FEDERAL REGISTER

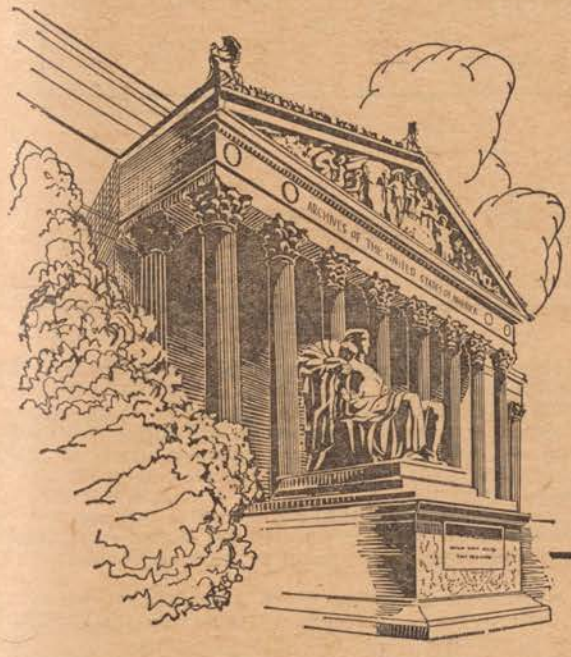
VOLUME 33 · NUMBER 17

Thursday, January 25, 1968 · Washington, D.C.

Pages 877–943

Agencies in this issue—

Detailed list of Contents appears inside.



FEDERAL REGISTER

Area Code 202 Phone 962–8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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

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

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

Contents

(*Continued on next page*)

List of CFR Parts Affected

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

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1968, and specifies how they are affected.

5 CFR

511 ---- 895
534 ---- 895

7 CFR

722 ---- 895
905 ---- 909
907 (2 documents) ---- 909
1464 ---- 910

PROPOSED RULES:

952 ---- 917

12 CFR

217 ---- 910

14 CFR

127 ---- 911
133 ---- 911

15 CFR

373 ---- 911
1000 ---- 913

16 CFR

PROPOSED RULES:

416 ---- 918

26 CFR

400 ---- 916

32 CFR

815 ---- 881

41 CFR

101-11 ---- 894

47 CFR

1 ---- 913
13 ---- 913
73 ---- 914

PROPOSED RULES:

73 ---- 917

50 CFR

33 ---- 916

Rules and Regulations

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER B—SALES AND SERVICES

PART 815—PERSONS AUTHORIZED MEDICAL CARE

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

Part 815 is revised to read as follows:

Subpart A—General Provisions

Subpart B—Retired Members of the Uniformed Services, Veterans Administration (VA) Beneficiaries, and Soldiers Home Members

Subpart C—Reserve Officers Training Corps, Civil Air Patrol, and Boy Scouts of America

Subpart D—Personnel Being Processed or Detained

Subpart E—Bureau of Employees' Compensation (BEC) Beneficiaries

Subpart F—U.S. Public Health Service (USPHS) Beneficiaries and Certain Seamen

Subpart G—Foreign Service Personnel

Subpart H—Department of Justice (Including Federal Bureau of Investigation), Federal Aviation Agency, Department of Defense, and Other Federal Agencies

Subpart I—Miscellaneous Categories of Personnel

Subpart J—The Secretary of the Air Force and Designees

Subpart K—Nationals of Foreign Governments

Subpart L—Persons Authorized Medical Care

AUTHORITY: The provisions of this Part 815 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted.

SOURCE: AFR 168-1, July 1, 1966.

Subpart A—General Provisions

§ 815.1 Purpose.

This part specifies who is eligible for medical care in Air Force medical treatment facilities, prescribes the extent of care authorized, and provides guidance for charges for such care.

§ 815.2 Definitions.

(a) *Armed forces.* The Air Force, Army, Navy, Marine Corps, and Coast Guard including their reserve components.

(b) *Bureau of Employees Compensation (BEC) beneficiary.* A civilian employee, including a civilian officer, of the U.S. Government who is injured or incurs a disease in the performance of duty and is designated as a beneficiary by the Bureau.

(c) *Chronic disease.* Nonacute conditions and disabilities in which the prognosis indicates long continued duration of the illness.

(d) *Continental United States (CONUS).* U.S. territory including the adjacent territorial waters located within the North American Continent between Canada and Mexico.

(e) *Dependent.* Unless otherwise qualified, a person having one of the following relationships to his or her sponsor: The lawful wife, the unremarried widow, the lawful dependent husband, the unremarried dependent widower, an unmarried legitimate child, including stepchild or adopted child, or a dependent parent or parent-in-law.

(f) *Disability.* A disease, injury, or other physical or mental defect.

(g) *Elective medical care.* Medical, surgical, or dental care desired or requested by the individual or recommended by the physician or dentist which, in the opinion of professional authority, can be performed at another time or place without jeopardizing life, limb, health, or well-being of the patient. An example is surgery for cosmetic purposes. Certain nonessential dental prosthetic appliances, as determined by a dental officer, also fall into this category.

(h) *Emergency medical care.* The immediate inpatient or outpatient medical care required to prevent loss of life, limb, or undue suffering.

(i) *Hospital commander.* The director of base medical service/commander of base medical unit, of hospitals or dispensaries, as appropriate.

(j) *Medical care.* Inpatient, outpatient, dental care, and related professional services, unless otherwise qualified.

(k) *Member of a uniformed service.* A person appointed, enlisted, inducted, called, ordered, or conscripted into a

uniformed service who is serving on active duty or active duty for training.

(l) *Retired member of a uniformed service.* A former member of a uniformed service who is entitled to retired, retirement, retainer, or equivalent pay as a result of service in a uniformed service, other than a member or former member entitled to retired or retirement pay under Title 10, U.S.C. 1331–1337, who has served less than 8 years on full-time duty in the active military service other than active duty for training. Retired personnel serving on active duty are considered the same as other active duty personnel.

(m) *Routine dental care.* All the medical, surgical and restorative treatment of oral diseases, injuries and deficiencies that come within the field of dental and oral surgery as commonly practiced by the dental profession.

(n) *Uniformed services.* The Air Force (including aviation cadets), Army, Navy, Marine Corps, Coast Guard, the Commissioned Corps of the Public Health Service, their respective components, and the Commissioned Corps of the Environmental Science Services Administration (formerly Coast and Geodetic Survey).

(o) *United States.* The 50 states and the District of Columbia.

(p) *Veteran (Veterans Administration beneficiary).* A person who served on active duty in the Armed Forces and was discharged or released therefrom under conditions other than dishonorable.

§ 815.3 Policies.

(a) *Approving authority.* The hospital commander is the authority to approve medical care. He may provide medical care at his facility for authorized patients who are not uniformed service personnel if space and facilities are available and the capabilities of the professional staff permit. However, such persons must furnish the commander with satisfactory identification to prove their eligibility.

(b) *Who may receive treatment for chronic disease.* A person requiring only domiciliary care or treatment for chronic disease is not authorized admittance to an Air Force medical facility unless he is a:

(1) Member of the uniformed services on active duty.

(2) Member on the temporary disability retired list of a uniformed service who is to be admitted for medical evaluation.

(3) Person admitted in a bona fide emergency to preserve life or prevent undue suffering.

(c) *Subsistence charges.* The rate charged for subsistence furnished to persons in patient status who are not entitled to subsistence at Government expense will be in accordance with rates in AFR 168–7 (Outpatient Treatment, and Subsistence in Air Force Medical Facilities).

(d) *Use of charts.* Subpart L provides further information on the extent of medical care authorized and the related charges for hospitalization and treatment. Chart and references should be used together. (See also Part 880 of this chapter and AFR 168–7.)

Subpart B—Retired Members of the Uniformed Services, Veterans Administration (VA) Beneficiaries, and Soldiers Home Members

§ 815.10 Retired members.

(a) Personnel in this category requiring domiciliary type care or care for chronic disease or invalidism are not normally admitted to an Air Force medical treatment facility and should apply for care in Veterans Administration (VA) medical facilities. Subject to the availability of space, facilities, and capability of the medical staff, retired members and members on the Temporary Disability Retired List (TDRL) may be provided care in Air Force medical facilities as follows: [1]

(1) Members retired for other than physical disability may be provided the same inpatient and outpatient care as members on active duty, except Reserve personnel entitled to retired pay for nonregular service under chapter 67, Title 10, U.S.C. who have served less than 8 years on active duty (other than active duty for training). (This is the category of personnel with less than 8 years of extended active duty, other than for active duty training, who have earned a required number of points by actively participating in an appropriate Reserve component program and are at least 60 years of age.)

(2) Members temporarily or permanently retired for physical disability who have less than 20 years of active duty, may be provided inpatient and outpatient care, except inpatient care for the following chronic conditions: Chronic arthritis, malignancy, psychiatric disorders, neurological disabilities, poliomyelitis with disability residuals and degenerative diseases of the nervous system, severe injuries to the nervous system including quadriplegia, hemiplegia and paraplegia, tuberculosis, blindness and deafness requiring definitive rehabilitation, and major amputees. Hospitalization in such cases is provided by the VA. When VA medical facilities are not readily available, an exception may be made for an acute phase of a condition listed in this subparagraph, as determined by competent medical authority, or for brief periods of treatment to relieve suffering when approved by the hospital commander.

(3) Members temporarily or permanently retired for physical disability who have 20 years or more of active duty may be provided inpatient and outpatient care, except those with blindness, neuropsychiatric or psychiatric disorders, and tuberculosis, if approved by the hospital commander and if they elect not to receive hospitalization in VA medical facilities.

[1] Retired members may not be provided medical care in other than uniformed services medical facilities at the expense of the Air Force, except as stated in paragraph (b) of this section. U.S. Public Health Service facilities are classified as uniformed services facilities while VA facilities are not.

(4) Persons permanently retired for physical disability may elect to receive hospitalization in VA medical facilities regardless of the nature of the illness.

(b) Members placed on the TDRL requiring hospitalization in connection with their periodic physical examinations will be provided such hospitalization on the same basis as members of the uniformed services on active duty.

(c) Persons mentioned in paragraphs (a) and (b) of this section who are eligible for medical care in uniformed services facilities may be moved between such facilities and from uniformed services facilities overseas to CONUS facilities when directed, in writing, by competent medical authority.

(d) Medical services and supplies essential for the treatment of retired members of the uniformed services may be obtained from civilian sources at Air Force expense when such members are hospitalized in Air Force medical treatment facilities. Funds available for the operation and maintenance of the medical facility are used for this purpose. Air Force funds may not be used for medical services and supplies from civilian sources for outpatient care for retired members nor for their care in civilian medical facilities.

NOTE: A member temporarily or permanently retired for physical disability electing to receive disability compensation from the VA in place of retired pay is eligible for care in uniformed services medical facilities except for those chronic conditions listed in paragraph (a)(2) of this section. A member removed from TDRL and discharged with severance pay is not eligible for medical care in uniformed services facilities at the expense of the Air Force although he is entitled to and receives disability compensation from the VA.

§ 815.11 VA beneficiaries.

(a) *Authority for hospital admission within CONUS.* (1) Veterans who are VA beneficiaries will be admitted to Air Force hospitals having beds allocated to the VA upon written authorization from the VA facility having jurisdiction over the area in which the hospital is located.

(2) In an emergency, a VA beneficiary may be admitted upon his own application. Copy of discharge certificate, order for release from active duty under other than dishonorable conditions, or evidence of receipt of VA compensation or discharge for disability incurred or aggravated in line of duty will be accepted as evidence of eligibility. The hospital commander will notify the responsible VA field station of the admission within 72 hours and request written authorization and disposition instructions. Unless this requirement is met, the VA will not pay for the interval between admission and the date the authorization is furnished. After the emergency, disposition will be effected in accordance with VA instructions.

(b) *Authority for hospital admission outside CONUS.* (1) Veterans of the Armed Forces who are U.S. citizens residing or sojourning abroad may be provided medical care for service connected disabilities on presentation of a signed authorization. The responsibility

for authorizing medical care in foreign countries is vested in:

(i) Western Europe: Manager, VA Office for Europe, APO New York 09794.

(ii) Republic of the Philippines: Director, Outpatient Clinic, United States VA Regional Office, APO San Francisco 96528.

(iii) All other foreign countries: Director, Outpatient Clinic, Veterans Benefits Office, Veterans Administration, Washington, D.C. 20420.

(2) A medical treatment facility furnishing a veteran emergency medical care will promptly notify the appropriate office and request authorization for treatment and instructions for the disposition of the patient. (Admission procedures include an examination of passport and/or visa to aid in verifying U.S. citizenship and legal address.) If the approving authority does not issue an authorization for this care, charges for medical care at the full reimbursement rate (FRR) or the full outpatient rate (FOPR) will be collected locally from the veteran.

(c) *Hospitalization of veterans with undesirable or bad conduct discharges.* Authorization for hospitalization of persons in this category is at the discretion of the VA.

§ 815.12 Members of the U.S. Soldiers Home.

Members of the Soldiers Home may be furnished medical care upon presentation of written authority from the Governor of the Home. This requirement may be waived in an emergency. In such cases the hospital commander will immediately request such authorization. Normally, dental care is not authorized for members of the home.

Subpart C—Reserve Officers Training Corps, Civil Air Patrol, and Boy Scouts of America

§ 815.20 Senior Reserve Officers Training Corps members (ROTC), Air Force, Army, and Navy (includes advanced course applicants, 10 U.S.C. 2104b(6)(B)).

(a) *Authorization for medical care.* If they have the written, signed authorization of the appropriate commander, senior (includes Advanced Course applicants) members of the Air Force, Army, and Navy ROTC may be admitted to Air Force medical treatment facilities under conditions described in this paragraph. The authorization will include:

(1) The patient's full name.

(2) His ROTC status.

(3) The name of the training unit attended.

(4) The period of attendance.

(5) The diagnosis (if known).

(6) A statement that the disability was, or was not, incurred in line of duty.

(7) A statement that the patient is entitled to medical care, as follows:

(i) For injury sustained while engaged in a flight or in flight instruction: Care will be provided for any ROTC member who suffers disability from an injury incurred in line of duty while engaged in a flight or in flight instruction under chapter 103 of Title 10, U.S.C.

(ii) For injury or disease incurred while traveling to, from, or during training: Care will be provided for disability from a disease or injury incurred in line of duty while performing authorized travel to or from such duty or while attending field training or a practice cruise under chapter 103, Title 10, U.S.C.

(b) *Application of the Federal Employees' Compensation Act to ROTC members in case of disability.* The Federal Employees' Compensation Act applies when the disability or death of a member of the Air Force, Army, or Navy ROTC occurs in line of duty as described in this paragraph. Such cases are administered in accordance with Subpart E of this part.

(1) A person's injury is considered to have been incurred in line of duty only if it results from his military or naval training or from his travel to or from that training as indicated in paragraph (a)(7)(ii) of this section.

(2) Any person who contracts a disease or illness as the result of performing training during the periods indicated in paragraph (a)(7)(ii) of this section is considered to have been injured in line of duty during that period.

(c) *Civilian medical attendance.* Air Force ROTC members may require civilian medical attendance during their training period if medical facilities of the uniformed services or other Government agencies are not readily available. However, prior approval must be obtained for such civilian medical attendance. (See AFR 160–53 (Medical, Dental, and Veterinary Care from Civilian Sources).)

(d) *Medical service authorized for conditions not in line of duty.* Medical care is authorized for injury or disease contracted not in line of duty, as follows:

(1) During a specified training period an ROTC member—regardless of his line-of-duty status—may receive medical care from Air Force medical facilities, if available.

(2) An ROTC member requiring hospital treatment for a disability incurred not in line of duty may be retained in, or admitted to, an Air Force medical treatment facility after his specified training period ends if the hospital commander deems such action in the best interests of all concerned. Any member physically unable to be moved from the place of training to his home may be included under this provision. Hospitalization will be limited to what is necessary until:

(i) The patient can be disposed of to a State, municipal, or private institution designated by the patient or his next of kin, or

(ii) The patient's condition has so improved that he can be released from the hospital.

