FEDERAL REGISTER

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NATIONAL FOREST PRODUCTS WEEK, 1967

By the President of the United States of America

A Proclamation

The vast timberlands which stretched across our continent were of vital importance to the men and women who settled America. In an often hostile land, forests provided the homes, food, tools and warmth for pioneer families.

Wood—the most basic forest resource—is no less vital to America today. From the forests that cover one-third of America's land area comes the material for thousands of products essential to the progress and well-being of our people.

And our forests help us preserve less tangible, but equally important qualities of our Nation:

—Our forests help us protect our watersheds, providing water for farming, leisure, industry, and human consumption.

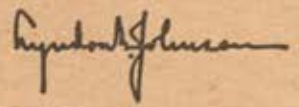
—They shelter and feed wildlife, and preserve for us simplicity and beauty, helping us to find reserves of quiet strength in a tumultuous world.

Our forests must be renewed so that the great heritage that we received may be enjoyed again by those who come after us. We look to industry, and to each individual American, to help insure the wise use of our forests and its resources, so that renewal will continue.

The Congress, in order to reemphasize the importance of maintaining and restoring our forest resources, has by a joint resolution of September 13, 1960 (74 Stat. 898), designated the seven-day period beginning on the third Sunday of October in each year as National Forest Products Week, and has requested the President to issue annually a proclamation calling for the observance of that week.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby call upon the people of the United States to observe the week beginning October 15, 1967, as National Forest Products Week, with activities and ceremonies designed to direct public attention to the essential role that our forest resources play in stimulating the advancement of our economy and the continued prosperity of the entire Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of October in the year of our Lord nineteen hundred and sixty-seven, and of the Independence of the United States of America the one hundred and ninety-second.



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Title 7—AGRICULTURE

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

SUBCHAPTER H—DETERMINATION OF WAGE RATES

[Sugar Determination 864.14]

PART 864—WAGES; SUGARCANE; LOUISIANA

Fair and Reasonable Wage Rates

Pursuant to the provisions of section 301(c)(1) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and consideration of the evidence obtained at the public hearing held in Houma, La., on June 23, 1967, the following determination is hereby issued:

§ 864.14 Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Louisiana.

(a) *Requirements.* A producer of sugarcane in Louisiana shall be deemed to have complied with the wage provisions of the act if all persons employed on the farm in production, cultivation, or harvesting work, as provided in paragraph (b) of this section, shall have been paid in accordance with the following:

(1) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates required by existing legal obligations, regardless of whether those obligations resulted from an agreement (such as a labor union agreement) or were created by State or Federal legislative action, or at rates as agreed upon between the producer and the worker, whichever is higher, but not less than the following, which shall become effective on October 16, 1967, and shall remain in effect until amended, superseded, or terminated:

(i) *For work performed on a time basis.*

Class of Worker:	Rate per hour
Harvest work:	
Harvester and loader operators	$1.30
Tractor drivers, truck drivers, harvester bottom blade operators, and hoist operators	1.25
All other harvesting workers	1.15
Production and Cultivation work:	
Tractor drivers	1.20
All other production and cultivation workers	1.15

(ii) *Workers between 14 and 16 years of age and full-time students when employed on a time basis.* For workers 14 and 15 years of age and, where the Secretary of Labor has by certificate or order provided for the employment of full-time students 14 years of age or older on a part-time basis (not to exceed 20 hours in any workweek during the time school is in session) or on a part-time or full-time basis during school vacations, the rate shall be not less than 85 percent of the applicable hourly rate for the class of worker prescribed in subdivision (i) of this subparagraph. (The act provides that the employment of workers under 14 years of age, or the employment of workers 14 and 15 years of age for more than 8 hours per day, will result in a deduction from Sugar Act payments to the payments to the producer.)

(iii) *Handicapped workers when employed on a time basis.* The wage rate for workers certified by the Louisiana State Employment Service to be handicapped because of age or physical or mental deficiency or injury, and whose productive capacity is thereby impaired, shall be not less than 75 percent of the applicable hourly rate for the class of worker prescribed in subdivision (i) of this subparagraph.

(iv) *Work performed on a piecework basis.* The piecework rate for any operation shall be as agreed upon between the producer and the worker. The hourly rate of earnings of each worker employed on piecework during each pay period (not to be in excess of 2 weeks) shall average for the time worked at piecework rates during such pay period not less than the applicable hourly rate for the class of worker prescribed in subdivision (i), (ii), or (iii) of this subparagraph.

(2) *Compensable working time.* For work performed under subparagraph (1) of this paragraph, compensable working time commences at the time the worker is required to start work and ends upon completion of work in the field, except time taken out for meals during the working day. If the producer requires the operator of mechanical equipment, driver of animals, or any other class of worker to report to a place other than the field, such as an assembly point or a tractor shed located on the farm, the time spent in transit from such place to the field and from the field to such place is compensable working time. Time spent in performing work directly related to the principal work performed by the worker, such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to the farm, is not compensable working time.

(3) *Equipment necessary to perform work assignment.* The producer shall furnish without cost to the worker any equipment required in the performance of any work assignment. The worker may be charged for the cost of such equipment in the event of its loss or destruction through negligence of the worker. Equipment includes, but is not limited to, hand and mechanical tools and special wearing apparel, such as boots and raincoats, required to discharge the work assignment.

(b) *Applicability of wage requirements.* The wage requirements of this section apply to all persons who are employed or who work on the farm in operations directly connected with the production, cultivation, or harvesting of sugarcane on any acreage from which sugarcane is marketed or processed for the production of sugar, harvested for seed, or any acreage which qualifies as bona fide abandoned. Such persons include field overseers or supervisors while directing other workers, and those workers employed by an independent contractor who perform services on the farm. The wage requirements are not applicable to persons who voluntarily perform work without pay on the farm for a religious or charitable institution or organization; inmates of a prison who work on a farm operated by the prison; truck drivers employed by a contractor engaged only in hauling sugarcane; members of a cooperative arrangement among producers for the exchange of labor to be performed by themselves or members of their families; persons who have an agreement with the producer to perform all work on a specified acreage in return for a share of the crop or crop proceeds if such share, including the share of any Sugar Act payments, results in earnings at least as much as would otherwise be received in accordance with the requirements of this section for the work performed; independent contractors and members of their immediate families; or workers performing services which are indirectly connected with the production, cultivation, or harvesting of sugarcane, including but not limited to, mechanics, welders, and other maintenance workers and repairmen.

(c) *Payment of wages.* Workers shall be paid in cash for all work performed. Deductions from cash payments are permitted and may be made for advances to workers made in cash; the cash value of supplies furnished; meals, lodging, and transportation, which the producer agreed to furnish for a stated amount; voluntary deductions for group hospitalization, medical plans, or insurance programs to pay costs which the producer did not agree to pay; and mandatory deductions such as taxes or Social Security contributions. Payments made to a labor contractor, supervisor, or labor trainer, or the cost of meals, lodging, transportation, and insurance covering injury or illness resulting from employment, any or all of which the producer agreed to furnish the worker free of charge, shall not be deducted from cash wages due the worker. When any deductions are made, the producer shall include with the cash payment to the worker, a statement

showing total wages due and the agreed-upon value of each deduction made.

(d) *Evidence of compliance.* Each producer subject to the provisions of this section shall keep and preserve, for a period of 3 years following the date on which his application for a Sugar Act payment is filed, such wage records as will demonstrate that each worker has been paid in full in accordance with the requirements of this section. Wage records should set forth dates work was performed, the class of work performed, units of work (piecework or hours), agreed upon rates per unit of work, total earnings, and any permissible deductions, and the amount paid each worker. The producer shall furnish upon request to the appropriate Agricultural Stabilization and Conservation County Committee such records or other evidence as may satisfy such committee that the requirements of this section have been met.

(e) *Subterfuge.* The producer shall not reduce the wage rates to workers below those determined in accordance with the requirements of this section through any subterfuge or device whatsoever.

(f) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this section may file a wage claim with the local county Agricultural Stabilization and Conservation Committee against the producer on whose farm the work was performed. Such claim must be filed on Form SU-191 entitled "Claim Against Producer for Unpaid Wages," within 2 years from the date the work with respect to which the claim is made was performed. Detailed instructions and Forms SU-191 are available at the local county ASCS office. Upon receipt of a wage claim the county office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The county ASC committee shall arrange for such investigation as it deems necessary and the producer and worker shall be notified in writing of its recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the State Agricultural Stabilization and Conservation Committee, 3737 Government Street, Alexandria, La. 71303, which shall likewise consider the facts and notify the producer and worker in writing of its recommendation for settlement of the claim. If the recommendation of the State ASC committee is not acceptable, either party may file an appeal with the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All such appeals shall be filed within 15 days after receipt of the recommended settlement from the respective committee, otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Deputy Administrator, State and County Operations, his decision shall be binding on all parties insofar as payments under the act are concerned. Appeals procedures are set forth and explained fully in Part 780 of this Title 7 of the Code of Federal Regulations.

(g) *Failure to pay all wages in full.* (1) Notwithstanding the provisions of this section requiring that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane be paid in full for all such work as one of the conditions to be met by a producer for payment under the act, if the producer has failed to meet this condition but has met all other conditions, a portion of such payment representing the remainder after deducting from the payment the amount of accrued unpaid wages, may be disbursed to producer(s), upon a determination by the county committee (i) that the producer has made a full disclosure to the county committee or its representatives of any known failure to pay all workers on the farm wages in full as a condition for payment under the Sugar Act; and (ii) that either (*a*) the failure to pay all workers their wages in full was caused by the financial inability of the producer, or (*b*) the failure to pay all workers in full was caused by an inadvertent error or was not the fault of the producer or his agent, and the producer has used reasonable diligence to locate and to pay in full the wages due all such workers. If the county committee makes the determination as heretofore provided in this paragraph, such committee shall cause to be deducted from the payment for the farm the full amount of the unpaid wages which shall be paid promptly to each worker involved if he can be located, otherwise the amount due shall be held for his account, and the remainder of the payment for the farm, if any, shall be made to the producer. If the county committee determines that the producer did not pay all workers in full because of an inadvertent error that was not discovered until after he received his Sugar Act payment, the producer shall be placed on the debt record for the total amount of the unpaid wages.

(2) Except as provided in subparagraph (1) of this paragraph, if upon investigation the county committee determines that the producer failed to pay all workers on the farm the required wages, the entire Sugar Act payment with respect to such a farm shall be withheld from the producer until such time as evidence is presented to the county committee which will satisfy the county committee that all workers have been paid in full the wages earned by them, or if unpaid workers cannot be located and the county committee determines that the producer used reasonable diligence to locate such workers, the amounts of unpaid wages shall be deducted from the Sugar Act payment computed for the farm and the balance released to the producer after the expiration of one year from the date payment would otherwise be made. If payment has been made to the producer prior to the county committee's determination that all workers on the farm have not been paid in full, the producer shall be placed on the debt record for the total payment until the county committee determines that all workers on the farm have been paid in full, the producer refunds the entire amount of the debt, or a setoff in the amount of the debt is made from a program payment otherwise due the producer, or the county committee after determining that the producer used reasonable diligence to locate such workers has recovered from such producer the amount of unpaid wages computed for the farm.

(h) *Checking compliance.* The procedures to be followed by ASCS county offices in checking compliance with the wage requirements of this section are set forth under the heading "Wage Rate Determinations" in Handbook 3-SU, issued by the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service. Copies of Handbook 3-SU may be inspected at local county ASCS offices and copies may be obtained from the Louisiana ASCS State Office, 3737 Government Street, Alexandria, La. 71303.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination provides fair and reasonable wage rates to be paid for work performed by persons employed on the farm in the production, cultivation, or harvesting of sugarcane in Louisiana as one of the conditions with which producers must comply to be eligible for payments under the act.

(b) *Requirements of the act and standards employed.* Section 301(c)(1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane with respect to which an application for payment is made, shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing, and in making such determinations, the Secretary shall take into consideration the standards therefor formely established by him under the Agricultural Adjustment Act, as amended (i.e., cost of living, prices of sugar and byproducts, income from sugarcane, and cost of production), and the differences in conditions among various sugar-producing areas.

(c) *Wage determination.* This determination differs from the prior determination in that minimum time rates are increased 15 cents per hour for unskilled workers and 10 cents per hour for skilled workers; the worker classification of "Hand cutters and scrappers behind loaders" is combined with the classification "All other harvest workers;" producers are required to preserve wage records for a period of 3 years instead of 2 years; a reduction in the minimum rates is provided for workers 14 and 15 years of age and for full-time students, 14 years of age or older, where the Secretary of Labor has by certificate or order provided for the employment of such students; and provisions are added concerning previously issued interpretations

and explanations of the wage requirements.

A public hearing was held in Houma, La., on June 23, 1967, at which interested persons testified on the question of whether the wage rates established for Louisiana sugarcane fieldworkers in the wage determination which became effective October 10, 1966, continue to be fair and reasonable under existing circumstances, or whether such determination should be amended.

A Louisiana State University economist presented data obtained from a study of large-scale and family-size sugarcane farms in Louisiana. The witness stated that these studies reveal the risks involved in producing sugarcane, and that the wide variations that occur from year-to-year in costs, returns, and profits, indicate the desirability of averaging data over 3- to 5-year periods. He said that sugarcane producers make decisions based on future expectations modified by past experience. The witness stated that large-scale farms had losses averaging $11.41 per acre in 1965 as compared to an average profit of $22.65 per acre for the 5-year period 1960–64; that family-size farms had profits averaging $41 per acre in 1965 and $77 per acre for the 5-year period; and that return on investment in excess of 5 percent averaged 0.4 percent in 1965 and 14.4 percent for the 1960–64 period for large-scale farms, as compared to 8.3 percent in 1965 and 20.2 percent for the 1960–64 period for family-size farms. The witness also presented data on man-hour requirements for large-scale farms showing that an average of 168 man-hours per acre were required during the period 1946–49 as compared to an average of 74 man-hours per acre in the 1960–62 period. He stated that although man-hour requirements have been reduced by more than half, such increase in productivity has not been accomplished without cost to the farmer; that despite the 70 percent reduction in labor requirements direct labor costs have risen by 15 percent while nonlabor costs have risen 35 percent; and that based on this comparison labor has benefitted more from technological advances and capital investment than has the farm operator.

A representative of the American Sugar Cane League recommended that the rates presently in effect remain unchanged until January 31, 1968, and that effective as of February 1, 1968, the determination be amended to conform as closely as possible to the 1966 amendments to the Fair Labor Standards Act by adopting a single minimum wage rate of $1.15 per hour for all classes of workers and by providing for reduced rates for full-time students and handicapped workers. The witness testified that sugarcane producers have had serious damage to their crop from adverse weather in each of the past 3 years; and that average yields are lower and man-hour requirements are higher than for any other domestic sugar producing area except Puerto Rico. He said that a single minimum rate would neither reduce the producer's labor costs nor lower the wage rate for those workers with more skill and experience; and that beginners could start at the minimum rate and, through experience, increase their rate of pay in relation to skills acquired and ability. The witness also recommended that the period during which wage records must be retained be extended from 2 years to 3 years in order to be consistent with the provisions of the Fair Labor Standards Act.

A representative of the Louisiana Farm Bureau Federation recommended that the rates which are presently in effect remain unchanged until January 31, 1968, and that the minimum wage rate for all sugarcane fieldworkers beginning February 1, 1968, be the same as that specified in the Fair Labor Standards Act, i.e., $1.15 per hour. The witness stated that since the 1957–59 base period, wage rates and prices paid by farmers have increased steadily but that prices received by farmers and yields of sugarcane per acre have experienced little or no increase. The witness said that costs continue to increase while returns do not and that the sugar industry is in the same position as much of the entire agricultural sector, i.e., unable to pay wage rates which enable it to compete with industry for good workers. He stated that competition from industry is forcing farm operators to pay higher wage rates in order to retain skilled workers and he felt that a single minimum wage rate would not reduce the existing differential between unskilled and skilled workers.

Spokesmen for labor recommended increases in minimum wage rates for all sugarcane fieldworkers. One witness recommended that the Secretary appoint a committee composed of representatives of Government, employers, and workers to study the situation and to make recommendations concerning additional subsidies or price increases necessary to enable sugarcane producers to pay wages sufficient for the needs of the fieldworkers. This witness stated that the present job classification system is out of date and recommended new job classifications that would include: (1) Farm mechanics, (2) farm machine operators and welding helpers, (3) tractor drivers, (4) general laborers, and (5) seasonal laborers. Another witness stated that wages paid Louisiana industrial workers engaged in operating equipment similar to that used in the sugarcane fields range from $1.80 to $4.10 per hour. He recommended a minimum rate of $2.75 per hour for equipment operators.

Another witness stated that present wage rates are not sufficient to prevent poverty and recommended an immediate increase of 30 cents per hour for all workers. He said that he disagreed with testimony that a single minimum wage rate would not reduce the differential in wage rates between unskilled and skilled workers.

Consideration has been given to the recommendations made at the public hearing, to the standards generally considered in wage determinations, to the returns, costs, and profits of producing sugarcane obtained by survey and recast to reflect conditions likely to prevail for the 1967 crop, and to other pertinent factors. Four of the past five crops were damaged by hurricanes or freezes resulting in reduced yields and profits. Nevertheless, sugarcane production for the average producer has been generally profitable. Consideration of all relevant factors indicates that the minimum wage rates established in this determination are fair and reasonable and are within the producer's ability to pay.

The revised harvest worker classification results in three classes of workers instead of four, thus, further simplifying the wage structure. If workers are employed as "Hand cutters or scrappers behind loaders," the minimum rate for such work will be that applicable to "All other harvesting workers."

The period that producers are required to keep and preserve wage records as evidence of compliance has been increased from 2 years to 3 in order to conform to regulations issued pursuant to the Fair Labor Standards Act.

This determination provides for reduced minimum rates for workers 14 and 15 years of age and, as recommended by producers, for full-time students, 14 years of age or older, if, in accordance with the provisions of the Fair Labor Standards Act, the Secretary of Labor has by certificate or order provided for the employment of students on such terms. Employers desiring to have such students should contact the nearest office of the Wage and Hour and Public Contracts Division of the U.S. Department of Labor. The reduced rate for workers 14 and 15 years of age is applicable to the employment of such workers who are not covered under the provisions of the Fair Labor Standards Act. The provision of prior determinations relating to the employment of handicapped workers at rates not less than 75 percent of the minimum rates for able-bodied workers is continued in this determination.

The recommendation of producer representatives for a single minimum wage of $1.15 per hour effective February 1, 1968, has not been adopted. Testimony at the hearing indicated that in most but not all sections of the Louisiana sugarcane belt competition from industry, caused producers to pay higher rates for skilled workers. It is believed that the continuation of rate differentials for workers of higher skills is both necessary and desirable at this time to provide equity among workers of similar skills in all sections of the sugarcane area.

The recommendation of a labor representative that the Secretary appoint a committee to study the economic conditions of sugarcane fieldworkers and to make recommendations concerning additional subsidies or price necessary to enable cane producers to provide wages sufficient for the needs of the workers has been noted. Wage determinations under the Sugar Act provide for a fair and equitable division of proceeds among producers and workers within the terms of current sugar legislation.

This determination is issued on a continuing basis and will be effective until amended or terminated. However, the Department will keep the wage situation under review and will conduct investigations and hold hearings annually.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies sec. 301, 61 Stat. 929, as amended, 7 U.S.C. 1132)

(The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942).

Effective date. This determination shall become effective on October 16, 1967.

Signed at Washington, D.C., on September 29, 1967.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 67-11676; Filed, Oct. 3, 1967; 8:51 a.m.]

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

[948.354 Amdt. 1; Area 1]

PART 948—IRISH POTATOES GROWN IN COLORADO

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 97, as amended, and Order No. 948, as amended (7 CFR Part 948), regulating the handling of Irish potatoes grown in Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of recommendations and information submitted by the Area No. 1 Committee, established pursuant to the said marketing agreement and order, and other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth, will tend to maintain orderly marketing conditions and increase returns to producers of such potatoes.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, and engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of 1967 crop potatoes grown in Area No. 1 have begun, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the effective period, (3) the committee's recommendation has been publicized within the production area, and regulations effective under the State marketing order are already effective, and (4) these recommendations did not become known to the Department until September 26, 1967.

Order, as amended. In § 948.354 (32 F.R. 10430) paragraphs (b) and (f) are amended to read as follows:

§ 948.354 **Limitation of shipments.**

* * * * *

(b) *Maturity (skinning) requirements.* Beginning October 9, 1967:

(1) For U.S. No. 1, or better, grade not more than "slightly skinned," and

(2) For U.S. No. 2 not more than "moderately skinned."

* * * * *

(f) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "moderately skinned," "slightly skinned," "scab," and "Size B" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

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

Dated September 29, 1967, to become effective October 9, 1967.

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

[F.R. Doc. 67-11678; Filed, Oct. 3, 1967; 8:51 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

MILK IN MASSACHUSETTS-RHODE ISLAND AND CERTAIN OTHER MARKETING AREAS

Order Suspending Certain Provisions of Orders

In the matter of:

7 CFR Parts	*Marketing Areas*
1001	Massachusetts-Rhode Island.
1002	New York-New Jersey.
1003	Washington, D.C.
1004	Delaware Valley.
1015	Connecticut.
1016	Upper Chesapeake Bay.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the orders regulating the handling of milk in the above designated marketing areas, it is hereby found and determined that:

(a) The following provisions of the respective orders no longer tend to effectuate the declared policy of the Act for milk delivered on and after September 1, 1967:

PART 1001—MILK IN MASSACHUSETTS-RHODE ISLAND MARKETING AREA

In § 1001.61(b), all of the text and table except that which reads as follows:

(b) Adjust the result obtained in paragraph (a) of this section by +.07.

PART 1002—MILK IN NEW YORK-NEW JERSEY MARKETING AREA

In § 1002.40(e)(2), all of the text and table except that which reads as follows:

(2) Adjust the result obtained in subparagraph (1) of this paragraph by +0.07.

PART 1003—MILK IN WASHINGTON, D.C., MARKETING AREA

In § 1003.50(b)(2), all of the text and table except that which reads as follows:

(2) Adjust the result obtained in subparagraph (1) of this paragraph by +0.09.

PART 1004—MILK IN DELAWARE VALLEY MARKETING AREA

In § 1004.50(b)(2), all of the text and table except that which reads as follows:

(2) Adjust the result obtained in subparagraph (1) of this paragraph by +15 cents.

PART 1015—MILK IN CONNECTICUT MARKETING AREA

In § 1015.61(b), all of the text and table except that which reads as follows:

(b) Adjust the result obtained in paragraph (a) of this section by +0.128.

PART 1016—MILK IN UPPER CHESAPEAKE BAY (MARYLAND) MARKETING AREA

In § 1016.50(b)(2), all of the text and table except that which reads as follows:

(2) Adjust the result obtained in subparagraph (1) of this paragraph by +0.09.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing areas.

(3) This suspension order has the purpose of eliminating the seasonal variation in the amounts by which the average price for milk for manufacturing purposes, f.o.b. plants United States is adjusted in determining the minimum prices to be paid for reserve milk supplies in the northeastern markets. This is accomplished by suspending all of the monthly seasonal adjustments except the one heretofore applicable in the month of February which is closest to the annual average amount of such monthly adjustments. The seasonal adjustment factors range from 1 to 8 cents above this amount during the months of July through January and from 7 to 14 cents below such

amount in the months of March through June.

(4) Proposals for suspension action of this nature were included in the notice of hearing issued June 2, 1967 (32 F.R. 8175) on proposals to amend the Class II (Class III in Order 2) price provisions of the orders. Such proposals for suspension action were supported by handlers at the June 19–23 and July 31–August 4 sessions of the hearings. At the hearing witnesses testified that emergency action in the form of a suspension order is necessary to assure the orderly disposition of the reserve supplies of milk under the orders pending the time when an amendment order can be issued. The period from the close of the hearing through September 8 was allowed for filing of briefs.

The various proposals considered at the hearing generally originated from interests in the New York-New Jersey market. Producer associations in other northeastern markets did not support such proposals but nevertheless urged that surplus price alignment be retained among the markets. Maintenance of price alignment is essential to orderly marketing among handlers regulated under these orders because of extensive overlapping of the milk supply and distribution areas of such handlers. Accordingly, any action taken with respect to the New York-New Jersey market should be applicable to all of such markets.

The situation in the New York-New Jersey market is particularly significant. This market carries about 70 percent of the total reserve milk supplies in the six northeastern Federal order markets. Traditionally a high proportion of the cream in this reserve supply is disposed of in ice cream throughout the northeastern markets. Currently, this outlet for cream appears to be oversupplied and the prices for cream are low relative to prices for butterfat in making butter. This condition is in part related to the use of imported butterfat-sugar mixtures in making ice cream, an increase in the amount of milk being standardized, and a lower level of ice cream consumption (perhaps due to cooler weather).

While manufacturing facilities are generally available to handle the excess reserve supplies in butter, handlers have not shifted enough cream from traditional marketing channels to butter plants to alleviate the situation. Consequently, there is a danger that, unless sime price relief is afforded, handlers primarily associated with cream outlets may be required to reduce cream production. This could disrupt normal markets for some groups of producers and cause temporary shifts in normal marketing channels in the cream trade. This temporary suspension will provide immediate price relief, because in the next few months the seasonal price differentials if not suspended would be at a higher level than will be effective as a result of this suspension.

(5) Obviously, it will take additional time to complete a full analysis of the hearing record, issue a recommended decision, afford time for the filing of exceptions and issue a final decision on the proposed amendments. Pending completion of such procedures this suspension action will provide a price level which is 4 cents below that which would otherwise be effective on reserve milk disposed of under the orders beginning in September. The prices for reserve milk disposed of under the orders in September must be announced by October 5, 1967. Making the suspension applicable with respect to deliveries on and after September 1 will provide assurance of the orderly disposition of the reserve supplies under the orders in subsequent months of this period of higher than average seasonal adjustments and pending completion of amendment procedures.

Therefore, good cause exists for making this order effective for milk delivered on and after September 1, 1967.

It is therefore ordered, That the aforesaid provisions of the orders are hereby suspended for an indefinite period.

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

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on September 29, 1967.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 67-11679; Filed, Oct. 3, 1967; 8:51 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1967-Crop Corn Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1967-Crop Corn Loan and Purchase Program

SUPPORT RATES; CORRECTION

F.R. Doc. 67-10735, published at page 13046 in the issue dated Thursday, September 14, 1967, is corrected by making the following changes in paragraph (b) of § 1421.2391: The rate per bushel for all counties in Idaho now appearing as "$1.22" is changed to "$1.20"; the entry under Tennessee now appearing as "Grenne" is changed to "Greene."

Signed at Washington, D.C., on September 28, 1967.

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

[F.R. Doc. 67-11677; Filed, Oct. 3, 1967; 8:51 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

Urban Redevelopment Authority of Pittsburgh, Residential Land Reserve Fund Bonds

§ 1.197 Urban Redevelopment Authority of Pittsburgh, Residential Land Reserve Fund Bonds.

(a) *Request.* The Comptroller of the Currency has been requested to rule that the $6 million Urban Redevelopment Authority of Pittsburgh, Residential Land Reserve Fund Bonds, are eligible for purchase, dealing in, underwriting, and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Urban Redevelopment Authority of Pittsburgh is a public body, corporate and politic, created under the Urban Redevelopment Law of the Commonwealth of Pennsylvania, exercising the public powers of the Commonwealth as an agency thereof. It has authority to acquire property for redevelopment by purchase or by eminent domain, borrow money, issue bonds, cooperate with the city of Pittsburgh and to enter into contracts necessary or convenient to the exercise of its powers. The city of Pittsburgh is authorized under the Redevelopment Cooperation Law of the Commonwealth of Pennsylvania to do all things necessary or convenient to aid and cooperate in the redevelopment undertaken by the Authority including entering into agreements, incurring expenses, and appropriating funds.

(2) The city of Pittsburgh has entered into a cooperation agreement with the Authority to provide for the acquisition, improvement, and management of property for redevelopment through the establishment of a residential land reserve fund. The Authority proposes to issue these bonds to establish such a reserve fund. Under the cooperation agreement the City has agreed to pay the Authority, or its assignees, amounts which, together with other available funds, will be sufficient to meet the annual interest and principal payments on these bonds. The City, which possesses general powers of taxation, has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion, therefore, that the $6 million Urban Redevelopment Authority of Pittsburgh, Residential Land Fund Bonds, are general obligations of a State, or a political subdivision thereof, under paragraph Seventh of 12 U.S.C. 24, and, as such, are eligible for purchase, dealing in,

underwriting, and unlimited holding by national banks.

Dated: September 28, 1967.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[F.R. Doc. 67-11658; Filed, Oct. 3, 1967; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 67-SW-31]

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

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to amend the Beaumont, Tex., control zone and transition area.

On June 17, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 8722) stating the Federal Aviation Administration proposed to alter controlled airspace in the Beaumont, Tex., terminal area based on the proposed relocation of the Beaumont VOR/DME facility.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 7, 1967, as herein set forth.

In § 71.171 (32 F.R. 2076) the Beaumont, Tex., control zone is redesignated as follows:

BEAUMONT, TEX.

Within a 5-mile radius of Jefferson County Airport, Beaumont, Tex. (lat. 29°57'05" N., long. 94°01'10" W.), within 2 miles each side of the Beaumont VOR 223° radial extending from the 5-mile radius zone to 8 miles southwest of the VOR, within 2 miles each side of the Beaumont VOR 194° radial extending from the 5-mile radius zone to 8 miles south of the VOR, and within 2 miles each side of the Beaumont ILS localizer northwest course extending from the 5-mile radius zone to the OM.

In § 71.181 (32 F.R. 2157) the Beaumont, Tex., transition area is redesignated as follows:

BEAUMONT, TEX.

That airspace extending upward from 700 feet within 2 miles each side of the Beaumont ILS localizer northwest course extending from the OM to 8 miles northwest of the OM, within 2 miles each side of the Beaumont ILS localizer southeast course extending from the arc of a 5-mile radius circle centered at the Jefferson County Airport (lat. 29°57'05" N., long. 94°01'10" W.) to 17 miles southeast of the approach end of Runway 29, and within 2 miles each side of the Beaumont VOR 333° radial extending from the VOR to 14 miles northwest of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of latitude 29°54'40" N., longitude 94°02'40" W.

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

Issued in Forth Worth, Tex., on September 25, 1967.

A. L. COULTER,
Acting Director, Southwest Region.

8:47 a.m.]

[Airspace Docket No. 67-SW-51]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Midland, Tex., transition area.

On August 5, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 11,385) stating that the Federal Aviation Administration proposed to alter the Midland, Tex., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 7, 1967, as hereinafter set forth.

In § 71.181 (32 F.R. 2221) the Midland, Tex., transition area 1,200-foot portion is amended by substituting "* * * lat. 31°-36'20" N., long. 102°00'00" W., to lat. 31°28'40" N., long. 102°00'00" W., to lat. 31°30'00" N., long. 102°20'00" W. * * *" for "* * * lat. 31°37'00" N., long. 102°-25'00" W. * * *."

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

Issued in Fort Worth, Tex., on September 25, 1967.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 67-11631; Filed, Oct. 3, 1967; 8:47 a.m.]

