longitude. In Wyoming, the counties of Goshen, Laramie, and Platte	7.21
Area II—South Dakota, Montana, and Idaho. In Wyoming, all counties not in Area I and in Oregon, Malheur county	7.01
Area III—Other States and counties	6.71
Pea (Navy) and Medium White:	
Area I—Michigan, New York, Maine. Minnesota, and Wisconsin	6.65
Area II—Other States	6.15
Small White and Flat Small White	7.52
Dark Red Kidney	8.51
Light and Western Red Kidney	8.70
Pink	7.32
Small Red:	
Area I—Idaho and Colorado	7.47
Area II—Washington	7.37
Area III—Other States	7.42
Large Lima	10.39
Baby Lima	5.59

(b) *Premium.*

	Cents per 100 pounds
Grade U.S. CHP (Pea beans)	25
Grade U.S. CHP (all other beans)	10
Grade U.S. Extra No. 1	10

(c) *Discount.*

Grade U.S. No. 2	25
Paper package	09

(d) *Deduction for processing charges.* In the case of beans which have not been processed (i.e., commercially cleaned), the rate shall be reduced by the following amounts (except for beans stored commingled in an approved warehouse):

	Dollars per 100 pounds from U.S. No. 1 rate
All States except Michigan and New York	$1.00
Michigan, Pea beans only	1.00
Michigan, other classes	1.50
New York	2.00

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on June 7, 1968.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 68-6982; Filed, June 12, 1968 8:49 a.m.]

[CCC Grain Price Support Regs., 1968 Crop Barley Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1968 Crop Barley Loan and Purchase Program

The General Regulations Governing Price Support for the 1964 and Subsequent Crops (Revision 1) (31 F.R. 5941) and any amendments thereto and the 1966 and Subsequent Crop Barley Loan and Purchase Program regulations (31 F.R. 7964 and 32 F.R. 9151) which contain regulations of a general nature with respect to price support operations are further supplemented for the 1968 crop of barley as follows:

Sec.
1421.2285 Availability.
1421.2286 Warehouse charges.
1421.2287 Maturity of loans.
1421.2288 Support rates and discounts.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051 as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.2285 Availability.

A producer desiring a price support loan must request a loan on his eligible barley on or before April 30, 1969, on barley stored in Alaska, Idaho, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming, and on or before March 31, 1969, on barley stored in all other States. To obtain price support through a sale to CCC, a producer must give the appropriate ASCS county office notice of his intent to sell his eligible barley to CCC on or before May 31, 1969, for barley stored in the States named in this section and on or before April 30, 1969, for barley stored in all other States.

§ 1421.2286 Warehouse charges.

Subject to the provisions of § 1421.2269, the schedules of deductions set forth in this section shall apply to barley stored in an approved warehouse operating

under the Uniform Grain Storage Agreement and operated by an Eastern common carrier.

(a) *Warehouses approved under the Uniform Grain Storage Agreement.*

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES BY MATURITY DATES

Maturity date of Apr. 30, 1969	Deduction (cents per bushel)	Maturity date of May 31, 1969
(1)		(1).
Prior to May 16, 1968	13	Prior to June 16, 1968.
May 16-June 12	12	June 16-July 13.
June 13-July 10	11	July 14-Aug. 10.
July 11-Aug. 7	10	Aug. 11-Sept. 7.
Aug. 8-Sept. 4	9	Sept. 8-Oct. 5.
Sept. 5-Oct. 2	8	Oct. 6-Nov. 2.
Oct. 3-Oct. 30	7	Nov. 3-Nov. 30.
Oct. 31-Nov. 27	6	Dec. 1-Dec. 28.
Nov. 28-Dec. 25	5	Dec. 29, 1968-Jan. 25, 1969.
Dec. 26, 1968-Jan. 22, 1969.	4	Jan. 26-Feb. 22.
Jan. 23-Feb. 19	3	Feb. 23-Mar. 22.
Feb. 20-Mar. 19	2	Mar. 23-Apr. 19.
Mar. 20-Apr. 30, 1969	1	Apr. 20-May 31, 1969.

[1] Date storage charges start, all dates inclusive.

(b) *Warehouses operated by Eastern common carriers.* (1) Eligible barley stored in the following approved Eastern common carrier warehouses may be placed under loan or offered for sale to CCC: (i) Canadian National Railway Co., Portland Elevator, Warehouse Code 9-2101, Portland, Maine, and (ii) Pennsylvania Railroad Co., Canton Elevator, Warehouse Code 9-2151, Baltimore, Md.

(2) *Schedule of deductions for storage charges.*

Maturity date of April 30, 1969	Deduction (cents per bushel)
(1)	(2)
Prior to June 25, 1968	16
June 25-July 14, 1968	15
July 15-Aug. 3, 1968	14
Aug. 4-Aug. 33, 1968	13
Aug. 24-Sept. 12, 1968	12
Sept. 13-Oct. 2, 1968	11
Oct. 3-Oct. 22, 1968	10
Oct. 23-Nov. 11, 1968	9
Nov. 12-Dec. 1, 1968	8
Dec. 2-Dec. 21, 1968	7
Dec. 22, 1968-Jan. 10, 1969	6
Jan. 11-Jan. 30, 1969	5
Jan. 31-Feb. 19, 1969	4
Feb. 20-Mar. 11, 1969	3
Mar. 12-Mar. 31, 1969	2
Apr. 1-Apr. 30, 1969	1

[1] Storage commence date, all dates inclusive.

[2] If producer presents evidence that elevation charges were prepaid, the storage deduction shall be reduced by 3 cents per bushel on barley stored in the Portland Elevator, or 2¼ cents per bushel on barley stored in the Canton Elevator.

§ 1421.2287 Maturity of loans.

Loans mature on demand but not later than: May 31, 1969, on barley stored in the States of Alaska, Idaho, Minnesota, Montana, North Dakota, South Dakota, Oregon, Washington, Wisconsin and Wyoming and April 30, 1969, on barley stored in all other States.

§ 1421.2288 Support rates and discounts.

(a) *Basic support rates (terminals).* Basic support rates for loan and settlement purposes for grade No. 2 or better barley stored in approved terminal warehouses at the terminal markets listed below are as follows:

Terminal market	Rate per bushel
Atchison, Kans	$1.07
Kansas City, Mo	1.07
Saint Joseph, Mo	1.07
Omaha, Nebr	1.05
Sioux City, Iowa	1.05
Minneapolis, Minn	1.10
Duluth, Minn	1.10
Superior, Wis	1.10
St. Paul, Minn	1.10
Galveston, Tex	1.17
Houston, Tex	1.17
Port Arthur, Tex	1.17
Baton Rouge, La	1.17
New Orleans, La	1.17
Beaumont, Tex	1.17
Chicago, Ill	1.12
Saint Louis, Mo	1.12
Milwaukee, Wis	1.12
Memphis, Tenn	1.11
Cairo, Ill	1.11
Longview, Wash	1.14
Tacoma, Wash	1.14
Vancouver, Wash	1.14
Seattle, Wash	1.14
Kalama, Wash	1.14
Portland, Oreg	1.14
Astoria, Oreg	1.14
San Francisco, Calif	1.20
Stockton, Calif	1.20
Oakland, Calif	1.20
Los Angeles, Calif	1.20
Long Beach, Calif	1.20
Wilmington, Calif	1.20
Albany, N.Y	1.21
Philadelphia, Pa	1.21
Baltimore, Md	1.21
New York, N.Y	1.21
Norfolk, Va	1.21

(b) *Basic support rates (counties).* Basic county support rates (marketing area rates in Alaska) for loan and settlement purposes for farm-stored and country warehouse-stored barley are established for barley grading No. 2 or better and are as follows:

ALABAMA

County	Rate per bushel
All counties	$0.94

ALASKA

Anchorage	$1.27	Homer	$1.08
Delta	1.00	Kenai-Sold	1.16
Fairbanks	.93	Palmer	1.22

ARIZONA

Apache	$0.84	Mohave	$0.84
Cochise	.96	Navajo	.84
Coconio	.84	Pima	.99
Gila	.84	Pinal	1.02
Graham	.89	Santa Cruz	.96
Greenlee	.84	Yavapai	.84
Maricopa	1.02	Yuma	1.03

ARKANSAS

Arkansas	$0.97	Crittenden	$1.00
Ashley	.94	Cross	1.00
Baxter	.87	Dallas	.89
Benton	.84	Desha	.96
Boone	.86	Drew	.94
Bradley	.89	Faulkner	.95
Calhoun	.88	Franklin	.86
Carroll	.85	Fulton	.92
Chicot	.95	Garland	.88
Clark	.88	Grant	.89
Clay	.97	Greene	.98
Cleburne	.97	Hempstead	.86
Cleveland	.96	Hot Spring	.89
Columbia	.86	Howard	.86
Conway	.95	Independence	.94
Craighead	.99	Izard	.89
Crawford	.85		

ARKANSAS—Continued

County	Rate per bushel	County	Rate per bushel
Jackson	$0.97	Pike	$0.86
Jefferson	.96	Poinsett	1.00
Johnson	.86	Polk	.84
Lafayette	.86	Pope	.87
Lawrence	.97	Prairie	.98
Lee	.99	Pulaski	.96
Lincoln	.95	Randolph	.98
Little River	.86	St. Francis	1.00
Logan	.86	Saline	.91
Lonoke	.97	Scott	.84
Madison	.84	Searcy	.86
Marion	.86	Sebastian	.85
Miller	.86	Sevier	.85
Mississippi	1.00	Sharp	.92
Monroe	.98	Stone	.90
Montgomery	.86	Union	.86
Nevada	.86	Van Buren	.95
Newton	.86	Washington	.84
Ouachita	.87	White	.98
Perry	.88	Woodruff	.99
Phillips	.99	Yell	.87

CALIFORNIA

Alameda	$1.08	Plumas	$0.99
Alpine	.99	Riverside	1.05
Amador	1.08	Sacramento	1.08
Butte	1.06	San Benito	1.06
Calaveras	1.08	San Bernardino	1.06
Colusa	1.07	San Diego	1.04
Contra Costa	1.08	San Joaquin	1.10
El Dorado	1.06	San Luis Obispo	1.04
Fresno	1.07	San Mateo	1.08
Glen	1.07	Santa Barbara	1.03
Humboldt	.94	Santa Clara	1.08
Imperial	1.05	Santa Cruz	1.06
Inyo	.94	Shasta	.97
Kern	1.05	Sierra	.92
Kings	1.07	Siskiyou	.97
Lake	1.04	Solano	1.08
Lassen	.93	Sonoma	1.07
Los Angeles	1.07	Stanislaus	1.09
Madera	1.09	Sutter	1.07
Marin	1.08	Tehama	1.02
Mariposa	1.09	Tulare	1.06
Mendocino	1.00	Tuolumne	1.09
Merced	1.09	Ventura	1.07
Modoc	.97	Yolo	1.08
Monterey	1.05	Yuba	1.07
Napa	1.08		
Orange	1.07		
Placer	1.07		

COLORADO

Adams	$0.86	Kit Carson	$0.86
Alamosa	.84	La Plata	.84
Arapahoe	.86	Larimer	.86
Archuleta	.84	Las Animas	.86
Baca	.86	Lincoln	.86
Bent	.86	Logan	.86
Boulder	.86	Mesa	.84
Chafee	.84	Moffat	.84
Cheyenne	.86	Montezuma	.84
Conejos	.84	Montrose	.84
Costilla	.84	Morgan	.86
Crowley	.86	Otero	.86
Custer	.86	Ouray	.84
Delta	.84	Phillips	.86
Denver	.86	Pitkin	.84
Dolores	.84	Prowers	.86
Douglas	.86	Pueblo	.86
Eagle	.84	Rio Blanco	.84
Elbert	.86	Rio Grande	.84
El Paso	.86	Routt	.84
Fremont	.86	Saguache	.84
Garfield	.84	San Miguel	.84
Grand	.84	Sedgwick	.86
Huerfano	.86	Summit	.84
Jackson	.84	Washington	.86
Jefferson	.86	Weld	.86
Kiowa	.86	Yuma	.86

CONNECTICUT

County	Rate per bushel
All counties	$0.98

DELAWARE

County	Rate per bushel
All counties	$0.98

FLORIDA

County	Rate per bushel
All counties	$0.97

GEORGIA

County	Rate per bushel
All counties	$0.97

IDAHO

County	Rate per bushel	County	Rate per bushel
Ada	$0.91	Gem	$0.91
Adams	.91	Gooding	.91
Bannock	.90	Idaho	.92
Bear Lake	.89	Jefferson	.89
Benewah	.94	Jerome	.91
Bingham	.89	Kootenai	.94
Blaine	.90	Latah	.94
Boise	.91	Lemhi	.89
Bonner	.88	Lewis	.93
Bonneville	.89	Lincoln	.91
Boundary	.87	Madison	.89
Butte	.89	Minidoka	.91
Camas	.90	Nez Perce	.94
Canyon	.91	Oneida	.90
Caribou	.89	Owyhee	.91
Cassia	.91	Payette	.91
Clark	.89	Power	.90
Clearwater	.93	Shoshone	.84
Custer	.90	Teton	.89
Elmore	.91	Twin Falls	.91
Franklin	.90	Valley	.91
Fremont	.89	Washington	.91

ILLINOIS

County	Rate per bushel	County	Rate per bushel
Adams	$0.96	Lee	$1.00
Alexander	.94	Livingston	.99
Bond	.95	Logan	.96
Boone	1.00	McDonough	.94
Brown	.96	McHenry	1.00
Bureau	.99	McLean	.97
Calhoun	.95	Macon	.96
Carroll	.98	Macoupin	.96
Cass	.94	Madison	.97
Champaign	.98	Marion	.97
Christian	.95	Marshall	.99
Clark	.93	Mason	.95
Clay	.93	Massac	.93
Clinton	.98	Menard	.95
Coles	.95	Mercer	.97
Cook	1.00	Monroe	.96
Crawford	.94	Montgomery	.95
Cumberland	.95	Morgan	.96
De Kalb	1.00	Moultrie	.96
De Witt	.96	Ogle	1.00
Douglas	.95	Peoria	.97
Du Page	1.00	Perry	.94
Edgar	.93	Piatt	.96
Edwards	.95	Pike	.96
Effingham	.95	Pope	.92
Fayette	.95	Pulaski	.94
Ford	.98	Putman	.98
Franklin	.94	Randolph	.94
Fulton	.97	Richland	.93
Gallatin	.89	Rock Island	.98
Greene	.96	St. Clair	.97
Grundy	1.00	Saline	.90
Hamilton	.93	Sangamon	.95
Hancock	.94	Schuyler	.96
Hardin	.89	Scott	.96
Henderson	.96	Shelby	.95
Henry	.98	Stark	.98
Iroquois	.99	Stephenson	.99
Jackson	.94	Tazewell	.96
Jasper	.95	Union	.94
Jefferson	1.00	Vermilion	.98
Jersey	.96	Wabash	.94
Jo Daviess	.97	Warren	.97
Johnson	.91	Washington	.94
Kane	1.00	Wayne	.96
Kankakee	1.00	White	.90
Kendall	1.00	Whiteside	.99
Knox	.97	Will	1.00
Lake	.99	Williamson	.95
La Salle	1.00	Winnebago	.99
Lawrence	.92	Woodford	.98

INDIANA

County	Rate per bushel	County	Rate per bushel
Adams	$0.89	Benton	$0.93
Allen	.89	Blackford	.91
Batholomew	.88	Boone	.89
Brown	$0.86	Marshall	$0.92
Carroll	.92	Martin	.88
Cass	.92	Miami	.92
Clark	.85	Monroe	.92
Clay	.93	Montgomery	.91
Clinton	.92	Morgan	.88
Crawford	.94	Newton	.97
Daviess	.87	Noble	.90
Dearborn	.86	Ohio	.86
Decatur	.87	Orange	.93
De Kalb	.90	Owen	.88
Delaware	.89	Parke	.90
Dubois	.95	Perry	.94
Elkhart	.92	Pike	.92
Fayette	.88	Porter	.95
Floyd	.93	Posey	.93
Fountain	.90	Pulaski	.94
Franklin	.87	Putnam	.89
Fulton	.93	Randolph	.90
Gibson	.94	Ripley	.85
Grant	.91	Rush	.88
Greene	.88	St. Joseph	.92
Hamilton	.89	Scott	.85
Hancock	.89	Shelby	.88
Harrison	.93	Spencer	.94
Hendricks	.89	Starke	.93
Henry	.90	Steuben	.89
Howard	.92	Sullivan	.94
Huntington	.90	Switzerland	.86
Jackson	.86	Tippecanoe	.92
Jasper	.95	Tipton	.91
Jay	.90	Union	.88
Jefferson	.85	Vanderburgh	.98
Jennings	.86	Vermillion	.98
Johnson	.88	Vigo	.99
Knox	.92	Wabash	.92
Kosciusko	.92	Warren	.94
Lagrange	.90	Warrick	.96
Lake	.98	Washington	.85
La Porte	.94	Wayne	.90
Lawrence	.89	Wells	.89
Madison	.90	White	.94
Marion	.89	Whitley	.91

IOWA

County	Rate per bushel	County	Rate per bushel
Adair	$0.87	Hardin	$0.88
Adams	.88	Harrison	.90
Allamakee	.89	Henry	.90
Appanoose	.89	Howard	.90
Audubon	.89	Humboldt	.88
Benton	.89	Ida	.87
Black Hawk	.88	Iowa	.89
Boone	.87	Jackson	.93
Bremer	.89	Jasper	.87
Buchanan	.88	Jefferson	.89
Buena Vista	.88	Johnson	.90
Butler	.89	Jones	.90
Calhoun	.87	Keokuk	.88
Carroll	.88	Kossuth	.90
Cass	.88	Lee	.93
Cedar	.91	Linn	.90
Cerro Gordo	.90	Louisa	.90
Cherokee	.87	Lucas	.86
Chickasaw	.89	Lyon	.87
Clarke	.86	Madison	.85
Clay	.89	Mahaska	.88
Clayton	.89	Marion	.87
Clinton	.92	Marshall	.87
Crawford	.89	Mills	.90
Dallas	.86	Mitchell	.90
Davis	.89	Monona	.89
Decatur	.86	Monroe	.88
Delaware	.89	Montgomery	.90
Des Moines	.92	Muscatine	.92
Dickinson	.89	O'Brien	.88
Dubuque	.90	Osceola	.88
Emmett	.90	Page	.90
Fayette	.88	Palo Alto	.89
Floyd	.90	Plymouth	.87
Franklin	.89	Pocohantas	.88
Fremont	.90	Polk	.86
Greene	.87	Pottawattamie	.90
Grundy	.88	Poweshiek	.88
Guthrie	.87	Ringgold	.85
Hamilton	.88	Sac	.87
Hancock	.90	Scott	$0.92
Shelby	.90	Warren	$0.86
Sioux	.88	Washington	.89
Story	.87	Wayne	.88
Tama	.88	Webster	.88
Taylor	.87	Winnebago	.90
Union	.87	Winneshiek	.89
Van Buren	.89	Woodbury	.88
Wapello	.88	Worth	.90
		Wright	.89

KANSAS

County	Rate per bushel	County	Rate per bushel
Allen	$0.91	Linn	$0.91
Anderson	.91	Logan	.84
Atchinson	.91	Lyon	.91
Barber	.88	McPherson	.89
Barton	.88	Marion	.89
Bourbon	.91	Marshall	.91
Brown	.91	Meade	.84
Bulter	.89	Miami	.91
Chase	.91	Mitchell	.89
Chautaugua	.91	Montgomery	.91
Cherokee	.91	Morris	.91
Cheyenne	.83	Morton	.81
Clark	.84	Nemaha	.91
Clay	.90	Neosho	.91
Cloud	.90	Ness	.87
Coffey	.91	Norton	.88
Comanche	.86	Osage	.91
Cowley	.89	Osborne	.89
Crawford	.91	Ottawa	.89
Decatur	.86	Pawnee	.88
Dickinson	.90	Phillips	.88
Doniphan	.91	Pottawatomie	.91
Douglas	.91	Pratt	.88
Edwards	.88	Rawlins	.84
Elk	.91	Reno	.89
Ellis	.88	Republic	.90
Ellsworth	.89	Rice	.89
Finney	.84	Riley	.91
Ford	.86	Rooks	.88
Franklin	.91	Rush	.88
Geary	.91	Russell	.88
Gove	.85	Saline	.89
Graham	.87	Scott	.84
Grant	.83	Sedgwick	.90
Gray	.85	Seward	.83
Greeley	.83	Shawnee	.91
Greenwood	.91	Sheridan	.85
Hamilton	.83	Sherman	.83
Harper	.89	Smith	.89
Harvey	.89	Stafford	.88
Haskell	.84	Stanton	.82
Hodgeman	.87	Stevens	.83
Jackson	.91	Sumner	.89
Jefferson	.91	Thomas	.84
Jewell	.89	Trego	.87
Johnson	.91	Wabaunsee	.91
Kearny	.83	Wallace	.83
Kingman	.89	Washington	.91
Kiowa	.88	Wichita	.83
Labette	.91	Wilson	.91
Lane	.85	Woodson	.91
Leavenworth	.91	Wyandotte	.91
Lincoln	.89		

KENTUCKY

County	Rate per bushel
All counties	$0.92

LOUISIANA

County	Rate per bushel
All parishes	$0.85

MAINE

County	Rate per bushel
All counties	$0.98

MARYLAND

County	Rate per bushel
All counties	$0.98

MASSACHUSETTS

County	Rate per bushel
All counties	$0.98

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Alcona	$0.79	Antrim	$0.78
Alger	.83	Arenac	.84
Allegan	.89	Baraga	.86
Alpena	.77	Barry	.88

MICHIGAN—Continued

County	Rate per bushel	County	Rate per bushel
Bay	$0.36	Livingston	$0.88
Benzie	.81	Luce	.79
Berrien	.92	Mackinac	.79
Branch	.89	Macomb	.88
Calhoun	.92	Manistee	.83
Cass	.92	Marquette	.84
Charlevoix	.76	Mason	.84
Cheboygan	.76	Mecosta	.85
Chippewa	.79	Menominee	.86
Clare	.84	Midland	.86
Clinton	.88	Missaukee	.83
Crawford	.80	Monroe	.89
Delta	.84	Montcalm	.86
Dickinson	.85	Montmorency	.78
Eaton	.88	Muskegon	.86
Emmet	.76	Newaygo	.85
Genesee	.88	Oakland	.88
Gladwin	.85	Ocena	.84
Gogebic	.88	Ogemaw	.82
Grand Traverse	.80	Ontonagon	.82
Gratiot	.88	Osceola	.84
Hillsdale	.88	Oscoda	.80
Houghton	.83	Otsego	.78
Huron	.86	Ottawa	.88
Ingham	.88	Presque Isle	.76
Ionia	.88	Roscommon	.82
Iosco	.81	Saginaw	.88
Iron	.83	St. Clair	.88
Isabella	.86	St. Joseph	.91
Jackson	.92	Sanilac	.86
Kalamazoo	.91	Schoolcraft	.81
Kalkaska	.80	Shiawassee	.88
Kent	.87	Tuscola	.86
Keweenaw	.83	Van Buren	.90
Lake	.84	Washtenaw	.88
Lapeer	.88	Wayne	.88
Leelanau	.79	Wexford	.86
Lenawee	.89		

MINNESOTA

Aitkin	$0.93	Marshall	$0.85
Anoka	.96	Martin	.97
Becker	.88	Meeker	.94
Beltrami	.88	Mille Lacs	.94
Benton	.93	Morrison	.91
Big Stone	.93	Mower	.98
Blue Earth	.98	Murray	.95
Brown	.98	Nicollet	.98
Carlton	.95	Nobles	.93
Carver	.98	Norman	.87
Cass	.91	Olmsted	.98
Chippewa	.95	Otter Tail	.89
Chisago	.94	Pennington	.85
Clay	.87	Pine	.95
Clearwater	.87	Pipestone	.91
Cottonwood	.97	Polk	.86
Crow Wing	.91	Pope	.91
Dakota	.98	Ramsey	.96
Dodge	.98	Red Lake	.86
Douglas	.91	Redwood	.98
Faribault	.98	Renville	.98
Fillmore	.96	Rice	.98
Freeborn	.98	Rock	.90
Goodhue	.98	Roseau	.85
Grant	.89	St. Louis	.92
Hennepin	.97	Scott	.98
Houston	.95	Sherburne	.94
Hubbard	.88	Sibley	.98
Isanti	.94	Stearns	.93
Itasca	.92	Steele	.96
Jackson	.96	Stevens	.90
Kanabec	.93	Swift	.92
Kandiyohi	.93	Todd	.91
Kittson	.83	Traverse	.89
Koochiching	.85	Wabasha	.98
Lac Qui Parle	.93	Wadena	.91
Lake of the Woods	.85	Waseca	.98
Le Sueur	.98	Washington	.97
Lincoln	.94	Watonwan	.98
Lyon	.94	Wilkin	.88
McLeod	.97	Winona	.98
Mahnomen	.86	Wright	.94
		Yellow Medicine	.97

MISSISSIPPI

County	Rate per bushel
All counties	$0.94

MISSOURI

Adair	$0.90	Linn	$0.90
Andrew	.91	Livingston	.90
Atchinson	.89	McDonald	.91
Audrain	.93	Macon	.91
Barry	.91	Madison	.98
Barton	.91	Maries	.93
Bates	.91	Marion	.93
Benton	.89	Mercer	.88
Bollinger	.97	Miller	.90
Boone	.92	Mississippi	.96
Buchanan	.91	Moniteau	.91
Butler	.96	Monroe	.92
Caldwell	.91	Montgomery	.94
Callaway	.93	Morgan	.90
Camden	.94	New Madrid	.97
Cape Girardeau	.96	Newton	.91
Carroll	.90	Nodaway	.89
Carter	.87	Oregon	.91
Cass	.91	Osage	.93
Cedar	.91	Ozark	.88
Chariton	.90	Pemiscot	.97
Christian	.91	Perry	.98
Clark	.92	Pettis	.89
Clay	.91	Phelps	.97
Clinton	.91	Pike	.93
Cole	.92	Platte	.91
Cooper	.91	Polk	.91
Crawford	.98	Pulaski	.95
Dade	.91	Putnam	.87
Dallas	.92	Ralls	.93
Daviess	.90	Randolph	.92
De Kalb	.91	Ray	.91
Dent	.96	Reynolds	.94
Douglas	.89	Ripley	.96
Dunklin	.97	St. Charles	.99
Franklin	.96	St. Clair	.91
Gasconade	.94	St. Francois	.99
Gentry	.89	St. Genevieve	.99
Greene	.91	St. Louis	1.00
Grundy	.89	Saline	.90
Harrison	.88	Schuyler	.90
Henry	.91	Scotland	.91
Hickory	.91	Scott	.96
Holt	.89	Shannon	.87
Howard	.92	Shelby	.92
Howell	.89	Stoddard	.96
Iron	.98	Stone	.90
Jackson	.91	Sullivan	.88
Jasper	.91	Taney	.89
Jefferson	1.00	Texas	.89
Johnson	.91	Vernon	.91
Knox	.91	Warren	.97
Laclede	.94	Washington	.99
Lafayette	.91	Wayne	.96
Lawrence	.91	Webster	.92
Lewis	.92	Worth	.89
Lincoln	.96	Wright	.89

MONTANA

Beaverhead	$0.78	Jefferson	$0.82
Big Horn	.68	Judith Basin	.75
Blaine	.70	Lake	.82
Broadwater	.82	Lewis and Clark	.77
Carbon	.76	Liberty	.75
Carter	.72	Lincoln	.82
Cascade	.78	McCone	.71
Chouteau	.76	Madison	.83
Custer	.71	Meagher	.79
Daniels	.69	Mineral	.84
Dawson	.72	Missoula	.84
Deer Lodge	.83	Musselshell	.75
Fallon	.72	Park	.82
Fergus	.76	Petroleum	.73
Flathead	.82	Phillips	.66
Gallatin	.83	Pondera	.77
Garfield	.70	Powder River	.69
Glacier	.77	Powell	.83
Golden Valley	.76	Prairie	.71
Granite	.82	Ravalli	.82
Hill	.73	Richland	.72

MONTANA—Continued

County	Rate per bushel	County	Rate per bushel
Roosevelt	$0.72	Teton	$0.77
Rosebud	.71	Toole	.76
Sanders	.84	Treasure	.72
Sheridan	.71	Valley	.68
Silver Bow	.83	Wheatland	.76
Stillwater	.76	Wibaux	.73
Sweet Grass	.79	Yellowstone	.76

NEBRASKA

Adams	$0.89	Jefferson	$0.91
Antelope	.90	Johnson	.91
Arthur	.82	Kearney	.88
Banner	.78	Keith	.82
Blaine	.86	Keya Paha	.86
Boone	.90	Kimball	.79
Box Butte	.81	Knox	.90
Boyd	.90	Lancaster	.91
Brown	.86	Lincoln	.84
Buffalo	.89	Logan	.86
Burt	.90	Loup	.88
Butler	.90	McPherson	.85
Cass	.91	Madison	.90
Cedar	.90	Merrick	.90
Chase	.82	Morrill	.80
Cherry	.84	Nance	.90
Cheyenne	.79	Nemaha	.91
Clay	.90	Nuckolls	.89
Colfax	.90	Otoe	.91
Cuming	.90	Pawnee	.91
Custer	.87	Perkins	.82
Dakota	.90	Phelps	.88
Dawes	.80	Pierce	.90
Dawson	.87	Platte	.90
Deuel	.82	Polk	.90
Dixon	.90	Red Willow	.85
Dodge	.90	Richardson	.91
Douglas	.90	Rock	.86
Dundy	.82	Saline	.91
Fillmore	.91	Sarpy	.91
Franklin	.88	Saunders	.90
Frontier	.85	Scotts Bluff	.78
Furnas	.87	Seward	.90
Gage	.91	Sheridan	.81
Garden	.81	Sherman	.89
Garfield	.88	Sioux	.79
Gosper	.87	Stanton	.90
Grant	.81	Thayer	.91
Greeley	.90	Thomas	.85
Hall	.90	Thurston	.90
Hamilton	.90	Valley	.88
Harlan	.88	Washington	.90
Hayes	.82	Wayne	.90
Hitchcock	.83	Webster	.89
Holt	.89	Wheeler	.90
Hooker	.83	York	.90
Howard	.90		

NEVADA

All counties	$0.95

NEW HAMPSHIRE

All counties	$0.98

NEW JERSEY

All counties	$0.98

NEW MEXICO

Bernalillo	$0.84	Mora	$0.84
Catron	.84	Otero	.84
Chaves	.86	Quay	.88
Colfax	.84	Rio Arriba	.84
Curry	.89	Roosevelt	.88
De Baca	.85	Sandoval	.84
Dona Ana	.84	San Juan	.84
Eddy	.84	San Miguel	.84
Grant	.84	Santa Fe	.84
Guadalupe	.84	Sierra	.84
Harding	.85	Socorro	.84
Hidalgo	.85	Taos	.84
Lea	.87	Torrance	.84
Lincoln	.84	Union	.87
Luna	.85	Valencia	.84
McKinley	.84		

NEW YORK

All counties	$0.98

NORTH CAROLINA

All counties	$0.98

North Dakota

County	Rate per bushel	County	Rate per bushel
Adams	$0.77	McLean	$0.79
Barnes	.85	Mercer	.78
Benson	.81	Morton	.79
Billings	.76	Mountrail	.77
Bottineau	.78	Nelson	.83
Bowman	.76	Oliver	.79
Burke	.77	Pembina	.82
Burleigh	.82	Pierce	.80
Cass	.86	Ramsey	.82
Cavalier	.81	Ransom	.85
Dickey	.84	Renville	.77
Divide	.76	Richland	.87
Dunn	.76	Rolette	.80
Eddy	.82	Sargent	.86
Emmons	.80	Sheridan	.81
Foster	.83	Sioux	.78
Golden Valley	.73	Slope	.77
Grand Forks	.85	Stark	.77
Grant	.77	Steele	.85
Griggs	.84	Stutsman	.84
Hettinger	.77	Towner	.81
Kidder	.82	Traill	.85
La Moure	.83	Walsh	.83
Logan	.82	Ward	.78
McHenry	.80	Wells	.82
McIntosh	.81	Williams	.76
McKenzie	.74		

Ohio

Adams	$0.88	Licking	$0.90
Allen	.89	Logan	.88
Ashland	.90	Lorain	.90
Ashtabula	.92	Lucas	.89
Athens	.89	Madison	.88
Auglaize	.89	Mahoning	.92
Belmont	.90	Marion	.89
Brown	.88	Medina	.90
Butler	.88	Meigs	.88
Carroll	.90	Mercer	.89
Champaign	.88	Miami	.89
Clark	.88	Monroe	.90
Clermont	.88	Montgomery	.88
Clinton	.88	Morgan	.90
Columbiana	.91	Morrow	.89
Coshocton	.90	Muskingum	.90
Crawford	.89	Noble	.90
Cuyahoga	.90	Ottawa	.89
Darke	.91	Paulding	.89
Defiance	.89	Perry	.89
Delaware	.89	Pickaway	.89
Erie	.89	Pike	.88
Fairfield	.89	Portage	.90
Fayette	.88	Preble	.88
Franklin	.89	Putnam	.89
Fulton	.89	Richland	.90
Gallia	.88	Ross	.89
Geauga	.92	Sandusky	.89
Greene	.88	Scioto	.88
Guernsey	.90	Seneca	.89
Hamilton	.88	Shelby	.89
Hancock	.89	Stark	.90
Hardin	.89	Summit	.90
Harrison	.90	Trumbull	.92
Henry	.89	Tuscarawas	.90
Highland	.88	Union	.89
Hocking	.89	Van Wert	.89
Holmes	.90	Vinton	.89
Huron	.90	Warren	.88
Jackson	.88	Washington	.90
Jefferson	.91	Wayne	.90
Knox	.90	Williams	.89
Lake	.91	Wood	.89
Lawrence	.88	Wyandot	.89

Oklahoma

Adair	$0.88	Cleveland	$0.89
Alfalfa	.88	Coal	.89
Atoka	.89	Comanche	.89
Beaver	.88	Cotton	.89
Beckham	.89	Craig	.91
Blaine	.89	Creek	.89
Bryan	.88	Custer	.88
Caddo	.89	Delaware	.91
Canadian	.89	Dewey	.88
Carter	.89	Ellis	.88
Cherokee	.89	Garfield	.89
Choctaw	.85	Garvin	.89
Cimarron	.88	Grady	.89

Oklahoma—Continued

County	Rate per bushel	County	Rate per bushel
Grant	$0.87	Nowata	$0.91
Greer	.89	Okfuskee	.89
Harmon	.89	Oklahoma	.89
Harper	.87	Okmulgee	.89
Haskell	.85	Osage	.89
Hughes	.89	Ottawa	.91
Jackson	.89	Pawnee	.89
Jefferson	.89	Payne	.89
Johnston	.89	Pittsburg	.89
Kay	.88	Pontotoc	.89
Kingfisher	.89	Pottawatomie	.89
Kiowa	.89	Pushmataha	.85
Latimer	.85	Rogers Mills	.86
Le Flore	.85	Rogers	.90
Lincoln	.89	Seminole	.89
Logan	.89	Sequoyah	.87
Love	.90	Stephens	.89
McClain	.89	Texas	.88
McCurtain	.85	Tillman	.89
McIntosh	.89	Tulsa	.90
Major	.88	Wagoner	.89
Marshall	.89	Washington	.91
Mayes	.90	Washita	.89
Murray	.89	Woods	.87
Muskogee	.89	Woodward	.88
Noble	.88		

Oregon

Baker	$0.94	Lake	$0.96
Benton	1.01	Lane	.97
Clackamas	1.02	Lincoln	.92
Clatsop	.97	Linn	1.00
Columbia	.99	Malheur	.90
Coos	.88	Marion	1.03
Crook	1.00	Morrow	1.00
Curry	.90	Multnomah	1.03
Deschutes	1.00	Polk	1.02
Douglas	.91	Sherman	1.03
Gilliam	1.01	Tillamook	1.04
Grant	1.00	Umatilla	1.00
Harney	.87	Union	.95
Hood River	1.04	Wallowa	.93
Jackson	.91	Wasco	1.04
Jefferson	1.02	Washington	1.04
Josephine	.91	Wheeler	1.00
Klamath	.97	Yamhill	1.03

Pennsylvania

All counties $0.98

Rhode Island

All counties $0.98

South Carolina

All counties $0.98

South Dakota

Aurora	$0.88	Hand	$0.89
Beadle	.90	Hanson	.89
Bennett	.82	Harding	.81
Bon Homme	.89	Hughes	.88
Brookings	.91	Hutchinson	.88
Brown	.89	Hyde	.89
Brule	.88	Jackson	.85
Buffalo	.89	Jerauld	.89
Butte	.80	Jones	.87
Campbell	.81	Kingsbury	.90
Charles Mix	.87	Lake	.89
Clark	.91	Lawrence	.80
Clay	.90	Lincoln	.89
Codington	.91	Lyman	.88
Corson	.80	McCook	.89
Custer	.80	McPherson	.86
Davison	.89	Marshall	.86
Day	.91	Meade	.81
Deuel	.91	Mellette	.86
Dewey	.83	Miner	.90
Douglas	.87	Minnehaha	.89
Edmunds	.89	Moody	.92
Fall River	.78	Pennington	.83
Faulk	.90	Perkins	.77
Grant	.92	Potter	.89
Gregory	.88	Roberts	.90
Haakon	.85	Sanborn	.89
Hamlin	.91	Shannon	.81

South Dakota—Continued

County	Rate per bushel	County	Rate per bushel
Spink	$0.91	Union	$0.90
Stanley	.88	Walworth	.87
Sully	.89	Washabaugh	.85
Todd	.86	Yankton	.88
Tripp	.87	Zieback	.82
Turner	.88		

Tennessee

Shelby	$0.97	All other counties	$0.95

Texas

Anderson	$1.01	Goliad	$1.03
Archer	.90	Gonzales	1.03
Armstrong	.89	Gray	.89
Atascosa	.98	Grayson	.93
Austin	1.06	Gregg	.97
Bailey	.89	Grimes	1.04
Bandera	.97	Guadalupe	1.00
Baylor	.89	Hale	.89
Bee	1.00	Hall	.89
Bell	1.00	Hamilton	.96
Bexar	1.00	Hansford	.88
Blanco	1.00	Hardeman	.89
Borden	.89	Hardin	1.03
Bosque	.98	Harris	1.06
Bowie	.93	Harrison	.96
Brazoria	1.06	Hartley	.88
Brazos	1.04	Haskell	.89
Brewster	.80	Hays	1.01
Briscoe	.89	Hemphill	.88
Brown	.94	Henderson	.99
Burleseon	1.03	Hidalgo	.93
Burnet	.98	Hill	.99
Callahan	.92	Hockley	.89
Cameron	.92	Hood	.95
Camp	.95	Hopkins	.93
Carson	.89	Houston	1.03
Cass	.94	Howard	.89
Castro	.89	Hudspeth	.80
Chambers	1.03	Hunt	.94
Cherokee	1.01	Hutchinson	.88
Childress	.89	Irion	.84
Clay	.92	Jack	.93
Cochran	.89	Jackson	1.03
Coke	.89	Jasper	1.03
Coleman	.93	Jeff Davis	.80
Collin	.95	Jefferson	1.04
Collingsworth	.89	Jim Wells	.98
Comal	1.00	Johnson	.97
Comanche	.94	Jones	.90
Concho	.94	Karnes	1.00
Cooke	.93	Kaufman	.96
Coryell	.99	Kendall	.96
Cottle	.89	Kenedy	.95
Crane	.85	Kent	.89
Crockett	.83	Kerr	.95
Crosby	.89	Kimble	.94
Culberson	.80	King	.89
Dallam	.88	Kinney	.93
Dallas	.97	Knox	.89
Dawson	.89	Lamar	.93
Deaf Smith	.89	Lamb	.89
Delta	.93	Lampasas	.98
Denton	.94	Leon	1.02
De Witt	1.02	Liberty	1.06
Dickens	.89	Limestone	1.01
Donley	.89	Lipscomb	.88
Eastland	.93	Live Oak	.99
Ector	.88	Llano	.98
Edwards	.89	Loving	.81
Ellis	.97	Lubbock	.89
El Paso	.79	Lynn	.89
Erath	.94	McCulloch	.94
Falls	1.01	McLennan	1.00
Fannin	.93	Madison	1.04
Fayette	1.03	Marion	.95
Fisher	.89	Martin	.89
Floyd	.89	Mason	.94
Foard	.89	Maverick	.92
Fort Bend	1.06	Medina	.97
Franklin	.95	Menard	.94
Freestone	1.01	Midland	.88
Gaines	.89	Milam	1.02
Garza	.89	Mills	.97
Gillespie	.95	Mitchell	.89
		Montague	.92

TEXAS—Continued

County	Rate per bushel	County	Rate per bushel
Montgomery	$1.06	Somervell	$0.95
Moore	.88	Starr	.92
Morris	.95	Stephens	.93
Motley	.89	Sterling	.86
Nacogdoches	1.00	Stonewall	.89
Navarro	.99	Sutton	.83
Newton	1.03	Swisher	.89
Nolan	.89	Tarrant	.97
Ochiltree	.88	Taylor	.90
Oldham	.89	Terrell	.84
Orange	1.03	Terry	.89
Palo Pinto	.93	Throckmorton	.91
Panola	.99	Titus	.95
Parker	.96	Tom Green	.89
Parmer	.89	Travis	1.01
Pecos	.81	Trinity	1.04
Polk	1.04	Tyler	1.03
Potter	.89	Upshur	.97
Presidio	.79	Upton	.81
Rains	.97	Uvalde	.95
Randall	.89	Val Verde	.90
Reagan	.83	Van Zandt	.97
Red River	.92	Victoria	1.03
Reeves	.81	Walker	1.05
Roberts	.88	Waller	1.06
Robertson	1.02	Ward	.84
Rockwall	.94	Washington	1.04
Runnels	.92	Wharton	1.05
Rusk	.98	Wheeler	.89
Sabine	1.00	Wichita	.90
San Augustine	1.00	Wilbarger	.89
San Jacinto	1.05	Willacy	.93
San Saba	.94	Williamson	1.01
Schleicher	.84	Wilson	.99
Scurry	.89	Winkler	.87
Shackelford	.92	Wise	.95
Shelby	1.00	Wood	.96
Sherman	.88	Yoakum	.89
Smith	.99	Young	.93

UTAH

Beaver	$0.88	Piute	$0.88
Box Elder	.93	Rich	.93
Cache	.93	Salt Lake	.93
Carbon	.88	San Juan	.88
Daggett	.88	Sanpete	.88
Davis	.93	Sevier	.88
Duchesne	.88	Summit	.88
Emery	.88	Tooele	.93
Garfield	.88	Uintah	.88
Grand	.88	Utah	.88
Iron	.88	Wasatch	.88
Juab	.88	Washington	.88
Kane	.88	Wayne	.88
Millard	.88	Weber	.93
Morgan	.93		

VERMONT

All counties	$0.98

VIRGINIA

All counties	$0.98

WASHINGTON

Adams	$0.98	Lewis	$0.97
Asotin	.94	Lincoln	.97
Benton	1.01	Mason	.96
Chelan	.99	Okanogan	.97
Clallam	.90	Pacific	.96
Clark	1.03	Pend Oreille	.88
Columbia	.98	Pierce	1.01
Cowlitz	1.00	San Juan	.98
Douglas	.98	Skagit	.98
Ferry	.93	Skamania	1.03
Franklin	.99	Snohomish	1.00
Garfield	.97	Spokane	.95
Grant	.98	Stevens	.91
Grays Harbor	.96	Thurston	.98
Island	1.00	Wahkiakum	1.00
Jefferson	.91	Walla Walla	1.00
King	1.02	Whatcom	.98
Kitsap	.95	Whitman	.95
Kittitas	1.03	Yakima	1.02
Klickitat	1.03		

WEST VIRGINIA

County	Rate per bushel
All counties	$0.95

WISCONSIN

Adams	$0.89	Marathon	$0.88
Ashland	.91	Marinette	.87
Barron	.92	Marquette	.90
Bayfield	.91	Menominee	.89
Brown	.90	Milwaukee	.97
Buffalo	.92	Monroe	.89
Burnett	.94	Oconto	.88
Calumet	.91	Oneida	.86
Chippewa	.91	Outagamie	.90
Clark	.89	Ozaukee	.93
Columbia	.91	Pepin	.93
Crawford	.89	Pierce	.94
Dane	.92	Polk	.94
Dodge	.92	Portage	.89
Door	.85	Price	.89
Douglas	.96	Racine	.97
Dunn	.93	Richland	.90
Eau Claire	.92	Rock	.93
Florence	.86	Rusk	.91
Fond du Lac	.92	St. Croix	.94
Forest	.86	Sauk	.90
Grant	.89	Sawyer	.92
Green	.92	Shawano	.89
Green Lake	.91	Sheboygan	.92
Iowa	.90	Taylor	.89
Iron	.90	Trempealeau	.90
Jackson	.90	Vernon	.88
Jefferson	.93	Vilas	.84
Juneau	.90	Walworth	.95
Kenosha	.99	Washburn	.94
Kewaunee	.87	Washington	.93
La Crosse	.89	Waukesha	.93
Lafayette	.90	Waupaca	.90
Langlade	.87	Waushara	.90
Lincoln	.86	Winnebago	.91
Manitowoc	.91	Wood	.89

WYOMING

Albany	$0.86	Natrona	$0.88
Big Horn	.86	Niobrara	.81
Campbell	.73	Park	.86
Carbon	.88	Platte	.83
Converse	.79	Sheridan	.71
Crook	.74	Sublette	.88
Fremont	.88	Sweetwater	.88
Goshen	.83	Teton	.88
Hot Springs	.88	Uinta	.88
Johnson	.74	Washakie	.86
Laramie	.84	Weston	.80
Lincoln	.88		

(c) *Discounts.* The basic support rate shall be adjusted as applicable by discounts as follows:

Reason	Discount (cents per bushel)
Class—Mixed Barley	2
Grade:	
No. 3	3
No. 4	6
No. 5	15
Total damage (percent):	
10.1–11	1
11.1–12	2
12.1–13	3
13.1–14	4
14.115	5
15.1–16	6
16.1–17	7
17.1–18	8
18.1–19	9
19.1 and above	10
Garlicky	10
Weed Control Law (where required by § 1421.74)	10

Other factors: Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of the barley, such as (but not limited to) thin barley, moisture, foreign material, test weight, heat damage, musty, sour, smutty, stained, weevily, ergoty, and bleached. Such discounts will be established not later than the time delivery of barley to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at ASCS county offices approximately one month prior to the loan maturity date.

NOTE: Discounts are cumulative except only one grade discount shall be applied. The discounts for total damage in excess of 10 percent are in addition to the discount of 15 cents for barley grading No. 5. For the purpose of applying discounts, factors which cause barley of the subclass Malting Barley or Blue Malting Barley to have a lower numerical grade than if the barley were graded under a different subclass shall be disregarded.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on June 7, 1968.