(e) *Physical examination.* When directed by competent orders, ROTC students at colleges, universities, or other institutions may be given physical examinations at Air Force medical facilities, if available. Medical care is not authorized.

(f) *Disposing of ROTC members hospitalized after end of training.* (Also see § 815.40(b).) When an ROTC patient no longer requires hospitalization, he will be brought before a board of medical officers for final disposition. This applies to ROTC members who remain in the hospital after the completion date of training and to members who are hospitalized for injuries sustained in line of duty while voluntarily flying in Government aircraft pursuant to competent orders.

(g) *Advice to ROTC members on release from a medical treatment facility.* When ROTC members are released from the hospital, they will be told how to obtain subsequent care at Government expense (see paragraph (b) of this section) for injuries or disease incurred as described in paragraph (a) of this section.

§ 815.21 Civil Air Patrol (CAP) members.

(a) CAP membership is divided into two groups.

(1) *Seniors.* Adults over 18 years of age.

(2) *Cadets.* Boys and girls who are U.S. citizens and have passed their 13th birthday or (if younger) are enrolled in high school or its equivalent (grade 9 or above) and are not more than 20 years of age. A cadet may become a senior member when he is 18 years old, but this status change is not mandatory.

(b) During a period of specified assignment, a senior CAP member may be provided medical care in an Air Force medical treatment facility for injury or disease incurred while he was engaged in authorized activities without regard to line of duty status. (See AFR 46–5 (Employment of Civil Air Patrol).) Authorized activities are those performed under Air Force direction and authorized in writing by competent authority. Such authorization must cover a specific assignment and prescribe a time limit for the assignment.

(c) A senior member who is injured or contracts a disease in line of duty and who receives medical care beyond the period of specified assignment will be reported to the Bureau of Employees' Compensation as a potential beneficiary of that Bureau. (See Subpart E of this part.) The benefits of the Federal Employees' Compensation Act have been extended by law (5 U.S.C. 803) to include senior CAP members who are injured or who contract disease in line of duty while engaged in authorized activities. Such duty includes the period of travel to and from the place where service or duty is performed. Medical care beyond the authorized encampment period will not be provided at Air Force expense.

(d) Charges for medical care provided beyond the period of specified assignment for injury or disease incurred not in line of duty will be the responsibility of the patient.

(e) When attending encampments at Air Force installations, cadets will be

provided medical care in an emergency. Senior member benefits do not apply to CAP cadets. Treatment required beyond the encampment period will be provided only until medical care can be arranged elsewhere and will not be provided at Air Force expense.

(f) Medical care is not authorized at Air Force expense in other than Air Force medical facilities for either senior or cadet members.

(g) Prior written authorization from the Air Force liaison officer of the CAP wing to which the member is assigned is required for admission to an Air Force medical facility, except in an emergency. In an emergency, written authorization is obtained with the least practicable delay.

§ 815.22 Boy Scouts.

Boy Scouts of America, including Explorer Scouts, may be provided medical care in emergencies occurring while the scouts are participating in visits, training exercises, and encampments at Air Force installations. Hospitalization beyond the period of emergency or medical care at other than Air Force medical facilities is not authorized at Air Force expense.

Subpart D—Personnel Being Processed or Detained

§ 815.30 Applicants for enlistment or commission.

(a) Physical examinations for determining qualification for duty in the uniformed services will be provided for:

(1) Personnel ordered into active service under the Universal Military Training and Service Act.

NOTE: Selective Service registrants who suffer illness or injury while acting under orders issued under the Universal Military Service and Training Act are entitled to emergency medical care, including hospitalization (50 U.S.C. App. 461).

(2) Applicants for enlistment or commission.

(3) Applicants for Air Force, Military, Naval, and Coast Guard academies.

(4) Reservists not on active duty as required by AFR 160–19 (Physical Certification and Medical Examination of Reservists not on EAD).

(5) Aerospace medicine consultation service for Reservists as required by AFR 161–23 (Aerospace Medicine Consultant Service).

When supplemental services are considered essential for the proper evaluation of an applicant for the service academies or for commission or enlistment, but are not available at the military facility, the facility may procure these necessary services from local civilian sources utilizing local P478 funds. Hospitalization is authorized when qualification for service cannot otherwise be determined. This period is to be used for diagnostic purposes only, not to correct disqualifying defects. Hospitalization furnished such individuals for emergency conditions occurring during the physical examination period will be administered as stated in § 815.85.

(b) In addition to the above, applicants for the Air Force Academy may be afforded emergency hospitalization and treatment for injury incurred in the actual performance of physical aptitude examinations while at an Air Force facility. Hospitalization should not exceed three days. If final disposition cannot be effected within this period, instructions should be obtained from Hq USAF (AFMSHAB), Washington, D.C. 20333.

§ 815.31 Maternity care for women of the Armed Forces discharged or relieved from active duty.

(a) Female members who are found pregnant upon final medical examination for separation from the Armed Forces, or who are discharged or relieved from extended active service duty under honorable conditions because of pregnancy, are eligible for maternity care in connection with that pregnancy, in military medical facilities. (Care in civilian medical facilities is not authorized at Government expense.) They should apply in writing to the commander of the military medical facility nearest their residence and include a copy of orders effecting separation and estimated date of confinement.

(b) Authorized treatment will include prenatal care, hospitalization, and postnatal care for mother and infant, incident to the pregnancy, either in the hospital or as an outpatient, for not more than 6 weeks after delivery.

(c) Mother must pay for subsistence during hospitalization and for travel to and from the medical facility. There is no charge for the infant while the mother is a patient. If the mother is discharged from the hospital and the infant must remain, charges will be for subsistence only.

§ 815.32 Prisoners of war, internees, other persons in military custody or confinement, and nonmilitary Federal prisoners.

Medical care is authorized for:

(a) Prisoners of war; persons interned by the Air Force; other persons in military custody or confinement.

(b) Military prisoners (punitive discharge executed) hospitalized beyond expiration date of sentence.

(c) Nonmilitary Federal prisoners from prisoner camps located on Air Force installations.

(d) Other nonmilitary Federal prisoners may be provided emergency care only. (Written authorization is obtained from the official in charge as soon as practical.)

Subpart E—Bureau of Employees' Compensation (BEC) Beneficiaries

§ 815.40 Persons eligible for care.

A person is not considered a BEC beneficiary until official notification of approval by the Bureau. The following persons may be provided medical care as BEC beneficiaries (or potential beneficiaries) under the Federal Employees' Compensation Act of 1916 as amended:

(a) Civilian employees of the Federal Government and the District of Columbia, except DoD nonappropriated fund employees and members of the District Police and Fire departments, who sustain personal injury while performing duty or who incur a disease caused by the employment. Dental care is limited to relief of emergencies.

NOTE: Non-U.S. citizens paid from appropriated funds are eligible for BEC benefits, except when they are otherwise covered under an agreement with the host country.

(b) ROTC members who are injured or who contract a disease in line of duty while engaged in training described in § 815.20 and who required medical care beyond the period of training specified in orders.

(c) Senior CAP members who are injured or who contract a disease in line of duty while engaged in authorized activities described in § 815.21(b) and who require medical care beyond the period of specified assignment.

§ 815.41 Administrative procedures.

(a) Except in an emergency, persons in § 815.40 applying for medical care in an Air Force facility must present three copies of one of the following forms. (See AFR 40–801 (Injury Compensation).):

(1) Form CA–16, "Request for Treatment of Injury Under the United States Employees' Compensation Act," or

(2) Form CA–17, "Request for Treatment of Injury Under the United States Employees' Compensation Act When Cause of Injury Is In Doubt."

The supervisor or commander of the person applying for care will prepare these forms. In an emergency, medical care (including hospitalization) may be furnished upon verbal authorization of the applicant's official supervisor. However, Form CA–16 or 17 will be required of the responsible individual within 48 hours after verbal authorization. The date entered on the form will be the date of hospitalization or treatment.

NOTE: A CA Form 16 or 17 is not required when only first aid treatment is provided civilian employees, since the Air Force does not charge the Federal Employees' Compensation Fund for such treatment. A CA Form 16 or 17 is required if there is to be prolonged treatment, disability for work beyond the day of injury, recurrence of disability, or a charge to the Compensation Fund for medical treatment or supplies. (See AFR 40–801.)

(b) Form CA–20, "Attending Physician's Report," will be submitted to the BEC on all cases which result in charges for treatment or supplies against the BEC or which involve any loss of time beyond the day, shift, turn, or working period during which the injury occurs. Also a copy of SF 502, "Clinical Record-Narrative Summary," will be submitted to the Bureau on all hospitalized cases at the time of discharge. An interim SF 502 should be forwarded to the Bureau after 30 days in hospitalized cases of extended duration. The physician's statement must be completed on the reverse side of Form CA–2, "Official Superior's Report of Injury," when required by AFR 40–801 and both copies immediately returned to the servicing civilian personnel office.

(c) Form CA–20 pertaining to ROTC and CAP members should be submitted to the appropriate district BEC office through the local commander of the unit concerned. Air Force civilian personnel officers will, upon request, assist the claimant and the unit commander in carrying out their responsibilities.

(d) Payment for hospitalization not approved by BEC is the responsibility of the person receiving the care and will be collected locally. Section 840.74 or § 840.85, as appropriate, applies.

§ 815.42 Transportation.

(a) *Within CONUS.* When necessary for proper treatment, a BEC beneficiary may be moved from an Air Force medical facility to another military medical facility. Except in an emergency, written approval must be obtained from BEC before moving the patient. In an extreme emergency a patient may be moved without prior authorization, but BEC must be notified as soon as possible.

(b) *Within oversea areas and from overseas to CONUS.* (1) When necessary for proper treatment, a BEC beneficiary may be moved from one military medical facility to another military medical facility within the oversea area without prior authorization from BEC. BEC should be notified of the transfer as soon as possible.

(2) Upon prior authorization by BEC, a beneficiary may be returned to CONUS by aeromedical evacuation. Disposition instructions should be furnished by BEC before departure of the patient from the oversea area. The patient's next of kin will be advised of the patient's condition and of the approximate date and place of his arrival in CONUS. The patient's next of kin or sponsor, or the patient himself, if his condition permits, should be advised to communicate directly with the appropriate BEC office regarding arrangements for continued medical care. Medical records will include information on notifications and arrangements made prior to the patient's return.

(c) Transportation of a BEC beneficiary, when necessary for proper treatment, will be at BEC's expense.

§ 815.43 Prosthetic appliances, crutches, sacroiliac belts, spectacles, etc.

(a) Except in an emergency, BEC's approval will be obtained before a BEC beneficiary is furnished a prosthetic appliance. Request for approval will include complete identification of the beneficiary, justification for the appliance, approximate cost, and brief description of the appliance.

(b) Items required for the proper management of a hospitalized patient may be furnished without prior BEC approval. Such items include crutches, sacroiliac belts, elastic bandages, etc.

(c) BEC must give prior approval for furnishing or replacing spectacles without expense to the beneficiary. Moreover, the beneficiary's need for spectacles must be the result of injury or disease directly attributable to his occupation or employment. Spectacles will not be replaced at BEC's expense when damaged or broken as a result of (1) an accident in which the visual acuity is not affected, or (2) the beneficiary's misconduct or negligence.

Subpart F—U.S. Public Health Service (USPHS) Beneficiaries and Certain Seamen

§ 815.50 Persons eligible for care.

The following persons may be provided medical care as beneficiaries of the U.S. Public Health Service (USPHS) when its facilities are not locally available:

(a) Crew members of vessels of the Environmental Science Service Administration whether on active duty or retired.

(b) Members of the Coast Guard Auxiliary in case of injury incurred or disease contracted while on active Coast Guard duty.

(c) Seamen employed on vessels of U.S. registry, other than canal boats engaged in coastal trade.

(d) Seamen employed on State school ships.

(e) Cadets at State maritime academies on State training ships.

(f) Seamen on vessels of the Mississippi River Commission and officers and crews of vessels of the Fish and Wildlife Service.

(g) Members of the Merchant Marine Cadet Corps.

(h) Employees and noncommissioned officers in the field service of the U.S. Public Health Service when injured or taken sick in the line of duty.

(i) Civilian seamen in service of ships operated by the Army or Military Sea Transportation Service (MSTS) within the United States and its possessions.

(j) American Indians in CONUS.

(k) American Indians, Eskimos, and Aleuts in Alaska.

NOTE: Dental care is limited to relief of emergencies.

§ 815.51 Physical examinations and immunizations.

USPHS Reserve commissioned officers in inactive status may receive physical examinations and/or immunizations upon presentation of letter of authorization from the USPHS, Washington, D.C. 20203.

§ 815.52 Certain seamen.

(a) Civilian seamen in service of ships operated by the Army or MSTS outside the United States and its possessions may be provided medical care upon presentation of written authorization from the ship's master or appropriate Army authority (where the ship is in the service of the Army) or other administrative authority in case of MSTS ships. Dental care is limited to relief of emergencies.

(b) American seamen (officers and crews) outside CONUS on ships of U.S. registry may be provided medical care overseas upon presentation of written authorization from the ship's master or other administrative authority. Seamen in this category hospitalized overseas requiring prolonged hospitalization may be evacuated through military aeromedical evacuation channels as soon as their condition permits. Dental care is limited to relief of emergencies.

(1) Transportation charges will be made as applicable.

(2) Other than care enroute, such seamen are not authorized care in Air Force medical facilities after return to the United States.

Subpart G—Foreign Service Personnel

§ 815.60 Department of State beneficiaries.

(a) *Outside CONUS.* (1) Officers and employees (U.S. citizens) of the agencies listed in this subparagraph serving abroad and dependents residing abroad with their sponsor may be provided medical care (including physical examinations and immunizations) in Air Force medical facilities at the expense of the State Department. Dental treatment at State Department expense is authorized only for conditions resulting in hospitalization or when required for post-hospitalization followup.

(i) Department of State.

(ii) U.S. Information Agency (USIA).

(iii) U.S. Agency for International Development (AID).

(iv) Foreign Agriculture Service, Department of Agriculture (USDA).

(v) Federal Aviation Agency (FAA).

(vi) Bureau of Public Roads, Department of Commerce.

(vii) U.S. Geological Survey employees detailed to an oversea assignment under AID auspices.

(viii) Staff members of the Peace Corps.

(ix) Such other agencies as may from time to time be included in the Foreign Service's Medical Program.

NOTE: Peace Corps volunteers, volunteer leaders, and their dependents are not included in this subparagraph. (See § 815.62.) AID contractor employees and their dependents are not entitled to medical care at State Department expense. (See § 815.82(c).)

(2) "Dependent," as used in this Subpart, includes those persons bearing the following relationship to the officer or employee: (i) Wife who is not an employee of an agency mentioned in subparagraph (1) of this paragraph; (ii) husband who is physically or mentally incapable of supporting himself; (iii) children, including stepchildren and adopted children, who are unmarried and under 21 years of age when in fact dependent on the officer or employee or, regardless of age, they are physically or mentally incapable of supporting themselves and are in fact dependent on the officer or employee for over one-half of his or her support. Parents (including step-parents and parents-in-law) and foster parents of the officer or employee who are dependent on the officer or employee for over one-half of their support and are residing in his household overseas may be provided medical care, but not at State Department expense.

(3) Except in an emergency, medical treatment must be authorized in writing by a principal or administrative officer of an established State Department foreign service post before treatment is initiated. In an emergency, such approval will be obtained as soon as possible.

(4) Elective medical or surgical treatment will not be authorized unless the hospital commander concerned believes that the patient requires such elective treatment to adequately perform his assigned duties and return to the United States for medical reasons would otherwise result. Dental care is limited to relief of emergencies.

(5) Persons specified in subparagraphs (1) and (2) of this paragraph requiring hospitalization for a prolonged period may be returned to CONUS upon the written request of the sponsoring agency.

(6) Dependent patients requiring prolonged hospitalization, who decline evacuation, will be released to the custody of their sponsor. Readmission for the same condition is authorized only to prevent loss of life or undue suffering.