[Airspace Docket No. 67-SW-54]

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

Alteration of Transition Areas

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Alexandria, La., and Jasper, Tex., transition areas.

On August 23, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 12121) stating the Federal Aviation Administration proposed to alter the Alexandria, La., and Jasper, Tex., transition areas.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 7, 1967, as herein set forth.

(1) In § 71.181 (32 F.R. 2149), the Alexandria, La., transition area 1,200-foot portion is altered by substituting "* * * lat. 30°16'20" N., long 94°05'-10" W. to lat. 30°35'45" N., long. 94°14'-15" W. * * *" for "* * * long. 94°06'-00" W. to lat. 30°37'00" N., long. 94°11'-00" W. * * *."

(2) In § 71.181 (32 F.R. 2148), the Jasper, Tex., transition area 1,200-foot portion is altered by substituting "* * * lat. 30°35'45" N., long. 94°14'15" W. to lat. 30°46'20" N., long. 94°19'15" W. to lat. 30°54'10" N., long. 94°25'20" W. * * *" for "* * * lat. 30°37'00" N., long. 94°11'00" W. to lat. 30°54'20" N., long. 94°24'45" W. * * *."

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

Issued in Fort Worth, Tex., on September 26, 1967.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 67-11632; Filed, Oct. 3, 1967; 8:47 a.m.]

[Airspace Docket No. 67-SW-53]

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

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Paragould, Ark., transition area.

On August 16, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 11804) stating the Federal Aviation Administration proposed to designate a transition area at Paragould, Ark.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 7, 1967, as herein set forth.

In § 71.181 (32 F.R. 2148) the following transition area is added:

PARAGOULD, ARK.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Paragould Municipal Airport (lat. 36°03'52" N., long. 90°30'45" W.), and within 2 miles each side of the 235° bearing from the Paragould RBN (lat. 36°03'52" N., long. 90°30'45" W.), extending from the 7-mile radius area to 8 miles southwest of the RBN.

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

Issued in Fort Worth, Tex., on September 25, 1967.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 67-11633; Filed, Oct. 3, 1967; 8:47 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart M—Organization

ORGANIZATIONAL CHANGES

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120), Part 2 is amended to reflect recent organizational changes by amending § 2.171 *Washington headquarters* under "Office of the Commissioner" in the following respects:

1. Under "Deputy Commissioner of Food and Drugs," the item "Field Liaison Officer" is deleted.

2. A new item "Division of Data Processing" is inserted after "Assistant Commissioner for Administration."

3. A new item "Assistant Commissioner for Field Coordination" is inserted after "Assistant Commissioner for Education and Information."

Effective date. This order is effective upon publication in the FEDERAL REGISTER.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: September 26, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-11691; Filed, Oct. 3, 1967; 8:52 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 17—BAKERY PRODUCTS

Bread, Identity Standard; Confirmation of Effective Date of Order Regarding Optional Use of α-Amylases

In the matter of amending the standard of identity for bread (21 CFR 17.1) to provide for the use of α-amylases derived from *Bacillus subtilis* as optional ingredients:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of August 15, 1967 (32 F.R. 11733). Accordingly, the amendment promulgated by that order will become effective on October 14, 1967.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: September 26, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-11689; Filed, Oct. 3, 1967; 8:52 a.m.]

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

N-Butyl-*N*-Ethyl-α,α,α-Trifluoro-2,6-Dinitro-*p*-Toluidine

A petition (PP 7F0588) was filed with the Food and Drug Administration by Elanco Products Co., a division of Eli Lilly and Co., Indianapolis, Ind. 46206, proposing the establishment of tolerances for negligible residues of the herbicide *N*-butyl-*N* - ethyl - α,α,α - trifluoro - 2,6-dinitro-*p*-toluidine in or on the raw agricultural commodities alfalfa, clover, and birdsfoot trefoil at 0.05 part per million.

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

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerances established by this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346(d)(2)) and delegated by him to the Commissioner (21 CFR 2.120), § 120.208 is revised to read as follows:

§ 120.208 *N*-Butyl-*N* - ethyl-α,α,α-trifluoro-2,6,dinitro-*p*-toluidine; tolerances for residues.

Tolerances are established for negligible residues of the herbicide *N*-butyl-*N* - ethyl - α,α,α - trifluoro-2,6-dinitro-*p*-toluidine in or on the raw agricultural commodities alfalfa, birdsfoot trefoil, clover, and peanuts at 0.05 part per million.

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

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

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

Dated: September 26, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-11692; Filed, Oct. 3, 1967; 8:52 a.m.]

SUBCHAPTER C—DRUGS

PART 130—NEW DRUGS

Subpart A—Procedural and Interpretative Regulations

NEW-DRUG APPLICATION APPROVALS; AVAILABILITY OF INFORMATION

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 505, 701(a), 52 Stat. 1052, as amended, 1055; 21 U.S.C. 355, 371(a)) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120), Part 130 is amended to set forth a new procedure regarding availability of information on new-drug application approvals by revising § 130.33 to read as follows:

§ 130.33 New-drug application approvals; availability of information.

When a new-drug application or a supplement to an approved new-drug application is approved for a drug intended for humans or for a veterinary drug that has not previously been the subject of a food additive regulation in Part 121 of this chapter, the approved labeling will be placed on file with the Press Relations Staff of the Office of the Assistant Commissioner for Education and Information, Room 3807, 200 C Street SW., Washington, D.C. 20204, for review by any person properly and directly concerned. The Press Relations Staff will make available weekly lists of such approved applications and supplements.

Since this amendment involves agency procedure, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

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

Dated: September 26, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-11690; Filed, Oct. 3, 1967; 8:52 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

SUBCHAPTER C—INTERNATIONAL MAIL

APPENDIX—DIRECTORY OF INTERNATIONAL MAIL

Ethiopia; Parcel Post

In the material under the country item of Ethiopia in the Appendix to Subchapter C, the item "Indemnity" under Parcel Post is deleted to show that insurance is established for Parcel Post.

(5 U.S.C. 301, 39 U.S.C. 501, 505)

TIMOTHY J. MAY,
General Counsel.

SEPTEMBER 25, 1967.

[F.R. Doc. 67-11626; Filed, Oct. 3, 1967; 8:47 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter III—Housing Assistance Administration, Department of Housing and Urban Development [1]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter III of Title 24 of the Code of Federal Regulations is amended in the following respects:

PART 1500—GENERAL PROCEDURAL PROVISIONS

1. Section 1500.1 is revised to read as follows:

§ 1500.1 Availability of records and information.

Regulations of the Department of Housing and Urban Development providing where and how the Department's records and information may be obtained are found in Part 15 of Subtitle A of this title.

§ 1500.2 [Revoked]

2. Section 1500.2 is revoked.

3. In § 1500.7, paragraph (c) (1) and (3) are revised to read as follows:

§ 1500.7 Complaint procedure; nondiscrimination in low-rent public housing.

* * * * *

(c) *Complaints*—(1) *Filing.* Complaints of discrimination on the part of a Local Authority shall be filed with the appropriate HUD Regional Administrator. A list of HUD Regional Offices with their addresses and areas of jurisdiction appears as Appendix A to this section. Regional Administrators are authorized to extend the time for filing a complaint beyond the period specified in § 1.7(b) of this title.

* * * * *

(3) *Acknowledgement.* Receipt of a complaint shall be acknowledged promptly and in writing by or at the direction of the Regional Administrator.

* * * * *

4. Appendix A is revised to read as follows:

APPENDIX A.—LIST OF HUD REGIONAL OFFICES AND JURISDICTIONAL AREAS

Region	Address	Jurisdictional area
I	346 Broadway, New York, N.Y. 10013.	Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, Vermont.[1]
II	Widener Bldg., 1339 Chestnut St., Philadelphia, Pa. 19107.	Delaware, District of Columbia, Maryland, New Jersey,[1] Pennsylvania, Virginia, West Virginia.
III	Peachtree-Seventh Bldg., Atlanta, Ga. 30323.	Alabama, Florida, Georgia, Kentucky, Mississippi,[2] North Carolina, South Carolina, Tennessee.
IV	360 North Michigan Ave., Chicago, Ill. 60601.	Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin.
V	Federal Office Bldg., 819 Taylor St., Fort Worth, Tex. 76102.	Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, Texas.[2,3]
VI	450 Golden Gate Ave., Post Office Box 36003, San Francisco, Calif. 94102.	Alaska, Arizona,[3] California, Guam, Hawaii, Idaho, Montana, Nevada, Oregon, Utah,[3] Washington, Wyoming.
VII	Post Office Box 3869, GPO, San Juan, P.R. 00936.	Puerto Rico and Virgin Islands.

[1] Jurisdiction over the low-rent housing programs in the State of New Jersey is under Region I.

[2] Jurisdiction over the low-rent housing programs for the Mississippi Band of Choctaw Indians located in the vicinity of Philadelphia, Mississippi, is under Region V.

[3] Jurisdiction over the low-rent housing programs for those portions of the Navajo Indian Reservation located in the States of Arizona and Utah is under Region V.

PART 1520—LOW-RENT HOUSING PROGRAM

5. Part 1520 is revised to read as follows:

Sec.
1520.1 Definitions.
1520.2 General policy.
1520.3 Application for financial assistance (other than leasing program).
1520.4 Annual Contributions Contract (other than leasing program).
1520.5 Leasing program.
1520.6 Private participation.
1520.7 Applications; information.
1520.8 Federally owned low-rent housing.

AUTHORITY: The provisions of this Part 1520 issued under sec. 7(d) of Dept. of HUD Act, 42 U.S.C. 3535(d); secs. A, 4, of Secretary's delegation effective July 1, 1966 (31 F.R. 8967, June 29, 1966).

§ 1520.1 Definitions.

For purposes of this part the following terms shall have the meanings ascribed:

(a) *Act.* The United States Housing Act of 1937, as amended (42 U.S.C. 1401 et seq.).

(b) *State.* Any State of the Union, the District of Columbia, and any Territory, dependency, or possession of the United States.

(c) *Low-rent housing.* Decent, safe, and sanitary dwellings within the financial reach of families of low income, and all necessary appurtenances.

(d) *Families of low income.* Families who are in the lowest income group and who cannot afford to pay enough to cause private enterprise in their locality or metropolitan area to build an adequate supply of decent, safe, and sanitary dwellings for their use.

(e) *Local Authority.* Any State, county, municipality, or other governmental entity or public body which is authorized to engage in the development or administration of low-rent housing or slum clearance. A "Local Authority" is a "public housing agency" as defined in the Act.

(f) *Cooperation agreement.* A contract between a Local Authority and the governing body of the locality, providing for tax exemption, elimination of unsafe and insanitary dwelling units, supplying of public services, and other forms of cooperation by the local government, and for payments in lieu of taxes by the Local Authority, in connection with a low-rent housing project.

§ 1520.2 General policy.

The objectives of the program are to promote the general welfare by employing the funds and credit of the United States to assist the States and their political subdivisions to alleviate unemployment and to remedy the unsafe and insanitary housing conditions and the acute shortage of decent, safe, and sanitary dwellings for families of low income, in urban and rural nonfarm areas, that are injurious to the health, safety, and morals of the citizens of the Nation. The objectives are carried out by providing financial assistance, pursuant to contracts, to Local Authorities applying for such assistance in developing and operating low-rent housing projects or for leasing of housing in private accommodations. Applications for financial assistance, if otherwise proper, are approved to the extent permitted by limitations contained in the Act or other statutes.

§ 1520.3 Application for financial assistance (other than leasing program).

A Local Authority seeking Federal financial assistance for a low-rent housing project must submit an application and a showing that the Local Authority has been organized in accordance with State law, that there is a need for the proposed low-rent housing which is not being met by private enterprise, and that the governing body of the locality has by resolution approved application for a preliminary loan and has entered into a Cooperation Agreement with the Local Authority satisfactory to the Department of Housing and Urban Development. A Preliminary Loan Contract provides for advances of funds for surveys and planning. Such a contract is tendered

[1] The heading for Chapter III is revised to read as set forth above. Chapter III formerly read "Public Housing Administration, Department of Housing and Urban Development."

by HUD to the Local Authority only after approval by the Assistant Secretary for Renewal and Housing Assistance.

§ 1520.4 Annual Contributions Contract (other than leasing program).

An Annual Contributions Contract provides for a loan to assist in the development of a low-rent housing project and for annual contributions to assist in achieving and maintaining the low-rent character of the project. As the basis for such a contract, the Local Authority must submit a plan for its project with a showing of its feasibility, including such matters as description of site, statement of number and types of structures and dwelling units, estimate of development cost, and data supporting all features of the project. The Local Authority must also show that, except in the case of displaced or elderly families, a gap of at least 20 percent has been left between the upper rental limits for the proposed housing and the lowest rents at which private enterprise is providing housing, and is required to include a plan for relocating displaced families. An Annual Contributions Contract is tendered by HUD to the Local Authority only after approval by the Assistant Secretary for Renewal and Housing Assistance.

§ 1520.5 Leasing program.

The leasing program involves the use of privately owned housing with the aid of subsidy channeled through the Local Authority. Pursuant to section 23 of the United States Housing Act of 1937 (42 U.S.C. 1421b), HUD is authorized to make annual contributions available to Local Authorities so that privately owned dwellings may be leased for occupancy by low-income families at rents within their means. In such a leasing program, HUD pays annual contributions to cover the deficiency between the rent payable to the owner and the rent which the low-income family can afford to pay. Before dwellings can be provided by leasing under section 23, the local governing body must adopt a resolution approving application of the section 23 provisions to the locality. An application for low-rent housing under section 23 of the Act should include data on the number of units desired, available supply, and need for the housing, amount of financial assistance estimated to be necessary, and financial feasibility of the undertaking.

§ 1520.6 Private participation.

(a) Increased opportunities exist for participation of the private sector in the low-rent housing program. These result from the growing use of new methods of providing low-rent housing in addition to the traditional method of new construction. These include the acquisition and rehabilitation of existing housing for low-income occupancy, leasing of existing housing under section 23 (described in § 1520.5), as well as the "turnkey" technique and joint enterprise between Local Authorities and private organizations.

(b) Under the "turnkey" technique, a private developer or builder, who has a site or an option, or can obtain one, can approach the Local Authority with a proposal to build in accordance with plans and specifications prepared by his own architect and the usual commercial standards of quality and workmanship. If the proposal is acceptable, they will then enter into a contract under which the Local Authority agrees to purchase the completed property. This contract is backed by HUD's financial assistance commitment to the Local Authority, thereby enabling the developer to secure commercial construction financing in his usual manner. The "turnkey" technique may also be used in the rehabilitation of existing housing; instead of a Local Authority itself acquiring and rehabilitating existing dwellings, the Local Authority, under the "turnkey" approach, can contract with a private builder or rehabilitator to purchase from him certain dwellings which he has acquired and rehabilitated to HUD standards.

(c) Joint enterprise between Local Authorities and private organizations may consist, for example, of joint undivided ownership of housing by the Local Authority and a private organization, with moderate-income families housed in units used by the private organization and low-income tenants housed in other units with the aid of HUD annual contributions channeled through the Local Authority. Another form of joint enterprise would be for a private organization having full ownership of housing to use a portion of its units to house moderate-income families with the remaining units leased for occupancy by low-income families with the aid of HUD subsidy channeled through the Local Authority.

§ 1520.7 Applications; information.

(a) A Local Authority applying for financial assistance should submit its applications and all related documents to the appropriate HUD Regional Office. Application forms and other forms, procedures, policy statements, and materials issued by HUD for the use or guidance of Local Authorities may be obtained through the appropriate HUD Regional Office; however, after approval of its application, a Local Authority will be sent copies of all relevant materials without specific request.

(b) Information with respect to methods of providing low-rent housing with private participation may be obtained from the Local Authority in the locality or from the appropriate HUD Regional Office. Information may also be obtained from the Department of Housing and Urban Development, Washington, D.C. 20410.

(c) A list of HUD Regional Offices appears as Appendix A to § 1500.7 of this chapter.

§ 1520.8 Federally owned low-rent housing.

Low-rent housing projects owned by the Federal Government have been disposed of except for project Cherokee Terrace in Enid, Okla. Information on final action on applications for tenancy and information as to final action of the Housing Manager in the procurement of supplies and materials for which such a Manager is authorized to contract shall be kept at the project office and made available to the public by the Housing Manager. Inquiries concerning the project and requests for statements of policy, procedures, and forms should also be directed to the Housing Manager. The address is: Cherokee Terrace, 619 East Main Street, Enid, Okla. 73701.

PART 1530—FEDERALLY OWNED WAR HOUSING PROPERTY

6. Part 1530 of this title is revoked. Authority with respect to disposition of emergency housing properties has been delegated to the Assistant Secretary for Mortgage Credit.

(Sec. 7(d) of Dept. of HUD Act, 42 U.S.C. 3535(d); secs. A, 4, of Secretary's delegation effective July 1, 1966 (31 F.R. 8967, June 29, 1966))

Effective date. These amendments are effective as of July 4, 1967.

DON HUMMEL,
Assistant Secretary for Renewal and Housing Assistance.

[F.R. Doc. 67-11644; Filed, Oct. 3, 1967; 8:52 a.m.]

Title 30—MINERAL RESOURCES

Chapter IV—Federal Coal Mine Safety Board of Review

PART 400—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Miscellaneous Amendments

In conformity with the amendments to Title 5, Chapter I, Part 735 of the Code of Federal Regulations (32 F.R. 8281), and effective August 9, 1967, Part 400 is amended as set out below.

1. Section 400.735-101 is amended to delete the adoption of 5 CFR 735.202(c), and 5 CFR 735.403 (b) and (c), and to add the adoption of 5 CFR 735.201(a) and 5 CFR 735.202(f). As so amended, § 400.735-101 reads as follows:

§ 400.735-101 Adoption of regulations.

Pursuant to 5 CFR 735.104(f), the Federal Coal Mine Safety Board of Review (referred to hereinafter as the agency) hereby adopts the following sections of Part 735 of Title 5, Code of Federal Regulations: §§ 735.101-735.102, 735.201(a), 735.202 (a), (d), (e), (f) -735.210, 735.-302, 735.303(a), 735.304, 735.305(a), 735.-306, 735.403(a), 735.404, 735.405, 735.406, 735.407-735.411, 735.412 (b) and (d). These adopted sections are modified and supplemented as set forth in this part.

2. Section 400.735-102 is amended by adding a sentence to insure the confidentiality of statements submitted. As so amended, § 400.735-102 reads as follows:

§ 400.735-102 Counselor and designee of agency.

The General Counsel of the agency is designated to be the counselor for the

agency and to serve as the designee of the agency to the Civil Service Commission, on matters covered by this part. It shall be the duty of the General Counsel, among other things, to give authoritative advice and guidance to each employee and special Government employee who seeks advice and guidance on questions of conflicts of interests and on all other matters covered by this part. It shall also be the duty of the General Counsel to retain each statement of employment and financial interest, and each supplementary statement, filed under these regulations, and to maintain the confidentiality of such statements as provided in 5 CFR 735.410.

3. Section 400.735–108 is amended by deleting § 400.735–108(b), by adding a new § 400.735–108(c) to evidence the availability of the agency grievance procedure for settling questions concerning the applicability of the reporting requirement, and by adding a new § 400.735–108(d) to include an express warning that, notwithstanding the annual supplementary statement, conflicts situations must be avoided. As so amended, § 400.735–108 reads as follows:

§ 400.735–108 Statements of employment and financial interest by employees.

(a) The General Counsel is required to submit a statement of employment and financial interest, at the principal office of the agency in Washington, D.C.

(b) [Deleted]

(c) Opportunity for review through the agency grievance procedure is provided for any complaint by an employee that his position has been improperly included under these regulations as one requiring the submission of a statement of employment and financial interest.

(d) Notwithstanding the filing of the annual supplementary statement required by 5 CFR 735.406, 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 conflicts-of-interest provisions of section 208 of title 18, United States Code or the regulations in this part or adopted under § 400.735–101.

These amendments to Part 400 were approved by the Civil Service Commission on September 14, 1967, and are effective upon publication in the FEDERAL REGISTER.

For the Federal Coal Mine Safety Board of Review.

DENNIS L. MCELROY,
Chairman.

[F.R. Doc. 67–11655; Filed, Oct. 3, 1967; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

SUBCHAPTER D—CLAIMS AND LITIGATION

PART 845—COUNSEL FEES AND OTHER EXPENSES IN FOREIGN TRIBUNALS

Part 845 is revised to read as follows:

Sec.
845.1 Purpose.
845.2 Statutory authority.
845.3 Responsibility.
845.4 Criteria for the provision of counsel and payment of expenses in criminal cases.
845.5 Provisions of bail in criminal cases.
845.6 Criteria for the provision of counsel and payment of expenses in civil cases.
845.7 Procedures for hiring counsel and obligating funds.
845.8 Payment of counsel and other expenses.
845.9 Reimbursement.

AUTHORITY: The provisions of this Part 845 issued under sec. 8012, 70A Stat. 488, sec. 1037, 72 Stat. 1445; 10 U.S.C. 8012, 1037.

SOURCE: AFR 110–12, June 28, 1967.

§ 845.1 Purpose.

This part establishes criteria and assigns responsibility for the provision of counsel, for the provision of bail, and for the payment of court costs and other necessary and reasonable expenses incident to representation in civil and criminal proceedings, including appellate proceedings, before foreign courts and foreign administrative agencies, which involve any person subject to the court-martial jurisdiction of the United States. Payment of fines is not authorized hereunder.

§ 845.2 Statutory authority.

10 U.S.C. 1037 provides authority for employment of counsel, and payment of counsel fees, court costs, bail, and other expenses incident to representation of persons subject to the Uniform Code of Military Justice before foreign tribunals. For personnel not subject to the Uniform Code of Military Justice, funds for similar expenses may be made available in cases of exceptional interest to the Department upon prior application to the Service Secretary.

§ 845.3 Responsibility.

Requests for provision of counsel, provision of bail, or payment of expenses will ordinarily be made by the defendant or accused through appropriate channels to the officer exercising general court-martial jurisdiction over him. This officer shall determine whether the request meets the criteria prescribed herein and, based upon such determination, shall take final action approving or disapproving the request. Within their geographical areas of responsibility, major commands in the interest of obtaining prompt and effective legal service may appoint as approval authority, instead of the officer exercising general court-martial jurisdiction, any subordinate officer having area responsibility in a particular country for all personnel subject to foreign criminal jurisdiction.

§ 845.4 Criteria for the provision of counsel and payment of expenses in criminal cases.

Requests for the provision of counsel and payment of expenses in criminal cases may be granted in both trial and appellate proceedings in any one of the following criminal cases:

(a) Where the act complained of occurred in the performance of official duty; or

(b) Where the sentence which is normally imposed includes confinement, whether or not such sentence is suspended; or

(c) Where capital punishment might be imposed; or

(d) Where an appeal is made from any proceeding in which there appears to have been a denial of the substantial rights of the accused; or

(e) Where the case, although not within the criteria established in paragraph (a), (b), (c), or (d) of this section, is considered to have significant impact upon the relations of U.S. forces with the host country or is considered to involve a particular U.S. interest.

§ 845.5 Provisions of bail in criminal cases.

Funds for the posting of bail or bond to secure the release of personnel from confinement by foreign authorities before, during, or after trial may be furnished in all criminal cases. Safeguards should be imposed to assure that at the conclusion of the proceedings or on the appearance of the defendant in court the bail or bond will be refunded to the military authorities. Bail will be provided only to guarantee the presence of the defendant and will not be provided to guarantee the payment of fines or civil damages. It is contemplated that provision for bail will be made, in any case, only after other reasonable efforts have been made to secure release of pretrial custody to the United States.

§ 845.6 Criteria for the provision of counsel and payment of expenses in civil cases.

Requests for provision of counsel and payment of expenses in civil cases may be granted both in trial and appellate proceedings in either of the following civil cases:

(a) Where the act complained of occurred in the performance of official duty; or

(b) Where the case is considered to have a significant impact upon the relations of U.S. forces with the host country or is considered to involve a particular U.S. interest.

No funds shall be provided under this part in cases where the United States of America is in legal effect the defendant, without prior authorization of The Judge Advocate General, Hq USAF.

§ 845.7 Procedures for hiring counsel and obligating funds.

(a) The selection of individual trial or appellate counsel will be made by the defendant. Such counsel shall represent the individual defendant and not the U.S. Government. Selection shall be made

from approved lists of attorneys who are qualified and admitted for full practice, on their own account, before the courts of the foreign country involved. Normally these lists will be coordinated with the local court or bar association, if any, and the appropriate U.S. diplomatic mission and should include only those attorneys who are known or reputed to comply with local attorney fee schedules, if any. Counsel fees and expenses should conform to existing schedules or guides approved or suggested by local bar associations and should not exceed amounts paid under similar circumstances by nationals of the country where the trial is held. No fee may include any amount in payment for services other than those incident to representation before judicial and administrative agencies of the foreign country in the particular case for which the contract is made, and in no event may any contract include fees for representation in habeas corpus or related proceedings before tribunals of the United States. When appropriate and reasonable in the case, the payment of expenses, in addition to counsel fees, may include court costs, bail costs, charges for obtaining copies of records, printing and filing, interpreter fees, witness fees, and other necessary and reasonable expenses. Expenses will not include the payment of fines or civil damages, directly or indirectly.

(b) Whenever possible, the officer responsible under § 845.3 or his designee, acting on behalf of the United States of America, shall enter into a written contract with the selected counsel. The contract will cover counsel fees, and, when appropriate, may cover other costs arising in defense of the case only in the Court of First Instance and will not include fees for representation on appeal. If the case is appealed to higher tribunals, supplemental agreements shall be executed for each appeal. A copy of the contractual agreement shall serve as the obligating document.

(c) If, for example, because of unusual circumstances or local customs, it is not practicable to enter into a written contract as in paragraph (b) of this section, action will be taken to record the agreement reached between the officer responsible under § 845.3 (or his designee) and the selected counsel. This requirement may be met by a letter of commission or letter of understanding, executed between the officer responsible under § 845.3 (or his designee) and the selected counsel, or by a written request for legal services expressly or impliedly accepted by the selected counsel. Any such document shall contain, if possible, an agreed estimate of counsel fees and reasonable expenses and a statement that both fees and expenses will conform to those paid by local nationals under similar circumstances and will not exceed local fee schedules, if any. If this document does not include an agreed estimate of counsel fees and other reasonable expenses, an estimate will be provided by the contracting officer. A copy of the document together with the estimate will be furnished the accounting component and will serve as the commitment document for the reservation of funds.

(d) The provision of counsel and payment of expenses under this part is not subject to the provisions of the Armed Services Procurement Regulations (Subchapter A, Chapter I of this title). However, the contract clauses set forth in Subpart E, Part 7, Subchapter A, Chapter I of this title may be used as a guide in contracting.

(e) In consideration of the desirability of timely procedural action, it is suggested that there be designated, from among the judge advocates or law specialists on the staffs of officers responsible under § 845.3, necessary contracting officers with contracting authority limited to agreements described in this section. The effect of this designation would be to combine within one office the duties of contracting officer and judge advocate or law specialist.

§ 845.8 Payment of counsel and other expenses.

Payment of bills submitted by the selected counsel and other costs shall be made in accordance with the general provision of AFM 177-102 (Commercial Transactions at Base Level) relating to payment of contractual obligations and pertinent disbursing regulations. All payments under these procedures will be in local currency. Acceptance of services procured under these procedures shall be certified to by the officer responsible under § 845.3 or his designee. Payments of bail may be made when authorized by such officers. Such authorization shall be in the form of a directing letter or message citing 10 U.S.C. 1037.

§ 845.9 Reimbursement.

No reimbursement will ordinarily be required from individuals with respect to payments made in their behalf under this part. However, prior to the posting of bail on behalf of a defendant, a signed agreement shall be secured from him wherein he agrees to remit the amount of such bail or permit the application of so much of his pay as may be necessary to reimburse the Government in the event that he willfully causes forfeiture of bail. In the event of such forfeiture, bail provided under this part shall be recovered from the defendant in accordance with that agreement. The agreement should be made with the understanding that it does not prejudice the defendant's right to appeal to the Comptroller General and the courts after such payment or deduction has been made if he considers the amount erroneous.

SUBCHAPTER H—AIR FORCE RESERVE OFFICERS' TRAINING CORPS

PART 874—AIR FORCE ROTC SUBSISTENCE ALLOWANCE AND RATES OF COMMUTATION IN LIEU OF UNIFORMS

F.R. Doc. 67-10189, published at page 12611 in the issue of August 31, 1967, is corrected by changing the title of Part 874 to read as set forth above.

SUBCHAPTER I—MILITARY PERSONNEL

PART 882—DECORATIONS AND AWARDS

F.R. Doc. 67-9633, published at page 11852 in the issue dated Thursday, August 17, 1967, is corrected by changing the Note in § 882.43(a) to read as follows:

§ 882.43 Token acceptance without Congressional consent.

* * * * *

(a) *Participating in presentation ceremonies.* * * *

NOTE: This does not apply to members performing any duty whatsoever in connection with the Military Assistance Program.

* * * * *

By order of the Secretary of the Air Force.

LUCIAN M. FERGUSON,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 67-11616; Filed, Oct. 3, 1967; 8:46 a.m.]

Chapter XVI—Selective Service System

[Amdt. 107]

PART 1606—GENERAL ADMINISTRATION

Forwarding Mail Addressed to a Registrant

Section 1606.41 is amended to read as follows:

§ 1606.41 Forwarding mail addressed to a registrant.

The addresses of registrants are confidential information. Any person desiring to have first-class-letter mail forwarded to a registrant shall enclose that letter in an envelope showing no return address, with the name of the addressee thereon, and bearing sufficient postage to cover mailing costs. The envelope containing such letter shall be mailed to the local board enclosed in another envelope, addressed to the registrant in care of the local board, together with a note, dated and signed by the writer of the letter, requesting that the enclosed letter be forwarded, stating the relationship of the writer to the addressee and the reason the registrant's address is not known. Unless it appears to the local board that it is being used as a forwarding agent for bulk mailing, the local board shall forward the enclosed letter to the registrant at his last address of record. The envelope addressed to the local board, together with the note requesting that the letter be forwarded, shall be placed in the registrant's file. The work involved in forwarding mail under this section shall be performed by the local board clerk when it will not interfere with the normal functions of the local board. This mail-forwarding service is a personal accommodation to the registrant.

(Sec. 10, 62 Stat. 618, as amended; 50 U.S.C. App. 460; E.O. 9979, July 20, 1948, 13 F.R. 4177; 3 CFR, 1943-48 Comp.)

The foregoing amendment to the Selective Service Regulations shall become effective upon filing with the Office of the Federal Register.

[SEAL] LEWIS B. HERSHEY,
Director of Selective Service.

SEPTEMBER 29, 1967.

[F.R. Doc. 67-11659; Filed, Oct. 3, 1967; 8:49 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

Isle Royale National Park, Mich.; Landing Areas for Aircraft

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), 245 DM-1 (27 F.R. 6395), National Park Service Order No. 34 (31 F.R. 4255), and Regional Director, Northeast Region Order No. 5 (31 F.R. 8135), as amended, § 7.38 of Title 36 of the Code of Federal Regulations is amended as set forth below. The purpose of this amendment is to designate locations where aircraft may be landed at Isle Royale National Park, as is required under § 2.2(a) of this chapter.