E. A. JAENKE,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 68-6983; Filed, June 12, 1968; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 264—EMPLOYEE RESPONSIBILITIES AND CONDUCT

1. Effective immediately, Part 264 is revised to read as follows:

Sec.

AUTHORITY: The provisions of Part 264 are issued under E.O. 11222 of May 8, 1965, 30 F.R. 6469, 3 CFR, 1964–1965 Comp., p. 306; 5 CFR 735.104.

§ 264.735–1 Purpose.

The maintenance of unusually high standards of honesty, integrity, impartiality, and conduct by employees and special employees of the Board is essential to assure the proper performance of Board business and the maintenance of confidence by citizens in their Government. The avoidance of misconduct and conflicts of interest on the part of employees and special employees of the Board through use of informed judgment is indispensable to the maintenance of these standards. To accord with these

concepts, this part prescribes standards of conduct and responsibilities, and governs statements reporting employment and financial interests of the Board's employees and special employees of the Board.

§ 264.735–2 Definitions.

For the purposes of this part, including all forms promulgated for use herewith, unless the context requires otherwise:

(a) "Board" means Board of Governors of the Federal Reserve System.

(b) "Employee" means an officer or employee of the Board but does not include a special employee.

(c) "Special Government employee" (herein referred to as special employee) means an officer or employee of the Board who is retained, designated, appointed, or employed to perform, with or without compensation, for not to exceed 130 days during any period of 365 consecutive days, temporary duties either on a full-time or intermittent basis.

(d) "Conflict or apparent conflict of interest" means a conflict or the appearance of a conflict between the interests of an employee or special employee and the performance of his services for the Board.

§ 264.735–3 Effective date, distribution, and counseling.

(a) This part and any amendment thereto shall be effective upon publication in the FEDERAL REGISTER.

(b) The Division of Personnel Administration shall distribute a comprehensive summary of this part to every employee and every special employee within 90 days after the effective date, and to each new employee and special employee at the time of entrance on duty, and distribute to every employee and every special employee each calendar year thereafter a reminder of the basic provisions of this part. A copy of this part shall be made available, upon request, to every employee and special employee by the Division of Personnel Administration, or by the Counselor or any Deputy Counselor.

(c) A Counselor and Deputy Counselors, appointed by the Board, shall be available for counseling and guidance respecting statutes and regulations affecting employee responsibility and conduct, including interpretations of the provisions of this part, and each employee and special employee shall be notified of this service by the Division of Personnel Administration at the time he receives a comprehensive summary of this part.

§ 264.735–4 Financial statements.

(a) Each employee required to do so by § 264.735–8(a) shall complete and file Form FR 264.A in accordance with § 264.735–8. Each special employee shall complete and file Form FR 264.B in accordance with § 264.735–8.

(b) All Forms FR 264.A and FR 264.B shall be received and reviewed by the Director of the Division of Personnel Administration or his designated representative to determine whether there are any conflicts or apparent conflicts of interest or other violations of this part, law, or other regulations. The Director shall be responsible for maintaining all completed forms in confidence pursuant to paragraph (c) of this section and shall not allow access to, or allow information to be disclosed from, a form—except to carry out the purpose of this part. Information obtained from other sources shall be treated as if it was contained in the forms.

(c) All reports, forms, papers, and the information contained therein, filed pursuant to this section shall be confidential, except as the Board or the Civil Service Commission may determine for good cause shown.

§ 264.735–5 Disciplinary or remedial action.

In addition to any action that may be taken, or penalty imposed, for violations of this part, as prescribed by law:

(a) When conflicts or apparent conflicts of interest or other violations or apparent violations of this part cannot be resolved or explained to the satisfaction of the Director of Personnel Administration, he shall report the matter to the Board through the Counselor.

(b) The employee or special employee concerned shall be given an opportunity to explain such conflicts or apparent conflicts of interest before and after the matter is reported to the Board.

(c) The Board, after consideration of the matter, and after an opportunity for the employee or special employee concerned to appear, shall decide what steps are to be taken to remedy the situation. Among other steps, the Board may:

(1) Attempt to remove any conflict of interest by requiring a change in duties, disqualification for a particular assignment, or divestment of the conflicting interest by the employee or special employee;

(2) Take other corrective action; or

(3) Where corrective actions are inadequate, impose disciplinary action. Remedial action, whether disciplinary or otherwise, shall be effected in accordance with any applicable laws, Executive orders, and regulations.

§ 264.735–6 Ethical and other conduct and responsibilities of employees.

(a) An employee shall avoid any action, whether or not specifically prohibited by this § 264.735–6, which might result in, or create the appearance of:

(1) Using public office for private gain;

(2) Giving preferential treatment to any person;

(3) Impeding Board efficiency or economy;

(4) Losing complete independence or impartiality;

(5) Making a Board decision outside official channels; or

(6) Affecting adversely the confidence of the public in the integrity of the Board and the Government.

(b) *Gifts, entertainment, favors, and loans.* (1) Except as provided in subparagraph (2) of this paragraph, an employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from a person who:

(i) Has or is seeking to obtain contractual or other business or financial relations with the Board;

(ii) Conducts operations or activities that are regulated by the Board; or

(iii) Has interests that may be substantially affected by the performance or nonperformance of his official duty.

(2) Subparagraph (1) of this paragraph shall not apply to the following activities that are necessary to, or compatible with the duties and responsibilities of, the Board and its employees:

(i) The acceptance of loans from, or other financial relations with, banks or other financial institutions, in the ordinary course of business of the bank or other financial institution and the employee, governed by terms no more favorable than would be available in like circumstances to persons who are not employees of the Board, except as provided by law or regulation;

(ii) Obvious family or personal relationships (such as those between the parents, children, or spouse of the employee and the employee) when the circumstances make it clear that it is those relationships rather than the business of the persons concerned that are the motivating factors;

(iii) The acceptance of food, refreshments, or accompanying entertainment in the ordinary course of a luncheon or dinner meeting or other function or inspection tour where an employee is properly in attendance;

(iv) The acceptance of lodging on unusual occasions if an employee is properly in attendance and the circumstances thereof are reported to the Board, or if covered by paragraph (c)(4) of this section; or

(v) The acceptance of unsolicited advertising or promotional materials, such as pens, pencils, note pads, calendars, and other items of nominal intrinsic value.

(3) An employee shall not solicit contributions from another employee for a gift to an employee in a superior official position. An employee in a superior official position shall not accept a gift presented as a contribution from employees receiving less salary than himself. An employee shall not make a donation as a gift to an employee in a superior official position. However, this subparagraph does not prohibit a voluntary gift of nominal value or donation in a nominal amount made on a special occasion such as marriage, illness, or retirement.

(4) An employee shall not accept a gift, present, decoration, or other thing from a foreign government unless authorized by Congress as provided by the Constitution and other law.

(5) Neither this paragraph (b) nor paragraph (c) of this section precludes an employee from receipt of bona fide reimbursement, unless prohibited by law, for actual expenses for travel and such other subsistence as is compatible with this part for which no Government payment or reimbursement is made. However, an employee may not be reimbursed, and payment may not be made on his behalf, for excessive personal living expenses or other personal benefits.

(c) *Outside employment and other activity.* (1) An employee shall not engage in outside employment or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of his Board employment. Incompatible activities include but are not limited to:

(i) Acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value, in circumstances in which acceptance may result in, or create the appearance of, (*a*) conflicts of interest or (*b*) the use of nonpublic information gained through, or incidental to, his Board duties, except as provided in this part;

(ii) Outside employment which tends to impair his mental or physical capacity to perform his Board duties and responsibilities in an acceptable manner; or

(iii) Outside business and teaching employment not approved by the Board and reported on Form FR 725.

(2) An employee shall not receive any salary or anything of monetary value from a private source as compensation for his services to the Board.

(3) Employees are encouraged to engage in teaching, lecturing, speaking, and writing relating to the Board's functions and responsibilities that is not prohibited by law, Executive Order 11222 or this part. However, an employee shall not, either for or without compensation, engage in such activities including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Civil Service Commission or Board of Examiners for the Foreign Service, that are dependent on information obtained as a result of his Board employment, except when that information has been made available to the general public or will be made available on request, or when the Board gives written authorization for the use of nonpublic information on the basis that the use is in the public interest. In any case, before any employee engages in such activities, he shall consult his Division Head for the appropriate procedure to obtain official approval.

(4) This paragraph (c) does not preclude an employee from:

(i) Participation in the activities of national or State political parties not prohibited by law; or

(ii) Participation in the affairs of, or acceptance of an award for a meritorious public contribution or achievement given by, a charitable, religious, professional, social, fraternal, nonprofit educational, and recreational, public service, or civic organization.

(d) *Financial interest.* (1) An employee shall not:

(i) Have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his duties and responsibilities with the Board;

(ii) Engage in, directly or indirectly, a financial transaction as a result of, or primarily relying on, information obtained through his employment with the Board;

(iii) Engage in speculative dealings (as distinguished from investments), whether on a margin or a cash basis, and whether in securities, commodities, real estate, exchange, or otherwise. Frequency of trading, the use of credit, and particularly transactions to take advantage of short-term price fluctuations, would be significant indications that dealings were speculative; or

(iv) Purchase equity securities of a bank, an affiliate thereof, or a Government security dealer; and an employee holding or acquiring such securities shall dispose of them as promptly as is practicable without causing undue hardship unless, after full disclosure in writing, the Board approves continued holding of such securities.

(2) This section does not preclude an employee from having a financial interest or engaging in financial transactions to the same extent as a private citizen not employed by the Board so long as it is not prohibited by law, Executive Order 11222, applicable regulation, or this part, including indebtedness to banks or other financial institutions on the same terms and conditions available to the employee if he were not an employee of the Board.

(e) *Use of Board property.* An employee shall not directly or indirectly use, or allow the use of, Board property of any kind, including property leased to the Board, for other than officially approved activities; an employee has a positive duty to protect and conserve Board property, including equipment, supplies, and other property entrusted or issued to him.

(f) *Misuse of information.* For the purpose of furthering a private interest, an employee shall not, except as provided in paragraph (c)(3) of this section, directly or indirectly use, or allow the use of, official information obtained through or in connection with his Board employment which has not been made available to the general public.

(g) *Disclosure of unpublished information.* An employee of the Board shall not disclose to any person any unpublished information of the Board obtained in the course of his work except as authorized by the Board's Rules Regarding Information, Submittals, and Requests (§ 261.2 of this chapter).

(h) *Indebtedness.* An employee shall pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State, or local taxes. For the purpose of this section, a "just financial obligation" means one acknowledged by the employee or reduced to judgment by a court, and "in a proper and timely manner" means in a manner which the Board determines does not, under the circumstances, reflect adversely on the Board as his employer. In the event of dispute between an employee and an alleged creditor, this section does not require the Board to determine the validity or amount of the disputed debt.

(i) *Gambling, betting, and lotteries.* An employee shall not participate, while on Board-owned or leased property or while on duty for the Board, in any gambling activity including the operating of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket.

(j) *General conduct prejudicial to the Government.* An employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government or the Board.

(k) *Miscellaneous statutory provisions.* Each employee shall acquaint himself with each statute that relates to his ethical and other conduct while an employee of the Board. In particular, the following statutes shall be noted:

(1) House Concurrent Resolution 175, 85th Congress, 2d Session, 72 Stat. B12, the "Code of Ethics for Government Service".

(2) Chapter 11 of Title 18, United States Code, relating to bribery, graft, and conflicts of interest. (In particular, 18 U.S.C. 212 and 213, prohibiting the offer to a bank examiner, or the acceptance by a bank examiner, of a gratuity or a loan from certain banks; $5,000 fine and/or 1 year in prison.)

(3) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913) ($500 fine and/or 1 year in prison and removal from employment).

(4) The prohibitions against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918) ($1,000 fine and/or 1 year and 1 day in prison).

(5) The prohibition against the employment of a member of a Communist organization (50 U.S.C. 784).

(6) The prohibition against (i) the disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783) ($10,000 fine and/or 10 years in prison); and (ii) the disclosure of confidential information (18 U.S.C. 1905) ($1,000 fine and/or 1 year in prison, and removal from employment).

(7) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 7352) (ineligibility for employment in the competitive service).

(8) The prohibition against the misuse of a Government vehicle (31 U.S.C. 638a(c)) (suspension from duty or removal from employment).

(9) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719) ($300 fine).

(10) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917) ($1,000 fine and/or 1 year in prison).

(11) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001) ($10,000 fine and/or 5 years in prison).

(12) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071) ($2,000 fine and/or 3 years in prison).

(13) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508) ($5,000 fine and/or 10 years in prison).

(14) The prohibitions against (i) embezzlement of Government money or

property (18 U.S.C. 641; (ii) failing to account for public money (18 U.S.C. 643); and (iii) embezzelment of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654) (fines from $1,000 to $10,000 and/or 1 to 10 years in prison).

(15) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285) ($5,000 fine and/or 5 years in prison).

(16) The prohibition against proscribed political activities—the Hatch Act (5 U.S.C. 7321–7327) (possible removal from employment) and 18 U.S.C. 602, 603, 607, and 608 (fines of $5,000 and/or 5 years in prison).

(17) The prohibition against disclosure of certain information by a bank examiner (18 U.S.C. 1906) ($5,000 fine and/or 1 year in prison).

(18) The prohibition against an employee acting as the agent of a foreign principal registered under the foreign Agents Registration Act (18 U.S.C. 219) ($10,000 fine and/or 2 years in prison).

§ 264.735–7 Ethical and other conduct and responsibilities of special employees.

(a) *Use of Board employment.* A special employee shall not use his Board employment for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for himself or another person, particularly one with whom he has family, business, or financial ties.

(b) *Use of inside information.* A special employee shall not use inside information obtained as a result of his Board employment for private gain for himself or another person either by direct action on his part or by counsel, recommendation, or suggestion to another person, particularly one with whom he has family, business, or financial ties. For the purpose of this paragraph, "inside information" means information obtained under Board authority which has not become part of the body of public information. However, a special employee may teach, lecture, or write in a manner not inconsistent with the appropriate provisions of § 264.735–6(c) in regard to employees.

(c) *Coercion.* A special employee shall not use his Board employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or another person, particularly one with whom he has family, business, or financial ties.

(d) *Gifts, entertainment, and favors.* (1) Except as provided in subparagraph (2) of this paragraph, a special emloyee, while so employed or in connection with his employment, shall not receive or solicit from a person having business with the Board anything of value as a gift, gratuity, loan, entertainment, or favor for himself or another person particularly one with whom he has family, business, or financial ties.

(2) Subparagraph (1) of this paragraph shall not apply to the activities referred to in § 264.735–6(b)(2) which are necessary to, and compatible with the duties and responsibilities of, the Board and its special employees.

(e) *Miscellaneous statutory provisions.* Each special employee shall acquaint himself with each statute that relates to his ethical and other conduct while a special employee. In particular, the statutes listed in § 264.735–6(k) shall be noted.

(f) *Other provisions applicable to special employees.* Paragraphs (e), (g), (h), and (j) of § 264.735–6 shall be applicable to special employees.

§ 264.735–8 Statements of employment and financial interests.

(a) *Employees required to submit statements.* Except as provided in paragraph (b) of this section, statements of employment and financial interests on Form FR 264.A shall be filed by each employee at GS–13 and above, or equivalent who is a Head, Associate Head, or Assistant Head of a Division or an Office of the Board (regardless of his specific title), and Adviser, or Assistant to the Board, the Board's Legislative Counsel, and the Chief Federal Reserve Examiner.

(b) *Employees not required to submit statements.* Neither Form FR 264.A nor Form FR 264.B is required by this section from a member of the Board of Governors. Board members are subject to separate reporting requirements under section 401 of Executive Order 11222.

(c) *Time and place for submission of employees' statements.* An employee required to submit a Form FR 264.A under this part shall submit that form to the Director of the Division of Personnel Administration or his designated representative not later than:

(1) Ninety days after the effective date of this part if employed on or before the effective date; or

(2) Thirty days after his entrance on duty. However, this subparagraph does not require a submission earlier than 90 days after the effective date of this part.

(d) *Supplementary statements.* Changes in, or additions to, the information contained in an employee's Form FR 264.A shall be reported in a supplementary statement as of June 30. If no changes or additions occur, a negative report is required. Notwithstanding the filing of an annual report required by this section, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a violation of the conflict-of-interest provisions of 18 U.S.C. 203 or § 264.735–6. Supplementary reports shall be filed on Form FR 264.A, indicating the year for which the report is filed in Part I of the Form.

(e) *Interests of employees' relatives.* The interest of a spouse, minor child, or other member of an employee's immediate household is considered to be an interest of the employee. For the purpose of this section, "member of an employee's immediate household" means those blood relations who are residents of the employee's household.

(f) *Information not known by employees.* If any information required to be included on a statement of employment and financial interests or supplementary statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that person to submit information in his behalf.

(g) *Information prohibited.* This section does not require an employee to submit a statement of employment and financial interests or supplementary statement of any information relating to the employee's connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or similar organization not conducted as a business enterprise. For the purpose of this paragraph, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Board are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests.

(h) *Effect of employees' statements on other requirements.* The statements of employment and financial interests and supplementary statements required of employees are in addition to, and not in substitution for, or in derogation of, any similar requirement imposed by law, order, or regulation. The submission of a statement or supplementary statement by an employee does not permit him or any other person to participate in a matter in which his or the other person's participation is prohibited by law, order, or regulation.

(i) *Employee's complaint on filing requirement.* An employee may complain through the Board's grievance procedure that his position has been improperly included in this part as one requiring the submission of a Form FR 264.A.

(j) *Specific provisions of Board regulations for special employees.* (1) Except as provided in subparagraph (2) of this paragraph, each special employee shall submit on Form FR 264.B a statement of employment and financial interests which reports:

(i) All other employment; and

(ii) The financial interests of the special employee which the Board determines are relevant in the light of the duties he is to perform.

(2) The Board may waive the requirement in subparagraph (1) of this paragraph for the submission of a statement of employment and financial interests in the case of a special employee who is not a consultant or an expert when the Board finds that the duties of the position held by that special employee are of a nature and at such a level of responsibility that the submission of the statement by the incumbent is not necessary to protect the integrity of the Board and the Government. For the purpose of this paragraph, "consultant" and "expert" have the meanings given those terms by Chapter 304 of the Federal Personnel Manual, but do not include a physician, dentist, or allied medical specialist whose services

are procured to provide care and service to patients.

(3) The statement of employment and financial interests required to be submitted under this paragraph shall be submitted in accordance with the provisions of paragraphs (c) and (d) of this § 264.735–8 (however, supplemental information shall be filed on Form FR 264.B). The provisions of paragraphs (e), (f), (g), and (h) of this § 264.735–8 shall apply to statements of employment and financial interests of special employees where appropriate.

2a. This part is revised pursuant to and in accordance with sections 201 through 209 of Title 18 of the United States Code, Executive Order 11222 of May 8, 1965 (30 F.R. 6469, 3 CFR, 1964–65 Comp., p. 306), and Title 5, Chapter I, Part 735 of the Code of Federal Regulations. The amendments reflected in the revision were approved by the Civil Service Commission on May 31, 1968, and are effective upon publication in the FEDERAL REGISTER.

b. The provisions of section 553 of Title 5, United States Code, relating to notice and public participation and to deferred effective dates, were not followed in connection with this revision, because the rules contained therein reflect agency procedure and practice and accordingly do not constitute substantive rules subject to the requirements of such section.

Dated at Washington, D.C., this fifth day of June 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68–6935; Filed, June 12, 1968; 8:45 a.m.]

Chapter VI—Farm Credit Administration

SUBCHAPTER A—ADMINISTRATIVE PROVISIONS

PART 605—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Teaching, Writing, and Lecturing

Part 605 of Chapter VI of Subchapter A of the Code of Federal Regulations is amended by revising § 605.735–307–50 (31 F.R. 16231) to read as follows:

§ 605.735–307–50 Teaching, writing, and lecturing.

(a) No officer or employee of the Farm Credit Administration shall receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance the subject matter of which is devoted substantially to the responsibilities, programs or operations of the Farm Credit Administration or any corporation under its supervision, or draws substantially upon official data or ideas which have not become part of the body of public information.

(b) No officer or employee of the Farm Credit Administration shall, either for or without compensation, engage in teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Civil Service Commission or Board of Examiners for the Foreign Service that depends on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when the Governor gives written authorization for use of nonpublic information on the basis that the use is in the public interest.

(Sec. 17, 39 Stat. 375, as amended, sec. 2, 42 Stat. 1459, sec. 6, 47 Stat. 14, as amended; 12 U.S.C. 665, 831, 1101; E.O. 11222 of May 8, 1965; 30 F.R. 6469, 3 CFR, 65 Supp.; 5 CFR 735.104)

This amendment was approved by the Civil Service Commission on May 21, 1968, and is effective upon publication in the FEDERAL REGISTER.

R. B. TOOTELL,
Governor,
Farm Credit Administration.

[F.R. Doc. 68–6963; Filed, June 12, 1968; 8:48 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter X—Office of Foreign Direct Investments, Department of Commerce

PART 1000—FOREIGN DIRECT INVESTMENT REGULATIONS

Miscellaneous Amendments

On April 30, 1968, and May 22, 1968, notices of proposed rule making were published in the FEDERAL REGISTER (33 F.R. 6541–6545 and 33 F.R. 7577–7580, respectively) regarding certain amendments to the following subparts of the Foreign Direct Investment Regulations (the "regulations") (15 CFR Part 1000): Subpart B—Prohibitions (§ 1000.201 et seq.), Subpart C—General Definitions (§ 1000.301 et seq.) and Subpart E—Authorizations or Exemptions (§ 1000.501 et seq.). The notice published on May 22, 1968 also related to the addition to the regulations of a new Subpart K—Direct Investment in Canada (§ 1101 et seq.).

Certain other amendments to the regulations contained herein (consisting of revisions to §§ 1000.314, 1000.315, 1000.316, 1000.317, and 1000.318) were not published in proposed form since they do not involve any material substantive changes in those sections.

After consideration of all such relevant matter as was presented by interested persons with respect to the aforementioned amendments published in proposed form, such amendments, with certain modifications, and the revisions to §§ 1000.314 through 1000.318 noted above, are hereby adopted as follows, effective as of the effective date of the regulations:

I. Subpart B of the regulations is hereby amended by revising §§ 1000.201 and 1000.203 and by revoking § 1000.202, as follows:

§ 1000.201 Prohibited direct investment in affiliated foreign nationals.

(a) Except as provided in §§ 1000.503 and 1000.504, and as otherwise permitted by the Secretary of Commerce (hereinafter referred to as the Secretary) by means of rulings, instructions, authorizations, waivers, exemptions or otherwise, all of the following are prohibited during any year (as defined in § 1000.321) commencing with the effective date:

(1) Positive direct investment (as defined in § 1000.306(a)) by a direct investor in affiliated foreign nationals of such direct investor in Schedule A or B countries;

(2) A positive net transfer of capital (as defined in § 1000.313(c)) by a direct investor to affiliated foreign nationals of such direct investor in Schedule C countries; and

(3) Reinvestment by a direct investor of any portion of its share in the total earnings of incorporated affiliated foreign nationals of such direct investor in Schedule C countries (calculated in accordance with § 1000.306).

(b)(1) All transactions prohibited by section 1 of Executive Order 11387 which are not prohibited by this part are hereby authorized.

(2) To the extent delineated from time to time by the Board of Governors of the Federal Reserve System nothing in this part shall apply to any bank or other financial institution certified by the Board as being subject to the Federal Reserve Foreign Credit Restraint Program, or to any program instituted by the Board under section 2 of Executive Order 11387.

(c) Nothing contained in this part shall be construed to limit the right of a person within the United States to make a bona fide transfer of capital or earnings in the ordinary course of business to a foreign national in respect of an interest in such person held by such foreign national.

(d) In addition to all other powers reserved to the Secretary in this part, the Secretary may, in his discretion, as to any direct investor, amend or revoke the authorizations set forth in §§ 1000.503 and 1000.504 by reducing the amount of positive direct investment, positive net transfers of capital and reinvestment of earnings authorized in any Scheduled Area during a year, by limiting the application of such authorizations and exemptions and of § 1000.201 from "during any year" to periods shorter than a year, and by otherwise imposing such conditions as the Secretary shall deem appropriate to carry out the purposes of this part. In exercising his discretion with respect to any direct investor, the Secretary may consider, among other factors, the following:

(1) Whether the positive direct investment, positive net transfers of capital or reinvestment of earnings by such direct investor in any Scheduled Area during any calendar quarter is, or may reasonably be estimated to be, materially in excess of 25 percent of the amount thereof generally authorized to such direct investor during the calendar year;

(2) Whether the transactions resulting in such excess during such quarter are in accordance with customary business practices of the direct investor; or

(3) Whether the direct investor has complied with the provisions of Subpart F of this part.

§ 1000.202 [Revoked]

Section 1000.202 *Repatriation of direct investment earnings* is revoked.

§ 1000.203 Liquid foreign balances.

(a) For purposes of this section:

(1) The term "foreign balances" means money on deposit in a foreign bank (as defined in § 1000.317), including certificates of deposit and fixed interest deposits of such a bank, negotiable instruments, nonnegotiable instruments acquired after June 30, 1968 and commercial paper of an unaffiliated foreign national (other than negotiable instruments, nonnegotiable instruments or commercial paper arising from the export by the direct investor of goods or services from the United States to foreign nationals) and securities issued or guaranteed by a foreign country.

(2) The term "liquid foreign balances" means foreign balances (as defined in subparagraph (1) of this paragraph) other than (i) those negotiable instrument, nonnegotiable instruments, commercial paper and securities which are acquired on or before June 30, 1968 and which are not redeemable at the option of the direct investor and are not transferable and readily marketable; (ii) bank deposits, negotiable instruments, nonnegotiable instruments and commercial paper with a period of more than 1 year remaining to maturity when acquired by the direct investor and which are not redeemable in full at the option of the direct investor within a period of 1 year after such acquisition; (iii) foreign balances which are subject to restrictions of a foreign country on liquidation and transfer; and (iv) foreign balances which have been pledged or hypothecated in connection with borrowings by a direct investor or its affiliated foreign nationals.

(3) The term "direct investment liquid foreign balances" means liquid foreign balances (as defined in subparagraph (2) of this paragraph) which represent the proceeds of long-term borrowings by a direct investor (as defined in § 1000.324) and which are held by the direct investor primarily in anticipation of making transfers of capital to affiliated foreign nationals of the direct investor.

(4) Foreign balances shall be deemed to be held by a direct investor if title to such balances is held (i) by any person (including an affiliated foreign national of the direct investor) principally formed or availed of for the purpose of holding title to such balances; or (ii) by any person (including an affiliated foreign national of the direct investor), if such balances are returnable to the direct investor on its demand without material conditions and if the holding of such balances is unrelated to the business needs of such person.

(5) Negotiable instruments, non-negotiable instruments, commercial paper and securities constituting foreign balances shall be valued at their respective fair market values or, if evidence of fair market value is not readily available, at the cost to the direct investor.

(b) Each direct investor shall maintain books and records which identify separately all proceeds of long-term foreign borrowings which it receives, the amounts thereof held as foreign balances, liquid foreign balances and direct investment foreign balances, the uses to which the remainder of such proceeds have been put, and the income and profits earned by the direct investor from the investment and reinvestment of such proceeds in affiliated foreign nationals.

(c) Except as provided in paragraph (e)(1) of this section and as otherwise provided by the Secretary by means of rulings, instructions, authorizations, waivers, exemptions or otherwise, each direct investor is hereby required, on or before June 30, 1968, to reduce the amount of liquid foreign balances (other than direct investment liquid foreign balances) held by such direct investor to an amount not in excess of the average end-of-month amounts of the same so held by such direct investor (whether or not a direct investor at that time) during 1965 and 1966; and, thereafter, to limit the amount of such balances held by the direct investor at the end of any month to such reduced amount.

(d) (1) Except as provided in subparagraph (2) of this paragraph (d) and in paragraph (e)(2) of this section, and as otherwise permitted by the Secretary by means of rulings, instructions, authorizations, waivers, exemptions or otherwise, each direct investor which holds direct investment liquid foreign balances as of the end of any year commencing with the year 1968 shall be prohibited from making a positive net transfer of capital to any scheduled area during such year pursuant to the authorizations contained in § 1000.503 or § 1000.504.

(2) Any direct investor affected by the provisions of subparagraph (1) of this paragraph during any year may deliver to the Secretary, within 45 days after the end of such year, a certificate executed by the direct investor or a duly authorized representative stating the amount of direct investment liquid foreign balances held by the direct investor as of the end of such year and certifying that the expenditure thereof in making the positive net transfers of capital which were actually made by the direct investor during such year, and the liquidation and return of such direct investment liquid foreign balances to the United States, would have contravened express representations made by the direct investor to, or restrictions imposed on the direct investor by, persons from whom the relevant long-term foreign borrowings were obtained (as conditions to obtaining such borrowings) or would have created a substantial probability of material adverse United States or foreign tax consequences to the direct investor. The certificate shall set forth all facts supporting the certification made therein. The provisions of subparagraph (1) of this paragraph (d) shall not apply to a direct investor with respect to any year for which a certificate has been filed as provided herein.

(3) For purposes of § 1000.313(d)(1), any proceeds of long-term foreign borrowings which, because of the provisions of subparagraph (1) of this paragraph (d), are expended by a direct investor in making transfers of capital to any scheduled area, may, at the option of the direct investor, be reallocated to subsequent transfers of capital made by the direct investor to other scheduled areas, regardless of when such subsequent transfers of capital are made. A direct investor which makes a reallocation under this subparagraph (3) shall be deemed, at the time of such reallocation, to have made a transfer of capital (equal to the amount so reallocated) to the scheduled area in which the proceeds of the long-term foreign borrowings were invested immediately prior to the reallocation.

(e) (1) A direct investor shall not be required to comply with the provisions of paragraph (b)(1) of this section at any time when the total foreign balances of the direct investor do not exceed $25,000.

(2) A direct investor which, as of the end of any year, has total foreign balances not exceeding $25,000, shall not be subject to the provisions of paragraph (d)(1) of this section with respect to such year.

II. Subpart C of the regulations is hereby amended by revising §§ 1000.306, 1000.307, 1000.309, 1000.312 through 1000.318, inclusive, 1000.321 and 1000.322, and by adding new §§ 1000.323 and 1000.324, as follows:

§ 1000.306 Positive and negative direct investment.

(a) Direct investment by a direct investor in all affiliated foreign nationals in any scheduled area during any period means:

(1) The net transfer of capital (as defined in § 1000.313(c)) made during such period by the direct investor to all incorporated and unincorporated affiliated foreign nationals in such scheduled area; and

(2) The direct investor's share in the total reinvested earnings of all incorporated affiliated foreign nationals in such scheduled area during such period (computed in accordance with paragraphs (b) and (c) of this section).

(3) If the sum of subparagraphs (1) and (2) of this paragraph is in excess of zero, the direct investment during such period shall be positive direct investment; if a negative amount, it shall be negative direct investment.

(b) A direct investor's share in the total reinvested earnings of all incorporated affiliated foreign nationals in any scheduled area during any period means the direct investor's share in the total earnings or losses during such period of such incorporated affiliated foreign nationals (computed in accordance with paragraph (c) of this section) less an

amount (which may be positive or negative) obtained by subtracting (1) the sum of (i) the direct investor's share of all dividends paid during such year to such affiliated foreign nationals by incorporated affiliated foreign nationals of the direct investor in other scheduled areas and (ii) the direct investor's share of all earnings remitted during such year to such affiliated foreign nationals by unincorporated affiliated foreign nationals of the direct investor in other scheduled areas from (2) the sum of (x) all dividends paid during such year by such affiliated foreign nationals to the direct investor and (y) the direct investor's share of all dividends paid during such year by such affiliated foreign nationals to affiliated foreign nationals of the direct investor in other scheduled areas: *Provided*, That, in calculating a direct investor's share in the total reinvested earnings of incorporated affiliated foreign nationals for any year (including the years 1964, 1965, and 1966), a direct investor may elect, in such manner as the Secretary may determine, to treat dividends paid within 60 days after the end of the year as having been paid during such year.

(c) Computations of earnings or losses of affiliated foreign nationals under this section or any other provision of this part shall (except as otherwise provided herein) be made in accordance with accounting principles generally accepted in the United States and consistently applied; to the extent such principles are reflected in reports to stockholders, the computation shall follow the principles used in preparing such reports. The earnings or loss of each incorporated affiliated foreign national in that scheduled area area shall be added to the earnings or loss of every other incorporated affiliated foreign national in that scheduled area in order to determine the total earnings or losses of such affiliated foreign nationals as a group. In computing such total earnings and losses, there shall be excluded all dividends paid during such year to such affiliated foreign nationals by incorporated foreign nationals of the direct investor in the same or other scheduled areas and all earnings of unincorporated affiliated foreign nationals of the direct investor in other scheduled areas. Earnings and losses shall be computed without regard to U.S. taxes and foreign withholding taxes on the payment of dividends. Earnings shall not be reduced by application or provision by the direct investor of reserves for devaluation or impairment of investment. Notwithstanding the foregoing, the Secretary shall have the right, generally or specifically, in his discretion to disapprove any such accounting principles determined by him to be inconsistent with the purposes of this part and to prescribe such principles as he may deem appropriate to carry out the purposes of this part.

(d) For purposes of this part:

(1) Earnings of an unincorporated affiliated foreign national during any period shall be deemed to have been remitted to the extent that such earnings exceed the net increase in the net assets of the unincorporated affiliated foreign national during the period.

(2) The term "dividends" means cash dividends, whether paid out of current or accumulated earnings (other than liquidating dividends). The amount of a dividend paid shall be calculated before deducting foreign withholding taxes. A dividend shall be deemed to have been paid to a direct investor or an affiliated foreign national, as the case may be, when entered on the books of account of the recipient as actually having been paid in cash or as being subject to payment upon demand, whichever first occurs.

§ 1000.307 Person.

(a) The term "person" means an individual, partnership, association, trust, estate, corporation, or other organization (including, for purposes of Subpart I of this part, an affiliated or associated group).

(b) For purposes of § 1000.322(a), the term "organization" includes two or more persons who:

(1) Under all the facts and circumstances of the particular case are acting in concert in acquiring or owning an interest in a foreign national; or

(2) Are members of the same family owning or acquiring an interest in a foreign national; the term "family" means an individual and his spouse, the parents, grandparents, sisters, brothers, children, grandchildren, aunts, uncles, nephews, nieces of either, and the spouses of any of the foregoing.

(c) See Subpart I of this part for special rules with respect to the treatment of affiliated or associated groups within the United States and the members thereof and of persons indirectly owning or acquiring interests in a foreign national.

§ 1000.309 Property, property interest.

The terms "property" and "property interest" include any property, real, personal, or mixed, tangible or intangible (including the value of services performed), or interest or interests therein, present, future or contingent.

§ 1000.312 Transfers of capital.

(a) *Transfers of capital by direct investor.* Except as otherwise provided in paragraph (c) of this section, a transfer of capital by a direct investor to an affiliated foreign national means any transfer of funds or other property by or on behalf or for the benefit of a direct investor directly or indirectly to or on behalf or for the benefit of an affiliated foreign national (including a transfer described in § 1000.505); and any transaction or occurrence as a result of or in connection with which the direct investor directly or indirectly acquires or increases a debt or equity interest in the affiliated foreign national or the affiliated foreign national directly or indirectly disposes of or reduces a debt or equity interest in the direct investor held by the affiliated foreign national. Such transfers of capital shall include, but not by way of limitation:

(1) The acquisition by the direct investor of an equity interest in or debt obligation of an affiliated foreign national (including the acquisition of an equity interest in or a debt obligation of a foreign national as a result of which the foreign national becomes an affiliated foreign national of the direct investor).

(2) A contribution by the direct investor to the capital of the affiliated foreign national.

(3) The complete or partial satisfaction by the direct investor of a debt obligation of the direct investor held by the affiliated foreign national.

(4) The reduction of an equity interest in the direct investor held by the affiliated foreign national (as the result of a redemption of stock, liquidating dividend, or like transaction).

(5) A transfer by the affiliated foreign national of an equity interest in or debt obligation of the direct investor held by the affiliated foreign national.

(6) The complete or partial satisfaction by the direct investor of a debt obligation of an affiliated foreign national, whether or not such debt obligation was guaranteed or assumed by the direct investor.

(7) The complete or partial satisfaction by a direct investor of (i) a long-term foreign borrowing made by the direct investor before or after the effective date of the regulations to the extent the proceeds of the borrowing were expended in making transfers of capital on or after January 1, 1965, or (ii) a borrowing (other than a long-term foreign borrowing) made by the direct investor from a foreign national (other than an affiliated foreign national) before the effective date to the extent the proceeds of the borrowing were expended in making transfers of capital during 1967. A transfer of capital resulting from the repayment of a borrowing by a direct investor shall be deemed to have been made to the scheduled area in which the proceeds of the borrowing are invested by the direct investor at the time of such repayment, or, if the proceeds are then invested in two or more scheduled areas, the transfer shall be allocated among such scheduled areas in the same proportions as the proceeds are so invested. If any allocation made by a direct investor hereunder is determined by the Secretary to be inconsistent with the purposes of this part, the Secretary shall have the right, in his discretion, to make an allocation consistent with the purposes of this part.

(8) A lease of property by a direct investor to an affiliated foreign national, if the property has a remaining useful life when leased of a year or more and is not required or expected to be returned to the direct investor in less than one year.

(b) *Transfers of capital by affiliated foreign nationals.* Except as otherwise provided in paragraph (c) of this section, a transfer of capital by an affiliated foreign national to a direct investor in such affiliated foreign national means any of the following transactions or occurrences as a result of or in connection

with which the affiliated foreign national directly or indirectly acquires or increases a debt or equity interest in the direct investor or the direct investor directly or indirectly disposes of or reduces a debt or equity interest in the affiliated foreign national held by the direct investor:

(1) The acquisition by an affiliated foreign national of an equity interest in or debt obligation of the direct investor.

(2) A contribution by an affiliated foreign national to the capital of the direct investor.

(3) The complete or partial satisfaction by an affiliated foreign national of a debt obligation of the affiliated foreign national held by the direct investor.

(4) The reduction of an equity interest in an affiliated foreign national held by the direct investor (as the result of a redemption of stock, liquidating dividend, or like transaction):

(5) A transfer by the direct investor of an equity interest in or debt obligation of an affiliated foreign national held by the direct investor.

(6) The complete or partial satisfaction by an affiliated foreign national of a debt obligation of the direct investor, whether or not such debt obligation was guaranteed or assumed by the affiliated foreign national.

(c) *Transactions not involving transfer of capital.* Notwithstanding the provisions of paragraphs (a) and (b) of this section, the following shall not be deemed transfers of capital:

(1) An acquisition by a direct investor described in paragraph (a)(1) of this section if the acquisition is from a person within the United States acting for its own account and such person is, at the time of the acquisition, a direct investor in the affiliated foreign national: *Provided,* That, if the person from whom the acquisition is made ceases, as a result of the acquisition, to be a direct investor in the affiliated foreign national (i) the net transfer of capital made by such person to the affiliated foreign national during the year the acquisition is made shall be deemed to have been made by the direct investor making the acquisition and (ii) the direct investment made by such person in the affiliated foreign national during the years 1964, 1965, and 1966 shall be deemed to have been made by the direct investor making the acquisition: *And provided further,* That, if the person from whom the acquisition is made does not cease to be a direct investor in the affiliated foreign national, only that portion of such net transfer of capital and such direct investment reasonably allocable to the interest acquired shall be deemed to have been made by the direct investor making the acquisition.

(2) A transfer described in paragraph (a)(5) of this section unless (i) the transferee is the direct investor or (ii) the transferor or transferee is a majority owned affiliate of the direct investor as described in § 1000.505(a).

(3) An acquisition by an affiliated foreign national described in paragraph (b)(1) of this section unless the acquisition is from the direct investor.

(4) A transfer described in paragraph (b)(5) of this section unless the transfer is made (i) to a foreign national or (ii) to a bank or other financial institution certified as subject to the Federal Reserve Board Foreign Credit Restraint Program and the transfer is charged against the ceiling of such bank or institution under such Program: *Provided,* That, if the transfer is of a debt obligation and does not constitute a transfer of capital because of the preceding sentence, the repayment by the affiliated foreign national of such debt obligation to a person within the United States shall be deemed a transfer of capital by the affiliated foreign national.

(5) An increase in an equity interest in a corporation resulting from the reinvestment of earnings of such corporation.

(6) An increase or decrease in the value of assets resulting from a reappraisal of such assets.

(7) The making of a guarantee, or the hypothecation, pledge or mortgage of property, as security for payment or performance by another person of an obligation of such person.

(8) The payment by the primary obligor of interest currently due, fees or commissions in connection with borrowings or extensions of credit (including prepayments of interest if such prepayments are made in the course of customary lending practices or commercial transactions).

(9) The payment by the lessee under a lease of real or personal property of rental currently due (including prepayments of rental if such prepayments are customarily made by lessees under leases of the type involved).

(10) The payment by the licensee under a license agreement of royalties currently due (including prepayment of royalties if such prepayments are customarily made by licensees under agreements of the type involved).

(11) A transfer of patents, copyrights, trademarks, trade names, trade secrets, technology, proprietary processes, proprietary information or similar intangibles or any rights or interests therein or applications or contracts relating thereto (each of the foregoing being hereinafter referred to as an intangible), regardless of the form of the transfer or the consideration exchanged therefor: *Provided,* That the foregoing shall not apply to the transfer of an intangible by a direct investor to an affiliated foreign national on or after the effective date if (i) the direct investor had a previously established practice with respect to the exploitation of intangibles of the type so transferred and the transfer represents a substantial departure from such previously established practice and (ii) the intangible transferred was, prior to the transfer, a substantial source of royalty or other like income to the direct investor: *And provided, further,* That, if the transfer of an intangible to an affiliated foreign national does not constitute a transfer of capital under this subparagraph, no deduction for amortization or any like charge with respect to the intangible transferred shall be made against earnings in calculating the earnings of the transferee affiliated foreign national.

(d) The term "debt obligation" or "debt interest" means any item of indebtedness or liability, regardless of the maturity thereof (excluding capital, surplus, and contingency reserves) which would, in accordance with accounting principles generally accepted in the United States, be included in determining total liabilities as of the date on which the existence of a debt obligation or debt interest is to be determined: *Provided,* That a debt obligation or debt interest shall not include the liability of an affiliated foreign national to a direct investor arising out of the declaration of a dividend until such dividend becomes payable on demand.

§ 1000.313 Net transfer of capital.

(a) A net transfer of capital (which may be a positive or negative amount) by a direct investor to all incorporated affiliated foreign nationals in any scheduled area during any period means (1) the aggregate of all transfers of capital made during such period by the direct investor to such affiliated foreign nationals, less (2) the aggregate of all transfers of capital made during such period by such affiliated foreign nationals to the direct investor.

(b) A net transfer of capital (which may be a positive or negative amount) by a direct investor to all unincorporated affiliated foreign nationals in any scheduled area during any period means the direct investor's share of the aggregate net increase or net decrease, during such period, in the aggregate net assets of such affiliated foreign nationals (whether such net increase or decrease results from any transfer of capital (as defined in § 1000.312), earnings, or losses of any combination thereof). In calculating the net assets of all unincorporated affiliated foreign nationals in any scheduled area, there shall be excluded (1) all equity interests in and debt obligations of such unincorporated affiliated foreign nationals held by the direct investor or affiliated foreign nationals of the direct investor in other scheduled areas and (2) all assets of such unincorporated affiliated foreign nationals consisting of equity interests in or debt obligations of the direct investor or affiliated foreign nationals of the direct investor in other scheduled areas.

(c) A net transfer of capital (which may be a positive or negative amount) by a direct investor to all incorporated and unincorporated affiliated foreign nationals in any scheduled area during any period means (1) the net transfer of capital by the direct investor to all incorporated affiliated nationals in such scheduled area during such period, and (2) the net transfer of capital by the direct investor to all unincorporated affiliated foreign nationals in such scheduled area during such period. If the sum of subparagraphs (1) and (2) of this paragraph is in excess of zero, the net transfer of capital during such period shall be deemed a positive net transfer of capital; if a negative amount, it shall be deemed a negative net transfer of capital.

(d) In calculating the amount of a net transfer of capital made by a direct investor to all incorporated and unincorporated affiliated foreign nationals in any scheduled area during any period (including the years 1965 and 1966) pursuant to paragraph (c) of this section:

(1) There shall be deducted an amount equal to that portion of the proceeds of long-term foreign borrowings by the direct investor as is or was expended during such period making transfers of capital to affiliated foreign nationals (including for this purpose a borrowing made after the date of a transfer of capital but allocated to such transfer by the direct investor, provided the borrowing was made during the same year); and

(2) There shall be included all transfers of funds or other property as a result of which the direct investor became a direct investor in any affiliated foreign national and all transfers of funds or other property to or on behalf of or for the benefit of such affiliated foreign national made by or on behalf of or for the benefit of such direct investor within 12 months (whether or not during the period for which the calculation is being made) prior to the date of the transfer by which it became a direct investor in such affiliated foreign national, to the same extent as if the direct investor had been a direct investor in such affiliated foreign national during such 12-month period.

§ 1000.314 Authorization and exemption.

The terms "authorization" and "exemption" mean an authorization or exemption which is set forth in this part or which is issued pursuant to this part.

§ 1000.315 General authorization and exemption.

The terms "general authorization" and "general exemption" mean an authorization or exemption which is set forth in this part or which is issued pursuant to this part and published in the FEDERAL REGISTER.

§ 1000.316 Specific authorization and exemption.

The terms "specific authorization" and "specific exemption" mean an authorization or exemption which is issued pursuant to this part but which is neither set forth in this part nor published in the FEDERAL REGISTER.

§ 1000.317 Domestic bank; foreign bank.

(a) The term "domestic bank" includes any branch or office within the United States of any of the following: (1) A bank or trust company organized under the banking laws of the United States; (2) a private bank or banker subject to supervision and examination under the banking laws of the United States; and (3) a foreign bank described in subparagraph (1) of paragraph (b) of this section.

(b) The term "foreign bank" includes any branch or office within a foreign country of any of the following: (1) A bank, trust company, private bank or merchant bank organized under the laws of a foreign country; and (2) a domestic bank described in subparagraphs (1) or (2) of paragraph (a) of this section.

§ 1000.318 United States.

(a) The term "United States" includes the States, the District of Columbia, the Commonwealth of Puerto Rico, the Panama Canal Zone, the Virgin Islands, Guam, Wake Island, American Samoa, and the Trust Territory of the Pacific Islands.

(b) For purposes of this part, a person is organized under the laws of the United States if it is organized under the laws of the United States, any State, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or the Trust Territory of the Pacific Islands.

§ 1000.321 Year; period.

(a) The term "year" shall mean a calendar year except with respect to a person who has applied for and received the permission provided in paragraph (b) of this section. With respect to such person, the term "year" shall mean such person's fiscal year. The term "period" shall mean any period of time (including a year) on the basis of which compliance with the provisions of this part is or may be measured, or for which reports must be filed pursuant to Subpart F of this part.