(7) Authorization for medical care of dependents at State Department expense is normally limited to 120 days for each illness or injury. The 120 days cover the days for which expenses for treatment are incurred and need not be consecutive. Medical care beyond the 120 days may not be provided at State Department expense, except upon written authorization of the principal or administrative officer of the foreign service post concerned.

(8) If persons listed in subparagraphs (1) and (2) of this paragraph are furnished medical care which is not authorized at State Department expense, § 815.74 applies.

(9) Problems encountered in collecting locally from officers, employees, or dependents hospitalized for care not authorized at State Department expense will be referred to the immediate supervisor of the officer, employee, or sponsor.

(b) *Within CONUS.* Upon prior written request of the State Department medical director (or appropriate official of the agency concerned), the following medical services may be provided in Air Force medical facilities within CONUS:

(1) Preemployment physical examinations and necessary immunizations of applicants for appointment as officers and employees in the foreign service of the agencies listed in paragraph (a) (1) of this section.

(2) Preembarkation and periodic physical examinations and immunizations for officers, employees, and eligible dependents. The written request will include instructions for disposition of the SFs 88 and 89, "Report of Medical History."

(c) Upon written authorization provided by the State Department medical director, or a principal or administrative officer of the foreign service post concerned, persons listed in paragraph (a) (1) and (2) of this section may be provided medical care in CONUS at State Department expense for illness or injury incurred overseas.

§ 815.61 VA employees and their dependents in oversea offices.

U.S. citizen employees of VA assigned to oversea U.S. VA regional offices, and their dependents, may be provided medical care, except as indicated in paragraph (a) of this section. The U.S. VA Regional Office, APO San Francisco 96528, or the Manager, VA Office for Europe, APO New York 09794, as appropriate, will provide written authorization for care for beneficiaries prior to their admission and will furnish evacuation and disposition instruction for patients being returned to CONUS by aeromedical evacuation. In an emergency, approval will be obtained in writing as soon as practicable.

(a) Outpatient care, not a part of treatment provided in connection with hospitalization, is not authorized, except upon prior written request. Dental care is limited to relief of emergencies.

(b) Upon presentation of proper identification, an employee or dependent not entitled to care at VA expense may be provided care at the person's own expense under § 815.74.

§ 815.62 Peace Corps volunteer personnel and their dependents.

(a) *Within CONUS.* (1) Peace Corps volunteer applicants (volunteers and volunteer leaders) may be provided preselection physical examinations at Air Force hospitals and "Class A" dispensaries.

(i) Above-mentioned persons will apply to the medical installation for appointment with a letter of authorization, SF 88, "Report of Medical Examination," and SF 89, "Report of Medical History," with detailed instructions regarding examinations required, necessary consultations, and disposition of the two forms.

(ii) Air Force physicians are not required to assess the qualifications of individuals.

(iii) Hospitalization is not authorized in conjunction with these examinations.

(iv) Immunizations are authorized upon special request of the Peace Corps.

(2) Upon request of the Peace Corps, separation or other special physical examinations may be provided for volunteer personnel and their dependents. Instructions enumerated in this paragraph apply.

(3) Medical care for illness or injury occurring during the training period may be provided volunteers and volunteer leaders (but not dependents of volunteer leaders) upon approval at departmental level. All such requests should be referred by the most expeditious means, to Hq USAF (AFMSHAB), Washington, D.C. 20333.

(b) *Outside CONUS.* (1) Volunteers, volunteer leaders, and dependents for volunteer leaders may be provided medical care at Peace Corps expense when requested in writing by a representative or physician of a Peace Corps foreign service post. In an emergency, approval will be obtained in writing as soon as possible.

(2) Volunteers and volunteer leaders and dependents of volunteer leaders, may be provided termination physical examinations. In most cases these examinations will be conducted by Peace Corps staff physicians; however, assistance may be requested for ancillary services. Reimbursement for the examination, in whole or in part, will be at the FOPR for each individual. Request for payment will be sent to the Peace Corps, Budget and Finance Division, Washington, D.C. 20525.

Subpart H—Department of Justice (Including Federal Bureau of Investigation), Federal Aviation Agency, Department of Defense, and Other Federal Agencies

§ 815.70 Department of Justice.

(a) *Federal Bureau of Investigation (FBI).* (1) Upon presentation of a letter of authority from a special agent in charge of a field office of the FBI, investigative employees of the FBI, and applicants for employment as special agents with the FBI may be provided physical examinations and immunizations in Air Force medical facilities. The letter of authority will include instructions for disposition of SFs 88 and 89.

(2) Hospitalization is authorized when necessary to determine the employee's physical fitness. This period is to be used for diagnostic purposes only, not to correct disqualifying defects.

(3) FBI personnel stationed outside CONUS may be provided medical care in accordance with Subpart E of this part or § 815.74, as applicable.

(b) *Other personnel of the Department of Justice.* (1) Deputy U.S. marshals stationed in Alaska may receive physical examinations in Air Force medical facilities upon presentation of a letter of authority from the Department of Justice. This letter will include instructions for the disposition of the completed SFs 88 and 89.

(2) Hospitalization is authorized if necessary to determine the applicant's physical fitness. This period is to be used for diagnostic purposes only, not to correct disqualifying defects.

(c) *Claimants.* Upon written authorization from the Department of Justice or the U.S. attorney in the case, claimants whose claims or suits are being defended by the Department of Justice may be furnished physical examinations to determine the extent and nature of injuries or disabilities claimed. Report of such examination will be furnished promptly to the U.S. attorney. Hospitalization is authorized if necessary to determine the applicant's physical condition, but it should not exceed 3 days.

§ 815.71 Federal Aviation Agency (FAA).

(a) Upon receipt of a letter of authority, signed by a medical officer of the FAA, employees of that agency located on or in close proximity to Air Force bases in CONUS may be provided immunizations.

(b) Upon receipt of a letter of authority from an FAA Regional Office, Air Traffic Controllers (ATC) of the FAA may be furnished chest X-rays, electrocardiographs, and audiograms. FAA regional representatives will coordinate their requests for these medical services with the medical facility commander, who will determine the capability of his

facility for rendering the requested service and schedule the workload accordingly. Normally the examinations will be completed in one visit. The medical facility commander will not read or evaluate the results of these tests; results will be forwarded directly to the FAA Regional Office arranging for the examination. The letter of authority will be attached to the DD Forms 7A (5 copies) submitted monthly to Hq USAF (AFMSHC) for reimbursement action.

§ 815.72 Secret Service special agents.

Upon presentation of a letter of authority from the Chief U.S. Secret Service, special agents of that agency may be provided routine annual physical examinations in Air Force medical facilities. The examinations will be conducted and recorded in the same manner as the periodic medical examinations provided nonflying officers. Examinations will be conducted on an outpatient basis only. If hospitalization for diagnostic purposes is considered desirable, a statement to that effect is placed in item 73 or 75, as appropriate, of the SF 88, "Report of Medical Examination." The SF 88 and the SF 89, "Report of Medical History," (one copy of each) are forwarded to the Chief, United States Secret Service, Treasury Department, Washington, D.C. 20220.

§ 815.73 Job Corps and Volunteers in Service to America (VISTA) personnel.

The following services may be provided to:

(a) *Job Corps applicants.* Preenrollment examinations upon presentation of a letter of authority from a Director, Job Corps Center, or other appropriate official of the Corps. Air Force physicians are not required to assess the physical qualifications of applicants for enrollment. Completed SFs 88 and 89 of applicants will be forwarded to the official who requested the examination. The letter of authority will be attached to the DD Forms 7A (5 copies) submitted monthly to Hq USAF (AFMSHC) for reimbursement action.

(b) *VISTA applicants.* Preenrollment examination upon receipt of written authorization on VISTA Form 36, "Authorization for Medical Examination and Care by a Federal Facility," and modified SF 88, "Report of Medical Examination." Air Force physicians are not required to assess the physical qualifications of applicants for enrollment. Completed examination forms will be forwarded to VISTA Medical Consultant, 1200 19th Street NW., Washington, D.C. 20506. The VISTA Form 36 will be attached to the DD Forms 7A (5 copies) submitted monthly to Hq USAF (AFMSHC) for reimbursement action.

(c) *Job Corps enrollees and VISTA personnel.* Hospitalization, outpatient care, examinations, and immunizations for:

(1) Job Corps enrollees: Upon presentation of a letter of authority from a Director, Job Corps Center, or other appropriate official of the Corps. The letter of authority will be attached to the DD Forms 7 or 7A (5 copies) submitted monthly to Hq USAF (AFMSHC) for reimbursement action.

(2) VISTA personnel: Upon presentation of a valid "Blue Cross and Blue Shield Identification Card" issued to VISTA personnel for personal identification by VISTA authorities. Each identification card issued will contain a VISTA identification number. That identification number will be shown after the name of the patient in item 5 of DD Forms 7 or 7A (5 copies) submitted monthly to Hq USAF (AFMSHC) for reimbursement action.

NOTE: Job Corps enrollees and VISTA personnel will not be provided dental care except emergency care to relieve pain and suffering or as an adjunct to medical care of hospitalized patients. Medical services will normally be provided only when civilian, U.S. Public Health Service, or VA hospitals are not available, or if available, do not have the capability to provide the needed treatment.

§ 815.74 Department of Defense and other U.S. Government agency employees paid from appropriated and nonappropriated funds and their dependents outside the United States.

(a) Unless otherwise specified in this part, U.S. citizens who are employees of the Department of Defense or other Federal agencies (paid from appropriated or nonappropriated funds), and their dependents, stationed outside the United States, may receive medical care in Air Force facilities. Routine dental care is on a space available basis within capabilities as determined by the Base Dental Surgeon. When capabilities do not exist dental care will be limited to relief of emergencies. (In Puerto Rico, only those serving under a current transportation agreement are eligible for such care.) Here, "dependent" includes:

(1) Wife who is not an employee of a Federal agency.

(2) Husband who is physically or mentally incapable of supporting himself.

(3) Children, including stepchildren and adopted children, who are unmarried and have not passed their 21st birthday or are incapable of self-support because of a mental or physical incapacity that existed before reaching age 21; or who have passed their 21st, but not their 23d birthday, are dependent on the sponsor for over one-half of their support and are enrolled in a full-time course of study in an accredited institution of higher learning.

(4) A parent or parent-in-law who is dependent on the sponsor for over one-half of his support and who is residing with the sponsor overseas.

(b) Non-U.S. citizen civilian employees of the Department of Defense paid from appropriated or nonappropriated funds and their dependents may receive medical care in Air Force medical facilities when civilian facilities are not available or are not adequate. Charges will be imposed at the special reimbursement rate (SRR) per inpatient day at the special outpatient rate (SOPR) per outpatient visit as prescribed in AFR 168–7 except where:

(1) It is determined by the oversea major commander that salary rates paid non-U.S. citizen personnel are inadequate for a charge at the special reimbursement rate. In such instances, the only charge will be for subsistence.

(2) Other official agreements are made to provide medical care without charge.

(c) U.S. citizen employees or their dependents may be returned to CONUS in a patient status. Before transfer, the patient or next of kin will make arrangements for continuing the required medical care in CONUS.

(d) Subpart E of this part applies when an employee paid from appropriated funds is a potential BEC beneficiary.

§ 815.75 Federal Civilian Employees Health Program.

Civilian employees of the Government paid from appropriated funds are entitled to outpatient type care for on-the-job illnesses and injuries and for other outpatient care as set forth below.

(a) Preemployment physical examinations, including related medical services required to complete the examinations.

(b) Immunization of employees and their dependents when authorized by AFR 161–13 (Immunization Requirements and Procedures).

(c) Examinations following sickness absenteeism, when indicated. (See AFR's 40–601 (Leave Administration) and 40–716 (Personnel Actions Based on Medical Qualifications).)

(d) Examinations, when indicated, upon request of the employee's superior or competent medical authority. (See AFR 40–716.)

(e) Periodic examinations to determine effect of enviroment.

(f) Emergency care for non-service-connected illness or injury. Care will be provided for the duration of the emergency or until the patient can be safely moved to another facility. Arrangements should be made promptly for further medical care by a civilian physician or dentist of the patient's own choice. When admission is for 24 hours or more, personnel will be administered in accordance with § 815.85 unless they are otherwise entitled to such care.

(g) Treatment of minor illnesses during work hours when necessary to alleviate pain or when illnesses would require a disproportionate amount of time lost from the job.

NOTE: Upon the specific request of a local physician, special treatments on a outpatient basis are permitted to prevent loss of time from duty. Medicines needed for such treatments will be furnished by the employee, but will be administered without charge.

§ 815.76 Physical examinations for special categories of personnel.

(a) Preemployment and periodic physical examinations may be provided for:

(1) Contract food service employees.

(2) Base exchange employees and base exchange concessionaire employees.

(3) Officer, noncommissioned officer, and service club employees.

(4) School teachers when employed on base or in oversea areas when employed

in Armed Forces schools operated by a U.S. military department.

(b) Examinations are confined to those required by Air Force or major command directives and examinations considered necessary by the hospital commander.

(c) Domestic servants employed by Armed Forces personnel may be given health inspections and immunizations in Air Force medical facilities at Government expense when required by command directives as a condition of employment. When not required as a condition of employment inspections and immunizations may be provided at the physical examination or immunization rates, as appropriate, collected locally from the sponsor. Health inspections are performed to insure that communicable disease will not go undetected at an Armed Forces installation. Medical care is not authorized in connection with these health inspections and only those procedures necessary to establish the presence or absence of communicable disease are carried out.

(d) Medical examinations in connection with disability retirement may be furnished civilian employees of all Federal agencies without charge when such examinations are requested by authorized representatives of the U.S. Civil Service Commission. Exception: When hospitalization is necessary to the proper conduct of these examinations, subsisttnce charges will be collected locally from the person concerned. Hospitalization is authorized for diagnostic purposes only, not to correct disqualifying defects. When physical examinations for disability retirement are beyond the capability of the AF medical facility every effort should be made to have the examination performed at another Government facility.

(e) U.S. Army National Guard Technicians Manning Missile Sites: U.S. Army National Guard technicians manning missile sites may be provided physical examinations.

Subpart I—Miscellaneous Categories of Personnel

§ 815.80 American National Red Cross personnel, other officially recognized welfare workers, and their dependents.

American National Red Cross personnel and other officially recognized welfare workers may be furnished medical care at Air Force medical treatment facilities when assigned to full-time duty with a uniformed service. Dental care is limited to relief of emergencies. Dependents of American National Red Cross personnel may be furnished medical care only:

(a) When they reside with their principal while stationed outside CONUS, and

(b) When civilian medical facilities are not obtainable or adequate.

§ 815.81 U.S. citizen scientific consultants, technical representatives, and contract technicians and their dependents outside CONUS.

These categories of personnel may be provided medical care when the oversea commander determines that local civilian medical facilities are not available or are not adequate. Dental care is limited to relief of emergencies. Principals must be:

(a) Accompanying the Air Force in the field.

(b) On duty with the Air Force.

(c) Traveling under competent orders.

§ 815.82 Alien scientific and technological specialists; employees of commercial airlines; civilian employees of "Cost-Plus-A-Fixed-Fee" contractors; and certain civilians (U.S. citizens) outside CONUS.

(a) Alien specialists who have contracted with the U.S. Government to perform scientific and technological work for the military services will be provided emergency medical care at or near the project area to which assigned. The Air Force will not defray expenses incurred as a result of treatment by a civilian physician or hospitalization in a civilian hospital.

(b) Employees of commercial airlines under contract to Military Airlift Command may be provided emergency medical care.

(c) Employees of a civilian "Cost-Plus-A-Fixed-Fee" contractor with the Government, upon written request of the contractor, may be provided medical care. Reimbursement will be in accordance with the terms of the contract. In the absence of specific agreement in the contract, medical care may be furnished at the full reimbursement rate specified in AFR 168–7 and collected locally from the contractor. Elective care is not authorized.

(1) Patients whose disabilities will preclude their return to work and those requiring prolonged treatment will be reported to the contractor for disposition. Such patients may be returned to CONUS as soon as their condition permits. Transportation costs will not be borne by the Air Force, but by the employee or the contractor.