Since the purpose of this regulation is to designate facilities for the use of the public, publication of a notice of proposed rule making is deemed to be unnecessary. In order that the public may have the benefits of this regulation as soon as possible, it shall take effect immediately upon publication in the FEDERAL REGISTER.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3)

Section 7.38 of Title 36 of the Code of Federal Regulations is amended by the addition of a new paragraph (f), reading as follows:

§ 7.38 Isle Royale National Park.

* * * * *

(f) *Aircraft; designated landing areas.* (1) The portion of Tobin Harbor located in the NE¼ of sec. 4, T. 66 N., R. 33 W.; the SE¼ of sec. 33, T. 67 N., R. 33 W.; and the SW¼ of sec. 34, T. 67 N., R. 33 W.

(2) The portion of Rock Harbor located in the SE¼ of sec. 13, the N½ of sec. 24, T. 66 N., R. 34 W., and the W½ of sec. 18, T. 66 N., R. 33 W.

(3) The portion of Washington Harbor located in the N½ of sec. 32, all of sec. 29, SE¼ of sec. 30, and the E½ of sec. 31, T. 64 N., R. 38 W.

C. E. JOHNSON,
Superintendent,
Isle Royale National Park.

[F.R. Doc. 67-11625; Filed, Oct. 3, 1967; 8:47 a.m.]

Title 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

PART 1—RULES OF PRACTICE IN PATENT CASES

Requests for Identifiable Records

The following new rule, in a new § 1.15, is adopted to take effect upon publication in the FEDERAL REGISTER, in order to implement further section 552, Title 5, United States Code, as amended by Public Law 90-23, June 5, 1967 (81 Stat. 54), and Department Order 64, Revised, 32 F.R. 9734, July 4, 1967. Promulgation of the rule being required by the identified statute and order, notice and public hearings are deemed unnecessary. The remaining requirements for rules of the said statute and order are deemed to be complied with by rules already extant in this chapter, with particular reference to §§ 1.11, 1.12, 1.13, 1.14, and 2.27.

The purpose of the rule is to describe the procedure to be followed and the fees to be paid with respect to making identifiable Patent Office records available to any person requesting them, as provided in 5 U.S.C. 552(a)(3). The rule is not intended to apply to types of Patent Office records already provided as part of the regular informational activity of the Patent Office.

The full text of the new rule is as follows:

§ 1.15 Requests for identifiable records.

(a) Requests for records not disclosed to the public as part of the regular informational activity of the Patent Office and which are not otherwise dealt with in the rules in this part may be made by completing Form CD-244, "Application to Inspect Department Records," and submitting this form, in person or by mail, to the Commissioner of Patents, Department of Commerce Building, Washington, D.C. 20231. A nonrefundable application fee of $2 must accompany each application. Copies of Form CD-244 are available in the Central Reference and Records Inspection Facility, Room 2122, Department of Commerce Building, Washington, D.C. 20230, the search room of the Patent Reference Branch of the Patent Office, the search room of the Trademark Examining Operation, and in many public information offices and field offices of the Department of Commerce. If the requested record is identifiable, the request will be reviewed by the appropriate official authorized to make an initial determination of the availability of the record. If it is determined that the material is not to be made available to the requesting person, said person shall be notified in writing of that fact and the reasons why the record will not be disclosed. If the record is to be made available, inspection will be permitted in the appropriate Patent Office search room. Fees for copies of records and for searches and related services are payable in accordance with the schedule of fees and charges established in § 4.8 of Title 15, Code of Federal Regulations.

(b) Any person whose application to inspect a record has been refused may request a reconsideration of the initial denial by completing and submitting the appropriate section of the Form CD-244. The request for reconsideration should be made within 30 days of the date of the original denial. In submitting such request the party should include any written argument he desires to support his belief that the record requested should be made available. No personal appearance, oral argument, or hearing shall be permitted. The decision upon such request shall be made by the Commissioner of Patents, and shall be based upon the original request, the denial, and any written argument submitted by the person seeking access to the record. The decision upon review shall be promptly made in writing and communicated to the person seeking access. If the decision is wholly or partly in favor of availability, the requested record to such extent shall be made available for inspection as described in paragraph (a) of this section. To the extent that the decision is adverse to the request, the reasons for the denial shall be stated. A decision upon review completed as provided herein shall constitute the final decision and action of the Patent Office as to the availability of a requested record, except as may be required by court proceedings initiated pursuant to 5 U.S.C. 552(a)(3). Reconsiderations resulting in final decisions as prescribed herein shall be indexed and made available in the search room of the Patent Reference Branch.

(c) Procedures applicable in the event of a subpoena, order, or other compulsory process or demand of a court or other authority shall be those set forth in section 7 of Department Order 64 (32 F.R. 9734, July 4, 1967).

(81 Stat. 54, 5 U.S.C. 552; sec. 1, 66 Stat. 793, 35 U.S.C. 6)

EDWARD J. BRENNER,
Commissioner of Patents.

Approved: September 22, 1967.

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

[F.R. Doc. 67-11614; Filed, Oct. 3, 1967; 8:46 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 17—MEDICAL

Miscellaneous Amendments

1. In § 17.30, paragraph (f) is amended, a new paragraph (k) is added, the former paragraph (p) is revoked and the former paragraphs (k), (l), (m), (n), and (o) are amended and redesignated (l) through (p) respectively so that the

amended and added material reads as follows:

§ 17.30 Definitions.

* * * * *

(f) *Period of war.* The term "period of war" means each of the Indian wars, the Spanish-American War, World War I, World War II, the Korean conflict, the Vietnam era, and the period beginning on the date of any future declaration of war by the Congress and ending on a date prescribed by Presidential proclamation or concurrent resolution of the Congress.

* * * * *

(k) *Vietnam era.* The term "Vietnam era" means the period beginning August 5, 1964, and ending on such date as shall thereafter be determined by Presidential proclamation or concurrent resolution of the Congress.

(l) *Hospital care.* "Hospital care" includes medical services rendered in the course of hospitalization and transportation and incidental expenses for veterans who are in need of treatment for a service-connected disability or are unable to defray the expense of transportation.

(m) *Medical services.* "Medical services" includes, in addition to medical examination and treatment, optometrists' services, dental and surgical services, and except under provisions of § 17.60(e), dental appliances, wheelchairs, artificial limbs, trusses, and similar appliances, special clothing made necessary by the wearing of prosthetic appliances, and such other supplies as the Administrator determines to be reasonable and necessary.

(n) *Domiciliary care.* "Domiciliary care" includes transportation and incidental expenses for veterans who are unable to defray the expense of transportation.

(o) *Service-connected disability.* The term "service-connected disability" means a disability incurred or aggravated in line of duty in the active military, naval, or air service. See § 17.33 referable to presumptive service-connection for psychosis. For purposes of outpatient treatment and on submission of an appropriate application therefor, all disabilities of Spanish-American War veterans may be considered war service-connected.

(p) *Chief medical officer.* The term "chief medical officer" means the medical officer in charge of the parent outpatient clinic of the regional office territory in which the clinic is located (i.e., the Director of a separate Veterans Administration outpatient clinic; the Director of the clinic of a regional office; or Chief, Outpatient Service, at a hospital with which an outpatient clinic of a regional office has been consolidated.

* * * * *

2. Section 17.33 is added to read as follows:

§ 17.33 Presumption relating to psychosis.

For the purpose of any provision of any section in this Part 17, specifying service-connected disability as a prerequisite for authorizing any medical service or benefit, any veteran of World War II, the Korean conflict, or Vietnam era who developed an active psychosis (a) within 2 years after his discharge or release from the active military, naval or air service, and (b) before July 26, 1949, in the case of a veteran of World War II, or February 1, 1957, in the case of a veteran of the Korean conflict, or before the expiration of 2 years following termination of the Vietnam era in the case of a Vietnam era veteran, shall be deemed to have incurred such disability in the active military, naval or air service.

3. In § 17.36(b), subparagraph (2) is amended to read as follows:

§ 17.36 Eligibility for hospital care and medical services in foreign countries.

* * * * *

(b) *Eligibility in the Philippines.* * * *

(2) Medical services may be furnished persons eligible under § 17.60 (a) through (d) and (g).

4. Immediately preceding § 17.45, the centerhead is changed from "Hospital and Domiciliary Care" to "Examinations and Observation and Examination."

5. In § 17.45, paragraphs (a) and (d)(1) are amended to read as follows:

§ 17.45 Persons entitled to hospital observation and physical examination.

* * * * *

(a) Claimants or beneficiaries of the Veterans Administration for purposes of disability compensation, pension, medical feasibility for vocational training and Government insurance.

* * * * *

(d) Claimants or beneficiaries of other Federal agencies:

(1) Department of Justice—plaintiffs in Government insurance suits.

* * * * *

6. Section 17.45a is added to read as follows:

§ 17.45a Examinations on an outpatient basis.

Physical examinations on an outpatient basis may be furnished to applicants having prima facie entitlement to hospital or domiciliary care to determine their need for such care and to the same categories of persons for whom hospitalization for observation and examination may be authorized under § 17.45.

7. Immediately preceding § 17.46, a new centerhead is added to read as follows: "Hospital, Domiciliary and Nursing Home Care."

8. In § 17.47, paragraph (a) is amended to read as follows:

§ 17.47 Eligibility for hospital, domiciliary or nursing home care of persons discharged or released from active military, naval, or air service.

* * * * *

(a) Hospital care for veterans in need of such care for an adjudicated service-connected disability or for a non-service-connected condition which is associated with and held to be aggravating such disability. (See § 17.33 with respect to presumption relating to psychosis 38 U.S.C. 602.)

* * * * *

9. In § 17.48, paragraph (a) is revoked and former paragraphs (b), (c), (d), (e), (f), (g), and (h) are renumbered (a), (b), (c), (d), (e), (f), and (g) respectively to read as follows:

§ 17.48 Considerations applicable in determining eligibility for hospital or domiciliary care.

(a) (1) For applicants discharged or released for disability incurred or aggravated in line of duty and who are not in receipt of compensation for service-connected or service-aggravated disability, the official records of the Armed Forces relative to findings of line of duty for its purposes will be accepted in determining eligibility for hospital care. Where the official records of the Armed Forces show a finding of disability not incurred or aggravated in line of duty and evidence is submitted to the Veterans Administration which permits of a different finding, the decision of the Armed Forces will not be binding upon the Veterans Administration, which will be free to make its own determination of line of duty incurrence or aggravation upon evidence so submitted. It will be incumbent upon the applicant to present controverting evidence and, until he so acts and a determination favorable to him is made by the Veterans Administration, the finding of the Armed Forces will control and hospital care will not be authorized. Such controverting evidence, when received from an applicant, will be referred to the adjudicating agency which would have jurisdiction if the applicant was filing claim for pension or disability compensation, and the determination of such agency as to line of duty, which is promptly to be communicated to the head of the field station receiving the application for hospital care, will govern the station head's disapproval or approval of admission, other eligibility requirements having been met. Where the official records of the Armed Forces show that the disability for which a veteran was discharged or released from the Armed Forces under other than dishonorable conditions was incurred or aggravated in the line of duty, such showing will be accepted for the purpose of determining his eligibility for hospitalization, notwithstanding the fact that the Veterans Administration has made a determination in connection with a claim for monetary benefits that the disability was incurred or aggravated not in line of duty.

(2) In those exceptional cases where the official records of the Armed Forces show discharge or release under other than dishonorable conditions because of expiration of period of enlistment or any other reason except disability, but also show a disability incurred or aggravated

in line of duty during the said enlistment; and the disability so recorded is considered in medical judgment to be or to have been of such character, duration, and degree as to have justified a discharge or release for disability had the period of enlistment not expired or other reason for discharge or release been given, the Chief Medical Director, upon consideration of a clear, full statement of circumstances submitted to him, is authorized to approve admission of the applicant for hospital care, provided other eligibility requirements are met. A typical case of this kind will be one where the applicant was under treatment for the said disability recorded during his service at the time discharge or release was given for the reason other than disability.

(b) Under paragraphs (b)(2) and (c)(2) of § 17.47, the term "chronic diseases" shall include chronic arthritis, malignancy, psychiatric or neuropsychiatric disorder, neurological disabilities, poliomyelitis with disability residuals and degenerative diseases of the nervous system, severe injuries to the nervous system including quadriplegics, hemiplegics, and paraplegics, tuberculosis, blindness, and deafness requiring definitive rehabilitation, major amputees, and such other diseases as may be agreed from time to time jointly by the Chief Medical Director of the Veterans Administration, Deputy Assistant Secretary (Health and Medical) formerly the Chairman of the Armed Forces Medical Policy Council, Office of the Department of Defense, and the Surgeon General of the U.S. Public Health Service, Office of the Department of Health, Education, and Welfare. Blindness, as used in this paragraph, is defined as central visual acuity of 20/200 or less in the better eye, with corrective glasses, or central visual acuity of more than 20/200, if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of the visual field subtends an angular distance no greater than 20 degrees in the better eye.

(c) Under paragraph (c)(3) of § 17.47:

(1) "No adequate means of support." When an applicant is receiving an income of $200 or more per month from any source for his own use, this fact will be considered prima facie evidence that he has adequate means of support. This is subject to rebuttal by a showing that his income is not adequate to provide the care required by reason of his disability or that the income is not available for his use because of other obligations such as contributions in whole or in part to the support of a spouse, child, mother, or father. In all such cases of alleged inadequate means of support, the circumstances will be submitted to the Director for decision.

(d) Under paragraph (d) of § 17.47:

(1) "A disability, disease, or defect" will comprehend any acute, subacute, or chronic disease (of a general medical, tuberculous, or neuropsychiatric type) or any acute, subacute, or chronic surgical condition susceptible of cure or decided improvement by hospital care; or any condition which does not require hospital care for an acute or chronic condition but requires domiciliary care. Domiciliary care, as the term implies, is the provision of a home, with such ambulant medical care as is needed. To be entitled to domiciliary care, the applicant must consistently have a disability, disease, or injury which is essentially chronic in type and is producing disablement of such degree and probable persistency as will incapacitate from earning a living for a prospective period.

(2) "Unable to defray the expense of hospital or domiciliary care (including the expense of transportation to and from a Veterans Administration facility)"—the affidavit of the applicant on VA Form 10–P–10 that he is unable to defray the expenses of hospital or domiciliary care (including transportation to and from a Veterans Administration facility) will constitute sufficient warrant to furnish hospitalization or domiciliary care (including Government transportation to cover transportation to the facility).

(e) Persons hospitalized pursuant to paragraph (c)(1) or (d) of § 17.47, who it is believed may be entitled to hospital care or medical or surgical treatment or to reimbursement for all or part of the cost thereof by reason of any one or more of the following:

(1) (i) Membership in a union, fraternal, or other organization;

(ii) Rights under a group hospitalization plan, or under any of the prepay medical care or insurance contracts or plans which provide for payment or reimbursement in whole or in part, for the cost of medical or hospital care, and conditions the obligation of the insurer to pay upon payment or incurrence of liability by the person covered;

(iii) "Workmen's Compensation" or "employer's liability" statutes, State or Federal; and

(iv) Right to maintenance and cure in admiralty, or

(2) By reason of statutory or other relationships with third parties, including those liable for damages because of negligence or other legal wrong,

will not be furnished hospital care, medical or surgical treatment, without charge therefor to the extent of the amount for which such parties, referred to in subparagraph (1) or (2) of this paragraph, are, or will become liable. Such patients will be requested to execute an appropriate assignment as prescribed in this paragraph. Patients who, it is believed, may be entitled to care under any one of the plans in subparagraph (1) of this paragraph, will be requested to execute VA Form 10–2381, Power of Attorney and Agreement. Those patients who, it is believed, may be entitled to hospital care under the circumstances prescribed in subparagraph (2) of this paragraph will be requested to complete SF 96A. Notice of this assignment will be mailed promptly to the party or parties believed to be liable. When the amount of charges is ascertained, bill therefor will be mailed such party or parties.

(f) Women veterans will not be entitled to hospital care for pregnancy and parturition unless it is complicated by a pathological condition.

(g) Within the limits of Veterans Administration facilities, any veteran who is receiving hospital care in a hospital under the direct and exclusive jurisdiction of the Veterans Administration, or in a Federal hospital under agreement, may be furnished medical services to correct or treat any non-service-connected disability in addition to treatment for the disability for which he is hospitalized: *Provided*, The veteran is willing and furnishing the services would (1) be in the veteran's interest, (2) not prolong his hospitalization, and (3) not interfere with the furnishing of medical services under other provisions of this Part 17 to other veterans.

10. In § 17.49, the note following paragraph (b)(2)(vi) is amended to read as follows:

§ 17.49 Veterans Administration policy on priorities for hospital and domiciliary care.

* * * * *

(b) *Priorities for domiciliary care.* * * *

(2) * * *

(vi) * * *

NOTE: The provisions of § 17.48(c)(1) will apply in determining whether the veteran has $200 income available for his own use.

* * * * *

11. In § 17.50, paragraphs (c), (d), (e), (f), and (j)(2) are amended to read as follows:

§ 17.50 Utilization of facilities other than those under direct and exclusive jurisdiction of the Veterans Administration.

* * * * *

(c) In the territories, commonwealth, and possessions of the United States preference will be given to Federal hospitals, and contracts will be made with private or public hospitals only when Federal hospitals are not available. Authorization of hospitalization in such areas is restricted to hospitals under agreements or contracts, and admissions to private or public hospitals not under contract will not be authorized without prior approval of the Chief Medical Director or the responsible Regional Medical Director: *Provided*, That when immediate hospitalization is necessary for treatment of an emergent service-connected condition, admission to a noncontract hospital may be authorized if no Federal or contract private hospital be feasibly available, and that the stipulations specified in paragraph (b)(2) of this section are communicated to the superintendent of such noncontract private hospital. While admission to private hospitals in the territories and possessions will in general be restricted to applicants who had service in a war, such hospitals may also be used for applicants who had peacetime service only, if needed

for treatment of an emergent service-connected condition. The use of such private hospitals is prohibited for applicants who had peacetime service only if required for treatment of a disease or injury not attributable to military or naval service, or for a service-connected condition that is not medically emergent. The words "peacetime service" as used in this paragraph do not include service on or after June 27, 1950, and prior to February 1, 1955.

(d) The general principles to be observed in utilization of facilities other than those over which the Veterans Administration has direct and exclusive jurisdiction will be as follows: Other Government facilities under agreements or private facilities under contracts will be used for the hospitalization of beneficiaries requiring hospital treatment in accordance with the foregoing instructions only when facilities under direct and exclusive jurisdiction of the Veterans Administration are not feasibly available, or when the urgency of the applicant's medical condition, the relative distance of the travel involved, or the nature of the treatment required in the individual case makes it necessary or economically advisable to utilize such other institutions instead of a facility under direct and exclusive jurisdiction of the Veterans Administration. Under the provisions of this section, admissions to other Government, private, State, or municipal hospitals may be authorized by heads of field stations having medical activities through Chief Medical Officers as defined in § 17.30(p).

(e) Women veterans who served during a period of war, needing treatment for a non-service-connected disease or injury in a medical emergency or otherwise, may be authorized admission to a private, State, or municipal hospital preferably under contract, provided a Veterans Administration or other Government facility is not feasibly available; the condition of such beneficiary, if already so hospitalized, will not safely allow of her transfer to a Government facility; or the relative travel involved in admission to a Government facility, the medical condition existing, or the nature of the treatment required, makes it advisable or economical to utilize the contract facility.

(f) The prior approval of the Chief Medical Director or the Regional Medical Director must be secured for the use of private, State, or municipal facilities covered by contracts and located either within the United States or in the possessions or territories, for the hospitalization in such facilities of beneficiaries in excess of the number of beds contracted for, except where immediate hospitalization is indicated for treatment of a medically emergent service-connected disease or injury. The number of beds set apart by agreements with other Government facilities, for treatment of Veterans Administration beneficiaries, may be exceeded during any month as necessitated with the consent of the commanding officer of the hospital concerned: *Provided*, That the utilization thereof be correspondingly reduced in other months, so that the average monthly use of such beds, at the end of the fiscal year, will not have exceeded the total allocation.

* * * * *

(j) * * *

(2) Nursing home care as provided in subparagraph (1) of this paragraph may be furnished at the expense of the Veterans Administration for as much as 6 months in the aggregate in connection with any one transfer and the Chief Medical Director, his deputies, or the responsible Regional Medical Director may authorize an extension of time for circumstances of a most unusual nature such as when additional time is needed to complete imminent arrangements for other care. (Sec. 213, title 38, United States Code, and sec. 2, Pub. Law 88-450, 78 Stat. 500.)

* * * * *

12. Section 17.60 is revised to read as follows:

§ 17.60 Outpatient care for veterans.

Medical services may be furnished to the following applicants under the conditions stated, except that applicants for dental treatment, as defined in paragraphs (a) to (d) inclusive of this section, must also meet the applicable provisions of §17.123:

(a) *For service-connected disability.* Persons discharged or released from active military, naval, or air service, who are in need of treatment for a disease or injury adjudicated by the Veterans Administration as incurred or aggravated in such service.

(b) *For disability for which discharged.* Persons who were discharged or released under other than dishonorable conditions from active military, naval, or air service for disability incurred or aggravated in line of duty in active service who are in need of treatment for that condition which resulted in discharge or release for disability. A formal claim for disability compensation will not be required of an applicant eligible for outpatient treatment by reason of discharge or release for disability incurred or aggravated in line of duty; and a denial of a claim for disability compensation will not debar outpatient treatment for such disability.

(c) *For veterans entitled to vocational rehabilitation.* A veteran who has been found in need of training authorized under 38 U.S.C. ch. 31, and for whom an objective has been selected or who is pursuing vocational rehabilitation training is entitled to such medical services as are medically determined necessary for any of the reasons enumerated in § 17.36(a)(2). A veteran in need of such training may also be furnished in a clinic operated by the Veterans Administration any examination or immunization necessary to qualify him for admission to a training facility, except the Department of Medicine and Surgery may not authorize incidental transportation.

(d) *For Spanish-American War veterans.* Persons who served in the active military, or naval service during the Spanish-American War, or Indian wars, when discharged from such service under other than dishonorable conditions who are in need of outpatient treatment. Such outpatient treatment will not include medical care and treatment necessary to and part of hospital care furnished a patient while in a hospital.

(e) *For prehospital care.* Persons eligible for hospital care under § 17.47, where such care is reasonably necessary in preparation for admission of a veteran who has been determined to need hospital care and who has been scheduled for admission.

(f) *For posthospital care.* Persons eligible for hospital care under § 17.47 under the following circumstances:

(1) *To complete hospital treatment.* Where a veteran has been granted hospital care and outpatient care is reasonably necessary to complete treatment incident to such hospital care (38 U.S.C. 612(f)(2)).

(2) *To treat chronic disabilities.* Any veteran in receipt of pension based on need of regular aid and attendance or of an aid and attendance allowance received under section 314 or 334 of title 38, United States Code, or who, but for the receipt of retired pay, would be in receipt of such pension or allowance, and has received posthospital care under subparagraph (1) of this paragraph for not less than 1 year for one of the following: Cardiovascular-renal disease, including hypertension; endocrinopathies; diabetes mellitus; cancer; a neuropsychiatric disorder; or tuberculosis, may be furnished such further care as is reasonably necessary for such disease or disorder. The period of "not less than 1 year" must be either (i) an unbroken period of posthospital care for that length of time or (ii) an accumulation of two or more successive periods of posthospital care if the break between them is for rehospitalization involving treatment of the same condition or conditions. However, the total period described in either subdivision (i) or (ii) of this subparagraph must encompass or be subsequent to August 19, 1964, the date of enactment of Public Law 88-450 (78 Stat. 500).

(g) *For adjunct treatment.* Outpatient treatment may be authorize in accordance with prescribed principles for an adjunct non-service-connected condition associated with and held to be aggravating a disability from a disease or injury for which the veteran is entitled to receive outpatient care under this section. The opinion of the Chief Medical Director may be requested in any individual case where advice is desired as to the propriety of furnishing adjunct treatment.

13. Sections 17.60a, 17.60b, 17.60c, 17.60d, and 17.60e are added to read as follows:

§ 17.60a Outpatient care for military retirees and other beneficiaries.

Outpatient care for military retirees and other beneficiaries for which charges shall be made as required by § 17.62, may

be authorized for persons properly referred by authorized officials of other Federal agencies for which the Administrator of Veterans Affairs may agree to render such service under the conditions stipulated by him and pensioners of nations allied with the United States in World War I and World War II when duly authorized.

§ 17.60b Outpatient care for Veterans Administration employees and others in emergencies.

Outpatient care for which charges shall be made as required by § 17.62, may be authorized for employees of the Veterans Administration, their families, and the general public in emergencies, subject to conditions stipulated by the Administrator of Veterans Affairs.

§ 17.60c Sharing specialized medical resources on an outpatient basis.

The use of a specialized medical resource or any medical service incidental to, and necessary for, its use under a sharing agreement entered into under §17.210, may be authorized on an outpatient basis if:

(a) In the case of a specialized medical resource and services made available by the other party to the sharing agreement, the patient is a veteran eligible under any provision of § 17.60, or

(b) In the case of a specialized medical resource and services available within the limits of Veterans Administration facilities, the patient is a person designated by the other party to the sharing agreement as a patient to be benefited under the agreement.

§ 17.60d Prescriptions filled.

Any prescription, which is not part of authorized Veterans Administration hospital or outpatient care, for drugs and medicines ordered by a private or non-Veterans Administration doctor of medicine or doctor of osteopathy duly licensed to practice in the jurisdiction where the prescription is written, shall be filled by a Veterans Administration pharmacy, provided:

(a) The prescription is for a person who, based on the need for regular aid and attendance, is receiving additional compensation or allowance (wartime or peacetime) under 38 U.S.C. ch. 11, or increased pension as a veteran of World War I, World War II, the Korean conflict, or the Vietnam era (or who is receiving a greater compensation benefit rather than such aid and attendance pension to which he has been adjudicated to be presently eligible), and

(b) The drugs and medicines are prescribed as specific therapy in the treatment of any of the veteran's illnesses or injuries.

§ 17.60e Prescriptions in Alaska, and territories and possessions.

In Alaska and territories and possessions, where there are no Veterans Administration pharmacies, the expenses of any prescriptions filled by a private pharmacist which otherwise could have been filled by a Veterans Administration pharmacy under § 17.60d, may be reimbursed.

14. In § 17.100, paragraph (c) is amended to read as follows:

§ 17.100 Transportation of claimants and beneficiaries.

* * * * *

(c) *Preparatory and posthospital care.* When necessary to the provision of medical services furnished veterans under § 17.60 (e) and (f), provided veterans who are eligible for hospital care under the provisions of § 17.47 (c) or (d) indicate that transportation is required and they have made sworn statement that they are unable to defray such expense.

* * * * *

15. Immediately preceding § 17.115, the centerhead "Prosthetic and Similar Appliances" is changed to "Prosthetic, Sensory, and Rehabilitative Aids."

16. Section 17.115 is revised to read as follows:

§ 17.115 Prosthetic and similar appliances.

Artificial limbs, braces, orthopedic shoes, hearing aids, wheelchairs, medical accessories, similar appliances, and special clothing made necessary by the wearing of such appliances, may be purchased, made or repaired for any veteran upon a determination of feasibility and medical need, provided:

(a) *As part of outpatient care.* The appliances or repairs are a necessary part of outpatient care for which the veteran is eligible under § 17.60 (a) through (d), (f), and (g) (or a necessary part of outpatient care authorized under § 17.60 (a)), or

(b) *As part of hospital care.* The appliances or repairs are a necessary part of inpatient care for any service-connected disability or any non-service-connected disability, if:

(1) The non-service-connected disability is associated with an aggravating a service-connected disability, or

(2) The non-service-connected disability is one for which hospital admission was authorized, or

(3) The non-service-connected disability is associated with and aggravating a non-service-connected disability for which hospital admission was authorized, or

(4) The non-service-connected disability is one for which treatment may be authorized under the provisions of § 17.48(g), or

(c) *As part of domiciliary care.* The appliances or repairs are necessary for continued domiciliary care, or are necessary to treat a member's service-connected disability, or non-service-connected disability associated with and aggravating a service-connected disability, or

(d) *As part of nursing home care.* The appliances or repairs are a necessary part of nursing home care furnished in facilities under the direct and exclusive jurisdiction of the Veterans Administration.

17. The cross reference "Veteran in receipt of pension. See § 17.30(p)" is deleted.

18. Sections 17.115a, 17.115b, and 17.115c are added to read as follows:

§ 17.115a Repairs or replacements necessitated by accidents caused by service-connected disability.

Any artificial limb, truss, brace, hearing aid, spectacles, or similar appliance (not including dental appliances) reasonably necessary to a veteran and belonging to him which was damaged or destroyed by a fall or other accident caused by a service-connected disability for which the veteran is in receipt of, or but for the receipt of retirement pay would be entitled to, disability compensation, may be repaired or replaced.

§ 17.115b Invalid lifts.

An invalid lift may be furnished or repaired for any veteran as part of outpatient or inpatient care in the same circumstances in which any other aid or appliance may be authorized. An invalid lift or repair may also be authorized for any veteran who is in receipt of increased pension based on the need for regular aid and attendance (or who is receiving a greater compensation benefit rather than such aid and attendance pension to which he has been adjudicated to be presently eligible), if:

(a) The veteran has loss, or loss of use, of both lower extremities and at least one upper extremity (loss of use may result from paralysis or other impairment to muscle power and includes all cases in which the veteran cannot use his extremities or is medically prohibited from doing so because of a serious disease or disability); and

(b) The veteran has been medically determined incapable of moving himself from his bed to a wheelchair, or from his wheelchair to his bed, without the aid of an attendant, because of the disability involving the use of his extremities; and

(c) An invalid lift would be a feasible means by which the veteran could accomplish the necessary maneuvers between bed and wheelchair, and is medically determined necessary.

§ 17.115c Therapeutic and rehabilitative devices.

Therapeutic and rehabilitative devices and other medical equipment and supplies (excluding medicines) may be furnished to any veteran as part of outpatient, inpatient, domiciliary or nursing home care in the same circumstances in which any other aid or appliance may be authorized. Therapeutic and rehabilitative devices may also be authorized for any veteran who is in receipt of increased pension based on the need for regular aid and attendance (or who is receiving a greater compensation benefit rather than such aid and attendance pension to which he has been adjudicated to be presently eligible) provided the device is medically determined necessary, and is one of a type or category of devices determined to be available under this section.

19. In § 17.120, paragraph (h) is amended to read as follows:

§ 17.120 Authorization of dental examinations.

* * * * *

(h) Persons defined in § 17.60(d).

20. In § 17.123, the introductory portion preceding paragraph (a) is amended to read as follows:

§ 17.123 Authorization of outpatient dental treatment.

Outpatient dental treatment may be authorized by the Chief, Dental Service, for beneficiaries defined in § 17.60 (a) to (d) and (g), to the extent prescribed and in accordance with the applicable classification and provisions set forth in this section.

* * * * *

21. In § 17.142, paragraph (b) is amended to read as follows:

§ 17.142 Filing and perfecting claims.