(b) A direct investor which customarily maintains its books of account on the basis of a fiscal year other than a calendar year may apply to the Secretary for permission to have its compliance with the provisions of this part measured on the basis of its fiscal year. The Secretary may, in his discretion, grant the application upon a showing of good cause therefor, including a showing that, notwithstanding the granting of such application, the direct investor will substantially comply with the provisions of this part on a calendar year basis. The Secretary may make the grant of the application subject to any terms and conditions that he deems necessary.

§ 1000.322 Person within the United States.

(a) The term "person within the United States" means:

(1) An individual who is a resident of the United States;

(2) An individual, wherever residing, who is a citizen of the United States and the center of whose economic interests is located within the United States; and

(3) A person (other than an individual) organized under the laws of the United States, including an organization described in § 1000.307(b) to the extent the persons making up such organization are themselves persons within the United States.

(b) Notwithstanding the foregoing, the Secretary retains full power to determine that any person (or the operations of any person) is a person within the United States.

§ 1000.323 International finance subsidiary.

(a) The term "international finance subsidiary" of a direct investor means a corporation organized under the laws of the United States, all the stock of which (disregarding directors' qualifying shares) is owned directly or indirectly by the direct investor, and the principal business of which is to borrow funds from foreign nationals other than affiliated foreign nationals and to invest such funds in debt or equity security of affiliated foreign nationals.

(b) For purposes of this part, a direct investor and all of its international finance subsidiaries shall be considered a single person.

§ 1000.324 Long-term foreign borrowing.

(a) "Long-term foreign borrowing" means a borrowing by a direct investor from any foreign national (other than an affiliated foreign national) with an original maturity of at least 12 months from the original date of the borrowing (without regard to provisions for acceleration upon default or provisions contained in convertible debt instruments which permit conversion within 12 months from the original date of the borrowing) including, but not by way of limitation, an extension of credit by any such foreign national to the direct investor in connection with the purchase of property (including securities) by the direct investor from such foreign national. For purposes of this paragraph (a) a borrowing shall be deemed to have an original maturity of at least 12 months if (in the case of borrowings made prior to the effective date) the borrowing was (or is) not in fact repaid within 12 months from the original date of borrowing or (in the case of borrowing made after the effective date) there exist provisions for renewal, extension or continuance of the borrowing for a total term of at least 12 months and the direct investor reasonably expects that the borrowing will not in fact be repaid in less than 12 months from its original date.

(b) (i) The refinancing in whole or in part of a long-term foreign borrowing (by virtue of the renewal, extension, or continuance thereof or a subsequent long-term foreign borrowing from the same or another lender) shall not, to that extent, be deemed a repayment of the borrowing or the making of a new borrowing.

(2) The delivery of equity securities of a direct investor to holders of debt instruments issued by the direct investor in connection with a long-term foreign borrowing, pursuant to the exercise of conversion or similar rights, shall be deemed a repayment of the borrowing to the extent of the principal amount of indebtedness surrendered by such holders in exchange for such equity securities.

(c) "Proceeds of a long-term foreign borrowing" means (1) the gross amount or value (before deducting any discounts, commissions or fees) of funds or other property received by the direct investor from the first purchaser or holder in exchange for the debt obligation issued or created in connection with the borrowing plus (2) all amounts (other than amounts representing income or profits earned from investments or reinvestments of such proceeds) received by the

direct investor upon the repayment or other liquidation of equity interests in or debt obligations of affiliated foreign nationals which were acquired with such proceeds (whether received directly from such affiliated foreign nationals or from other foreign nationals to which such equity interests or debt obligations are sold): *Provided,* That the receipt of such amounts by the direct investor shall not be deemed a transfer of capital to the direct investor by affiliated foreign nationals of the direct investor under § 1000.312(b).

(d) In calculating the amount of proceeds of a long-term foreign borrowing which are available to a direct investor to be expended in making transfers of capital to affiliated foreign nationals at any time, there shall be deducted (1) the principal amount of the borrowing theretofore repaid by the direct investor and (2) the amount of such proceeds of the borrowing theretofore expended by the direct investor in making transfers of capital to affiliated foreign nationals.

III. Subpart E of the regulations is hereby amended by revising §§ 1000.503 through 1000.505, inclusive, as follows:

§ 1000.503 Positive direct investment not exceeding $100,000.

(a) Positive direct investment by a direct investor during any year is authorized in each scheduled area: *Provided,* That, positive direct investment in any one scheduled area shall not exceed $100,000; *And provided further,* That the positive direct investments made by the direct investor in each scheduled area, when added together, shall not exceed $100,000.

(b) If the incorporated affiliated foreign nationals of a direct investor in Scheduled Area C have negative reinvested earnings during any year (calculated as provided in § 1000.306), or if a direct investor makes a negative net transfer of capital during any year to affiliated foreign nationals in Scheduled Area C (as defined in § 1000.313(c)), such negative reinvested earnings or negative net transfer of capital shall, for purposes of this section, be disregarded in computing the amount of positive direct investment made by the direct investor in Scheduled Area C during the year involved.

(c) If positive direct investment by a direct investor during any year in any scheduled area exceeds $100,000, or if the positive direct investments made by the direct investor in each scheduled area during such year, when added together, exceed $100,000, no positive direct investment made by the direct investor during such year in any scheduled area shall be authorized by this section.

§ 1000.504 Authorized positive direct investment in scheduled areas.

(a) (1) Positive direct investment by a direct investor during any year in affiliated foreign nationals in Schedule A countries is authorized in an aggregate amount not exceeding the sum of (i) 110 percent of the average of direct investment by the direct investor in all affiliated foreign nationals in Schedule A countries during the years 1965 and 1966 and (ii) commencing with 1969, such additional amount as may have been carried forward from the immediately preceding year pursuant to the provisions of paragraph (b)(1) of this section.

(2) Positive direct investment by a direct investor during any year in affiliated foreign nationals in Schedule B countries is authorized in an aggregate amount not exceeding the sum of (i) 65 percent of the average of direct investment by the direct investor in all affiliated foreign nationals in Schedule B countries during the years 1965 and 1966 and (ii) commencing with 1969, such additional amount as may have been carried forward from the immediately preceding year pursuant to the provisions of paragraph (b)(2)(ii) of this section.

(3) Reinvestment by a direct investor of its share in the total earnings of incorporated affiliated foreign nationals in Schedule C countries (calculated as provided in § 1000.306) is authorized in an aggregate amount not exceeding the sum of (i) that portion of the direct investor's share in the total earnings of all such incorporated affiliated foreign nationals during such year as does not exceed the lesser of (*a*) or (*b*) of this subparagraph and (ii) commencing with 1969, such additional amounts as may have been carried forward from the immediately preceding year pursuant to the provisions of paragraph (c)(1)(iii) and (c)(3) of this section:

(*a*) An amount not exceeding 35 percent of the average of direct investment by the direct investor in all affiliated foreign nationals in Schedule C countries during the years 1965 and 1966; or

(*b*) An amount computed by multiplying the portion of the direct investor's share in the total earnings of all such incorporated affiliated foreign nationals during such year by a fraction, the numerator of which is the portion of the direct investor's share in the total earnings of incorporated affiliated foreign nationals in Schedule C countries which was reinvested during the years 1964, 1965, and 1966 and the denominator of which is the direct investor's share in the total earnings during such years of such affiliated foreign nationals.

(A direct investor will not be authorized to reinvest any portion of its share of earnings under subdivision (i) of this subparagraph if the average of direct investment by the direct investor in all affiliated foreign nationals in Schedule C countries during the years 1965 and 1966 was zero or a negative amount, or if the average of the direct investor's share in the reinvested earnings of incorporated affiliated foreign nationals of the direct investor in Schedule C countries during the years 1964, 1965, and 1966 was zero or a negative amount).

(b) (1) If, during any year commencing with the year 1968, the amount of positive direct investment authorized to be made by a direct investor in affiliated foreign nationals in Schedule A countries under paragraph (a)(1) of this section exceeds the amount of direct investment (whether positive or negative) made by the direct investor during such year in such affiliated foreign nationals, or if no positive direct investment is so authorized during such year in affiliated foreign nationals in Schedule A countries but direct investment by the direct investor during such year in such affiliated foreign nationals is negative, the direct investor is authorized to make additional positive direct investment, during the immediately following year, in affiliated foreign nationals in Schedule A countries up to the amount of such excess or such negative direct investment, as the case may be.

(2) If, during any year commencing with the year 1968, the amount of positive direct investment authorized to be made by a direct investor in affiliated foreign nationals in Schedule B countries under paragraph (a)(2) of this section exceeds the amount of direct investment (whether positive or negative) made by the direct investor during such year in such affiliated foreign nationals, or if no positive direct investment is so authorized during such year in affiliated foreign nationals in Schedule B countries but direct investment by the direct investor during such year in such affiliated foreign nationals is negative, the direct investor is authorized (i) to make additional positive direct investment in affiliated foreign nationals in Schedule A countries, during the current year, up to the amount of such excess or such negative direct investment, as the case may be (hereinafter referred to in this subparagraph as the "additional authorized amount") or (ii) to make additional positive direct investment in affiliated foreign nationals in Schedule B countries, during the immediately following year, up to the additional authorized amount: *Provided,* That the aggregate of such additional positive direct investment in Schedule A countries and Schedule B countries shall not exceed the additional authorized amount.

(c) (1) If, during any year commencing with the year 1968, the total of the dividends paid to a direct investor by incorporated affiliated foreign nationals of the direct investor in Schedule C countries, plus the direct investor's share of all dividends paid by such incorporated affiliated foreign nationals in Schedule C countries to affiliated foreign nationals of the direct investor in other Scheduled Areas, exceeds the amount of dividends required to be paid by such incorporated affiliated foreign nationals during such year by virtue of the provisions of § 1000.201 (a)(3) and paragraph (a)(3) of this section, the direct investor is authorized (i) to make additional positive direct investment in affiliated foreign nationals in Schedule A or Schedule B countries during the current year up to the amount of such excess dividends paid, (ii) to make positive net transfers of capital to affiliated foreign nationals in Schedule C countries during the current year up to the amount of such excess dividends paid

and (iii) to reinvest additional earnings of incorporated affiliated foreign nationals in Schedule C countries during the immediately following year up to the amount of such excess dividends paid: *Provided,* That the aggregate of such additional positive direct investment, positive net transfers of capital and reinvested earnings shall not exceed the amount of such excess dividends paid.

(2) If, during any year commencing with the year 1968, a direct investor makes a negative net transfer of capital to affiliated foreign nationals in Schedule C countries, the direct investor is authorized (i) to make additional positive direct investment in affiliated foreign nationals in Schedule A or Schedule B countries during the current year and succeeding years up to the amount of such negative net transfer of capital or (ii) to make positive net transfers of capital to affiliated foreign nationals in Schedule C countries during succeeding years up to the amount of such negative net transfer of capital: *Provided,* That the aggregate of such additional positive direct investment in Schedule A or Schedule B countries and such positive net transfers of capital to Schedule C countries shall not exceed the amount of such negative net transfer of capital.

(3) If, during any year commencing with the year 1968, the incorporated affiliated foreign nationals of a direct investor in Schedule C countries have total losses (calculated as provided in § 1000.306), the direct investor is authorized to reinvest additional earnings of incorporated affiliated foreign nationals in Schedule C countries, during the immediately following year, up to the amount of the direct investor's share of such losses, or the amount by which the reinvested earnings authorized to the direct investor under paragraph (a)(3) of this section exceeds such share, whichever is greater.

§ 1000.505 Transfers between affiliated foreign nationals.

(a) For purposes of this part, the full amount or value of funds or other property transferred by an affiliated foreign national of a direct investor in any scheduled area to another affiliated foreign national of such direct investor in a different scheduled area shall be treated as if transferred by the transferor affiliated foreign national to the direct investor and then by the direct investor to the transferee affiliated foreign national if, as to either the transferor or transferee affiliated foreign national, the direct investor owns or acquires (1) securities possessing in excess of 50 percent of the aggregate voting power (including subsidiaries, sub-subsidiaries, and all subsidiaries of lower tiers if the subsidiary in each case is connected to its parent by ownership by the parent of securities of the subsidiary possessing in excess of 50 percent of the aggregate voting power); or (2) the right or power to receive, control, or otherwise enjoy more than 50 percent of the earnings, receipts, or income on profits; or (3) the right or power to receive, control or otherwise direct the disposition of more than 50 percent of the assets upon the liquidation, termination, or winding up thereof. Any reference in this part to a transfer of capital by a direct investor shall, unless otherwise specifically provided, include a transfer of capital under this paragraph (a).

(b) Notwithstanding anything to the contrary contained in paragraph (a) of this section, the extension of a trade credit by one affiliated foreign national of a direct investor to another affiliated foreign national of such direct investor in the ordinary course of business pursuant to arm's-length terms shall not be deemed a transfer of capital by the direct investor to the affiliated foreign national receiving the credit nor a transfer of capital by the affiliated foreign national extending the credit to the direct investor if the obligation is in fact paid within 12 months after extension of the credit, in which event payment of the obligation shall not be deemed a transfer of capital by the direct investor to the affiliated foreign national receiving payment nor a transfer of capital by the affiliated foreign national making payment to the direct investor.

IV. A new Subpart K is added, as follows:

Subpart K—Direct Investment in Canada

Sec.
1000.1101 Definitions.
1000.1102 Authorized positive direct investment in Canada.
1000.1103 Net transfers of capital to Schedule B countries.
1000.1104 Reinvested earnings—Schedule B countries.
1000.1105 Foreign balances.
1000.1106 Long-term foreign borrowing.
1000.1107 Canadian program.

AUTHORITY: The provisions of this Subpart K issued under sec. 5 of the Act of Oct. 6, 1917, 40 Stat. 415, as amended, 12 U.S.C. 95a; E.O. 11387, Jan. 1, 1968, 33 F.R. 47.

Subpart K—Direct Investment in Canada

§ 1000.1101 Definitions.

(a) The term "Canadian affiliate" of a direct investor means an affiliated foreign national of the direct investor in Canada.

(b) The term "Non-Canadian Scheduled B affiliate" of a direct investor means an affiliated foreign national of the direct investor in a Schedule B country other than Canada.

(c) The term "Canadian bank" includes any branch or office within Canada of any of the following: Any bank or trust company organized under the banking laws of Canada or any province thereof, or any private bank or banker subject to supervision and examination under the banking laws of Canada or any province thereof.

(d) The term "Canadian person" means an individual who is a resident of Canada, a Canadian bank, and a Corporation or other entity (other than a bank) organized under the laws of Canada or any political subdivision thereof.

§ 1000.1102 Authorized positive direct investment in Canada.

Positive direct investment by a direct investor during any year in Canadian affiliates of the direct investor is authorized, without limitation as to amount.

§ 1000.1103 Net transfers of capital to Schedule B countries.

(a) For purposes of determining the net transfer of capital by a direct investor to all incorporated affiliated foreign nationals of the direct investor in Schedule B countries during any period (including the years 1965 and 1966) under § 1000.313(a), there shall be included only (1) the aggregate of all transfers of capital made during such period by the direct investor to incorporated Non-Canadian Schedule B affiliates of the direct investor less (2) the aggregate of all transfers of capital made during such period by such incorporated Non-Canadian Schedule B affiliates to the direct investor.

(b) For purposes of determining the net transfer of capital by a direct investor to all unincorporated affiliated foreign nationals of the direct investor in Schedule B countries during any period (including the years 1965 and 1966) under § 1000.313(b), there shall be included only the direct investor's share of the aggregate net assets of unincorporated Non-Canadian Schedule B affiliates of the direct investor.

(c) Transfers of funds or other property between Canadian affiliates of a direct investor and Non-Canadian Schedule B affiliates of the direct investor shall be subject to the provisions of § 1000.505 to the same extent as if such affiliates were in different scheduled areas, except that the exemption provided by paragraph (b) of § 1000.505 shall be inapplicable to such transfers.

(d) Nothing contained in this subpart shall affect the applicability of § 1000.505 to transfers of funds or other property between Canadian affiliates of a direct investor and other affiliated foreign nationals of the direct investor in Schedule A or Schedule C countries, except that the exemption provided by paragraph (b) of § 1000.505 shall be inapplicable to such transfers.

§ 1000.1104 Reinvested earnings—Schedule B countries.

(a) For purposes of determining a direct investor's share in the total reinvested earnings of all incorporated affiliated foreign nationals of the direct investor in Schedule B countries during any period (including the years 1965 and 1966) under § 1000.306(a)(2), there shall be included only the direct investor's share in the total reinvested earnings of all incorporated Non-Canadian Schedule B affiliates of the direct investor during such period.

(b) In determining the direct investor's share in the total reinvested earnings of all incorporated Non-Canadian Schedule B affiliates during any period pursuant to § 1000.306(b), all incorporated and unincorporated Canadian affiliates of the direct investor shall be

deemed to be in a scheduled area other than Schedule B.

§ 1000.1105 Foreign balances.

The term "foreign balances", as used in § 1000.203, shall not include (a) money on deposit in a Canadian bank (including fixed interest deposits of a Canadian bank); (b) negotiable instruments, nonnegotiable instruments or commercial paper of Canadian persons; or (c) securities issued or guaranteed by the Government of Canada or any political subdivision thereof or by any agency or instrumentality of the Government of Canada or any such political subdivision.

§ 1000.1106 Long-term foreign borrowing.

For all purposes of this part, a borrowing by a direct investor from a Canadian person, whether before or after the effective date, shall not be deemed a "long-term foreign borrowing": *Provided*, That, a borrowing involving the public offering, prior to April 1, 1968, of instruments of indebtedness of a direct investor, shall be considered a long-term foreign borrowing in its entirety if less than 25 percent of the aggregate principal amount of such instruments was sold to Canadian persons, or, if 25 percent or more of the aggregate principal amount of such instruments was sold to Canadian persons, the borrowing shall be considered a long-term foreign borrowing to the extent of the aggregate principal amount which the direct investor proves, to the satisfaction of the Secretary, to have been sold to persons other than Canadian persons: *And provided further*, That, a borrowing involving the public offering, on or after April 1, 1968, of instruments of indebtedness of a direct investor, shall be considered a long-term foreign borrowing in its entirety if such instruments are sold through underwriters in accordance with agreements limiting such sales to persons other than Canadian persons (other than sales to underwriters or securities dealers who are Canadian persons but who agree that they are purchasing such instruments as principals for resale to persons who are not Canadian persons and sales to agents or fiduciaries who are Canadian persons but who are acting for the benefit of persons who are not Canadian persons).

§ 1000.1107 Canadian program.

If a program for governing transfers of capital to foreign countries or the nationals thereof by Canadian affiliates and other Canadian business ventures shall hereafter be instituted by the Canadian Government or by any department or agency thereof (which program is consistent with the purposes of the regulations), the regulations will be amended appropriately with respect to transfers of capital to or from Canadian affiliates of a direct investor certified as subject to or participating in such program by the Canadian Government or such department or agency.

V. General Authorization No. 2 (33 F.R. 3578), as amended (33 F.R. 4441), and General Interpretative Rule No. 1 (33 F.R. 4441) are hereby revoked.

VI. Proposed General Interpretative Rule No. 3 (33 F.R. 4442) is hereby withdrawn.

(Sec. 5 of the Act of Oct. 6, 1917, 40 Stat. 415, as amended, 12 U.S.C. 95a; E.O. 11387, Jan. 1, 1968, 33 F.R. 47)

CHARLES E. FIERO,
Director, Office of Foreign Direct Investments.

JUNE 11, 1968.

[F.R. Doc. 68-6985; Filed, June 12, 1968; 8:50 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Investigational-Use Conditions for the Hallucinogenic Drug DOM (STP)

Section 3.47, a statement of policy regarding conditions for investigational use of certain hallucinogenic drugs, is amended as set forth below to include the drug DOM (STP). Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 511(b), 701(a), 52 Stat. 1052, as amended, 1055; 70 Stat. 229; 21 U.S.C. 355, 360a(b), 371(a)) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), § 3.47 is amended by revising the section heading, the introductory text of paragraph (a), and paragraph (b) to read as follows:

§ 3.47 Investigational-use conditions for certain hallucinogenic drugs.

(a) No person may sell, deliver, or otherwise dispose of bufotenine (5-hydroxy-*N*-dimethyltryptamine) and its salts, DET (*N,N*-diethyltryptamine) and its salts, DMT (dimethyltryptamine), DOM (4-methyl-2,5-dimethoxyamphetamine; 4-methyl-2,5-dimethoxy-α-methyl-phenethylamine; and "STP"), ibogaine (7-ethyl-6,6α,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano - 5H-pyrido [1',2':1,2] azepino [4,5-b] indole) and its salts, LSD (LSD-25, *d*-lysergic acid diethylamide), mescaline and its salts, psilocybin (psilocibin), and psilocyn (psilocin):

* * * * *

(b) This statement of policy applies to all shipments, deliveries, or other dispositions of the drugs specified in paragraph (a) of this section after January 31, 1968, except that in the case of DOM (STP) the date is June 15, 1968.

(Secs. 505, 511(b), 701(a), 52 Stat. 1052, as amended, 1055; 70 Stat. 229; 21 U.S.C. 355, 360a(b), 371(a))

Dated: June 5, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-6969; Filed, June 12, 1968; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XVII—Office of Emergency Planning

PART 1710—FEDERAL DISASTER ASSISTANCE

Procurement Procedures

The following amendment is issued in order to clarify the position of the Office of Emergency Planning with regard to State and local government procurement procedures. This does not represent a change of policy. It merely makes explicit that which is implicit in the administration of the Federal disaster assistance program.

Section 1710.11 is amended by adding a new paragraph (d) reading as follows:

§ 1710.11 State action in connection with Federal assistance.

* * * * *

(d) No contract entered into by an applicant for disaster work or services under the Act shall contain a provision which makes the payment for such work contingent upon payment by the Office of Emergency Planning.

(42 U.S.C. 1855d, E.O. 10427, 18 F.R. 407, 3 CFR 1953 Supp., E.O. 10737, 22 F.R. 8799, 3 CFR 1957 Supp.)

Dated: June 7, 1968.

PRICE DANIEL,
Director, Office of Emergency Planning.

[F.R. Doc. 68-6943; Filed, June 12, 1968; 8:46 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Oil Import Administration, Department of the Interior

[Rev. 5, Amdt. 8]

OI REG. 1—OIL IMPORT REGULATIONS

Allocation of Imports—Crude Oil—Low Sulphur Residual Fuel Oil; District V

In the FEDERAL REGISTER for October 5, 1967 (32 F.R. 13856) a new section 11A was added to Oil Import Regulation 1 (Revision 5) to provide for the making of allocations of imports of crude oil for an interim period to encourage the manufacture of low sulphur residual fuel oil to be used as fuel to meet requirements imposed in areas of District V to control air pollution. The purpose of this amendment was to further the control of air pollution, and the amendment became effective immediately upon publication and was for a 15-month period, October 3, 1967, through December 31, 1968. The evaluation of experience to date indicates that the results have been satisfactory and that continuance of the regulation is both desirable and necessary.

Accordingly, section 11A of Oil Import Regulation 1 (Revision 5) (31 F.R. 16785) is amended to read as follows:

Sec. 11A **Allocations of crude oil—District V—based upon production of low sulphur residual fuel oil to be used as fuel in District V.**

(a) This section provides for the making of allocations of imports into District V of crude oil based upon the production of low sulphur residual fuel oil for the period October 3, 1967, through June 30, 1969. To the extent that the provisions of this section are inconsistent with the provisions of other sections of the regulation, the provisions of this section shall be controlling.

(b) In addition to the allocations of crude oil and unfinished oils made under section 11 of the regulation, each eligible applicant with refinery capacity in District V who produces in District V low sulphur residual fuel oil to be used as fuel containing not more than five-tenths of one percent (0.5%) sulphur by weight for delivery under contract to customers required to burn such fuel in order to comply with local government requirements shall receive an allocation of imports of crude oil equal to the amount in barrels of such low sulphur residual fuel oil which he certifies he has so produced and delivered in the period October 3, 1967, through June 30, 1969.

(c) For the purpose of computing import allocations under section 11 of this regulation, crude oil imported pursuant to an allocation under this section 11A or domestic oil received in exchange pursuant to the provisions of section 17 and processed will not qualify as refinery inputs. However, the person receiving the foreign crude oil under an exchange agreement pursuant to section 17 may count such oil as a refinery input.

(d) Allocations of imports of crude oil will be made and licenses will be issued under this section for the period October 3, 1967, through June 30, 1969. An application for an allocation may be filed at any time during the period. To apply for an allocation of imports under this section, an application must be filed with the Administrator in such form as he may prescribe. All licenses issued beginning January 1, 1969 and running through June 30, 1969, will expire September 30, 1969. All licenses issued during that portion of the period from October 3, 1967, through December 31, 1968, will expire March 31, 1969.

(e) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

This Amendment 8 supersedes Amendment 5.

STEWART L. UDALL,
Secretary of the Interior.

JUNE 4, 1968.

[F.R. Doc. 68-6962; Filed, June 12, 1968; 8:48 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 125—MATTER MAILABLE UNDER RULES

Prohibitions on Mailing Pistols, Revolvers, and Other Concealable Firearms; Notice of Temporary Regulations

A review of the regulations of the Post Office Department in the light of recent events has indicated that further definition is necessary in the terms used in its regulations issued to implement section 1715 of Title 18 United States Code which prohibits mailing of pistols, revolvers and other firearms capable of being concealed on the person, except when they are mailed to designated classes of persons. The absence of adequate definitions in the regulations creates a condition of uncertainty in the application of the law.

Since the existing condition requires an immediate remedy, the Postmaster General has determined advance notice and public rule making procedure are impracticable and unnecessary. Therefore, the following temporary regulations are issued to supplement the regulations appearing in § 125.5 of Title 39, Code of Federal Regulations, and these regulations will be effective for 90 days following the date of publication of this document in the FEDERAL REGISTER.

§ 125.5 **Concealable firearms.**

* * * * *

(g) *Antique firearms.* Antique firearms sent as curios or museum pieces may be accepted for mailing without regard to the provisions of paragraphs (a) and (d) of this section and § 125.9. The term "antique firearm" means any firearm manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar early type of ignition system), or replica thereof, whether actually manufactured before or after the year 1898; and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States; and is not readily available in the ordinary channels of commercial trade.

(h) *Nonmailable firearms.* (1) Pistols, revolvers, and other similar firearms capable of being concealed on the person, addressed to persons other than those indicated in paragraph (a) of this section, are nonmailable and shall not be received or carried in the mails.

(2) The term "pistols" or "revolvers" means hand guns styled to be fired by the use of a single hand and to fire or otherwise expel a projectile by the action of an explosion, spring, or other mechanical action, or air or gas pressure with sufficient force to be used as a weapon.

(3) The term "firearm" means a device from which a projectile is fired or otherwise expelled by the action of an explosion, spring, or other mechanical action, or air or gas pressure with sufficient force to be used as a weapon.

(4) The phrase "all other firearms capable of being concealed on the person" includes, but is not limited to, short-barreled shotguns, and short-barreled rifles.

(5) The term "short-barreled shotgun" means a shotgun having one or more barrels less than 18 inches in length and any weapon made from a shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than 26 inches. A short-barreled shotgun of greater dimensions may also be regarded as nonmailable when they have characteristics allowing them to be concealed on the person.

(6) The term "short-barreled rifle" means a rifle having one or more barrels less than 16 inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than 26 inches. A short-barreled rifle of greater dimensions may also be regarded as nonmailable when they have characteristics allowing them to be concealed on the person.

In addition to these temporary regulations, the Postmaster General is today publishing a notice of proposed rule making [1] proposing to incorporate these regulations in the Department's permanent regulations in order to give members of the public an opportunity to present written data, views, and arguments concerning adoption of these regulations as an amendment to § 125.5 of Title 39, Code of Federal Regulations.

NOTE: The corresponding Postal Manual sections are 125.57 and 125.58, respectively.

(5 U.S.C. 301; 18 U.S.C. 1715; 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

JUNE 11, 1968.

[F.R. Doc. 68-7056; Filed, June 12, 1968; 8:50 a.m.]

PART 125—MATTER MAILABLE UNDER RULES

Delivery of Firearms; Notice of Temporary Regulations

As recent events have so unfortunately demonstrated, the shipment of firearms through the mails under existing procedures seriously interferes with the enforcement of State and local laws designed to control these weapons. The national interest demands that activities of the postal service shall not hinder but rather aid in the effective enforcement of State and local gun control laws.

Since these existing conditions require an immediate remedy, the Department has determined advanced notice and public rule making procedures are unnecessary and contrary to the public interest. Therefore, the following temporary regulations are made to Part 125 of Title 39, Code of Federal Regulations, by the addition of a new § 125.9 to supplement the existing regulations and will

[1] See F.R. Doc. 68-7058, *infra*.

be effective for 90 days after publication in the FEDERAL REGISTER.

§ 125.9 Notice of delivery of firearms.

(a) Paragraphs (c) through (g) of § 125.5 relative to Concealable Firearms shall apply to every mailing of a firearm without regard to whether it is capable of being concealed on the person. Firearm parcels not complying with this provision may not be admitted to or carried in the mails.

(b) The postmaster at the office of address shall not make delivery of any firearm without first notifying the Chief law enforcement official for the community in which the addressee resides that delivery of a firearm to the addressee will be made in the ordinary course of the mails.

In addition to these temporary regulations, the Postmaster General is today publishing a notice of proposed rule making [1] proposing to incorporate these foregoing regulations in the Department's permanent regulations in order to give members of the public an opportunity to present written data, views, and arguments concerning the procedures in § 125.9 of Title 39, Code of Federal Regulations.

(5 U.S.C. 301; 18 U.S.C. 1715; 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

JUNE 11, 1968.

[F.R. Doc. 68-7055; Filed, June 12, 1968; 8:50 a.m.]

PART 742—CODE OF ETHICAL CONDUCT

Use of Intoxicating Liquor and Narcotics

In F.R. Doc. 68-6677 appearing at page 8391 in the daily issue of Thursday, June 6, 1968, the following should have been added at the end of the text: "These changes in the regulations were approved by the Civil Service Commission on March 13, 1968."

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

TIMOTHY J. MAY,
General Counsel.

JUNE 7, 1968.

[F.R. Doc. 68-6944; Filed, June 12, 1968; 8:46 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 130—FINANCIAL ASSISTANCE FOR PUBLIC LIBRARY SERVICES, PUBLIC LIBRARY CONSTRUCTION, INTERLIBRARY COOPERATION, AND SPECIALIZED STATE LIBRARY SERVICES

Miscellaneous Amendments

The following amendments to Part 130 of this title, which govern the administration of federally assisted programs and activities under the Library Services and Construction Act (Public Law 597, 84th Congress, as amended, 20 U.S.C. ch. 16), are made for the purposes of (1) implementing certain amendments to such Act contained in Public Law 90-154 (81 Stat. 509) and (2) making other changes designed to improve and make more flexible the administration of such Act. These amendments to Part 130 are as follows:

1. In order to implement sections 1, 2, and 4 of Public Law 90-154, § 130.73(a) is amended so as to provide for a Federal share of 100 per centum for the Trust Territory of the Pacific Islands under title III and to extend the provision for a Federal share of 100 per centum for other States through fiscal year 1968 under titles III and IV of the Library Services and Construction Act. As so amended, § 130.73(a) reads as follows:

§ 130.73 Federal and State shares of eligible expenditures.

(a) *Federal share.* The Federal share for titles I, II, and IV shall be as promulgated by the Commissioner pursuant to section 104(d) of the Act in accordance with the provisions of section 104(c) of the Act, except that for title IV the Federal share for fiscal year 1968 shall be 100 percent. The Federal share for title III shall be 100 percent for fiscal year 1968 and 50 percent for each fiscal year thereafter, except that the Federal share for the Trust Territory of the Pacific Islands shall be 100 percent.

* * * * *

2. In order to implement section 3 of Public Law 90-154, § 130.48(c) is amended by changing the base year for computing maintenance of effort under title IV, part A of the Library Services and Construction Act from the "preceding fiscal year" to the "second preceding fiscal year". As so amended, § 130.48(c) reads as follows:

§ 130.48 State plan requirements—Title IV, Part A.

* * * * *

(c) *Maintenance of effort.* The State plan shall contain assurances satisfactory to the Commissioner that expenditures made by the State in any fiscal year for State institutional library services will not be less than such expenditures in the second preceding fiscal year. (See § 130.89 (b) and (f) of this part.)

* * * * *

3. In order to implement section 5 of Public Law 90-154, § 130.58(a) is amended by deleting the phrase "State plans for" from an inappropriate place. As so amended, § 130.58(a) reads as follows:

§ 130.58 State plan requirements—Title IV, Part B.

(a) *Policies and objectives.* The State plan shall contain a statement describing the policies and objectives for the establishment or improvement of library services to physically handicapped persons, including the blind and the visually handicapped, certified by competent authority (as determined by the State agency and set forth in the State plan) as unable to read or to use conventional printed materials as a result of physical limitations. This statement shall describe the immediate and long-range plans of the State agency in establishing and improving these services. The State plan shall set forth its policy for determining the types of public and other nonprofit libraries, agencies, or organizations, if any, which are ineligible to participate in the program under this subpart.

* * * * *

4. In order to implement section 6 of Public Law 90-154, and make certain other clarifying changes in existing provisions of the regulations relating to construction, the following amendments are made to Part 130:

§ 130.1 [Amended]

a. Paragraph (i) of § 130.1, the definition of "public library construction" is hereby deleted.

b. § 130.25(a) is amended to read as follows:

§ 130.25 State plan requirements—Title II.

(a) *Criteria, priorities, and procedures.* (1) The State plan shall set forth criteria, priorities, and procedures for approval of construction projects which are designed to insure that public library facilities will be constructed to serve areas, as determined by the State agency, which are without library facilities necessary to develop library services.

(2) The State plan shall indicate whether the State will expend Federal funds (and State and local funds required for matching such Federal funds) for acquisition of existing buildings to be used as a public library; and, if so, set forth the criteria to be followed by the State agency in determining the suitability of such buildings for library purposes and whether such buildings, after their conversion into public libraries, will meet the State's standards for providing library services.

(3) The State plan shall specify the period of time within which construction contracts will be entered into following the State agency's approval of projects.

* * * * *

c. Section 130.86(c) is amended to read as follows:

§ 130.86 Eligible costs.

* * * * *

(c) *Title II—Construction projects.* In addition to the costs listed in § 130.86(a) of this part, the following project costs are also eligible at the discretion of the State agency if incurred after the date of project approval or after such other date as is indicated in subparagraphs (3) and (5) of this paragraph:

(1) Construction of new buildings to be used for public library facilities;

(2) Expansion, remodeling, and alteration (as distinguished from maintenance and repair) of existing buildings to be used for public library purposes;

(3) Expenses (other than interest and the carrying charges on bonds) related to the acquisition of land on which there

[1] See F.R. Doc. 68-7057, *infra.*

is to be construction of new buildings or expansion of existing buildings which are incurred within 3 fiscal years preceding the fiscal year in which the project was approved by the State agency, if such expenses constitute an actual cost or transfer of public funds in accordance with the usual procedures generally applicable to all State and local agencies and institutions pursuant to § 130.74;

(4) Site grading and improvement of land on which such facilities are located;

(5) Architectural, engineering, and inspection expenses incurred subsequent to site selection;

(6) Expenses (other than interest and the carrying charges on bonds) related to the acquisition of an existing building to be used for public library facilities, if such expenses are authorized in the State plan pursuant to § 130.25(a)(2), and constitute an actual cost or transfer of public funds in accordance with the usual procedures generally applicable to all State and local agencies and institutions pursuant to § 130.74;

(7) Expenses related to the acquisition and installation of initial equipment to be located in a public library facility provided by a construction project, including all necessary building fixtures and utilities, office furniture, and public library equipment such as library shelving and filing equipment, card catalog cabinets, circulation desks, reading tables and study carrels, booklifts, elevators, and information retrieval devices (but not books or other library materials).

* * * * *

d. § 130.88 is amended to read as follows:

§ 130.88 Special limitations on use of funds.

No portion of any funds allotted to a State under title I, title III, or title IV of the Act may be used, directly or indirectly, to purchase land or to purchase or erect any building.

5. Section 130.3(g) is amended so as to require that audits of participating agencies will be made in accordance with generally accepted auditing standards, and to permit that such audits be made by an independent licensed public accountant as well as an appropriate State audit agency or independent certified public accountant. As so amended, § 130.3(g) reads as follows;

§ 130.3 State plan provisions.

* * * * *

(g) *State fiscal control and accounting procedures.* The State plan shall describe the fiscal control and fund accounting procedures which are in accordance with applicable State and local laws, rules, and regulations and which will assure proper disbursement of and accounting for Federal funds paid to the State under each program, funds paid by the State to participating entities, and all matching funds. In addition, the State plan shall specify the particular accounting basis (cash, accrual, or obligation) to be used and cite the authority under State and local laws, rules, and regulations for such basis. If the State or local agency utilizes other than a cash accounting basis, the State plan shall indicate the time period or other conditions governing the liquidation of obligations. The State plan shall contain an assurance that accounts and supporting documents of the State agency and local participating entities relating to program expenditures involving Federal financial participation will be adequate to permit an accurate and expeditious audit. The State plan shall provide that the State will require that the expenditures made under the State plan by the participating agencies will be audited in accordance with generally accepted auditing standards by an appropriate State audit agency or by an independent certified public accountant or independent licensed public accountant certified or licensed by a regulatory authority of a State or other subdivision of the United States. The State plan shall set forth, in connection with construction projects approved under subpart D of this part, the fiscal control and accounting procedures applicable to such construction projects, and shall cite the authority under State and local laws, rules, and regulations.

* * * * *

6. Section 130.86(a)(9) is amended so as to permit as an eligible cost the rental of space in any building, regardless of whether it was constructed with funds obtained from the Federal Government or with funds expended for matching purposes. As so amended, § 130.86(a)(9) reads as follows:

§ 130.86 Eligible costs.

(a) * * *

(9) Rental of space (including the cost of utilities and custodial services) if: The cost does not exceed comparable rental on a square foot basis in the particular locality for the period of occupancy; the expenditures represent an actual cost; and, in the case of publicly owned buildings, like charges are made to other agencies occupying similar space for similar purposes.

* * * * *

7. In order to eliminate the reference to the former § 130.1(i), which is deleted by these amendments, § 130.79 is amended to read as follows:

§ 130.79 Competitive bidding and equipment procurement.

All contracts for public library construction shall be awarded to the lowest qualified bidder on the basis of open competitive bidding: *Provided, however,* That if one or more items of construction are covered by an established alternative procedure, consistent with State and local laws and regulations, which is approved by the State agency as designed to assure construction in an economical manner consistent with sound business practice, such alternative procedure may be followed.

§ 130.94 [Deleted]

8. Section 130.94 is hereby deleted.

[SEAL] HAROLD HOWE II,
U.S. Commissioner of Education.

Approved: June 6, 1968.

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

[F.R. Doc. 68-6968; Filed, June 12, 1968; 8:48 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER F—MARINE ENGINEERING

[CGFR 68-63]

PART 61—INSTALLATIONS, TESTS, INSPECTIONS, MARKINGS, AND OFFICIAL FORMS

Subpart 61.15—Tests and Inspections of Machinery and Equipment

TAILSHAFT SURVEY
Correction

In F.R. Doc. 68-6501 appearing at page 8226 in the issue of Saturday, June 1, 1968, the fraction in the sixth line of § 61.15-15(c) should read "$\frac{5}{16}$" instead of "$\frac{7}{16}$".

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 15971; FCC 68-605]

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

Television Broadcast Translator Stations

Report and order. In the matter of amendment of the rules governing television broadcast translator stations, Part 74, Subpart G, sections 74.701 et seq., Docket No. 15971.

1. In our further notice of proposed rule making and notice of inquiry adopted herein June 14, 1967, we inaugurated a broad review of the rules governing TV translators. Seven rule amendments were proposed and comments were invited on five other aspects of TV translator licensing and operation in order to enable us to consider the possible desirability of inaugurating further rule making on those matters.

2. Aided by the comments filed by over 60 parties listed in Appendix A, we are prepared to act now on the seven specific proposals for rule amendment. These, as set out in paragraph 29 of the notice were to:

(a) Amend § 74.732(e)(1) to permit regular television broadcast licensees to

own and operate VHF translators beyond their predicted Grade B contours in situations where the translator would not be located in another station's predicted service area;

(b) Amend § 74.732(e)(1) to permit regular television broadcast licensees whose signals are being rebroadcast to contribute to the operating and maintenance costs of established VHF translators without regard to location;

(c) Amend § 74.735(a) to raise the maximum allowable power for VHF translators located west of the Mississippi River and in Alaska and Hawaii from one (1) to ten (10) watts transmitter peak visual power;

(d) Amend § 74.750(c)(2) to require, with respect to more than one (1) watt VHF translators, that all emissions appearing on frequencies more than 3 megacycles above and below the upper and lower edges of the assigned channel be attenuated no less than 50 decibels (the present requirement is 30 decibels);

(e) Amend § 74.731(c) to permit the use of translators solely as relays when necessary to carry the desired broadcast signal to another translator to be rebroadcast;

(f) Amend § 74.750(d)(3) which provides for licensing of nontype accepted VHF translator transmitters, to provide that all applications for new translator stations specify the use of type-accepted equipment; and

(g) Amend § 74.731 to permit UHF translator operators to engage in limited origination of local slides or still pictures and voice announcements containing advertising, public service announcements, acknowledgements, and other similar material by automatic means and for brief (not to exceed twenty (20) seconds) periods of time, at intervals of no less than 1 hour.

3. In assaying the numerous comments we have been guided by several basic considerations, chiefly:

(1) The basic function of the television broadcast translator service, which is to make possible the satisfactory reception of television signals in places where they are unavailable by direct reception from stations operating in the regular television broadcast service.

(2) The consequent need for conditioning the use of translators so as to permit them to perform their supplementary function while not blocking or burdening the maintenance and development of the regular television broadcast service, which provides the public with benefits—including local programing—beyond the capacity of translators.

(3) The desirability of avoiding unwarranted distinctions, while recognizing significant differences between:

(a) VHF and UHF translators;

(b) Translators which are—

(i) Owned by television station licensees and permittees;

(ii) Otherwise owned, but financially assisted by station licensees and permittees;

(iii) Otherwise owned and not financially assisted by station licensees or permittees.

(c) 100-watt translators and lower powered translators.

(d) Translators within different service contours (Grade B, Grade A, and principal city) of a station other than the one whose signals are rebroadcast over the translator.

(e) Translators located within and outside the service area of the station whose signals are rebroadcast.

(4) The need for observing similarities and distinctions between translators and CATV's, both of which are intended to supplement, without displacing or unduly burdening the regular television broadcast service.

4. Having closely examined all the comments filed herein,[1] we have, after evaluating the numerous pros and cons, concluded that on balance the public interest would best be served by the actions, next discussed, regarding each of the specific rule making proposals listed in paragraph 2. We take up later the additional questions under inquiry in paragraph 30 of the notice.

Ownership of VHF translators by regular TV station licensees—paragraph 29 (a) of the notice. 5. The proposal was to permit the owners of regular television broadcast stations to own and operate VHF translators beyond their predicted Grade B contours in situations where the translator would not be located in another station's predicted service area. All but one of the comments on this proposal favored its adoption. Several parties felt we should go further and permit regular station licensees to use VHF translators to carry their signals into the service areas of other stations in some circumstances, such as: (a) To serve portions of the other station's service area where the other station did not provide a usable signal, (b) where doing so would not duplicate the program service of the other station, (c) where the translator would not serve persons located within the Grade A service contour of the other station or (d) where the other station is assigned to the same market as the station owning the VHF translator.

6. Concerning the last mentioned situation, two parties pointed out that the rule, as proposed, would preclude a VHF station licensee from placing a VHF translator at locations outside its own Grade B service area which happens to fall within the larger Grade B service area of another locally assigned television station. We had not intended to forbid the use of licensee-owned VHF translators in such situations, and the rule we are adopting so provides.

7. We must reject the suggestion that licensees be permitted to own and operate VHF translators beyond their own Grade B service contours and anywhere within the portion of the service area of a station in another market outside that station's Grade A contour. This would open the way to the extension of a television station's service, via VHF translator, into significant portions of the service areas of stations in other markets without regard to the service provided by the other station. This, clearly, would conflict with the objectives of the nationwide structure of the television service.

8. There remain the other proposals which essentially would permit a VHF station owner to place a VHF translator beyond his own Grade B contour and within the Grade B service area of a station in another market where the translator would not duplicate the service of the other station either because of unsatisfactory reception conditions or under a condition which would prohibit duplication by such translator of the programs of the other station. This would, as has been pointed out, tend to equalize conditions applicable to translators and CATV's. It would also make possible the extension of a program service to members of the public not now receiving it. These favorable considerations are, however, outweighed in our opinion by the opportunity it would open up for the overreaching of station licensees into markets lying beyond their own allocated service areas by the use of a broadcast device which cannot provide the full service, including local programing, which is a basic objective of the national television system.

9. While the rules do not preclude the similar use of a UHF translator, we feel that the balance is tipped in favor of the public interest in the case of UHF translators because of the stimulus which UHF translators can give to the acceleration of UHF set conversion and the consequent improvement of the possibilities for establishment of new UHF stations—the most effective means by which the nation's broadcast television services can generally be meaningfully expanded. We also bear in mind that in any such situations where there is a convincing argument for the use of VHF translators, it is open to persons other than station licensees to apply for them.

10. In these circumstances, we feel that the net balance of public interest considerations weighs against permitting VHF station licensees to extend their operations by carrying their signals via VHF translators into the service areas of other stations in other markets. While we are primarily concerned here with the avoidance of dislocations of the basic pattern of competition in the conduct of the national television broadcast service, we are additionally aware that to permit regular station licensees to invade the markets of other stations by VHF translators would tend to proliferate their use considerably beyond the purposes for which the translator service was established. This would increase the likelihood of interference by broad cast devices which, because they are nonoffset and lack other features of regular station transmitters, create more hazard of harmful interference, not only to VHF television broadcast services, but also to other users of the VHF portion of the

[1] And submissions in separate rule making petitions considered herein (RM-145, filed by Adler Electronics on Oct. 23, 1959; RM 706, filed by Arthur Brothers on Oct. 14, 1964; RM-917 filed by MST on Feb. 8, 1966; and RM-1100, filed by Scripps-Howard Broadcasting Co. on Jan. 24, 1967.

spectrum. For these reasons, we have decided to retain the limitations we proposed, and permit licensee-owned VHF translators beyond the primary station's Grade B contours only where they will not be used to carry the signals of the primary station into the service area of a station in another market.

11. Because of the importance we attach to the objectives of this limitation, we have considered proposing further rule making looking toward a similar limitation on the use of UHF translators by station licensees. We do not do so at this time, partly out of the desire to leave open a choice between the use of translators and CATV's and because of the benefit to the public in proliferation of the UHF broadcast services in order to encourage the full use of the UHF spectrum resources available for the expansion of the nation's television system. Should evolving conditions so indicate in the future, we would be prepared to consider restricting the use of licensee-owned UHF translators in the same manner as licensee-owned VHF translators.

Permission to regular television broadcast licensees to contribute to the operating and maintenance costs of established VHF translators without regard to location—paragraph 29(b) of the notice. 12. All but one of the 26 comments on this proposal favored its adoption. Several parties suggested that the permission should extend to the provision of operating and maintenance services as well as to assistance with their financing. This was the intention, and the amendment we herein adopt to § 74.732 (e) so provides.