(2) When the return of such patients is indicated and they are to travel in patient status, the contractor or patient will make arrangements for care required in CONUS before departing from the oversea hospital. Care in Air Force medical facilities in CONUS is not authorized except for intransit care and disposition purposes.

(3) Reimbursement for hospitalization is not required for the period these patients are traveling in the aeromedical evacuation system.

(d) When the oversea commander determines that local civilian facilities are not available or adequate, he may furnish medical care to the following personnel and their dependents who assist in mission accomplishment and are not authorized medical care under other provisions of this part. Dental care is limited to relief of emergencies. Such persons include, but are not limited to:

(1) News correspondents.

(2) Representatives of commercial airlines.

(3) Representatives of oil companies.

(4) Professional educators and instructors.

(e) The following personnel who assist the oversea commander in accomplishing his mission may be furnished emergency hospitalization and medical treatment without charge (except subsistence which will be collected locally from the individual):

(1) Civilian religious leaders or religious groups.

(2) Celebrities and entertainers.

(3) Athletic consultants or instructors.

(4) Representatives of the United Service Organization, other social agencies, and educational institutions.

(5) Persons in similar status who provide direct service to the U.S. Armed Forces.

(6) Persons authorized medical care by this section must have obtained invitational orders from the Office of the Secretary of Defense or from one of the military departments to visit oversea military commands.

§ 815.83 Civilians training in Air Force facilities, performing aircrew duties, or flying in Air Force aircraft.

(a) When considered necessary or desirable in the Government interest, the following persons may be provided physical examinations to determine physical qualifications for training, for performing aircrew duties, or for flying in Air Force aircraft:

(1) Employees or prospective employees of Government contractors who have been otherwise approved for training in Air Force facilities or for performing aircrew duties.

(2) Passengers and maintenance personnel flying in high performance aircraft.

(3) Civilian employees of or under contract to the Department of Defense and of other Government departments or agencies who have been approved to perform aircrew duties or receive instructions in such duties.

(4) Test Pilots of the Department of Defense; representatives of or persons sponsored by foreign governments; other non-U.S. citizens; and U.S. citizens not a part of the Department of Defense who have been otherwise approved for flying Air Force test aircraft.

(b) The examinee may be hospitalized to complete the examination. Medical care is not authorized in this connection.

§ 815.84 Army and Air Force Exchange Service personnel proceeding overseas.

(a) Preembarkation physical examinations and immunizations may be provided without charge upon written request of the sponsoring agency. Hospitalization is not authorized in this connection.

(b) The extent of the examinations and immunizations to be accomplished will be prescribed by the requesting agency and will be comparable to those performed for employees of the Government prior to their employment overseas.

(c) See § 815.74 (a) and (b) for medical care authorized outside CONUS.

§ 815.85 Persons not included elsewhere.

Any person may be admitted to an Air Force medical facility in an emergency

upon the approval of the hospital commander or his designated representative. The full reimbursement rate (FRR) specified in AFR 168–7 applies and will be collected locally from the individual.

Subpart J—The Secretary of the Air Force and Designees

§ 815.90 The Secretary of the Air Force and designees.

(a) The Secretary of the Air Force is authorized medical care in Air Force medical facilities. Individual designees of the Secretary may be provided care upon his prior written authority. Donors of organs for transplant to authorized personnel may be admitted upon the prior written authority of the Secretary. Unless specifically authorized otherwise by the Secretary, the full reimbursement rate, or the outpatient rate, whichever applies, will be collected locally from the individual.

(b) This authority is delegated to major commanders having medical facilities outside CONUS for persons referred to in § 815.99(c). In those instances when the geographical dispersion of a major oversea command warrants such action, the authority may be redelegated to a major subordinate commander.

Subpart K—Nationals of Foreign Governments

§ 815.95 North Atlantic Treaty Organization (NATO) personnel in the United States.

(a) Military personnel of NATO nations listed in this paragraph, who in connection with their official duties are stationed in, or passing through the United States, and their dependents residing in the United States with their sponsors may be provided medical care in Air Force medical facilities to the same extent and under the same conditions as comparable U.S. military personnel and their dependents:

(1) Belgium, (2) Canada, (3) Denmark, (4) France, (5) Federal Republic of Germany, (6) Greece, (7) Iceland, (8) Italy, (9) Luxembourg, (10) Netherlands, (11) Norway, (12) Portugal, (13) Turkey, and (14) United Kingdom.

(b) Here, "military personnel," "civilian personnel," and "dependent" mean:

(1) "Military personnel": Persons belonging to the land, sea, or air armed services of any State which is a party to the North Atlantic Treaty when in the United States in connection with their official duties.

(2) "Civilian personnel": Civilian person accompanying military personnel as employees of an armed service of the NATO nation concerned, provided that such civilians are not stateless persons nor nationals of any State which is not a party to the North Atlantic Treaty, nor nationals of, nor ordinarily resident in, the United States. (Medical care for this category is the same as for comparable U.S. civilian personnel.)

(3) "Dependent":

(i) A wife.

(ii) A husband if he is dependent on the member for over one-half of his support.

(iii) An unmarried legitimate child, including an adopted child or stepchild, who is dependent on the member for over one-half of his support and who either:

(*a*) Has not passed his 21st birthday.

(*b*) Is incapable of self-support because of a mental or physical incapacity that existed before he was 21 years old; or

(c) Has not passed his 23d birthday and is enrolled in a full-time course of study in an approved institution of higher learning.

(c) Eligible persons stationed in the United States who apply for care will present an appropriate DD Form 1173, "Uniformed Services Identification and Privilege Card." Each card will indicate the services authorized and bear an expiration date. Eligible persons passing through the United States on official duties who require care will present orders or other identification verifying their status.

(d) NATO military personnel and their dependents receive medical care at military expense from the Department of Defense, other Federal sources and civilian sources under the same conditions as comparable U.S. military personnel and their dependents.

§ 815.96 Foreign nationals, other than personnel of NATO nations, in the United States.

Personnel of foreign nations, when in the United States on a status officially recognized by an agency of the Department of Defense, may be provided medical care in Air Force medical facilities to the same extent and under the same conditions as comparable U.S. personnel. Such persons include:

(a) Military personnel whose names appear on the Diplomatic List or the List of Employees of Diplomatic Missions published by the Department of State.

(b) Military personnel assigned or attached to U.S. military units for duty or training.

(c) Military personnel on duty in the United States at the invitation of the Department of Defense or one of the military departments.

(d) Military personnel accredited to joint U.S. defense boards or commissions.

(e) Dependents of military personnel listed in paragraphs (a) through (d) of this section when residing with their sponsor. "Dependent" in § 815.95(b)(3) applies.

(f) Civilian personnel of foreign nations on duty in the United States at the invitation of the Department of Defense or one of the military departments may be provided care is an emergency. Arrangements will be made to transfer the individual to a civilian facility as soon as his condition permits.

§ 815.97 Persons requiring hospitalization for more than 90 days.

When it is determined that a person authorized care under §§ 815.95 and 815.96 will require hospitalization for a period in excess of 90 days, Hq USAF (AFMSHAB) Washington, D.C. 20333, will be advised by letter. The letter will include the patient's name, home country, official status, diagnosis, and expected duration of hospitalization.

§ 815.98 Trainees under the Military Assistance Program (MAP).

Foreign personnel (military or civilian) in the United States or stationed at U.S. Armed Forces installations overseas for training under the MAP may be provided medical care. Medical care from civilian sources may be authorized this category of personnel. Elective medical care, as defined in § 815.2(g), is not authorized. In the rare instance when elective medical care is considered necessary, the complete facts of the case will be transmitted for approval by message to CSAF (AFSHAB). The notification will include name, grade, country of origin, diagnosis, type of elective medical care, and prognosis.

(a) Transfer between medical facilities of the Armed Forces in CONUS is authorized when the medical facility to which the person was originally admitted cannot provide required care.

(b) When the hospital commander has determined that a MAP trainee requires medical treatment that will force discontinuance of his training for more than 90 days, the commander of the training facility will be so notified. When it is determined that the trainee is physically or mentally disqualified for further training, the hospital commander will:

(1) Forward information by message to ATC (ATXPR–M) with an information copy to CSAF (AFSMSB). Information will include name, grade, service number, home country, diagnosis, prognosis, expected time and type of disposition, and recommendation on whether return to home country is indicated.

(2) When a trainee is being returned to his home country, have a copy of the patient's clinical records and all personal effects forwarded with the patient.

(c) When dependents of MAP trainees live in CONUS or on U.S. Armed Forces installations overseas with their principal, they may be provided medical care subject to the availability of space and facilities and the capabilities of the medical staff. Dental care may be provided to the same extent and under the same conditions as for dependents of U.S. military personnel. "Dependent" in § 815.95(b)(3) applies.

§ 815.99 Foreign nationals outside the United States.

Authority is hereby delegated to the oversea major commander or comparable commander with oversea responsibility to issue regulations pertaining to medical care for nationals of foreign governments. Such regulations will designate categories of persons, both military and civilian, that may be authorized medical care. The general policy is as follows:

(a) Admission to Air Force medical facilities may be authorized subject to the availability of space and facilities and the capabilities of the professional staff, provided that the foreign nationals

cannot obtain the necessary care from medical facilities of their own country. Foreign military personnel may be charged for subsistence only when this will help to advance or serve the best interests of the oversea command; otherwise medical care furnished will be at the full reimbursement rate.

(b) For non-U.S. citizens employed at Air Force oversea military installations, see §§ 815.40(a) and 815.74(b).

(c) For special category of foreign nationals, see § 815.90(b) and as follows:

(1) Medical care may be furnished outside the United States to foreign nationals not otherwise authorized care under this part when such action is determined to contribute to the advancement of the public interests of the United States.

(2) Persons in this category will be provided care as "Designees of the Secretary."

(3) Generally, care under this paragraph will be afforded only to foreign officials of high national prominence. However, care may be afforded to other foreign nationals when, because of unusual circumstances or the extraordinary nature of the case, such action should be in consonance with subparagraph (1) of this paragraph.

(4) Normally, care will not be afforded under this section for treatment of foreign nationals who suffer from incurable afflictions or who require excessive nursing care.

(5) The recommendations of the chief of the diplomatic mission to the country involved should be sought before determining whether care may be afforded under this section.

(6) Collection will be made locally, except that in unusual cases the oversea major commander may waive the charges.

§ 815.100 Movement into the United States to obtain medical care.

(a) Foreign nationals (military or civilian) will not be moved into the United States for care in Air Force medical facilities without prior approval of the State Department, the Secretary of the Air Force, and the Chief of Staff, USAF. The responsibility for obtaining diplomatic approval rests with the foreign country concerned. Such approval and certification by the Surgeon General, U.S. Air Force, of acceptance for treatment in an Air Force hospital must be obtained before scheduling the patient for departure from the oversea area.

(b) The request to move a foreign national into the United States to obtain medical care will be processed in the following manner:

(1) The request will be forwarded to Hq USAF (AFCAV), Washington, D.C. 20330 and will include:

(i) Full name and grade of service member.

(ii) The county of which a citizen.

(iii) Results of coordination with chief of the diplomatic mission to the country involved.

(iv) Medical report giving the history, diagnosis, clinical findings, results of diagnostic tests and procedures, and all other pertinent medical information.

(v) Availability of professional skills and adequacy of facilities for treatment in the member's country and oversea Air Force medical facilities.

(vi) Who will assume financial responsibility for costs of transportation and hospitalization.

(2) Upon approval of entry to the United States from the Department of State, the Chief of Staff, U.S. Air Force, will determine the acceptance of the patient for treatment in an Air Force medical facility. The Surgeon General, U.S. Air Force, will furnish recommendations on medical aspects of the case based on subparagraphs (1) (iv) and (v) of this paragraph, and identify the Air Force hospital having capability to provide required care. If approved, the Chief of Staff, USAF, will notify the oversea commander concerned and furnish the commander of the Air Force hospital written authorization for admission of the patient for treatment at the full reimbursement rate specified in AFR 168-7. Should the inability to pay for transportation and/or hospitalization become a factor, the Secretary of the Air Force will resolve the matter.

(3) When a case of this nature originates with, or is processed by, an agency outside the Department of Defense, the Defense official transmitting the recommendation or request should include a statement of agreement of the agency involved that any fiscal responsibility in the matter will be borne by the originating agency if necessary.

Subpart L—Persons Authorized Medical Care

§ 815.101 Retired members of the uniformed services, VA beneficiaries, and Soldiers Home members.

INPATIENT

FRR—Full Reimbursement Rate.
IAR—Interagency Rate.
SRR—Special Reimbursement Rate.
DR—Dependent Rate, AF, Army, Navy, and Marine Corps Personnel.
IADR—Dependent Rate, Other Uniformed Services Personnel.
OMR—Obstetrical & Maternity Rate.

OUTPATIENT

OPR—Outpatient Rate.
SOPR—Special Outpatient Rate.
PER—Physical Examination Rate.
IR—Immunization Rate.
FOPR—Full Outpatient Rate.

Class of patients	Written authority required	Hospitalization or subsistence charge	Outpatient immunization, or physical examination charge	Collect	Reports required for central reimbursement	Supplemental care at AF expense	Hearing aids, prosthetic devices, spectacles, or orthopedic footwear
Retired members: AF, Army, Navy, and Marine Corps Officers and Warrant Officers (§ 815.10).	No	Subsistence only.	None	Locally from individual.	None	Yes (see § 815.10 (d)).	[3].
AF, Army, Navy, and Marine Corps Enlisted Personnel (§ 815.10).	No	None	None	None	None	Yes (see § 815.-10(d)).	[3].
Coast Guard Officers and Warrant Officers; Commissioned Corps of the U.S. Public Health Service and the Environmental Science Services Administration (§ 815.10).	No	IAR	None	[1]	AF Form 235b.	Yes (see § 815.-10(d)).	[3].
Coast Guard Enlisted Personnel (§ 815.10).	No	IAR	None	[2]	AF Form 235b.	Yes (see § 815.-10(b)).	[3].
VA beneficiaries (§ 815.11).	Yes	IAR	FOPR	[4]	None	Yes	[5].
Soldiers Home members (§ 815.12).	Yes	IAR	None	[2]	DD Form 7.	Yes	No.

[1] Subsistence locally from the individual and hospitalization by Hq USAF (AFMSHC).
[2] Central collection by Hq USAF (AFMSHC).
[3] Issue and repair of hearing aids, spare parts, etc., at AF expense. Prosthetic devices, spectacles, and orthopedic footwear may be furnished when facilities are adequate and available.
[4] Local collection based on SF 1080 series supported by DD Form 7 or 7A and letter of authorization to VA regional office having jurisdiction.
[5] Hearing aids, spectacles, artificial limbs, and like appliances will be furnished by the AF at hospitals where the VA has beds allocated.

§ 815.102 Reserve Officers Training Corps, Civil Air Patrol, and Boy Scouts of America.

Class of patients	Written authority required	Hospitalization or subsistence charge	Outpatient immunization, or physical examination charge	Collect	Reports required for central reimbursement	Supplemental care at AF expense	Hearing aids, prosthetic devices, spectacles, or orthopedic footwear
ROTC:							
Air Force (§ 815.20)	Yes	None	None	None	None	(1) (2)	(1).
Army-Navy (§ 815.20).	Yes	None	None	None	None	(1)	(1).
Civil Air Patrol (§§ 815.21 and 815.40(b)).	Yes	Subsistence only.	None	Locally from individual.	None	No	No.
Boy Scouts of America (§ 815.22).	No	Subsistence only.	None	Locally from individual.	None	No	No.

[1] For injuries incurred or diseases contracted in line of duty. (See § 815.20(d).)
[2] VA hospitals, other Government medical facilities, and qualified civilians may be utilized when the AF facility does not have the capability to complete the required medical examination. This authorization applies when it is more economical to obtain the necessary services from the above sources than to transport the member to another Armed Forces medical facility.

§ 815.103 Personnel being processed or detained.