* * * * *

(b) As to presumptive service connection granted pursuant to 38 U.S.C. 312, 333, and 602 payment or reimbursement for unauthorized medical services for treatment of the disability held service connected or a disability determined adjunct thereto may not be authorized for any period prior to the effective date of the law, or amendments thereto, under which service connection is authorized.

* * * * *

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

These VA regulations are effective October 1, 1967, except §§ 17.33, 17.60d, and 17.60e which are effective August 31, 1967.

Approved: September 6, 1967.

By direction of the Administrator.

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

[F.R. Doc. 67-11656; Filed, Oct. 3, 1967; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

PART 5A-8—TERMINATION OF CONTRACTS

Subpart 5A-8.6—Termination for Default

PARTIAL TERMINATION FOR DEFAULT

Paragraph (b) of § 5A-8.602-1 is revised to read as follows:

§ 5A-8.602-1 The Government's right to terminate for default.

* * * * *

(b) Under the Default clause, contracts may be terminated in whole or in part. Partial terminations may be appropriate in cases in which it is determined that a part of a definite quantity contract (either selected items or a portion of one or more items) or certain orders under an indefinite quantity contract, should be terminated.

(1) In cases of failure to make timely delivery of one or more orders under a term contract, or failure to make timely partial deliveries under a definite quantity contract, the delinquent portions of the contract or the entire contract may be terminated under subparagraph (a)(i).

(2) Facts which justify a partial termination are usually symptoms of basic difficulties in contract performance. Therefore, even if only part of the contract is terminated, consideration should be given to furnishing the contractor a preliminary notice of termination of the entire contract in accordance with subparagraph (a)(ii) of the Default clause.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER.

Dated: September 26, 1967.

H. A. ABERSFELLER,
Commissioner, Federal Supply Service.

[F.R. Doc. 67-11618; Filed, Oct. 3, 1967; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Clear Lake National Wildlife Refuge, Calif.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

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

CALIFORNIA

CLEAR LAKE NATIONAL WILDLIFE REFUGE

The public hunting of ducks, coots, geese, and gallinules on the Clear Lake National Wildlife Refuge, Calif., is permitted from October 10, 1967, through January 7, 1968, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 10,600 acres, is delineated on maps available at refuge headquarters, Tule Lake National Wildlife Refuge, Tulelake, Calif. 96134, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Boats with motors not larger than 10 horsepower may be used for access to the hunting area. Sculling and airthrust boats are prohibited.

(2) Leaving boats, decoys, or other hunting equipment in other than designated areas is prohibited. Boats, decoys, or other equipment so left 1 hour after close of shooting time will be subject to removal and impoundment. The expense of the removal shall be paid for by the person owning or claiming ownership of the property. Such property is subject to sale or other disposal after 3 months, in accordance with section 203m of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C., Sec. 484m) and regulations issued thereunder.

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

CLAY E. CRAWFORD,
Acting Regional Director,
Portland, Oreg.

SEPTEMBER 26, 1967.

[F.R. Doc. 67-11620; Filed, Oct. 3, 1967; 8:46 a.m.]

PART 32—HUNTING

Malheur National Wildlife Refuge, Oreg.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

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

OREGON

MALHEUR NATIONAL WILDLIFE REFUGE

The public hunting of ducks, geese, coots, and gallinules on the Malheur National Wildlife Refuge, Oreg., is permitted from October 10, 1967, through January 7, 1968, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 19,400 acres, is delineated on maps available at refuge headquarters, Burns, Oreg., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special condition:

(1) Camping is permitted in designated areas only.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50,

Code of Federal Regulations, Part 32, and are effective through January 1, 1968.

CLAY E. CRAWFORD,
Acting Regional Director,
Portland, Oreg.

SEPTEMBER 26, 1967.

[F.R. Doc. 67-11622; Filed, Oct. 3, 1967; 8:46 a.m.]

PART 32—HUNTING

McNary National Wildlife Refuge, Wash.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

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

WASHINGTON

MCNARY NATIONAL WILDLIFE REFUGE

The public hunting of ducks, coots, and gallinules on the McNary National Wildlife Refuge, Wash., including the Hanford Island and Ringold Division, is permitted from October 14, 1967, through January 21, 1968, inclusive, and the hunting of geese is permitted from October 14, 1967, through January 11, 1968, but only on the area designated by signs as open to hunting. This open area, comprising 4,020 acres, is delineated on maps available at refuge headquarters, Burbank, Wash., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions on the Ringold Division:

(1) Hunting will be restricted to Sundays, Wednesdays, and Saturdays, and November 23, and December 25, 1967, and January 1 and January 11, 1968.

(2) Hunters may not enter the area earlier than 1 hour before start of shooting time, and must be off the area 1 hour after close of shooting time.

(3) Hunters will be required to evacuate the area immediately once an alarm is sounded to warn of radiological hazard from the AEC plant.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 21, 1968.

CLAY E. CRAWFORD,
Acting Regional Director,
Portland, Oreg.

SEPTEMBER 26, 1967.

[F.R. Doc. 67-11623; Filed, Oct. 3, 1967; 8:47 a.m.]

PART 32—HUNTING

Willapa National Wildlife Refuge, Wash.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

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

WASHINGTON

WILLAPA NATIONAL WILDLIFE REFUGE

The public hunting of ducks, geese coots, and gallinules on the Willapa National Wildlife Refuge, Wash., is permitted from October 14, 1967, through January 21, 1968, inclusive, and the hunting of brant is permitted from November 18, 1967, through February 18, 1968, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 1,300 acres, is delineated on maps available at refuge headquarters, Ilwaco, Wash., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with all applicable State and Federal regulations subject to the special condition that on the Riekkola Tract, hunting shall be limited to Wednesdays, Saturdays, Sundays, and November 23, 1967, and January 1, 1968.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 18, 1968.

CLAY E. CRAWFORD,
Acting Regional Director,
Portland, Oreg.

SEPTEMBER 26, 1967.

[F.R. Doc. 67-11624; Filed, Oct. 3, 1967; 8:47 a.m.]

PART 32—HUNTING

Flint Hills National Wildlife Refuge, Kans.

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

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

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

The public hunting of squirrels, cottontail rabbits, bobwhite quail, and greater prairie chickens on the Flint Hills National Wildlife Refuge, Kans., is permitted from September 1, 1967, through August 30, 1968, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 2,906 acres, is delineated on maps available at refuge headquarters, Burlington, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of squirrels, cottontail rabbits, bobwhite quail, and greater prairie chickens subject to the following special conditions:

(1) The use of rifles is prohibited on the refuge.

(2) Vehicle access shall be restricted to designated parking areas and existing roads.

(3) Dogs—Not to exceed two per hunter may be used only to retrieve wounded or dead squirrels, cottontail rabbits, bobwhite quail, and greater prairie chickens.

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

LYLE A. STEMMERMAN,
Refuge Manager, Flint Hills National Wildlife Refuge, Burlington, Kans.

SEPTEMBER 15, 1967.

[F.R. Doc. 67-11683; Filed, Oct. 3, 1967; 8:51 a.m.]

PART 32—HUNTING

Kirwin National Wildlife Refuge, Kans.

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

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

KANSAS

KIRWIN NATIONAL WILDLIFE REFUGE

Public hunting of pheasants, quail, cottontail rabbits, and fox squirrels on the Kirwin National Wildlife Refuge, Kans., is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,300 acres, is delineated on maps available at refuge headquarters, 5 miles west of Kirwin, Kans., and from the office o. the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of pheasants, quail, cottontail rabbits, and fox squirrel subject to the following special conditions:

(1) The open season for hunting pheasants on the refuge extends from November 11 through November 26, 1967, inclusive, and from December 16 through December 31, 1967, inclusive.

(2) The open season for hunting quail on the refuge shall be only on Sundays, Mondays, Wednesdays, Fridays, Saturdays, and national holidays and extends from November 18 through December 31, 1967, inclusive.

(3) The open season for hunting cottontail rabbits and fox squirrel on the refuge shall be only on those days during the open season for the hunting of pheasants and quail.

(4) Shotguns and bow and arrows are legal weapons. Rifles or handguns will not be permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1967.

MERLE O. BENNETT,
Refuge Manager, Kirwin National Wildlife Refuge, Kirwin, Kans.

SEPTEMBER 14, 1967.

[F.R. Doc. 67-11684; Filed, Oct. 3, 1967; 8:51 a.m.]

PART 32—HUNTING

Quivira National Wildlife Refuge, Kans.

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

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

KANSAS

QUIVIRA NATIONAL WILDLIFE REFUGE

The public hunting of ring-necked pheasants, bobwhite, squirrel, rabbits and crows on the Quivira National Wildlife Refuge, Kans., is permitted only in the areas open to waterfowl hunting. These areas, comprising 6,350 acres are delineated on maps available at refuge headquarters, Stafford, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103.

Hunting shall be in accordance with all applicable State regulations governing the hunting of ring-necked pheasants, bobwhite, squirrel, rabbits, and crows subject to the following special condition:

(1) The use of rifles is prohibited for taking squirrel, rabbits, and crows.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1967.

CHARLES R. DARLING,
Refuge Manager, Quivira National Wildlife Refuge, Stafford, Kans.

SEPTEMBER 26, 1967.

[F.R. Doc. 67-11685; Filed, Oct. 3, 1967; 8:51 a.m.]

PART 32—HUNTING

Bitter Lake National Wildlife Refuge, N. Mex.

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

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

NEW MEXICO

BITTER LAKE NATIONAL WILDLIFE REFUGE

The public hunting of quail on the Bitter Lake National Wildlife Refuge, N. Mex., is permitted from November 25, 1967, through January 7, 1968, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 1,600 acres, is delineated on maps available at refuge headquarters, Roswell, N. Mex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of quail.

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

WILLIAM C. REFFALT,
Refuge Manager, Bitter Lake National Wildlife Refuge, Roswell, N. Mex.

SEPTEMBER 25, 1967.

[F.R. Doc. 67-11686; Filed, Oct. 3, 1967; 8:51 a.m.]

PART 32—HUNTING

Kodiak National Wildlife Refuge, Alaska

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

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

ALASKA

KODIAK NATIONAL WILDLIFE REFUGE

Public hunting of big game on posted portions of the Kodiak National Wildlife Refuge, Alaska, is permitted in accordance with all applicable State regulations governing big game hunting, subject to the following special condition:

Species permitted to be taken: Brown bear.

This area is delineated on maps available at the refuge headquarters, Kodiak National Wildlife Refuge, Box 825, Kodiak, Alaska 99615.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1968.

CLAY E. CRAWFORD,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 26, 1967.

[F.R. Doc. 67-11619; Filed, Oct. 3, 1967; 8:46 a.m.]

PART 32—HUNTING

Agassiz National Wildlife Refuge, Minn.

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

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

MINNESOTA

AGASSIZ NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Agassiz National Wildlife Refuge, Minn., is permitted from sunrise to sunset November 11 through November 15, 1967, inclusive, only on the area designated by signs as open to hunting. This open area comprises 58,660 acres, is delineated on a map available at the refuge headquarters at Middle River, Minn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 15, 1967.

CLAUDE R. ALEXANDER,
Refuge Manager, Agassiz National Wildlife Refuge, Middle River, Minn.

SEPTEMBER 27, 1967.

[F.R. Doc. 67-11621; Filed, Oct. 3, 1967; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[7 CFR Part 319]

NURSERY STOCK, PLANTS, AND SEEDS

Quarantine

Notice is hereby given under the administrative procedure provisions of 5 U.S.C. 553, that, pursuant to sections 1 and 7 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 154, 160), it is proposed to amend §§ 319.37(b) and 319.37–19(c), respectively, relating to the importation of nursery stock, plants, and seeds (7 CFR 319.37(b), 319.37–19(c)), in the following respects:

1. Amend § 319.37(b) by deleting the following items now appearing in the respective tabular columns "Plant material", "Foreign country or countries from which prohibited", and "Injurious insect or plant disease determined as existing in the country or countries named and capable of being transported in the prohibited plant material":

Cytisus spp.	Bulgaria, England, and Germany.	Marmor laburni Holmes (Laburnum-mosaic virus).
Laburnum spp.	Bulgaria, England, and Germany.	Marmor laburni Holmes (Laburnum-mosaic virus).

2. Amend § 319.37–19(c) by deleting the following items now appearing in the respective tabular columns "Plants to be grown under postentry quarantine" and "Where imported from":

Cytisus spp.	All foreign countries except Bulgaria, Canada, England, and Germany.
Laburnum spp.	All foreign countries except Bulgaria, Canada, England, and Germany.

(Secs. 1, 7, 37 Stat. 315, 317, 7 U.S.C. 154, 160, as amended; 29 F.R. 16210, as amended)

These proposed amendments if adopted would relieve restrictions by removing the prohibition on the importation from Bulgaria, England, and Germany, of Cytisus and Laburnum species, and by ending the requirement that such species imported from other foreign countries be grown under postentry quarantine. Surveys have shown that Laburnum mosaic virus (*Marmor laburni* Holmes) is present in many parts of the United States, including Oregon and Washington, indicating that the prohibition on the importation into the United States of these two species from the specified countries and the postentry quarantine requirements are no longer warranted under the Plant Quarantine Act.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Director of the Plant Quarantine Division, Agricultural Research Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782, within 45 days after the date of the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 28th day of September 1967.

[SEAL] R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 67-11641; Filed, Oct. 3, 1967; 8:48 a.m.]

Consumer and Marketing Service

[7 CFR Part 948]

[Area 1]

IRISH POTATOES GROWN IN COLORADO

Expenses and Rate of Assessment

Consideration is being given to the approval of proposed expenses and a proposed rate of assessment as hereinafter set forth which were recommended by the area committee for Area No. 1 established pursuant to Marketing Agreement No. 97, as amended, and Order No. 948, as amended (7 CFR Part 948).

This marketing order program regulates the handling of Irish potatoes grown in the State of Colorado. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same in quadruplicate with the Hearing Clerk, Room 112, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are as follows:

§ 948.256 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 1 to enable such committee to perform its functions, pursuant to the provisions of Marketing Agreement No. 97, as amended, and this part, during the fiscal period ending May 31, 1968, will amount to $500.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Agreement No. 97, as amended, and this part, shall be one cent ($0.01) per hundredweight of potatoes grown in Area No. 1 handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending May 31, 1968, may be carried over as a reserve.

(d) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

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

Dated: September 29, 1967.

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

[F.R. Doc. 67-11680; Filed, Oct. 3, 1967; 8:51 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 67-SW-59]

TRANSITION AREAS

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Alexandria, La., the Lafayette, La., and the Lake Charles, La., transition areas.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

The Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (32 F.R. 2149), the Alexandria, La., transition area 1,200-foot portion will be altered by deleting "* * * to lat. 30°32'00" N., long. 92°15'00" W., to lat. 30°04'00" N., long. 92°24'45" W., to lat. 30°04'00" N., long. 92°44'00" W., to lat. 30°24'00" N., long. 92°26'00" W., to point of beginning; * * *," and substituting therefor, "* * * to lat. 30°32'00" N., long. 92°15'00" W., to lat 30°24'00" N., long. 92°26'00" W., to point of beginning; * * *."

In § 71.181 (32 F.R. 2209), the Lafayette, La., transition area 1,200-foot portion will be altered by deleting "* * * to and clockwise along the arc of a 35-mile radius circle centered at lat. 30°02'15" N., long. 91°53'00" W., to lat. 29°56'00" N., thence north to lat. 30°32'00" N., long. 92°15'00" W., to point of beginning; * * *," and substituting therefor, "* * * to and clockwise along the arc of a 35-mile radius circle centered at lat. 30°02'15" N., long. 91°53'00" W., to lat. 29°33'00" N., thence west via lat. 29°33'00" N., to long. 92°36'00" W., thence north to lat. 30°04'00" N., long. 92°36'00" W., to lat. 30°24'00" N., long. 92°26'00" W., to lat. 30°32'00" N., long. 92°15'00" W., to point of beginning."

In § 71.181 (32 F.R. 2209) the Lake Charles, La., transition area 1,200-foot portion will be altered by deleting "* * * a line beginning at lat. 30°37'00" N., long. 92°50'00" W., to lat. 30°24'00" N., long. 92°26'00" W., to lat. 29°45'30" N., long. 93°00'00" W., thence west via lat. 29°45'30" N., to and counterclockwise along the arc of a 25-mile radius circle centered at lat. 29°54'40" N., long. 94°02'40" W., to long. 93°57'00" W., thence to point of beginning," and substituting therefor "* * * a line beginning at lat. 30°37'00" N., long. 92°50'00" W., to lat. 30°24'00" N., long. 92°26'00" W., to lat. 30°04'00" N., long. 92°36'00" W., to lat. 29°35'00" N., long. 92°36'00" W., thence west via lat. 29°35'00" N., to and counterclockwise along the arc of a 25-mile radius circle centered at lat. 29°54'40" N., long. 94°02'40" W., to long. 93°57'00" W., thence to point of beginning."

This action will provide controlled airspace for operations conducted within the Alexandria, La., Lafayette, La., and the Lake Charles, La., terminal areas and will simplify the boundary descriptions at common boundary points.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on September 25, 1967.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 67-11635; Filed, Oct. 3, 1967; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-SW-61]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a transition area at Manila, Ark. The proposed transition area will provide airspace protection for aircraft executing approach/departure procedures proposed at Manila Municipal Airport, Manila, Ark.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (32 F.R. 2148), the following transition area is added:

MANILA, ARK.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Manila Municipal Airport (lat. 35°53'25" N., long. 90°09'20" W.); and within 2 miles each side of the 175° bearing (170° magnetic) from the Manila RBN (lat. 35°53'25" N., long. 90°09'20" W.), extending from the 5-mile radius area to 8 miles south of the RBN.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on September 26, 1967.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 67-11636; Filed, Oct. 3, 1967; 8:48 a.m.]

Federal Highway Administration

[49 CFR Part 293]

TIRES AND TUBES

Notice of Extension of Time To File Comments

On August 24, 1967, there was published in the FEDERAL REGISTER (32 F.R. 12190) an advance notice of proposed rule making giving interested parties opportunity to present data, views, or information as to possible amendments to § 293.75 of the Motor Carrier Safety Regulations, particularly as to the use of regrooved, recapped, or retreaded tires.

Upon consideration of requests to extend the time to file comments beyond September 29, 1967, the time to file such comments is hereby extended to the close of business, October 30, 1967.

Issued in Washington, D.C., on September 26, 1967.

LOWELL K. BRIDWELL,
Federal Highway Administrator.

[F.R. Doc. 67-11637; Filed, Oct. 3, 1967; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 1, 13]

[Docket No. 17780; FCC 67-1101]

COMMERCIAL RADIO OPERATORS

Issuance of Provisional Radio Operator Certificates for Radiotelephone Third-Class Operator Permits Endorsed for Broadcast Use

In the matter of amendment of Parts 1 and 13 of the Commission's rules to provide for issuance of Provisional Radio Operator Certificates for radiotelephone third-class operator permits endorsed for broadcast use; Docket No. 17780.

1. Notice of proposed rule making in the above-entitled matter is hereby given.

2. The Commission has under consideration the revision of its rules as they pertain to the issuance of Provisional Radio Operator Certificates, in particular those issued for radiotelephone third-class operator permits endorsed for broadcast use.

3. The Commission has been informed by the National Association of Broadcasters that there is a shortage of licensed commercial radio operators in small market broadcast areas and part of the difficulty appears to be due to the time required for a prospective operator to travel to the nearest FCC field office

and be examined, a distance which often is several hundred miles. Although the Commission does schedule examinations at places away from the field office, such examinations in some cases are given infrequently because of the small number of applicants. The station in the small market area has considerable difficulty in attracting and holding experienced operators as they cannot afford to pay the wage scale in effect in larger and more populated areas. Therefore, it is incumbent upon them to employ and train inexperienced local people.

4. At present, as a minimum requirement, a person holding a third-class radiotelephone operator permit which has been endorsed for broadcast operation may be responsible for routine operation of a standard broadcast station, with authorized operating power of 10 kw or less and employing a nondirectional antenna; or an FM broadcast station with an output power not in excess of 25 kw; or a noncommercial educational FM broadcast station of 25 kw or less output power. Such licenses are obtained only following successful completion of an examination before an authorized Commission employee.

5. Section 13.8 of the rules currently provides for issuance of special temporary operator authorizations, Provisional Radio Operator Certificates, "in circumstances requiring immediate authority to operate a radio station pending submission of proof of eligibility or of qualifications or pending a determination by the Commission as to these matters." However, at present, the rules preclude issuance of such certificates if the applicant has not fulfilled the examination requirements. The maximum term of the certificates is 6 months.

6. The proposed amendments would provide for the issuance of Provisional Radio Operator Certificates to applicants for radiotelephone third-class operator permits endorsed for broadcast use prior to the fulfillment of the examination requirements and for a maximum term of 12 months. The applicant would then be expected to appear at a regularly scheduled examination point within the term of the certificate in order to fulfill the examination requirements. The provisional certificate is not renewable.

7. It is believed that small business will benefit from the new procedure in that licensed radio operators should be more readily available and inexperienced persons may find employment in the broadcasting industry, as operators, without the immediate necessity of traveling long distances to a Commission field office in order to take an examination. The applicant will be able to choose a later examination place and date which will be more convenient to him.

8. It is believed this is a matter of pressing need and that a determination should be reached at an early date. Accordingly, the times for filing comments and reply comments as hereinafter specified have been expedited.

9. The proposed amendments to the rules as set forth below are issued pursuant to the authority contained in sections 303 (l) and (r) of the Communications Act of 1934, as amended.

10. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before October 20, 1967, and reply comments on or before October 30, 1967. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

11. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements or comments filed shall be furnished the Commission.

Adopted: September 27, 1967.

Released: September 29, 1967.

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

Parts 1 and 13 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

1. In § 1.1117, a new type of application is added at the end of paragraph (a) to read as follows:

§ 1.1117 Schedule of fees for commercial radio operator examinations and licensing.

(a) * * *

Application for provisional certificate for a radiotelephone third-class operator permit endorsed for broadcast use	3

* * * * *

2. Section 13.3 is amended to read as follows:

§ 13.3 Dual holding of licenses.

(a) Except as provided by paragraph (b) of this section, a person may not hold more than one radiotelegraph operator license or permit and one radiotelephone operator license or permit at the same time.

(b) A person may at the same time hold (1) both a temporary limited radiotelegraph second-class operator license and a radiotelegraph third-class operator permit, (2) both a provisional certificate for a radiotelephone third-class operator permit endorsed for broadcast use and a radiotelephone third-class operator permit not so endorsed, (3) both a provisional certificate for a radiotelephone third class operator permit endorsed for broadcast use and a restricted radiotelephone operator permit.

3. Section 13.8 is amended to read as follows:

§ 13.8 Provisional Radio Operator Certificate.

(a) In circumstances requiring immediate authority to operate a radio station pending submission of proof of eligibility or of qualifications or pending a determination by the Commission as to these matters, an applicant for a radio operator license may request a Provisional Radio Operator Certificate. Such certificates may not be renewed.

(b) Except as provided by paragraph (e) of this section, a request for a Provisional Radio Operator Certificate may be in letter form and shall be in addition to the formal application.

(c) Except as provided by paragraph (e) of this section, if the Commission finds that the public interest will be served, it may issue such certificates for a period not to exceed 6 months with such additional limitations as may be indicated.

(d) Except as provided by paragraph (e) of this section, a Provisional Radio Operator Certificate will not be issued if the applicant has not fulfilled examination or service requirements, if any, for the license applied for.

(e) A request for a Provisional Radio Operator Certificate for a radiotelephone third-class operator permit endorsed for broadcast use shall be made on FCC Form 756C, which provides for a certification by the holder of a radiotelephone first-class operator license that he is responsible for the technical maintenance of a radio broadcast station, and that he has instructed the applicant in the operation of a broadcast station and believes him to be capable of performing the duties expected of a person holding a radiotelephone third-class operator permit with broadcast endorsement. If the Commission finds that the public interest will be served, it may issue such certificates for a period not to exceed 12 months with such additional limitations as may be specified. Such certificates may be issued prior to the fulfillment of examination requirements for the radiotelephone third-class operator permit endorsed for broadcast use.

4. In the Appendix to Part 13, in § 1.1117, a new type of application is added at the end of paragraph (a) to read as follows:

§ 1.1117 *Schedule of fees for commercial radio operator examinations and licensing.*

(a) * * *

Application for provisional certificate for a radiotelephone third-class operator permit endorsed for broadcast use	3

* * * * *

[F.R. Doc. 67-11681; Filed, Oct. 3, 1967; 8:51 a.m.]

[1] Commissioner Bartley absent; concurring statement of Commissioner Johnson filed as part of original document.

[47 CFR Part 73]

[Docket No. 17562]

PRE-SUNRISE OPERATION

Class II Stations on U.S. I–A Clear Channels; Order Extending Time for Filing Comments and Reply Comments

In the matter of "pre-sunrise" operation by Class II stations under pre-sunrise service authorization on U.S. I–A clear channels; Docket No. 17562.

1. On July 13, 1967, simultaneously with the decision in the overall "pre-sunrise" preceeding (Docket 14419) the

Commission issued the notice of proposed rule making herein, concerning the power to be permitted for pre-sunrise operation by Class II stations on U.S. I-A clear channels. The time for comments and reply comments was specified therein as September 5, and October 5, 1967, respectively.

2. On August 21, 1967, the Commission granted an extension of time for the filing of comments and reply comments to October 9, and November 10, 1967, respectively.

3. On September 27, 1967, Westinghouse Broadcasting Co., Inc., licensee of Stations KDKA, Pittsburgh, and WBZ, Boston, filed a request for a further extension of 2 weeks for the filing of comments. Westinghouse states that it has an engineering study under way in order to accurately determine the operational effect under the rules relating to "pre-sunrise operations" as proposed in Docket 14419. Upon completion of this study, it proposes to file comments in response to the notice of proposed rule making.

4. We are of the opinion that good cause has been shown for the requested extension of time for filing comments. *Accordingly, it is ordered*, That the time for filing comments and reply comments in this proceeding is extended to October 23, and November 24, 1967, respectively.

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

Adopted: September 28, 1967.

Released: September 28, 1967.

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

[F.R. Doc 67-11682; Filed, Oct. 3, 1967; 8:51 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 270]

[Ex Parte No. MC-30]

CINCINNATI, OHIO, COMMERCIAL ZONE

Redefinition of Limits

SEPTEMBER 29, 1967.

Redefinition of the limits of the Cincinnati, Ohio, commercial zone, heretofore defined in "Ex Parte No. MC-30, Cincinnati, Ohio, Commercial Zone" 94 M.C.C. 766 at pages 767-769, as modified by order entered May 4, 1966, and effective June 20, 1966.

Petitioners: Associated Transport, Inc., Ecklar-Moore Express, Inc., and McDuffee Motor Freight, Inc.

Petitioner's representative: John P. Tynan, 66-12 Fresh Pond Road, New York (Ridgewood), N.Y. 11227.

By joint petition filed September 5, 1967, Associated Transport, Inc., Ecklar-Moore Express, Inc., and McDuffee Motor Freight, Inc., requested the Commission to reopen the above proceeding for the purpose of redefining the limits of the Cincinnati, Ohio, commercial zone, which were most recently defined on March 5, 1964, in "Cincinnati, Ohio, Commercial Zone," 94 M.C.C. 766 at pages 767-769, as modified by order of the Commission entered May 4, 1966, and effective June 20, 1966. The northern limits of such zone are defined, in part, by a line beginning at the intersection of Ohio Highway 4 and Milhauser Road, and extending in an easterly direction over said road to the terminus thereof west of the tracks of the Pennsylvania Railroad (49 CFR 270.7).

Petitioners request the Commission to revise the northern limits of the zone, in part, as follows: Beginning at the intersection of Ohio Highway 4 and Milhauser Road, a line extending in an easterly direction over Milhauser Road to the Fairfield Township—Union Township line, thence northward along said township line to its intersection with the tracks of the Pennsylvania Railroad, thence southeasterly along the tracks of the Pennsylvania Railroad to their intersection with Princeton-Glendale Road (Ohio Highway 747), thence southward along said road to its intersection with Milhauser Road, thence in an easterly direction over Milhauser Road to the terminus thereof west of the tracks of the Pennsylvania Road. No other changes are proposed to the zone as presently described. No oral hearing is contemplated at this time, but anyone wishing to make representations in favor of, or against, the above-proposed revision of the limits of the Cincinnati, Ohio, commercial zone, may do so by the submission of written data, views, or arguments. An original and seven copies of such data, views, or arguments shall be filed with the Commission on or before November 6, 1967.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-11653; Filed, Oct. 3, 1967; 8:49 a.m.]

[No. 34884]

[49 CFR Parts 282, 305]

MOTOR COMMON AND CONTRACT CARRIERS OF PROPERTY

Classification

SEPTEMBER 21, 1967.

Notice is hereby given pursuant to section 4(a) of the Administrative Procedure Act, 5 U.S.C. 553, that the Commission has under consideration a petition filed July 31, 1967, by American Trucking Associations, Inc., to amend 49 CFR 282.1(a), *Classification of carriers*, 49 CFR 305.1a, *Annual reports of Class II carriers of property*, 49 CFR 305.3, *Annual reports of Class III carriers of property*, and 49 CFR 305.13, *Quarterly reports of Class II carriers of property* to provide effective January 1, 1968, that for the purposes of accounting and reporting regulations common and contract carriers of property subject to Part II of the Interstate Commerce Act shall be grouped into three general classes designated and defined as follows:

Class I. Carriers having average annual gross operating revenues (including interstate and intrastate) of $1 million or more from property motor carrier operations.

Class II. Carriers having average annual gross operating revenues (including interstate and intrastate) of $300,000 but less than $1 million from property motor carrier operations.

Class III. Carriers having average annual gross operating revenues (including interstate and intrastate) of less than $300,000 from property motor carrier operations.

The proposed amendments would, in effect, increase by $100,000 the classification distinction between Class II and Class III motor common and contract carriers of property for accounting and reporting purposes, establishing new limits of $300,000 to $1 million average annual gross operating revenues for Class II carriers, and under $300,000 for Class III carriers. No other change in the method of classifying motor carriers of property for accounting and reporting purposes, or in accounting and reporting requirements is contemplated by this proposal.

It is estimated the proposed change would relieve approximately 725 motor carriers of property from prescribed accounting regulations and from the necessity of filing quarterly reports. They would then file Annual Report Form C in lieu of the more comprehensive Annual Report Form B.

Any party desiring to make representations in favor of or against the proposed change may do so through submission of written data, views, or comments for consideration. The original and five copies of such representations must be filed with the Secretary of the Interstate Commerce Commission, Washington, D.C. 20423, on or before October 31, 1967.

Notice shall be given motor carriers hereby affected subject to the provisions of Part II of the Interstate Commerce Act, and the general public by depositing a copy of this notice in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304; sec. 220, 49 Stat. 563, as amended; 49 U.S.C. 320)

By the Commission, Division 2.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-11654; Filed, Oct. 3, 1967; 8:49 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[N-598]

NEVADA

Notice to Scrip Claimants

SEPTEMBER 22, 1967.