13. Two parties would go further and permit regular station licensees to contribute also to the construction cost of VHF translators. MST would permit financial support for operational maintenance in any situation where the station licensee would be permitted to own the translator, but subject to the same kinds of conditions as to nonduplication of program services as would be applicable to VHF translators generally, whether owned by station licensees or not. Wometco Skyway Broadcasting Co. would permit regular station licensees to contribute up to 75 percent of the construction cost of VHF translators without regard to location. We recognize the merit in the arguments which favor the elimination, where possible, of distinctions between licensee-owned and nonlicensee-owned VHF translators, as well as between VHF translators and UHF translators. We believe, however, that at this stage, the obliteration of all such distinctions would oversimplify and ignore differences which tip the balance of conflicting public interest considerations. The discussion in paragraphs 8 and 9 concerning our first proposed rule amendment provides an example. We there concluded that it would disserve the public interest to permit station licensees to carry their signals by way of licensee-owned VHF translators into the service areas of stations in other markets, while at the same time being willing, for separate reasons, to permit this where a UHF translator is used or where a VHF translator is financed and established by a nonstation licensee. We believe that the reasons for barring the licensee-owned VHF translators in those situations would apply similarly to translators whose construction would be financed by the licensee prohibited from owning them. We also believe that the balance tips in favor of permitting licensee support or assistance for the operation and maintenance of a translator where the need for service has been sufficiently great to bring about the establishment of the VHF translator by a nonstation licensee. We do not agree with the suggestion that the same purposes would be adequately served where the local group, as suggested by Wometco, put up only 25 percent of the cost of construction.

14. XYZ Television, Inc., while favoring contributions by regular station licensees to the cost of operating and maintaining VHF translators wherever located, suggested that all contributions should be made matters of public record and included in annual reports to the Commission both by the translator licensee and the broadcast station licensee. While recognizing the basis for this suggestion, we believe that this would unduly burden both licensees and Commission processing and recordkeeping, especially since, as we have already noted, such contributions may take the form of services by station personnel as well as financial contribution.

15. In a related comment, K & M Electronics Co. suggested that the present prohibition (in § 74.732(e)(1) of the rules) of financial contribution toward a VHF translator in certain circumstances by a licensee or permittee "or any person associated with the licensee or permittee, either directly or indirectly" be changed to prohibit such contributions only by "principals, agents, and employees" rather than by associated persons. The proposed terminology does not, however, reflect our intention that the prohibition should apply not only to principals, agents and employees, but also to other persons associated with the licensee or permittee. While the broader terminology may occasion some need for interpretation under the facts of an individual case, we think it better to leave the way open for the submission, in any doubtful case, of facts which can be adjudicated on the basis of the individual circumstances.

16. WCOV, Inc. and Cascade Broadcasting Co., both multiple TV station owners, urge that any presently established or subsequently built broadcast station within whose Grade B service contour a signal is placed by a VHF translator owned or financed by a regular station licensee be afforded nonduplication of its programs as a matter of right. We have previously announced our decision not to permit regular station owners to own or finance the construction of VHF translators beyond their Grade B contours to serve persons living within the Grade B contours of existing stations. We do not find merit in the suggestion that VHF translators whose operation and maintenance is financed or assisted by the licensee of a regular station should uniformly be precluded by rule from any duplication, however minor, of the programs of a station in another market within whose Grade B contour the translator places the signal of such primary station licensee. Nor are we persuaded that it would be desirable to legislate at this stage with regard to the possible duplication of programs of subsequently established stations within whose Grade B contour such a VHF translator provides a signal, as has been suggested. Our general views with respect to the imposition of rigid nonduplication requirements on TV translators are discussed later, in paragraphs 52 and 53. On the narrower point raised here, we believe that the willingness of nonlicensees to undertake the trouble and expense of installing a translator reliably indicates need for the rebroadcast service. It seems highly unlikely that these burdens would be undertaken where the translator would duplicate enough of another station's programing to create significant adverse impact on such other station, so as to warrant imposing nonduplication restrictions by a generally applicable rule. While it is desirable that we should lay down an orderly framework for the extension of television service, we think it would be questionable to apply to translators nonduplication conditions for all situations which may arise in the future. We therefore defer the adoption of requirements relating to nonduplication by translators of the signals of subsequently built stations and will endeavor to deal with that question in the light of the pertinent circumstances as they arise.

Power increase for VHF translators—proposed in paragraph 29(c) of the notice. 17. It was proposed to permit VHF translators located west of the Mississippi River and in Alaska and Hawaii to operate with up to 10 watts peak visual power in lieu of the present maximum of 1 watt. No change was proposed in the requirement that VHF and UHF translators authorized on channels listed in the table of assignments operate at 100 watts peak visual power.

18. All but three of the forty parties commenting on this proposal favored increasing the general power maximum for VHF translators to 10 watts. Some recommended various qualifying conditions, and a number of parties urged that we modify or eliminate the geographic limitation. It was also suggested by several parties that in cases of need and other suitable conditions the Commission authorize translators up to even higher powers.

19. The comments generally reflect the widely-held view that in numerous cases power exceeding the present 1-watt maximum is in many cases desirable because of unevenness of terrain, the higher field intensities needed for satisfactory reception of color programs, the fact that the preferable sites for reception are sometimes located too far from areas to be served for a 1-watt translator to render a desirable standard of service

and other circumstances. Several of the parties suggested that power higher than 1 watt be considered on a case-by-case basis, with due safeguards against interference to other translators or regular television stations.

20. The Utah Joint Committee on Educational Television suggested that applicants for power increases above 1 watt be required to give notice in writing to all licensees located in an area of possible interference. We do not think it desirable to add this requirement because our methods for processing translator applications contains safeguards against the authorization of translators which would create interference to existing stations. Mr. Thomas A. Wright of the firm of A. Earl Cullum, Jr., and Associates, has suggested that for translators exceeding 1 watt applicants be required to show the areas and populations gained by the proposed use of higher power. We feel that in the absence of prescribed standards for defining service from TV translators this would be a difficult, burdensome, and insufficiently fruitful requirement.

21. Mr. Wright also suggested that applicants for VHF translators with power higher than 1 watt be required to show on a prescribed basis the increase in the area of interference to the Grade B signal from another station. The use of higher power by VHF translators will increase the hazard of harmful interference to other TV translators and to regular TV broadcast stations. We do not think, however, that a showing of theoretical increase in interference within the Grade B contour of other TV stations or translators would serve a useful purpose. The Commission will continue to reply upon the present rules, § 74.703 of which states that the licensee of a VHF translator must correct at its own expense, any interference that occurs to reception of regular TV stations as the result of the translator operation. The rule does not limit this to interference within the Grade B contour but recognizes that in most places where translators are used, reception beyond the Grade B contour often provides the only available service and translators will not be allowed to destroy or impair such service. Therefore, licensees of VHF translators contemplating operation at higher power must accept the risk that if interference does occur they must eliminate it either by reducing power, going to a different VHF channel, if available, or abandoning VHF operation entirely and providing the higher power service on UHF channels. It should be clearly understood that the larger investment in higher powered VHF translator equipment will not confer any additional rights or safeguards on VHF translators.

22. As to interference between VHF translators, the Commission will also continue to rely upon the present rule which requires that such interference problems be resolved by mutual agreement between the affected parties. The Commission may, however, pursuant to section 74.703(a), take into consideration objections by VHF translator licensees, to the use or continued use of higher power by other VHF translators where it is apparent that interference will be caused. Several parties including Teldex, KIAT–TV and Wometco Skyway Broadcasting Co., suggested that requirements be adopted for the suppression of sideband emissions. Section 74.736 of the present rules contains the requirements for suppression of unnecessary emissions. In view of the provisions of paragraph (d) of that section, specific requirements are neither necessary nor desirable.

23. Several parties suggested that the use of power over 1 watt should be conditioned on non-interference to reception of signals from other translators or full broadcast stations. This requirement is already present in the rules conditioning the use of translators. XYZ Television, Inc., suggested that the Commission set minimum mileage separations between 10-watt VHF translators and cochannel regular broadcast stations. Owing, however, to variations in conditions of terrain and other factors we do not feel that for 10-watt translators it would be desirable to establish fixed minimum separations in such cases. The National Translator Association suggested that both UHF and VHF translators use vertically and horizontally polarized signals. Section 74.750(i) permits TV translators to use either horizontal, vertical, or circular polarization.

24. The National Translator Association also suggested that the Commission create a sliding scale of permissible power for VHF translators between 1 and 10 watts graduated according to the frequency, the antenna height, conditions of terrain and the size of the area to be served by the translator. This is an unnecessary and undesirable complication of rules for a supplementary service. The effective radiated power of VHF translators results from the available transmitter power and the antenna gain. It may be assumed that licensees will either operate their present 1-watt equipment at its maximum power capability (some present 1-watt equipment is capable of several watts power output) or will add an amplifier which will provide the maximum permissible 10 watts of power. Interference considerations may prohibit use of maximum available power. In any case, the Commission could not justify involvement with elaborate engineering studies in licensing VHF translators and will continue to rely upon the rules regarding interference control. It should be noted, however,that equipment intended to be operated at control. It should be noted, however, that greater than its present power rating must obtain type acceptance for the higher power operation. Overdriving VHF translators can result in serious nonlinearity which may produce poor quality pictures and excessive spurious emissions.

25. Electronics, Missiles, and Communications, Inc. (EMCEE) suggests that on Channels 2 to 6 effective radiated power of a 10-watt VHF translator be limited to 20 watts ERP and that the applicant be required to furnish a detailed exhibit of existing television broadcast stations and translators on conflicting channels. We reject this suggestion for the reasons given in the preceding paragraph and paragraphs 21 and 22. Doubleday Broadcasting Co. urged that the use of higher power be conditioned on non-interference to services rendered by CATV systems. The Jerrold Corp. also expressed concern with adjacent and cochannel interference to CATV head-ends as well as to regular broadcast stations and other translators, resulting from the use of higher power for VHF translators. The present rules regarding interference protection are adequate and will apply to VHF translators using higher power.

26. A considerable number of parties urge that the proposed increase of maximum permissible power not be confined to the States west of the Mississippi. Several urged that considering conditions in portions of States lying within the Appalachian Range and in some areas in Tennessee and Kentucky just east of the Mississippi River as well as Wisconsin and Michigan, it would be more suitable to permit the proposed power increase for VHF translators throughout Zone II. Other parties suggested also the inclusion of Zone III. Numbers of specific situations were depicted, and the point was made that in portions of some states such as Wisconsin there was more need for higher power for VHF translators in smaller rural communities located east of the Mississippi than in the case of some of the metropolitan areas west of the Mississippi where it is proposed to permit up to 10 watts power. After carefully considering these and other related arguments we remained unconvinced that powers up to 10 watts should be allowed generally for translators east of the Mississippi, owing to a number of factors, including the generally greater density of regular stations operating on VHF channels and interference problems which have been experienced east of the Mississippi with 1-watt VHF translators. We recognize, however, that there may be merit in permitting the use of up to 10-watt VHF translators in some situations east of the Mississippi where the circumstances combine a need for higher power together with conditions of terrain, remoteness from cochannel and adjacent channel stations and other factors. We will therefore consider such applications when submitted with a request for waiver of the 1-watt power limit applying generally east of the Mississippi River, together with showings of the need and safeguards against interference.

27. Several parties advocated the use of power for VHF translators in excess of 10 watts, as needed in individual cases. This, as already noted, is permitted in the case of 100-watt VHF translators now permitted on channels listed in the Table of Assignments. We are not persuaded of the merit of permitting higher than 10 watts on unassigned VHF channels.

28. The Commission is taking a calculated risk in permitting translators operating on VHF channels to go to 10 watts transmitter power. It is an infallible natural law that increases in power will always result in increases in field strength and a 10-watt translator will provide a stronger signal than a 1-watt translator. It is also true that the stronger signals produced by higher powered VHF translators have a greater interference range and potential. The TV translator service was not created to provide wide area coverage. It was intended to provide a means whereby individual communities could, by their own efforts, obtain TV reception at reasonable cost in areas where direct reception of regular TV broadcast stations was unsatisfactory or impossible. Restriction on the power used makes it possible for a great many communities to use the available channels. Any increase in permissible power will reduce the availability of channels. The Commission has approved the proposed increase to 10 watts because of the claims that the present 1-watt limit is inadequate to serve satisfactorily even some individual communities. We do not, however, find justification for still higher power to increase the signal strength and range of VHF translators at nonassigned locations. UHF channels are available for higher power (up to 100 watts) and beyond that, regular TV broadcast stations operating as "satellites" of other TV broadcast stations may be licensed. Furthermore, the comparatively simple rules governing the TV translator service were designed for a very low powered service. They are not suitable for a higher powered service in the crowded VHF bands.

Suppression of emissions on frequencies more than 3 megacycles removed—as proposed in paragraph 29(d) of the notice. 29. Our proposal was to amend § 74.750(c)(2) of the rules to require, with respect to VHF translators with powers of more than 1 watt, that all emissions appearing on frequencies more than three megacycles above and below the upper and lower edges of the assigned channel be attenuated no less than 50 decibels, in lieu of the present requirement of 30 decibels. All but one of the 14 parties commenting on this proposal supported it. One favored increasing the requirement to 60 decibels. Thomas A. Wright felt the requirement was not needed in view of the provisions of § 74.703(c) of the rules requiring the licensees of translators stations to correct any condition of interference resulting from radiation on any frequencies outside the channel on which the translator operates. Additionally, Mr. Wright felt that the proposal was excessive in requiring a 20-db reduction when only a 10-db increase in power is proposed. Thus, a high power translator would be required to restrict radiation to less than that permitted by a 1-watt translator. Mr. Wright suggests that if a requirement is imposed it should have the same absolute effect for translators of different powers. The present requirement of only 30-db attenuation of the emissions outside the authorized channel is overly lenient and was adopted originally so as to place no serious burden on licensees of VHF translators. In the present state of the art, achieving 50-db attenuation poses no serious problem. No manufacturer of VHF translator equipment opposed it. If greater attenuation is needed in individual cases, it may be required under the provisions of § 74.736(d) of the present rules. Therefore, the amendment is adopted as proposed.

Use of translators solely as relays—paragraph 29(e) of the notice. 30. Section 74.731(c) of the rules, while permitting the incidental use of TV translators to relay signals to other translators, precludes their use solely for that purpose. In a few meritorious cases this limitation has been waived in order to facilitate point-to-point transmission of signals through unpopulated areas thus making them available for rebroadcast by other translators to members of the public in more distant, underserved areas.

31. While most of the thirty-some comments on this subject advocated adoption of the proposal to eliminate the prohibition of translator use solely for relay purposes, we here conclude, on further consideration, that this course is not desirable, and that it is preferable to meet the relatively rare situation of the total absence of population at places where a relay is needed by considering the merits of showings justifying waiver in the particular case. Translators operating on frequencies allocated for broadcast use are not intended or designed primarily to perform point-to-point transmission. Section 74.602(b) makes available certain frequencies between 1990 and 2042 mHz for such use. We will continue, as heretofore, to consider meritorious waivers of § 74.731(c) in those infrequent cases where there are no local residents and the use of a broadcast frequency for relaying can be justified in the particular circumstances.

32. Also, as pointed out by MST, it will be necessary to guard against creating scarcity of frequencies useable for broadcasting. Accordingly, we shall expect translators used in part for relay purposes to be so engineered as to provide service to persons living in areas adjacent to them.

33. Several parties urged precautions against the use of translators employed for relay purposes to "leapfrog" over nearer TV stations by bringing in signals from more distant stations. This we think can best be dealt with on the facts underlying individual applications for translator authorizations.

34. The Broadcast Equipment Section of the Electronic Industries Association expressed concern that the form of relaying by translators is inherently inferior to the accepted FM methods used by common carriers broadcasters, CATV's and other television services. EIA felt that the proposed form of relaying would not be capable of carrying a color TV signal over any significant distance without appreciable distortion owing to basic propagational characteristics and current equipment design. EIA therefore suggested that translator relays be limited initially to two hops per system using equipment meeting type acceptance specifications and with frequency allocations, power output and antenna limitations proposed in their separate filing in Docket 16424. We believe this would be undesirable and unnecessary. It may be assumed that the licensees of TV translators who are in most cases, the users of the signals, will attempt to provide the best service possible within the limits of cost and signal availability. Keeping in mind that the basic purpose of TV translators is to provide TV service in places which are inadequately served or not served at all, any such restriction might prevent people from having slightly degraded service which they would prefer to no service at all. The suggestion is, therefore, not adopted.

35. The Colorado Translator Association, while favoring the use of translators solely as relays to other translators, felt that a preferable solution would be to allow common carrier microwave to relay signals to translators, thus putting translators on an equal basis with CATV. The Commission believes, however, for the reasons set out in our report and order adopted November 30, 1966, in Docket 16424, that the use of microwave for the transmission of signals for rebroadcast by translators should be limited to the frequencies in the 2000 mHz band assigned for this purpose in § 74.602(h) of the rules.

Type-accepted equipment for all new translators—paragraph 29(f) of the notice. 36. All 15 of the parties commenting on our proposal to require the use of type-accepted equipment for all newly installed translators favored the proposal. The advantages of this requirement are self-evident, and in view of the wide support and lack of opposition no discussion is necessary. We are amending § 74.750(d)(3) to effectuate this proposal.

Limited origination of announcements by UHF translators—paragraph 29(g) of the notice. 37. Comments were invited on our proposal to amend § 74.731 of the rules "to permit UHF translator operators to engage in limited origination of local slides or still pictures and voice announcements containing advertising, public service announcements, acknowledgements, and other similar material by automatic means and for brief (not to exceed twenty (20) seconds) periods of time, at intervals of no less than one hour." The 36 parties commenting divided almost evenly in supporting and opposing this proposal. A number of those favoring the amendment qualified their support by suggesting additional limitations. Several others favored broader scope for the origination of announcements. In discussing these comments we consider at this point only those relating to the proposal in paragraph 29(g) of the notice relating to the possible broadcast of announcements by translators. We discuss separately the comments relating to possible origination of program material by translators on which comments

had been invited under paragraph 30(d) of the notice.

38. The established function of television translators is to provide satisfactory reception of signals originating elsewhere, by their rebroadcast in places where, owing to distance from their source or intervening obstruction, satisfactory reception of the primary station's signals is not possible. We have considered permitting UHF translators to make brief announcements under highly limited conditions not as a means of enlarging their rebroadcasting function, but rather as a means of helping them to meet difficult problems of financial support for the rendition of their rebroadcast service. As we explained in paragraph 25 of the notice, it was believed this objecive might be met by permitting translators operating in the UHF band to originate brief announcements soliciting funds for the maintenance of the translator or giving credit to persons such as local merchants for their contributions toward the maintenance of the translator's service.

39. One party raised a question as to whether local origination by translators might, pursuant to section 318 of the Communications Act, preclude waiver by the Commission of the general statutory requirement that the actual operation of all transmitting apparatus in any radio station for which a license is required be carried on only by a person holding an operator's license. Under section 318, the Commission is not empowered to waive operator requirements for broadcast stations "other than those engaged solely in the function of rebroadcasting the signals of television broadcast stations". While, in a narrow technical sense, the broadcast of brief announcements by translators would not constitute rebroadcasting of the signals of other stations, these originations, limited to not more than 20 seconds at intervals of no less than one hour, are, we believe, of a de minimis nature and are being authorized not to change in any significant degree the rebroadcast nature of the translator, but simply to assist it to obtain necessary financial support. We have examined the underlying purpose of section 318, and we do not believe that such a de minimis authorization is inconsistent with that purpose and the statutory provision, any more than the origination by translators of call letter identification.

40. It might well be otherwise, however, in the case of announcements serving a purpose other than the quest of financial support for the rebroadcast service. For this reason, although paragraph 29(g) of the Notice had contemplated the possible inclusion of public service announcements and other similar material, we think that such other kinds of announcements are not so clearly within the scope of the rebroadcasting function as to preserve the Commission's power to waive operator requirements for translators. We therefore narrow our further consideration of permitting the origination of announcements specifically to those seeking financial contributions to defray the costs of installing and operating translators and announcements giving credit for contribution of support received or pledged.[2]

41. Several parties, while supporting limited originations by translators opposed confining this permission to those operating on UHF channels. While nonprofit licensees of VHF translators have the problem of finding financial support (although less of a problem to the extent that VHF translators are less costly than UHF translators), it is our judgment that the greater potential of interference to other services in the VHF bands—including VHF radio services used for public safety—precludes our extension of permission for the origination of announcements to VHF translators. This judgment is reinforced by the impracticability of requiring translators to meet the standards imposed on regular television broadcast stations in their origination of broadcast matter. These considerations are further reinforced by the encouragement which confining originations to the UHF translators may give to the use of UHF frequencies for the expansion of the television service. We are not persuaded of the merits of suggestions that the 20-second-per-hour limitation be further restricted as, for example, to donation requests originated every 2 to 3 months, or to semiannual announcements.

42. Several parties recommended that originations by translators be made subject to agreements with or permission granted by and conditions imposed by the primary station whose programs are rebroadcast by the translators. These suggestions appear to be based on the primary station's interest in the rebroadcast of its commercial announcements as well as program matter. As for the former, we believe that the licensees of translators should be free to determine whether the interests of the public whom they serve might be better served by the insertion of financial announcements than by the rebroadcast of commercial matter originating with the primary station. As for program interruptions, we do not think that there is ground for anticipating widespread or significant breaks in the broadcasting of programs put on by the primary station. This would in general seem inimical to the rendition of the service to which translators are authorized, and therefore unlikely to occur except to a limited extent.

43. We recognize however, that practical operating considerations may make it difficult or impossible in individual instances to avoid totally a minor incursion into a program being rebroadcast. Since, however, the maximum permitted intrusion could not exceed twenty seconds time, we do not believe the problem is consequential enough to warrant the imposition of regulatory strictures by the Commission or to subject such brief announcements to the concurrence of the primary stations. The brief announcements permitted translators must be substituted for some corresponding portion of the broadcasts of the primary station and we think that the only practicable arrangement for translators not owned by regular station licensees is to leave such translators free to select the most appropriate times. In doing so, they are, of course, required to base their judgments on what will best serve the interests of the public using the particular translator service. It would not be consistent with this policy for a primary station to condition its rebroadcasting consent on any requirements unacceptable to the licensee of the translator, relating to the latter's scheduling of translator-originated announcements.

44. Several parties objected on the ground that those translator operators who were not regular station licensees might, because of their inexperience with general broadcasting requirements, cause violation of statutory or other requirements. It was suggested this could, for example, arise where material originated by the translator broke into a broadcast at the primary station by a candidate for political office under the equal opportunity requirements of section 315 of the Communications Act. Another instance was possible violation of the requirements under section 317 of the Act with regard to sponsorship identification of programs broadcast by the primary station. Translator operators would have the duty of taking due care to avoid violations in such cases. We think, however, that the risks are minimized to the point of being rendered de minimis by the 20-second-per-hour limitation.

45. We note also the suggestion that translator operators might not be sufficiently aware of the Commission's policies with regard to fraudulent advertising practices but we know of no reason to reject the limited permissiveness we propose for local originations by translators out of a concern that they would not be sufficiently attentive to their duty to exercise due care in avoiding the broadcast of fraudulent broadcast matter. An abuse such as this in the origination of commercial announcements by translators would seem especially unlikely in view of the probability that instead of advertising products or services as such, translators are more likely to announce during the available 20-second period merely the identity of the merchants or others whose contributions are being acknowledged.

46. We are not convinced of the suggested necessity for referring the question of the limited local originations by translators to a separate docket for separate consideration. Were we considering at this stage more extensive originations by translators, there would be more merit to the suggestion that further study be given before the adoption of a permissive rule. The objection that the 20-second limitation would constitute unwarranted FCC control over advertising matter we do not find meritorious. The limitation is designed not to control content or to set permissible limitation

[2] We will study further the desirability of seeking amendment of the Communications Act in order to make possible the benefits of origination of local public service announcements by translators.

on the broadcast of commercial matter in ordinary circumstances. The 20-second limitation derives from the need to confine to very brief periods the interference which may be caused by announcement originations by UHF translators. The objection that our 20-second-per-hour limitation would be subjected to pressure to extend the permissible time for originations by translators does not persuade us that we should not at this stage allow this limited access to the air for the purpose of assisting with the task of obtaining financial support for translators. We do not agree, as one party suggested, that we infringe the prohibition against censorship in section 326 of the Communications Act by prescribing and enforcing limitations on the origination of broadcast matter by translators. Considering their purpose, and the reference by Congress, in section 318, to the Commission's power to authorize a service whose function is solely that of rebroadcasting, we do not think it would follow that the exceptional authorization for UHF translators to broadcasting brief financial announcements can be said to violate section 326. The separate point that the origination of announcements would be objectionable because translators rebroadcasting the signals of several stations from a principal city might discriminate among those stations in the obliteration of their broadcasts for the locally originated announcements is not persuasive. The brief announcements we are permitting could be presented in the form of slides or still pictures with comparatively inexpensive signal generating and scanning apparatus that could be substituted for the incoming signal normally transmitted by the translator. The technical characteristics of the modulating signals generated by this inexpensive apparatus would not meet the requirements of the Commission's rules but can be tolerated if limited as prescribed in the rule.

47. On the matters so far discussed we had proposed specific rule amendments. There remain the five additional questions, listed in paragraph 30 of the notice, on which we invited comment without formulating specific proposals for rule changes at this stage. While we do not believe it desirable, at this time, to change the rules relating to these matters, we have found it helpful to have these further comments and briefly note them here:

The limitations, if any, to be imposed upon translator duplication of regular television stations' programing—paragraph 30(a) of the notice. 48. Most of the parties commenting on this favored the imposition of some form of restraint upon the duplication, by a translator, of programs available by direct reception from a TV broadcast station other than the primary station whose programs the translator rebroadcasts. Some would place on translators the same restrictions as apply to CATV's. Numerous variants were also proposed, some evidently based on recognition of the impracticability of applying to translators the particular nonduplication requirements imposed on CATV's.

49. We have taken careful note of all such proposals. They include the suggested prohibition of program duplication in circumstances such as the following:

(1) Translators carrying signals beyond the Grade B contour of the primary station into the Grade B service area of another television broadcast station.

(2) The same, but only if within the other station's Grade A service area.

(3) Translators located beyond the primary station's Grade A contour and serving any portion of another station's Grade A service area.

(4) Translators within another station's Grade A service area but only if the place is actually served by the other station's signals.

(5) Translators operating within the service area of a UHF station.

(6) Translators operating outside the principal city contour of the primary station serving any part of another station's Grade B service area.

(7) Translators outside the primary station's principal city contour which serve places within the Grade A service area of a UHF station.

50. This does not exhaust the suggested combinations of circumstances invoking proposed nonduplication requirements for translators. The National Association of Broadcasters urged broadly that translators (apparently without regard to the translator's location with respect to the primary station) "should be prohibited from duplicating the programing of any station that puts a usable signal over the area served by the translator".

51. Two of the national television networks submitted differing views. NBC opposed the adoption of rules concerning translator duplication of programing of regular television stations on the ground that in the relatively few cases where program duplication has been a problem, arrangements pursuant to section 325(a) of the Communications Act (requiring the consent of the station whose signals are rebroadcast) can adequately cover the problem. ABC, on the other hand, favored imposing on translators "same-day" nonduplication requirements similar to those imposed on CATV's except where the duplicated station does not carry the full schedule of a network to the extent of broadcasting at least 85 percent of the network's weekly programs simultaneously with their distribution by the network. This exception, ABC felt, would avoid discouraging the use of translators to provide full network schedules which are not otherwise available.

52. Many of the parties commenting felt that nonduplication requirements should be imposed on all translators, whether VHF or UHF, and whether or not licensee-owned or financed. As for the latter point, the parties do not appear to reckon sufficiently with the differences between licensee-owned or licensee-assisted translators on the one hand and community-owned translators on the other. However desirable it may be, from some standpoints, to impose like conditions on all translators, we think it would create serious—if not insurmountable—burdens on many community-owned translators to require them uniformly to establish the administrative and technical means of blocking out programs duly notified by protected stations, bearing in mind the established differentiations with respect to duplication of color programs, network programs in and out of local prime time and the other distinctions observed in the nonduplication rules now applicable to CATV's.

53. It is evident from the multiplicity of differing suggestions filed herein that the whole problem of nonduplication by translators requires further study. We will, while reviewing this question further, continue our present practice of deciding questions relating to nonduplication of programs by translators on a case-to-case basis. This we think preferable to the elaboration, at this stage, of rules of universal application. For the present, we have concluded that we can best evaluate the frequently contradictory public interest considerations affecting nonduplication by translators in the context of the circumstances of each case in which the question may arise, as we have done hitherto.

Limitations on VHF translators in areas with predicted UHF service—paragraph 30(b) of the notice. 54. Most of the parties commenting on this question favored elimination of the present restriction, in § 74.732(d), which prohibits the use of VHF translators in areas receiving satisfactory service from one or more UHF television broadcast stations or UHF translators unless such intermixture can be justified in the individual case. We are not persuaded, however, that the public interest would be best served by removing at this time the restraint in the present rules against such intermixture. We shall, however, maintain a continuing review of this question as UHF set circulation progressively increases, bearing in mind the other suggested approaches, which include: (1) Restricting the application of the nonintermixture provisions of the present rules to the introduction of VHF translator service within the Grade A service areas of UHF stations; and (2) permitting intermixture subject to nonduplication of the UHF station's programs only within its Grade A service area.

Special requirements for translators rebroadcasting educational television stations—paragraph 30(c) of the notice. 55. Almost uniformly, the comments reflected the view that no special distinctions in the rules between translator rebroadcasting of the programs of commercial and educational primary stations were called for. We agree.

56. One party (ABC) suggested that where translators rebroadcast the signals of distant educational TV stations they be required (as in the case of CATV retransmissions under § 74.1105(a)) to notify local school authorities and the state educational television agencies. We think, however, that the requirements of § 1.580(g) for publishing notice of the

filing of translator application will sufficiently serve the purpose.

Origination of program material by translators—paragraph 30(d) of the notice. 57. This question was presented separately from the proposal in paragraph 29(g) of the notice to permit the originations, by UHF translators, of very brief announcements. Programing originations, as contrasted with the origination of brief announcements, involves much more serious possibilities for harmful interference and in other respects raises more serious problems.

58. The comments were strongly opposed, although there were some expressions of general support for the idea that translators be permitted to originate program material. The technical hurdles appear insuperable at this time, and for this reason alone we do not find warrant for initiating rule making now looking toward permitting programing originations by translators. We have arrived at this judgment with some regret, because there is much appeal in the exploitation of possibilities for giving smaller communities which lack direct primary TV station service a means of local self-expression, and of presenting issues of local importance, as well as candidates for local office.

59. At this stage of the art, however, it will continue to be necessary to look to low-power television broadcast stations for these purposes, and meanwhile to continue to examine the possibilities—in our separate, pending rule making in Docket No. 14229—for the authorization of low-cost, low-power television stations with modified technical requirements. In retransmitting the signals of a regular TV broadcast station, by a translator, the technical characteristics of the TV signal are controlled by the TV broadcast station which produces them in accordance with the strict technical standards governing TV broadcast stations. If translator apparatus is to transmit locally created TV programs, these programs must be produced by the same means used at the TV station and then used to modulate a local signal generator which will produce carriers on regular TV channels just as the TV station does. Instead of radiating the generated carriers, they are fed directly into the input of the translator and the translator treats them just as it would signals received through space from a TV broadcast station.

60. The technical rules governing translators can be and are made simple because the important technical controls are exercised by the TV broadcast station. If these controls are to be transferred to the translator then additional technical requirements must be added and the translator is no longer a translator but is a TV broadcast station. Since the program generating equipment contemplated by those urging translator program origination does not come up to broadcast standards, what is actually being urged is a low power, substandard television broadcast station.

61. The statutory problem, discussed earlier, relating to section 318 of the Communications Act poses an additional obstacle to permitting unattended translators to originate programs.

Possible preference in translator licensing to television station licensees over nonlicensee applicants—paragraph 30(e) of the notice. 62. The comments preponderantly recognized advantages in licensee ownership of translators, chiefly because of greater financial feasibility and operational facilities and expertise. Some felt, however, that the preference should be assessed on the circumstances of each individual case. Others opposed the idea as undesirable, unuseful or unworkable.

63. We do not find sufficient justification or a practicable basis for establishing, by rule, a preference for licensee ownership of translators, and believe it preferable to consider the relative merits of licensee-ownership as against translator operation by nonlicensees in any individual cases in which the choice may, exceptionally, be presented.

64. Turning again to the question of rule amendments, we are not persuaded by the urgings of several parties, including NCTA and Jerrold Corp., that the time is not ripe for any revision of the translator rules. While we recognize the bearing on the translator service of the rapidly evolving CATV service, and vice versa, we cannot justify the rigid perpetuation of rules adopted at an earlier and different stage until the circumstances affecting the other supplementary television service—CATV—have crystallized. We therefore adopt now those changes which are currently indicated, and will continue to observe developments with a view to such possible future changes as evolving conditions may show to be desirable.

65. Accordingly, upon careful review of the numerous helpful comments filed in this proceeding: *It is ordered,* That. pursuant to authority contained in section 4(i) and section 303 (a) through (g) and (r) of the Communications Act of 1934, as amended, the rule amendments set forth below, are adopted effective July 19, 1968.

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

Adopted: June 5, 1968.

Released: June 10, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX A

All Channel Television Society.
American Broadcasting Companies, Inc.
Association of Maximum Service Telecasters, Inc.
Blue Mountain TV Association.
Blue Water Broadcasting Co., Inc.
Boise Valley Broadcasters, Inc.
Bonneville International Corp.
A. W. Brothers.
Cascade Broadcasting Co.
Citizens TV Association.
Colorado Translator Association.
Cowles Communications, Inc.
A. Earl Cullum, Jr., and Associates.
Doubleday Broadcasting Co.
Electronic Industries Association, Broadcast Equipment Section.
Electronic Industries Association, Land Mobile Communications Section.
Electronics, Missile and Communications, Inc.
Frontier Broadcasting Co.
Grant County (Washington) Board of County Commissioners.
Hill Country Cablevision, Inc.
Hirsch Broadcasting Co.
Jerrold Corp.
K and M Electronics Co.
KAIT–TV.
Key Television, Inc.
Klix Corp., The.
KUTV, Inc.
Laramie Community TV Co.
Meredith Broadcasting Co.
Metropolitan Television Co.
Meyer Broadcasting Co.
Mid-America Broadcasting Co., Inc.
Midessa Television Co.
Mountain States Video, Inc.
National Association of Broadcasters.
National Broadcasting Co.
National Cable Television Association, Inc.
National TV Translator Association.
Nevada Radio and Television Co.
Peoples TV Association.
John H. Phipps, Television Station WCTV
Rosebud TV Corp.
Screen Gems Broadcasting of Utah, Inc.
Scripps-Howard Broadcasting Co.
Southern Nevada Radio and Television Co.
Spartan Radiocasting Co.
Spokane Television, Inc.
Springfield Television Broadcasting Corp.
David L. Steel, Sr.
Taylor Broadcasting Co.
Teldex Corp.
Triangle Publishing, Inc.
Upper Green River TV Association.
Utah Joint Committee on Educational Television.
Waco Broadcasting Co.
WCOV, Inc.
WLEX–TV, Inc.
WISC–TV.
W. C. Whitchurch.
WGAL Television, Inc.
Wometco Skywave Broadcasting Co.
WPSD–TV.
XYZ Television, Inc.
Park Non-Profit TV, Inc.

RULE AMENDMENTS

Part 74, Subpart G of the Commission's rules is amended as follows:

1. In § 74.731, paragraph (b) is amended and a new paragraph (f) is added to read as follows:

§ 74.731 Purpose and permissible service.

* * * * *

(b) Except as provided in paragraph (f) of this section, a television broadcast translator station may be used only for the purpose of retransmitting the signals of a television broadcast station, another television broadcast translator station, or a television translator relay station, which have been received directly through space, converted to a different channel by simple heterodyne frequency conversion, and suitably amplified.

* * * * *

(f) A locally generated radio frequency signal similar to that of a TV broadcast station and modulated with

[1] Commissioner Bartley absent; Commissioners Lee and Johnson concurring in the result; Commissioner Cox concurring and issuing a statement filed as part of the original document.

visual and aural information may be connected to the input terminals of a UHF television broadcast translator for the purpose of transmitting still photographs, slides and recorded voice announcements. The radio frequency signals shall be on the same channel as the normally used off-the-air signal being rebroadcast and the duration of such transmissions shall not exceed 20 seconds at intervals of no less than 1 hour. Connection of the locally generated signals shall be made automatically either by means of a time-switch or upon receipt of a control signal from the TV station being rebroadcast designed to actuate the switching circuit. The switching device shall be so designed that the translator input circuit will be returned to the off-the-air signal within 20 seconds. The apparatus used to generate the local signal which is used to modulate the UHF translator must be capable of producing a visual or aural signal or both which will provide acceptable reception on television receivers designed for the transmission standards employed by TV broadcast stations. Before commencing originations authorized in this paragraph, the licensee of the translator shall furnish to the Commission a complete description of the apparatus proposed to be used for such local originations. The visual and aural material so transmitted shall be limited to seeking or acknowledging financial support deemed necessary to the continued operation of the translator, the sole function of which is the rebroadcast of television signals. Accordingly, such originations are limited to the solicitation of contributions toward defrayal of the costs of installing, operating and maintaining the translator or acknowledgments of financial support for those purposes. Such acknowledgments may include identification of the contributors, the size or nature of the contributions and advertising messages of contributors.

2. In § 74.732(e), the introductory text and subparagraph (1) are amended as set forth below; the present "Note" is redesignated as "Note 1"; and a new Note 2 is added to read as follows:

§ 74.732 Eligibility and licensing requirements.

* * * * *

(e) The licensee or permittee of a television broadcasting station, an applicant for a proposed new VHF translator whose application is financially supported by such licensee or permittee, or any person associated with the licensee or permittee, either directly or indirectly, will not be authorized to operate a VHF translator under any of the following circumstances:

(1) Where the proposed translator is intended to provide reception to places which are beyond the Grade B contour of the television broadcast station proposed to be rebroadcast and within the Grade B contour of another television broadcast station assigned to a different principal city: *Provided, however,* That this prohibition will not apply to translators using 100 watts on assignments listed in the television table of assignments (§ 73.606(b) of this chapter).

* * * * *

NOTE 1 * * *

NOTE 2: Financial support referred to in paragraph (e) of this section includes only support for the preparation, filing and prosecution of applications for new VHF television broadcast translator stations, for the acquisition and installation of transmitting and other apparatus employed by such new VHF translator stations, and for the defrayal of any other costs necessary to placing such new VHF translator stations in operation. Paragraph (e) thus will not bar or limit contributions or support, by any station licensee or permittee or any other person defined in paragraph (e) of this section, for the operation or maintenance of a translator, whether such support is provided in the form of financial contributions or by providing operational or maintenance services.

* * * * *

3. In § 74.735(a), the introductory text which precedes subparagraph (1) and subparagraph (2) are amended to read as follows:

§ 74.735 Power limitations.

(a) The power output of the final radio frequency amplifier of a VHF translator (except as provided for in paragraph (d) of this section) shall not exceed 1 watt peak visual power if located east of the Mississippi River or 10 watts if located west of the Mississippi River or in Alaska or Hawaii. This power may be fed into a single transmitting antenna or may be divided between two or more transmitting antennas or antenna arrays in any manner found useful or desirable by the licensee. In individual cases, the Commission may authorize the use of more than one final radiofrequency amplifier at a single VHF translator station, under the following conditions:

* * * * *

(2) Each final radiofrequency amplifier shall feed a separate transmitting antenna or antenna array. The transmitting antennas or antenna arrays shall be so designed and installed that the outputs of the separate radiofrequency amplifiers will not combine to reinforce the signals radiated by the separate antennas or otherwise achieve the effect of radiated power in any direction in excess of that which could be obtained with a single antenna of the same design fed by a radiofrequency amplifier with power output no greater than that authorized pursuant to paragraph (a) of this section.

* * * * *

4. In § 74.736, paragraph (c) is amended to read as follows:

§ 74.736 Emissions and bandwidth.

* * * * *

(c) Any emissions appearing on frequencies more than 3 megacycles above or below the upper and lower edges, respectively, of the assigned channel shall be attenuated no less than:

(i) 30 decibels for transmitters rated at no more than 1 watt power output.

(ii) 50 decibels for transmitters rated at more than 1 watt power output.

* * * * *

5. Section 74.750 is amended by revising paragraph (a) and subdivisions (i) and (ii) of paragraph (c)(2), and deleting paragraphs (d)(3) and (e) and inserting the word "Reserved" in lieu thereof. The amended portions of § 74.750 read as follows:

§ 74.750 Equipment and installation.

(a) After June 10, 1968, applications for new television broadcast translators and for increased transmitter power for previously authorized translators will not be accepted unless the new transmitting apparatus to be employed is type accepted.

* * * * *

(c) * * *

(2) * * *

(i) 30 decibels for transmitters rated at no more than 1 watt power output.

(ii) 50 decibels for transmitters rated at more than 1 watt power output.

* * * * *

(d) * * *

(3) [Deleted]

* * * * *

(e) [Deleted]

* * * * *

[F.R. Doc. 68-6981; Filed, June 12, 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 28—PUBLIC ACCESS, USE, AND RECREATION

Willapa National Wildlife Refuge, Washington

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

§ 28.28 Special regulations; public access, use, and recreation; for individual wildlife refuge areas.

WASHINGTON

WILLAPA NATIONAL WILDLIFE REFUGE

Entry on foot is permitted for authorized recreational purposes on the Leadbetter Point area of the Willapa National Wildlife Refuge that is closed to entry and travel by vehicles.

The provisions of this special regulation supplement the regulations which govern public access, use and recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1968.

JOHN D. FINDLAY,
Regional Director, Bureau of Sport Fisheries and Wildlife.

JUNE 3, 1968.

[F.R. Doc. 68-6927; Filed, June 12, 1968; 8:45 a.m.]

Proposed Rule Making

POST OFFICE DEPARTMENT

[39 CFR Part 125]

PROHIBITIONS ON MAILING PISTOLS, REVOLVERS, AND OTHER CONCEALABLE FIREARMS

Notice of Proposed Rule Making

Notice is hereby given of proposed rule making consisting of proposed amendments to Part 125 of Title 39, Code of Federal Regulations. The proposed amendments supply more complete definition of the terms in § 125.5 which implements § 1715 of Title 18 United States Code prohibiting the mailing of pistols, revolvers, and other firearms capable of being concealed on a person except when mailed to categories of persons designated in the law. Paragraph (g) is revised to include a definition of antique firearms and a new paragraph (h) is added to supply other needed definitions. Simultaneous with the issuance of this notice the Postmaster General is adopting temporary regulations containing the same provisions.[1] These temporary regulations will be in force for a period of 90 days unless otherwise ordered.

This notice is being issued in order that members of the public may have an opportunity to comment on the terms of the regulations prior to any order making them permanent. Accordingly, written data, views and argument regarding the proposed regulations may bt filed with the General Counsel, Post Office Department, Washington, D.C. 20260 at any time prior to the 30th day following the date of publication of this notice in the FEDERAL REGISTER. The proposed amendments to Part 125.5 read as follows:

§ 125.5 Concealable firearms.

* * * * *

(g) *Antique firearms.* Antique firearms sent as curios or museum pieces may be accepted for mailing without regard to the provisions of §§ 125.5(a) through 125.5(d) and § 125.9. The term "antique firearm" means any firearm manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar early type of ignition system) or replica thereof, whether actually manufactured before or after the year 1898; and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States; and is not readily available in the ordinary channels of commercial trade.

(h) *Nonmailable firearms.* (1) Pistols, revolvers, and other similar firearms capable of being concealed on the person, addressed to persons other than those indicated in § 125.5(a), are nonmailable and shall not be received or carried in the mails.

(2) The term "pistols" or "revolvers" mean hand guns styled to be fired by the use of a single hand and to fire or otherwise expel a projectile by the action of an explosion, spring, or other mechanical action, or air or gas pressure with sufficient force to be used as a weapon.

(3) The term "firearm" means a device from which a projectile is fired or otherwise expelled by the action of an explosion, spring, or other mechanical action, or air or gas pressure with sufficient force to be used as a weapon.

(4) The phrase "all other firearms capable of being concealed on the person" includes, but is not limited to, short-barreled shotguns, and short-barreled rifles.

(5) The term "short-barreled shotgun" means a shotgun having one or more barrels less than 18 inches in length and any weapon made from a shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than 26 inches. A short-barreled shotgun of greater dimensions may also be regarded as nonmailable when they have characteristics allowing them to be concealed on the person.

(6) The term "short-barreled rifle" means a rifle having one or more barrels less than 16 inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than 26 inches. A short-barreled rifle of greater dimensions may also be regarded as nonmailable when they have characteristics allowing them to be concealed on the person.

NOTE: The corresponding Postal Manual section is 125.5.

(5 U.S.C. 301; 18 U.S.C. 1715; 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

JUNE 11, 1968.

[F.R. Doc. 68-7058; Filed, June 12, 1968; 8:50 a.m.]

[39 CFR Part 125]

DELIVERY OF FIREARMS

Notice of Proposed Rule Making

Notice is hereby given of proposed rule making consisting of a proposed amendment to Part 125 of Title 39, Code of Federal Regulations. The proposed amendment would add a new § 125.9 and provide that the postmaster at the office of address shall not make delivery of any firearm without first notifying the chief law enforcement official for the community in which the addressee resides that delivery of a firearm to the addressee will be made in the ordinary course of the mails. Simultaneous with the issuance of this notice the Postmaster General is adapting temporary regulations containing the same provisions.[1] These temporary regulations will be in force for a period of 90 days unless otherwise ordered.

This notice is being issued in order that members of the public may have an opportunity to comment on the terms of the regulations prior to any order making them permanent. Accordingly, written data, views, and arguments regarding the proposed regulations may be filed with the General Counsel, Post Office Department, Washington, D.C. 20260 at any time prior to the 30th day following the date of publication of this notice in the FEDERAL REGISTER. The proposed addition to Part 125 reads as follows:

§ 125.9 Notice of delivery of firearms.

(a) Paragraphs (c) through (g) of § 125.5 relative to Concealable Firearms shall apply to every mailing of a firearm without regard to whether it is capable of being concealed on the person. Firearm parcels not complying with this provision may not be admitted to or carried in the mails.

(b) The postmaster at the office of address shall not make delivery of any firearm without first notifying the chief law enforcement official for the community in which the addressee resides that delivery of a firearm to the addressee will be made in the ordinary course of the mails.

(5 U.S.C 301; 18 U.S.C. 1715; 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

JUNE 11, 1968.

[F.R. Doc. 68-7057; Filed, June 12, 1968; 8:50 a.m.]

FEDERAL HOME LOAN BANK BOARD

[No. 21,816]

[12 CFR Part 541]

FEDERAL SAVINGS AND LOAN SYSTEM

Proposed Amendment Relating to District of Columbia Associations

JUNE 4, 1968.