Class of patients	Written authority required	Hospitalization or subsistence charge	Outpatient immunization, or physical examination charge	Collect	Reports required for central reimbursement	Supplemental care at AF expense	Hearing aids, prosthetic devices, spectacles, or orthopedic footwear
Applicants for enlistment or commission (§ 815.30).	No [5]	None [1, 5]	None	No [5]	None [5]	No [4]	No.
Maternity care for women of the Armed Forces discharged or relieved from active duty (§ 815.31).	No	Subsistence only.	None	Locally from individual.	None	Yes	No.
Prisoners of war, internees, others in military custody or confinement, and nonmilitary Federal prisoners (§ 815.32).	No	None	None	No	None	Yes	No.[2]
Military prisoners hospitalized beyond expiration of sentence (§ 815.32).	No	FRR	None	Locally from individual.	None	No	No.
Nonmilitary Federal prisoners from prison camps located on air bases (§ 815.32).	No	$1.75 per day.	None	Locally from Department of Justice.	None	Yes	No.
Other nonmilitary Federal prisoners (§ 815.32).	Yes	IAR	FOPR	[3]	DD Form 7 or 7A.[6]	Yes	No.

[1] No charge, except for emergency conditions occurring during physical examination period. (FRR applies in this instance with collection made locally.) (See § 815.85.)
[2] Prisoners of war may be furnished spectacles and prosthetic devices only.
[3] Central collection by Hq USAF (AFMSHC).
[4] Except as stated in § 815.30(a) and in paragraph 15e(1), AFM 160-1.
[5] See note following § 815.30(a)(1) for Selective Service Registrants.
[6] Title of DD Form 7A is "Report of Treatment Furnished Pay Patients—Out-Patient Treatment Furnished (Part B)."

§ 815.104 Bureau of Employees' Compensation beneficiaries.

Class of patients	Written authority required	Hospitalization or subsistence charge	Outpatient immunization, or physical examination charge	Collect	Reports required for central reimbursement	Supplemental care at AF expense	Hearing aids, prosthetic devices, spectacles, or orthopedic footwear
U.S. Government employees who sustain personal injury while in performance of duty (§ 815.40).	Yes	IAR	None	(1)	DD Form 7.	Yes	(2).
Members of ROTC who are injured or who contract a disease while engaged in training and require medical care beyond the period of training (§ 815.40).	Yes	IAR	None	(1)	DD Form 7.	Yes	(2).
Senior members of the CAP who are injured or who contract a disease and require medical care beyond the period of specified assignment (§ 815.40).	Yes	IAR	None	(1)	DD Form 7.	Yes	(2).

[1] Central collection by Hq USAF (AFMSHC).
[2] Spectacles and prosthetic devices only may be furnished with prior authorization. (See § 815.43.)

§ 815.105 USPHS beneficiaries and certain seamen.

Class of patients	Written authority required	Hospitalization or subsistence charge	Outpatient immunization, or physical examination charge	Collect	Reports required for central reimbursement	Supplemental care at AF expense	Hearing aids, prosthetic devices, spectacles, or orthopedic footwear
Crew members of vessels of the Environmental Science Services Administration; Coast Guard Auxiliary personnel (§ 815.50 (b)); seamen on ships of U.S. registry; seamen on State school ships; cadets at State maritime academies on State training ships; seamen on Mississippi River Commission vessels and officers and crews of Fish-Wildlife Service; members of Merchant Marine Cadet Corps; employees and noncommissioned officers of the USPHS Field Service; civilian seamen in service of ships operated by the Army and MSTS within the United States and its possessions; American Indians in CONUS; and American Indians, Eskimos, and Aleuts in Alaska (§ 815.50).	Yes	IAR	OPR	[1]	DD Form 7 or 7A.	Yes	[2].
USPHS Reserve commissioned officers in inactive status (§ 815.51).	Yes	(See § 815.51.)	PER	[1]	DD Form 7A.	No	No.
Civilian seamen on ships operated by Army or MSTS outside United States and its possessions (§ 815.52).	Yes	IAR	OPR	[1]	DD Form 7 or 7A.	Yes	No.
American seamen outside CONUS on ships of U.S. registry (§ 815.52).	Yes	FRR	FOPR	[3]	None	No	No.

[1] Central collection by Hq USAF (AFMSHC).
[2] Prosthetic devices only may be provided with prior written authorization from proper authority.
[3] Collect locally from the individual or ship's agent.

§ 815.106 Foreign Service personnel.

Class of patients	Written authority required	Hospitalization or subsistence charge	Outpatient immunization, or physical examination charge	Collect	Reports required for central reimbursement	Supplemental care at AF expense	Hearing aids, prosthetic devices, spectacles, or orthopedic footwear
U.S. citizen officers, employees, and authorized dependents of State Department, U.S. Information Agency, U.S. Agency for International Development, Foreign Agriculture Service, Federal Aviation Agency (overseas), Bureau of Public Roads, U.S. Geological Survey, and staff members of the Peace Corps (§ 815.60).	Yes	IAR (for officers and employees) FRR or OMR as appropriate for authorized dependents.	OPR, PER, or IR as apropriate.	[1]	None	Yes	[2].
Officers, employees, and dependents of above agencies admitted at the individual's expense (§ 815.60).	Yes	FRR or OMR as appropriate.	SOPR	Locally from individual.	None	No	No.
U.S. citizen employees of VA in oversea offices (§ 815.61).	Yes	IAR	OPR [5]	[3]	None	Yes	[2].
Dependents of U.S. citizen employees of VA in oversea offices (§ 815.61).	Yes	FRR or OMR as appropriate.	OPR [5]	[3]	None	Yes	[2].
Peace Corps volunteers, volunteer leaders and dependents of volunteer leaders in oversea areas (§ 815.62) (See § 815.62(a) for Medical Care in CONUS).	Yes	IAR (for volunteers and volunteer leaders) FRR or OMR as appropriate for authorized dependents.	OPR, PER or IR as appropriate.	[4]	None	Yes	[2].

[1] Local collection based on SF Series 1080, "Voucher for Transfers Between Appropriations and/or Funds" supported by DD Form 7 or 7A and the original copy of the authorization to the Department of State post which authorized the medical services at Government expense.
[2] Spectacles may be furnished outside CONUS at the individual's expense when not available through commercial sources. Prosthetic devices, orthopedic footwear, etc., are authorized in connection with inpatient care only.
[3] Local collection based on SF Series 1080 supported by DD Form 7 or 7A and the original copy of the authorization to the VA office which authorized the medical service at Government expense.
[4] Local collection based on SF Series 1080 supported by DD Form 7 or 7A and the original copy of the authorization to the Peace Corps representative or physician of the foreign service post that authorized the medical service at Government expense. Billing for medical service furnished volunteers and volunteer leaders in the CONUS is processed in the same manner, except that SF 1080, DD Form 7 or 7A, and authorization is forwarded to the Peace Corps, Medical Program Division, 806 Connecticut Ave. NW., Washington, D.C. 20006. (Also see §815.62(b)(2).)
See § 815.61(a).

§ 815.107 Department of Justice, FAA, Department of Defense, and other Federal agencies.

Class of patients	Written authority required	Hospitalization or subsistence charge	Outpatient immunization, or physical examination charge	Collect	Reports required for central reimbursement	Supplemental care at AF expense	Hearing aids, prosthetic devices, spectacles, or orthopedic footwear
FBI investigative employees and applicants for employment as special agents (§ 815.70).	Yes	IAR when hospitalization is necessary (§ 815.70 (a)(2)).	PER or IR as appropriate.	(1)	DD Form 7 or 7A.	Yes	No.
Deputy U.S. marshals in Alaska (§ 815.70).	Yes	IAR when hospitalization is necessary (§ 815.70 (b)(1)).	PER	(1)	DD Form 7 or 7A.	Yes	No.
Claimants whose claims are administered by the Department of Justice (§ 815.70).	Yes	IAR when hospitalization is necessary (§ 815.70 (c)).	PER	(1)	DD Form 7 or 7A.	Yes	No.
Federal Aviation Agency (§ 815.71).	Yes	N/A	IR or FOPR as appropriate.	(1)	DD Form 7 A.	No	No.
Secret Service special agents (§ 815.72).	Yes	N/A	PER [6]	(1)	DD Form 7A.	No	No.
Job Corps or Vista personnel (§ 815.73).	Yes [7]	IAR	FOPR, PER, or IR as appropriate.	(1)	DD Form 7 or 7A.	Yes	No.
U.S. citizen employees of Department of Defense and other U.S. Government agencies outside United States and their dependents (§ 815.74).	No	FRR or OMR as appropriate.	SOPR	Locally from individual.	None	No	No.[2]
Non-U.S. citizen civilian employees of the Dept. of Defense and their dependents when civilian medical facilities are not available (§ 815.74).	No	SRR	SOPR	Locally from individual.	None	No	No.
Civilian employees covered by the Federal Civilian Employees Health Program. (§ 815.75).	No	Subsistence only if hospitalized less than 24 hours.	None	Locally from individual.	None	No	No.
Special categories of personnel requiring physical examination (§ 815.76).	No	N/A [5]	None [4]	No [5]	None	No	No.
U.S. Army National Guard technicians manning missile sites (§ 815.76).	No	N/A	PER [6]	(1)	DD Form 7A.	No	No.

[1] Central collection by Hq USAF (AFMSHC).
[2] Spectacles may be furnished at the individual's expense when not available through commercial sources.
[3] See § 815.74(b) (1) and (2).
[5] Only physical examinations and immunizations are authorized.
[5] See § 815.76(d).
[6] Only physical examinations are authorized.
[7] See § 815.73 for VISTA identification procedures.

§ 815.108 Miscellaneous categories of personnel.

Class of patients	Written authority required	Hospitalization or subsistence charge	Outpatient immunization, or physical examination charge	Collect	Reports required for central reimbursement	Supplemental care at AF expense	Hearing aids, prosthetic devices, spectacles, or orthopedic footwear
American Red Cross and other officially recognized welfare workers (§ 815.80).	No	Subsistence only.	None	Locally from individual.	None	Yes	No.
Dependents of American Red Cross personn[3] (outside CONUS only) (§ 815.80).	No	FRR or OMR as appropriate.	FOPR	Locally from individual.	None	No	No.
U.S. citizen scientific consultants, technical representatives, and contract technicians and their dependents when authorized (outside CONUS) (§ 815.81).	No	FRR or OMR as appropriate.	FOPR	Locally from individual.	None	No	(1).
Alien scientific and technological specialists, employees of commercial airlines, and civilian employees of contractors (outside CONUS) (§ 815.82).	No	FRR	FOPR	Locally from individual.	None	No	No.
U.S. citizens who assist the oversea commander in mission accomplishment and their dependents (§ 815.82).	No	FRR or OMR as appropriate.[2]	FOPR [2]	Locally from individual.	None	No	No.
Civilians training in AF facilities performing aircrew duties or flying in AF aircraft (§ 815.83).	Yes	None (see § 815.-83(b)).	PER [3]	Locally from individual.	None	No	No.
Army and AF exchange service personnel proceeding overseas (§ 815.84).	Yes	N/A	None [4]	No	None	No	No.
Persons not included elsewhere (§ 815.85).	No	FRR or OMR as appropriate.	FOPR	Locally from individual.	None	No	No.

[1] Spectacles may be furnished at the individual's expense when not available through commercial sources.
[2] See § 815.82(e) for categories of personnel that pay subsistence charges only.
[3] Physical examinations only.
[4] Preembarkation physicals and immunizations only

§ 815.109 The Secretary of the AF and designees of the Secretary of the AF.

Class of patients	Written authority required	Hospitalization or subsistence charge	Outpatient immunization, or physical examination charge	Collect	Reports required for central reimbursement	Supplemental care at AF expense	Hearing aids, prosthetic devices, spectacles, or orthopedic footwear
Secretary of the Air Force (§ 815.90).	No	FRR	FOPR	Locally from individual.	None	Yes	Yes.
Secretary of the Air Force designees (§ 815.90).	Yes	FRR [1]	FOPR [1 2]	Locally from individual.	None	Yes [3]	Yes.[2]

[1] Unless otherwise authorized by the Secretary.
[2] When medical care is authorized at Government expense, otherwise not authorized.
[3] Submit DD Form 7 to Hq USAF (AFMSHC) when payment for medical care for foreign nationals is to be assumed by the patient's home country.

§ 815.110 Nationals of foreign governments.

Class of patients	Written authority required	Hospitalization or subsistence charge	Outpatient immunization, or physical examination charge	Collect	Reports required for central reimbursement	Supplemental care at AF expense	Hearing aids, prosthetic devices, spectacles, or orthopedic footwear
NATO personnel in United States (§ 815.95).	No	Subsistence only.	None	Locally from individual.	None	Yes	Yes.
Dependents of NATO personnel in United States (§ 815.95).	No	DR	None	Locally from individual.	None	Yes	(1).
Foreign nationals, other than personnel of NATO nations in United States (§ 815.96).	No	Subsistence only.	None	Locally from individual.	None	Yes	(2).
Dependents of foreign nationals other than personnel of NATO nations in United States (§ 815.96).	No	DR	None	Locally from individual.	None	Yes	No.
Trainees under the Military Assistance Program (§ 815.98).	No	Officers and Enlisted Personnel: Subsistence only. Civilians: FRR.	Officers and Enlisted Personnel: None. Civilians: FOPR.	(3)	None	Yes	(2).
Dependents of MAP trainees (§ 815.98).	No	DR	None	Locally from individual.	None	Yes	No.
Foreign personnel outside United States (§ 815.99).	No	FRR [4 5]	(5)	Locally from individual.	None	Yes	No.
Special category, foreign nationals outside United States (§ 815.99).	No	FRR or OMR as appropriate.[6]	FOPR [5]	Locally from individual.[8]	None	Yes	No.
Foreign nationals moved into United States for medical care (§ 815.100).	Yes	FRR [7]	N/A	Locally from individual.[8]	None	Yes	No.

[1] Dependents will not be provided artificial limbs, artificial eyes, hearing aids, orthopedic footwear, and spectacles, except as outlined in AFR 168-3 (Civilian Medical and Dental Care for Dependents of Foreign Military Personnel of the NATO Nations in the United States) and AFR 168-9 (Uniformed Services Health Benefits Program).
[2] Spectacles only are authorized when the hospital commander considers that the patient needs them to adequately perform his assigned duties and when they are not available through commercial sources.
[3] Collect locally from officers and civilians. See AFM 50-29 (Education and Training of Foreign Military Personnel) for collection of enlisted personnel subsistence charges.
[4] See § 815.99(a).
[5] None when subsistence only is the rate for hospitalization. Otherwise the charge is the FOPR shown in AFR 168-7.
[6] See § 815.99(c)(6).
[7] See § 815.100(b)(2).
[8] When charges cannot be collected from the individual, the account will be processed in accordance with Chapter 2, AFM 177-102 (Commercial Transactions at Base Level).
[9] See AFM 177-102 for procedures applying to the 1st RCAF Air Division.

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.

[FR. Doc. 68-819; Filed, Jan. 24, 1968; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER B—ARCHIVES AND RECORDS

PART 101-11—RECORDS MANAGEMENT

Subpart 101-11.9—Source Data Automation in Paperwork Systems

This amendment changes Part 101-11 by adding a new Subpart 101-11.9, Source Data Automation in Paperwork Systems, which provides a definition of source data automation (SDA) and guidelines for agencies to follow in determining the feasibility and application of SDA to paperwork systems it also sets forth agency responsibilities as to SDA.

Part 101-11 is amended by the addition of the following new subpart:

Sec.
101-11.900 Scope.
101-11.901 Definition of source data automation.
101-11.902 Need for source data automation.
101-11.903 Criteria for the use of source data automation.
101-11.904 Application of source data automation.

AUTHORITY: The provisions of this Subpart 101-11.9 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 101-11.900 Scope.

This subpart concerns the application of source data automation (SDA) to the mechanization of office paperwork-processing systems and provides guidelines for agencies to follow in using SDA.

§ 101-11.901 Definition of source data automation.