An authorized officer of the Bureau of Land Management will make offers of land pursuant to section 4 of the Act of August 31, 1964 (78 Stat. 751) and 43 CFR 2221.2-2. The offers will be made after the tract books have been noted that the offered lands as described hereinafter will not be available for selection, except by the offeree, for a period ending 65 days after the date on which the offer has been mailed to the offeree.

The following lands classified for satisfaction of valid Valentine, Sioux Halfbreed, Wyandotte, Porterfield, Gerard, McKee, and Railroad Lieu Selection claims are temporarily made nonavailable for selection for a period of 65 days after the date that an offer pursuant to section 4 of the Act has been mailed:

MOUNT DIABLO MERIDIAN, NEVADA

T. 22 S., R. 61 E.,

Sec. 14, N½NE¼SE¼NE¼, E½SE¼NE¼SE¼NE¼, E½SW¼NE¼SE¼NE¼, NE¼SE¼SE¼NE¼, NE¼NW¼SE¼NE¼, S½NW¼SE¼NE¼, W½NW¼SW¼SE¼NE¼, SW¼SW¼SE¼NE¼, W½SE¼SW¼SE¼NE¼, W½NW¼SE¼SE¼NE¼, N½N½SW¼NE¼, SW¼NE¼SW¼NE¼, SE¼NW¼SW¼NE¼, E½SW¼NW¼SW¼NE¼, N½S½SW¼NE¼, W½SW¼SW¼SW¼NE¼, E½SE¼SW¼SW¼NE¼, S½SE¼SW¼NE¼, W½NW¼NW¼NW¼SW¼, SE¼NW¼NW¼SW¼, E½SW¼NW¼NW¼SW¼, NW¼SW¼NW¼SW¼, E½SW¼SW¼NW¼SW¼, E½NE¼SW¼NW¼SW¼, E½NW¼SE¼NW¼SW¼, E½SE¼NW¼SW¼, S½NE¼NW¼SW¼, W½NW¼NE¼NW¼SW¼, NE¼NE¼NW¼SW¼, NW¼NW¼NE¼SW¼, E½SW¼NW¼NE¼SW¼, W½SE¼NW¼NE¼SW¼, E½NE¼NW¼NE¼SW¼, NE¼NE¼SW¼, N½SE¼NE¼SW¼, W½SE¼SE¼NE¼SW¼, SW¼SE¼NE¼SW¼, E½NE¼SW¼NE¼SW¼, W½NW¼SW¼NE¼SW¼, S½SW¼NE¼SW¼, NE¼NE¼SW¼SW¼, E½SE¼NE¼SW¼SW¼, E½SE¼SW¼SW¼, E½W½SE¼SW¼SW¼, W½NW¼SE¼SW¼, SE¼NW¼SE¼SW¼, W½NE¼NW¼SE¼SW¼, NW¼SW¼SE¼SW¼, W½SW¼SW¼SE¼SW¼, SE¼SW¼SE¼SW¼, E½NE¼SW¼SE¼SW¼, W½W½SE¼SE¼SW¼, W½SW¼NE¼SE¼SW¼, NW¼NE¼SE¼SW¼, SE¼NE¼SE¼SW¼, NE¼SE¼SE¼SW¼, NW¼NW¼NW¼SE¼, E½SW¼NW¼NW¼SE¼, W½E½NW¼NW¼SE¼, N½NE¼NW¼SE¼, SE¼NE¼NW¼SE¼, E½SW¼NE¼NW¼SE¼, E½SE¼NW¼SE¼, SW¼SE¼NW¼SE¼, W½NW¼SE¼NW¼SE¼, E½SE¼SW¼NW¼SE¼, NE¼SW¼NW¼SE¼, W½SW¼SW¼NW¼SE¼, W½NE¼NE¼SW¼SE¼, W½NW¼NE¼SW¼SE¼, SW¼NE¼SW¼SE¼, E½

MOUNT DIABLO MERIDIAN, NEVADA—Continued

NW¼SW¼SE¼, NW¼NW¼SW¼SE¼, E½SW¼NW¼SW¼SE¼, N½SW¼SW¼SE¼, SW¼SW¼SW¼SE¼, W½NW¼SE¼SW¼SE¼, E½SE¼NE¼SW¼SE¼, W½E½SE¼SW¼SE¼, W½NW¼SW¼SE¼SE¼, NE¼NW¼NE¼SE¼, S½NW¼NE¼SE¼, E½W½SW¼NE¼SE¼, E½E½SW¼NE¼SE¼, W½NW¼NE¼NE¼SE¼, NE¼NE¼NE¼SE¼, S½NE¼NE¼SE¼, W½NW¼SE¼NE¼SE¼, NE¼SE¼NE¼SE¼, S½SE¼NE¼SE¼;

Sec. 15, W½NW¼NW¼SE¼SE¼, E½NE¼NE¼SW¼SE¼, SE¼NE¼SW¼SE¼, W½NE¼SE¼SW¼SE¼, S½SE¼SW¼SE¼, E½SE¼SW¼SW¼SE¼;

Sec. 18, NE¼NW¼NW¼SE¼, S½NW¼NW¼SE¼, W½NE¼SW¼NW¼SE¼, NW¼SW¼NW¼SE¼, E½SW¼SW¼NW¼SE¼, NW¼NW¼SW¼SE¼;

Sec. 22, N½NE¼NE¼NE¼, NW¼NE¼NW¼NE¼, NW¼SE¼NW¼NE¼, NW¼NW¼NE¼, NE¼SW¼NW¼NE¼, S½SW¼NW¼NE¼, N½NW¼SW¼NE¼, S½NE¼SW¼NE¼, N½SE¼SW¼NE¼, S½SE¼SW¼NE¼, SE¼NE¼SE¼NE¼, SE¼NW¼SE¼NE¼, S½SE¼NE¼, NW¼NW¼NE¼SE¼, SW¼NE¼NE¼SE¼, S½NW¼NE¼SE¼, NE¼SW¼NE¼SE¼, NE¼NE¼NW¼SE¼, E½NW¼NW¼SE¼, NE¼NE¼NW¼SW¼, W½E½NW¼SW¼, NW¼NW¼SW¼, SW¼SW¼NW¼SW¼, NW¼NE¼SW¼SW¼, S½NE¼SW¼SW¼, NW¼SW¼SW¼, S½SW¼SW¼SW¼, N½SE¼SW¼SW¼, SW¼SE¼SW¼SW¼;

Sec. 30, E½NE¼NE¼NE¼NE¼, NW¼NE¼NE¼NE¼, E½NE¼NW¼NE¼NE¼, S½NW¼NE¼NE¼, N½S½NE¼NE¼, SE¼SW¼NE¼NE¼, E½NW¼NE¼NW¼NE¼, S½NE¼NW¼NE¼, E½SE¼NW¼NW¼NE¼, N½SW¼NW¼NE¼, SE¼NW¼NE¼, N½NE¼SW¼NE¼, SW¼NE¼SW¼NE¼, E½SE¼NE¼SW¼NE¼, N½NW¼SW¼NE¼, W½SW¼NW¼SW¼NE¼, SE¼NW¼SW¼NE¼, NE¼SW¼SW¼NE¼, E½W½SW¼SW¼NE¼, E½SE¼SW¼SW¼NE¼, NE¼SE¼SW¼NE¼, W½NW¼SE¼SW¼NE¼, W½SE¼SE¼SW¼NE¼, E½NE¼NE¼SE¼NE¼, NW¼NE¼SE¼NE¼, NE¼NW¼SE¼NE¼, E½NW¼NW¼SE¼NE¼, S½NW¼SE¼NE¼, W½NW¼SW¼SE¼NE¼, W½SE¼NE¼SE¼NE¼, E½SW¼SW¼SE¼NE¼, E½E½SE¼SE¼NE¼; E½SE¼SW¼SE¼NE¼, SW¼SE¼SE¼NE¼, E½NW¼NE¼SE¼NW¼, E½SE¼NE¼SE¼NW¼, S½NW¼SE¼NW¼, N½SW¼SE¼NW¼, SE¼SW¼SE¼NW¼, E½NE¼SE¼SE¼NW¼, W½SE¼SE¼NW¼, SE¼SE¼SE¼NW¼.

T. 23 S., R. 61 E.,

Sec. 5, N½N½NW¼SE¼, S½NW¼SE¼SE¼, N½SW¼NE¼SE¼, S½NW¼SE¼, S½N½SW¼SE¼, N½SE¼SW¼SE¼, SW¼SE¼SE¼, N½SE¼SE¼SE¼;

Sec. 9, NE¼NW¼NW¼.

The areas described above aggregate 615 acres.

The following lands classified for satisfaction of valid Forest Lieu claims are made nonavailable for selection for a period of 65 days after the date that an offer pursuant to section 4 of the Act has been mailed:

MOUNT DIABLO MERIDIAN, NEVADA

T. 12 N., R. 21 E.,

Sec. 5, S½S½, NW¼SW¼.

T. 13 N., R. 21 E.,

Sec. 29, N½NE¼, SE¼NE¼, NE¼NW¼;

Sec. 33, E½.

The areas described above aggregate 680 acres.

A. JOHN HILLSAMER,
Acting Land Office Manager.

[F.R. Doc. 67-11491; Filed, Oct. 3, 1967; 8:45 a.m.]

[A 58]

ARIZONA

Notice to Scrip Claimants

An authorized officer of the Bureau of Land Management will make offers of land pursuant to section 4 of the Act of August 31, 1964 (78 Stat. 751) and 43 CFR 2221.2-2. The offers will be made after the tract books have been noted that the offered lands as described hereinafter will not be available for selection, except by the offeree, for a period ending 65 days after the date on which the offer has been mailed to the offeree.

The following lands classified for satisfaction of valid Valentine, Sioux Halfbreed, Wyandotte, Porterfield, Gerard, McKee, and Railroad Lieu Selection claims are temporarily made nonavailable for selection for a period of 65 days after the date that an offer pursuant to section 4 of the Act has been mailed:

T. 5 N., R. 4 E., GSR Mer., Arizona,

Sec. 6, lots 1, 2, and 8 through 23, inclusive, and SW¼NE¼.

The area described above aggregates 199.79 acres.

The following lands classified for satisfaction of valid Soldiers' Additional Homestead, Isaac Crow, Merritt W. Blair, are made nonavailable for selection for a period of 65 days after the date that an offer pursuant to section 4 of the Act has been mailed:

T. 12 S., R. 11 E., GSR Mer., Arizona,

Sec. 27, W½E½ and E½W½;

Sec. 28, SW¼NE¼, E½W½, SW¼NW¼, W½SE¼, and W½SW¼;

Sec. 33, lots 1 through 8, inclusive, and lot 11, NE¼, NE¼NW¼, and S½NW¼;

Sec. 34, lots 1 through 4, inclusive, and lots 6 and 7, W½NE¼, SE¼NE¼, and NW¼.

The area described above aggregates 1,879.91 acres.

The following lands classified for satisfaction of valid Forest Lieu claims are made nonavailable for selection for a period of 65 days after the date that an offer pursuant to section 4 of the Act has been mailed:

T. 12 S., R. 11 E., GSR Mer., Arizona,

Sec. 27, W½W½;

Sec. 28, E½E½ and NW¼NE¼.

The area described above aggregates 360 acres.

FRED J. WEILER,
State Director.

SEPTEMBER 20, 1967.

[F.R. Doc. 67-11489; Filed, Oct. 3, 1967; 8:45 a.m.]

CALIFORNIA

Notice to Scrip Claimants

SEPTEMBER 22, 1967.

An authorized officer of the Bureau of Land Management will make offers of land pursuant to section 4 of the Act of August 31, 1964 (78 Stat. 751) and 43 CFR 2221.2-2. The offers will be made after the tract books have been noted that the offered lands as described hereinafter will not be available for selection, except by the offeree, for a period ending 65 days after the date on which the offer has been mailed to the offeree.

The following lands classified for satisfaction of valid Valentine, Sioux Halfbreed, Wyandotte, Porterfield, Gerard, McKee, and Railroad Lieu Selection claims are temporarily made nonavailable for selection for a period of 65 days after the date that an offer pursuant to section 4 of the Act has been mailed:

HUMBOLDT MERIDIAN

T. 12 N., R. 3 E.,
Sec. 28, NE¼NE¼.

SAN BERNARDINO MERIDIAN

T. 6 S., R. 6 E.,
Sec. 6, NE¼SE¼.

The following lands classified for satisfaction of valid Soldiers Additional Homestead, Isaac Crow, Merritt W. Blair, are made nonavailable for selection for a period of 65 days after the date that an offer pursuant to section 4 of the Act has been mailed:

SAN BERNARDINO MERIDIAN

T. 10 N., R. 3 E.,
Sec. 3, W½ lot 1 of NW¼, SE¼;
Sec. 12, S½SE¼.
T. 10 N., R. 4 E.,
Sec. 7, N½ lot 1 of SW¼, N½ lot 2 of SW¼, S½NE¼, N½SE¼, SE¼SE¼.
T. 11 N., R. 10 W.,
Sec. 20, NE¼;
Sec. 22, W½NE¼, W½.
T. 9 S., R. 12 E.,
Sec. 10, S½N½, N½S½, SE¼SW¼.

The following lands classified for satisfaction of valid Forest Lieu claims are made nonavailable for selection for a period of 65 days after the date that an offer pursuant to section 4 of the Act has been mailed:

SAN BERNARDINO MERIDIAN

T. 9 N., R. 2 E.,
Sec. 11, NE¼SW¼.
T. 9 N., R. 3 E.,
Sec. 6, lot 1 of SW¼, SE¼.
T. 10 N., R. 4 E.,
Sec. 32, W½.
T. 11 N., R. 9 W.,
Sec. 10, NE¼NW¼.
T. 8 S., R. 12 E.,
Sec. 34, S½SE¼.
T. 9 S., R. 12 E.,
Sec. 4, lot 1 of NE¼, N½SE¼.

J. R. PENNY,
State Director.

[F.R. Doc. 67-11490; Filed, Oct. 3, 1967; 8:45 a.m.]

[Oregon 018433]

OREGON

Order Providing for Opening of Public Lands

SEPTEMBER 28, 1967.

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

WILLAMETTE MERIDIAN

T. 16 S., R. 12 E.,
Sec. 11, SW¼SE¼;
Sec. 13, NE¼NW¼;
Sec. 14, NE¼SW¼.
T. 17 S., R. 13 E.,
Sec. 14, W½E½ and W½.
T. 17 S., R. 14 E.,
Sec. 26, E½NE¼;
Sec. 33, NE¼SE¼;
Sec. 34, NW¼SW¼.

The areas described aggregate 760 acres.

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

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

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

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 67-11687; Filed, Oct. 3, 1967; 8:51 a.m.]

[Oregon 013539]

OREGON

Order Providing for Opening of Public Lands

SEPTEMBER 28, 1967.

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

WILLAMETTE MERIDIAN

T. 39 S., R. 12 E.,
Sec. 13, SW¼NE¼, N½NW¼, and SE¼NW¼.
T. 39 S., R. 13 E.,
Sec. 25, N½NW¼, SW¼NW¼, and NW¼SW¼.
T. 39 S., R. 14 E.,
Sec. 30, lots 2, 3, SW¼NE¼, SE¼NW¼, NE¼SW¼, NW¼SE¼, and S½SE¼;
Sec. 31, E½NE¼;
Sec. 32, W½NW¼ and SW¼.
T. 40 S., R. 14 E.,
Sec. 36, S½NW¼ and SW¼.

The areas described aggregate 1,207.69 acres.

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

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

4. The United States acquired all of the minerals in the lands described with the exception of an undivided one-half interest as to the SW¼NE¼ and SE¼NW¼, sec. 13, T. 39 S., R. 12 E., W.M.

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

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 67-11688; Filed, Oct. 3, 1967; 8:52 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MEATS

Import Limitations

Public Law 88-482, approved August 22, 1964 (hereinafter referred to as the Act), provides for limiting the quantity of fresh, chilled or frozen cattle meat (TSUS 106.10) and fresh, chilled or frozen meat of goats and sheep, except lambs (TSUS 106.20), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of such articles, in the absence of limitations during such calendar year, would equal or exceed 110 percent of the estimated quantity of such articles prescribed by section 2(a) of the Act.

In accordance with the requirements of the Act the following fourth quarterly estimates are published:

1. The estimated aggregate quantity of such articles which would, in the absence of limitations under the Act, be imported during calendar year 1967 is 860 million pounds.

2. The estimated quantity of such articles prescribed by section 2(a) of the Act during the calendar year 1967 is 904.6 million pounds.

Since the estimated quantity of imports does not equal or exceed 110 percent of the estimated quantity prescribed by section 2(a) of the Act, limitations for the calendar year 1967 on the importation of fresh, chilled or frozen cattle meat (TSUS 106.10) and fresh, chilled or frozen meat of goats and sheep (TSUS 106.20), are not authorized to be imposed pursuant to Public Law 88-482 at this time.

Done at Washington, D.C. this 28th day of September 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-11642; Filed, Oct. 3, 1967; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 23(66)-38]

NATIONAL ENTERPRISES, LTD., AND MAHMUD AHMAD

Order Denying Export Privileges for Indefinite Period

In the matter of National Enterprises, Ltd., and Mahmud Ahmad, Jubilee Insurance House, McLeod Road, Karachi 2, Pakistan, Respondents, File No. 23(66)-38.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above-named respondents all export privileges for an indefinite period because the said respondents failed to furnish answers to interrogatories and failed to furnish certain records and documents specifically requested, without good cause being shown. This application was made pursuant to § 382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations).

In accordance with the usual practice, the application was reviewed by the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted. The report of the Compliance Commissioner and the evidence in support of the application have been considered.

The evidence presented shows that the respondent National Enterprises, Limited is a business firm located in Karachi, Pakistan, and that the respondent Mahmud Ahmad is the managing director of said firm; in April 1966 the respondent firm placed an order with an Italian firm for the purchase of U.S.-origin strategic electronic equipment valued in excess of $75,000; in connection with said transaction the respondents, for the purpose of obtaining from the Department of Commerce authorization for reexportation of the commodities from Italy to Pakistan, represented in a form submitted to the Department that the country of ultimate destination of the commodities would be Pakistan; the Bureau of International Commerce has reasonable grounds for questioning whether Pakistan was in fact intended as the country of ultimate destination and whether or not respondents intended to reexport or participate in the reexportation of said commodities to an unauthorized destination. The said Investigations Division is conducting an investigation relating to the ordering of the commodities in question to ascertain whether violations of the U.S. Export Regulations were involved.

It is impracticable to subpoena the respondents and relevant and material written interrogatories and requests to furnish certain specific documents relating to the matters under investigation were served on the respondents pursuant to § 382.15 of the Export Regulations. They have failed to answer the interrogatories and have failed to furnish the documents requested, all as required by said section. They have not shown good cause for such failure. I find that an order denying export privileges to said respondents for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended. *Accordingly, it is hereby ordered,*

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondents, their representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondents provide responsive answers, written information, and documents in response to the interrogatories heretofore served upon them or give adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Regulations.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents or any related party, or whereby the respondents or any related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondents.

VII. In accordance with the provisions of § 382.15 of the Export Regulations, the respondents may move at any time to vacate or modify this Indefinite Denial Order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

This order shall become effective forthwith.

Dated: September 25, 1967.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 67-11613; Filed, Oct. 3, 1967; 8:46 a.m.]

[File Nos. 23(66)-12, 23(65)-13]

PETRUS J. ROMBOUTS AND ROMBOUTS ELECTRICS N.V.

Order Temporarily Denying Export Privileges

In the matter of Petrus J. Rombouts and Rombouts Electrics N.V., 64 Oostzeedijk, Post Office Box 1404, Rotterdam, The Netherlands, Respondents, File Nos. 23(66)-12, 23(65)-13.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, pursuant to the provisions of § 382.11 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations), has applied to the Compliance Commissioner for an order temporarily denying all export privileges to the above-named respondents. The Compliance Commissioner has reviewed the application and the evidence presented in support thereof and has submitted his report, together with his recommendation that the application be granted and that a temporary denial order be issued for a period of 90 days.

The evidence and recommendation of the Compliance Commissioner have been considered. The evidence presented shows the following: Respondent Petrus J. Rombouts is an importer and trader in radio and electrical equipment and appliances; he formerly operated under the name Rombouts Electrics and subsequently changed his operations from individual ownership to a corporation called Rombouts Electrics N.V.; a charging letter was issued against Rombouts in July 1966 alleging violations of the Export Control Act in the making of false statements in the course of an investigation; Rombouts filed an answer denying any wrongdoing; Rombouts indicated at one time that he might desire to attend a hearing on the charges, but it was later indicated that he would not attend such hearing; informal hearings were held on the charges before the Compliance Commissioner, Bureau of International Commerce; it appeared from the evidence that some, if not all, of the charges were substantiated; action in the case was deferred to permit the Investigations Division to proceed with its investigation of other transactions involving exportations from the United States in which Rombouts participated and in which there is reasonable basis to believe that Rombouts in two different transaction of the Export Regulations; certain evidence has now been developed on which there were grounds for believing that Rombouts in two different transactions participated in the diversion of strategic commodities to unauthorized destinations; the investigation of these matters is still in progress.

On consideration of the evidence and the report of the Compliance Commissioner, I find that it is reasonably necessary to protect the public interest that an order be issued against Petrus J. Rombouts and the firm which he controls, Rombouts Electrics N.V., temporarily denying them all U.S. export privileges and such an order is hereby entered to be effective for 90 days.

Accordingly, it is hereby ordered,

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondents, their assigns, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall take effect forthwith and shall remain in effect for a period of 90 days unless it is hereafter extended, amended, modified, or vacated in accordance with the provisions of the U.S. Export Regulations.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents, or whereby the respondents may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for the respondent; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served upon the respondents.

VII. In accordance with the provisions of § 382.11(c) of the Export Regulations, the respondents may move at any time to vacate or modify this temporary denial order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request an oral hearing thereon which, if requested, shall be held before the Compliance Commissioner in Washington, D.C., at the earliest convenient date.

This order shall become effective forthwith.

Dated: September 26, 1967.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 67-11657; Filed, Oct. 3, 1967; 8:49 a.m.]

Business and Defense Services Administration

UNIVERSITY OF MICHIGAN

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 67-00147-70-63550. Applicant: University of Michigan, Flint College, 1321 East Court Street, Flint, Mich. 48503. Article: Digital Polarimeter, model 141. Manufacturer: Perkin-Elmer and Co., Germany. Intended use of article: Applicant states:

> We wish to measure the optical rotation of liquids and solutions of compounds which absorb light in the visible region, ultraviolet region, or both.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, was being manufactured in the United States at the time the applicant submitted the application. Reasons: Applicant was afforded an opportunity to examine the only known

comparable domestic instrument being manufactured in the United States at the time the applicant was considering the purchase of a digital polarimeter, the Bendix Corporation (Bendix) Model 20–000 polarimeter. (See reply to Question 10 of application.) Applicant states that the domestic instrument cannot be used in the ultraviolet region of the spectrum, that is, below wavelengths of 450 millimicrons, whereas the foreign article can be used for wavelengths as small as 210 millimicrons. (See reply to Question 13 of application.) We are advised by the Department of Health, Education, and Welfare (HEW) (memorandum dated Aug. 17, 1967) that the difference in specifications for minimum wavelength is a pertinent characteristic. HEW also advises that the difference in degree of optical rotation between the domestic instrument and the foreign article is also pertinent. We therefore find that the Bendix Model 20–000 polarimeter is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

We are advised by the National Bureau of Standards (NBS) that O. C. Rudolph and Sons, Inc., a domestic manufacturer, expects to have available shortly an automatic polarimeter Model 26021 which is comparable to the foreign article (memorandum dated Aug. 28, 1967). We were informed by Mr. Richard Spanier, President of O. D. Rudolph and Sons, Inc., that the Model 26201 was not in commercial production at the time the applicant was considering the purchase of a digital polarimeter. (See memorandum for record, dated Sept. 18, 1967.)

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which was being manufactured in the United States at the time the applicant considered purchasing the foreign article.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67–11604; Filed, Oct. 3, 1967; 8:45 a.m.]

NATIONAL BUREAU OF STANDARDS

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 67–00099–75–00560. Applicant: National Bureau of Standards, Washington, D.C. 02034. Article: 150 Electromagnetic Isotope Separator, Model 9000. Manufacturer: Danfysik, Denmark. Intended use of article: Applicant states:

Typical uses of the isotope separator include target preparation for the study of decay schemes of pure isotopes, high resolution studies of nuclear reactions, study of energy levels, measurement of scattering cross-sections, studies of sputtering, diffusion studies in solids and other work in solid state physics.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: Maximum energy (accelerating potential) of the isotope separator is considered a pertinent characteristic for studies of the interaction of charged particles. In general, the energy requirement determines the measurements of the range of ions in metals and gives information about the interactions of charged particles with matter. The higher the energy of the instrument, the higher the energy region that can be studied in terms of greater yielded magnetic fields. (See Sept. 8, 1967, letter from Massachusetts Institute of Technology attached to application.) The maximum energy of the foreign instrument is 90 kv whereas the only comparable domestic instrument, the Colutron, has a maximum potential of 60 kv. It is determined therefore, that the domestic article is not scientifically equivalent to the foreign instrument with regard to this pertinent characteristic.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67–11605; Filed, Oct. 3, 1967; 8:45 a.m.]

UNIVERSITY OF NEW MEXICO

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No.: 67–00143–33–46040. Applicant: The University of New Mexico School of Medicine, 900 Stanford Drive NE., Albuquerque, N. Mex. 87106. Article: Electron Microscope, Hitachi Perkin-Elmer, Model HS–7S. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: Applicant states:

Training and instruction in biological fine structure techniques and practice.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a medium resolution electron microscope which the applicant intends to use for training and instruction in biological fine structure techniques and practices. The only comparable electron microscope made in the United States is the Model EMU–4, manufactured by the Radio Corporation of America (RCA). The Model EMU–4 is a high resolution instrument which demands a highly developed degree of skill to operate, and, therefore, is not suitable for instructional purposes. In addition, the foreign article provides a low accelerating voltage of 25 kilovolts, whereas the RCA Model EMU–4 has a low accelerating voltage of 50 kilovolts. The Department of Commerce is aware that the lower accelerating voltage provides optimum contrast in unstained biological specimens, which is pertinent with respect to the intended use of the foreign article for examining the results of sectioning methods and fixation of bilogical specimens following thin-sectioning techniques.

For the foregoing reasons, we find that the RCA EMU–4 is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67–11606; Filed, Oct. 3, 1967; 8:45 a.m.]

NORTH CAROLINA STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897) and the

regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 67-00111-00-46040. Applicant: North Carolina State University, Post Office Box 5935, Raleigh, N.C. 27607. Article: Electron Microscope Accessory Model 171460, shutter for applicant's foreign made electron microscope. Manufacturer: Siemens Aktiengesellschaft, West Germany. Intended use of article: The article will be used to expose photoplates during operation of the electron microscope. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory which is intended to be used with a Siemens electron microscope which is manufactured in West Germany. The accessory must be specially designed to work with the Siemens electron microscope.

The only known source for such accessory is the manufacturer of the Siemens electron microscope. The Department of Commerce knows of no comparable accessory which is being manufactured in the United States.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-11607; Filed, Oct. 3, 1967; 8:45 a.m.]

UNIVERSITY OF PENNSYLVANIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 67-00053-33-46500. Applicant: University of Pennsylvania, Department of Biology, Philadelphia, Pa. 19104. Article: Microtome, Model LKB 8800 Ultratome III ultramicrotome—Ultratome Table—Knifemaker Combination, Model 7800, and accessories. Manufacturer: LKB-Produkter AB, Stockholm, Sweden. Intended use of article: Applicant states:

Preparation of Ultra-thin Section of Biological Specimen for Electron Microscope.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purpose for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The only known comparable domestic instrument is the Model MT-2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The domestic instrument employs a mechanical feed. (See 1966 catalogue for Sorvall "Porter-Blum" MT-1 and MT-2 Ultramicrotomes, Ivan Sorvall, Inc., Norwalk, Conn.) The foreign article is equipped with a thermal advance. (See 1965 catalogue for the "Ultratome III" ultramicrotome, LKB-Produkter AB, Stockholm, Sweden.) We are advised by the Department of Health, Education, and Welfare (HEW) that ultramicrotomes with the thermal feed are clearly superior to ultramicrotomes with the mechanical feed because the thermal feed produces sections of more reproducible thickness. In connection with Docket No. 67-00024-33-46500, which relates the identical foreign article for which duty-free entry is requested in this application, HEW advised that ultramicrotomes employing the mechanical advance utilize a system of gears to advance the specimen and, inherent in such systems are backlash and slippage no matter how slight. HEW further advises that in mechanical systems there is bound to be greater variation in thickness than in thermal systems when both are functioning at their best. The capability of reproducing sections with consistent accuracy and uniformity (referred to as "serial sectioning") is pertinent to the purposes for which the foreign article is intended to be used. (See memorandum from HEW dated June 26, 1967, included as part of the record on Docket No. 67-00024-33-46500.) (2) The foreign article has a specified thin-sectioning capability of 50 Angstroms (50 one-hundred millionths of a centimeter). (See page 6 of catalogue for foreign article cited above.) The Sorvall Model MT-2 has a specified thin-sectioning capability of 100 Angstroms (page 11 of catalogue on Model MT-2 cited above).

The thin-sectioning capability is pertinent because the thinner the section that can be produced with an ultramicrotome, the more it is possible to take full advantage of the resolving power and other capabilities of the electron microscope for which the specimen is being prepared. (3) The foreign article incorporates a device which permits measuring the knife-angle setting to an accuracy of 1° (page 3 of catalogue for foreign article cited above), whereas no similar device is described in the catalogue for the domestic instrument cited above. The capability of accurately measuring the setting of the knife-angle is pertinent because the thickness of the section is varied by varying the angle at which the knife enters the specimen.

For the foregoing reasons, we find that the Sorvall Model MT-2 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

With respect to the LKB-7800 knifemaker which is considered as auxiliary to the foreign article, we are advised by HEW (memorandum dated July 26, 1967 cited above) that it knows of no apparatus for making glass knives, which is being manufactured in the United States.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-11608; Filed, Oct. 3, 1967; 8:45 a.m.]

UNIVERSITY OF WISCONSIN

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 67-00055-33-46040. Applicant: University of Wisconsin, 750 University Avenue, Madison, Wis. 53706. Article: Electron Microscope, Model EM-300. Manufacturer: Philips Electronic Instruments, Ltd., Eindhovena, The Netherlands. Intended use of article: The article will be used to investigate biological and nonbiological structures. Determinations of the sequence of chemical groups along pieces of chromosomes and determinations of the subunit structure of viruses will be made. Comments: Comments have been received from one domestic manufacturer, Radio Corporation of America (RCA). These were received after the period for comments on this application had expired. Therefore, pursuant to § 602.5(a) of the regulations cited above, these comments have been treated as an offer to provide additional information to the extent that they contain factual information, as contrasted with arguments, explanations, or recommendations. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article offers a resolution of 5 Angstroms,

whereas the only known comparable domestic instrument, the RCA Model EMU–4 electron microscope, offers a resolution of 8 Angstroms (see respectively the specifications for the Norelco EM–300 electron microscope attached to the application and the specifications for RCA Model EMU–4 electron microscope attached to the comments of RCA dated July 10, 1967.) (The lower the numerical rating in terms of Angstroms, the better the resolution.) We are advised by the National Bureau of Standards that the difference between 5 Angstroms and 8 Angstroms is significant in connection with the purposes of the applicant to extend observations as far as possible to the finest structure observable. (See memorandum from National Bureau of Standards dated July 27, 1967.) The Department of Health, Education, and Welfare (HEW) (memorandum dated July 26, 1967) advises us that for the purposes for which the foreign article is intended to be used, the maximum obtainable resolution, among other characteristics, is required. (2) The foreign article provides 5 accelerating voltages, 20, 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU–4 provides only 2 accelerating voltages, 50 and 100 kilovolts. The availability of the alternative accelerating voltages is pertinent to the objectives of the applicant. The lower accelerating voltage affords maximum contrast in unstained specimens and the accelerating voltages intermediate between 50 and 100 kilovolts provide optimum contrast for negatively stained specimens.