Resolved that the Federal Home Loan Bank Board considers it desirable to

[1] See F.R. Doc. 68-7056, *supra*.

[1] See F.R. Doc. 68-7055, *supra*.

amend § 541.2 of the rules and regulations for the Federal Savings and Loan System (12 CFR 541.2) in order to include building and loan and savings and loan associations organized or incorporated under or pursuant to the laws of the District of Columbia in the definition of "Federal association" for the purpose of applying certain portions of the rules and regulations for the Federal Savings and Loan System to such associations, and, for such purpose, it is hereby proposed that § 541.2 of said regulations be revised to read as follows:

§ 541.2 Federal association.

The term "Federal association" means a Federal savings and loan association chartered by the Board as provided in section 5 of the Home Owner's Loan Act of 1933, as amended. As used in §§ 546.1, 546.2, 546.3, and 546.4 of Part 546, and in Parts 547, 548, 549, and 550 of this subchapter, the term "Federal association" also includes any incorporated or unincorporated building, building or loan, building and loan, savings and loan, or homestead association, which has been organized or incorporated under or pursuant to the laws of the District of Columbia.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1943–48 Comp., p. 1071)

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, D.C. 20552, by July 15, 1968, as to whether this proposal should be adopted, rejected or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

JACK CARTER,
Secretary.

[F.R. Doc. 68-6980; Filed, June 12, 1968; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 1, 5, 80, 125]

[Docket No. FDC–78]

FOOD FOR SPECIAL DIETARY USES

Notice of Reconvening of Public Hearing

In the matter of revising the regulations for food for special dietary uses:

A notice was published in the FEDERAL REGISTER of April 2, 1968 (33 F.R. 5268), that scheduled a hearing in the above-identified matter to begin May 21, 1968 in Room 5131, Health, Education, and Welfare Building North, 330 Independence Avenue SW., Washington, D.C. The hearing was convened May 21, 1968, and was recessed the same day to permit continuation of prehearing conferences.

Notice is given that said public hearing in this matter will be reconvened at 10 a.m. on Thursday, June 20, 1968, at the above-given address and will continue thereafter at such times and places as directed by the Presiding Examiner.

Dated: June 5, 1968.

DAVID H. HARRIS,
Presiding Examiner.

[F.R. Doc. 68-6970; Filed, June 12, 1968; 8:48 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

HOUSING GUARANTIES

Prescription of Rate

Pursuant to section 222(h) of the Foreign Assistance Act of 1961, as amended, and effective immediately, contracts of guaranty for loan investments in housing under section 221(b)(2) and 224 of that Act will be subject to the following restriction:

The interest allowed to an eligible U.S. investor may not exceed a rate of seven and one-fourth percentum (7¼%) per annum. Prior to the execution of the contract of guaranty, the Adminstrator may amend such rate at his discretion, consistent with the provisions of section 222(h) of the Act.

WILLIAM S. GAUD,
Administrator.

MAY 13, 1968.

[F.R. Doc. 68-6957; Filed, June 12, 1968; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. U-4462]

UTAH

Notice of 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, the public lands within the area described below are classified for multiple-use management. Publication of this notice segregates 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 as amended (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 noted 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 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The public lands affected are those administered by the Bureau of Land Management within the following described area in Iron, southwest Beaver, west Garfield, and north Washington Counties, Utah, and are shown on maps on file in the Cedar City district office, Bureau of Land Management, 154 North Main Street, Cedar City, Utah, and the State office, Bureau of Land Management, 8239 Federal Building, 125 South State Street, Salt Lake City, Utah:

SALT LAKE MERIDIAN, UTAH

Following surveyed section lines and subdivisions thereof as follows:

Beginning at a point at the southwest corner of sec. 31, T. 35 S., R. 9 W.; thence north and east along the Dixie National Forest boundary to the southwest corner of sec. 6, T. 33 S., R. 5 W.; thence easterly along the district boundary common to the Bureau of Land Management's Cedar City and Kanab districts, to the southeast corner of sec. 31, T. 32 S., R. 4½ W.; thence north 6 miles along the Dixie National Forest boundary to the northeast corner of sec. 6, T. 32 S., R. 4½ W.; thence west and north along the district boundary common to the Bureau of Land Management's Cedar City and Richfield districts, to the north one-quarter corner of sec. 11, T. 31 S., R. 5 W.; thence west along the Fishlake National Forest boundary to the northeast corner of sec. 4, T. 31 S., R. 6 W.; thence west and north along the boundary common to the Bureau of Land Management's Cedar City and Fillmore districts, to the northwest corner of lot 7, sec. 2, T. 27 S., R. 20 W.; thence south along the Utah-Nevada State line to the southwest corner of lot 4, sec. 11, T. 36 S., R. 20 W.; thence east and south along the Dixie National Forest boundary to a point where it intersects the southwest corner of sec. 3, T. 38 S., R. 13 W.; thence east ½ mile; south 1 mile; east 1½ miles; south ¼ mile; east 1 mile; south ¼ mile; east 1 mile; north ½ mile; east 2 miles to the Zion National Park boundary; thence north and east along the Zion National Park boundary to the east one-quarter corner of sec. 12, T. 38 S., R. 12 W.; thence north 1 mile; east 1 mile; north 2 miles; east 1 mile; north about 2 miles to the southwest corner of sec. 16, T. 37 S., R. 11 W.; thence east 2 miles; north about 1¼ miles to the southwest corner of sec. 11, T. 37 S., R. 11 W.; thence east ¼ mile; north ½ mile; east ¼ mile; north ¼ mile; west ¼ mile; north ¼ mile; east ¾ mile, to the southeast corner of sec. 2, T. 37 S., R. 11 W., SLM; thence north 1 mile; east 1¼ miles; north 2¾ miles; east 1¾ miles; north 1¼ miles; east 1 mile; north 2 miles; east 3 miles to point of beginning.

The following parcels of public land that fall within the above-described boundary are excluded from this classification:

T. 31 S., R. 12 W.,
All except sec. 35.
T. 31 S., R. 13 W.,
All.
T. 32 S., R. 8 W.,
Sec. 34, S½, S½N½, NW¼NW¼.
T. 32 S., R. 12 W.,
Sec. 6, SE¼SE¼;
Sec. 7, NW¼NW¼.
T. 32 S., R. 13 W.,
All except:
Sec. 13, E½;
Sec. 24, All;
Sec. 25, E½.
T. 32 S., R. 14 W.,
All that south of Union Pacific Railroad.
T. 32 S., R. 16 W.,
Sec. 26, W½;
Sec. 31, All;
Sec. 34, W½;
Sec. 35, All.
T. 33 S., R. 8 W.,
Sec. 3, N½;
Sec. 4, SE¼NE¼, SE¼;
Sec. 9, NE¼, NE¼SW¼, E½SE¼, NW¼SE¼.
T. 33 S., R. 9 W.,
Sec. 31, Lots 6 and 7.
T. 33 S., R. 13 W.,
Sec. 6, W½;
Sec. 7, All;
Sec. 30, NW¼SW¼, S½SW¼;
Sec. 31, SW¼NE¼, NW¼, E½SW¼, SE¼.
T. 33 S., R. 14 W.,
All Except:
Sec. 13, NE¼;
Sec. 24, NE¼, NE¼NW¼.
T. 33 S., Rs. 15 and 16 W.,
All.
T. 33 S., R. 17 W.,
Sec. 1, NE¼;
Sec. 22, W½;
Sec. 23, W½;
Sec. 34, W½;
Sec. 35, W½.
T. 34 S., R. 9 W.,
Sec. 30, NW¼NE¼, NW¼, N½SW¼, SW¼SW¼;
Sec. 31, W½NW¼, NW¼SW¼.
T. 34 S., R. 10 W.,
Sec. 24, S½NE¼, SE¼;
Sec. 25, E½.
T. 34 S., R. 11 W.,
Sec. 10, E½, E½W½;
Sec. 15, N½NE¼, SW¼NE¼, S½NW¼, SW¼, W½SE¼;
Sec. 22, N½, SE¼;
Sec. 23, SW¼;
Sec. 31, S½S½.
T. 34 S., R. 13 W.,
Sec. 7, W½NW¼.
T. 34 S., R. 14 W.,
Sec. 3, All;
Sec. 4, W½;
Sec. 5, E½, SE¼NW¼, SW¼;
Sec. 6, SW¼;
Sec. 7, W½;
Sec. 8, N½, N½SW¼;
Sec. 18, W½NE¼, NW¼, N½SW¼, NW¼SE¼.
T. 34 S., R. 15 W.,
Sec. 7, S½NE¼;
Sec. 10, N½;
Sec. 17, NW¼.
T. 34 S., Rs. 16 and 17 W.,
All.
T. 35 S., R. 11 W.,
Sec. 34, SW¼SW¼.
T. 35 S., R. 12 W.,
Sec. 27, NE¼NE¼.
T. 35 S., R. 15 W.,
All except secs. 24 and 25.
T. 35 S., R. 16 W.,
All.
T. 35 S., R. 17 W.,
Sec. 6, All;
Sec. 11, NW¼;
Sec. 14, NE¼;
Sec. 23, NW¼.
T. 36 S., R. 11 W.,
Sec. 18, S½SE¼;
Secs. 19 and 20, All;
Sec. 21, N½, SW¼, W½SE¼;
Sec. 28, W½NE¼, NW¼, W½SW¼;
Sec. 29, N½, SE¼.

T. 36 S., R. 12 W.,
Sec. 21, E½;
Sec. 28, E½E½, NW¼NE¼;
Sec. 30, SW¼NW¼, SW¼SW¼;
Sec. 31, W½;
Sec. 33, E½E½;
Sec. 34, SW¼.
T. 37 S., R. 12 W.,
Sec. 3, NW¼NW¼;
Sec. 4, NE¼NE¼.
T. 37 S., R. 16 W.,
Sec. 3, E½SE¼, SW¼SE¼;
Sec. 8, E½NE¼, SW¼NE¼;
Sec. 10, N½NE¼, SE¼NE¼, W½NW¼;
Sec. 11, NW¼;
Sec. 18, SE¼.
T. 37 S., R. 17 W.,
Sec. 15: S½N½, S½.

The public lands being classified for multiple use management in the area described aggregate approximately 985,892 acres.

3. Publication of this notice also has the effect of segregating the lands described below from entry or location under the general mining laws but not the mineral leasing laws:

SALT LAKE MERIDIAN, UTAH

WHITE LEDGES

T. 35 S., R. 9 W.,
Sec. 14, SW¼SE¼;
Sec. 23, W½E½.

PAROWAN GAP

T. 33 S., R. 10 W.,
Sec. 28, W½NE¼, E½NW¼.

PARAGONAH CANYON PICNIC SITE

T. 34 S., R. 8 W.,
Sec. 3, NE¼SW¼, SE¼.

SUMMIT CANYON RECREATION SITE

T. 35 S., R. 9 W.,
Sec. 6, E½SW¼.

MAPLE SPRING RECREATION SITE

T. 35 S., R. 9 W.,
Sec. 3, E½NW¼.

BULL SPRING RECREATIONAL SITE

T. 31 S., R. 17 W.,
Sec. 22, E½SW¼.

SANDCLIFFS

T. 31 S., R. 6 W.,
Sec. 5, SW¼SW¼.

BONE HOLLOW RECREATION SITE

T. 31 S., R. 7 W.,
Sec. 34, S½SE¼, SE¼SW¼.

BUMBLEBEE SPRING RECREATION SITE

T. 37 S., R. 13 W.,
Sec. 26, S½NE¼.

The area described contains 1,040 acres.

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

R. D. NIELSON,
State Director.

[F.R. Doc. 68–6926; Filed, June 12, 1968; 8:45 a.m.]

[A 2117]

ARIZONA

Order Providing for Opening of Public Lands

1. In an exchange of lands made under provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g), the following described lands have been reconveyed to the United States under Serial AR 035961:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 13 S., R. 32 E.,
Sec. 3, S½S½;
Sec. 4, SE¼SE¼;
Sec. 5, NE¼NE¼, W½E½, and W½;
Sec. 6, E½NE¼;
Sec. 10, NE¼NE¼;
Sec. 11, lots 1, 2, 3, and 4, and NW¼NW¼;
Sec. 14, lots 1 and 2, and SW¼NW¼;
Sec. 15, SE¼NE¼;
Sec. 27, SE¼NE¼, SW¼, NE¼SE¼, and W½SE¼;
Sec. 28, SE¼SW¼, and SE¼;
Sec. 33, lots 3 and 4, NE¼ and N½SE¼.
T. 14 S., R. 32 E.,
Sec. 4, lots 1 and 2, and S½NE¼.

The areas described aggregate 2,227.31 acres.

2. The lands are located in Cochise County, Ariz., approximately 9 miles northeast of San Simon, Ariz., on the lower slopes of the Peloncillo Mountains. Topography varies from gently rolling foothills to rough and steep mountainous terrain. Soils are rocky, gravelly, sandy loam. Vegetation consists of creosote bush, burrow weed, mesquite, saltbush, cacti, tobosa, and scattered sideoats with various annual grasses.

3. The lands have value for watershed and grazing with limited wildlife and recreation potential which can best be managed under the provisions of the Classification and Multiple Use Act.

Subject to Classification Order A 467, the above-described lands are now open to location and entry under the mining and mineral leasing laws, to petition-application for private and State exchanges, and to State selections. Any application or petition-application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. This order shall become effective at 10 a.m. on July 10, 1968.

5. Inquiries concerning these lands should be addressed to: U.S. Bureau of Land Management, Arizona Land Office, Room 3022 Federal Building, Phoenix, Ariz. 85025.

FRED J. WEILER,
State Director.

JUNE 4, 1968.

[F.R. Doc. 68–6938; Filed, June 12, 1968; 8:46 a.m.]

[C–3656]

COLORADO

Notice of Classification of Public Lands for Multiple-Use Management

JUNE 4, 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 (a) segregates all the described lands from appropriation only under the agricultural land laws (43 U.S.C. Chapters 7 and 9; 25 U.S.C. 334); from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and (b) further segregates the public lands described in paragraph 4 from appropriation under the general mining laws (30 U.S.C. 20). Except as provided in (a) and (b) above, the lands described shall remain open to all other applicable forms of appropriation including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended; or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269) as amended which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. No protests or objections were received following publication of a notice of proposed classification (33 F.R. 5318–5319) or at the public hearing held on May 7, 1968 at Delta, Colo. The record showing the comments received and other information is on file and can be examined in the Montrose District Office, Montrose, Colo.

3. 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–3656 in the Montrose District Office, Bureau of Land Management, Highway 550 South, Montrose, Colo. 81401, and at the Land Office, Bureau of Land Management, Room 15019, Federal Building, 1961 Stout Street, Denver, Colo. 80202.

SIXTH PRINCIPAL MERIDIAN, COLORADO

DELTA AND GUNNISON COUNTIES

T. 12 S., R. 89 W.,
Secs. 8, 9, 19, 20, and 27;
Sec. 28, SE¼SE¼, E½SW¼SE¼, NW¼SW¼SE¼;
Secs. 33, 34, 35, and 36.
T. 12 S., R. 91 W.,
Sec. 36.
T. 12 S., R. 94 W.,
Sec. 25;
Sec. 34, lot 28;
Sec. 35, lots 9, 10, 11, 12;
Sec. 36.
T. 13 S., R. 89 W.,
Secs. 1, 4, 5, 6, 7, 8, 9, and 10.
T. 13 S., R. 90 W.,
Secs. 1 to 7 inclusive;
Secs. 10, 11, 12, 18, 30, and 31.

T. 13 S., R. 91 W.,
Secs. 1, 2, 3, 4, 5, 8, 9, 11, 12, 13, 16, 17, 18, 19, 20, 21;
Sec. 22, lot 10;
Secs. 25, 26, 27, 28, 29, 30, 32, 33, 34, 35, and 36.
T. 13 S., R. 92 W.,
Secs. 8, 9, 10, 14, 15, 16, 19;
Secs. 21 to 36 inclusive.
T. 13 S., R. 93 W.,
Secs. 4, 5, 7, 8, and 9;
Secs. 16, 17, 18, 20;
Secs. 22 to 27 inclusive;
Secs. 29, 30, 33, 34, 35, and 36.
T. 13 S., R. 94 W.,
Secs. 2, 10, 11, 13, 14;
Sec. 15, E½NE¼.
T. 14 S., R. 90 W.,
Secs. 6 and 7.
T. 14 S., R. 91 W.,
Secs. 1, 2, 3, 4, 9, 10, 11, 12, 15, 20, 21, 22, 29, 30, 31, and 32.
T. 14 S., R. 92 W.
Secs. 3 to 9 inclusive;
Secs. 25, 26, 27, 34, 35, and 36.
T. 14 S., R. 93 W.,
Secs. 1, 2, 3, 10, 11, 12, 13, and 30;
Sec. 31, lots 1, 2, NW¼NE¼, NE¼NW¼.
T. 14 S., R. 94 W.,
Sec. 25, E½NE¼, S½SW¼, SE¼;
Sec. 26, S½SE¼;
Secs. 32, 34, 35, and 36.
T. 15 S., R. 91 W.,
Secs. 6, 7, 17, 18, 19, 20;
Sec. 27, NW¼NE¼, NE¼NW¼;
Secs. 29 and 30;
Sec. 31, lot 1, NE¼NW¼, N½NE¼, SE¼NE¼.
T. 15 S., R. 92 W.,
Secs. 1, 2, 3, 7, 8, 10, 11, 12, 14, 15, 17, 18, 22;
Sec. 23, NE¼NE¼, W½NW¼;
Secs. 24 and 25.
T. 15 S., R. 93 W.,
Secs. 1, 12, and 13.
T. 15 S., R. 94 W.,
Sec. 2, lots 3, 4, S½NW¼;
Sec. 3, lot 1, SE¼NE¼;
Sec. 5, lot 4;
Sec. 6, lot 1.

The total area described aggregates approximately 63,621 acres in Delta and Gunnison Counties, Colo.

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

SIXTH PRINCIPAL MERIDIAN, COLORADO

DELTA COUNTY

Needle Rock Landmark Site

T. 15 S., R. 91 W.,
Sec. 27, NW¼NE¼, NE¼NW¼.

Crawford Site

T. 15 S., R. 91 W.,
Sec. 31, lot 1, NE¼NW¼, N½NE¼.

These lands aggregate approximately 240 acres.

5. 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. 68–6939; Filed, June 12, 1968; 8:46 a.m.]

ADMINISTRATIVE OFFICE, MILES CITY DISTRICT ET AL.

Delegation of Authority; Procurement

District Manager, Miles City District, Mont., Supplement to Bureau of Land Management Manual 1510 and 1376.

A. Pursuant to delegation of authority delegated to me by State Director, Montana, BLM Manual Supplement 1510, release 1–59, April 24, 1968, and 1376.72A, the Administrative Officer—Miles City District, Project Manager—Makotapi Project—Belle Fourche, S. Dak., Project Manager—Dickinson, N. Dak., are authorized:

1. *Open market purchasing.* To enter into contracts pursuant to section 302 (c) (3) of the FPAS Act, as amended, for supplies and services, excluding capitalized property, not to exceed $750 per transaction: *Provided*, That the requirement is not available from established sources of supply.

2. *Established sources of supply.* To procure necessary supplies and services, except capitalized property, available from established sources of supply, not to exceed $750 per transaction.

3. *Authorization.* Designated to certify long distance calls for payment within their areas.

L. M. LAITALA,
District Manager.

JUNE 3, 1968.

[F.R. Doc. 68–6940; Filed, June 12, 1968; 8:46 a.m.]

[New Mexico 5046]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 6, 1968.

The Forest Service, U.S. Department of Agriculture, has filed an application, New Mexico 5046, for the withdrawal of lands described below, from location and entry under the mining laws. The applicant desires the lands for recreational areas.

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, Chief, Division of Lands and Minerals Program Management and Land Office, Post Office Box 1449, Santa Fe, N. Mex. 87501.

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

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

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

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

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

CIBOLA NATIONAL FOREST

Diener Canyon Forest Development Road No. 3178, Recreation Zone

A strip of land 500 feet on each side of the centerline of Forest Development Road No. 3178, through the following legal subdivisions:

T. 11 N., R. 12 W.,
Sec. 6, lots 1, 2, 7, S½NE¼, SE¼NE¼SW¼, SE¼SW¼, N½SE¼, and SW¼SE¼;
Sec. 7, lot 1, W½NE¼ (excepting Moises No. 1 and 9 mining claims), E½NW¼ (excepting Moises No. 1 mining claim—Mineral Survey No. 2222), and SE¼;
Sec. 17, SW¼NW¼, W½SW¼, SE¼SW¼, and SW¼SE¼;
Sec. 18, E½NE¼, NW¼NE¼, E½SE¼, and SW¼SE¼;
Sec. 19, NE¼NE¼, W½NE¼, and E½NW¼;
Sec. 20, NW¼NE¼, and N½NW¼.
T. 12 N., R. 12 W.,
Sec. 20, NE¼, SE¼SW¼, NE¼SE¼, and W½SE¼;
Sec. 29, W½NE¼, E½W½, SW¼SW¼, and NW¼NW¼SE¼;
Sec. 31, S½NE¼, and SE¼;
Sec. 32, N½NW¼, and SW¼NW¼.

Post Office Flat Campground and Jamboree Area

T. 11 N., R. 12 W.,
Sec. 19, lots 2, 3, 4, and E½SW¼.

The areas described aggregate 1,363.68 acres more or less.

HOWARD M. GROTBERG,
Acting Chief Division of Lands and Minerals, Program Management and Land Office.

[F.R. Doc. 68–6941; Filed, June 12, 1968; 8:46 a.m.]

CALIFORNIA

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

Notice of a Fish and Wildlife Service, U.S. Department of the Interior, application Sacramento 048846, for withdrawal and reservation of lands for the Tule Lake National Wildlife Refuge, was published as F.R. Doc. No. 55–4841 in the issue for June 16, 1955. The applicant

agency has canceled its application insofar as it affects the following described lands:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 47 N., R. 3 E.,
Sec. 12, lot 6.

Therefore, pursuant to the regulations contained in 43 CFR, Part 2311, such lands at 10 a.m. on July 12, 1968, will be relieved of the segregative effect of the above-mentioned application.

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

[F.R. Doc. 68-6942; Filed, June 12, 1968; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

WHITMOYER LABORATORIES, INC.

Notice of Filing of Petition for Food Additives Carbarsone (Not U.S.P.), Penicillin, and 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 be amended to provide for the safe use in turkey feed, as an aid in the prevention of blackhead and for growth promotion and feed efficiency, of a combination of:

1. Carbarsone (not U.S.P.) and penicillin (from procaine penicillin);

2. Carbarsone (not U.S.P.) and bacitracin (from bacitracin methylene disalicylate or zinc bacitracin); and

3. Carbarsone (not U.S.P.), penicillin (from procaine penicillin), and bacitracin (from bacitracin methylene disalicylate or zinc bacitracin).

Dated: June 3, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-6971; Filed, June 12, 1968; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-322]

LONG ISLAND LIGHTING CO.

Notice of Receipt of Application for Construction Permit and Facility License

The Long Island Lighting Co., 250 Old Country Road, Mineola, N.Y. 11501, pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, has filed an application, dated May 15, 1968, for licenses to construct and operate a boiling water nuclear reactor having a gross electrical output of approximately 553 megawatts derived from a thermal capacity of approximately 1,593 megawatts.

The proposed reactor, designated by the applicant as the Shoreham Nuclear Power Station Unit 1, is to be located at the applicant's 450-acre site on the north shore of Long Island in the town of Brookhaven in Suffolk County, N.Y.

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

Dated at Bethesda, Md., this 6th day of June 1968.

For the Atomic Energy Commission.

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

[F.R. Doc. 68-6928; Filed, June 12, 1968; 8:45 a.m.]

STATE OF IDAHO

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of Idaho for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A résumé, prepared by the State of Idaho and summarizing the State's proposed program for control over sources of radiation, is set forth below as an appendix to this notice. A copy of the program, including proposed Idaho regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C. 20545. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 30 days after initial publication of this notice in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as Part 150 of the Commission's regulations in FEDERAL REGISTER issuances of February 14, 1962, 27 F.R. 1351; September 22, 1965, 30 F.R. 12069; and March 19, 1966, 31 F.R. 4668. In reviewing this proposed agreement, interested persons should also consider the aforementioned exemptions.

Dated at Germantown, Md., this 11th day of June 1968.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

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

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

Whereas, the Governor of the State of Idaho is authorized under sections 39-3001 through 39-3019, Idaho Code (as passed by the Legislature in 1967) to enter into this agreement with the Commission; and

Whereas, the Governor of the State of Idaho certified on May 28, 1968, that the State of Idaho (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this agreement, and that the State desires to assume regulatory responsibility for such materials; and

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

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

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

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

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

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

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

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

A. The construction and operation of any production or utilization facility;

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

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

D. The disposal of such other byproduct, source, or special nuclear material as the

Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

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

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

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

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

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

ART. VIII. This Agreement shall become effective on October 1, 1968, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VII.

Done at _____, in triplicate, this _____ day of _____.

FOR THE ATOMIC ENERGY COMMISSION

_____

FOR THE STATE OF IDAHO

_____

FOREWORD

The Governor, on behalf of the State of Idaho, is authorized to enter into agreements with the Federal Government providing for discontinuance of certain of the Federal Government's responsibilities with respect to sources of ionizing radiation. This authority is granted in section 39-3009 of the Idaho Code as amended in 1967.

The Atomic Energy Commission (AEC) is authorized to enter into an agreement with the governor of a State whereby the Commission may transfer to the State certain licensing and regulatory control of byproduct material, source material, and special nuclear material in quantities not sufficient to form a critical mass. This authority is found in section 274b of the Atomic Energy Act of 1954 as amended.

This document briefly describes some of the past activities and accomplishments of the Radiological Health Program within the Idaho Department of Health in the control and regulation of ionizing radiation for the protection of the State's citizens. Proposed programs, staffing, equipment, and facilities are presented for the assumption of additional responsibilities with respect to sources of ionizing radiation, as well as supporting information on authority, regulation, and organization.

HISTORY

Introduction. The Idaho Department of Health's involvement in radiation control activities began in 1954. In that year the Department established recommended standards pertaining to fluoroscopic shoe-fitting devices and, through a voluntary educational inspection program, the use of these machines was discontinued in Idaho.

In 1958 the State Board of Health adopted general regulations covering the control, regulation, and registration of radioactive materials and radiation machines. The use of ionizing radiation in the healing arts was specifically exempted in these regulations, thereby essentially limiting the regulations to industrial and other nonmedical uses of ionizing radiation. In 1959 a voluntary survey of dental X-ray machines was initiated. Approximately two-thirds of these machines in Idaho were surveyed during 1959 and 1960.

In 1961 the 36th Session of the Idaho Legislature enacted the Radiation Control Act. This enabling legislation delegated to the Department of Health and the Department of Labor the responsibility of adopting regulations and standards for radiation protection, and required the registration of all sources of radiation located within the State. In addition, the legislation authorized the Governor to enter into negotiations with the U.S. Atomic Energy Commission for the assumption of the control and regulation by the State of certain radioactive materials presently under Federal jurisdiction. While regulations and standards for radiation control were being considered and drafted, the X-ray surveillance program was conducted on a voluntary basis. Also, the Department of Health began acquiring laboratory equipment for conducting certain radiological analyses.

In 1963 an Environmental Radiological Surveillance Network was established throughout various areas of the State and consisted of stations for the collection of air, water, milk, and precipitation samples.

After 3½ years and two public hearings, regulations were prepared by the Idaho Department of Health with assistance from the Governor's Committee on Atomic Energy and Radiation Hazards, and presented to and adopted by the Idaho State Board of Health in September 1964. These regulations covered the use of sources of radiation and required the registration of radiation machines and of the users of radioactive materials in the State of Idaho. With the adoption of the 1964 regulations, a program was begun for surveying the remainder of the X-ray machines in the State and for the registration of all sources of radiation.

In 1967 the 39th session of the Idaho Legislature enacted legislation which established the Idaho Nuclear Energy Commission and designated the Idaho State Board of Health as the State Radiation Control Agency. This new legislation, which superseded the 1961 Radiation Control Act, also authorized the governor to enter into an agreement with the Federal Government for the transfer of the control and regulation of certain radioactive materials. The Idaho Nuclear Energy Commission was to be the focal point in the State government for coordination of the promotion and development of nuclear energy for peaceful and productive purposes in Idaho. The Idaho State Board of Health is responsible for the protection of the occupational and public health and safety with regard to ionizing radiation.

X-ray program. The voluntary dental X-ray survey of 1959–60 covered approximately two-thirds of the dentists in Idaho. Of the 283 dentists contacted, 195 voluntarily requested surveys of their equipment. The survey of the dental installations consisted of (1) a visual check of the overall condition of the equipment; (2) a determination as to the adequacy of the beam filtration and collimation; (3) discussion of X-ray radiographic techniques; and (4) assessment of levels of radiation in various areas within the dental office.

In 1962, while anticipating the adoption of radiation control regulations, a follow-up survey was initiated for all dental X-ray units, including those that were previously surveyed. The reason initial efforts dealt with dental X-ray equipment was because of the dental profession's interest in radiation protection which had been fostered by the cooperative efforts of the Idaho Dental Society and the Dental Health Section of the Idaho Department of Health. It was also felt that follow-up inspections would give valuable information as to compliance with recommendations for radiation protection, and also aid in formulating the required frequency of visits in order to maintain a continuing upgrading of radiation protection techniques. Also during this survey, preregistration information was obtained about each X-ray unit inspected.

With the adoption of the 1964 regulations, physical surveys of other than dental X-ray installations were started on a routine basis. Fifty-two hospitals, with a total of 165 X-ray units, have been surveyed and written reports submitted to the persons in charge of the hospitals. Also, approximately 70 medical radiographic units have been surveyed in the offices of physicians and veterinarians. Inspections of these facilities have been conducted in a similar manner, as were those for the dental X-ray units. However, because of the larger energy output of the medical X-ray machines, a more detailed inspection was made of the shielding characteristics of the facilities. Six industrial X-ray installations have been surveyed with the protection of the operators of primary concern in most of these surveys.

Radioactive materials. While inspecting X-ray equipment in hospitals and medical offices, inquiries were also made as to whether or not radioactive materials were used. If radioactive materials were present, information was obtained as to the types of isotopes used and the maximum amount of each isotope that would be on hand at any one time. This information was used for radioactive material registration which became effective in 1964. The storage and use of the radioactive materials were reviewed with the person(s) in responsible charge. Using survey instruments, the working areas were monitored to determine levels of radioactivity. In some instances wipe tests were made in laboratory working areas and the swabs analyzed in our radiological health laboratory. This nonroutine inspection of radioactive materials was not confined to radium. All isotopes used, whether or not they were licensed by the Atomic Energy

Commission, were included in the registration and inspection program. Two special radium surveys are currently being made.

A survey of bank safety-deposit boxes for unshielded radioisotopes, particularly radium, was started in 1965 and is continuing. There is the possibility, as was found in other parts of the country, that radium left in estates after the death of some members of the medical profession would turn up in safety-deposit boxes, presenting a hazard to those people working nearby. In the 60 banks and savings and loan companies surveyed thus far, no sources have been found.

Surveys have also been conducted of some of the liquid waste effluents from the phosphate industries in Southeastern Idaho. Initial results indicated that these effluents contained considerable quantities of radium-226, as did the receiving streams and shallow wells in the vicinity of the operations. A sampling program has been carried out by the Radiological Health Section with the Southwestern Radiological Health Laboratory in Las Vegas doing the radium analyses. This program is continuing at the present time.

When inspections are made of licensees in Idaho by members of the Atomic Energy Commission's regional office in Denver, every effort is made to have staff members of the Radiological Health Section accompany the inspectors on their visit. This procedure has been followed whenever possible since 1960. These inspections covered not only users within the healing arts, but also industrial applications of radioactive materials.

Environmental surveillance. In 1963 an Environmental Surveillance Network was established throughout the State. The network now consists of nine stations. Five of these stations submit daily air particulate samples, six collect precipitation samples, and six routinely submit milk samples for radioanalysis. Currently, participation is also maintained in the Public Health Service National Air Surveillance Network and the offsite air surveillance network conducted by the Public Health Service out of Las Vegas, Nev. Also, special milk samples are collected from 11 selected dairies in the State and sent to the Public Health Service Laboratory in Las Vegas whenever this special network is alerted. Additional surveillance is being conducted on surface and ground waters in various sections of the State to provide basic background information. Location of three Atomic Energy Commission nuclear energy facilities either in Idaho or adjacent States, and the advent of nuclear power facilities, point toward an active future for this program.

A radiological laboratory was included in the new State Health Laboratory built in 1965. At the present time the Laboratories Division is furnishing a chemist to handle the radiological analyses. The wet chemistry facilities of the radiological laboratory are quite sufficient. A vacuum hood and electric muffle furnace are also provided. A separate room is provided for the counting equipment. This equipment consists of a low background alpha-beta particle counting system with automatic sample changer and print out, an internal gas proportional counter, and a single-channel gamma analyzer with a 3" x 3" NaI crystal scintillation detector with an X-Y plotter.

Radiation emergencies. A Department of Health radiological emergency team was formed in 1963. The function of the team was not only to assist in protecting the public in any radiological emergency, but also to handle other nonradiation type emergencies which involve public health and safety. The emergency team was composed of four staff members, each one having two backup replacements. An attempt was made to have one person with radiological health training on the team, along with a physician and a chemist and a public health engineer, all of whom had knowledge of radiation monitoring. An emergency kit was prepared with all the apparatus and radiation surveying equipment which could be useful in emergency situations. Due to departures of personnel from the Department and educational leaves, the emergency team is presently being reorganized.

The Federal Radiological Assistance Team Network notifies the Department of Health when any accidents occur involving radioactive materials. In the same way they would be notified if the Department of Health is the first to gain knowledge of such an accident. State Law Enforcement personnel and County Sheriffs are also instructed to notify the nearest Radiological Assistance Team, and also the Department of Health.

Organization, Staffing, and Responsibility

The State government and Idaho Department of Health organization for the purpose of regulation of sources of ionizing radiation is illustrated in Figure 1.[1]

The Idaho Nuclear Energy Commission is appointed by the governor and consists of five members. The Commission is to be the focal point in the State government for coordination of the promotion and development of nuclear energy for peaceful and productive purposes in the State. It is to provide evaluation, review and coordination of the activities of the State departments relating to nuclear energy.

The Radiological Health Advisory Committee is appointed by the Board of Health and has five members, all of whom are knowledgeable and active in the use of ionizing radiation and are well qualified in aspects of radiation protection. Four of the committee members are physicians licensed in Idaho—two of the physicians being radiologists—and the fifth member is a certified health physicist. The committee is to be advisory to the Board in connection with its responsibilities as the State radiation control agency, and, also more directly, to be advisory to the Radiological Health Section in matters concerning licensing of users of radioactive materials and the registration of radiation producing machines in the medical profession.

By legislative mandate, the Idaho State Board of Health was delegated to have the sole responsibility for the control and regulation of radiation in the State. However, close liaison will be maintained with other State Departments such as Law Enforcement, Highways, Labor, Mines, etc., so that any possible radiation hazards can be brought to the attention of the Department of Health as quickly as possible.

The Radiological Health Section is located in the Engineering and Sanitation Division of the Idaho Department of Health. Radiological health activities involve other sectional and divisional disciplines of the Department of Health, thereby requiring close cooperation with these offices. One of these is the Hospital Facilities Division, which has the responsibility of licensing hospitals and nursing homes in the State. The hospital licensing requirements on X-ray facilities are met when the Radiological Health Section issues a satisfactory report on these facilities. The Radiological Health Section will continue to register and will begin licensing appropriate sources of radiation in these facilities. Inspectors of the Hospital Facilities staff are also quite helpful in bringing to the attention of the Radiological Health Section questionable uses of sources of radiation. The Dental Health Section of the Child Health Division is helpful as a liaison between the dental profession and the radiological health programs. The Preventive Medicine Division assists in a similar way with the medical profession. The sections of Water Pollution Control, Air Pollution Control, Industrial Hygiene, and Milk and Food—all within the Engineering and Sanitation Division—and the Laboratories Division assist greatly in environmental radiological surveillance activities through the collection and analysis of environmental samples.

Legal services are provided by the State Attorney General's office. Data processing is available from the Bureau of Vital Statistics and Data Processing Section of the Department of Health.

The present functional organization which deals with radiological health consists of the part- and full-time services of five people. They are: (1) One half-time public health engineer who is the Radiological Control Officer and Chief of the Radiological Health Section; (2) one full-time public health engineer; (3) one full-time radiological health specialist; (4) a part-time radiochemist, and (5) a part-time secretary. Budget requests have been made for a full-time radiochemist and a full-time secretary.

Other personnel of the department staff are involved on a part-time basis, with administrative duties, additional clerical duties, and assignment to the Radiological Emergency Team.

REGULATORY PROCEDURES AND POLICY

Licensing and Registration

The Idaho radiation control program extends to all sources of radiation. The regulations require licensing of all radioactive materials and registration of all radiation-producing machines except such sources as may be specifically exempted from these requirements in accordance with the regulations.

Licensing procedures and criteria will be consistent with those of the Atomic Energy Commission as provided in Part B of the Rules and Regulations for the Control of Radiation in the State of Idaho.

General licenses are effective by regulation without the filing of applications with the Department or the issuance of licensing documents. General licenses are issued for specified materials under specified conditions when it is determined that the issuance of specific licenses is not necessary to protect the public and occupational health and safety. Specific licenses or amendments thereto are issued upon review and approval of an application. A specific licensing document will be issued to named persons and will incorporate appropriate conditions and expiration date. Prelicensing inspections will be conducted when appropriate.

The Department, when it determines such to be appropriate, will request the advice of the Radiological Health Advisory Committee, or appropriate members thereof, with respect to any matter pertaining to a license application, or to criteria for reviewing applications.

All applications for nonroutine medical uses of radioactive materials will be referred for advice and consultation to those members of the Radiological Health Advisory Committee who have appropriate training and experience in nonroutine human uses of radioactive materials, or to the Atomic Energy Commission's Advisory Committee on the medical use of isotopes. Appropriate research protocols will be required as part of an application. The Department will maintain knowledge of current developments, techniques and procedures for medical uses applicable to the licensing program through continuing contact and information exchange with the U.S. Atomic Energy Commission and other agreement states.

The registration program will be a continuation of the current activity except that (a) all radiation machines will be subject

[1] Figure 1 filed as part of the original document.

to the applicable provisions of the regulations, and (b) radium and accelerator-produced radionuclides which were formerly registered must now be licensed.

Inspection

Inspections for the purpose of evaluating radiation safety and determining compliance with appropriate regulations and provisions of licenses will be conducted as needed.

Inspection frequency will be based upon the extent of the hazard-potential and experience with the particular facility. It is expected that all specific licensees will be inspected at least once each year. The following frequency is anticipated:

Use of classification	*Usual inspection frequency*
Industrial radiography:	
Fixed installations	Once each 6 months.
Mobile operations	Do.
All commercial waste disposal operations.	Do.
Broad licenses—industrial, medical, or academic.	Once each 6–12 months.
Other specific licenses — industrial, medical, or academic.	Once each 12 months.

Inspections will be made by prearrangement with the licensee or may be unannounced at reasonable times, as the Department, in its judgment, determines to be most constructive. Consultation visits will be made frequently in the early years of the licensing and compliance program in order to establish understanding and cooperation.

Inspections will include the observation of pertinent facilities, operators, and equipment; a review of use procedures, radiation safety practices and user qualifications; a review of records of radiation surveys, personnel exposure, and receipt and disposition of licensed materials—all as appropriate to the scope and conditions of the license and applicable regulations. In addition, independent measurements will be made as appropriate.

At the start and conclusion of an inspection, personal contact will be made at management-level whenever possible. Following the inspections, results will be discussed with the licensee management.

Investigations will be made of all reported or alleged incidents to determine the conditions and exposures incident thereto and to determine the steps taken for correction, cleanup, and the prevention of similar incidents in the future.

Radiological assistance in the form of monitoring, liaison with appropriate authorities and recommendations for area security and cleanup will be available from the Department.

Reports will be prepared covering each inspection or investigation. The reports will be reviewed by the Radiological Control Officer.

Compliance and Enforcement

The status of compliance with regulations, registration, or license conditions will be determined through inspections and evaluations of inspection reports.

When there are items of noncompliance, the licensee will be so informed at the time of inspection. When the items are minor and the licensee agrees at the time of inspection to correct them, written notice at the completion of the inspection will list the items of noncompliance, confirm corrections made at the time, and inform the person that a review of other corrective action will be made at the next inspection.

Where items of noncompliance of a more serious nature occur, the licensee will be informed by letter of the items of noncompliance and required to reply within a stated time as to the corrective action taken and the date completed. Assurance of corrective action will be determined by a followup inspection or at the time of the next regular inspection.

Upon request by the licensee, the terms and conditions of a license may be amended, consistent with the Act or regulations, to meet changing conditions in operations or to remedy technicalities of noncompliance of a minor nature. The Department may amend, suspend or revoke a license in the event of continuing refusal of the licensee to comply with terms and conditions of the license, the Act or regulations, or failure to take adequate action concerning items of noncompliance. Prior to such action, the Department shall notify the licensee of its intent to amend, suspend or revoke the license and provide the opportunity for a hearing.

The Department will use its best efforts to attain compliance through cooperation and education. Only in instances where real or potential hazards exist, or cases of repeated noncompliance or wiliful violation will the full legal procedures normally be employed.

Where the Department finds that the public health, safety or welfare imperatively requires emergency action, and incorporates such findings in its order, it may summarily suspend the license pending proceedings for revocation which shall be promptly instituted and determined upon request of any interested person.

In the event of an emergency relating to any source of ionizing radiation which endangers the public peace, health, or safety, the Department shall have the authority to issue such orders for the protection of the public health and safety as may be appropriate, including orders to lay an embargo upon or impound radioactive materials and other sources of ionizing radiation in the possession of any person who is not equipped to observe or fails to observe the provisions of the Act or any rules or regulations promulgated thereunder.

Effective Date of License Transfer

Any person who, on the effective date of the agreement with the Atomic Energy Commission, possesses a license issued by the Federal Government shall be deemed to possess a like license issued under sections 39–3001 through 39–3019, Idaho Code (as passed by the Legislature in 1967), which shall expire either 90 days after the receipt from the Department of a notice of expiration of such license, or on the date of expiration specified in the Federal license, whichever is earlier.

Rules of Administration, Practice, and Procedure

The Idaho State Board of Health, pursuant to the authority granted in Title 39, Chapter 1, Idaho Code, and in compliance with Title 67, Chapter 52, Idaho Code, adopted rules of practice and procedure governing administrative procedures with reference to promulgation of rules and regulations, conducting of hearings, appeals, proceedings, decisions, and orders, etc., by resolution of February 3, 1966. These rules provide for:

1. Due notice to interested persons and opportunity to present data or views either orally or in writing prior to the adoption, amendment, or repeal of any rule.

2. Adoption or amendment of rules in emergency situations without observance of the normal requirements of notice and hearing, upon a finding by the Department that immediate action is necesary for the preservation of the public health, safety, or general welfare.

3. Petition to the Department requesting the promulgation, amendment, or repeal of any rule.

4. Declaratory judgment procedure available on petition by proper party to determine validity of statute, rule, or final decision of Department.

5. Right to hearing after reasonable notice in a case in which legal rights, duties or privileges of specific parties are required by law or constitutional right to be determined.

6. Judicial review in the district court by any person aggrieved by a final decision of the Department, and appeal to the State supreme court for review of a final judgment of the district court.

Compatibility and Reciprocity

The Idaho State Board of Health has adopted rules and regulations for the control of radiation which are consistent with those of the U.S. Atomic Energy Commission and those of the other agreement States. In promulgating rules and regulations, the Board has, insofar as practicable, avoided requiring dual licensing and has provided for reciprocal recognition of other State and Federal licenses.

Routine staff meetings will be conducted involving all members of the division who are involved with the radiological health program to determine and maintain compatible programs with the U.S. Atomic Energy Commission and other agreement States. Periodic internal evaluation exercises will be conducted concerning all phases of the program. Written reports, inspection reports, records, and statistics will be compatible with the current Atomic Energy Commission program.

RADIATION SURVEY AND LABORATORY RESOURCES

Monitoring and Survey Instruments:

Rate Meters:

Alpha Detection:

1—Eberline PAC–ISA Portable Alpha Scintillation Counter.

1—Juno Model 3 (Alpha Beta and Gamma).

Beta-Gamma Detection:

1—Tracer Lab Cutie Pie Model SE–IF.

2—Nucor Model CS 40A.

2—THYAC II Model 489.

1—THYAC III Model 490.

1—Radector Victoreen Model AGB–50B–SR.

Integrating Meters:

Condenser R Meters:

2—Model 570 with medium energy chambers from 0.25R to 25R.

Dosimeters:

1—CDV 756 Charger with 4 Model 610 and 4 Model 611 Disimeters.

Air Sampling Equipment:

5—Gelman Air Samplers located at various locations throughout the State.

1—Portable Air Pump, Gelman.

USPHS and AEC have networks established throughout the State.

X-Ray Survey Kit:

Radiation Emergency Kit:

The Radiological Health Section of the Division of Engineering and Sanitation has its own laboratory for preparation and counting of environmental samples.

Laboratory Equipment includes:

1—Beckman Wide Beta Counter.

a. Beckman Lister Printer.

1—PHA–18 Single Channel Analyzer.

a. 3 x 3 NaI Crystal.

b. Photo-Mul 15050.

c. Lead Detector Shield.

d. X-Y Recorder N.M.C.

2—Internal Proportional Counter. PC–3B and Scaler. NMC Model PCC 10A.

Accessory equipment for the instrumentation includes gas regulators, transformers, ion exchange resins, and calibration sources, etc.

The department has capabilities of contracting additional services from the AEC National Testing Site at Idaho Falls, Idaho, and the Southwestern Radiological Health Laboratory at Las Vegas, Nev.

STAFF

MELVIN D. ALSAGER

RADIOLOGICAL CONTROL OFFICER

Education and Training

B.S. Chemical Engineering, University of Idaho, 1958.
M.E. Civil Engineering (Radiological Health), Oklahoma University, 1964.
Basic Radiological Health USPHS (2 weeks).
Medical X-ray Protection, USPHS (2 weeks).
Occupational Radiological Protection, USPHS.
AEC Orientation Course in Practice and Procedures of Licensing and Regulations, Bethesda.

Experience and Related Activity

Idaho Department of Health, Engineering & Sanitation Division.
Public Health Engineer, 1958–62.
Radiological Health Officer, 1962–present.
Responsibility for the development and administration of the Radiological Health program for the State of Idaho.
Ex-Officio member of the Idaho Nuclear Energy Commission.
Registered Professional Engineer in Idaho, 1963.