"Source data automation" means a system of mechanized document-creating devices in an office environment for capturing data in a machine-readable form for future use in producing forms and other records required throughout the system, without subsequent manual reentry of the data. As a byproduct, SDA may provide a machinable output for use as input to an automatic data processing (ADP) system.

§ 101-11.902 Need for source data automation.

Applied continuously as an organized program for mechanizing the creation of records through machine-to-machine processing, SDA can reduce costs, improve accuracy, and provide faster processing, SDA can further provide maximum flexibility in the transmission, protection, and perpetuation of data or documents.

§ 101-11.903 Criteria for the use of source data automation.

SDA is applicable to paperwork systems where the same data are used repetitively. Use of SDA techniques and

devices should be considered whenever the volume of data is adequate to amortize the equipment cost within a reasonable period. Use of SDA should also be considered whenever data usage requires urgent handling to meet deadlines or whenever a greater degree of accuracy is necessary.

§101–11.904 Application of source data automation.

Federal agencies will apply actively and continuously SDA techniques to paperwork procedures, as a part of their records management, systems development and maintenance, and related activities. The agency will assure that:

(a) Responsibility for the promotion and coordination of SDA applications is assigned to an official or office.

(b) Present and proposed paperwork activities involving manual operations or the keyboard entry of the same data by two or more office machines are examined for potential application of SDA.

(c) Existing automatic data processing applications are reviewed for feasibility in providing input data captured at the source by SDA or as a SDA byproduct of necessary clerical operations.

(d) Procedures are established for the submission, review, and approval of all requests for obtaining SDA equipment. Each request should be reviewed for feasibility, economy, and compatibility with the existing equipment and systems and with the agency's other plans for improved systems.

(e) Timely information concerning the capabilities, limitations, advantages, and uses of SDA equipment and techniques is disseminated to managers and operating officials.

(f) All GSA publications on the subject of SDA techniques and equipment are made available for use.

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated: January 18, 1968.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

[F.R. Doc. 68-862; Filed, Jan. 24, 1968; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 511—POSITION CLASSIFICATION UNDER THE CLASSIFICATION ACT SYSTEM

PART 534—PAY UNDER OTHER SYSTEMS

Miscellaneous Amendments

Section 511.201(b) is amended to show exclusion from Part 511 and from classification under the General Schedule of sociological interns, Department of Health, Education, and Welfare. Section 534.202(a) is amended to show revision of the schedule of maximum stipends prescribed by the Commission under authority of section 5352 of title 5, United States Code, for all student-employees excluded from classification under the General Schedule and pertinent pay provisions of title 5, United States Code, by section 5102(c)(16) and section 5541(2)(v). Section 534.202(b) is amended to add maximum stipends prescribed for sociological interns, Department of Health, Education, and Welfare, for approved training at two levels.

1. Effective January 14, 1968, the following item is added to paragraph (b) of § 511.201 as set out below.

§ 511.201 Coverage of and exclusions from the Classification Act.

* * * * *

(b) *Exclusions* * * *

Sociological interns, Department of Health, Education, and Welfare, approved training in a degree program after a minimum of 1 or 2 years of college level training.

2. Effective January 14, 1968, paragraph (a) of § 534.202 is amended to show revision of the schedule of maximum stipends prescribed for certain student employees, and paragraph (b) of § 534.202 is amended to show the addition of an item as set out below.

§ 534.202 Maximum stipends.

(a) * * *

MAXIMUM STIPENDS PRESCRIBED

Code symbol	Academic level of approved training program	Maximum stipends [1] [2]		
		Per year	Per month	Per week
L–A	Below high school graduation	$3,398	$283	$65
L–1	First year college undergraduate	3,697	308	71
L–2	Second year college undergraduate	4,019	334	77
L–3	Third year college undergraduate	4,317	359	83
L–4	Fourth year college undergraduate	4,663	388	89
L–5	First year postgraduate predoctoral	5,007	417	96
L–6	Second year postgraduate predoctoral; Third year medical school.	6,059	504	116
L–7	Third year postgraduate predoctoral; Fourth year medical school.	7,247	603	139
L–8	Fourth year postgraduate predoctoral; Medical or dental internship.	7,939	661	152
L–9	Fifth year postgraduate without doctorate; First year postdoctoral (Ph. D.); First year medical or dental residency.	8,691	724	167
L–10	Second year postdoctoral (Ph. D.); Second year medical or dental residency.	10,315	859	198
L–11	Third year medical or dental residency	11,461	955	220
L–12	Fourth year medical or dental residency	12,157	1,013	233
L–13	Fifth year medical residency	14,257	1,188	274

[1] Includes overtime pay, maintenance allowances, and other payments in money or kind.
[2] Subject to adjustment for lesser periods.

(b) * * *

Sociological interns, Department of Health, Education, and Welfare:
Approved training in a degree program after a minimum of 1 year of college level training ---------- L–2
Approved training in a degree program after a minimum of 2 years of college level training ---------- L–3

* * * * *

(5 U.S.C. 5102, 5351, 5352, 5541)

[SEAL]

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-945; Filed, Jan. 24, 1968; 8:47 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—Acreage Allotments for 1968 and Succeeding Crops of Upland Cotton

Basis and purpose. The provisions of § 722.401 to 722.450 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.). These provisions govern the establishment of State, county and farm allotments for the 1968 and succeeding crops of upland cotton, and for the 1968 and 1969 crops of upland cotton, the establishment of farm domestic allotments, the transfer of allotments by sale, lease, or by owner, the exchange of upland cotton and rice farm allotments and the export market acreage program.

This subpart contains a reissuance of the regulations for Acreage Allotments for 1966 and Succeeding Crops of Upland Cotton (31 F.R. 5300, as amended) through Amendment 19 thereof. Material relating solely to the 1966 and 1967 crops has been deleted. Minor technical rearrangements and amendments have been made. Included in such amendments are the following:

(1) Section 722.409(c)(2)(v) contains a broadened condition deemed to be a

condition beyond the control of producers on the farm which prevented planting of at least 75 percent of the farm allotment. The previous condition was limited to Federal foreclosure proceedings and is broadened to cover transfer of land ownership, including foreclosure proceedings, which prevent planting of cotton.

(2) Section 722.409(d)(3) clarifies the minimum allotment procedure applicable in the case of reconstitution of a farm by division.

(3) Closing dates for each State for new cotton farm applications are contained in § 722.411(a).

(4) Closing dates for release and reapportionment for each State are contained in § 722.412(b)(7).

(5) Section 722.432(b)(1) contains an interpretation of eligibility requirements for export market acreage where a 1965 partnership is dissolved for 1968 or 1969.

(6) Section 722.432(b)(6) establishes May 1 of the current year as the closing date for furnishing the bond or other undertaking for the 1968 and 1969 export market acreage program.

In addition, § 722.432(c)(3) includes a finding for the 1968 export market acreage program that the applications for 1968 are within the national export market acreage reserve and § 722.425 contains a designation of certain counties in Texas affected by a natural disaster affecting 1968 cotton plantings.

This subpart supersedes the regulations for Acreage Allotments for 1966 and Succeeding Crops of Upland Cotton (31 F.R. 5300, as amended). However, such superseded regulations shall remain effective with respect to the 1966 and 1967 crops of upland cotton and with respect to determinations applicable to the 1968 crop of upland cotton made prior to the publication of this subpart in the FEDERAL REGISTER.

Since this subpart is primarily a reissue of prior substantive rules and because determinations regarding the 1968 export market acreage program and natural disaster transfers are included it is essential that this subpart be made effective as soon as possible. Accordingly, it is hereby determined that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest and this subpart shall become effective upon publication in the FEDERAL REGISTER.

GENERAL

Sec.
722.401 Applicability.
722.402 Recording allotments and bases.
722.403 Expiration of time limitations.
722.404 Definitions.

STATE AND COUNTY ALLOTMENTS

722.405 Apportionment of national allotment and national reserve among States.
722.406 Annual allocations.
722.407 State reserve.
722.408 Apportionment of State allotment and State's share of national reserve among counties and establishment of county reserve.

FARM ALLOTMENTS

722.409 Establishment of farm allotment bases.
722.410 Establishment of farm allotments.
722.411 Allotments for new cotton farms.
722.412 Release and reapportionment of cotton allotments.
722.413 Allotments for special farms.

EXTRA LONG STAPLE COTTON

722.414 Conditions of exemption of extra long staple cotton.

NOTICES OF FARM MARKETING QUOTAS

722.415 Notices of farm allotment and marketing quota.
722.416 Publication of farm allotments and marketing quotas and availability of records.

MISCELLANEOUS PROVISIONS

722.417 Successors-in-interest.
722.418 Marketing quotas transferable only under specified conditions.
722.419 Determination of compliance with allotments.
722.420 No credit for overplanting the farm allotment.
722.421 Approval of determinations and additional authority for determination of farm allotments and farm marketing quotas.
722.422 Review of farm allotment.
722.423 Erroneous notice of cotton allotment.

FARM DOMESTIC ALLOTMENTS

722.424 Farm domestic allotments.

NATURAL DISASTER TRANSFERS

722.425 Transfer of farm cotton acreage affected by a natural disaster.

EXCHANGE OF COTTON AND RICE FARM ALLOTMENTS

722.426 Exchange of cotton and rice farm allotments.

TRANSFER OF ALLOTMENTS—SALE, LEASE, OR BY OWNER

722.427 General explanation of transfer of allotments.
722.428 Applications for transfer.
722.429 Amount of allotment transferable.
722.430 Additional conditions and limitations.
722.431 County committee action.

EXPORT MARKET ACREAGE

722.432 Export market acreage for 1968 and 1969.
722.433–722.450 [Reserved]

AUTHORITY: The provisions of this subpart issued under secs. 301, 342–344, 344a, 345, 346, 347, 350, 361–362, 363, 373–374, 375, 377, 378, 379, 388; 52 Stat. 38, as amended, 63 Stat. 670, as amended, 79 Stat. 1197, 63 Stat. 674, 63 Stat. 674, as amended, 63 Stat. 675, as amended, 79 Stat. 1193, 52 Stat. 62, as amended, 52 Stat. 63, as amended, 52 Stat. 65, as amended, 52 Stat. 66, as amended, 72 Stat. 995, as amended, 79 Stat. 1211, 52 Stat. 68; 7 U.S.C. 1301, 1342–1344, 1344b, 1345, 1346, 1347, 1350, 1361–1362, 1363, 1373–1374, 1375, 1377, 1378, 1379, 1388.

GENERAL

§ 722.401 Applicability.

The provisions of this subpart apply to the establishment of acreage allotments for upland cotton beginning with the 1968 crop in years when farm acreage allotments are in effect, and for the 1968 and 1969 crops of upland cotton, the establishment of farm domestic allotments, the transfer of allotments by sale, lease, or by owner, the exchange of cotton and rice farm allotments, and the export market acreage program.

§ 722.402 Recording allotments and bases.

Farm allotments and bases shall be rounded to tenths of acres in accordance with the provisions of Part 793 of this chapter.

§ 722.403 Expiration of time limitations.

The provisions of Part 720 of this chapter concerning the expiration of time limitations shall apply to this subpart.

§ 722.404 Definitions.

In determining the meaning of this subpart, unless the context indicates otherwise, words importing the singular include and apply to several persons or things, words importing the plural include the singular, words importing the masculine gender include the feminine as well, and words used in the present tense include the future as well as the present.

(a) *General terms.* Definitions in Part 719 of this chapter shall apply to this subpart.

(b) *Abnormal weather conditions.* Weather conditions including conditions directly resulting therefrom adversely affecting the planting of cotton. The conditions must have been of sufficient duration and intensity to prevent the seeding of land to cotton and must have continued until the end of the planting season for the area.

(c) *Acreage planted to cotton on the farm in the current year.* (For use in determining compliance with the farm allotment.)

(1) The acreage seeded to cotton plus stub cotton acreage on the farm in the current year, excluding any acreage in excess of the farm allotment which is destroyed or disposed of in accordance with the requirements of Part 718 of this chapter.

(2) If the farm operator fails to file a certification of acreage in a certification county, the acreage planted to cotton shall be considered to be zero for history acreage purposes, and for marketing quota purposes any cotton produced on the farm shall be considered as excess cotton in accordance with Part 718 of this chapter in lieu of the rule prescribed in subparagraph (1) of this paragraph.

(d) *Act.* Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.).

(e) *Base period for establishing farm allotments.* The 3-year period immediately preceding the current year.

(f) *Base period for establishing State and county allotments.* The 5-year period immediately preceding the year in which allotments and marketing quotas are proclaimed for the current year.

(g) *Conservation programs.* Programs under which acreage removed or diverted from the production of cotton is eligible for acreage history under the terms of the statute establishing such

program or under the general authority granted under 7 U.S.C. 1838(g).

(h) *County reserve.* Acreage reserved by the county committee from the computed county allotment and allocations from the State reserve for trends and abnormal conditions.

(i) *Extra long staple cotton.* American-Egyptian, Sea Island, Sealand, and all other varieties of the Barbadense species of cotton and any hybrid thereof, and any other cotton in which one or more of these varieties predominate, produced in an area designated by the Secretary.

(j) *Farm allotment.* Cotton acreage allotment established for a farm.

(k) *History acreage of cotton on the farm during the base period.* (For use in establishing farm allotments; acreage devoted to production of extra long staple cotton shall be excluded.) History acreage of cotton on the farm for 1966–69 shall be credited for each year in the amount of the farm allotment including any portion transferred by temporary adjustment (see paragraph (s)) from the farm but excluding any portion transferred by temporary adjustment to the farm and excluding any portion of the allotment for the farm attributable to minimum farm allotment requirements allocated under section 344(f)(7)(A) of the act. Such history acreage shall be adjusted in certain cases as follows:

(1) If less than 75 percent of the farm allotment for the respective year and for each of the 2 years preceding such year, after any temporary adjustment of allotment from the farm and before any temporary adjustment of allotment to the farm, was planted or considered planted to cotton (sum of acreage seeded to cotton, acreage devoted to the production of stub cotton seeded prior to such year, and acreage considered planted to cotton under a conservation program) the history acreage for the respective year shall be credited in the amount of the sum of the following:

(i) Acreage seeded to cotton;

(ii) Acreage devoted to the production of stub cotton seeded prior to such year;

(iii) Acreage considered planted to cotton under a conservation program;

(iv) If no cotton is planted on the farm but the farm is participating in the 1968 or 1969 Upland Cotton Program, the acreage which qualifies for payment at the required diversion level;

(v) Acreage temporarily adjusted from the farm;

but such sum shall not exceed the farm allotment less any portion of the allotment for the farm attributable to minimum farm allotment requirements allocated under section 344(f)(7)(A) of the act.

(2) No adjustment of history acreage under subparagraph (1) of this paragraph shall be made for a farm on which some cotton is actually planted or considered as planted under the natural disaster provision of the price support program if the farm qualified for price support payment.

(3) No adjustment of history acreage under subparagraph (1) of this paragraph shall be made for a farm owned by the Federal Government with a restrictive lease prohibiting the planting of cotton or for a farm for which cotton allotment is established in the pool under Part 719 of this chapter.

(l) *History acreage of cotton for 1963 and succeeding years in the county during the base period.* (For use in establishing county allotments; acreage devoted to production of extra long staple cotton shall be excluded.) The county history acreage for each year shall be the sum of the farm history acreages in the county but not to exceed the acreage determined by subtracting the county's share of the national reserve from the acreage allocated to farms from the county allotment, State and county reserves.

(m) *History acreage of cotton for 1963 and succeeding years in the State during the base period.* (For use in establishing State allotments; acreage devoted to the production of extra long staple cotton shall be excluded.) The State history acreage for each year shall be the sum of the county history acreages plus the acreage retained in the State productivity pool.

(n) *National reserve.* That portion of the 310,000 acres authorized under the act to be apportioned to the States for the current year for minimum farm allotments.

(o) *New cotton farm.* Farm for which a cotton acreage allotment is established for the current year and for which there is no history acreage in any year of the farm base period.

(p) *Old cotton farm.* Farm having acreage history in any one or more of the farm base years excluding history for released acreage but including history for acreage transferred due to a natural disaster.