HEW (memorandum dated July 26, 1967) advises that the RCA Model EMU–4 "does not provide low accelerating voltage (20 kv) for the study of unstained specimens" whereas the foreign article "can operate at 20 kilovolts at guaranteed resolving power and with good contrast."

For the foregoing reasons, we find that the RCA Model EMU–4 electron microscope is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLES M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-11609; Filed, Oct. 3, 1967; 8:45 a.m.]

Office of the Secretary

[Dept. Order 152-B; Amdt. 2]

BUSINESS AND DEFENSE SERVICES ADMINISTRATION

Organization and Functions

This material further amends the material appearing at 32 F.R. 11711 of August 12, 1967; and 32 F.R. 11348 of August 4, 1967; and 30 F.R. 3393 of March 13, 1965.

Department Order 152-B of February 16, 1965, is hereby further amended as follows:

1. In Section 2 *Organization*, subparagraphs .01e.1., .01e.3., and .01e.4., are amended to read:

1. Office of Chemicals and Consumer Products:
Chemicals and Allied Products Division.
Consumer Durables Division.
Food Industries Division.

3. Office of Metals and Minerals:
Aluminum and Magnesium Division.
Copper Division.
Iron and Steel Division.
Petroleum and Coal Division.
Miscellaneous Metals and Minerals Division.

4. Office of Scientific and Technical Equipment:
Communications Industries Division.
Electronics Division.
Power and Electrical Equipment Division.
Scientific Instrument Evaluation Division.
Scientific, Photographic, and Business Equipment Division.

2. Section 7 is amended to read:

SEC. 7. *Functions of commodity-industry offices.* .01 A Commodity-Industry Office represents a broad segment of American business and industry. Each office includes from three to five divisions which shall perform the following functions for its assigned segment of American industry:

a. Collect, analyze, and disseminate information and data, both domestic and foreign, on production capacity, consumption, inventories, markets, distribution, sources of supply, the business implications of technological developments, and financial structure; and prepare analytical and statistical reports for use by business, industry, and Government.

b. Promote industrial preparedness, profits, productivity, and employment by signaling industrial changes and by alerting business and Government of ways to accommodate change.

c. Analyze trends in the economy as they affect industries, products, and services.

d. Support and develop programs for industrial modernization and automation. Analyze the effects of modernization and automation upon U.S. industrial preparedness, domestic economic health, and ability to compete in world markets.

e. Furnish information and assistance in support of the international activities of the Department of Commerce, other Government agencies, and international organizations concerned with the expansion of international trade and commerce.

f. Analyze and review the impact of regulations, legislation, and controls upon industry. Recommend measures to simplify them if appropriate in the best interests of a growing national economy.

g. Foster cooperation between business and Government by maintaining liaison, providing advice and assistance, as appropriate, on problems of common concern.

h. Conduct mobilization activities, including industrial preparedness, post-attack capability studies, Industry Evaluation Board studies, and stockpile analysis—acquisition and maintenance—assure that liquidation of stockpile is conducted in a manner calculated to yield maximum return to the Government, with minimum dislocation to affected markets.

.02 In addition to the functions set forth in paragraph .01 of this section, the Office of Scientific and Technical Equipment shall:

a. Provide staff assistance to officials designated to carry out the Department's responsibilities pertaining to the allocation of watches and watch movements among producers located in the Virgin Islands, Guam, and American Samoa, respectively.

b. Carry out, through the Scientific Instrument Evaluation Division, the provisions of Public Law 89–651, with respect to evaluation and approval or disapproval of free entry into the United States of certain categories of scientific articles to be imported for nonprofit educational and research institutions; specifically, the division shall evaluate the scientific equivalency of the article to be imported, and determine whether an article of scientific equivalence is being manufactured in the United States.

.03 In addition to the functions set forth in paragraph .01 of this section, the Office of Textiles shall provide staff assistance to the officials designated to carry out the Department's responsibilities for regulating textiles imports.

.04 In addition to the functions set forth in paragraph .01 of this section, the Office of Industrial Equipment through its Transportation Equipment Division shall recommend certification of qualified applicants as "bona fide motor-vehicle manufacturers," and maintain and prepare for publication from time to time, lists of bona fide motor-vehicle manufacturers under the provisions of the Automotive Products Trade Act of 1965.

Effective date: September 21, 1967.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 67-11612; Filed, Oct. 3, 1967; 8:46 a.m.]

[DO 89-B]

PATENT OFFICE

Appendix A—Public Information

SEPTEMBER 12, 1967.

This material further amends the material appearing at 32 F.R. 7347 of May 17, 1967; and 32 F.R. 13340 of September 21, 1967.

A. *Purpose.* The purpose of this appendix is to describe, in general, the public information services of the Patent Office, to describe the places at which and the methods whereby the public may obtain information, make submissions or requests or obtain decisions, to inform

the public as to the sources or availability of rules, regulations, procedures, forms, instructions, or other requirements of the Patent Office, which affect the public, and otherwise to comply with the requirements of section 552 of Title 5, U.S.C., as amended by Public Law 90–23, June 5, 1967 (81 Stat. 54).

B. *Public information services.* (1) The Patent Office provides the public with a wide range of information relating to the organization, structure, description, and functions of the Patent Office. This includes material published regularly on a weekly basis, such as the Official Gazette, and copies of the patents and trademark registrations identified therein. General information concerning the procedures for obtaining patents or registering trademarks, and for utilizing the search rooms and Scientific Library of the Patent Office is readily available.

(2) Publications of the Patent Office are listed in the catalog of publications sold by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. They are also listed in the Introduction of the "Rules of Practice of the United States Patent Office in Patent Cases," and in the pamphlet "General Information Concerning Patents." The Patent Office also publishes a circular "Patent Office Publications," which lists the available publications, and provides information as to price and source. These publications include:

a. Annual Index of Patents.

b. Decisions of the Commissioner of Patents.

c. Manual of Patent Classification, and Classification bulletins.

d. Patent Laws (pamphlet edition).

e. Directory of Registered Patent Attorneys and Agents Arranged by States and Cities.

f. Guide for Patent Draftsmen.

(3) The Patent Office has an Office of Information Services where the public may obtain a list of current publications and general information concerning the functions and services of the Patent Office. Information relating to patents may be obtained from the Patent Reference Branch of the Office of Patent Services, and information relating to trademarks may be obtained from the search room of the Trademark Examining Operation.

C. *Guide to published rules and regulations.* (1) Patent Office rules of procedure, descriptions of forms, substantive rules of general applicability, and statements of general policy are published in the FEDERAL REGISTER. Rules are currently codified in Title 37, Chapter I, Code of Federal Regulations, and are also available in pamphlet form entitled "Rules of Practice of the United States Patent Office in Patent Cases" and "Trademark Rules of Practice of the Patent Office with Forms and Statutes", each of which is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(2) The Patent Office maintains also an administrative staff manual, entitled "Manual of Patent Examining Procedure", and an index thereto, for the general guidance of its staff and the public. The manual, with its index, as amended, changed, and supplemented from time to time, is available in the Patent Office (the Public Search Room and Library) for inspection and copying, and copies are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

D. *Submission of requests and applications.* The established places at which and the methods whereby the public may make requests concerning Patent Office functions, operations, and procedures are listed in sections B and C of this appendix.

E. [Reserved]

F. *Inspection and copying of opinions and orders.* (1) Final opinions and orders in the adjudication of patent cases, statements of policy and interpretations, and other material required to be made available for public inspection and copying under 5 U.S.C. 552(a)(2) are made available for such purposes in the search room of the Patent Reference Branch in the Main Commerce Building, 14th Street between Pennsylvania Avenue and Constitution Avenue NW., Washington, D.C. 20231, readily accessible from the entrance on E Street near 14th Street. Instructions concerning the use of this facility are contained in the introductory portion to the pamphlet edition of the Rules of Practice in Patent Cases, and the pamphlet "General Information Concerning Patents."

(2) Final opinions and orders in the adjudication of trademark cases, statements of policy and interpretations, and other material required to be made available for public inspection and copying under 5 U.S.C. 552(a)(2) are made available for such purposes in the search room of the Trademark Examining Operation in the Longfellow Building, 1741 Rhode Island Avenue NW., Washington, D.C. 20231, from 8 a.m. to 6 p.m. on workdays only. Instructions concerning trademark operations are contained in the pamphlet "General Information Concerning Trademarks."

G. *Inspection of Bureau records.* (1) Applications for patents are required by law to be kept in confidence by the Patent Office and no information concerning such applications may be divulged by the Patent Office without authority of the applicant or owner, unless necessary to carry out the provisions of any Act of Congress or in such special circumstances as may be determined by the Commissioner (35 U.S.C. 122).

(2) Special situations are recognized by the regulations (37 CFR 1.11 and 1.14; Manual of Patent Examining Procedure, section 103), which prescribe the procedures to be followed in the opening of certain patent applications to inspection.

(3) Assignment records, digests, and indexes (37 CFR 1.12) relating to patent applications are not available to the public.

(4) Pending trademark applications are not open to general inspection (37 CFR 2.27).

(5) The procedures for requesting records not disclosed to the public as part of the regular informational activities of the Patent Office, or not included in the material described in section F, supra, or whose disclosure is not provided for or precluded by the regulations cited in paragraphs (1), (2), (3), and (4) of this section, are prescribed in 37 CFR 1.15.

Dated: September 12, 1967.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 67-11615; Filed, Oct. 3, 1967; 8:46 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING ASSISTANCE ADMINISTRATION AND RENEWAL ASSISTANCE ADMINISTRATION

Designation of Acting Officials To Serve During Present Vacancies and Order of Precedence To Serve as Acting Officials

Section A, *Designation of acting officials to serve during present vacancies*, effective July 1, 1966 (31 F.R. 9141, July 2, 1966), as amended effective September 5, 1967 (32 F.R. 13150, Sept. 15, 1967), is further amended by changing item 1 thereof to read as follows:

1. Deputy Assistant Secretary for Housing Assistance: Abner D. Silverman.

Effective date. This amendment is effective as of September 28, 1967.

DON HUMMEL,
Assistant Secretary for Renewal and Housing Assistance.

[F.R. Doc. 67-11645; Filed, Oct. 3, 1967; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI68-119 etc.]

AMERADA PETROLEUM CORP. ET AL.

Order Accepting Contract Amendment, Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

SEPTEMBER 22, 1967.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI68-119	Amerada Petroleum Corp., Post Office Box 2040, Tulsa, Okla. 74102, Attn: Edwin S. Nail, Esq.	63	3	Transcontinental Gas Pipe Line Corp., (Bayou Des Allemands Field, Lafourche and St. Charles Parishes, La.) (South Louisiana).	$10,185	8-28-67	[2] 9-28-67	2-28-68	[1] [4] 20.625	[3] [4] [5] 23.55	
	do	84	3	Consolidated Gas Supply Corp. (North Abbeville Field, Vermilion Parish, La.) (South Louisiana).	7,320	8-28-67	[2] 9-28-67	2-28-68	[1] [4] 20.625	[4] [7] 23.55	
	do	85	2	Consolidated Gas Supply Corp. (South Abbeville Field, Vermilion Parish, La.) (South Louisiana).	18,701	8-28-67	[2] 9-28-67	2-28-68	[1] [4] 20.625	[4] [7] 23.55	
	do	92	10	Michigan Wisconsin Pipe Line Co. (Putnam, Northwest Oakdale and South Dacoma Fields, Alfalfa, Dewey, Wood Counties, Okla.) (Oklahoma "Other" Area), and (Woodward County, Okla.) (Panhandle Area).	495,892 2,173	8-25-67	[2] 9-25-67	2-25-68	[13] [15] 15.31 [16] [17] 17.31	[8] [10] [11] 20.82 [8] [10] [11] 20.82	
	do	127	2	Panhandle Eastern Pipe Line Co. (Putnam Field, Dewey County, Okla.) (Oklahoma "Other" Area).	1,953	8-24-67	[2] 9-24-67	2-24-68	[18] 15.570	[8] [18] [19] 17.661	
RI68-120	Amerada Petroleum Corp. (Operator) et al.	88	4	Transcontinental Gas Pipe Line Corp. (Raceland Field, Lafourche Parish, La.) (South Louisiana).	7,126	8-28-67	[2] 9-28-67	2-28-68	[1] [4] 20.625	[3] [4] [5] 23.55	
	do	105	4	Panhandle Eastern Pipe Line Co. (South Dacoma Field, Woods County, Okla.) (Oklahoma "Other" Area).	435	8-24-67	[2] 9-24-67	2-24-68	[14] 16.5	[8] [14] [15] 18.715	
	do	129	3	Natural Gas Pipeline Co. of America (Putnam Field, Dewey County, Okla.) (Oklahoma "Other" Area).	2,507	8-24-67	[2] 9-24-67	2-24-68	[9] 15.0	[8] [9] [20] 17.015	
	do	139	2	Panhandle Eastern Pipe Line Co. (Northeast Waynoka Area, Wood County, Okla.) (Oklahoma "Other" Area).	4,501	8-24-67	[2] 9-24-67	2-24-68	[20] 15.0	[8] [20] [21] 17.015	
RI68-121	J. M. Huber Corp., 2401 East Second Ave., Denver, Colo. 80206.	60	[12] 5	Northern Natural Gas Co. (Laverne Field, Harper County, Okla.) (Panhandle Area).		8-24-67	[2] 9-24-67	(Accepted)			
		60	6		453	8-24-67	[2] 9-24-67	2-24-68	[20] 17.568	[8] [20] [22] 18.606	RI65-168.
RI68-122	Texaco, Inc., Post Office Box 52332, Houston, Tex. 77052, Attn: R. C. Shields, Division Manager.	301	5	Arkansas Louisiana Gas Co. (West Marlow Field, Stephens County, Okla.) (Oklahoma "Other" Area).	9,495	8-24-67	[23] 10-30-67	3-30-68	[12] 15.015	[8] [12] [22] 16.015	RI68-16.

[1] The stated effective date is the first day after expiration of the statutory notice.
[2] "Fractured" rate increase. Seller contractually entitled to 25.5 cents per Mcf base rate.
[3] Pressure base is 15.025 p.s.i.a.
[4] Subject to a downward B.t.u. adjustment.
[5] Settlement rate as approved by Commission order issued July 30, 1962, in Docket Nos. G-13169 et al. Moratorium on filing rate increases expired July 1, 1962.
[7] "Fractured" rate increase. Seller contractually due 24.05 cents per Mcf (22 cents base plus 2.05 cents tax reimbursement).
[8] Respondent filing from initial certificated rate to initial contract rate plus tax reimbursement.
[9] Pressure base is 14.65 p.s.i.a.
[10] Includes 0.31 cent upward B.t.u. adjustment (1,031 B.t.u. gas). Base rate subject to upward B.t.u. adjustment (1/100 cent per B.t.u. in excess of 1,000 B.t.u. and proportionate downward from 1,000 B.t.u.'s per cubic foot.
[11] Includes 1.01 cents tax reimbursement.
[12] Oklahoma "Other" Area production.
[13] Oklahoma Panhandle Area production.
[14] Includes base rate of 15.0 cents plus upward B.t.u. adjustment (1,100 B.t.u. gas (Supplement No. 10) and 1,038 B.t.u. gas (Supplement No. 4) before increase and 17.0 cents plus upward B.t.u. adjustment after increase. Base rate subject to upward and downward B.t.u. adjustment.
[15] Includes 0.015 cent tax reimbursement.
[16] Settlement rate as approved by Commission order issued Feb. 1, 1963, in Docket Nos. G-9385 et al. Moratorium on filing rate increases expired July 1, 1967.
[17] Subject to upward and downward B.t.u. adjustment. Respondent states B.t.u. content of gas unknown at time of filing.
[18] Contract Amendment dated June 26, 1967, provides for 17.0 cents price from July 1, 1967 to July 1, 1972, and 18.0 cents price from July 1, 1972 to July 1, 1977.
[19] Renegotiated rate increase.
[20] Includes base rate of 16.0 cents plus upward B.t.u. adjustment (1,098 B.t.u. gas) before increase and 17.0 cents plus upward B.t.u. adjustment after increase. Base rate subject to upward and downward B.t.u. adjustment.
[21] The stated effective date is the effective date requested by Respondent.
[22] Periodic rate increase.

Amerada Petroleum Corp. and Amerada Petroleum Corp. (Operator) et al, (both referred to herein as Amerada), request effective dates of August 17, August 22, and August 24, 1967, for their proposed rate increases. J. M. Huber Corp. (Huber), requests an effective date of July 1, 1967, for its proposed contract amendment and related rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit effective dates for Amerada rate increases and Huber's contract amendment and related rate increase, and such requests are denied.

Concurrently with the filing of its rate increase, Huber submitted a contract amendment dated June 26, 1967, designated as Supplement No. 5 to Huber's FPC Gas Rate Schedule No. 60, which provides for its proposed rate increase under the rate schedule involved. We believe that it would be in the public interest to accept for filing Huber's proposed contract amendment to become effective September 24, 1967, the date of expiration of the statutory notice, but not the proposed rate contained therein which is suspended as hereinafter ordered.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

The proposed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown for accepting for filing Huber's contract amendment dated June 26, 1967, designated as Supplement No. 5 to Huber's FPC Gas Rate Schedule No. 60, and for permitting such supplement to become effective on September 24, 1967, the date of expiration of the statutory notice.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated rate supplements be suspended and the use thereof deferred as hereinafter ordered (except for the supplement set forth in paragraph (1) above).

The Commission orders:

(A) Huber's contract amendment dated June 26, 1967, designated as Supplement No. 5 to Huber's FPC Gas Rate Schedule No. 60, is accepted for filing and

permitted to become effective on September 24, 1967, the date of expiration of the statutory notice.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated rate supplements (except the supplement set forth in paragraph (A) above).

(C) Pending hearings and decisions thereon, the above-designated supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before November 8, 1967.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67-11431; Filed, Oct. 3, 1967; 8:45 a.m.]

[Docket No. RI68-132 etc.]

AMERADA PETROLEUM CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

SEPTEMBER 22, 1967.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before November 1, 1967.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI68-132	Amerada Petroleum Corp., Post Office Box 2040, Tulsa, Okla. 74102.	117	5	Michigan Wisconsin Pipe Line Co. (Putnam Field, Dewey County, Okla.) (Panhandle Area).	$39,216	8-28-67	[2] 9-28-67	2-28-68	[3] 15.13	[4] [5] 20.64	
RI68-133	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	195	36	Transwestern Pipeline Co. (Panhandle Area, Various Counties in Tex.) (RR. District No. 10).	14,300	9- 1-67	[6] 10- 2-67	3- 2-68	[3] 17.0	[4] [7] 17.25	
RI68-134	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017, Attn: Mr. C. E. Smith.	101	11	United Gas Pipe Line Co. (Blanconia Field, Bee County, Tex.) (RR. District No. 2).	7,260	8-29-67	[8] 11- 1-67	4- 1-68	[9] 14.6	[4] [10] 15.6	

[2] The stated effective date is the first day after expiration of the statutory notice.
[3] Filing from certificated rate to initial contract rate plus tax reimbursement.
[4] Pressure base is 14.65 p.s.i.a.
[5] Includes base rate of 15.0 cents plus 0.13 cent upward B.t.u. adjustment (1,013 B.t.u. gas) before increase and base rate of 19.5 cents plus 0.13 cent upward B.t.u. adjustment plus 1.01 cent tax reimbursement after increase. Base rate subject to upward and downward B.t.u. adjustment.
[6] The stated effective date is the effective date requested by Respondent.
[7] "Fractured" rate increase. Seller contractually due 19.5 cents per Mcf from Sept. 1, 1965 to Sept. 1, 1969.
[8] Subject to upward and downward B.t.u. adjustment.
[9] Periodic rate increase.
[10] Settlement rate as approved by Commission order issued Nov. 27, 1962, in Docket No. G-16790. Moratorium on filing rate increases above the increased rate ceiling expired Mar. 1, 1966.

Amerada Petroleum Corp. (Amerada) requests that its proposed rate increase be permitted to become effective as of August 24, 1967. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Amerada's rate filing and such request is denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

[F.R. Doc. 67-11432; Filed, Oct. 3, 1967; 8:45 a.m.]

[Docket No. RI62-506 [2]]

TENNECO OIL CO.

Order Accepting Decreased Rate Filing

SEPTEMBER 22, 1967.

On August 23, 1967, Tenneco Oil Co. (Tenneco) [1] tendered for filing a proposed rate decrease, from 23.55 cents to 21.75 cents per Mcf, amounting to $684 annually, for gas sold to Florida Gas Transmission Co. in Assumption and Iberville Parishes, La. (South Louisiana). The filing reflects a decrease from a redetermined rate presently being collected subject to refund in Docket No. RI62-506, to a contractually provided for periodic rate. The redetermined rate was applicable only to July 1, 1967, and since such date, the rate, as proposed in the instant filing, reverted to the rate provided for in the contract's escalation provisions. Such rate still exceeds the

[2] Docket No. RI62-506 is consolidated with the Area Rate Proceeding (South Louisiana Area), Docket Nos. AR61-2 et al.
[1] Formerly Delhi-Taylor Oil Corp.

area increased rate ceiling. The decreased rate filing is set forth in Appendix A hereof.

Tenneco requests that the Commission waive the 30-day statutory notice requirement and accept for filing its proposed rate decrease effective as of July 1, 1967. Since Tenneco's decreased rate is provided for in the escalation provisions of its contract, we conclude that it would be in the public interest to waive the 30-day notice requirement provided in section 4(d) of the Natural Gas Act and accept for filing Tenneco's proposed rate decrease effective as of July 1, 1967, subject to refund in the existing rate proceeding in Docket No. RI62-506.

The Commission finds: Good cause exists for accepting for filing Tenneco's proposed rate decrease, designated as Supplement No. 3 to its FPC Gas Rate Schedule No. 148, effective as of July 1, 1967, subject to the existing rate suspension proceeding in Docket No. RI62-506 and refund obligation related thereto.

The Commission orders: Supplement No. 3 to Tenneco's FPC Gas Rate Schedule No. 148 is accepted for filing effective as of July 1, 1967, subject to the existing rate suspension proceeding in Docket No. RI62-506 and refund obligation related thereto.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual decrease	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed decreased rate	Rate in effect subject to refund in docket Nos.
RI62-506	Tenneco Oil Co., Post Office Box 2511, Houston, Tex., Attn: John E. Watson, Esq.	148	3	Florida Gas Transmission Co. (Bay Natchez Field, Assumption and Iberville Parishes, La.) (South Louisiana).	$684	8-23-67	[1] 7-1-67	----------	[2] [3] 23.55	[4] [5] [6] 21.75	RI62-506

[1] The stated effective date is the contractually provided for effective date.
[2] Rate decrease from redetermined rate to contractually provided for periodic rate effective for the 5-year period commencing July 1, 1967.
[3] Pressure base is 15.025 p.s.i.a.
[4] Inclusive of 1.75 cents tax reimbursement.
[5] Subject to a downward B.t.u. adjustment.
[6] Inclusive of 2.05 cents tax reimbursement.

[F.R. Doc. 67-11483; Filed, Oct. 3, 1967; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN CYANAMID CO.

Notice of Filing of Petition for Food Additives Chlortetracycline Bisulfate and Sulfamethazine Bisulfate

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 American Cyanamid Co., Agricultural Division, Post Office Box 400, Princeton, N.J. 08540, proposing amendments to the food additive regulations to provide for the safe use of chlortetracycline bisulfate and sulfamethazine bisulfate in swine drinking water to be administered up to 28 consecutive days and withdrawn at least 7 days before slaughter. It would be intended for use for the following: Prevention of bacterial swine enteritis during times of stress; treatment of bacterial swine enteritis; aid in the maintenance of weight gains in the presence of atrophic rhinitis or bacterial swine enteritis; and aid in the reduction of the incidence of cervical abscesses.

Dated: September 26, 1967.

J. K. KIRK, *Associate Commissioner for Compliance.*

[F.R. Doc. 67-11693; Filed, Oct. 3, 1967; 8:52 a.m.]

CIBA PHARMACEUTICAL CO.

Notice of Withdrawal of Petition for Food Additive Sulfachloropyridazine

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), CIBA Pharmaceutical Co., Three Bridges, N.J. 08887, has withdrawn its petition (FAP-6D1885), notice of which was published in the FEDERAL REGISTER of March 22, 1966 (31 F.R. 4811), proposing the issuance of a regulation to provide for the safe use of sulfachloropyridazine for intraperitoneal administration to swine for treatment of diarrhea caused by *E. coli* (colibacillosis) and *V. coli* (vibriosis).

Dated: September 26, 1967.

J. K. KIRK, *Associate Commissioner for Compliance.*

[F.R. Doc. 67-11695; Filed, Oct. 3, 1967; 8:52 a.m.]

LIBBY, McNEILL & LIBBY

Canned Carrots Deviating From Identity Standard; Temporary Permit for Market Testing

Pursuant to § 10.5 (21 CFR 10.5) concerning temporary permits for interstate shipments of experimental packs of food varying from the standards of identity promulgated pursuant to section 401 (21 U.S.C. 341) of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to Libby, McNeill & Libby, 200 South Michigan Avenue, Chicago, Ill 60604. The permit covers interstate marketing tests of canned carrots that deviate from the standard of identity (21 CFR 51.990) in that they contain added calcium chloride as a firming agent. The quantity of calcium added thereby does not exceed 0.036 percent by weight of the finished food. The principal display panel of the label on each container shall prominently bear the statement "Trace of calcium chloride added" or "With added trace of calcium chloride."

This permit expires September 26, 1968.

Dated: September 26, 1967.

J. K. KIRK, *Associate Commissioner for Compliance.*

[F.R. Doc. 67-11694; Filed, Oct. 3, 1967; 8:52 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. 20]

REGROOVED TIRES

Notice of Extension of Time to File Comments

On August 10, 1967, there was published in the FEDERAL REGISTER (32 F.R. 11579) a notice (1) giving the opportunity to present views, information, and data as to why the Secretary of Transportation should not seek an injunction to restrain the sale or introduction into interstate commerce of any tire or motor vehicle equipped with any tire that has been regrooved; and (2) giving the opportunity to supply information and data

which would form the basis for a request to the Secretary to permit the sale of regrooved tires pursuant to section 204(a) of the National Traffic and Motor Vehicle Safety Act of 1966.

On August 29, 1967, there was published in the FEDERAL REGISTER (32 F.R. 12501) a notice extending the time to file comments in this proceeding to the close of business October 2, 1967.

In a proceeding looking to the possible amendment of §293.75 of the Motor Carrier Safety Regulations, particularly as to the use of regrooved, recapped, or retreaded tires, published in the FEDERAL REGISTER on August 24, 1967 (32 F.R. 12190), upon application of interested parties the time to file comments has been extended to the close of business October 30, 1967. Under these circumstances it is appropriate that the time to file comments in this proceeding also be extended and such time is hereby extended to the close of business October 30, 1967.

Issued in Washington, D.C., on September 26, 1967.

LOWELL K. BRIDWELL,
Federal Highway Administrator.

[F.R. Doc. 67-11638; Filed, Oct. 3, 1967; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-114]

WILLIAM MARSH RICE UNIVERSITY

Notice of Termination of Facility License

Notice is hereby given that the Atomic Energy Commission has terminated Facility License No. R-54, which authorized operation by William Marsh Rice University of the Model AGN-211, Serial No. 101 nuclear reactor on the University's campus at Houston, Tex.

The reactor has been dismantled and the component parts and fuel suitably disposed of following shipment from the reactor site.

Copies of the Commission's order, the licensee's March 10, 1967, request for termination of license and a related Safety Evaluation prepared by the Division of Reactor Licensing are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the Safety Evaluation may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 26th day of September 1967.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 67-11610; Filed, Oct. 3, 1967; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16222 etc.; Order No. E-25747]

CHICAGO HELICOPTER AIRWAYS, INC., ET AL.

Order to Show Cause Regarding Service Mail Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of September 1967.

Service mail rates for Chicago Helicopter Airways, Inc., Los Angeles Airways, Inc., New York Airways, Inc., Docket 16222, etc.

By this order the Board is proposing to establish for New York Airways, Inc. (New York), a final service mail rate of 6 cents per pound enplaned, to be effective on and after June 19, 1965.

New York is currently being compensated for its mail service at a rate of $2.58 per ton-mile, and it has been subject to a service mail rate at this level since October 1, 1953.[1] The $2.58 per ton-mile rate remained in effect as a final rate for New York until June 19, 1965, when its service mail rate was reopened by Order E-22281, June 9, 1965, which also ordered all interested parties to show cause why New York should not be made subject to the multielement rate then applicable to the services of domestic fixed wing carriers.[2] The Postmaster General filed an objection to the order to show cause and therefore since June 19, 1965, New York has been paid for its mail services at the $2.58 per ton-mile rate on a temporary basis.

Since the Postmaster General had objected to the order to show cause proposing the domestic multielement rate for New York, it appeared that this matter would have to be disposed of through formal proceedings. The matter was assigned to an Examiner and a prehearing conference was held on November 9, 1966. In accordance with the procedural schedule establish at the prehearing conference, responses to information requests were exchanged on January 6, 1967. However, on January 18, 1967, counsel for the Postmaster General addressed a letter to the Examiner stating, in effect, that the Department's interest in this matter was insufficient to justify the expense and effort of further participation. The Department withdraw from further participation in the proceeding, and further stated that, after the Board had discharged its duty to fix the fair and reasonable rate, the Department will make a decision as to whether the cost of helicopter service under such rates can be justified by the service provided for airmail.

Following the Postmaster General's decision to withdraw from further participation in the pending proceeding, discussions with the parties were undertaken in an effort to determine whether an informal disposition of the matter might be possible. An agreement as to the fair and reasonable rate for San Francisco & Oakland Helicopter Airways, Inc. (San Francisco), which is also a party to the proceedings in the docket, was reached between that carrier and the Department, and an order to show cause proposing the rate agreed upon has been issued, E-25499, August 7, 1967. No objections were filed and the rate was made final by E-25639. However, no agreement could be reached between New York and the Department.