JERRY L. YODER

PUBLIC HEALTH ENGINEER

Education and Training

Pre-Engineering, Morningside College, Sioux City, 1959.
B.S. Civil Engineering, Iowa State University, 1962.
M.E. Civil Engineering (Radiological Health), Oklahoma University, 1965.
Basic Radiological Health, USPHS.
Occupational Radiation Protection, USPHS.
Medical X-ray Protection, USPHS.
Emergency Radiological Procedures, USPHS.
AEC Orientation Course in Practices and Procedures of Licensing and Regulations, Bethesda.
Health Physics Course, AEC, Oak Ridge, 1968.

Experience and Related Activity

USPHS, Assistant Sanitary Engineer, 1962–64, State Assignee Working in State Radiological Health.
Idaho Department of Health, Engineering & Sanitation Division, Public Health Engineer, 1964 to present. Responsibility for carrying out functions of State Radiological Health Program, including registration and inspection of sources of radiation and the implementation of a radiological environmental surveillance program.
Registered Professional Engineer in Idaho, 1968.
Member of Conference on Radiological Health.
Member of the Health Physics Society.

C. NEWELL MAUGHAN

RADIOLOGICAL HEALTH SPECIALIST II

Education and Training

B.S. Public Health, Chemistry Minor, Utah State University, 1961.
M.S. Health Physics (Sponsored by USPHS Traineeship), North Dakota State University, 1967.
USPHS:
Radium Hazards and Control, N.D.S.U., North Dakota, 1967.
Medical X-Ray Protection, Southwestern Radiological Health Laboratory, 1968.
Civil Defense:
Radiological Monitoring Training Course, California, 1962.
Civil Defense for Food & Drug Officials, F.D.A., Idaho, 1963.

Experience and Related Activity

City-County Health Department, Boise, Idaho, 1961–64, Sanitarian for Air Monitoring and Civil Defense Activities.
Nevada State Health Department, 1964–66, Environmental Health, including Radiological Health Program in five counties surrounding the Nevada Test Site. Was involved with Environmental Surveillance with the USPHS around the site.
Idaho State Radiological Health Program, 1967 to present, Radiological Health Specialist.

ROBERT D. FUNDERBURG

CHEMIST I

Education and Training

B.S. Idaho State University, 1966, Chemistry (Radiological).
USPHS Basic Radiological Health, 1966, Southwestern Radiological Health Laboratory.

Experience and Related Activity

Kerr-McGee, Chemical Analyst (Research Project) 1966.
Idaho State Department of Health, 1966 to present, Radiological Health Program.

MINIMUM QUALIFICATIONS OF PERSONNEL TO BE EMPLOYED IN THE REGULATORY CONTROL OF RADIATION

The following classifications have been submitted by the Board of Health for the approval of the Idaho Personnel Commission. The stated qualifications reflect minimum requirements for personnel in existing and planned radiological health program activities.

Radiological Health Specialist I.
Radiological Health Specialist II.
Radiological Health Specialist III.
Radiological Health Specialist IV.

Pay Group 53 610–742.

RADIOLOGICAL HEALTH SPECIALIST I

Definition:

Under close supervision, to perform duties related to the detection, measurement, and evaluation of radiation exposure as part of the radiological health program, and to perform related work as required.

Duties:

To make routine field studies and investigations which are conducted as part of the radiological health programs; to assist in making radiation safety surveys of radiation producing machines and of installations using radioactive materials; to perform radiation monitoring in the field by using portable instruments such as Geiger-Muller counters, ionization chambers, and scintillation-type survey meters, and in the laboratory by operating radiation counting equipment; to assist in the care and maintenance of air sampling and radiation monitoring equipment; to assist in the preparation of reports and tabulation of data.

Minimum Qualifications:

A. Education and Experience.

Bachelor Degree involving major study in engineering, physics, chemistry or a related physical science. Experience none.

B. Knowledge, Skill, and Ability.

General knowledge of the principles of physics, chemistry, biology, and mathematics. Skill in the operation of mechanical and electronic equipment and the ability to learn and apply the principles of radiation protection, and to use basic radiation detection equipment.

Pay Group 62 706–858.

RADIOLOGICAL HEALTH SPECIALIST II

Definition:

Under general supervision, to perform advanced technical radiological work dealing with the investigation, surveillance, and control of sources of radiation, and to perform related duties as required.

Duties:

In some instances to supervise the activities of subordinate Radiological Health Specialists in conducting surveys and investigations as required by the program; to inspect medical fluoroscopic and therapeutic equipment; to inspect medical, dental, and industrial radiographic equipment, and any other radiation machines; to observe the procedures used by the operators of radiation producing equipment, dark room technicians, processors, and others, and recommend improvement; to determine the adequacy of radiation shielding and interview personnel regarding their compliance with safe and proper practices in the use of ionizing radiation; to conduct inspection of premises, records, and operations of licensed users of radioactive materials and determine the status of their compliance with terms of their licenses; to provide detailed information on the laws and regulations regarding standards for protection against radiation; to instruct radioisotope technicians and licensees on safe methods of storage, handling, and disposal of sealed and unsealed sources of ionizing radiation; and to maintain records on all users of radiological equipment and prepare reports on all investigations.

Minimum Qualifications:

A. Education and Experience.

Bachelor degree involving major study in engineering, physics, chemistry, or a related physical science and 2 years full-time experience in radiological health; graduate work in radiological health, plus experience in related public health work may be substituted for the required radiological health experience.

B. Knowledge, Skill, and Ability.

Extensive knowledge of modern developments in techniques of clinical radiography including the less common procedures, the effects of voltage, current and filtration on radiographic results, the effects of film processing variables. Considerable knowledge of industrial and medical uses of radioactive isotopes. Ability to interpret radiological rules and regulations, establish and maintain cooperative relationships with individuals and groups, analyze situations accurately and take effective action, speak and write effectively and be willing to travel extensively within the State.

Pay Group 71 817–992.

RADIOLOGICAL HEALTH SPECIALIST III

Definition:

Under direction, to be responsible for performing professional work in health physics, and to assist in the planning, organizing, and directing of a statewide radiological health program, and to perform related duties as required.

Duties:

To perform responsible professional and supervisory work in radiological health; to

assist in developing State requirements for the control and regulation of sources of radiation; to conduct comprehensive environmental surveys and instruct others in techniques and instrumentation used in collecting environmental samples and preparing them for analysis; to analyze radiological health data taken from such samples and identify types of isotopes detected; to investigate radiation hazards, calculate activity concentrations and make dosimetric calculations; to determine whether radiation levels are within permissible levels; to plan and organize the procedures and operations required for handling emergencies involving possible exposure of persons to radiation; to operate, calibrate, and maintain radiation detection instruments; to review, evaluate, and make suggestions for proposed layouts, equipment, and facilities for the control of radiation hazards; to assist in planning and carrying out in-service radiological health training of state and local health department staffs; to work with personnel of universities, Federal agencies, State agencies, and others in organizing and coordinating technical training; to develop public information for radiological health activities; to prepare talks and reports on radiological health for interested professional and lay groups; and to prepare technical reports covering radiological health activities.

Minimum Qualifications:

A. Education and Experience.

Bachelor degree involving major study in engineering, physics, chemistry, or a related physical science, plus satisfactory completion of at least 1 year of graduate work with emphasis in radiological health or equivalent training in radiological health, and at least 2 years of responsible experience in radiological health, including advanced technical assignments or a satisfactory equivalent combination of experience and training.

B. Knowledge, Skill, and Ability.

Thorough knowledge of the theory and practice of health physics and radiation protection; considerable knowledge of biological effects of ionizing radiation, and atomic and nuclear physics; considerable knowledge of radioactive waste disposal techniques and procedures; working knowledge of radiological ecology and radiochemistry; ability to plan, conduct, and correlate technical investigations of radiological health hazards; ability to prepare technical reports and correspondence; ability to deal with public and other officials and promote public relations; judgment and skill in radiological health techniques and practices, and a high degree of initiative and resourcefulness in solving difficult radiological health problems.

Pay Group 72 901–1094.

RADIOLOGICAL HEALTH SPECIALIST IV

Definition:

Under administrative direction, with considerable latitude for independent judgment, performs professional work in health physics and assists in planning, organizing and directing a statewide radiological health program to protect the public health and safety against radiation hazards in the development and utilization of radiation sources for peaceful purposes; does related work as required.

Duties:

To develop and assume administrative responsibility for assigned programs in the field of radiological health; to assist in the organization and direction of the technological functions of the Radiological Health Section; to survey, identify and evaluate health hazards associated with the manufacture, use, handling, transportation, storage, or disposal of radiation sources, such as radioactive materials or X-ray machines; to provide technological services to other State agencies and to local health departments in matters pertaining to radiological health; to act for the Chief of the Radiological Health Section in his absence; to assist in developing State requirements for radiation protection; to conduct comprehensive environmental surveys and instruct others in techniques and instrumentation used in collecting environmental samples and preparing them for analysis; to analyze radiological health data taken from such samples and identify types of isotopes detected, to investigate radiation hazards, calculate activity concentrations, and make dosimetric calculations to determine whether radiation levels are within permissible levels, and that health physics safety regulations are followed; to write reports covering analysis and recommendations; to plan and organize the procedures and operations required for handling emergencies involving possible exposure of persons to radiation; to operate, calibrate, and maintain radiation detection instruments; to review, evaluate, and make suggestions for proposed layouts, equipment, and facilities for the control of radiation hazards; to assist in planning and carrying out in-service radiological health training of State and local health department staffs; to work with personnel of universities, Federal agencies, State agencies, and others in organizing and coordinating technical training; to develop public information for radiological health activities; and to prepare talks and reports on radiological health for interested professional and lay groups.

Minimum Qualifications:

A. Education and Experience.

Masters degree in science, engineering, or public health with emphasis in radiological health and 4 years of responsible supervisory experience in radiological health. Provided that each year, beyond 1 year, of graduate study may be substituted for 1 year of full-time employment in radiological health up to a maximum of two (2) years.

B. Knowledge, Skill, and Ability.

Thorough knowledge of the theory and practice of health physics and radiation protection; considerable knowledge of biological effects of ionizing radiation, and atomic and nuclear physics; considerable knowledge of radioactive waste disposal techniques and procedures; working knowledge of radiological ecology and radiochemistry; ability to plan, conduct, and correlate technical investigations of radiological health hazards; ability to prepare technical reports and correspondence; ability to deal with public and other officials and promote public relations; judgment and skill in radiological health techniques and practices, and a high degree of initiative and resourcefulness in solving difficult radiological health problems.

RADIOLOGICAL HEALTH ADVISORY COMMITTEE

George R. Baker, M.D., Boise, Idaho.

Claude W. Barrick, M.D., Radiologist, St. Alphonsus' Hospital, Boise, Idaho.

Mr. John W. McCaslin, Manager, Health and Safety Branch, Idaho Nuclear Corp., Idaho Falls, Idaho.

C. R. McWilliams, M.D., Radiologist, Magic Valley Memorial Hospital, Twin Falls, Idaho.

George L. Voelz, M.D., Atomic Energy Commission, Idaho Falls, Idaho.

[F.R. Doc. 68–7025; Filed, June 12, 1968; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 17353]

PACIFIC ISLANDS LOCAL SERVICE INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on July 8, 1968, at 10 a.m., e.d.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to Orders E–23740, May 25, 1966, E–25093, May 2, 1967, E–25469, July 28, 1967, and E–25722, September 21, 1967, the Report of Prehearing Conference served August 31, 1967, and to the various other documents which are in the docket of this case on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., June 6, 1968.

[SEAL] ROBERT L. PARK,
Hearing Examiner.

[F.R. Doc. 68–6972; Filed, June 12, 1968; 8:49 a.m.]

[Docket 19787]

HOOD AIRLINES, INC.

Order To Show Cause

Issued under delegated authority June 7, 1968.

By notice of intent filed on April 1, 1968, pursuant to 14 CFR, Part 298, the Postmaster General petitioned the Board to establish for Hood Airlines, Inc. (Hood), a final service mail rate of 49.8 cents per great circle mile for the transportation of mail by aircraft between Temple, Waco, and Dallas, Tex.

Hood is currently engaged in business as an air taxi operator under Part 298 of the Board's economic regulations. The carrier proposes to initiate service with Beechcraft D–18 type aircraft. The Postmaster General states that the proposed rate is acceptable to the Department and the carrier, and represents a fair and reasonable rate of compensation for the services which the carrier will perform. The Postmaster General believes these services will meet postal needs in this market.

By Order E–26893, June 7, 1968, in this docket, the Board determined to approve the notice of intent, thereby permitting it to become effective pursuant to 14 CFR 298.24(d). Therefore, Hood may provide the proposed air transportation of mail for the period ending June 30, 1969. Since no mail rate is presently in effect for this carrier in this market, it is necessary to fix and determine the fair and reasonable rate of compensation to be paid to Hood by the Postmaster General for the air transportation of mail.

Under the circumstances, it is in the public interest to fix and determine the fair and reasonable rate of compensation to be paid to Hood Airlines, Inc., by the Postmaster General for the air transportation of mail, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

1. That the fair and reasonable final service mail rate to be paid to Hood Airlines, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Temple, Waco, and Dallas, Tex., as described in the notice of intent, shall be 49.8 cents per great circle mile.

2. The final service mail rate here fixed and determined is to be paid in its entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR, Part 302, 14 CFR, Part 298, and 14 CFR 385.14(f),

It is ordered, That:

1. All interested persons and particularly Hood Airlines, Inc., the Postmaster General, and Trans-Texas Airways, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above, as the fair and reasonable rate of compensation to be paid to Hood, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR, Part 302, and if there is any objection to the rate or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after the date of service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and if answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Hood Airlines, Inc., the Postmaster General, and Trans-Texas Airways, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-6973; Filed, June 12, 1968; 8:49 a.m.]

[Docket Nos. 19637, 19798]

NORTH CENTRAL AIRLINES, INC., AND WESTERN AIR LINES, INC.

Order Regarding Applications

Adopted by the Civil Aeronautics Board at its Office in Washington, D.C. on the 7th day of June 1968.

Application of North Central Airlines, Inc., for amendment of its certificate of public convenience and necessity; application of Western Air Lines, Inc., under section 401 of the Federal Aviation Act of 1958, as amended for certificate of public convenience and necessity.

On February 27, 1968, North Central Airlines, Inc., filed an application for amendment of its certificate of public convenience and necessity for route 86 to eliminate condition 6(f), which prohibits nonstop service between Detroit and Milwaukee, both points on segment 6, and to eliminate condition 5(b), which prohibits nonstop service between Milwaukee and Minneapolis/St. Paul, both points on segment 9. The carrier requests that the Board process the application pursuant to the procedures set forth in Subpart M of Part 302 of the Board's Procedural Regulations.[2]

Answers in support of the application have been filed by the Detroit parties[3] and the State of Wisconsin.[3] The city of Madison has filed an answer in which it states that it supports removal of the one-stop restriction on Milwaukee-Detroit services. It also states that it would support the Twin Cities-Milwaukee authority sought by the carrier provided Madison receives one-stop service to Detroit over Milwaukee as a result of this case; and provided North Central is required to offer "one-day single-carrier turnaround" service between Madison, on the one hand, and the Twin Cities, Milwaukee, Detroit, and Toronto, on the other hand. Answers in opposition have been filed by Northwest Airlines, Inc., and Western Air Lines, Inc.[4] In addition, Western has filed a motion to strike certain appendices to North Central's application on the ground that they contain forecasts that are not based upon approved methodology. North Central has filed a consolidated reply. Northwest has filed a motion for leave to file an unauthorized document which consists of a supplemental answer to the new material contained in North Central's reply.

Western has filed a motion to consolidate its application, Docket 19798, for authority to operate between Minneapolis/St. Paul and Detroit via Milwaukee. Answers to the motion to consolidate were filed by North Central and Northwest.

Upon consideration of the pleadings and all the relevant facts, the Board has determined that there is a sufficient basis for setting for hearing North Central's application in Docket 19637. We will consolidate Western's application in Docket 19798 to the extent that is seeks nonstop authority between Detroit and Milwaukee and between Milwaukee, Minneapolis/St. Paul. We shall grant Northwest's motion to file an otherwise unauthorize supplemental answer which is addressed to new matter raised by North Central's reply.[5] To the extent that Madison is seeking an expansion of the issues in the case to involve service to Madison, we find that inclusion of such an issue would change the essential character of the case as contemplated by the carrier's application and is not warranted or required.

Accordingly, it is ordered, That:

1. The application of North Central Airlines, Inc., Docket 19637, be and it hereby is set down for hearing before an examiner of the Board at a time and place hereafter designated;

2. The application of Western Air Lines, Inc., Docket 19798, to the extent it seeks nonstop authority between Detroit and Milwaukee and between Milwaukee and Minneapolis/St. Paul, be and it hereby is consolidated for hearing with Docket 19637;

3. The motion of the State of Wisconsin to file a late-filed answer and the motion of Northwest Airlines, Inc., to file an unauthorized document be and they hereby are granted; and

4. Copies of this order shall be served upon North Central Airlines, Inc., Northwest Airlines, Inc., Western Air Lines, Inc., the Detroit parties, the city of Madison, the State of Wisconsin, and the Grand Rapids parties.

[1] As this order to show cause does not constitute a final action and merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR, Part 385). The provisions of that part dealing with petitions for Board review will be applicable to any final action which may be taken by the staff in this matter under authority delegated in § 385.14(g).

[1] The Board did not act to summarily dismiss the application within the 10-day period set forth in § 302.1305(a). The provisions of Subpart M therefore become applicable automatically.

[2] Detroit Aviation Commission, Board of County Road Commissioners of Wayne County, and Greater Detroit Board of Commerce.

[3] We shall grant the motion of the State of Wisconsin for leave to file a late-filed answer.

[4] In an answer accepted late by the Chief Examiner, the city of Grand Rapids, Kent County, and Greater Grand Rapids Chamber of Commerce (Grand Rapids parties) oppose nonstop authority in the Detroit-Milwaukee market unless a restriction is imposed to require the maintenance of the present level of service at Grand Rapids.

[5] Western's motion to strike certain evidentiary material will be dealt with by the examiner.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-6974; Filed, June 12, 1968; 8:49 a.m.]

[Docket 19793]

ROSS AVIATION, INC.

Order To Show Cause

Issued under delegated authority June 7, 1968.

By notice of intent filed on April 1, 1968, pursuant to 14 CFR, Part 298, the Postmaster General petitioned the Board to establish for Ross Aviation, Inc. (Ross), a final service mail rate of 38.5 cents per great circle mile for the transportation of mail between Midland, Abilene, and Dallas, Tex.

Ross is currently engaged in business as an air taxi operator under Part 298 of the Board's economic regulations. The carrier proposes to initiate service with Beechcraft D-18 type aircraft. The Postmaster General states that the proposed rate is acceptable to the Department and the carrier, and represents a fair and reasonable rate of compensation for the services which the carrier will perform. The Postmaster General believes these services will meet postal needs in this market.

By Order E-26893, June 7, 1968, in this docket, the Board determined to approve the notice of intent, thereby permitting it to become effective pursuant to 14 CFR 298.24(d). Therefore, Ross may provide the proposed air transportation of mail for the period ending June 30, 1969. Since no mail rate is presently in effect for this carrier in this market, it is necessary to fix and determine the fair and reasonable rate of compensation to be paid to Ross by the Postmaster General for the air transportation of mail.

Under the circumstances, it is in the public interest to fix and determine the fair and reasonable rate of compensation to be paid to Ross Aviation, Inc., by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

1. That the fair and reasonable final service mail rate to be paid to Ross Aviation, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Midland, Abilene, and Dallas, Tex., as described in the notice of intent, shall be 38.5 cents per great circle mile.

2. The final service mail rate here fixed and determined is to be paid in its entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR, Part 302, 14 CFR, Part 298, and 14 CFR 385.14(f),

It is ordered, That:

1. All interested persons and particularly Ross Aviation, Inc., the Postmaster General, Continental Air Lines, Inc., and Trans-Texas Airways, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above, as the fair and reasonable rate of compensation to be paid to Ross, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR, Part 302, and if there is any objection to the rate or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after the date of service of this order;

3. If notice of objection is not filed within ten days after service of this order, or if notice is filed and if answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Ross Aviation, Inc., the Postmaster General, Continental Air Lines, Inc., and Trans-Texas Airways, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-6975; Filed, June 12, 1968; 8:49 a.m.]

[Docket 19783]

SEDALIA, MARSHALL, BOONVILLE STAGE LINE, INC.

Order To Show Cause

Issued under delegated authority June 7, 1968.

By notice of intent filed on April 1, 1968, pursuant to 14 CFR, Part 298, the Postmaster General petitioned the Board to establish for Sedalia, Marshall, Boonville Stage Line, Inc. (Stage Line), a final service mail rate of 29.4 cents per great circle mile for the transportation of mail by aircraft between Muskogee, Tulsa, and Oklahoma City, Okla.

Stage Line is currently engaged in business as an air taxi operator under Part 298 of the Board's economic regulations. Stage Line proposes to initiate service with Piper Aztec type aircraft. The Postmaster General states that the proposed rate is acceptable to the Department and the carrier, and represents a fair and reasonable rate of compensation for the services which the carrier will perform. The Postmaster General believes these services will meet postal needs in this market.

By Order E-26891, June 7, 1968, in this docket, the Board determined to approve the notice of intent, thereby permitting it to become effective pursuant to 14 CFR 298.24(d). Therefore, Stage Line may provide the proposed air transportation of mail for the period ending June 30, 1969. Since no mail rate is presently in effect for this carrier in this market, it is necessary to fix and determine the fair and reasonable rate of compensation to be paid to Stage Line by the Postmaster General for the air transportation of mail.

Under the circumstances, it is in the public interest to fix and determine the fair and reasonable rate of compensation to be paid to Sedalia, Marshall, Boonville Stage Line, Inc., by the Postmaster General for the air transportation of mail, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

1. That the fair and reasonable final service mail rate to be paid to Sedalia, Marshall, Boonville Stage Line, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Muskogee, Tulsa, and Oklahoma City, Okla., as described in the notice of intent, shall be 29.4 cents per great circle mile.

2. The final service mail rate here fixed and determined is to be paid in its entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR, Part

[1] As this order to show cause does not constitute a final action and merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR, Part 385). The provisions of that part dealing with petitions for Board review will be applicable to any final action which may be taken by the staff in this matter under authority delegated in § 385.14(g).

[1] As this order to show cause does not constitute a final action and merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 38 (14 CFR, Part 385). The provisions of that part dealing with petitions for Board review will be applicable to any final action which may be taken by the staff in this matter under authority delegated in § 385.14(g).

302, 14 CFR, Part 298, and 14 CFR 385.14 (f),

It is ordered, That:

1. All interested persons and particularly Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, and American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Frontier Airlines, Inc., and Trans World Airlines, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above, as the fair and reasonable rate of compensation to be paid to Stage Line, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR, Part 302, and if there is any objection to the rate or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after the date of service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and if answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Sedalia, Marshall, Boonville Stage Line, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Frontier Airlines, Inc., Trans World Airlines, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-6976; Filed, June 12, 1968; 8:49 a.m.]

[Docket 19790]

SEDALIA, MARSHALL, BOONVILLE STAGE LINE, INC.

Order To Show Cause

Issued under delegated authority June 7, 1968.

By notice of intent filed on April 1, 1968, pursuant to 14 CFR, Part 298, the Postmaster General petitioned the Board to establish for Sedalia, Marshall, Boonville Stage Line, Inc. (Stage Line), a final service mail rate of 37.47 cents per great circle mile for the transportation of mail by aircraft between Texarkana and Dallas, Tex.

Stage Line is currently engaged in business as an air taxi operator under Part 298 of the Board's economic regulations. Stage Line proposes to initiate service with a Beechcraft Super D-18 type aircraft. The Postmaster General states that the proposed rate is acceptable to the Department and the carrier, and represents a fair and reasonable rate of compensation for the services which the carrier will perform. The Postmaster General believes these services will meet postal needs in this market.

By Order E-26893, June 7, 1968, in this docket, the Board determined to approve the notice of intent, thereby permitting it to become effective pursuant to 14 CFR 298.24(d). Therefore, Stage Line may provide the proposed air transportation of mail for the period ending June 30, 1969. Since no mail rate is presently in effect for this carrier in this market, it is necessary to fix and determine the fair and reasonable rate of compensation to be paid to Stage Line by the Postmaster General for the air transportation of mail.

Under the circumstances, it is in the public interest to fix and determine the fair and reasonable rate of compensation to be paid to Sedalia, Marshall, Boonville Stage Line, Inc., by the Postmaster General for the air transportation of mail, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusion:

1. That the fair and reasonable final service mail rate to be paid to Sedalia, Marshall, Boonville Stage Line, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Texarkana and Dallas, Tex., as described in the notice of intent, shall be 37.47 cents per great circle mile.

2. The final service mail rate here fixed and determined is to be paid in its entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR, Part 302, 14 CFR, Part 298, and 14 CFR 385.14(f),

It is ordered, That:

1. All interested persons and particularly Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, and Trans-Texas Airways, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above, as the fair and reasonable rate of compensation to be paid to Stage Line, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR, Part 302, and if there is any objection to the rate or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after the date of service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and if answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, and Trans-Texas Airways, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-6977; Filed, June 12, 1968; 8:49 a.m.]

[1] As this order to show cause does not constitute a final action and merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR, Part 385). The provisions of that part dealing with petitions for Board review will be applicable to any final action which may be taken by the staff in this matter under authority delegated in § 385.14(g).

[Docket No. 19539 etc.]

WESTERN AIR LINES, INC. ET AL.

Order Denying Exemptions and Setting Applications for Hearing

Adopted by the Civil Aeronautics Board at its Office in Washington, D.C., on the 7th day of June 1968.

Applications of Western Air Lines, Inc., Dockets 19539 and 19542, under section 401 of the Federal Aviation Act of 1958, as amended, for amendment of its certificate of public convenience and necessity and for temporary exemption pursuant to section 416(b) of the Federal Aviation Act of 1958; applications of Air West, Inc., Dockets 19605 and 19606, for amendment of its certificate of public convenience and necessity for route 105 and for temporary exemption pursuant to section 416(b) of the Federal Aviation Act of 1958; application of Continental Air Lines, Inc., Docket 19635, for amendment of its certificate of public convenience and necessity for route 129.

For the reasons set forth below we are denying the exemption applications and setting down for hearing the certificate

applications of the applicants in the above dockets.

On January 30, 1968, Western Air Lines, Inc. (Western), filed an application, Docket 19542, for exemption authority to provide nonstop service between Phoenix, Ariz., on the one hand, Portland, Oreg., and Seattle, Wash., on the other, until 60 days after decision in Docket 19539 in which Western seeks permanent authority to provide such service.[1] In support of its application Western alleges that the traffic in these markets has increased to a level where nonstop service is required; the stage lengths are ideal for economic jet operations; substantial profits will result from nonstop operation; and the presently required stop at Los Angeles inconveniences the traveling public and results in needless expense. Supporting answers were filed by the City and Chamber of Commerce of Phoenix, the Portland civic parties,[2] Seattle civic parties[3] and the Washington Utilities and Transportation Commission. Answers in opposition were filed by Bonanza Air Lines, Inc. (Bonanza), Pacific Air Lines, Inc., and West Coast Airlines, Inc., in which they contend principally that grant of Western's application would have an adverse competitive effect upon the merged Bonanza-Pacific-West Coast system.[4]

On February 16, 1968, Air West filed an application, Docket 19606, for exemption authority to provide Phoenix-Portland Seattle nonstop service until 60 days after final decision on its contemporaneously filed application for certificate authority in Docket 19605.[5] In support of its exemption application Air West contends that it should be selected over Western; that selection of Air West will strengthen its route system, reduce its subsidy requriements and offer the benefits of competitive service; and only Air West would be able to provide first single-plane service from Tucson to the Pacific Northwest. Supporting answers were filed by the Tucson Airport Authority and the city of Phoenix. Western filed an answer in opposition in which it questions Air West's calculation of the effect upon sibsidy. Continental Air Lines, Inc. (Continental), filed an answer in opposition in which it contends that the application fails to satisfy section 416(b) of the Act and that the issue of nonstop service in these markets should be considered at a formal hearing.

Continental filed an application on February 26, 1968, Docket 19635, for amendment of its certificate to authorize nonstop service over a new segment between Seattle and Phoenix via the intermediate point Portland.

Upon consideration of the pleadings and all the relevant facts, we have concluded that the exemption applications of Western and Air West should be denied. The applicants have not demonstrated that exercise of our extraordinary exemption powers would be warranted under these circumstances. We will, however, set down for hearing the certificate applications for Phoenix-Seattle/Portland nonstop service. No carrier is presently authorized to provide nonstop service in these markets. In 1966 Phoenix and Portland exchanged a total of 11,540 passengers and Phoenix and Seattle a total of 23,440. Western, the only carrier providing single-plane service in these markets, provides through-plane service with stops at Los Angeles and San Diego or San Francisco. These circumstances warrant setting down for hearing the applications for nonstop authority between Phoenix, on the one hand, Seattle, and Portland, on the other, subject to a pretrial restriction prohibiting turnaround service between Seattle and Portland.

Accordingly, it is ordered, That:

1. The exemption applications of Western Air Lines, Inc., Docket 19542 and Air West, Inc., Docket 19606, be and they hereby are denied;

2. The applications of Western Air Lines, Inc., Docket 19539, Air West, Inc., Docket 19605, and Continental Air Lines, Inc., Docket 19635, be and they hereby are consolidated into a single proceeding designated the Phoenix-Seattle/Portland Nonstop Case, Docket 19539, et al.;

3. Any services operated pursuant to an award in this proceeding shall be subject, at a minimum, to a restriction prohibiting turnaround flights between Seattle and Portland;

4. The proceeding shall be set down for hearing before an examiner of the Board at a time and place hereafter designated; and

5. A copy of this order shall be served upon the following carriers: Air West, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Western Air Lines, Inc., Frontier Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc., as well as upon the following cities: Phoenix, Seattle, Portland, and Tucson, and upon the Washington Utilities and Transportation Commission.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-6978; Filed, June 12, 1968; 8:49 a.m.]

[1] Phoenix is a point on Western's route 35 and Portland and Seattle are points on Western's route 63. On existing service in these markets Western's flights are required to make a mandatory stop at the route junction point Los Angeles.

[2] City of Portland, Portland Chamber of Commerce, Portland Freight Traffic Association and Port of Portland.

[3] Port of Seattle, city of Seattle, Seattle Chamber of Commerce and Seattle Traffic Association.

[4] The merger has since been approved by Orders E-26625 and E-26626, Feb. 23, 1968, the latter of which was approved by the President on Apr. 4, 1968. Accordingly, Bonanza will be referred to hereinafter as Air West.

[5] At the time the application was filed, Phoenix was a point on Bonanza's route 105 and Bonanza was not authorized to serve Portland or Seattle. Since the consummation of the Air West Merger, Seattle and Portland are points on the merged system.

FEDERAL MARITIME COMMISSION

AUSTRALIA WEST PACIFIC LINE AND KAWASAKI KISEN KAISHA, LTD.

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:

Mr. A. A. de Giglio, Conference Department, "K" Line New York, Inc., 29 Broadway, New York, N.Y. 10006.

Agreement 9727 is a transshipment agreement between the Australia West Pacific Line, as the initial carrier, and Kawasaki Kisen Kaisha, Ltd., as the on-carrier, filed for approval under section 15 of the Shipping Act, 1916. Under this arrangement, the two lines will collaborate in the transportation of general cargo under through bills of lading from ports of the initial carrier in New Guinea to those of the on-carrier in gulf ports of the United States with transshipment in Hong Kong according to the terms and conditions of the agreement.

Dated: June 10, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68-6986; Filed, June 12, 1968; 8:50 a.m.]

NORTH ATLANTIC BALTIC FREIGHT 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 form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; 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 Exclusive Patronage (Dual Rate) Contract filed by:

Mr. Elliott B. Nixon, Burlingham, Underwood, Wright, White and Lord, 25 Broadway, New York, N.Y. 10004.

There has been filed on behalf of the North Atlantic Baltic Freight Conference (Agreement No. 7670, as amended) an application to modify its form of merchant's contract pursuant to section 14b of the Shipping Act, 1916. The proposed contract modification adds currency devaluation to those conditions beyond the control of the Conference under which it may increase rates on not less than 15 days' written notice to the Merchant who retains the right to notify the Conference in writing of his intent to suspend the contract insofar as such increase is concerned.

Dated: June 10, 1968.

THOMAS LISI,
Secretary.

[F.R. Doc. 68-6987; Filed June 12, 1968; 8:50 a.m.]

NORTH ATLANTIC FRENCH ATLANTIC FREIGHT 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 form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; 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 Exclusive Patronage (Dual Rate) Contract filed by:

Mr. Elliott B. Nixon, Burlingham, Underwood, Wright, White and Lord, 25 Broadway, New York, N.Y. 10004.

There has been filed on behalf of the North Atlantic French Atlantic Freight Conference (Agreement No. 7770, as amended) an application to modify its form of merchant's contract pursuant to section 14b of the Shipping Act, 1916. The proposed contract modification adds currency devaluation to those conditions beyond the control of the Conference under which it may increase rates on not less than 15 days' written notice to the Merchant who retains the rgiht to notify the Conference in writing of his intent to suspend the contract insofar as such increase is concerned.

Dated: June 10, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68-6988; Filed, June 12, 1968; 8:50 a.m.]

NORTH ATLANTIC UNITED KINGDOM FREIGHT 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 form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; 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 Exclusive Patronage (Dual Rate) Contract filed by:

Mr. Elliott B. Nixon, Burlingham, Underwood, Wright, White and Lord, 25 Broadway, New York, N.Y. 10004.

There has been filed on behalf of the North Atlantic United Kingdom Freight Conference (Agreement No. 7100, as amended) an application to modify its form of merchant's contract pursuant to section 14b of the Shipping Act, 1916. The proposed contract modification adds currency devaluation to those conditions beyond the control of the Conference under which it may increase rates on not less than 15 days' written notice to the Merchant who retains the right to notify the Conference in writing of his intent to suspend the contract insofar as such increase is concerned.

Dated: June 10, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68-6989; Filed, June 12, 1968; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-7404]

ARIZONA PUBLIC SERVICE CO., ET AL.

Notice of Application

JUNE 7, 1968.

Take notice that Southern California Edison Co. (Edison), El Paso Electric Co. (El Paso), Public Service Company of New Mexico (New Mexico), Tucson Gas & Electric Co. (Tucson), and the Arizona Public Service Co. (Arizona) have filed applications seeking authority pursuant to section 203 of the Federal Power Act to exchange various undivided interests in certain electric generating facilities at the Four Corners Plant in New Mexico.

Edison is incorporated under the laws of the State of California with its principal business office at Los Angeles, Calif., and is engaged in the electric utility business in 14 counties in southern California and in two counties in Nevada.

El Paso is incorporated under the laws of the State of Texas with its principal business office at El Paso, Tex., and is engaged in the electric utility business in three counties in Texas and in four counties in New Mexico.

New Mexico is incorporated under the laws of the State of New Mexico with its principal business office at Albuquerque, N. Mex., and is engaged in the electric utility business in eight counties in New Mexico.

Tucson is incorporated under the laws of the State of Arizona with its principal business office at Tucson, Ariz., and is engaged in the electric utility business in three counties in Arizona.

Arizona is incorporated under the laws of the State of Arizona with its principal business office at Phoenix, Ariz., and is engaged in the electric utility business in 10 counties in Arizona.

Arizona presently owns a coal-fired steam electric generating plant in the Four Corners area of New Mexico, which is located on land leased from the Navajo Tribe of Indians. The plant consists of three electric generating units (two 175-mw units and one 225-mw unit) having an aggregate capacity of 575 mw, together with various associated facilities.

Two additional units are now being installed adjacent to the existing three units, with each to have a nameplate capacity of 755 mw. Initially these two units and related equipment will be owned by Edison, El Paso, N. Mex., Tucson and the Salt River Project Agricultural Improvement and Power District (Salt River).

Pursuant to an Exchange Agreement between Arizona as First Party and the aforementioned other Participants as Second Parties, dated March 28, 1967, Arizona has agreed to acquire a certain undivided interest in the two new units in exchange for disposing of certain undivided interests in equipment and facilities associated with the existing units to the other Participants. Arizona will retain its sole ownership of the existing three units. This exchange is to be effectuated as of the date of initial generation by the first of the two new units (estimated to be Apr. 1, 1969) except that the portions of the new facilities not completed at that time are to be transferred thereafter when completed.

Upon effectuation of the Exchange Agreement, all the Participants will own Units 4 and 5 (excluding Switchyard Facilities, Common Facilities, and Related Facilities) as tenants in common, with their respective undivided interests therein being as follows:

	Percent
Arizona Public Service Co	15
Southern California Edison Co	48
Public Service Company of New Mexico	13
El Paso Electric Co	7
Tucson Gas & Electric Co	7
Salt River Project Agricultural Improvement and Power District	10

The Participants will also own various common and related facilities as tenants in common, in the following undivided interests:

	Percent
Arizona Public Service Co	38.44
Southern California Edison Co	34.76
Public Service Company of New Mexico	9.43
El Paso Electric Co	5.07
Tucson Gas & Electric Co	5.07
Salt River Project Agricultural Improvement and Power District	7.24

The Exchange Agreement provides that the value of a 61.56 percent undivided interest in the Common Facilities to be disposed of by Arizona for the purpose of the exchange shall be $6,580,969. If the value of the 61.56 percent undivided interest in the Common Facilities exceeds the value of the undivided interest in the New Units, the other Participants shall pay the excess to Arizona. If the value of the undivided interest in the New Facilities exceeds the value of the undivided interest in the Common Facilities, Arizona is to pay the excess to the other Participants.

Any person desiring to be heard or to make any protest with reference to said application should, on or before July 1, 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.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-6929; Filed, June 12, 1968; 8:45 a.m.]

[Docket No. RI68-440]

CALVERT EXPLORATION CO. ET AL.

Order Amending Order Permitting Rate Filing, Accepting Contract Amendments, Providing for Hearings on and Suspension of Proposed Changes in Rates To Permit Substitute Rate Filing

JUNE 6, 1968.

On January 12, 1968, Calvert Exploration Co. (Operator) et al. (Calvert), filed with the Commission a proposed change in rate from 15 cents to 17.8 cents per Mcf [1] which pertains to its jurisdictional sales of natural gas from Lacy Area, Kingfisher County, Okla. (Oklahoma "Other" Area), to Arkansas Louisiana Gas Co. The Commission by order issued February 9, 1968, suspended for 5 months Calvert's rate filing until July 12, 1968, and thereafter until made effective in the manner prescribed by the Natural Gas Act. Calvert's suspended rate has not been made effective pursuant to section 4(e) of the Natural Gas Act.

On May 17, 1968, Calvert submitted an amended notice of change in rate [2] amending Supplement No. 14 to its aforementioned rate schedule to provide for a rate increase to 17.815 cents instead of the 17.8 cents per Mcf rate filed on January 12, 1968. Calvert now proposes to further increase the suspended rate to include partial tax reimbursement for the increase in the Oklahoma Excise Tax which became effective on July 1, 1967.

Calvert's proposed 17.815 cents rate exceeds the area ceiling for increased rates in the Oklahoma "Other" Area as announced in the Commission's statement of general policy No. 61-1, as amended, as did the previously suspended rate in said docket. Since Calvert's amended filing includes partial reimbursement for the tax increase imposed by the State of Oklahoma, we believe that it would be in the public interest to accept the amended filing subject to the suspension proceeding in Docket No. RI68-440, with the suspension period of such amended rate filing to terminate concurrently with the suspension period (July 12, 1968) of the original rate filing in said docket.

The Commission orders: (A) The suspension order issued February 9, 1968, in Docket No. RI68-440, is amended only so far as to permit the 17.815 cents rate provided in Supplement No. 1 to Supplement No. 14 to Calvert's FPC Gas Rate Schedule No. 3 to be filed to supersede the 17.8 cents rate contained in Supplement No. 14 to the aforementioned rate schedule, subject to the suspension proceeding in Docket No. RI68-440. The suspension period for such substitute filing shall terminate concurrently with the suspension period (July 12, 1968) presently in effect in said docket.

(B) In all other respects, the order issued by the Commission on February 9, 1968, in Docket No. RI68-440, shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[1] Designated as Supplement No. 14 to Calvert's FPC Gas Rate Schedule No. 3.

[2] Designated as Supplement No. 1 to Supplement No. 14 to Calvert's FPC Gas Rate Schedule No. 3.

[F.R. Doc. 68-6930; Filed, June 12, 1968; 8:45 a.m.]

[Docket No. CP67-182]

FLORIDA GAS TRANSMISSION CO.

Notice of Petition To Amend

JUNE 6, 1968.

Take notice that on May 27, 1968, Florida Gas Transmission Co. (Petitioner), Post Office Box 44, Winter Park, Fla. 32789, filed in Docket No. CP67-182 a petition to amend the order of the Commission issued in this docket No. CP67-182 on March 6, 1967, as amended by order issued May 5, 1967, so as to authorize Petitioner to construct and operate certain facilities as actually installed in lieu of installation as authorized, and for a further extension of time, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the said order Petitioner was authorized to construct and operate two side taps and valves and one valve on its existing Lake Chicot gas supply lateral pipeline in Iberville Parish, La., to enable Petitioner to transport and deliver natural gas purchased in the Lake Chicot Field from Phillips Petroleum Co. (Phillips) and Amerada Petroleum Corp. (Amerada), to Phillips and Amerada for fuel and processing and to receive back residue gas after such processing. The order issued May 5, 1967, extended the date on which the facilities were to be completed and ready for operation from April 1, 1967, to April 1, 1968.

Petitioner states that the processing plant is not yet in operation and that Phillips and Amerada have informed it that the plant will begin operations before the early part of July 1968. Petitioner therefore requests that the time for placing its facilities in operation be extended to coincide with the date on which the processing plant of Phillips and Amerada is placed in actual operation.

In addition, Petitioner states that it has made a cheaper and equally effective connection by installing facilities on both the Lake Chicot and the Chacahoula Lateral instead of on just the Lake Chicot Lateral as original authorized. Petitioner states that this change has reduced the overall cost from the estimated $18,000 to an actual cost of $5,460.

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 July 3, 1968.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-6931; Filed, June 12, 1968; 8:45 a.m.]

[Docket No. CP68-329]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

JUNE 6, 1968.

Take notice that on May 24, 1968, Texas Gas Transmission Corp. (Applicant), Post Office Box 1160, Owensboro, Ky. 42301, filed in Docket No. CP68-329 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(d) of the regulations thereunder, for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the testing and development of underground storage facilities for a 3-year period following August 28, 1968, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the total expenditures for all storage projects contemplated by the instant application shall not exceed $3 million over the 3-year period and shall not exceed $1 million in any 1 year.

The Applicant further states that the total volumes of natural gas to be injected into storage during the 3-year period in all storage projects contemplated by the instant application shall not exceed 10 million Mcf or 2 million Mcf for any single storage project.

The purpose of this "budget-type" application is to permit Applicant to test and develop structures contemplated as storage facilities without having to file separate applications for each project.

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 July 3, 1968.

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

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

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-6932; Filed, June 12, 1968; 8:45 a.m.]

[Docket No. CP68-308]

UNITED GAS PIPE LINE CO., AND HUMBLE GAS TRANSMISSION CO.

Change of Address

JUNE 6, 1968.

In Notice of Application, issued May 16, 1968, and published in the FEDERAL REGISTER May 23, 1968 (F.R. Doc. 68-6111), 33 F.R. 7637, Docket No. CP68-308, lines 5 and 6: Change address of Humble Gas Transmission Co. from "Post Office Box 2180, Houston, Texas" to "1700 Commerce Building, New Orleans, Louisiana 70112."

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-6933; Filed, June 12, 1968; 8:45 a.m.]

[Docket No. E-7388]

POWER PLANNING COMMITTEE OF THE MUNICIPAL ELECTRIC ASSOCIATION OF MASSACHUSETTS, ET AL.

Order Providing for Hearing and Granting Motion To Amend Complaint

JUNE 10, 1968.

On December 13, 1967, the Power Planning Committee of the Municipal Electric Association of Massachusetts together with certain Massachusetts municipal electric utilities[1] (Complainants) filed a complaint against their supplier of power, New England Power Co. (Nepco), a public utility subject to the jurisdiction of this Commission. On January 5, 1968, Complainants filed a motion to amend the complaint together with the corrections and amendments thereto. On February 19, 1968, Nepco filed its answer to the complaint, as amended, and stated, among other things, that it was willing to discuss the substance of the complaint with staff and the Complainants. Based on that representation, the staff arranged for conferences which were held at the Commission offices on April 29-30, and May 14, 1968. The conferences were not successful in settling the issues raised in the complaint.

The complaint, as amended, alleges three areas of unlawful activities: (1) Rate level, (2) contract terms and conditions, and (3) activities alleged to be in violation of section 10(h) of the Federal Power Act.

The complaint alleges that Nepco's rates are excessive due to the inclusion in Nepco's costs of the older generating plants of its affiliates, Massachusetts Electric Co. and Narragansett Electric Co., and also due to excessive fuel costs and administrative and general expenses.

As to the alleged discriminatory contract terms and conditions, Complainants object to the restriction on their right to generate and, as to the partial-requirements customers, on their right to enlarge their generating plant. They also object, among other things, to the contractual procedure required to change the type of primary service received by them and restrictions on the resale of power, as well as Complainants' right to purchase power from other utilities.

Complainants also allege that Nepco, in combination with other investor-owned utilities, has unlawfully excluded them from participation in the planning activities of the Electric Coordinating Council of New England as well as from participation in the ownership of, and the purchase of power from, the proposed nuclear generators of Vermont Yankee Nuclear Power Corp. and Maine Yankee Atomic Power Co. Complainants allege that Nepco's activities are in violation of section 10(h) of the Federal Power Act and they request a formal investigation into this matter.

Nepco's answer to the amended complaint denies the conclusions alleged in the complaint and denies that the complaint shows any basis for granting the request for a formal investigation into the alleged unlawful section 10(h) activities. Nepco also asserts that a formal investigation into its R-3 rate schedule is unwarranted inasmuch as that schedule was recently accepted for filing by the Commission over objections similar to those contained in the instant complaint. Our letter of acceptance of October 18, 1967, stated that:

> This acceptance for filing does not constitute approval of any service, rate, charge, classification, or any rule, regulation, contract, or practice affecting such rate or service provided for in the rate schedules as designated in the attachment; nor shall such acceptance be deemed as recognition of any claimed contractual right or obligation affecting or relating to such service or rate; and such acceptance is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against New England Power Co., The Narragansett Electric Co., or Massachusetts Electric Co.

We expressly noted in that letter that "* * * the comments of the Massachusetts municipalities point up serious problems confronting Nepco * * *". We also noted the advisability of reviewing "* * * the economics of retaining some of its older steam electric units." While that language was specifically directed to the units of the Narragansett Electric Co., the issues raised in the complaint make it clear that it is equally applicable to the units of Massachusetts Electric Co.[2] Massachusetts Electric Co. and Narragansett Electric Co. are affiliates with Nepco in the New England Electric

[1] The electric departments and plants of the towns or cities of Ashburnham, Boylston, Danvers, Georgetown, Groton, Hingham, Holden, Hull, Littleton, Mansfield, Marblehead, Merrimac, Middleton, North Attleboro, Paxton, Peabody, Princeton, Shrewsbury, Sterling, Templeton, and West Boylston, Massachusetts.