(q) *Small farm.* Farm for which an allotment for the current year, exclusive of allocations to the farm from State and county reserves, is 15 acres or less.

NOTE: For purposes of determining a cooperator for price support programs, small farm is defined differently in § 722.802.

(r) *State reserve.* Acreage reserved by the State committee from the State allotment.

(s) *Temporary adjustment of allotment.* Includes acreage temporarily transferred by owner, lease, release, and reapportionment or reduced because of cropland limitation.

(t) *Upland cotton.* Any cotton other than extra long staple cotton.

STATE AND COUNTY ALLOTMENTS

§ 722.405 Apportionment of national allotment and national reserve among States.

(a) *National allotment.* The national allotment proclaimed for the current year less the acreage required to provide any State an allotment not less than the smaller of 4,000 acres or the highest acreage planted to cotton in any of the 3 years immediately preceding the current year shall be apportioned among the other States on the basis of the average acreage planted to cotton in each such State for the State base years. The acreage planted to cotton in a State may be adjusted because of abnormal weather conditions based on recommendations of the State committee and official statistics and studies of the Department of Agriculture. Any such reduction in the acreage planted to cotton in a State shall be the amount established by reference to available information and data as the net reduction of planted cotton acreage in the State attributed solely to abnormal weather conditions.

(b) *National reserve.* The need for additional acreage for establishing minimum farm allotments for the current year, together with the 1,000 acre allocation to Nevada, will be estimated after taking into consideration (1) the needs for such additional acreage for the year preceding the current year, and (2) the size of the national allotment for such year preceding the current year. The additional acreage, if any, shall be apportioned among States on the basis of the estimated needs of each State for additional acreage for establishing minimum farm allotments except that the amount apportioned to Nevada shall be 1,000 acres. Acreage apportioned to a State from the national reserve shall not be taken into account in establishing future State allotments.

§ 722.406 Annual allocations.

The regulations in this subpart will be supplemented to establish for each year for which farm acreage allotments and farm marketing quotas are proclaimed the following:

(a) State allotment which is the State's share of the national allotment.

(b) State's share of the national reserve.

(c) County allotment.

(d) Allocations of State reserve.

(e) County reserve.

§ 722.407 State reserve.

The total State reserve for all uses established by the State committee for the curretn year shall not exceed 2 percent of the State allotment available for distribution to counties in the State, unless the State committee recommends a larger acreage which is approved by the deputy administrator. The allotment available for distribution shall be the State's share of the national allotment less the allotment attributable to history acreage pooled as a result of productivity adjustments under § 722.429(c). The State committee may, in its discretion, determine that no reserve for any one or more uses, or all uses shall be established, except that a State reserve for minimum farm allotments shall be established if required under paragraph (a) of this section. The uses of the State reserve are as follows:

(a) *State reserve for minimum farm allotments.* If the State's share of the national reserve is less than the requirements as estimated by the Secretary for establishing minimum farm allotments, a State reserve for minimum farm allotments shall be established. The reserve so established, if any, shall be not less

than the smaller of (1) the remaining acreage so estimated to be required for establishing minimum farm allotments, or (2) 3 percent of the State allotment. The State committee shall allocate the State reserve for minimum farm allotments, if any, to counties on the basis of their needs for additional acreage for establishing minimum farm allotments and such reserve acreage shall be added to the county allotment. No part of such reserve acreage shall be used to increase the county reserve above 15 percent of the county allotment determined without regard to such reserve acreage.

(b) *Other authorized uses of State reserve.* The State reserve, if any, established for use other than pursuant to paragraph (a) of this section shall be used by the State committee as follows:

(1) State reserve for trends shall be used to adjust the computed county allotments for trends in acreage in the counties during the 6 years preceding the current year. The State committee may determine such adjustments by use of a formula which shall be applied uniformly to each county in the State.

(2) State reserve for abnormal conditions shall be used to adjust the computed county allotments for abnormal conditions adversely affecting plantings in the counties during the 5 base years. In determining any such adjustment, the State committee shall consider abnormal weather conditions such as floods and droughts during the planting season which caused plantings to be abnormally low in comparison with normal and any other abnormal conditions which adversely affected plantings to a greater extent than in other counties. The State committee shall also take into consideration any abnormal weather condition adjustments to the State and county allotments made pursuant to section 344 (b) and (e) of the act without reference to the State reserve.

(3) State reserve for small farms shall be used by the county committee only for adjustments in small farm allotments.

(4) State reserve to correct inequities in farm allotments and to prevent hardships shall be used by the county committee to adjust farm allotments to correct inequities and to prevent hardships. Allocation of such reserve acreage shall be made on the basis of facts determined for each farm and shall not be apportioned among farms on the basis of a formula. Such State reserve shall also include a setaside to assist county committees in correcting erroneous allotments, in establishing allotments for missed farms and reconstituted farms, and in making late adjustments to correct inequities and to prevent hardship.

(5) State reserve for new cotton farms shall be used by the county committee to establish farm allotments for new cotton farms.

§ 722.408 Apportionment of State allotment and State's share of national reserve among counties and establishment of county reserve.

(a) *Apportionment of State allotment.* The State allotment less (1) the allotment attributable to history pooled as a result of productivity adjustments under § 722.429(c), and (2) the State reserve for the current year, shall be apportioned among counties on the basis of the average acreage planted to cotton in each county in the 5 base years with adjustments in such acreage for failure to seed cotton because of abnormal weather conditions. Such adjustments shall be made in the manner provided in § 722.405(a). The acreage apportioned under this paragraph shall be the computed county allotment.

(b) *Apportionment of State's share of national reserve.* Acreage apportioned to a county from the State's share of the national reserve shall not be taken into account in establishing future county allotments. The State's share of the national reserve shall be apportioned among counties on the basis of estimated needs for additional allotment to establish minimum farm allotments as determined by the State committee, except that the additional allotment of 1,000 acres for Nevada shall be apportioned among counties of Nevada on the same basis that the Nevada State allotment, less State reserve, is apportioned among counties. When apportioning the State's share of the national reserve, the following shall be taken into consideration: (1) The needs for such additional allotment for the year preceding the current year; (2) the size of the county allotments for the current year and the year preceding the current year without regard to State and county reserves; (3) the size of the allocation to the county from the State's share of the national reserve for the year preceding the current year, and (4) adjustments in farm allotment bases for the current year as required by § 722.409(c).

(c) *County allotment.* The county allotment shall be the sum of (1) the computed county allotment; (2) allocations to the county from the State reserve for minimum farm allotments, trends and abnormal conditions, and (3) the allocation to the county from the State's share of the national reserve.

(d) *County reserve.* The county committee shall establish a county reserve not in excess of 15 percent of the sum of the computed county allotment and allocations to the county from the State reserve for trends and for abnormal conditions. The State committee may coordinate the establishment of county reserves by county committees in the State so as to provide a uniform county allotment factor for all or for groups of counties in the State. The adjusted county allotment resulting from the establishment of a county reserve shall be sufficient to provide factored farm allotments equal to the product of the farm allotment base times the uniform county allotment factor for all old cotton farms in the State plus the additional acreage that would be required to provide minimum farm allotments to farms.

(e) *Adjusted county allotment.* The adjusted county allotment shall be the county allotment less the county reserve.

FARM ALLOTMENTS

§ 722.409 Establishment of farm allotment bases.

(a) *Farms which were old cotton farms in the year preceding the current year.* The county committee shall establish farm allotment bases for the current year for farms which were old cotton farms in the year preceding the current year as the smaller of (1) the maximum allotment base, or (2) the preliminary allotment base.

(b) *Maximum allotment base.* The maximum allotment base for each old cotton farm for which a 1958 farm allotment was established shall be the farm allotment prior to any temporary adjustment of allotment to or from the farm for the year preceding the current year less that part, if any, allocated to the farm under the minimum allotment provisions of the act. The maximum allotment base for each old cotton farm which did not receive a 1958 farm allotment shall be the preliminary allotment base.

(c) *Preliminary allotment base.* The preliminary allotment base for each old cotton farm shall be the farm allotment prior to any temporary adjustment of allotment to or from the farm for the year preceding the current year in the following cases:

(1) 75 percent or more of such farm allotment was seeded to cotton, devoted to the production of stub cotton seeded in a prior year, considered planted under a conservation program, and considered planted by reason of temporary adjustment of allotment from the farm.

(2) The county committee determines that failure to plant at least 75 percent of such farm allotment was due to conditions beyond the control of producers on the farm. Such conditions are hereby determined to be:

(i) Excessive rain, flood, hail, or drought;

(ii) Lack of water on irrigated farms resulting from the effect of drought on the water supply;

(iii) Illness of the farm operator or any other producers on the farm;

(iv) Insufficient cropland on the farm to support all authorized land uses for allotted crops and feed grain bases in the current year;

(v) Transfer of land ownership, including foreclosure proceedings, which prevent planting of cotton.

The farm operator or owner shall file an application in writing with the county committee not later than September 15 of the current year showing that failure to plant at least 75 percent of the farm allotment in the current year was due to one or more of the conditions in subdivisions (i) to (v) of this subparagraph. However, such written application shall not be required if the county committee finds that one or more of such conditions at planting time generally caused underplanting of allotments on a number of farms in an area of the county and in such cases, the county committee, with the approval of a representative of the State committee, may determine that 75

percent or more of the farm allotment for the current year would have been planted to cotton on any farm in such area if the 75 percent planting requirement was met by history acreage credit in at least one of the 2 years preceding the current year.

(3) The farm is owned by the Federal Government with a restrictive lease prohibiting the planting of cotton.

(4) The farm cotton allotment is established in the pool under Part 719 of this chapter.

(5) Some cotton was actually planted or considered as planted under the natural disaster provision of the price support program and the farm qualified for a price support payment.

(i) If the 75 percent planting requirement is not met under subparagraphs (1) to (5) of this paragraph, the preliminary allotment base shall be the average of (*a*) the farm allotment for the year preceding the current year and (*b*) the sum of the acreage under such allotment seeded to cotton, devoted to the production of stub cotton seeded in a prior year, considered planted under a conservation program and considered planted by reason of temporary adjustment of allotment from the farm.

(ii) If the 75 percent planting requirement is not met under subparagraphs (1) to (5) of this paragraph in the case of a farm for which a new cotton farm allotment was established for the year preceding the current year, the preliminary allotment base shall be the sum of the acreage actually planted and considered planted to cotton on the farm.

(d) *Minimum allotment provisions.* The following terms are applicable in establishing minimum farm allotments:

(1) 1958 farm allotment—the allotment established for the farm for 1958 prior to release of allotment from the farm or reapportionment of released allotment to the farm.

(2) Adjusted 1958 farm allotment—the smaller of the 1958 farm allotment adjusted for use in establishing allotments for the year preceding the current year or the preliminary allotment base for the current year.

(3) Minimum allotment—the minimum allotment for each old cotton farm for which a 1958 farm allotment was established shall be the smaller of 10 acres or the adjusted 1958 farm allotment determined for the current year. In the case of reconstitution of a farm by division where one or more of the tracts to be divided from the parent farm will be combined with another farm for the current year, such tract or tracts shall not be eligible for a minimum allotment prior to such combination.

(4) Total minimum farm allotment requirements for a county—the sum of the minimum farm allotments for all old cotton farms in the county.

§ 722.410 Establishment of farm allotments.

(a) *Indicated allotments for old cotton farms in all counties.* The adjusted county allotment shall be apportioned among old cotton farms in accordance with applicable subparagraph (1) or (2) of this paragraph.

(1) *Indicated allotments for old cotton farms in counties where the adjusted county allotment is equal to or less than the total minimum farm allotment requirements for the county.* If the adjusted county allotment is equal to or smaller than the total minimum farm allotment requirements for the county, the indicated allotment for each old cotton farm in the county for which a 1958 farm allotment was established shall be the minimum allotment for the farm. The allotment, if any, required in excess of the adjusted county allotment shall be in addition to the county, State, and national allotments and shall not be taken into account in establishing future State, county, or farm allotments. The indicated allotment for each cotton farm in the county which was a new cotton farm for any year in the farm base period shall be zero; however, reserve acreage, to the extent available, shall be used to adjust such allotment to not less than the farm allotment base for the current year adjusted to reflect the change in the State allotment for the current year from the State allotment for the year preceding the current year in accordance with paragraph (b) (1), (3), and (4) of this section.

(2) *Indicated allotments for old cotton farms in counties where the adjusted county allotment is larger than the total minimum farm allotment requirements for the county.* If the adjusted county allotment is larger than the total minimum farm allotment requirements for the county, indicated farm allotments for old cotton farms shall be established as follows:

(i) A county factor shall be determined by dividing the adjusted county allotment by the sum of the farm allotment bases established for old cotton farms in the county.

(ii) A factored allotment shall be computed for each old cotton farm by multiplying the allotment base by the county factor.

(iii) The indicated allotment for each old cotton farm shall be the larger of the factored allotment or the minimum allotment for the farm, except that, if a 1958 allotment was not established for the farm, the indicated allotment shall be the factored allotment.

(iv) The indicated allotment shall not exceed the cropland on the farm.

(b) *Use of county reserve.* The county reserve shall be used by the county committee to adjust indicated farm allotments. Farms covered by contracts under the conservation programs shall receive the same consideration as other comparable farms in the county in the adjustment of allotments from the county reserve. The county reserve shall be used by the county committee as follows:

(1) *Adjustments in indicated farm allotments of 15 acres or less.* Not less than 20 percent of the county reserve shall, to the extent required, be used by the county committee to adjust indicated farm allotments determined under paragraph (a) of this section to be 15 acres or less excluding minimum farms. Such adjustments shall be made so as to establish allotments which are fair and reasonable in relation to the allotments established for similar farms in the community taking into consideration for the farm the acreages planted to cotton in the farm base years; the land, labor, and equipment available for the production of cotton; crop-rotation practices; the soil and other physical facilities affecting the production of cotton; and abnormal conditions of production.

(2) *Determination of acreage needed for new cotton farms.* If any part of the State reserve or the county reserve is to be used for establishing allotments for new cotton farms, the county committee, with the assistance of the community committees, may estimate from county office records and other available sources of information the number of new cotton farms in the county and an estimate may be made of the cropland on new cotton farms. Such estimates may be used by the State and county committees as a basis for determining the acreage, if any, that will be allocated for establishing allotments for new cotton farms. In determining the acreage, if any, from the county reserve which is to be used for establishing allotments for new cotton farms, the county committee shall take into consideration the acreage, if any, to be made available from the State reserve for establishing allotments for new cotton farms.

(3) *Adjustments in farm allotments to correct inequities and to prevent hardship.* The county committee shall determine the acreage required from the county reserve to supplement any acreage allocated to the county from the State reserve to correct inequities in farm allotments and to prevent hardship. Such reserves may also be used for establishing and adjusting farm allotments as provided in paragraph (f) of this section and to provide fair and reasonable allotments where the county committee had insufficient information to make proper adjustments at the time the original allotment for the farm was established. Any acreage from the county reserve and any allocation to the county from the State reserve to correct inequities and prevent hardship may be used by the county committee for making adjustments in farm allotments to correct inequities and to prevent hardship, taking into consideration the factors set forth in subparagraph (1) of this paragraph.

(4) *Adjustments in indicated allotments for other farms.* The remainder of the acreage in the county reserve, after meeting or determining the requirements under subparagraphs (1), (2), and (3) of this paragraph, shall be used by the county committee to adjust indicated farm allotments which are more than 15 acres and minimum indicated farm allotments. In making such adjustments the county committee shall consider the factors set forth in subparagraph (1) of this paragraph.

(c) *Use of acreage allocated to county from State reserves for adjusting allotments for small farms.* The acreage allocated to a county from the State reserve for small farms shall be used by the county committee to adjust indicated farm allotments of 15 acres and less for old cotton farms on the basis of the factors set forth in paragraph (b)(1) of this section.

(d) *Reconstitution of farms.* The reconstitution of farms under this subpart shall be governed by the regulations pertaining to reconstitution of farms in Part 719 of this chapter.