Despite the inability of the principal adversary interests to arrive informally at a settlement, the Board does not believe that it is required to pursue formal procedures where, as here, one of the two principal adversary interests has stated that its interest is insufficient to justify participation. The Board has determined that it has sufficient information available to it to make a tentative decision as to a fair and reasonable rate without pursuing formal procedures. By this order, therefore, the Board is ordering all interested persons to show cause why it should not fix the rate indicated herein as the final rate for New York. In accordance with customary practice, failure to file notice of objection and answer to this order will be deemed a waiver of the right to a hearing. It may also be pointed out that the Board's rules of practice require, in addition to the filing of a notice of objection, an answer containing specific objections to the proposed findings and conclusions in the order to show cause, exhibits in support of such objections, and the proposed findings, conclusions, and rate which the objecting party would substitute for those proposed in the order. The Board does not consider the mere filing of a notice of objection and answer to make the holding of a hearing mandatory unless the objection and answer raise factual issues on which the objecting party desires to be heard.

In this proceeding, only New York has attempted to support a position as to what the fair and reasonable rate should be. New York takes the position that it should be compensated for its past mail services at a rate of $8.35 per ton-mile and it has submitted cost data in support of that recommendation. For the future, it recommends a rate which would produce a yield of $5.47 per mail ton-mile and it has submitted a forecast of its costs for the next 5 years in support of that recommendation.

For purposes of this proceeding, New York separated its services and related costs into two parts. One part consists of the services that are in part underwritten by Pan American World Airways, Inc. (Pan American), and the other part consists of the services which are in part underwritten by Trans World Airlines, Inc. (TWA). Mail is not now being carried on the services underwritten by Pan American nor is it expected that mail will be carried on such services in the near future. Accordingly, in making its mail costing, New York has segregated the costs related to the operations underwritten by Pan American. It has then

[1] Service Mail Rates, Reorganization Plan No. 10, E-7721, 17 C.A.B. 898 (1953).
[2] E-9284, 21 C.A.B. 8 (1955).

allocated the remaining expenses, i.e., those related to the operations TWA underwrites on which mail is carried, to the various traffic types on the basis of relative ton-miles except for a direct assignment of traffic service expense to mail, which New York alleges is supported by a time study. This cost allocation by New York is related to the second quarter of 1966.

The Board has made its own analysis of New York's results for 1966, as reported in the carrier's Form 41. For purposes of segregating the expenses related to the Pan American services, we have accepted data submitted by New York showing the accounting it submitted to Pan American and TWA under agreements with those two carriers. The Board's own analysis of the carrier's Form 41 indicates that such allocation is reasonable.

The Board has further analyzed New York's Form 41 to segregate the TWA operation costs which are not related to mail service. These costs, which are referred to as nonparticipating costs, consist principally of passenger service expense, reservations and sales expense, advertising expense, certain station expenses where mail is not moving, and related general and administrative expense. In all cases reasonable assumptions have been made in allocating costs to the nonparticipating category. Dividing total revenue ton-miles into the participating cost produces an indicated operating cost of $5.97 per ton-mile.[5a] Return on investment of 81 cents per ton-mile had been computed by New York, based on a rate of return of 12.75 percent per annum, without a provision for income taxes. The addition of this item to the indicated operating cost produces a total cost of $6.78 per ton-mile. Appendix A, attached hereto,[5b] sets forth in detail the Board's analysis producing the indicated costs referred to above. These unit costs are, of course, the average costs of all types of traffic, exclusive of certain expenses related only to commercial traffic, and as such do not purport to be pure costs of the mail services. However, we believe these average costs provide an adequate frame of reference for purpose of this order to show cause.[6]

The Board has not here attempted sophisticated costings like those before it in the Domestic Service Mail Rate Case, Docket 16349. It could not without the accumulation of a substantial amount of additional data, which would be time consuming and expensive for all involved. Considering that helicopter services are still somewhat experimental in nature, the tendency of helicopter mail volumes to fluctuate rather widely, and the lack of a reliable projection of future helicopter mail volumes, the Board does not believe that efforts to arrive at a highly precise mail cost are called for. Rather, it believes that a reasonable range may be determined by a more general approach.

The Board has just determined that the average mail cost of the domestic trunkline carriers was 30 cents per ton-mile during fiscal 1965, which equals 61 percent of their average overall operating expense per revenue ton-mile during that period.[7] At the same time it structured the rate to produce an average yield for the local service carriers of 75.9 cents per ton-mile, which equals 79 percent of their overall operating cost per revenue ton-mile experienced in fiscal 1965.[8] We are herein proposing a rate for NYA of 6 cents per pound for both past and future periods which will yield the carrier $5.17 per mail ton-mile. The $5.17 yield would equal 77 percent of its overall operating costs per revenue ton-mile in 1966,[9] a relationship closely approximating that obtaining in the case of the local service carriers and not out of line with the trunkline relationship which resulted from the precise costings performed in the Domestic Case. The $5.17 yielded New York under the rate proposed also closely approximates the yield of San Francisco under the rate just established for it.

Upon consideration of the foregoing, the Board proposes to issue an order to include the following findings and conclusions:

1. The fair and reasonable final rate of compensation to be paid New York Airways, Inc., on and after June 19, 1965, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith between the points which the carrier has been, is presently, or hereafter may be authorized to transport mail by its certificate of public convenience and necessity or Board exemption order shall be the rate of 6 cents per pound of mail enplaned.

2. Such service mail rate shall be paid in its entirety by the Postmaster General pursuant to section 406(c) of the Federal Aviation Act of 1958, and no part of such amount shall be paid by the Board.

3. The proceedings in Docket 16222 et al., are hereby dismissed.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly section 204(a) and 406 thereof:

It is ordered, That:

1. All interested persons, and particularly New York Airways, Inc., and the Postmaster General, are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions, and (1) fix, determine, and publish the rate stated in numbered paragraph 1 of the foregoing proposed findings and conclusions as the fair and reasonable rate to be paid the aforementioned carrier for the transportation of mail by aircraft, the facilities used and useful therefor and the services connected therewith between the points which the carrier has been, is presently, or hereafter may be authorized to transport mail by its certificate of public convenience and necessity or Board exemption order on and after the date specified in the above numbered paragraph; and (2) dismiss the proceeding in Docket 16222 et al.;

2. All further procedures herein shall be in accordance with the rules of practice (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 answers 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, or if notice is filed and 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 fixing and determining the final rate specified herein;

4. This order be served upon Chicago Helicopter Airways, Inc., Los Angeles Airways, Inc., New York Airways, Inc., San Francisco & Oakland Helicopter Airlines, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-11660; Filed, Oct. 3, 1967; 8:49 a.m.]

[Docket No. 18008]

BONANZA AIR LINES, INC.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing on the above-entitled application is assigned to be held on October 11, 1967, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Chief Examiner Francis W. Brown.

Dated at Washington, D.C., September 28, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67-11661; Filed, Oct. 3, 1967; 8:49 a.m.]

[Docket No. 17687]

WARDAIR CANADA, LTD.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a further hearing

[5a] The Board did not accept New York's direct assignment of traffic servicing expense to mail since it is not convinced that such an assignment has been adequately supported.

[5b] Appendix A filed as part of the original document.

[6] Our use of New York's computed return element does not indicate acceptance of the carrier's rate of return for rate making purposes.

[7] The average trunkline overall operating cost per revenue ton-mile reported during fiscal 1965 was 49.5 cents per ton-mile.

[8] The locals reported an average operating cost of 97.1 cents per ton-mile during fiscal 1965.

[9] New York's exhibits herein show an average operating cost per revenue ton-mile of $6.74 in 1966.

in the above-entitled proceeding will be held on October 6, 1967, at 9 a.m. in Room 701, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. before the undersigned.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference reports and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., on September 28, 1967.

[SEAL] WILLIAM J. MADDEN,
Hearing Examiner.

[F.R. Doc. 67-11662; Filed, Oct. 3, 1967; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 17611, 17612; FCC 67M-1624]

AUGUSTA TELECASTERS, INC., AND GEORGIA-CAROLINA INDUSTRIES, INC.

Order Continuing Hearing

In re applications of Augusta Telecasters, Inc., Augusta, Ga., Docket No. 17611, File No. BPCT-3840; Georgia-Carolina Industries, Inc., Augusta, Ga., Docket No. 17612, File No. BPCT-3894; for construction permit for new television broadcast station.

The Hearing Examiner has under consideration a joint motion filed September 20, 1967, by the above-entitled applicants requesting that the prehearing conference now scheduled for October 4, 1967, be continued indefinitely.

The reason for the requested continuation is the fact that the applicants, on September 20, 1967, filed with the Review Board a joint motion requesting the dismissal of the application of Georgia-Carolina Industries, Inc., and the grant of the application of Augusta Telecasters, Inc. The granting of said motion would eliminate the necessity of a hearing.

No objection has been filed to the granting of the joint motion and good cause for granting the same has been shown.

It is ordered, That the joint motion for continuance is granted, and the date for the prehearing conference now scheduled for October 4, 1967, and the date for the evidentiary hearing now scheduled for November 6, 1967, are continued to dates to be announced after the Review Board has acted on the joint motion mentioned above.

Issued: September 28, 1967.

Released: September 29, 1967.

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

[F.R. Doc. 67-11663; Filed, Oct. 3, 1967; 8:49 a.m.]

[Docket Nos. 17740, 17741; FCC 67M-1621]

BALTIMORE BROADCASTING CO. AND MEADOWS BROADCASTING CO., INC.

Order Scheduling Hearing

In re applications of Baltimore Broadcasting Co., Baltimore, Md., Docket No. 17740, File No. BPCT-3810; the Meadows Broadcasting Co., Inc., Baltimore, Md., Docket No. 17741, File No. BPCT-3878; for construction permit for new television broadcast station (Channel 54):

It is ordered, That H. Gifford Irion shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on December 13, 1967, at 10 a.m.; and that a prehearing conference shall be held on October 30, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: September 28, 1967.

Released: September 29, 1967.

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

[F.R. Doc. 67-11664; Filed, Oct. 3, 1967; 8:50 a.m.]

[Docket No. 17469; FCC 67M-1622]

BLUEFIELD TELEVISION CABLE

Order Canceling Hearing

In re petition of Bluefield Television Cable, Bluefield, W. Va., request for waiver of § 74.1103 of the Commission's rules; and cease and desist order to be directed against Bluefield Cable Corp., owner and operator of a CATV system at Bluefield, W. Va.; Docket No. 17469:

It is ordered, That a prehearing conference is scheduled for October 6, 1967, at 9 a.m., and that the hearing of September 29, 1967, is canceled.

Issued: September 28, 1967.

Released: September 29, 1967.

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

[F.R. Doc. 67-11665; Filed, Oct. 3, 1967; 8:50 a.m.]

[Docket Nos. 17738, 17739; FCC 67M-1620]

DAYTONA BROADCASTING, INC., AND GARDENS BROADCASTING CO.

Order Scheduling Hearing

In re applications of Daytona Broadcasting, Inc., West Palm Beach, Fla., Docket No. 17738, File No. BPH-5372; Gardens Broadcasting Company, West Palm Beach, Fla., Docket No. 17739, File No. BPH-5850; for construction permits:

It is ordered, That Millard F. French shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on December 11, 1967, at 10 a.m.; and that a prehearing conference shall be held on October 20, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: September 28, 1967.

Released: September 29, 1967.

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

[F.R. Doc. 67-11666; Filed, Oct. 3, 1967; 8:50 a.m.]

[Docket Nos. 17670-17672; FCC 67M-1626]

DURHAM-RALEIGH TELECASTERS, INC., ET AL.

Order Continuing Hearing

In re applications of Durham-Raleigh Telecasters, Inc., Durham, N.C., Docket No. 17670, File No. BPCT-3882; Triangle Telecasters, Inc., Durham, N.C., Docket No. 17671, File No. BPCT-3883; WTVY, Inc., Durham, N.C., Docket No. 17672, File No. BPCT-3885; for construction permit for new television broadcast station (Channel 28).

Pursuant to a prehearing conference as of this date: *It is ordered*, That the exchange of exhibits herein shall be accomplished on or before November 15, 1967, and the date for notification of witnesses desired for cross-examination, plus requests for any additional information, is November 22, 1967; and

It is further ordered, That the hearing now scheduled for November 1, 1967, be and the same is hereby rescheduled for December 11, 1967, 10 a.m., in the Commission's offices, Washington, D.C.

Issued: September 29, 1967.

Released: September 29, 1967.

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

[F.R. Doc. 67-11667; Filed, Oct. 3, 1967; 8:50 a.m.]

[Docket Nos. 17744, 17745; FCC 67-1066]

ABEN E. JOHNSON, JR., AND CATHEDRAL OF TOMORROW, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Aben E. Johnson, Jr., Akron, Ohio, Docket No. 17744, File No. BPCT-3592; Cathedral of Tomorrow, Inc., Akron, Ohio, Docket No. 17745, File No. BPCT-3966; for construction permit for new television broadcast station.

1. The Commission has before it for consideration the above-captioned applications each requesting a construction permit for a new television broadcast station to operate on Channel 55, Akron, Ohio.

2. Since Federal Aviation Administration approval has not been obtained for Cathedral of Tomorrow, Inc.'s antenna structure, an air menace issue has been specified and the Federal Aviation Administration has been made a party with respect to this application.

3. There appears to be a significant disparity in the proposed Grade B contours of the applicants. In accordance with the Commission's policy evidence with respect to which of the proposals would represent a more efficient use of the frequency may be adduced under the comparative issue.[1]

4. Aben E. Johnson, Jr., and Cathedral of Tomorrow, Inc., both propose to locate their main studios outside of the corporate limits of Akron, Ohio, at their respective transmitter sites, which are located a short distance from Akron. The applicants state that the combined studio-transmitter location will result in a more efficient operation. We believe that good cause has been shown for so locating the main studios and that the locations proposed would not be inconsistent with the operation of the station in the public interest. We will provide, therefore, that in the event of a grant of either application, the Commission's consent to the location will be granted, pursuant to § 73.613(b) of the rules.

5. Cathedral of Tomorrow, Inc., proposes to locate its antenna approximately 1.4 miles from the existing antenna of Standard Radio Broadcast Station WCUE. Therefore, in the event of a grant of the application of Cathedral of Tomorrow, Inc., such grant shall be made subject to an appropriate condition.

6. Aben E. Johnson, Jr., is qualified to construct, own and operate the proposed new television broadcast station and, except as indicated by the issue set forth below, Cathedral of Tomorrow, Inc., is qualified to construct, own and operate the proposed new television broadcast station. The applications are, however, mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference. The Commission is, therefore, unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Aben E. Johnson, Jr., and Cathedral of Tomorrow, Inc., are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether there is a reasonable possibility that the tower height and location proposed by Cathedral of Tomorrow, Inc., would constitute a menace to air navigation.

2. To determine which of the proposals would better serve the public interest.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That, in the event of a grant of either application, Commission consent, pursuant to § 73.613(b) of the Commission's rules, to locate the main studios outside the corporate limits of Akron, Ohio, shall be granted.

It is further ordered, That, the Federal Aviation Administration is made a party to this proceeding with respect to the application of Cathedral of Tomorrow, Inc.

It is further ordered, That, in the event of a grant of the application of Cathedral of Tomorrow, Inc., such grant shall be made subject to the following condition: A skeleton proof shall be submitted, consisting of at least five field intensity measurements on each radial measured in connection with the original proof of performance, to prove that the directional pattern of Station WCUE has not been changed. Data shall include a tabulation of all pertinent meter indications and the measured fields at the monitor locations.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission, in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: September 20, 1967.

Released: September 27, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-11668; Filed, Oct. 3, 1967; 8:50 a.m.]

[1] Harriscope, Inc., FCC 65-1165, 2 FCC 2d 223.

[2] Commissioners Bartley and Wadsworth absent.

[Docket Nos. 17744, 17745; FCC 67M-1609]

ABEN E. JOHNSON, JR., AND CATHEDRAL OF TOMORROW, INC.

Order Scheduling Hearing

In re applications of Aben E. Johnson, Jr., Akron, Ohio, Docket No. 17744, File No. BPCT-3592; Cathedral of Tomorrow, Inc., Akron, Ohio, Docket No. 17745, File No. BPCT-3966; for construction permit for new television broadcast station (Channel 55):

It is ordered, That Chester F. Naumowicz, Jr., shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on December 12, 1967, at 10 a.m.; and that a prehearing conference shall be held on October 19, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: September 27, 1967.

Released: September 28, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-11669; Filed, Oct. 3, 1967; 8:50 a.m.]

[Docket No. 17721; FCC 67M-1608]

MEREDITH-AVCO, INC., ET AL.

Order Scheduling Hearing

In re Meredith-Avco, Inc., Alexander City, Ozark, and Talladega, Ala.; El Dorado and Magnolia, Ark.; Cocoa-Rockledge and Merritt Island, Fla.; Mayfield, Madisonville-Earlington, and Murray, Ky.; Brookhaven, Miss.; and Harriman and Rockwood, Tenn., request for waiver of § 74.1103 of the Commission's rules; and Hirsch Broadcasting Co., Cape Girardeau, Mo., and Paducah Newspapers, Inc., Paducah, Ky., requests for issuance of orders to show cause and cease and desist, directed against Meredith-Avco, Inc., owner and operator of a CATV system at Mayfield, Ky; Docket No. 17721:

It is ordered, That James D. Cunningham shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on November 3, 1967, at 10 a.m.; and that a prehearing conference shall be held on October 9, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: September 27, 1967.

Released: September 28, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-11670; Filed, Oct. 3, 1967; 8:50 a.m.]

[Docket No. 17613; FCC 67M-1607]

MILTON BROADCASTING CO.

Statement and Order After Prehearing Conference

In re application of Clayton W. Mapoles, trading as Milton Broadcasting Co., for renewal of license of Station WEBY, Milton, Fla.; Docket No. 17613, File No. BR-2983.

At today's prehearing conference it was agreed that a further conference would be held on November 6, 1967, at 9 a.m.,

and that the hearing be rescheduled from November 13, 1967, to January 15, 1968.

So ordered.

Issued: September 27, 1967.

Released: September 28, 1967.

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

[F.R. Doc. 67-11671; Filed, Oct. 3, 1967; 8:50 a.m.]

[Docket Nos. 17680-17682; FCC 67M-1610]

STATE OF OREGON ET AL.

Order Scheduling Further Prehearing Conference

In re applications of State of Oregon Acting by and through the State Board of Higher Education, Medford, Oreg., Docket No. 17680, File No. BPCT-3814; Liberty Television, a joint venture comprised of Liberty Television, Inc., and Siskiyou Broadcasters, Inc., Medford, Oreg., Docket No. 17681, File No. BPCT-3858; Medford Printing Co., Medford, Oreg., Docket No. 17682, File No. BPCT-3859; for construction permit for new television broadcast station:

It is ordered, That a further prehearing conference herein shall convene on October 11, 1967, at 9 a.m., in the offices of the Commission at Washington, D.C.

Issued: September 26, 1967.

Released: September 28, 1967.

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

[F.R. Doc. 67-11672; Filed, Oct. 3, 1967; 8:50 a.m.]

[Docket Nos. 17742, 17743; FCC 67M-1619]

PATRIOT STATE TELEVISION, INC., AND BOSTON HERITAGE BROADCASTING, INC.

Order Scheduling Hearing

In re applications of Patriot State Television, Inc., Boston, Mass., Docket No. 17742, File No. BPCT-3771; Boston Heritage Broadcasting, Inc., Boston, Mass., Docket No. 17743, File No. BPCT-3794; For construction permit for new television broadcast station (Channel 68):

It is ordered, That Jay A. Kyle shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on December 18, 1967, at 10 a.m.; and that a prehearing conference shall be held on October 24, 1967, commencing at 9 a.m.: *And, it is further ordered,* That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: September 28, 1967.

Released: September 29, 1967.

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

[F.R. Doc. 67-11673; Filed, Oct. 3, 1967; 8:50 a.m.]

[Docket Nos. 17695, 17696; FCC 67M-1615]

JOHN C. ROACH AND GORDON COUNTY BROADCASTING CO. (WCGA)

Order Governing Course of Hearing

In re applications of John C. Roach, Calhoun, Ga., Docket No. 17695, File No. BP-16665, For construction permit; Gordon County Broadcasting Company (WCGA), Calhoun, Ga., Docket No. 17696, File No. BR-2831, for renewal of broadcast license.

Pursuant to an order released September 12, 1967, a prehearing conference was held on September 28, 1967, at 9 a.m. in the offices of the Commission, Washington, D.C. During said conference it was noted on the record that Gordon County Broadcasting Co. neither appeared in person nor by counsel.

Subsequent to the aforesaid conference a search of the docket revealed that on September 25, 1967, an appearance was filed by R. R. Magill, President, Gordon County Broadcasting Co., stating that he would apear at the hearing.

It was decided that a further prehearing conference would be scheduled, at which time Gordon County Broadcasting Co. would be expected to attend, either in person or by counsel, and be ready to discuss dates for further proceedings in this matter. In the event Gordon County fails or refuses to appear at such further prehearing conference it will be held in default for failure to prosecute its application.

Accordingly, it is ordered, That a further prehearing conference in the above-entitled matter shall be held on October 12, 1967 at 9 a.m. in the offices of the Commission, Washington, D.C.

Issued: September 28, 1967.

Released: September 28, 1967.

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

[F.R. Doc. 67-11674; Filed, Oct. 3, 1967; 8:50 a.m.]

[Docket No. 17634; FCC 67M-1617]

VOICE OF THE NEW SOUTH, INC. (WNSL)

Order Canceling Hearing

In re application of Voice of the New South, Inc. (WNSL), Laurel, Miss., Docket No. 17634, File No. BP-16819; for construction permit.

As a result of a discussion held at a prehearing conference on this date: *It is ordered,* That the date for commencement of hearing on November 15, 1967 is canceled and a further prehearing conference be scheduled for 2 p.m., December 14, 1967.

Issued: September 28, 1967.

Released: September 29, 1967.

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

[F.R. Doc. 67-11675; Filed, Oct. 3, 1967; 8:50 a.m.]

CIVIL SERVICE COMMISSION

NURSE, DIVISION OF INDIAN HEALTH, CONTINENTAL UNITED STATES (EXCEPT ALASKA)

Notice of Adjustment of Minimum Rates and Rate Ranges

F.R. Doc. 67-7933 published July 11, 1967, on page 10227, is amended by adding under coverage: "and positions in the city of Albuquerque, N. Mex."

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-11643; Filed, Oct. 3, 1967; 8:48 a.m.]

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

PUBLIC INFORMATION

The purpose of this notice is to provide information to the public with respect to the organization and functioning of the President's Cabinet Textile Advisory Committee in compliance with the requirements of 5 U.S.C. 552, as amended by Public Law 90-23, 81 Stat. 54 (June 5, 1967), and to issue such regulations as are deemed necessary for the implementation of this law. The regulations established hereby concern certain procedures to be followed by persons requesting information of the President's Cabinet Textile Advisory Committee and are not substantive. They are, therefore, exempt from the provisions of 5 U.S.C. 553 requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date. Accordingly, these regulations shall become effective upon their publication in the FEDERAL REGISTER.

(Executive Order 11052 of Sept. 28, 1962 (27 F.R. 9691), as amended by Executive Order 11214 of Apr. 7, 1965 (30 F.R. 4527); 5 U.S.C. 552 as amended by Public Law 90-23, 81 Stat. 54 (June 5, 1967))

SECTION 1. *Organization of the President's Cabinet Textile Advisory Committee.* (a) The President's Cabinet Textile Advisory Committee (hereinafter referred to as the Committee) functions pursuant to the provisions of Executive Order 11052 of September 28, 1962 (27 F.R. 9691), as amended by Executive Order 11214 of April 7, 1965 (30 F.R. 4527). The authority for those Executive orders is section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854; 76 Stat. 104) and 3 U.S.C. 301, and the general authority of the President of the United States.

The Committee consists of the Secretaries of State, the Treasury, Agriculture, Commerce, Labor, and the Special Representative for Trade Negotiations, with the Secretary of Commerce as Chairman.

The Committee is responsible for exercising supervision over the administration of the Long Term Arrangement

Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, and for advising the President generally with respect to problems relating to textiles. The Committee does not conduct votes on matters before it.

(b) In accordance with Executive Order 11052, as amended, there has been established a subcommittee known as the Interagency Textile Administrative Committee (hereinafter referred to as the ITAC). The ITAC is located for administrative purposes at the U.S. Department of Commerce, and is under the Chairmanship of a designee of the Chairman of the Committee. The Chairmanship of the ITAC is assigned to the Deputy Assistant Secretary for Resources, Department of Commerce, (hereinafter referred to as the Chairman of the ITAC). The ITAC is composed of the Chairman and one representative each from the Departments of State, Treasury, Agriculture, Labor, and the Office of the Special Representative for Trade Negotiations. The ITAC recommends actions to be taken by appropriate officials of the U.S. Government with regard to the rights and obligations of the United States under the Long Term Arrangement and with regard to such other matters relating to textiles as may be referred to it by the Committee. In the event of disagreement within the ITAC with respect to a proposed recommendation, such recommendation is reviewed and determined by the Committee.

Under section 4 of Executive Order 11052, as amended, the Commissioner of Customs takes such actions as the Chairman of the President's Cabinet Textile Advisory Committee, upon either the unanimous recommendation of the Interagency Textile Administrative Committee, or the recommendation of the President's Cabinet Textile Advisory Committee, directs to carry out the Long Term Arrangement with respect to entry, or withdrawal from warehouse for consumption in the United States, of cotton textiles and cotton textile products.

(c) All communications with respect to the administration of the Long Term Arrangement or other matters within the purview of the Committee may be addressed to:

The Deputy Assistant Secretary for Resources, and Chairman, Interagency Textile Administrative Committee, U.S. Department of Commerce, Washington, D.C. 20230.

SEC. 2. *Information published in the Federal Register and other published information available to the public.* Directives to the Commissioner of Customs concerning the entry or withdrawal from warehouse for consumption in the United States of cotton textiles and cotton textile products, that are of general applicability, are published in the FEDERAL REGISTER as soon after their issuance as is administratively practicable.

International agreements concerning trade in cotton textiles are published by the U.S. Department of State.

Other significant actions taken by the U.S. Government in the implementation of the Long Term Arrangement are published in the FEDERAL REGISTER as appropriate, in the form of the ITAC announcements.

Other published information concerning the international textile trade of the United States is available from the Office of Textiles, Business and Defense Services Administration, U.S. Department of Commerce, Washington, D.C. 20230.

SEC. 3. *Availability of materials for inspection and copying.* The Committee shall utilize the facilities and services of the Central Reference and Records Inspection Facility, U.S. Department of Commerce, Washington, D.C. 20230, to make available for public inspection and copying the materials required to be made available to the public by 5 U.S.C. 552(a)(2). Rules prescribing public access to this Facility for the purpose of inspection and copying of these materials are set forth in 15 CFR 4.5.

SEC. 4. *Requests for identifiable records.* (a) The procedures of this section are applicable only to those records not customarily available to the public as part of the regular information activities of the Committee.

(b) Requests for identifiable records of the President's Cabinet Textile Advisory Committee shall be submitted in writing to the Chairman of the Interagency Textile Administrative Committee at the U.S. Department of Commerce, Washington, D.C. 20230.

(c) The Chairman of the ITAC shall determine whether the information requested may be made available for inspection and copying, and shall promptly advise the person requesting such information of his determination, stating the reasons for such determination.

(d) If it is determined that the records may be made available for inspection and copying, the applicant will be so informed and the requested records so made available at the Central Reference and Records Inspection Facility. Such inspection will be in accordance with provisions of 15 CFR 4.8 and 4.9.

(e) Any person whose request for identifiable records of the Committee has been denied by the Chairman of the ITAC may obtain review of such denial by filing a timely request therefor in writing with the Chairman of the Committee. Such request shall set forth a description of the records requested and of the basis for believing that such records are required to be made available under applicable law. Two copies of this request for review shall be filed with the Chairman of the ITAC. This review shall be by the Chairman of the Committee in accordance with paragraph (f) of this section.

(f) (i) In considering requests for identifiable records, the Chairman of the ITAC may consult with the members of the ITAC.

(ii) In reviewing determinations made hereunder by the Chairman of the ITAC, the Chairman of the Committee may consult with the members of the Committee.

(g) Persons requesting review by the Chairman of the Committee of determinations made by the Chairman of the ITAC shall be promptly advised of the redetermination made on their request. Such redetermination shall constitute the final decision of the Chairman of the Committee with respect to the requested record except as may be required by court proceeding initiated pursuant to 5 U.S.C. (a)(3).

(h) Records and other materials will be made available to the public or withheld from the public in accordance with the provisions of 5 U.S.C. 552(b), Public Law 90–23, 81 Stat. 54 (June 5, 1967). Particular consideration shall be given to maintenance of the secured status of information classified in accordance with Executive Order 10501 (18 F.R. 7049, Nov. 5, 1953), as amended; to the recognized need for unrestricted communications between officials of the Government; and, to the recognized need to protect trade secrets and confidential commercial or financial information received by the Committee.

Dated: September 26, 1967.

A. B. TROWBRIDGE,
Secretary of Commerce and Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 67-11611; Filed, Oct. 3, 1967; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-5215]

ROTO AMERICAN CORP.

Order Suspending Trading

SEPTEMBER 28, 1967.

The common stock, $1 par value, of Roto American Corp., being listed and registered on the National Stock Exchange pursuant to the provisions of the Securities Exchange Act of 1934 and the 7 percent cumulative preferred, $10 par value, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the National Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 29, 1967, through October 8, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-11627; Filed, Oct. 3, 1967; 8:47 a.m.]

STEEL CREST HOMES, INC.

Order Suspending Trading

SEPTEMBER 28, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Steel Crest Homes, Inc., and all other securities of Steel Crest Homes, Inc., King of Prussia, Pa., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 29, 1967, through October 4, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-11628; Filed, Oct. 3, 1967; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-6 (Rev. 3), Amdt. 1]

CHIEF, ACCOUNTING, CLERICAL AND TRAINING DIVISION

Delegation of Authority To Conduct Program Activities in Southwestern Area

Pursuant to the authority delegated to the Area Administrators by Delegation of Authority No. 30 (Revision 12), 32 F.R. 179, dated January 7, 1967, and Amendment 1, 32 F.R. 8113, dated June 6, 1967, Delegation of Authority No. 30-6 (Revision 3), Southwestern Area, 32 F.R. 9593, dated July 1, 1967, is hereby amended by adding paragraphs 5, 6, and 7, to Item II.I. Paragraphs 5, 6, and 7 hereby added to Item II.I. read, as follows:

II. * * *

I. *Chief, Accounting, Clerical and Training Division.* * * *

**5. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, and disaster loans.

**6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

**7. To approve final actions concerning current direct or participation loans:

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to application against premiums.

c. Minor modifications in the authorization.

d. Adjustment of interest payment dates.

e. Release of hazard insurance checks not in excess of $200 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

f. Release of equipment with or without consideration where the value of equipment being released does not exceed $200.

* * * * *

Effective date: September 7, 1967.