[2] Massachusett's older units were the subject of our prior order issued Feb. 28, 1962, relating to Nepco's then filed rate schedules.

System. Nepco is the primary generating and transmission entity for the System. The proceeding herein ordered can accomplish a review of all of the System's older units and the propriety of their inclusion in Nepco's costs for ratemaking purposes, as well as presenting a full record upon which to consider Nepco's present and future problems in this area.

The hearing ordered herein will cover all issues specifically presented in the amended complaint and answer, as well as those that will necessarily arise in any full rate proceeding. However, it is anticipated that the Presiding Examiner, at the prehearing conference hereinafter ordered, will explore with the parties the possibility of settlement of some, or all, of the issues.

The Commission finds:

(1) It is necessary and appropriate for the purposes of the Federal Power Act to grant the motion to permit the complaint to be amended.

(2) It is necessary and appropriate for the purposes of the Federal Power Act, particularly sections 10(h), 205, 206, 301, 306, 307, and 309 thereof, that a public hearing be held on the issues raised in the recitals set forth in the complaint, as amended, and answer.

The Commission orders:

(A) The motion to amend the complaint is granted.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act and pursuant to the rules of practice and procedure, a public hearing shall be convened to commence with a prehearing conference to be held on June 25, 1968, at 10 a.m., e.d.s.t., at the offices of the Federal Power Commission in Washington, D.C.

(C) Notices of intervention and petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before June 24, 1968, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37).

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-6967; Filed, June 12, 1968; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

FIRST BANC GROUP OF OHIO, INC.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of First Banc Group of Ohio, Inc., Columbus, Ohio, for approval of action to become a bank holding company through the acquisition of 80 percent or more of the voting shares of The City National Bank & Trust Company of Columbus, Columbus, Ohio, and The Farmers Savings and Trust Company, Mansfield, Ohio.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First Banc Group of Ohio, Inc., Columbus, Ohio, for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of 80 percent or more of the voting shares of The City National Bank & Trust Company of Columbus, Columbus, Ohio, and The Farmers Savings and Trust Company, Mansfield, Ohio.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and to the Superintendent of Banks for the State of Ohio, and requested their views and recommendations. The Comptroller recommended approval; the Superintendent stated that he had no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on February 8, 1968 (33 F.R. 2722), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

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

Dated at Washington, D.C., this fifth day of June 1968.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-6936; Filed, June 12, 1968; 8:45 a.m.]

MERRILL TRUST CO.

Order Approving Merger of Banks

In the matter of the application of The Merrill Trust Co. for approval of merger with Hammond Street Trust Co.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by The Merrill Trust Co., Bangor, Maine, a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and Hammond Street Trust Co., Bangor, Maine, under the charter and title of The Merrill Trust Co. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided,* That said merger shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order.

Dated at Washington, D.C., this fifth day of June 1968.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-6937; Filed, June 12, 1968; 8:46 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN BRAZIL

Entry or Withdrawal From Warehouse for Consumption

JUNE 7, 1968.

On June 7, 1968, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, informed the Government of Brazil that it was renewing for an additional 12-month period beginning June 9, 1968, and extending through June 8, 1969, the restraint on imports into the United States of cotton textiles in Categories 22 and 26 (duck), produced or manufactured in Brazil. Pursuant to Annex E, paragraph 3, of the Long-Term Arrangement the levels of restraint for this 12-month period are 5 percent greater than

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

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

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

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

the levels of restraint applicable to these categories for the preceding 12-month period.

There is published below a letter of June 1, 1968, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textiles in Categories 22 and 26 (duck), produced or manufactured in Brazil which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning June 9, 1968, be limited to the designated levels.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

THE SECRETARY OF COMMERCE,
WASHINGTON, D.C. 20230,
June 7, 1968.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective June 9, 1968, and for the 12-month period extending through June 8, 1969, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles in Categories 22 and 26 (duck),[1] produced or manufactured in Brazil in excess of the following designated 12-month levels of restraint:

Category	*12-month level of restraint (square yards)*
22	3,197,250
26 (duck only)[1]	1,653,750

In carrying out this directive, entries of cotton textiles in Categories 22 and 26 (duck), produced or manufactured in Brazil, which have been exported to the United States from Brazil prior to June 9, 1968, shall, to the extent of any unfilled balances be charged against the levels of restraint established for such goods during the period June 9, 1967, through June 8, 1968. In the event that the levels of restraint established for such goods for that period have been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

A detailed description of the categories in term of T.S.U.S.A. numbers was published in the Federal Register on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

[1] Only T.S.U.S.A. Nos.:
320.--01 through 04, 06, 08
321.--01 through 04, 06, 08
322.--01 through 04, 06, 08
326.--01 through 04, 06, 08
327.--01 through 04, 06, 08
328.--01 through 04, 06, 08

The actions taken with respect to the Government of Brazil and with respect to imports of cotton textiles and cotton textile products from Brazil have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965–66). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

C. R. SMITH,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 68-6961; Filed, June 12, 1968; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

ALSCOPE CONSOLIDATED, LTD.

Order Suspending Trading

JUNE 7, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Alscope Consolidated, Ltd., Passaic, N.J., 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 June 8, 1968, through June 17, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-6945; Filed, June 12, 1968; 8:46 a.m.]

[812-2313]

BROAD STREET INVESTING CORP.

Notice of Filing of Application for an Order Exempting Sale by Open-End Company of Its Shares at Other Than the Public Offering Price

JUNE 7, 1968.

Notice is hereby given that Broad Street Investing Corp. ("applicant") 65 Broadway, New York, N.Y. 10006, a Maryland corporation registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) of the Act a transaction in which applicant's redeemable securities will be issued at a price other than the current public offering price described in the prospectus, in exchange for the assets of Pope Dodge & Son, Inc. ("Pope Dodge").

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

Pope Dodge, a Delaware corporation, is an investment company all of the outstanding stock of which is beneficially owned by three persons, and is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Prior to 1959 Pope Dodge was engaged in the financing business and in that year sold or otherwise disposed of substantially all of its assets and business. Since that date it has been engaged primarily in the business of investing and reinvesting its funds. Pursuant to an agreement between applicant and Pope Dodge, substantially all of the cash and securities owned by Pope Dodge, with a value of approximately $239,932 as of March 20, 1968, will be transferred to applicant in exchange for shares of its capital stock. The number of shares of applicant to be issued is to be determined by dividing the aggregate market value (with certain adjustments as set forth in detail in the application) of the assets of Pope Dodge to be transferred to applicant by the net asset value per share of applicant, both to be determined as of valuation time, as defined in the agreement. If the valuation under the agreement had taken place on March 20, 1968, Pope Dodge would have received 17,616 shares of applicant's stock. The exchange contemplated by the agreement would be prohibited by section 22(d) as being a sale of a redeemable security by a registered investment company at a price other than a current offering price described in the prospectus, unless exempted by an order under section 6(c) of the Act.

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

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

Section 22(d) of the Act provides that registered investment companies issuing redeemable securities may sell their shares only at the current public offering price as described in the prospectus. Section 6(c) permits the Commission, upon application, to exempt such a transaction if it finds that such an exemption is necessary or appropriate in the public interest and consistent with the

protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant contends that the proposed offering of its stock will comply with the provisions of the Act, other than section 22(d) and submits that the granting of the application would be in accordance with the established practice of the Commission, is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than June 28, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 68–6946; Filed, June 12, 1968; 8:46 a.m.]

LEEDS SHOES, INC.

Order Suspending Trading

JUNE 7, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Leeds Shoes, Inc., Tampa, Fla., and all other securities of Leeds Shoes, Inc., 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 June 9, 1968, through June 18, 1968, both dates inclusive.

By the Commission.

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

[F.R. Doc. 68–6947; Filed June 12, 1968; 8:47 a.m.]

NATIONAL SWEEPSTAKES CORP.

Order Suspending Trading

JUNE 6, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of National Sweepstakes Corp., 555 East Fourth South, Salt Lake City, Utah, 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 June 7, 1968, through June 16, 1968, both dates inclusive.

By the Commission.

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

[F.R. Doc. 68–6948; Filed, June 12, 1968; 8:47 a.m.]

PARAMOUNT GENERAL CORP.

Order Suspending Trading

JUNE 7, 1968.

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

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective at 2:30 p.m., e.d.t., for the period June 7, 1968 through June 16, 1968, both dates inclusive.

By the Commission.

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

[F.R. Doc. 68–6949; Filed, June 12, 1968; 8:47 a.m.]

ROVER SHOE CO.

Order Suspending Trading

JUNE 7, 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 warrents 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 June 10, 1968, through June 19, 1968, both dates inclusive.

By the Commission.

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

[F.R. Doc. 68–6950; Filed, June 12, 1968; 8:47 a.m.]

[812–2217]

SECOND QUEENSLAND ALUMINA SECURITY CORP.

Notice of Filing of Application for Order Exempting Company From All Provisions of the Act

JUNE 7, 1968.

Notice is hereby given that Second Queensland Alumina Security Corp. ("Applicant") 100 West 10th Street, Wilmington, Del. 19899, a Delaware corporation, has applied pursuant to section 6(c) of the Investment Company Act of 1940, 15 U.S.C. Sec. 80a–1 et seq. ("Act"), for an order of the Commission exempting it from all provisions of the Act. All interested persons are referred to the application which is on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicant was organized solely for the purpose of facilitating the long-term financing of expansions of an alumina processing plant in the State of Queensland, Australia, and in this connection proposes to purchase from time to time Debentures ("Debentures") issued by Queensland Alumina Limited, a Queensland company ("QAL") which was organized to construct and operate the plant, and to finance such purchases by borrowings from banks and institutional investors to be evidenced by its own Secured Notes ("Secured Notes").

All of Applicant's outstanding 1,000 shares of Common Stock and all of the issued ordinary shares of QAL are owned by the following companies in the percentages indicated: Pechiney Compagnie de Produits Chimiques et Electrometallurgiques ("Pechiney"), 20 percent; Kaiser Alumina Australia Corp., a wholly owned subsidiary of Kaiser Aluminum & Chemical Corp. ("Kaiser"), 52 percent; Alcan Queensland Pty. Limited, a wholly owned subsidiary of Alcan Aluminum Limited ("Alcan"), 20 percent; and CRA Alumina Pty. Limited, a wholly owned subsidiary of Conzinc Riotinto of Australia Limited ("CRA"), 8 percent. Applicant may be considered to be an investment company as that term is defined in section 3 of the Act because of its acquisition and holding of securities of QAL, which will constitute substantially

all of its assets, and the ownership of more than 10 percent of its voting securities by publicly held companies.

QAL's alumina plant is being operated for the conversion of bauxite owned by its shareholders into alumina pursuant to tolling contracts. Charges under the tolling contracts are designed to service all Debentures issued by QAL and to cover operating expenses.

QAL's Debentures will be secured principally by an open-end General Debenture Trust Deed ("Trust Deed") creating fixed and floating charges on property of QAL and will have the benefit of assignments and direct payment of the debt service portion of the charges under the tolling contracts to trustees for the holders of the Debentures.

Applicant's Secured Notes will be issued under collateral trust indentures between Applicant and United States banks or trust companies and will be secured by the pledge of Debentures under such collateral trust indentures.

Applicant now proposes to borrow up to an aggregate of $25 million from 11 banks in the United States, such borrowings to be evidenced by Applicant's 6¼ percent Secured Notes ("Series C Notes") to be issued pursuant to a Collateral Trust Indenture ("Collateral Trust Indenture") between Applicant and Mellon National Bank and Trust Co. ("Mellon Bank"), as Trustee ("Collateral Trustee"). The banks have represented that they will acquire Applicant's Series C Notes for their own account and not with a view to resale or distribution. Applicant will apply the proceeds of such borrowings to the purchase of an equal aggregate principal amount of QAL's 6¼ percent Dollar Debentures Series C of like terms ("Series C Debentures") to be issued pursuant to the Trust Deed as supplemented by a Third Supplemental Trust Deed ("Third Supplemental Trust Deed") to Mellon Bank, as Special Trustee ("Special Trustee"). The Series C Debentures will be pledged under the Collateral Trust Indenture as security for the Series C Notes.

Kaiser, Alcan, Pechiney and CRA will each be severally and unconditionally obligated indirectly to provide its proportionate share of the funds necessary to pay the principal of, and premium, if any, and interest on, Applicant's Series C Notes. Pursuant to Article 14 of a First Expansion Tolling Contract and Article IV of the Third Supplemental Trust Deed, Kaiser Alumina Australia Corporation (guaranteed by Kaiser), Alcan Queensland Pty. Limited (guaranteed by Alcan), Pechiney and CRA Alumina Pty. Limited (guaranteed by CRA) will each be severally and unconditionally obligated to pay to Mellon Bank, as Special Trustee, its proportionate share of amounts calculated to pay the principal of, and premium, if any, and interest on, the Series C Debentures. Amounts received by Mellon Bank, as Special Trustee, in payment of the principal of, and premium, if any, and interest on the Series C Debentures will be applied by Mellon Bank, as Collateral Trustee, to the payment of the principal of, and premium, if any, and interest on, Applicant's Series C Notes. All equity securities of Applicant are and will be owned by Kaiser, Alcan, Pechiney, CRA or their wholly owned subsidiaries. If Kaiser, Alcan, Pechiney, CRA and their wholly owned subsidiaries acquire debt securities of Applicant, they will not transfer such securities except among themselves or to Applicant.

Applicant has no present intention of authorizing or issuing any additional securities other than the Series C Notes discussed above. Applicant will not trade in QAL's Debentures, will not own or hold securities of any other company and does not propose to engage in any activities other than those described herein. It will not operate at a profit and will pay no dividends.

Section 6(c) of the Act provides that the Commission by order upon application may conditionally or unconditionally exempt any person or transaction from any provision or provisions of the Act to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than June 19, 1968, at 5 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall bt filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-6951; Filed, June 12, 1968; 8:47 a.m.]

[70-4630]

UTAH POWER & LIGHT CO.

Notice of Proposed Issue and Sale of Notes to Banks and to Dealer in Commercial Paper and Exemption From Competitive Bidding

JUNE 7, 1968.

Notice is hereby given that Utah Power & Light Co. ("UP&L") 1407 West North Temple Street, Post Office Box 899, Salt Lake City, Utah 84110, an electric utility company and a registered holding company, has filed a declaration and amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and (7) of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

UP&L proposes to issue and sell, from time to time during the period beginning April 1, 1968, and ending April 30, 1970, short-term notes (including commercial paper) in an aggregate principal amount outstanding at any one time not to exceed $35 million. UP&L intends to utilize the proceeds of the sale of its notes for construction expenditures estimated at $33,400,000 for 1968 and $24,200,000 for 1969. Pursuant to lines of credit, UP&L proposes to issue and sell to banks an aggregate amount not to exceed $35 million of its short-term notes (and to renew such notes) from time to time until April 30, 1970. Such notes will mature not more than nine months from the date of issue, with right of renewal (in any event not later than May 31, 1970), will bear interest at the prime rate for unsecured notes in effect at the lending bank to which the notes are issued, such interest rate to change automatically from time to time, effective as of the day following such rate change, and will be prepayable at any time without penalty. UP&L expects that the allocation of the commitment among the banks will be substantially as follows:

The Chase Manhattan Bank, N.A., New York, N.Y.	$9,500,000
Morgan Guaranty Trust Company of New York, N.Y.	6,500,000
Mellon National Bank and Trust Co., Pittsburgh, Pa.	6,500,000
First Security Bank of Utah, N.A., Salt Lake City, Utah	3,000,000
Walker Bank & Trust Co., Salt Lake City, Utah	2,800,000
Harris Trust and Savings Bank, Chicago, Ill.	2,000,000
Zions First National Bank, Salt Lake City, Utah	1,600,000
Denver United States National Bank, Denver, Colo.	1,500,000
The Continental Bank and Trust Co., Salt Lake City, Utah	500,000
Commercial Security Bank, Ogden, Utah	400,000
Valley Bank and Trust Co., Salt Lake City, Utah	300,000
Bank of Utah, Ogden, Utah	200,000

Carbon Emery Bank, Price, Utah	$100,000
First Security State Bank, Salt Lake City, Utah	100,000
Total	35,000,000

UP&L also proposes to issue and sell to A. G. Becker & Co., Inc. ("Becker"), a commercial paper dealer, an aggregate principal amount not to exceed $20 million, at any time outstanding, of commercial paper in the form of short-term promissory notes, from time to time until April 30, 1970. Such notes will be issued in denominations of not less than $100,000 and not more than $5 million, will have varying maturities not to exceed 270 days and will be sold by UP&L directly to Becker at a discount rate not to exceed the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and of the particular maturity, sold by public-utility issuers to commercial paper dealers. The effective interest cost for the commercial paper will not exceed the commercial bank rate which UP&L could obtain on the date of issue, on notes to banks of equal principal amounts as the proposed commercial paper, except for commercial paper of maturity not exceeding 60 days issued to refund outstanding commercial paper, if, in UP&L's judgment, it would be impractical to borrow from banks to refund such outstanding commercial paper. The notes will not be prepayable. No commission or fee will be payable in connection with the issuance and sale of the commercial paper. UP&L expects to retire all of the bank notes and commercial paper notes prior to June 1, 1970, with the net proceeds of the sale of additional first mortgage bonds and equity securities.

Becker, as principal, will reoffer the commercial paper to institutional investors at a discount not to exceed one-eighth of 1 percent per annum less than the prevailing discount rate to UP&L. The commercial paper will be reoffered to not more than 100 identified and designated customers in a list (nonpublic) prepared in advance by Becker. No additions will be made to this list. It is anticipated that the commercial paper will be held by customers to maturity, but if such customers desire to resell prior to maturity, Becker, pursuant to a verbal repurchase agreement, will repurchase the commercial paper and reoffer the same to others in the group of 100 customers.

UP&L asserts that the issue and sale of its commercial paper notes should, pursuant to subparagraph (a) (5) of Rule 50, be exempted from the requirements thereof, in view of the fact that they will have a maturity of not to exceed 9 months, will bear interest at not to exceed the prime rate from commercial banks, will be issued to a limited defined group of buyers, and that the current rates for commercial paper for prime issuers such as UP&L are readily ascertainable by reference to daily financial publications, and therefore competitive bidding is not required to determine reasonableness of rates.

Fees and expenses to be incurred by UP&L in connection with the proposed transactions are estimated at not to exceed $2,000. It is stated that the Idaho Public Utilities Commission has jurisdiction over the issue and sale of the notes. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 28, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues of fact or law raised by said declaration and amendments thereto which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-6952; Filed, June 12, 1968; 8:47 a.m.]

ZIMOCO PETROLEUM CORP.

Order Suspending Trading

JUNE 7, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Zimoco Petroleum Corp., New York, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 8, 1968, through June 17, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-6953; Filed, June 12, 1968; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

BLOOMINGTON SMALL BUSINESS INVESTMENT CO.

Notice of Order Revoking License

Notice is hereby given that the Bloomington Small Business Investment Co., Bloomington, Ill., was incorporated on April 2, 1959, under the laws of the State of Illinois and on May 1, 1959, was licensed by the Small Business Administration to operate solely under the Small Business Investment Act of 1958.

A civil suit was filed by the Small Business Administration against Bloomington Small Business Investment Co. for issuance of an injunction, determination and adjudication of violations of the Act and SBA rules and regulations, judgment on indebtedness to SBA, and the appointment of a receiver.

The U.S. District Court for the Northern District of Illinois, Eastern Division, entered an order dated January 4, 1968, in United States of America v. Bloomington Small Business Investment Co., Civil Action No. 67-C-341, by which the court determined and adjudged that Bloomington Small Business Investment Co. violated, or failed to comply with, the provisions of the Act and of the regulations promulgated thereunder.

Section 308 of the Act provides that the license of a Small Business Investment Co. may be forfeited if said company is determined and adjudged by a Court of the United States to have violated, or failed to comply with, the provisions of the Small Business Investment Act.

Now, therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, it is hereby ordered that License No. 07/07-0002 issued to Bloomington Small Business Investment Co. be, and the same hereby is, revoked and all of the rights, privileges, and franchises derived therefrom forfeited, and that notice of this revocation be served upon the Receiver and be published in the FEDERAL REGISTER.

Dated: May 31, 1968.

For the Small Business Administration.

GLENN R. BROWN,
Associate Administrator for Investment.

[F.R. Doc. 68-6954; Filed, June 12, 1968; 8:47 a.m.]

AMCAP INVESTMENTS, INC.

Notice of Order Revoking License

Notice is hereby given that the Amcap Investments, Inc., Chicago, Ill., was incorporated on February 11, 1961, under the laws of the State of Illinois and on June 5, 1961, was licensed by the Small Business Administration to operate solely under the Small Business Investment Act of 1958.

A civil suit was filed by the Small Business Administration against Amcap Investments, Inc., for issuance of an injunction, determination and adjudication of violations of the Act and SBA rules and regulations, judgment on indebtedness to SBA, and the appointment of a receiver.

The U.S. District Court for the Northern District of Illinois, Eastern Division, entered an order dated January 12, 1968, in United States of America v. Amcap Investments, Inc., Civil Action No. 67–C–342, by which the court determined and adjudged that Amcap Investments, Inc. violated, or failed to comply with, the provisions of the Act and of the regulations promulgated thereunder.

Section 308 of the Act provides that the license of a Small Business Investment Co. may be forfeited if said company is determined and adjudged by a Court of the United States to have violated, or failed to comply with, the provisions of the Small Business Investment Act.

Now, therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, it is hereby ordered that License No. 07/07–0034 issued to Amcap Investments, Inc. be, and the same hereby is, revoked and all of the rights, privileges, and franchises derived therefrom forfeited, and that notice of this revocation be served upon the Receiver and be published in the FEDERAL REGISTER.

Dated: May 31, 1968.

For the Small Business Administration.

GLENN R. BROWN,
Associate Administrator
for Investment.

[F.R. Doc. 68–6955; Filed, June 12, 1968; 8:47 a.m.]

INVESTORS CAPITAL CORP.

Approval of Application for Transfer of Control of Licensed Small Business Investment Company

On April 25, 1968, a notice of application for transfer of control was published in the FEDERAL REGISTER (33 F.R. 6319) stating that an application had been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the regulations governing small business investment companies (13 CFR Part 107; 33 F.R. 326) for transfer of control of Investors Capital Corp., 29 Federal Street, Bridgeport, Conn. 06606, a Federal Licensee under the Small Business Investment Act of 1958, as amended, License No. 01/02–0070.

Interested persons were given until May 3, 1968, to submit to SBA their written comments. No comments were received.

SBA, having consider the application and all other pertinent information and facts with regard thereto, hereby approves the application for transfer of control of Investors Capital Corp.

Dated: May 27, 1968.

GLENN R. BROWN,
Associate Administrator,
for Investment.

[F.R. Doc. 68–6956; Filed, June 12, 1968; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1189]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

JUNE 7, 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.

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

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 263 (Sub-No. 180), filed May 15, 1968. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Pocatello, Idaho 83201. Applicant's representative: Maurice R. Greene, 334 First Security Bank Building, Boise, Idaho 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A and B explosives*, (1) between Denver, Colo., and Montpelier, Idaho, from Denver over U.S. Highway 87 to junction Colorado Highway 14, thence over Colorado Highway 14 to Fort Collins, Colo., thence over U.S. Highway 287 to Rawlins, Wyo., thence over U.S. Highway 30 to junction U.S. Highway 30N, near Little America, Wyo., thence over U.S. Highway 30N to Montpelier, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, (2) between the junction of U.S. Highway 30 and U.S. Highway 30S near Little America, Wyo., and Ogden, Utah, from the junction of U.S. Highways 30 and 30S near Little American, Wyo., over U.S. Highway 30S to Ogden, Utah, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, with service at the junction of U.S. Highways 30 and 30S for the purpose of joinder only, and (3) between Echo Junction and Salt Lake City, Utah, from Echo Junction, Utah, over U.S. Highway 189 to Kimball Junction, Utah, thence over U.S. Highway 40 to Salt Lake City, Utah, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, with service at Echo Junction, Utah, for the purpose of joinder only. NOTE: If a hearing is deemed necessary, applicant

requests it be held at Pocatello or Boise, Idaho, or Salt Lake City, Utah.

No. MC 730 (Sub-No. 296), filed May 9, 1968. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation; 1417 Clay Street, Oakland, Calif. 94604. Applicant's representative: Alfred G. Krebs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Explosives, blasting materials, agent, and supplies*, (1) between all points and over the regular routes which applicant is certificated for the transportation of general commodities (except *explosives*), in MC–730 and all effective sub numbers thereto, wherein applicant is authorized to operate in the States of Arizona, California, Colorado, Connecticut, District of Columbia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Washington, 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, Connecticut, District of Columbia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Utah, Washington, and Wyoming as off-route points in connection with carrier's regular route operations. NOTE: Applicant states it requests no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Denver, Colo.

No. MC 2900 (Sub-No. 157), filed May 20, 1968. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32203. Applicant's representative: W. D. Beatenbough (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Plainville, Ga., as an off-route point in connection with Ryder's regular routes between Dalton, Ga., and Atlanta, Ga., over U.S. Highway 41 and Lafayette, and Rome, Ga., over U.S. Highway 27. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., or Atlanta, Ga.

No. MC 5152 (Sub-No. 12), filed May 24, 1968. Applicant: VANCOUVER FAST FREIGHT, INC., 304 Columbia Street, Vancouver, Wash. 98660. Applicant's representatives: William J. Lippman and Philip F. Hurlock, 1824 R Street NW., Washington, D.C. 20009. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cans and can ends*, from Vancouver, Wash., to points in Lane County, Oreg. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 5470 (Sub-No. 40), filed May 17, 1968. Applicant: TAJON, INC., Rural Delivery No. 5, Mercer, Pa. 16137. Applicant's representative: Theodore Polydoroff, 917 Munsey Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alloys*, in dump vehicles, from Leetsdale, Pa., and from East Liverpool, Ohio, to points in New York on the east of U.S. Highway 15; (2) *alloys, clay, fertilizers (except liquid), limestone, petroleum coke, ores, coal tar pitch and pitch prell, pig iron and scrap metals*, in dump vehicles, between Erie, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, and West Virginia; (3) *pig iron, alloys and ores*, in dump vehicles, between Erie, Pa., on the one hand, and, on the other, points in Massachusetts, New Hampshire, Rhode Island, and Vermont; (4) *silicon metals*, in dump vehicles, between Erie, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, Rhode Island, and Vermont. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 13134 (Sub-No. 18), filed May 17, 1968. Applicant: GRANT TRUCKING, INC., Post Office Box 256, Oak Hill, Ohio 45656. Applicant's representative: James M. Burtch, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron castings*, from Jackson, Ohio, to points in Indiana, Michigan, Pennsylvania, and Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 14702 (Sub-No. 21), filed May 24, 1968. Applicant: OHIO FAST FREIGHT, INC., Post Office Box 808, Warren, Ohio 44482. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum*, between Oswego, N.Y., on the one hand, and, on the other, points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, Ohio, Pennsylvania, Tennessee, Vermont, Virginia, West Virginia, Rhode Island, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 18088 (Sub-No. 47) (Amendment), filed April 30, 1968, published FEDERAL REGISTER issue of May 23, 1968, amended, and republished as amended, this issue. Applicant: FLOYD & BEASLEY TRANSFER COMPANY, INC., Post Office Drawer 8, Sycamore, Ala. 35149. Applicant's representative: Gavin W. O'Brien, 2000 L Street NW., Suite 815, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, and commodities in bulk), (1) between Decatur, Ala., and points in Georgia, North Carolina, South Carolina, and Virginia, and (2) between points in Escambia and Santa Rosa Counties, Fla., and points in Alabama, Georgia, North Carolina, South Carolina, Tennessee, and Virginia. NOTE: Applicant indicates tacking possibilities. The purpose of this republication is to add the destination State of Virginia in (2) above. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Atlanta, Ga.

No. MC 25798 (Sub-No. 177), filed May 27, 1968. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients*, from Des Moines, Iowa, to points in Alabama, Florida, Georgia, and Louisiana. NOTE: Common control may be involved. If a hearing is deemed necessary applicant requests it be held at Des Moines, Iowa, or St. Louis, Mo.

No. MC 27817 (Sub-No. 77), filed May 20, 1968. Applicant: H. C. GABLER, INC., Rural Delivery No. 3, Chambersburg, Pa. 17201. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Medina, N.Y., to Muscatine, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 29120 (Sub-No. 101), filed May 23, 1968. Applicant: ALL-AMERICAN TRANSPORT, INC., 1500 Industrial Avenue, Post Office Box 769, Sioux Falls, S. Dak. 57101. Applicant's representatives: E. J. Dwyer, Post Office Box 769, Sioux Falls, S. Dak., and Axelrod, Goodman and Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 706 (except commodities in bulk, in tank vehicles and hides), from Le Mars, Iowa, to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak., or Sioux Falls, Iowa.

No. MC 30844 (Sub-No. 255), filed May 20, 1968. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., 1650 Grant Street Building, Denver, Colo. 80202. Authority sought

to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware*, from points in Fairfield County, Ohio, to points in Missouri, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, and Kansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Waterloo, Iowa, or Lancaster, Ohio.

No. MC 35628 (Sub-No. 286), filed May 20, 1968. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville SW., Grand Rapids, Mich. 49502. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), (1) serving Elysburg, Pa., as an off route point in connection with applicant's authorized regular route operations between Rochester, N.Y., and Harrisburg, Pa., and between Shamokin and Philadelphia, Pa., and (2) serving Chester, N.Y., as an off-route point in connection with applicant's regular route operations between Westfield, N.Y., and New York, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albany or New York, N.Y.

No. MC 35628 (Sub-No. 287), filed May 22, 1968. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville SW., Grand Rapids, Mich. 49502. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), serving the Goodyear Tire & Rubber Co. plantsite near Luckey, Ohio, as an off-route point in connection with applicant's regular route operations between Columbus and Toledo, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Pittsburgh, Pa.

No. MC 44639 (Sub-No. 23), filed May 29, 1968. Applicant: SAM MAITA AND IRVING LEVIN, a partnership, doing business as L. & M. EXPRESS CO., 220 Ridge Road, Lyndhurst, N.J. 07071. Applicant's representative: Herman B. J. Weckstein, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel, and materials and supplies* used in the manufacture of wearing apparel, between Appomattox and Crewe, Va., on the one hand, and, on the other, Stanhope and Justice, N.C. NOTE: Applicant intends to tack at Crewe, Va., with its existing authority serving points between North Carolina and Whiteford, Md. If a hearing is deemed necessary, applicant requests it be held at Richmond, Va.

No. MC 59185 (Sub-No. 29), filed May 21, 1968. Applicant: HIGHWAY EXPRESS, INC., 2416 West Superior Avenue, Cleveland, Ohio 44113. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission and those requiring special equipment), serving the plantsite of Republic Powdered Metals, Inc., located at or near Brunswick, Medina County, Ohio, as an off-route point in connection with carriers regular route service at Cleveland, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland or Columbus, Ohio.

No. MC 59367 (Sub-No. 58), filed May 24, 1968. Applicant: DECKER TRUCK LINE, INC., Post Office Box 915, Fort Dodge, Iowa 50501. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or cold storage facilities utilized by Wilson & Co., Inc., at or near Logansport, Ind., to points in Illinois, Iowa, and Wisconsin, restricted to the transportation of Wilson & Co., Inc., traffic originating at the above specified plantsite and/or cold storage facilities and destined to the above specified destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 61048 (Sub-No. 9), filed May 16, 1968. Applicant: LEONARD EXPRESS, INC., Post Office Box 610, Greensburg, Pa. Applicant's representative: Jerome Solomon, 1302 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *General commodities* (except those of unusual value, and except classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading). By the instant application applicant seeks elimination of its present gateway territory of Hancock, Brooke, Ohio, and Marshall Counties, W. Va., or, in the alternative, to extend the boundaries of the above-named gateway territory to also include (a) points on and south of Interstate Highway 80 in Ohio, on the North, (b) points on and east of Ohio Highway 7, on the east to the Pennsylvania State line, and (3) points in Marshall County, W. Va., on the south. NOTE: Applicant states it now holds authority in MC 61048 and subs thereunder to perform service between points in New Jersey, New York, Pennsylvania, and Connecticut, on the one hand, and, on the other, points in Ohio, by using one or more of the above-specified West Virginia counties as a gateway. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 61592 (Sub-No. 111), filed May 20, 1968. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements, farm machinery, farm equipment, and parts and attachments* (except those commodities the transportation of which because of size or weight require the use of special equipment), from Electric Mills, Miss., and points within 5 miles thereof, to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Mississippi, Minnesota, Nebraska, North Dakota, Oklahoma, Tennessee, and Texas, and (2) *materials, equipment, and supplies* used in manufacturing and distribution of commodities in (1) above, on return. NOTE: Applicant states that it intends to tack with its presently held authority in MC 61592 Item 15A, wherein it is authorized to operate in Iowa, Illinois, Minnesota, Nebraska, South Dakota, its authority in MC 61592 Sub 25, wherein it is authorized to operate in Tennessee, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Wisconsin, and North Dakota, and with its authority in MC 61592 Sub 31, wherein it is authorized to operate in points in the United States (except Alaska, Hawaii, Georgia, North Carolina, South Carolina, Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, Ohio, Indiana, and the District of Columbia). If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., Jackson, Miss., or New Orleans, La.

No. MC 61592 (Sub-No. 112), filed May 20, 1968. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: R. Connor Wiggins, Jr., 909, 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, from points in Alabama, Arkansas, Colorado, Georgia, Illinois, Kentucky, Louisiana, Missouri, North Carolina, New Mexico, South Carolina, Tennessee, and Texas to points in Arizona, California, Louisiana, Nevada, New Mexico, Oklahoma, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., Washington, D.C., or Chicago, Ill.

No. MC 62133 (Sub-No. 10), filed May 22, 1968. Applicant: EVANS EXPRESS COMPANY, INC., 94 Van Guysling Avenue, Schenectady, N.Y. Applicant's representative: Herbert M. Canter, 345 South Warren Street, Syracuse, N.Y. 13202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and dairy products*, as described in sections A and B of appendix I to the

report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *frozen foods*, except those included in the above-specified commodities, from Schenectady, N.Y., to points in Franklin, Clinton, and Essex Counties, N.Y., and points in Franklin, Chittenden, Addison, Rutland, and Bennington Counties, Vt., and *returned shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albany, or Syracuse, N.Y.

No. MC 63485 (Sub-No. 2), filed May 13, 1968. Applicant: BLACK RIVER TRANSPORTATION, INC., Star Route, Ironton, Mo. 63650. Applicant's representative: Joseph R. Nacy, 117 West High Street, Post Office Box 352, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Graniteville, Mo., and junction Missouri Highway 21 and Iron County Highway "W", serving no intermediate points, and serving junction Missouri Highway 21 and Iron County Highway "W", for joinder only: From Graniteville over Missouri Highway 21 to junction Iron County Highway "W", and return over the same route; (2) between junction U.S. Highway 67 and Missouri Highway 34, and Poplar Bluff, Mo., over U.S. Highway 67, serving no intermediate points and serving junction U.S. Highway 67 and Missouri Highway 34 for purposes of joinder only, as an alternate route for operating convenience only, in connection with applicant's presently authorized regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis or Jefferson City, Mo.

No. MC 76025 (Sub-No. 8), filed May 24, 1968. Applicant: OVERLAND EXPRESS, INC., Post Office Box 2667, 498 First Street NW., New Brighton, Minn. 55112. Applicant's representative: Charles W. Singer, Suite 1625, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and (2) *canned and frozen foods*, from St. Paul and Twin Lakes, Minn., and Monroe, Eau Claire, and Portage, Wis., to points in Connecticut, Delaware, District of Columbia, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and West Virginia, under contract with Armour & Co., subject to the restriction that service from St. Paul, Minn., should be limited to shipments which are stopped in route at one or more of the named Wisconsin points to complete loading. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 82841 (Sub-No. 47), filed May 23, 1968. Applicant: R–D TRANSFER, INC., 801 Livestock Exchange Building, Omaha, Nebr. 68107. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such materials and equipment* as are used by egg and poultry producers, from the plantsite of Pockman Manufacturing Co., Inc., located in Morgan County, Ala., to points in Colorado, Indiana, Illinois, Kansas, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, Wyoming, and Utah. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham or Montgomery, Ala., or Atlanta, Ga.

No. MC 88071 (Sub-No. 3), filed May 23, 1968. Applicant: JOHN REGINAK, Orange Street, Millville, N.J. 08332. Applicant's representative: Matthew Aaron, 204 Feinstein Building, Bridgeton, N.J. 08302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Industrial sand*, in bags, in bulk in dump vehicle or tank vehicle, in straight or mixed shipments, from the plantsite of New Jersey Silica Sand Co., located at Millville, N.J., to points in Connecticut, Delaware, Maryland, Massachusetts, New York, and Pennsylvania. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 99208 (Sub-No. 7), filed May 27, 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), between Knoxville, Tenn., and Atlanta, Ga., from Knoxville over U.S. Highway 129 to Junction U.S. Highway 411, near Maryville, Tenn., thence over U.S. Highway 411 to Cartersville, Ga., thence over U.S. Highway 41 and Interstate Highway 75 to Atlanta, and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it commence at Knoxville, Tenn., and terminate at Atlanta, Ga.

No. MC 100623 (Sub-No. 9), filed May 27, 1968. Applicant: HOURLY MESSENGERS, INC., 1710–44 Wood Street, Philadelphia, Pa. 19103. Applicant's representative: V. Baker Smith, 123 South Broad Street, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, and pharmaceutical products* in packages of 50 pounds or less from Somerset, N.J., to points in Berks, Bucks, Chester, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Montgomery, Northampton, Philadelphia, and York Counties, Pa. NOTE: Applicant holds contract carrier authority in MC 102799, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 103993 (Sub-No. 328), filed May 29, 1968. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Robert G. Tessar and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Warren County, Iowa, to points in the United States (excluding Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 105501 (Sub-No. 3), filed May 20, 1968. Applicant: TERMINAL WAREHOUSE COMPANY, a corporation, 340 Stinson Boulevard, Minneapolis, Minn. 55413. Applicant's representative: Will E. Tomljanovich, 2327 Wycliff, St. Paul, Minn. 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products; products produced or distributed by manufacturers and converters of paper and paper products*, from Minneapolis and St. Paul, Minn., to points in Minnesota, Wisconsin, the Upper Peninsula of Michigan, and Allamakee, Clayton, and Winneshiek Counties, Iowa. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 105813 (Sub-No. 166), filed May 27, 1968. Applicant: BELFORD TRUCKING CO., INC., 3500 Northwest 79th Avenue, Post Office Box 154, M.I.A. Station, Miami, Fla. 33148. Applicant's representative: J. T. Moore care of Belford Trucking Co., Inc. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuff*, frozen or unfrozen, and *containers or other incidental facilities used in transporting such commodities*, in vehicles equipped with mechanical refrigeration, between points in Florida. NOTE: Applicant states that physical operation would connect at all points in Florida to provide service from territories in base certificate to specified points or areas of Florida, thereby providing service to all points in Florida. Applicant further states that no duplicating authority is sought. Common control may be involved. The purpose of this instant application is to remove certain restrictions contained in similar authority already held by carrier in MC 105813 Sub-No. 1. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 107002 (Sub-No. 345) (Amendment), filed March 14, 1968, published in the FEDERAL REGISTER issues of April

4, 1968, and April 18, 1968, amended May 27, 1968, and republished, as amended, this issue. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representatives: John J. Borth (same address as above), and H. D. Miller, Jr., Post Office Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products*, in bulk, in tank vehicles, (1) between points in Mississippi; (2) from points in Mississippi to points in Alabama, Arkansas, Louisiana, and Tennessee; (3) from Mobile, Ala., to points in Alabama, Louisiana, and Mississippi; and (4) from Memphis, Tenn., to points in Alabama, Arkansas, Mississippi, and Tennessee. NOTE: Applicant states that it could tack the authority sought herein, with its present authority in MC 107002 and subs thereunder, whereas it is authorized to serve points in Alabama, North Carolina, West Virginia, Florida, Georgia, Mississippi, Illinois, Indiana, Iowa, Kansas, Missouri, Oklahoma, Wisconsin, Kentucky, Ohio, Tennessee, and Michigan. Applicant states that no duplicating authority is being sought. The purpose of this republication is to broaden the scope of the authority sought. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Memphis, Tenn.

No. MC 108057 (Sub-No. 7), filed May 27, 1968. Applicant: McDONNELL BRO., INC., 759 Riverside Avenue, Lyndhurst, N.J. Applicant's representative: James J. Farrell, 201 Montague Place, South Orange, N.J. 07079. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nonferrous scrap metal* in bulk or in packages, between Newark, N.J., on the one hand, and, on the other, points in Massachusetts, under contract with Louis Usdin Co., Inc., Newark, N.J.

No. MC 109515 (Sub-No. 9), filed May 20, 1968. Applicant: OZELLA KIMBROUGH HARRINGTON, doing business as KIMBROUGH TRUCKING COMPANY, Post Office Box 604, Benson, Ariz. 85602. Applicant's representative: Earl H. Carroll, 363 North First Avenue, Phoenix, Ariz. 85003. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Blasting supplies and accessories*, from Curtiss, Ariz., to points in Idaho, Montana, Wyoming, Washington, and Oregon, with a return movement to Curtiss of PETN (pentaerythritetetranitrate). (2) *boosters*, from Gomex and Lehi, Utah, and Louviers, Colo., to Curtiss, Ariz., and (3) *black powder*, from Louviers, Colo., to Curtiss, Ariz., under contract with Apache Powder Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 111231 (Sub-No. 157), filed June 3, 1968. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. 72764. Applicant's representative: B. J. Wiseman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass and glassware, including glass containers, and materials, equipment and supplies* used or useful in the manufacturing or distribution of glass and glassware, between points in Oklahoma, on the one hand, and, on the other, points in Arkansas, Oklahoma, Kansas, Missouri, and Illinois. NOTE: Applicant states it could tack at points in Oklahoma with its presently held authority wherein it is authorized to conduct operations in the States of Arkansas, Oklahoma, Kansas, Missouri, Illinois, Tennessee, Texas, and Mississippi. If a hearing is deemed necessary, applicant requests it be held at Tulsa or Oklahoma City, Okla., or Dallas, Tex.

No. MC 111427 (Sub-No. 6), filed May 24, 1968. Applicant: ROBERT CURTIS, doing business as BOB CURTIS TRUCKING, Winner, S. Dak. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Livestock, agricultural machinery and implements, grain, seeds, livestock and poultry feeds, brick, tile, lumber, oils, and greases* in containers, and dry commercial fertilizer, between Winner and Wood, S. Dak., over U.S. Highway 18 to junction U.S. Highway 183, thence over U.S. Highway 183 to junction U.S. Highway 183, thence over U.S. Highway 183 to junction South Dakota Highway 40, thence over South Dakota Highway 40 to Wood, and return over the same route, serving all intermediate points and the off-route point of Witten, S. Dak. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 111812 (Sub-No. 365), filed May 19, 1968. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy and confectionery products*, (2) *advertising materials, including premium merchandise, moving in mixed loads with candy and confectionery products*, and (3) *materials and supplies used in the manufacture, sale and/or distribution of candy and confectionery products*, between the plantsites and storage facilities of Reed Candy Co. at or near Campbellsville, Ky., on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 112520 (Sub-No. 183), filed May 27, 1968. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Post Office Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tall oil and tall oil products*, in bulk, in tank vehicles, from points in Florida, except Pensacola, to points in South Carolina, North Carolina, and Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 113362 (Sub-No. 149), filed May 23, 1968. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Millwork, hardwood furniture, and hardwood furniture parts*, from Oil City, Pa., and Peninsula, Ohio, to points in Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D. C.

No. MC 113434 (Sub-No. 30), filed May 23, 1968. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, Mich. 49423. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Medina, N.Y., to Muscatine, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Pittsburgh, Pa.

No. MC 113651 (Sub-No. 126), filed May 10, 1968. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Henry A. Dillon (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from points in Wilson County, N.C., to points in Ohio, Michigan, Indiana, Illinois, Wisconsin, Missouri, and Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C., or Washington, D.C.

No. MC 113828 (Sub-No. 148), filed May 22, 1968. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington, D.C. 20014. Applicant's representative: Martin Sterenbuch, Federal Bar Building West, 1819 H Street NW., Washington, D.C. 20016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, and fertilizer materials, and ingredients*, from Williamston, N.C., to points in Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114045 (Sub-No. 320), filed May 23, 1968. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. 75222. Applicant's representative: R. L. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and brewery supplies*, from Newark, N.J., to points in Mississippi and Tennessee, and refused, rejected, and

empty beverage containers and brewery supplies, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114239 (Sub-No. 23), filed May 13, 1968. Applicant: FARRIS TRUCK LINE, a corporation, Faucett, Mo. Applicant's representative: Carll V. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vermiculite, plaster, fertilizer and fertilizer materials, polystyrene, reinforced concrete tiles, and slabs and beams*, (1) between the plantsite and warehouse facilities of W. R. Grace & Co., at or near Birmingham, Ala.; Glendale, Ariz.; North Little Rock, Ark.; Auburn, West Glendale, Newark, and Modesto, Calif.; Denver, Colo.; Boca Raton, Hialeah, Jacksonville, and Tampa, Fla.; Atlanta and Brunswick, Ga.; Chicago, Ill.; Wilders, Ky.; New Orleans, La.; Baltimore and Muirkirk, Md.; Cleveland, Ohio; Ellwood City and New Castle, Pa.; Kearney and Travelers Rest, S.C.; Dearborn, Mich.; Kansas City and St. Louis, Mo.; Libby, Mont.; Trenton, N.J.; Weedsport, N.Y.; High Point, N.C.; Cincinnati, Ohio; Omaha, Nebr.; Minneapolis, Minn.; Milwaukee, Wis.; Oklahoma City, Okla.; Dallas, Houston, and San Antonio, Tex.; Easthampton, Mass.; Auburn and Spokane, Wash.; and (2) from the above specified plantsite and warehouse facilities of W. R. Grace & Co., to points in the United States (except Alaska and Hawaii), under contract with W. R. Grace & Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Chicago, Ill.

No. MC 114273 (Sub-No. 32), filed May 24, 1968. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., 3930 16th Avenue SW., Post Office Box 68, Cedar Rapids, Iowa 52408. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, Iowa 52402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or cold storage facilities utilized by Wilson & Co., Inc., at or near Logansport, Ind., to points in Illinois, Iowa, and St. Louis, Mo., restricted to the transportation of Wilson & Co., Inc. traffic originating at the above specified destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114364 (Sub-No. 166), filed May 16, 1968. Applicant: WRIGHT MOTOR LINES, INC., Post Office Box 1191, 1401 North Little Street, Cushing, Okla. 74023. Applicant's representative: Rodger Spahr (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning, bleaching, and laundry compounds, products and supplies; waxes and polishing compounds; water treating compounds; scouring materials and supplies; starch; sizing; and disinfectants*, (1) from Dallas, Tex., to points in Arkansas, Louisiana, New Mexico, and Oklahoma; and (2) from Los Angeles, Calif., to points in Arizona, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or St. Louis, Mo.