ROBERT E. WEST, *Area Administrator, Southwestern Area.*

[F.R. Doc. 67-11629; Filed, Oct. 3, 1967; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 466]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 29, 1967.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 44592 (Sub-No. 1) (Deviation No. 17), MIDDLE ATLANTIC TRANSPORTATION CO., INC., 976 West Main Street, New Britain, Conn. 06050, filed September 18, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 6 and Rhode Island Highway 116, at or near North Scituate, R.I., over Rhode Island Highway 116 to junction Rhode Island Highway 101, thence over Rhode Island Highway 101 to the Rhode Island-Connecticut State line, thence over Connecticut Highway 101 to junction Connecticut Highway 52, at or near Killingly Center, Conn., thence over Connecticut Highway 52 to junction with the Connecticut Turnpike, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From North Scituate, R.I., over U.S. Highway 6 to junction with the Connecticut Turnpike, thence over the Connecticut Turnpike to junction Connecticut Highway 52, and return over the same route.

No. MC 75651 (Deviation No. 2), R. C. MOTOR LINES, INC., Post Office Box 2501, Jacksonville, Fla. 32203, files September 21, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Atlanta, Ga., over Interstate Highway 75 to junction Interstate Highway 10, thence over Interstate Highway 10 to Jacksonville, Fla. (also using Interstate Highway 475 as a bypass route around Macon, Ga.), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Atlanta, Ga., over U.S. Highway 41 via Forsyth, Ga., to Perry, Ga. (also from Atlanta over Georgia Highway 42 to Forsyth), thence over U.S. Highway 341 to Baxley, Ga., thence over U.S. Highway 1 to Jacksonville, Fla., and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 228 (Deviation No. 1), HUDSON TRANSIT LINES, INC., 17 Franklin Turnpike, Mahwah, N.J. 07430, filed September 15, 1967. Carrier's representative: John R. Sims, Jr., 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highways 209 and 44, at or near Kerhonkson, N.Y., over U.S. Highway 44 to junction New York Highway 299, thence over New York Highway 299 to junction Interstate Highway 87 (Interchange No. 18), at or near New Paltz, N.Y., thence over Interstate Highway 87 to junction New York Highway 17K (Interchange No. 17), near Newburgh, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Wurstboro, N.Y., over U.S. Highway 209 to Accord, N.Y., (2) from Monroe, N.Y., over New York Highway 208 to Walden, N.Y., thence over New York Highway 52 to Ellenville, N.Y., thence over unnumbered highway to Ulster Heights and Brigg's High View, N.Y., (3) from Ellenville, N.Y., over New York Highway 52 via Greenfield Park to Dairyland, N.Y., (4) from Monroe, N.Y., over New York Highway 208 to junction New York Highway 52, thence over New York Highway 52 to Ellenville, N.Y., and (5) from Middletown, N.Y., over New York Highway 84 to junction New York Highway 17K, thence over New York Highway 17K to junction New York Highway 208, thence over New York Highway 208 to junction New York Highway 52, thence

over New York Highway 52 to Newburgh, N.Y., and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-11647; Filed, Oct. 3, 1967; 8:48 a.m.]

[Notice 1110]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 29, 1967.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 21571 (Sub-No. 33) (Amendment), filed February 23, 1967, published in FEDERAL REGISTER, issue of March 9, 1967, and republished as amended this issue. Applicant: SCHERER FREIGHT LINES, INC., 424 West Madison Street, Ottawa, Ill. 61350. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel* and *iron and steel articles* (except commodities in bulk), from points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, and Alton, Ill., to points in Missouri, Iowa, Wisconsin, and Indiana, restricted to traffic originating at points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, and Alton, Ill. NOTE: Applicant holds contract carrier authority in MC 115738, therefore dual operations may be involved. The purpose of this republication is to broaden the scope of the application as originally published, and to reflect the hearing information.

HEARING: October 30, 1967, in Room 401, U.S. Courthouse and Customhouse, 1114 Market Street, St. Louis, Mo., before Examiner James A. McKiel. This application is subject to the same special rules of procedure for hearing as detailed in the order of No. MC 10761 (Sub-No. 202), Transamerican Freight Lines, Inc. (et al.), dated August 16, 1967, and served August 31, 1967.

No. MC 78228 (Sub-No. 15) (Republication), filed September 5, 1967, published FEDERAL REGISTER issue of September 21, 1967, and republished this issue. Applicant: THE J. MILLER COMPANY, a corporation, 147 Nichol Avenue, McKees Rocks, Pa. 15136. Applicant's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, materials, equipment, and supplies* used in the manufacture and processing of iron and steel and iron and steel articles, between points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Interstate Commerce Commission, Alton and Carlinville, Ill., and points within 5 miles of Carlinville, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: The purpose of this republication is to reflect the hearing information.

HEARING: October 30, 1967, in Room 401, U.S. Courthouse and Customhouse, 1114 Market Street, St. Louis, Mo., before Examiner James A. McKiel. This application is subject to the same special rules of procedure for hearing as detailed in the order of No. MC 10761 (Sub-No. 202), Transamerican Freight Lines, Inc. (et al.), dated August 16, 1967, and served August 31, 1967.

No. MC 129374 filed August 25, 1967 (Amendment), published FEDERAL REGISTER of September 21, 1967, and republished as amended, this issue with hearing information. Applicant: W. L. WAGGONER TRUCKING CO., a corporation, 1548 Market Street, Madison, Ill. 62020. Applicant's representative: Peter L. Knight, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles*, except commodities in bulk, from points in St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission, and Alton, Ill., to points in Arkansas, Illinois, Indiana, Kansas, Kentucky, Michigan, Missouri, Nebraska, Ohio, Oklahoma, and Tennessee, restricted to traffic originating at points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, and Alton, Ill. NOTE: The purpose of this republication is to change the scope and add restriction and hearing information.

HEARING: October 30, 1967, in Room 401, U.S. Courthouse and Customhouse, 1114 Market Street, St. Louis, Mo., before Examiner James A. McKiel. This application is subject to the same special rules of procedure for hearing as detailed in the order of No. MC 10761 (Sub-No. 202), Transamerican Freight Lines, Inc. (et al.), dated August 16, 1967, and served August 31, 1967.

No. MC 123902 and MC 123902 (Sub-No. 1) (Republication of Modification of Permits). Applicant: NORTH JERSEY TRANSFER, INC., Post Office Box 292, Sparta, N.J. On May 16, 1963, permit No. MC 123902 was issued to the above-named carrier authorizing the transportation of "foam rubber, loose and in packages", from and to the points specified below, and that on the same date permit No. 123902 (Sub-No. 1) was issued to petitioner authorizing the transportation of "foam rubber", from and to the points specified below. By petition filed April 28, 1967, applicant seeks modification of the commodity description in its permits to read as follows: "plastic, plastic articles or materials expanded, foamed, cellular or sponge, loose or in packages." An order of the Commission, Operating Rights Board dated September 18, 1967, and served September 27, 1967, finds that permits No. MC 123902 and No. MC 123902 (Sub-No. 1) dated May 16, 1963, should be modified by changing the commodity description set forth therein to read as follows: "Plastic, plastic articles, and plastic materials" from Franklin and Newton, N.J., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Virginia, Ohio, Michigan, Indiana, Illinois, and the District of Columbia; that petitioner is fit, willing, and able properly to conduct the operations authorized in such permits as so modified and to conform to the requirements of the Interstate Commerce Act, and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of modified permits in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATION FOR CERTIFICATE OR PERMIT WHICH IS TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 42487 (Sub-No. 678) (Clarification), filed August 15, 1967, published FEDERAL REGISTER issue of September 7, 1967, and republished this issue. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representatives: Eugene T. Liipfert, 1035 Universal Building North, Washington, D.C. 20009; also Robert C. Stetson (same address as applicant). NOTE: Applicant advises that in a number of instances in the publication under the date of September 7, 1967, U.S. Highway 99 is described as California Highway 99, and in two instances U.S. Highway 99 is erroneously described as U.S. Highway 66. Apparently this arises by a difference in the maps used by applicant and this Commission in

drawing up the caption. Because it appears it cannot be resolved at this time, it will have to be clarified at the hearing. This is a matter directly related to No. MC–F–9865, published in the FEDERAL REGISTER issue of August 23, 1967.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–9892. Authority sought for control by PRESTON TRUCKING COMPANY, INC., 151 Easton Boulevard, Preston, Md. 21655, of O. K. HEILMAN, INC., Fourth Avenue and 14th Street, Ford City, Pa. 16226, and for acquisition by A. T. BLADES, THEORDORE E. FLETCHER, JR., A. FLETCHER SISK, JR., C. S. LOMAX, all also of Preston, Md., N. J. GEHLSEN, and M. G. PEIRCE, both of Eaton, Md., of control of O. K. HEILMAN, INC., through the acquisition by PRESTON TRUCKING COMPANY, INC. Applicant's attorney: William J. Little, 1513 Fidelity Building, Baltimore, Md. 21201. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Ford City, Pa., and Cleveland, Ohio, between Youngstown, Ohio, and Cleveland, Ohio, serving all intermediate points, between certain specified points in Pennsylvania, serving certain intermediate points, between Du Bois, Pa., and Emporium, Pa., serving all intermediate points, between Pittsburgh, Pa., and Natrona, Pa., serving all intermediate and certain off-route points. PRESTON TRUCKING COMPANY, INC. is authorized to operate as a *common carrier* in Maryland, New York, Virginia, Delaware, Pennsylvania, New Jersey, Massachusetts, Connecticut, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9893. Authority sought for purchase by MARY ELLEN STIDHAM, N. M. STIDAM, A. E. MANKINS (INEZ MANKINS, EXECUTRIX) and JAMES E. MANKINS, SR., doing business as EAGLE TRUCKING COMPANY, Post Office Box 471, Kilgore, Tex. 75662, of a portion of the operating rights of GULF STATES TRUCK LINES, INC., Post Office Box 6090, Shreveport, La., and for acquisition by MARY ELLEN STIDHAM, N. M. STIDHAM, INEZ THELMA MANKINS (INDIVIDUALLY AND AS EXECUTRIX OF THE ESTATE OF A. E. MANKINS) and JAMES E. MANKINS, SR., all also of Kilgore, Tex., of control of such rights through the purchase. Applicants' attorney: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Operating right sougth to be transferred *Structural steel* and *steel tanks*, as a *common carrier*, over irregular routes, from Shreveport, La., to points in Texas, Oklahoma, Arkansas, and Mississippi. Vendee is authorized to operate as a *common carrier* in Arkansas, Louisiana, Mississippi, Texas, Georgia, Alabama, Florida, Colorado, Wyoming, Utah, Montana, Kansas, and Oklahoma. Application has been filed for temporary authority under section 210a(b).

No. MC–F–9894. Authority sought for purchase by EAST TEXAS MOTOR FREIGHT LINES, INC., 623 North Washington Avenue, Post Office Box 26040, Dallas, Tex 75226, of the operating rights and property of LEE AMERICAN FREIGHT SYSTEM, INC., 601 Commercial Building, 418 Olive Street, St. Louis, Mo. 63102, and for acquisition by H. R. BRIGHT, H. G. SCHIFF, JOHN A. MYERS, and ELLIS CHANEY, JR., all of 107 Mercantile Continental Building, Dallas, Tex. 75201, of control of such rights and property through the purchase. Applicants' attorneys: Roland Rice, 618 Perpetual Building, 1111 E Street NW., Washington, D.C. 20004, and Rollo E. Kidwell, 623 North Washington Avenue, Post Office Box 26040, Dallas, Tex. 75226. Operating rights sought to be transferred: *General commodities*, with certain specified exceptions, and numerous other specified commodities, as a *common carrier*, over regular and irregular routes, from, to, and between specified points in the States of Missouri, Tennessee, Illinois, Arkansas, Iowa, Michigan, Indiana, Ohio, and Wisconsin, with certain restrictions, serving various intermediate and off-route points, numerous alternate routes for operating convenience only, as more specifically described in Docket No. MC–33278 and Sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety thereof. Vendee is authorized to operate as a *common carrier* in Texas, Illinois, Missouri, Louisiana, Arkansas, Tennessee, Alabama, Georgia, and Mississippi. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67–11648; Filed, Oct. 3, 1967; 8:48 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

SEPTEMBER 29, 1967.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 4000–A, 9, filed September 18, 1967. Applicant: SOUTH WHITLEY TRUCKING COMPANY, INC., South Whitley, Ind. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) serving all points within 3 miles on either side of Indiana Highway 14, running from the Fulton, Indiana County line to Fort Wayne, Indiana, (2) serving the plantsite of Huffer Foundry Co., as an off-route point in connection with applicant's presently authorized regular route operations to and from Warsaw, Indiana, (3) Between Fort Wayne, Indiana, and Goshen, Indiana, as follows, from Fort Wayne via U.S. Highway 30 to its junction with Indiana Highway 15 at Warsaw, Ind., thence via Indiana Highway 15 to Goshen, and return over the same route, serving no intermediate points not presently authorized to be served. Both interstate and intrastate authority is sought.

HEARING: No date has been assigned. Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to the Indiana Public Service Commission, Indianapolis, Ind. 46209, and should not be directed to the Interstate Commerce Commission.

State Docket No. 9049–CCT, filed September 11, 1967. Applicant: ARTHUR N. LLOYD, INC., Post Office Box 1906, Clearlake Road, Cocoa, Fla. Applicant's representatives: Harry H. Mitchell and Rufus O. Jefferson, 103 North Gadsden Street, Tallahassee, Fla., and J. B. Rodgers, 227 North Magnolia Avenue, Orlando, Fla. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except those of unusual value, classes A and B explosives, commodities requiring special equipment, such as: Commodities requiring refrigeration, commodities requiring tank trucker or transportation by

which the container for the commodity is a part of any motor vehicle or trailer, to and from and between all points and places in Brevard County, Fla., over irregular routes and on irregular schedules. Both intrastate and interstate authority is sought.

HEARING: No date has been assigned. Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to the Florida Public Service Commission, Tallahassee, Fla. 32304, and should not be directed to the Interstate Commerce Commission.

State Docket No. 10125, filed September 12, 1967. Applicant: MORTON JOHN KAVANAUGH, JR., doing business as KAVANAUGH MOTOR FREIGHT, West California Avenue, Ruston, La. 71270. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, over and along Highway 167 from Jonesboro, La., to Packton, La., serving no intermediate point, for operating convenience only, between Georgetown and Ferriday, La., over Louisiana State Highway 108 and 6, including side trip to and from Rhinehart, over Louisiana State Highway 19, between Packton and Georgetown, over Louisiana Highway 108; between Ferriday and Vidalia over U.S. Highway 65, and between Trout and Pineville, Louisiana via Pollack over Louisiana Highway 19 and U.S. Highway 165. Both intrastate and interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information including the time for filing protests, concerning this application should be addressed to the Louisiana Public Service Commission, Baton Rouge, La. 70804, and should not be directed to the Interstate Commerce Commission.

State Docket No. A49683, filed September 22, 1967. Applicant: SOLVANG FREIGHT LINES, INC., 412 Scandia Drive, Buellton, Calif. Applicant's representative: Edward A. Norstrand, attorney at law, 1623 Mission Drive, Solvang, Calif. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, between that portion of the Los Angeles Basin territory west of California State Highway 39, on the one hand, and the Santa Ynez Valley and Las Cruces, on the other hand. The portion of the Los Angeles Basin territory west of State Highway 39 is more particularly described as follows: Beginning at the intersection of Sunset Boulevard and U.S. Highway 101, Alternate; thence northeasterly on Sunset Boulevard to State Highway 7; northerly along State Highway 7 to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the city of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest boundary to State Highway 39; southerly along State Highway 39 and its prolongation to the Pacific Ocean; westerly and northerly along the shoreline of the Pacific Ocean to a point directly south of the intersection of Sunset Boulevard and U.S. Highway 101, Alternate; thence northerly along an imaginary line to a point of beginning. The Santa Ynez Valley is more particularly described as follows:

(a) State Highway 154 between its junction on the west with U.S. Highway 101 near Buellton and the San Marcos Pass Summit on the east; (b) State Sign Route 80 between its junction on the west with U.S. Highway 101 and State Highway 154 on the southeast, via Los Olivos; (c) unnumbered county road between its junction on the south with State Highway 154 near Solvang and its junction with State Sign Route 80 on the north at Los Olivos; (d) serving all intermediate points and all off-route points within 5 miles laterally of said routes. Applicant shall not transport any shipments of: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in Item No. 5 of Minimum Rate Tariff No. 4–B; (2) automobiles, trucks, and buses; viz., new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; (3) livestock; viz., bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags, or swine; (4) commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment; (5) liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids, in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles.

(6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit; (7) articles of extraordinary value as set forth in Rule 3 of Western Classification No. 78, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof; (8) commodities likely to contaminate or damage other freight; (9) explosives as described in and subject to the regulations of American Trucking Associations, Inc., agent, Motor Carriers' Explosives and Dangerous Articles Tariff 11, Cal. P.U.C. 6, F. G. Freund, issuing officer. In providing the services herein authorized, applicant may use any and all public ways, streets, roads, and highways necessary or convenient therefor. Both intrastate and interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information including the time for filing protests, concerning this application should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

State Docket No. 82,443 M, filed September 11, 1967. Applicant: ARK CITY EXPRESS, INC., 624 East Morris, Wichita, Kans. Applicant's representative: Paul V. Dugan, 501 One Twenty Building, Wichita, Kans. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *property*, from Wichita, Kans., south of Kansas Highway 15 through Derby, Mulvane, and Udall, Kans., to junction Kansas Highway 15 and U.S. Highway 77, thence south on U.S. Highway 77 through Akron and Winfield, Kans., to Arkansas City, Kans., and return over the same route, serving no intermediate points; but serving a radius of 5 miles from Arkansas City, Kans. *As an alternate route:* From Wichita, Kans., south on the Kansas Turnpike to junction Kansas Turnpike and U.S. Highway 166, thence east to Arkansas City, Kans., and return over the same route, serving no intermediate points but serving a radius of 5 miles from Arkansas City, Kans. Both intrastate and interstate authority sought.

HEARING: Osage Hotel, Santa Fe Room, 100 North Summit Street, Arkansas City, Kans., Tuesday, October 31, 1967. Requests for procedural information, including the time for filing protests concerning the application should be addressed to the Kansas State Corporation Commission, Transportation Division, Topeka, Kans. 66612, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-11649; Filed, Oct. 3, 1967; 8:48 a.m.]

[Notice 464]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 29, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in

the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 23976 (Sub-No. 23 TA), filed September 25, 1967. Applicant: BEND-PORTLAND TRUCK SERVICE, INC., 5940 North Basin Avenue, Portland, Oreg. 97217. Applicant's representative: Owen M. Panner, 1026 Bond Street, Bend, Oreg. 97701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (excluding household goods as defined by the Commission and commodities in bulk in tank-type vehicles), from Burns, Oreg., to Boise, Idaho, and from Boise, Idaho, to Burns, Oreg., over regular routes as follow: Between Burns and Boise, Idaho, serving the intermediate points of Nampa, Idaho, and Caldwell, Idaho, over Highway 20 to Cairo Junction, Oreg., thence over Highway 30 to Caldwell, Nampa, and Boise, Idaho, with an alternate route from Ontario, Oreg., through Caldwell, Idaho, and Boise, Idaho, over Interstate Highway 80 and return over the same route, with irregular route service within 25 road miles of points located on said route but such irregular route service to be in conjunction with regular scheduled route service only, for 180 days. Supporting shipper: There are approximately 13 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: S. F. Martin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 95084 (Sub-No. 63 TA), filed September 26, 1967. Applicant: HOVE TRUCK LINE, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, 901 South Madison Avenue, Post Office Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wheels*, from Beatrice, Nebr., to points in the United States except Alaska and Hawaii, for 180 days. Supporting shipper: Kewanee Machinery & Conveyor Co., Kewanee, Ill. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations. Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 108207 (Sub-No. 229 TA), filed September 26, 1967. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Post Office Box 75222, ZIP 75207, Dallas, Tex. 75207. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pizza crusts, cheese, sauces, canned spices, and mushrooms*, from Chicago, Ill., to points in Arkansas, Kansas, Louisiana, Oklahoma, Texas, and Memphis, Tenn. NOTE: Applicant states it does not intend to tack with existing authority, for 180 days. Supporting shipper: Tolona Pizza Products Corp., 2501–13 West Armitage Avenue, Chicago, Ill. 60647. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 108207 (Sub-No. 230 TA), filed September 26, 1967. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Post Office Box 75222, ZIP 75207, Dallas, Tex. 75207. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery items and flavoring syrups and extracts* (Note: Does not intend to tack with existing authority;) from Chicago, Ill., to points in Arkansas, Kansas, Mississippi, Missouri, Oklahoma, Texas, and Memphis, Tenn., for 180 days. Supporting shipper: Guernsey Dell, Inc., 6819 North Clark Street, Chicago, Ill. 60626. 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 108207 (Sub-No. 231 TA), filed September 26, 1967. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Post Office Box 75222, ZIP 75207, Dallas, Tex. 75207. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pickles and pickle products*, from Chicago, Ill., to points in Arkansas, Louisiana, Kansas, Mississippi, Missouri, Oklahoma, Texas, and Memphis, Tenn., for 180 days. Supporting shipper: Manhattan Pickle Co., Inc., 1711 South Normal Avenue, Chicago, Ill. 60616. 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 123314 (Sub-No. 9 TA), filed September 25, 1967. Applicant: JOHN F. WALTER, Post Office Box 175, Newville, Pa. 17241. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from the warehouse of Anchor Hocking Glass Corp. in Youngwood, Westmoreland County, Pa., to the following points in Michigan: Allen Park, Ann Arbor, Battle Creek, Bay City, Carrollton, Detroit, Flint, Grand Rapids, Holland, Kalamazoo, Jackson, Lansing, Muskegon, Niles, Pontiac, Port Huron, and Saginaw, for 150 days. Supporting shipper: Anchor Hocking Glass Corp., Lancaster, Ohio 43130. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 218 Central Industrial Building, 100 North Cameron Street, Harrisburg, Pa. 17101.

No. MC 129412 TA, filed September 25, 1967. Applicant: TRANS OCEAN VAN SERVICE, 3625 Industry Avenue, Lakewood, Calif. 90712. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Hawaii, restricted to the handling of traffic originating at or destined to out-of-state points, for 180 days. Supporting shippers: National Fiber and Cushioning Corp., 2849 Kaihikapu Street, Honolulu, Hawaii, Esco Corp., 630 South Queen Street, Honolulu, Hawaii 96805. Send protests to: District Supervisor, W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Sub-No. 119 TA), filed September 26, 1967. Applicant: GREYHOUND LINES, INC., 10 South Riverside Plaza, Chicago, Ill. 60606. Applicant's representative: Barrett Elkins, 1400 West Third Street, Cleveland, Ohio 44113. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express mail and newspapers* in the same vehicle with passengers, between the junction of U.S. Highway 50 and West Virginia Highway 7 and the junction of U.S. Highway 50 and U.S. Highway 220 just south of New Creek, W. Va., serving all intermediate points as follows: From the junction of U.S. Highway 50 and West Virginia Highway 7 to its junction with U.S. Highway 220, thence over U.S. Highway 220 to Keyser, W. Va., thence from Keyser, W. Va., over U.S. Highway 220 to the junction of U.S. Highway 220 and U.S. Highway 50 just south of New Creek, W. Va., serving all intermediate points, and return over the same route. The applicant requests authority to tack the authority being sought in this application to its existing authority, enabling it to provide service to and from points on the proposed extension of routes to and from all routes applicant is now authorized to serve, for 180 days. Supported by: (1) Keyser Mineral County, Chamber of Commerce, Keyser, W. Va.; (2) Potomac State College of West Virginia University, Keyser, W. Va.; (3) Mineral Daily News, Tribune Co. Inc., Keyser, W. Va.; (4) City of Keyser, Keyser, W. Va.; (5) Keyser Rotary Club, Keyser, W. Va.; (6) Keyser Lions Club, Keyser, W. Va. Send protests to: William E. Gallagher, District Supervisor, Bureau of Operations, Interstate Commerce Commission, U.S. Courthouse and Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-11650; Filed, Oct. 3, 1967; 8:48 a.m.]

[Notice 39]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 29, 1967.

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-69342. (Republication) By supplemental order entered September 28, 1967, the Transfer Board, on reconsideration, approved the transfer to Charles E. Koch and Vera Delores Koch, doing business as Hanssen's Truck Line, Westcliffe, Colo., of the operating rights in certificate No. MC-108675, issued August 15, 1961, to Anna M. Hanssen, doing business as Hanssen's Truck Line, Westcliffe, Colo., authorizing the transportation of: Passengers and their baggage, express, mail, and newspapers, between Texas Creek, and Westcliffe, Colo., over Colorado Highway 69, in addition to the operating rights in certificates Nos. MC-28595 (Sub-No. 1) and MC-28595 (Sub-No. 5), transferred to transferee herein in this proceeding by order previously entered February 13, 1967. Marion F. Jones, 420 Denver Club Building, Denver, Colo. 80202, attorney for applicants.

No. MC-FC-69806. By order of September 28, 1967, Transfer Board approved the transfer to Albert Lefkowitz and Martin Lefkowitz, a partnership, doing business as Peerless Moving & Storage Co., Brooklyn, N.Y., of the operating rights of George Lefkowitz, Albert Lefkowitz, and Martin Lefkowitz, a partnership, doing business as Peerless Moving & Storage Co., Brooklyn, N.Y., in certificate No. MC-78926 issued January 12, 1965, authorizing the transportation, over irregular routes, of household goods, between New York, N.Y., on the one hand, and, on the other, points in Connecticut, New York, New Jersey, Pennsylvania, and Massachusetts, and between New York, N.Y., on the one hand, and, on the other, points in Delaware, Maryland, Virginia, Ohio, and the District of Columbia. Morris Honig, 150 Broadway, New York, N.Y., 10038, attorney for applicants.

No. MC-FC-69841. (Republication) By order of September 14, 1967, the Transfer Board approved the transfer to Mountain View Coach Lines, Inc., West Coxsackie, N.Y., of the operating rights in certificate No. MC-84112 issued July 14, 1955, to S & S Bus Service, Inc., Washington Avenue Extension, Rensselaer, N.Y., authorizing the transportation of: Passengers and their baggage, restricted to traffic originating at the point and in the territory indicated in charter operations, from Albany, N.Y., and points within 30 miles of Albany, to points in Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, New Jersey, New York, Pennsylvania, Delaware, Maryland, the District of Columbia, Ohio, and Michigan, and return. The above correctly describes the operating rights transferred, eliminating reference to "Special" operations erroneously referred to in the previous publication in the FEDERAL REGISTER. James H. Glavin III, 69 Second Street, Post Office Box 40, Waterford, N.Y. 12188, attorney for transferee.

No. MC-FC-69890. By order of September 28, 1967, the Transfer Board approved the transfer to Sheehan's Express, Inc., Brookline, Mass., of certificate of registration No. MC-120976 (Sub-No. 1), issued July 2, 1964, to Thomas J. Sheehan and Joseph Sheehan, a partnership, doing business as Sheehan's Express, Brookline, Mass., authorizing transportation in interstate or foreign commerce pursuant to irregular route common carrier certificate No. 1954, dated May 13, 1961, issued by the Massachusetts Department of Public Utilities. Francis P. Barrett, 25 Bryant Avenue, East, Milton, Mass. 02186, attorney for applicants.

No. MC-FC-69896. By order of September 27, 1967, the Transfer Board approved the transfer to Harold C. Forman and Donald L. Forman, a partnership, doing business as Forman's Motor Transfer, Burlington, Vt., of the operating rights of Harold L. Forman, Harold C. Forman, and Donald L. Forman, a partnership, doing business as Forman's Motor Transfer, Burlington, Vt., in certificate No. MC-41144 (Sub-No. 1), issued May 14, 1964, authorizing the transportation, over irregular routes, of household goods, between points in Vermont, on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, and Rhode Island. Nicholas A. Morwood, Spring Theatre Building, 203 Main Street, Burlington, Vt. 05401, attorney for applicants.

No. MC-FC-69899. By order of September 29, 1967, the Transfer Board approved the transfer to John Lawrence Kavanaugh, doing business as Kavanaugh Feed & Trucking, Carroll, Nebr., of the operating rights of Charles Hintz, Belden, Nebr., in certificate No. 24820, issued April 19, 1954, authorizing the transportation, over regular routes, of livestock and agricultural commodities, from Belden, Nebr., to Sioux City, Iowa, and general commodities, with specified exceptions, from Sioux City, Iowa, to Belden, Nebr.

No. MC-FC-69906. By order of September 27, 1967, the Transfer Board, approved the transfer to Whisman Auto Sales, Inc., Hope, Ky., of the certificate in No. MC-127391, issued June 22, 1967, to Porter's Auto Transport, Inc., Flemingsburg, Ky., authorizing the transportation of: Used automobiles, in truckaway service, in secondary movements, from Dayton, and Cleveland, Ohio, South Bend and Dyer, Ind., and Detroit, Mich., to points in Montgomery County, Ky. James S. Wilson, Jr., 226 Main Street, Paris, Ky. 40361, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-11651; Filed, Oct. 3, 1967; 8:48 a.m.]

[Nos. 34471, 34471 (Sub-No. 1)]
[Investigation and Suspension Docket No. 8100]

SEA-LAND SERVICE, INC., ET AL.

Transportation of Canned or Preserved Foodstuffs From Florida to New York and New Jersey

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 22d day of September 1967.

Canned or preserved foodstuffs, Florida to New York and New Jersey: No. 34471, Sea-Land Service, Inc., v. Atlantic Coast Line Railroad Co. et al.; No. 34471 (Sub-No. 1), Sea-Land Service, Inc., v. Atlantic Coast Line Railroad Co. et al. No. 1). Sea-Land Service, Inc. v. Atlantic Coast Line Railroad Co. et al.

It appearing, that the Commission, by order entered February 2, 1967, reopened the proceeding in I. & S. Docket No. 8100 for reconsideration on the present record, following which in recognition of the fact that the issues presented therein were similar to those raised in Nos. 34471 and 34471 (Sub-No. 1), the Commission consolidated these complaint proceedings with I. & S. Docket No. 8100 for issuance of a single report;

It further appearing, that Sea-Land presented evidence in all of these proceedings based on new vessels and contemplated changes in operations expected to take place in 1966;

And it further appearing, that Sea-Land has presented evidence in another proceeding, No. 34573 (Sub-No. 15), which indicates that as of December 31, 1966, its expectations have failed to materialize:

It is ordered, that these proceedings be, and they are hereby, reopened solely for the purpose of receiving evidence as to (1) the specific vessels and their capacity, traffic volume, and method of present operations of Sea-Land on its Florida-New York route, and (2) current costs reflecting the evidence tendered under (1);

It is further ordered, that these proceedings be handled under modified procedure; the filing and service of pleadings to be follows: (a) Opening statement of facts and argument by Sea-Land and any parties supporting Sea-Land on or before October 30, 1967; (b) 30 days after that date, statement of facts and argument by the railroads and any supporting parties; and (c) reply by Sea-Land and any supporting parties 10 days thereafter.

And it is further ordered, That, to avoid unnecessary service upon respondents, subsequent service herein of notices and orders of the Commission will be limited to (a) persons who respond as provided in the two preceding ordering paragraphs, and (b) those respondents who specifically make written request to the Secretary of the Commission, to be included on the service list.

By the Commission.

Date of service: October 2, 1967.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-11652; Filed, Oct. 3, 1967; 8:49 a.m.]

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