No. MC 114364 (Sub-No. 167), filed May 20, 1968. Applicant: WRIGHT MOTOR LINES, INC., Post Office Box 1191, 1401 North Little Street, Cushing, Okla. 74023. Applicant's representative: Rodger Spahr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber and building material*, from points in California to points in Colorado, Nebraska, New Mexico, and Wyoming, and (2) *lumber*, from points in Colorado to points in California. NOTE: Applicant indicates tacking with its existing authority under (Sub-Nos. 20 and 70) at points in Colorado, New Mexico, and Arizona to serve points in Missouri, Kansas, Oklahoma, and Texas. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 114822 (Sub-No. 12), filed May 27, 1968. Applicant: RUDOLPH PAFFRATH, WILLIAM PAFFRATH, AND THOMAS PAFFRATH, a partnership, doing business as PAFFRATH BROS., 1415 Clinton Street, Linden, N.J. 07036. 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: *Scrap ferrous metal*, in dump vehicles, (1) from New York, N.Y., to Salem and Bridgeton, N.J., Quakertown, East Greenville, Reading, Boyertown, Chester, Lebanon, Hamburg, York, Milton, and Lancaster, Pa.; New Castle, Del.; and Baltimore, Md., and (2) from Dover, Perth Amboy, Newark, and Plainfield, N.J., to Quakertown, East Greenville, Reading, Boyertown, Chester, Lebanon, Hamburg, York, Milton, and Lancaster, Pa.; New Castle, Del., and Baltimore, Md. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 115826 (Sub-No. 184), filed May 20, 1968. Applicant: W. J. DIGBY, INC., 1960 31st Street, Post Office Box 5088, Terminal Annex, Denver, Colo. 80217. Applicant's representative: R. H. Jinks, Post Office Box 5088, Terminal Annex, Denver, Colo. 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery, and related products*, from points in Colorado, to points in Idaho, Utah, Washington, Oregon, Arizona, Nevada, New Mexico, California, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Salt Lake City, Utah.

No. MC 115841 (Sub-No. 333), filed May 23, 1968. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from Wilson, N.C., to points in New York on and west of U.S. Highway 87, points in Pennsylvania on and west of U.S. Highway 11, points in Ohio, Michigan, Indiana, Illinois, Minnesota, Wisconsin, Iowa, Kansas, Missouri, Kentucky, Tennessee, Alabama, Mississippi, Louisiana, Oklahoma, Arkansas, and Texas. NOTE: If a hearing is deemed necessary, applicant did not specify location.

No. MC 116273 (Sub-No. 105), filed May 27, 1968. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: Robert G. Paluch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, from Chicago, Ill., to points in Texas. NOTE: Applicant indicates tacking with its existing authority under Sub-Nos. (6), (25), and (45), at Whiting, Ind., to provide through service from points in Illinois on and north of U.S. Highway 50, St. Louis and Hannibal, Mo.; Keokuk, Fort Madison, Burlington, Clinton, and Dubuque, Iowa; the Lower Peninsula of Michigan, Peru and Joliet, Ill., also with its Sub-Nos. (20), (48), (56), (61), and (77), at Chicago, Ill., to provide a through service from Muskegon, Mich., East Dubuque, Ill., Davenport, Ill., Niota, Ill., and Detroit, Mich., respectively, enabling service to points in Texas. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116459 (Sub-No. 40), filed May 27, 1968. Applicant: RUSS TRANSPORT, INC., Post Office Box 4022, Chattanooga, Tenn. 37405. Applicant's representative: Clifford E. Sanders, 321 East Center Street, Post Office Box G, Kingsport, Tenn. 37662. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acetylene, argon, carbon dioxide, compressed air, helium, hydrogen, nitrogen, oxygen, propane, mapp, and materials* incidental to the use of these commodities on shipper-owned trailers (1) from Chattanooga, Tenn., to Augusta and Gainesville, Ga., Enka, N.C., and Greenville, S.C.; and (2) from Ringgold, Ga., to Nashville and Knoxville, Tenn., Enka, N.C., and Greenville, S.C. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Atlanta, Ga.

No. MC 117557 (Sub-No. 15), filed May 29, 1968. Applicant: MATSON, INC., Highway No. 30 East, Post Office Box 43, Cedar Rapids, Iowa 52406. Applicant's representative: Wilmer B. Hill, 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate

as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery*, (2) *freight automobile bodies*, with or without attachments, (3) *unloading and spreading equipment*, and (4) *parts, attachments and accessories* for the commodities named in (1), (2), and (3) above from Lebanon, Tenn., to points in the United States (except Alaska and Hawaii) and (5) *materials, equipment, and supplies* for the commodities named in (1), (2), (3), and (4) above, except commodities in bulk, in tank vehicles, from points in Illinois, Indiana, Kentucky, Michigan, Ohio, New York, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Texas, Oklahoma, Kansas, Missouri, Iowa, Wisconsin, and the District of Columbia to Lebanon, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Nashville, Tenn., or Chicago, Ill.

No. MC 117686 (Sub-No. 89), filed May 24, 1968. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Post Office Box 417, Sioux City, Iowa 51102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or cold storage facilities utilized by Wilson & Co., Inc., at or near Logansport, Ind., to points in Alabama, Louisiana, and Mississippi, restricted to the transportation of Wilson & Co., Inc., traffic originating at the above specified plantsite and/or cold storage facilities and destined to the above specified destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 118561 (Sub-No. 13), filed May 22, 1968. Applicant: HERBERT B. FULLER, doing business as FULLER TRANSFER COMPANY, 212 East Street, Maryville, Tenn. 37801. Applicant's representative: Harold Seligman, Suite 1204, 1808 West End Building, Nashville, Tenn. 37203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts* as described in section A of appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in refrigerated trucks, from Knoxville, and points in Blount County, Tenn., to points in McMinn, Polk, Bradley, Hamilton, and Marion Counties, Tenn. NOTE: Applicant states that it proposes to operate the authority sought in conjunction with its existing authority on its peddle operations. If a hearing is deemed necessary, applicant requests it be held at Nashville, or Knoxville, Tenn.

No. MC 119118 (Sub-No. 23), filed May 20, 1968. Applicant: LEWIS W. McCURDY, doing business as McCURDY'S TRUCKING CO., 571 Unity Street, Latrobe, Pa. 15650. Applicant's representative: Paul F. Sullivan, 1341 G Street NW., Suite 913, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mal beverages*, in containers, and *related advertising material* moving therewith, from Newark, N.J., to points in Indiana and Kentucky. NOTE: Applicant is also authorized to conduct operations as a contract carrier in permit No. MC 116564 and subs, therefore, 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., or Washington, D.C.

No. MC 119493 (Sub-No. 43), filed May 23, 1968. Applicant: MONKEM COMPANY, INC., West 20th Street Road, Post Office Box 1196, Joplin, Mo. 64801. 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: *Canned goods, in mixed shipments with canned and/or packaged animal feed*, from Proctor and Kansas, Okla.; Siloam Springs and Gentry, Ark., and the plantsite of Allen Canning Co., located approximately 10 miles east of Siloam Springs, Ark., to points in Iowa, Wisconsin, Minnesota, Illinois, North Dakota, South Dakota, Nebraska, Missouri, and Arkansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Tulsa, Okla.

No. MC 119531 (Sub-No. 84), filed May 27, 1968. Applicant: DIECKBRADER 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 products*, from Dolton, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, and Wisconsin and (2) *materials and supplies* used in or incidental to the manufacture, sale and distribution of (1) above on return. NOTE: Applicant indicates tacking possibilities with its Sub 31 at Zanesville, Ohio, to serve points in Maryland, Pennsylvania, and West Virginia. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 119631 (Sub-No. 10), filed May 23, 1968. Applicant: DEIOMA TRUCKING COMPANY, a corporation, Post Office Box 915, Mount Union Station, Alliance, Ohio. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic manikin forms*, from Barberton, Ohio, to points in the New York, N.Y. commercial zone as defined by the Commission including New York City. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 120543 (Sub-No. 56), filed May 23, 1968. Applicant: FLORIDA REFRIGERATED SERVICE, INC., U.S. Highway 301 North, Post Office Box 1297, Dade City, Fla. 33525. Applicant's representative: Lawrence D. Fay, 1205 Universal Marion Building, Post Office Box 1086, Jacksonville, Fla. 32201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pie fillings, jellies, jams, and fondant icings*, from points in Florida, to points in Texas, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, California, Oregon, and Washington. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa or Miami, Fla.

No. MC 120645 (Sub-No. 2) (Correction), filed March 26, 1968, published FEDERAL REGISTER issue of April 11, 1968, corrected and republished as corrected this issue. Application: GERALD L. PETERSEN AND ADELINE M. PETERSEN, a partnership, doing business as DAVID CITY TRANSFER, David City, Nebr. Applicant's representative: Donald E. Leonard, Box 2028, 605 South 14th, Lincoln, Nebr. 68501. 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 commodities requiring special equipment), (1) between Omaha and David City, Nebr., from Omaha over Alternate U.S. Highway 30 to junction Nebraska Highway 15, and thence over Nebraska Highway 15 to David City, and return over the same route, serving all intermediate points between junction Alternate U.S. Highway 30 and Nebraska Highway 79, and David City, and (2) between David City and Lincoln, Nebr., from David City over Nebraska Highway 15 to junction U.S. Highway 34, and thence over U.S. Highway 34 to Lincoln, and return over the same route, serving no intermediate points; and serving the off-route points of Ulysses, Dwight, Bee, Garland, and Staplehurst, Nebr., in connection with the routes described in (1) and (2) above. NOTE: The purpose of this republication is to show regular routes in lieu of irregular routes as previously published. If a hearing is deemed necessary, applicant requests it be held at Omaha or Lincoln, Nebr.

No. MC 123392 (Sub-No. 10), filed May 23, 1968. Applicant: JACK B. KELLEY, doing business as JACK B. KELLEY CO., 3801 Virginia Street, Amarillo, Tex. 79109. Applicant's representative: Grady L. Fox, 222 Amarillo Building, Amarillo, Tex. 79101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon monoxide*, from Houston, Tex., and points in its commercial zone, including Deer Park, Tex., to Geismar, La., and a 10-mile radius thereof. NOTE: If a hearing is deemed necessary, applicant requests it be held at Amarillo, Tex., or Oklahoma City, Okla.

No. MC 123392 (Sub-No. 11), filed May 24, 1968. Applicant: JACK B. KELLEY, doing business as JACK B. KELLEY COMPANY, 3801 Virginia Street,

Amarillo, Tex. 79109. Applicant's representative: Grady L. Fox, 222 Amarillo Building, Amarillo, Tex. 79101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and gaseous helium*, in bulk, from points in Apache County, Ariz., to points in the United States, except Alaska and Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Amarillo, Tex., or Oklahoma City, Okla.

No. MC 123407 (Sub-No. 38), filed May 21, 1968. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn. 55404. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel, aluminum, brass, and copper articles*, from Milwaukee, Wis., and Chicago, Ill., to points in Wisconsin, Minnesota, North Dakota, South Dakota, Iowa, Nebraska, Illinois, and the Upper Peninsula of Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123415 (Sub-No. 14), filed May 17, 1968. Applicant: JAMES STUFFO, INC., Post Office Box 1061, Merchantville, N.J. 08109. Applicant's representative: Raymond A. Thistle, Jr., Suite 1710, 1500 Walnut Street, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper boxes*, set up and knocked down from the plantsite of George H. Snyder, Inc., in the township of Warrington, Bucks County, Pa., to New Brunswick and Freehold, N.J., and New York, N.Y., (2) *paper, kit boxes containing drug, medicinal, and toilet preparations* from the plantsite of George H. Snyder, Inc., in the township of Warrington, Bucks County, Pa., to New Brunswick, N.J., and (3) *drug, medicinal, and toilet preparations* from New Brunswick, N.J., to the plantsite of George H. Snyder, Inc., in the township of Warrington, Bucks County, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 123819 (Sub-No. 17), filed May 27, 1968. Applicant: ACE FREIGHT LINE, INC., Post Office Box 2103, Memphis, Tenn. 38102. Applicant's representative: Bill R. Davis, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal and charcoal briquettes*, from Paris, Ark., to points in Alabama, California, Connecticut, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, New Jersey, New York, Mississippi, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Little Rock, Ark.

No. MC 124211 (Sub-No. 116), filed May 20, 1968. Applicant: HILT TRUCK LINE, INC., 2648 Cornhusker Highway, Post Office Box 824, Lincoln, Nebr. 68501. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Advertising matter and advertising paraphernalia*, utilized by the beverage industry, when intended for such use and when moving in the same vehicle at the same time with beverages, and (b) *beverages*, from New Orleans, La., and points in Dallas, Grant, and Webb Counties, Tex., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Omaha, Nebr., and (2) *beverage concentrates, containers, and pallets*, from points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Omaha, Nebr., to New Orleans, La., and points in Dallas, Grant, and Webb Counties, Tex. NOTE: Applicant indicates tacking possibilities. Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., Omaha, Nebr., or Washington, D.C.

No. MC 124251 (Sub-No. 22), filed May 23, 1968. Applicant: JACK JORDAN, INC., Post Office Box 638, Dalton, Ga. Applicant's representative: Ariel V. Conlin, 626 Fulton National Bank Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Latex and latex compounds*, in bulk, from the plantsite of General Tire & Rubber Co., in Whitfield County, Ga., to points in North Carolina and South Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Chattanooga, Tenn.

No. MC 125113 (Sub-No. 3), filed May 20, 1968. Applicant: CHRISTMAN TRUCKING CORPORATION, Post Office Box 127, Rural Delivery No. 2, Washington, Pa. 15301. Applicant's representative: Stephen I. Richman, 325 Washington Trust Building, Washington, Pa. 15301. 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 in Allegheny County, Pa., the Cleveland Hopkins Airport in Cuyahoga County, Ohio, the Ohio County Airport in Ohio County, W. Va., the Wood County Airport in Wood County, W. Va., the Kanawha County Airport in Kanawha County, W. Va., the Morgantown Municipal Airport in Monongalia County, W. Va., and the Benedum Airport in Harrison County, W. Va., on the one hand, and, on the other, points in Garrett and Allegany County, Md.; Monroe and Washington Counties, Ohio; Kanawha, Jackson, Roane, Clay, Braxton, Calhoun, Wirt, Wood, Pleasants, Ritchie, Gilmer, Lewis, Upshur, Tyler, Doddridge, Harrison, Barbour, Preston, Marion, Taylor, Wetzel, and Monongalia Counties, W. Va.; also between Greater Pittsburgh Airport in Allegheny County, Pa., and the Cleveland Hopkins Airport in Cuyahoga County, Ohio; *Provided however*, That such transportation shall be restricted to shipments having a prior or subsequent movement by air. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125474 (Sub-No. 18), filed May 29, 1968. Applicant: BULK HAULERS, INC., 1902 Wooster Street, Wilmington, N.C. Applicant's representative: John C. Bradley, 618 Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities in bulk*, from Wilmington, N.C., and points in New Hanover County, N.C., to points in North Carolina and South Carolina. Restriction: Service is limited to the transportation of shipments having a prior movement by rail. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., or Wilmington, N.C.

No. MC 125497 (Sub-No. 1), filed May 23, 1968. Applicant: L. WOODS & SON TRANSPORT, LTD., 5005 Irwin Avenue, La Salle, Quebec, Canada. 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: *Pig iron*, in bulk in dump vehicles, from ports of entry on the international boundary line between the United States and Canada to points in Maine, New Hampshire, Vermont, Rhode Island, New York, Connecticut, and Massachusetts. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125708 (Sub-No. 88), filed May 17, 1968. Applicant: HUGH MAJOR, 150 Sinclair Street, 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*, from St. Louis, Mo., to the plantsites and storage facilities of the Valley Steel Products Co. located at or near Mount Clare and Carlinville, Ill. NOTE: Applicant states it would tack the proposed authority with its present authority to serve points in Arkansas, Kentucky, Tennessee (except Memphis), Missouri (except St. Louis, St. Joseph, and Kansas City), Illinois, Indiana, Wisconsin, Iowa, Virginia, West Virginia, Minnesota, Kansas, Nebraska, Ohio, Michigan, Pennsylvania, Alabama, Mississippi, Louisiana, Oklahoma, New Jersey, and New York. The extension in the instant application would enable service to other shippers in Carlinville, Ill. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 126432 (Sub-No. 2), filed May 24, 1968. Applicant: LLOYD WILSON PORSBORG, doing business as PORSBORG TRUCK LINE, 1405 Sixth Avenue NW., Great Falls, Mont. 59401. Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from St. Paul, Minn., to Lewistown, Mont. NOTE: Applicant is authorized to operate as a contract carrier, under MC 128707 and related subs, therefore, dual operations may be involved. NOTE: If a hearing is deemed necessary, applicant requests it be held at Great Falls or Billings, Mont.

No. MC 126822 (Sub-No. 24), filed May 29, 1968. Applicant: PASSAIC GRAIN AND WHOLESALE COMPANY, INC., Post Office Box 23, Passaic, Mo. Applicant's representative: Carll V. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides, skins, and pieces thereof*, between points in Atchison County, Mo., on the one hand, and, on the other, points in the United States (excluding Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 127042 (Sub-No. 24), filed May 20, 1968. Applicant: HAGEN, INC., 4120 Floyd Boulevard (Post Office Box 6, Leeds Station), Sioux City, Iowa 51108. Authority sought to operate as a *common 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, from points in Sheridan County, Wyo. to points in Iowa, Nebraska, and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Billings, Mont., or Sheridan, Wyo.

No. MC 127602 (Sub-No. 3), filed May 23, 1968. Applicant: THE DENVER-NORTH PLATTE FREIGHT SERVICE, INC., 3434 Walnut Street, Denver, Colo. 80205. 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 regular routes, transporting: *General commodities* (except those of unusual value, commodities in bulk, commodities requiring special equipment, household goods, and those injurious or contaminating to other lading), (1) between Denver and Julesburg, Colo., from Denver over U.S. Highway 6 to junction U.S. Highway 138, thence over U.S. Highway 138 to Julesburg, and return over the same route, serving no intermediate points, and (2) between junction U.S. Highway 138 and Colorado Highway 113 and Julesburg, Colo., from junction U.S. Highway 138 and Colorado Highway 113 over Colorado Highway 113 to junction Nebraska Highway 19, thence over Nebraska Highway 19 to junction U.S. Highway 385, thence over U.S. Highway 385 to Julesburg, and return over the same route, serving the intermediate points of Chappell and Lodgepole, Nebr. NOTE: Applicant states that the primary reason for this application is to extend presently authorized service so as to include and permit service to Lodgepole, Nebr., and to establish routes. Applicant further states it presently holds authority to serve all other points involved in this application but no duplicating authority is sought. If a hearing is deemed necessary applicant requests it be held at Denver, Colo., or Omaha, Nebr.

No. MC 128988 (Sub-No. 2), filed May 24, 1968. Applicant: JO/KEL, INC., Post Office Box 22265, Los Angeles, Calif. 90022. Applicant's representative: J. Max Harding, 605 South 14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Electrical motors and component parts* thereof, between Milford, Conn.; St. Louis, Mo.; Los Angeles and Stanton, Calif.; Prescott, Ariz.; Meno, Ark.; Philadelphia, Miss.; and, Chicago, Ill., restricted to traffic originating or terminating at the plantsites or warehouses of Emerson Electric Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Los Angeles, Calif.

No. MC 129268 (Sub-No. 2), filed May 27, 1968. Applicant: DAVID NELSON & SON, INC., 1346 54th Street, Kenosha, Wis. 53140. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *School equipment and component parts thereof, finished and unfinished, and materials and supplies used in the manufacture thereof*, between Antioch, Aurora, Freeport, and Chicago, Ill.; Warsaw, Ind.; Racine and Kenosha, Wis., under a continuing contract with Arlington Seating Co. of Racine, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 129326 (Sub-No. 6), filed May 20, 1968. Applicant: WHITNEY TANK LINES, INC., 5201 Causeway Boulevard, Tampa, Fla. 33619. Applicant's representative: Sol H. Proctor, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, from points in Hillsborough County, Fla., to points in Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 129398 (Sub-No. 3), filed May 20, 1968. Applicant: ELMER'S EXPRESS, INC., 15 South 21st Street, Billings, Mont. 59101. Applicant's representative: Herbert M. Boyle, 946 Metropolitan Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (A) OVER REGULAR ROUTES, (1) between Billings, Mont., and Rapid City, S. Dak., via Broadus, Mont., and Gillette, Wyo., from Billings over combined U.S. Highways 87 and 212 to junction U.S. Highway 212 at or near Crow Agency, Mont., thence over U.S. Highway 212 to junction Montana Highway 59 at or near Broadus, Mont., thence over Montana Highway 59 to the Montana-Wyoming State line, thence over Wyoming Highway 59 to Gillette, Wyo., thence over Interstate Highway 90 to Spearfish, S. Dak., and thence over combined U.S. Highways 14 and 85 (also Interstate Highway 90) to Rapid City, and return over the same route, serving all intermediate points and the off-route point of Bell Creek, Mont., and (2) between Billings, Mont., and Ellsworth Air Force Base near Rapid City, S. Dak., from Billings over the route specified above to Broadus, Mont., thence over U.S. Highway 212 to Belle Fourche, S. Dak., thence over South Dakota Highway 34 to junction Interstate Highway 90, and thence over Interstate Highway 90 via Rapid City to Ellsworth Air Force Base, and return over the same route, serving the intermediate point of Belle Fourche, S. Dak.; and (B) OVER IRREGULAR ROUTES, between points in Yellowstone, Big Horn, Powder River, Carter, Custer, and Fallon Counties, Mont., Crooke County, Wyo., and Butte, Lawrence, and Custer Counties, S. Dak., serving the oil field area, restricted against interline at Gillette, Wyo., of traffic originating or destined to Billings, Mont., or points north or west thereof; and further restricted to traffic between Billings, Mont., on the one hand, and, on the other, Hardin, Crow Agency, Lodge Grass, and Wyola, Mont., and New Castle, Osage, Upton, Moorcroft, Rozet, and Gillette, Wyo. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont., or Gillette, Wyo.

No. MC 129449 (Sub-No. 3), filed May 23, 1968. Applicant: OWENS AND ASHER, INC., 306 Northwest 5th Street, John Day, Oreg. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, lumber, and veneer*, from Mount Vernon, Oreg., to points in Idaho and Washington. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 129506 (Sub-No. 2) (Amendment), filed April 26, 1968, published in FEDERAL REGISTER issue of May 23, 1968, amended May 29, 1968, and republished as amended this issue. Applicant: GENE BAILEY, doing business as AMERICAN BROKERAGE COMPANY, 20 Peters Street, Bristol, Va. 24201. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Shell containers*, from Washington and Alpha, N.J., to the plantsite of Baldwin Electronics Co., Camden, Ark.; Naval Ammunition Depot near McAlester, Okla.; Pine Bluff Arsenal near Pine Bluff, Ark.; the plantsite of Remington Rand near Doyline, La.; Louisiana Ordnance Plant near Doyline,

La., and the plantsite of Day and Zimmerman, Inc., Lone Star Ammunition Plant at Texarkana, Tex., and Kansas Army Ammunition Plant near Parsons, Kans., and (2) *equipment and materials* used in the manufacture of shell containers, from Monroe, La., Atlanta, Tex., and Jackson, Huntingdon, and Milan, Tenn., to Washington and Alpha, N.J., under a continuing contract with M. C. Ricciardi Co., of Alpha, N.J. NOTE: The purpose of this republication is to add Kansas Army Ammunition Plant near Parsons, Kans., as a destination point in (1) above. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129576 (Sub-No. 1), filed May 24, 1968. Applicant: MARION E. HORNER AND RONALD E. HORNER, a partnership, doing business as HORNER TRUCK SERVICE, Rural Free Delivery No. 1, Canton, Mo. 63435. Applicant's representative: Branham Rendlen, 108 North 3d Street, Hannibal, Mo. 63401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Nitrogen fertilizer solutions*, from Gregory Landing, Mo., to points in Iowa, Missouri, Illinois, and Indiana; and (2) *phosphatic fertilizer solution*, from Athens, Ill., to points in Iowa and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill., or St. Louis or Kansas City, Mo.

No. MC 129622 (Sub-No. 2), filed May 22, 1968. Applicant: DISTRIBUTION SERVICES, INC., 207 Profit Drive, Victoria, Tex. 77901. Applicant's representatives: Stanley D. Lyle, 207 Profit Drive, Victoria, Tex. 77901 and Joe G. Fender, 802 Houston 1st Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods and personal effects* moving in specially designed containers and restricted to gathering and distribution service incidental to and in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such shipments, between points in Victoria, Calhoun, Refugio, Wharton, San Patricio, Nueces, Kleberg, Jim Wells, Karnes, Goliad, Live Oak, Bee, Aransas, Matagorda, Lavaca, Jackson, De Witt, and Colorado Counties, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Victoria, Corpus Christi, or Houston, Tex.

No. MC 129734 (Sub-No. 1), filed May 16, 1968. Applicant: LADD PAPER CO., a corporation, Main and Bridge Streets, North Vassalboro, Maine 04962. Applicant's representative: Frederick T. McGonagle, 36 Main Street, Gorham, Maine 04038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, and chain grocery, supermarket, and food business houses*, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, from Boston, Mass., to Waterville, Fairfield, Brewer, Lincoln, and North Vassalboro, Maine, under continuing contract or contract with Giguere's Super Markets, of North Vassalboro, Maine. NOTE: If a hearing is deemed necessary, applicant requests it be held at Augusta or Portland, Maine.

No. MC 129784 (Sub-No. 2), filed May 27, 1968. Applicant: DAVISON TRANSPORT, INC., Post Office Box 23, Ruston, La. 71270. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crude oils*, in bulk, in tank vehicles, from points in Bossier, Bienville, Caddo, Claiborne, Jackson, La Salle, Lincoln, Union, Webster, and Winn Parishes, La., to points in Union and Lafayette Counties, Ark., and (2) *liquid asphalt, asphalt products, crude and fuel oils*, in bulk, in tank vehicles, from points in Union County, Ark., to points in Louisiana and points in Adams, Lauderdale, Leflore, and Washington Counties, Miss. NOTE: If a hearing is deemed necessary, applicant requests it be held at El Dorado or Little Rock, Ark., or Monroe, La.

No. MC 129898 (Correction), filed MAY 8, 1968, published in FEDERAL REGISTER issue of May 30, 1968, and republished as corrected this issue. Applicant: INTERNATIONAL CARRIERS, INC., 3642 Northwest 37th Avenue, Miami, Fla. Applicant's representative: Bernard C. Pestcoe, 708 City National Bank Building, Miami, Fla. 33130. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lighting fixtures, accessories and parts used in the manufacture and/or assembly of lighting fixtures*, between Patterson and Hanover, N.J., Cornwall-On-Hudson and New Windsor, N.Y.; Philadelphia, Perkasie, and Fort Washington, Pa.; on the one hand, and, on the other, Miami, Fla., for the account of Surf Lighting, Inc., (2) *electric appliances, equipment and parts, and lawnmowers and plastic dishes, steel and/or aluminum utility sheds, and steel and/or aluminum shelving*, between Haskell, N.J.; Winsted, Conn.; Cape Girardeau, Mo.; Newark, Ohio; Boston, Mass.; Belton, S.C.; and Philadelphia, Pa., on the one hand, and, on the other, points in Florida, for the account of Gertner-Belenson & Co., doing business as Gertner-Belenson-Gold & Co., (3) *foodstuffs and glass candles*, between points in the New York, N.Y., commercial zone, as defined by the Commission; Newark, East Rutherford, Vineland, and Camden, N.J.; Philadelphia, Pa., and Baltimore, Md.; on the one hand, and, on the other, Miami and Jacksonville, Fla.; for the account of Southern Food Distributors, Inc., and (4) *plastic granules and sheets and silicon mold spray*, between Chatham, Newark, Secaucus, Fairview, Carlstadt, and Elizabeth, N.J.; Worchester, Oxford, and Leominster, Mass.; Conshohocken, Pa.; New Castle, Del.; Hicksville, Long Island, and Brooklyn, N.Y.; Huntington, W. Va., and Melrose Park, Ill., on the one hand, and, on the other, points in Florida, for the account of Irvin Paeff, Inc. NOTE: The purpose of this republication is to show Fairview, N.J., as a base origin in (4) above. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Washington, D.C.

No. MC 129919, filed May 16, 1968. Applicant: RELIABLE MOVING & HAULING CO., INC., 3807 Hamilton Avenue, Baltimore, Md. 21206. Applicant's representative: Daniel Gordon, 303 East Fayette Street, Suite 509–INA Building, Baltimore, Md. 21202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Home furnishings, mattresses, furniture, and rugs*, from Baltimore, Md., to Washington, D.C., and points in its commercial zone thereof, including Alexandria and Falls Church, Va. NOTE: Applicant states that no other merchandise will be transported, except that above. If a hearing is deemed necessary, applicant did not specify location.

No. MC 129925, filed April 25, 1968. Applicant: JAMES EDWARD CARTER, doing business as CARTER MOVING SERVICE, 275 East Franklin Avenue, Gastonia, N.C. 28052. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods and personal effects*, between points in North Carolina, on the one hand, and, on the other, points in the United States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte or Raleigh, N.C., or Columbia, S.C.

No. MC 129927, filed May 16, 1968. Applicant: GEORGE H. JAMERSON AND THOMAS J. JAMERSON, a partnership, doing business as JAMERSON BROTHERS TRUCKING COMPANY, Post Office Box 205, Appomattox, Va. 24522. Applicant's representative: Bruce E. Mitchell, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Louisa County, Va., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, West Virginia, Wisconsin, and the District of Columbia, under contracts with R. H. Spicer Lumber Corp., Walton Lumber Co., Inc., and D. H. Atkins Land & Lumber Co. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Richmond, Va., or Washington, D.C.

No. MC 129932, filed May 23, 1968. Applicant: PROCTER J. BAKER, doing business as P. J. BAKER MOBILE HOME SERVICE, 1830 Cushman Street, Fairbanks, Alaska 99701. Applicant's representative: Julian C. Rice, Post Office Box 516, 330 Wendell Street, Fairbanks, Alaska 99701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *House trailers, mobile homes, offices, dormitories, and residental and commercial buildings*, capable of being transported on wheels, between points in Alaska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fairbanks or Anchorage, Alaska.

No. MC 129933, filed May 24, 1968. Applicant: ASPHALT TRANSPORTERS, INC., 1513 Fidelity Building, Baltimore, Md. 21201. Applicant's representative: William J. Little, 1513 Fidelity Building, Baltimore, Md. 21201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products*, in bulk (including asphalt and asphalt products in shipper supplied tank vehicles), between Baltimore, Md., on the one hand, and, on the other, points in Delaware, Pennsylvania, Virginia, West Virginia, and the District of Columbia, under contract with The Asphalt Service Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Baltimore, Md., or Washington, D.C.

No. MC 129934, filed May 20, 1968. Applicant: FLORA WHITE AND JACK WHITE, a partnership, doing business as PIGEON PULLMAN, 2628 Norway Avenue, Bristol, Pa. 19007. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Racing pigeons*, in crates, (1) from points in Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and Camden, Burlington and Mercer Counties, N.J., and Wilmington, Del., to points in Georgia, Indiana, Maryland, North Carolina, Ohio, South Carolina, Virginia, West Virginia, and the District of Columbia, and (2) from points in Camden, Burlington, and Mercer Counties, N.J., to points in Pennsylvania. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Trenton, N.J.

No. MC 129935 (Sub-No. 1), filed May 28, 1968. Applicant: BARROWS TRANSFER AND STORAGE COMPANY, a corporation, Armory Road, Waterville, Maine 04901. Applicant's representative: Arthur E. Finger, 30 Boylston Street, Cambridge, Mass. 02138. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated, from the plantsites of Moosehead Manufacturing Co. at Monson, Maine, and Dover-Foxcroft, Maine, to points in New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia, and *returned shipments*, on return, under contract with Moosehead Manufacturing Co., Monson, Maine. NOTE: Applicant is also authorized to conduct operations as a common carrier in certificate No. MC 108241, therefor, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, or Washington, D.C.

MOTOR CARRIERS OF PASSENGERS'

No. MC 36524 (Sub-No. 12), filed May 20, 1968. Applicant: Missouri Transit Lines, Inc., 104 North Clark, Post Office Box No. 632. Applicant's representative: Joseph R. Nacy, 117 West High Street, Post Office Box 352, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: REGULAR ROUTES: (1) *Passengers, their baggage, express, and newspapers*, between Kansas City, Mo., and Moberly, Mo., from Kansas City over Interstate Highway 35 to junction U.S. Highway 69, thence over U.S. Highway 69 to junction Missouri Highway 10 at or near Excelsior Springs, thence over Missouri Highway 10 to junction U.S. Highway 24 at or near Carrollton, Mo., thence over U.S. Highway 24 to Moberly, and return over the same route, serving all intermediate points (except that no local service is sought to be authorized between Kansas City and Excelsior Springs, Mo., and intermediate points between such two points), and IRREGULAR ROUTES: (2) *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at points on the route described in (1) above and extending to points in the United States (except Alaska and Hawaii), restricted against operations originating at Kansas City, Mo., Excelsior Springs, Mo., or any point intermediate between Kansas City and Excelsior Springs. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jefferson City or Kansas City, Mo.

APPLICATION OF FREIGHT FORWARDERS

No. FF-345 FURNITURE FORWARDING, INC., Freight Forwarder Application. Filed May 24, 1968. Applicant: FURNITURE FORWARDING, INC., 2525 East 56th Street, Post Office Box 55191, Indianapolis, Ind. 46205. Applicant's representatives: Alan F. Wohlstetter, One Farragut Square South, Washington, D.C. 20006 and E. S. Rawls (same address as applicant). Authority sought under Part IV of the Interstate Commerce Act as a freight forwarder in interstate or foreign commerce, in the transportation of (a) used household goods, (b) used automobiles, (c) unaccompanied baggage, (d) such articles, including objects of art, displays, and exhibits, which because of their unusual nature or value, require specialized handling and equipment within the meaning of the third proviso of Household Goods, as defined by the Commission, in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in the United States, including Alaska and Hawaii.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 83539 (Sub-No. 231), filed May 20, 1968. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representative: J. P. Welsh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and pipe fittings, cast iron meter boxes, manhole frames and manhole covers* (except those which because of size or weight require the use of special equipment, and except pipe and pipe fittings such as are included in the first findings of the Commission in *T. E. Mercer and G. E. Mercer Extension—Oil Field Commodities* 74 M.C.C. 459, 543), from Swan, Tex., to points in Alabama, Minnesota, Mississippi, North Carolina, and South Carolina.

No. MC 125080 (Sub-No. 3), filed May 24, 1968. Applicant: TETON CRANE AND TRANSPORT, INC., 575 West 20th Street, Idaho Falls, Idaho 83401. Applicant's representative: Dennis M. Olsen, 485 E Street, Idaho Falls, Idaho 83401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pre-case concrete and stone building members* which, because of their size or weight, require special equipment, from (1) Boise, Idaho to points in Nevada and Oregon, and (2) from Idaho Falls, Idaho to points in Nevada under a continuing contract or contracts with Ready-To-Pour Concrete Co., of Idaho Falls and Boise, Idaho.

No. MC 129924 (Sub-No. 1), filed May 20, 1968. Applicant: WILLIAM F. McVEIGH, doing business as McVEIGH TRANSPORTATION, 1122 East Grand Boulevard, Corona, Calif. 91720. Applicant's representative: Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif. 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vegetable oil base food products*, (2) *food curing, preserving, seasoning and flavoring compounds*, (3) *baked tart and pie shells*, (4) and in connection with (1), (2), and (3) above, *material, equipment, and supplies* used in the manufacture, distribution, and sale of said commodities and *rejected, refused, and damaged shipments*, on return, (5) *commodities*, the transportation of which is partially exempt, pursuant to the provisions of section 203(b)(6) of the Interstate Commerce Act, when moving in the same vehicle and at the same time with commodities in (1), (2), (3), and (4) above, with all of said commodities transported in special refrigeration vehicles equipped with mechanical refrigeration, between points in Los Angeles County, Calif., on the one hand, and, on the other, points in Arizona, Hawaii, Idaho, Montana, New Mexico, Nevada, Oregon, Texas, Utah, Washington, and Wyoming, under a continuing contract with Presto Food Products, Inc.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-6398; Filed, June 12, 1968; 8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 10, 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. 41353—*Chlorine from Evans City, Ala.* Filed by O. W. South, Jr., agent (No. A6020), for interested rail

carriers. Rates on chlorine, in tank carloads, from Evans City, Ala., to St. Louis, Mo., East St. Louis, Alton, Federal and Wood River, Ill.

Grounds for relief—Market competition.

Tariff—Supplement 207 to Southern Freight Association, agent, tariff ICC S–272.

FSA No. 41354—*Ferroalloys from Birmingham, Ala., to Pittsburgh, Pa.* Filed by O. W. South, Jr., agent (No. A6021), for interested rail carriers. Rates on ferro-chrome, ferro-chrome-silicon, ferro-manganese, ferro-phosphorous, ferro-silicon, ferro-silicon-chrome, silico-manganese, silicon-manganese, silicon-metal, spiegel-eisen, zirconium-ferro-silicon or zirconium-ferro-titanium, in carloads, from Birmingham, Ala., and points grouped therewith, to Pittsburgh, Pa., and points grouped therewith.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 128 to Southern Freight Association, agent, tariff ICC S–308.

FSA No. 41355—*Asphalt from Sinclair, Wyo., to Ritzville, Wash.* Filed by Union Pacific Railroad Co. (No. 133), for itself and on behalf of the Northern Pacific Railroad Co. Rates on asphalt, in tank carloads, from Sinclair, Wyo., to Ritzville, Wash., on the Northern Pacific Railroad Co., tariff ICC 5613.

Grounds for relief—Market competition.

Tariff—Supplement 36 to Union Pacific Railroad Co., tariff ICC 5613.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68–6964; Filed, June 12, 1968; 8:48 a.m.]

[Notice 156]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 10, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–70450. By order of May 28, 1968, the Transfer Board approved the transfer to Midway Transport, Inc., Portland, Oreg., of the operating rights in certificate No. MC–29523, issued July 15, 1966, to Nix Transportation, Inc., Albany, Oreg., authorizing transportation service in interstate or foreign commerce over irregular routes, of general commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Portland, Oreg., and Vancouver, Wash., serving no intermediate or off-route points; and general commodities, with the usual exceptions, between points within 3 miles of Portland, Oreg., including Portland. Robeson & Skofstad, 1500 Northeast Irving Street, Portland, Oreg. 97232, attorney for applicants.

No. MC–FC–70487. By order of May 28, 1968, the Transfer Board approved the transfer to Harold D. Smith, doing business as, Harold D. Smith Trucking Service, Camargo, Ill., of the operating rights in certificate No. MC–31948 (Sub-No. 1), issued August 14, 1963, to George Edward Farrier, doing business as George Farrier, Hindsboro, Ill., authorizing the transportation of: *Sand* and *gravel*, from points in Parke, Vermillion, and Vigo Counties, Ind., to points in Coles and Douglas Counties, Ill., *Fertilizer*, from Indianapolis, Ind., to points in Coles and Douglas Counties, Ill. Robert T. Lawley, 308 Reisch Building, Springfield, Ill. 62701, attorney for applicants.

No. MC–FC–70489. By order of May 31, 1968, the Transfer Board, approved the transfer to Golden Circle Tours, Inc., Kanab, Utah, of the operating rights in certificate No. MC–129098, issued February 23, 1968, to Kanab Development Corp., Kanab, Utah, authorizing transportation service in interstate or foreign commerce, over irregular routes, of passengers and their baggage, in special or charter operations in round-trip tours, between specified points and places in Utah and Arizona; between specified points and places in Utah and Arizona, all subject to certain restrictions. Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111, attorney for applicants.

No. MC–FC–70494. By order of May 31, 1968, the Transfer Board approved the transfer to Posse Trucking, Inc., Scranton, Pa., of the operating rights in permit No. MC–128973 issued March 15, 1968, to Maurice Frederick Yaney, Winchester, Ind., authorizing the transportation, over irregular routes, of metal caskets from Carlos, Ind., to 25 States, restricted to service performed for Carlos Casket Shells, Inc., of Carlos, Ind. John F. Kearney, 509 Glenburn Road, Clarks Summit, Pa. 18411, representative for applicants.

No. MC–FC–70522. By order of May 31, 1968, the Transfer Board approved the transfer to Charms Co., a corporation, 135 Bloomfield Avenue, Bloomfield, N.J. 07003, of permit in No. MC–37432, issued February 10, 1942, to Charms Sales Co., a corporation, 135 Bloomfield Avenue, Bloomfield, N.J. 07003, authorizing the transportation of: Candy, and materials and supplies used in the manufacture of candy, between Bloomfield and Newark, N.J., on the one hand, and, on the other, New York, N.Y.

No. MC–FC–70524. By order of May 31, 1968, the Transfer Board approved the transfer to Kolb, Inc., 6217 Gilmore, Omaha, Nebr. 68107, of certificate No. MC–11348, issued June 4, 1963, to Pauline Miller, doing business as Lyle Miller Trucking, 308 North Main, Lenox, Iowa 50851, authorizing the transportation of: General commodities, excluding household goods, commodities in bulk and other specified commodities, between Lenox, Iowa, and Omaha, Nebr., and from St. Joseph, Mo., to Lenox, Iowa; livestock, between Kansas City, Kans., and Lenox, Iowa; seeds from Lenox, Iowa and points within 15 miles thereof, to a specified Missouri territory; sand and gravel, from points in Cass County, Nebr., to Lenox, Iowa and points within 10 miles thereof; household goods and emigrant movables, between Lenox, Iowa, and points within 15 miles thereof, on the one hand, and, on the other, points in Missouri and Nebraska; and livestock and agricultural commodities, between Lenox, Iowa, and points within 15 miles thereof, on the one hand, and, on the other, points in Worth, Gentry, and Nodaway Counties, Mo.

No. MC–FC–70542. By order of May 31, 1968, the Transfer Board approved the transfer to Street's Trucking Co., Inc., Kingsport, Tenn., of the operating rights in No. MC–128881 (Sub-No. 1), issued November 17, 1967, to Kyle Street and Kale Street, doing business as Street Transportation Co., Kingsport, Tenn., authorizing the transportation of: Cinder blocks, clay and clay products, and similar commodities, between points in Kentucky, North and South Carolina, Tennessee, Virginia, and West Virginia. Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. 37660, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68–6965; Filed, June 12, 1968; 8:48 a.m.]

[Notice 627]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 10, 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 31600 (Sub-No. 631 TA), filed June 6, 1968. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION INC., Calvary Street, Waltham, Mass. 02154. Applicant's representative: Joseph F. O'Neil (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium stearate*, in bulk, in tank vehicles, from Corinth, N.Y., to Jay, Maine, for 180 days. Supporting shipper: International Paper Co., Glens Falls, N.Y. 12801. Send protests to: James F. Martin, Jr., Assistant Regional Director, Interstate Commerce Commission, Bureau of Operations, John F. Kennedy Building, Government Center, Boston, Mass. 02203.

No. MC 114045 (Sub-No. 321 TA), filed June 6, 1968. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. 75222. Applicant's representative: M. L. Beatty (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials, and film or sheeting*, other than cellulose, from Aberdeen and Havre de Grace, Md., to Dallas and Fort Worth, Tex.; Wichita, Kans.; Marietta, Ga.; Charleston, S.C.; and Nashville, Tenn., for 180 days. NOTE: (1) Applicant does not intend to tack with existing authority; and (2) Shipper states material must be maintained at 0° F. temperature. Supporting shipper: American Cyanamid Co., Wayne, N.J. 07470. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 129954 TA, filed June 6, 1968. Applicant: F. F. BENTLEY, 1729 Ninth Avenue, Scottsbluff, Nebr. 69361. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and ingredients and supplies* utilized in manufacturing cheese, between Torrington, Wyo., and points in Colorado, Idaho, Illinois, Iowa, Minnesota, Missouri, Nebraska, Utah, and Wisconsin, for 150 days. Supporting shippers: Wyoming Dairy Foods, Inc., 1833 East A Street, Torrington, Wyo. 82240. Send protests to: District Supervisor Max H. Johnston, Bureau of Operations, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 65508.

No. MC 129955 TA, filed June 6, 1968. Applicant: HAROLD E. DRIVE, doing business as HAROLD DRIVER AUTO SALES, 1331 Kentucky Avenue, Paducah, Ky. 42001. Applicant's representative: Louis J. Amato, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles*, from Chicago, Ill., and its commercial zone, and Detroit, Mich., and its commercial zone, to points in Kentucky and Tennessee on and west of the Tennessee River, on return, *rejected shipments*, for 180 days. Supporting shippers: There are approximately (21) statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: William W. Garland, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 390 Federal Office Building, 167 North Main, Memphis, Tenn. 38103.

MOTOR CARRIER OF PASSENGERS

No. MC 129948 (Sub-No. 1 TA), filed June 5, 1968. Applicant: WHITE PINE TRANSIT CO., INC., 410 East Midland Avenue, Ironwood, Mich. 49938. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, (a) between Iron Belt, Wis., and White Pine, Mich., from Iron Belt over Wisconsin Highway 77 to junction U.S. Highway 51, thence north on U.S. Highway 51 to junction U.S. Highway 2, thence east on U.S. Highway 2 to junction Michigan Highway 28, thence east on Michigan Highway 28 to junction with Michigan Highway 64, thence north on Michigan Highway 64 to White Pine, and return over the same route serving all intermediate points; (b) between Mercer, Wis., and Wakefield, Mich., from Mercer over U.S. Highway 51 to junction U.S. Highway 2, thence east on U.S. Highway 2 to Wakefield, and return over the same route, serving all intermediate points; (c) between Ashland, Wis., and Ironwood, Mich., from Ashland over U.S. Highway 2 to Ironwood and return on the same route, serving all intermediate points, for 150 days. Supporting shippers: Munsingwesr, Inc., 718 Glenwood Avenue, Minneapolis, Minn. 55405 (Alois B. Spielman, Plant Manager); White Pine Copper Co., White Pine, Mich. 49971 (R. W. Richardson, Director of Traffic), and 13 employees of White Pine Copper Co., living at various points. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 221 Federal Building, Lansing, Mich. 48933.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-6966; Filed, June 12, 1968; 8:48 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—JUNE

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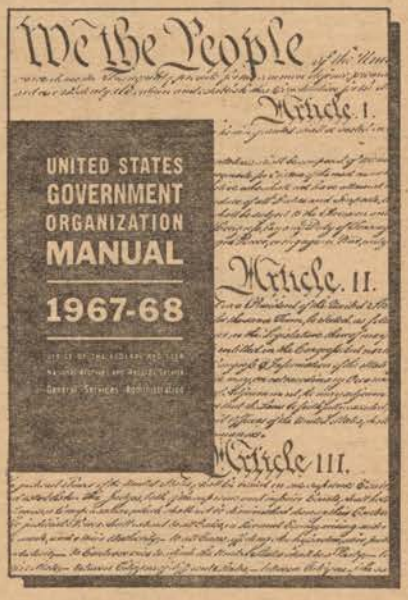

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