(e) *Allotments for missed and reconstituted farms and correction of errors.* The reserves provided for in paragraph (b)(3) of this section and in § 722.407 (b)(4) shall be used by the county committee for the purposes specified therein and also (1) for establishing allotments for old cotton farms for which allotments were not established at the time allotments were originally established for old cotton farms in the county because of oversight on the part of the county committee, (2) for correcting errors in farm allotments, and (3) for use in establishing allotments for farms which are divided or combined for the current year under paragraph (d) of this section. If the reserves authorized to be used under this paragraph have been exhausted, acreage authorized under section 344(f)(7)(A) of the act may be used for establishing minimum farm allotments.

(f) *Equitable adjustments from State reserve for all old cotton farms.* Under the conservation programs, acreage diverted from the production of cotton shall be considered acreage devoted to cotton for purposes of establishing future State, county and farm allotments. In order to prevent inequitable allotments on farms included in such programs, the State reserve for categories other than new farms shall not be larger than that acreage required to give all old cotton farms equal consideration, whether the farm history resulted from actual seeding of cotton or from acreage history required by law.

(g) *Limitation on adjustments for farms transferring allotments.* If acreage was transferred from the farm by sale, lease or by owner in the current or prior year, the county committee may adjust farm allotments for such farms with reserve acreage only in exceptional cases including but not limited to cases where the transferor will not benefit from the adjustment, or the transfer was temporary and allotment has been returned to the farm for the current year. Any such adjustment shall be subject to the approval of a representative of the State committee.

§ 722.411 Allotments for new cotton farms.

(a) *Closing date.* The State committee shall establish a closing date for filing an application for a new cotton farm allotment with the county committee which shall be no earlier than January 15 of the current year and no later than the date on which the planting of cotton normally becomes general on farms in the county. The closing date established by State committees are as follows:

State	Date
Alabama	February 15.
Arizona	January 15.
Arkansas	February 15.
California	February 15.
Florida	February 15.
Georgia	February 15.
Illinois	March 29.
Kansas	January 15.
Kentucky	February 15.
Louisiana	Second Friday in February.
Mississippi	February 15.
Missouri	March 1.
Nevada	February 15.
New Mexico	February 15.
North Carolina	February 15.
Oklahoma	February 15.
South Carolina	February 15.
Tennessee	February 15.
Texas	January 15.
Virginia	February 15.

Such closing date and the amount of reserve acreage available in the county for new cotton farms shall be posted in the county office and, to the extent practicable, such information shall be given publicity in the county.

(b) *Eligibility of a new cotton farm for a cotton allotment.* A cotton allotment for a new cotton farm may be established by the county committee if each of the following conditions is met:

(1) An application for a cotton allotment is filed by the farm owner or operator with the county committee by the closing date established by the State committee.

(2) Neither the farm operator nor the farm owner owns or operates any other farm in the United States for which a cotton allotment is established for the current year.

(3) The available land, type of soil and topography of the land is suitable for the production of cotton and such production ordinarily will not result in an undue erosion hazard under continuous production.

(4) The farm operator shall own, or otherwise have readily available, adequate equipment and the other facilities of production (including irrigation water in irrigated areas) necessary to produce cotton on the farm.

(5) The farm operator (each partner where the farm operator is a partnership) expects to obtain during the current year more than 50 percent of his income from the production of agricultural commodities or products from the farm excluding the estimated income from the production of cotton requested for the farm. Where the farm operator is a corporation, it must have no major corporate purpose other than operation, and ownership where applicable, of such farms, and the officers and general manager of the corporation must expect to obtain during the current year more than 50 percent of their income, whether dividends or salary, from the production of agricultural commodities or products from the farm excluding the estimated income from the production of cotton requested for the farm. Where the farm operator is a trustee under a trust arrangement for a farm, the trustee and the beneficiary of the trust each must expect to obtain during the current year more than 50 percent of his income from the production of agricultural commodities or products from the farm excluding the estimated income from the production of cotton requested for the farm. In estimating the income of the farm operator from the farm, the estimated value of home gardens, livestock and livestock products, poultry, or other agricultural products produced for home consumption or other use on the farm shall be included.

(6) A farm which includes land acquired by an agency having the right of eminent domain for which the entire cotton allotment was pooled pursuant to Part 719 of this chapter which is subsequently returned to agricultural production shall not be eligible for a new cotton farm allotment for a period of 3 years from the date the former owner was displaced from the acquired farm.

(7) No farm from which the entire cotton allotment has been transferred in an exchange for rice under § 722.426 shall be eligible as a new cotton farm within a period of 5 crop years after the date of exchange.

(8) In case of transfer of the entire farm allotment under §§ 722.427 to 722.431, the limitation on new cotton farm eligibility in § 722.430(e) shall be applicable.

(c) *Establishment of allotments for new cotton farms.* If the applicant's farm is eligible for a cotton allotment, such allotment shall be established by the county committee on the basis of land, labor, and equipment available for the production of cotton; crop-rotation practices; and the soil and other physical facilities affecting the production of cotton. The allotment so determined for any such farm shall not exceed the smaller of (1) the indicated allotments established pursuant to § 722.410 for old cotton farms in the county which are similar except for the acreage planted to cotton during the farm base years, or (2) the allotment requested by the applicant. The sum of the allotments determined by the county committee for new cotton farms shall not exceed the reserves available for such farms in the county. The allotments for new cotton farms shall be subject to review and approval by a representative of the State committee.

(d) *Reduction or cancellation of new cotton farm allotments for misrepresentation.* If a new cotton farm allotment is established under paragraph (c) of this section and it is later determined by the county committee or State committee, or the deputy administrator, that the new farm allotment was obtained by misrepresentation by or on behalf of the farm operator or owner, the new farm allotment established for the farm shall be cancelled if the farm is not eligible for a new cotton farm allotment or reduced to the amount which would be proper on the basis of the facts and a notice of revised allotment shall be issued. Any reduction or cancellation of a new cotton allotment by the county

committee shall be subject to the approval of the State committee. A cotton allotment established for a farm in any year subsequent to the establishment of a new cotton farm allotment for such farm shall be revised to reflect any reduction or cancellation of the new farm allotment and a notice of revised allotment shall be issued.

(e) *Reduction of new cotton farm allotment for underplanting.* If the acreage planted to cotton on the new cotton farm is less than 75 percent of the cotton allotment established for the farm pursuant to paragraph (c) of this section, such allotment shall be reduced to the acreage planted to cotton on the farm except that for such allotments established for the years 1968 and 1969, if some cotton was actually planted or considered as planted under the natural disaster provision of the price support program and the farm qualified for price support payment, the allotment shall be considered fully planted for purposes of computing future allotments for the farm.

§ 722.412 Release and reapportionment of cotton allotments.

(a) *Conditions under which farm allotments cannot be released.* The following farm allotments shall not be released in whole or in part:

(1) Allotments for new cotton farms.

(2) The allotment for an old cotton farm which is owned by the Federal Government and which was leased by an agency of the Federal Government as lessor on condition that no land on the farm shall be planted to cotton.

(3) The allotment for any farm for which the farm owner has filed a written objection at the office of the county committee prior to the release.

(4) Allotments pooled under Part 719 of this chapter for which an application for transfer has been filed.

(5) The allotment covered by a conservation program contract.

(b) *Allotments which may be released and reapportioned—(1) Release of allotments for the current year only.* Except as provided otherwise in paragraph (a) of this section, all or any part of any farm allotment for the current year for an old cotton farm, which will not be used may be voluntarily released in writing to the county committee by the farm operator by the applicable closing date, except that allotments pooled under Part 719 of this chapter may be released only by the displaced owner. Released acreage shall be deducted from the farm allotment and a revised notice of farm allotment shall be issued.

(2) *Permanent release of allotments.* Except as provided otherwise in paragraph (a) of this section and except for pooled acreage allotments, all or any part of any farm allotment for the current year for an old cotton farm may be permanently released in writing to the county committee by the owner and operator by the applicable closing date. Released acreage shall be deducted from the farm allotment and a revised notice of farm allotment shall be issued.

(3) *Application for reapportioned allotment.* A written request by the farm operator or owner shall be filed with the county committee by the applicable closing date as a condition of eligibility for consideration by the county committee to have released acreage reapportioned to the farm. In any case where an oral request by the farm operator or owner is made to the county committee by the applicable closing date and the county committee finds that the applicant was prevented by conditions beyond his control from timely filing a written request, such oral request may be considered as timely filed upon filing of a written request within a reasonable period after the closing date.

(4) *Standards and guidelines for reapportionment.* The State committee shall establish standards and guidelines to include the limitations in subdivisions (i), (ii), and (iii) of this subparagraph to assure uniform application of the basic factors of past acreages of cotton, land, labor, and equipment available for the production of cotton; crop-rotation practices; and soil and other physical facilities affecting the production of cotton. Standards and guidelines established by the State committee shall be made available to interested parties.

(i) The farm allotment for any farm to which released allotment is reapportioned shall not exceed the larger of 33 acres or 75 percent of the cropland for the farm, but in no event shall such farm allotment exceed the cropland for the farm.

(ii) The sum of the allotments reapportioned to all farms in the county owned, operated or controlled by a member of the community committee or county committee, or an employee of the county committee, for which applications are filed under subparagraph (3) of this paragraph, shall not be a higher percentage of the total acreage reapportioned to all farms in the county than the percentage of farm allotments before reapportionment on farms so owned, operated or controlled is to the total of the farm allotments before reapportionment on all farms receiving reapportioned acreage.

(iii) Allotment may not be reapportioned to a farm from which allotment was transferred by sale, lease or by owner in the current or prior year except in exceptional cases including but not limited to cases where the transferor will not benefit from the reapportioned allotment, or the transfer was temporary and allotment has been returned to the farm for the current year. Any such reapportionment by the county committee shall be subject to approval of a representative of the State committee.

(5) *Reapportionment by county committee.* Released allotments shall be reapportioned by the county committee not later than the applicable closing date to other farms receiving farm allotments in the same county for which timely application is filed in amounts determined by the county committee to be fair and reasonable pursuant to the applicable standards and guidelines under subparagraph (4) of this paragraph.

(6) *Surrender of released acreage to the State committee.* If all the released acreage in a county is not needed, the county committee may surrender, except for released acreage from pooled acreage allotments, the unused released acreage to the State committee for reapportionment to counties. The State committee shall reapportion such surrendered acreage to counties on the basis of trends in acreage, abnormal conditions adversely affecting plantings or for small or new farms or to correct inequities in farm allotments and to prevent hardships. Such surrendered acreage shall be reapportioned by the receiving county committee subject to the provisions of subparagraphs (3), (4), and (5) of this paragraph.

(7) *Closing dates.* The State committee shall establish the following closing dates for the entire State or for areas consisting of one or more counties in the State taking into consideration the normal planting dates within the State. In establishing such dates, the State committee shall take into consideration the time required for reapportionment of surrendered acreage to counties and farms.

(i) The closing date for release of allotments shall be no later than the date on which planting of cotton normally becomes general on farms in the State, area, or county, except that for any farm for which an intention to participate in the upland cotton price support program has been filed for the current year on which no cotton is intended to be planted, the closing date shall be the same date prescribed as the closing date for filing such intention to participate.

(ii) The closing date for requests for reapportionment of allotments shall be a date from the closing date for release of allotments to the closing date for reapportionment of allotments, both dates inclusive, but no later than April 15 of the current year.

(iii) The closing date for reapportionment of allotments to other farms shall be no later than the latest date on which cotton can normally be planted on the farms in the State, area, or county with reasonable expectation of producing an average crop.

(iv) In accordance with subdivisions (i), (ii), and (iii) of this subparagraph and subject to the exception in subdivision (i) of this subparagraph, the following dates are established by the State committees:

State	Closing date for release	Closing date for requests for reapportionment	Final date for reapportionment
Alabama	Mar. 15	Mar. 15	Apr. 15.
Arizona	Apr. 1	Apr. 1	Apr. 15.
Arkansas	Apr. 15	Apr. 15	May 1.
California	Mar. 17	Mar. 17	Mar. 31.
Florida	Feb. 28	Feb. 28	Apr. 5.
Georgia	Mar. 15	Mar. 15	Mar. 29.
Illinois	Apr. 8	Apr. 8	Apr. 15.
Kansas	Apr. 15	Apr. 15	May 1.
Kentucky	Apr. 15	Apr. 15	May 1.
Louisiana	Third Friday in March	Third Friday in March	Fourth Friday in March.
Mississippi	Mar. 31	Mar. 31	May 15.
Missouri	Mar. 1	Mar. 1	Mar. 31.
Nevada	Feb. 1	Feb. 15	Feb. 15.
New Mexico	Apr. 15	Apr. 15	Apr. 22.
North Carolina	Mar. 22	Apr. 12	Apr. 19.
Oklahoma	Mar. 15	Mar. 15	Apr. 5.
South Carolina	First Firday in March	First Friday in March	The later of 8 days after closing date for filing intention to participate in the price support program or 2 weeks after the closing date for release.
Tennessee	Mar. 8	Mar. 8	Mar. 29.
Virginia	Apr. 1	Apr. 1	Apr. 5.
Texas (Zone 1)	Feb. 2	Feb. 2	Feb. 23.

Counties: Aransas, Atascosa, Austin, Bandera, Bee, Bexar, Brazoria, Brooks, Calhoun, Cameron, Chambers, Colorado, De Witt, Dimmit, Duval, Fort Bend, Frio, Galveston, Goliad, Gonzales, Guadalupe, Harris, Hidalgo, Jackson, Jefferson, Jim Hogg, Jim Wells, Karnes, Kenedy, Kleberg, La Salle, Lavaca, Liberty, Live Oak, McMullen, Matagorda, Maverick, Medina, Nueces, Orange, Refugio, San Patricio, Starr, Uvalde, Victoria, Waller, Webb, Wharton, Willacy, Wilson, Zapata, and Zavala.

Texas (Zone II)	Mar. 8	Mar. 8	Mar. 29.

Counties: Anderson, Andrews, Angelina, Archer, Armstrong, Bailey, Bastrop, Baylor, Bell, Blanco, Borden, Bosque, Bowie, Brazos, Brewster, Briscoe, Brown, Burleson, Burnet, Caldwell, Callahan, Camp, Carson, Cass, Castro, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, Dickens, Donley, Eastland, Ector, Edwards, Ellis, El Paso, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Franklin, Freestone, Gaines, Garza, Gillespie, Glasscock, Gray, Grayson, Gregg, Grimes, Hale, Hall, Hamilton, Hansford, Hardeman, Hardin, Harrison, Hartley, Haskell, Hays, Hemphill, Henderson, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hudspeth, Hunt, Hutchinson, Irion, Jack, Jasper, Jeff Davis, Johnson, Jones, Kaufman, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamar, Lamb, Lampasas, Lee, Leon, Limestone, Lipscomb, Llano, Loving, Lubbock, Lynn, McCulloch, McLennan, Madison, Marion, Martin, Mason, Menard, Midland, Milan, Mills, Mitchell, Montague, Montgomery, Moore, Morris, Motley, Nacogdoches, Navarro, Newton, Nolan, Ochiltree, Oldham, Palo Pinto, Panola, Parker, Parmer, Pecos, Polk, Potter, Presidio, Rains, Randall, Reagan, Real, Red River, Reeves, Roberts, Robertson, Rockwall, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Terry, Throckmorton, Titus, Tom Green, Travis, Trinity, Tyler, Upshur, Upton, Val Verde, Van Zandt, Walker, Ward, Washington, Wheeler, Wichita, Wilbarger, Williamson, Winkler, Wise, Wood, Yoakum, and Young.

(8) *Acreage history.* For the purpose of determining future State and county allotments, released allotments will be credited to the State and county in which such allotments were released. In determining future farm allotments, the planting in the current year of reapportioned allotments shall not be considered. Any farm allotment released for the current year only, shall, in determining future farm cotton allotments, be regarded as having been planted on the farm from which such allotment was released, if cotton was planted or considered as planted on such farm in at least 1 of the 2 years preceding the current year.

(9) *Public notice.* The county committee shall post in the county office the applicable closing dates and the amount of released allotments available in the county for reapportionment and, to the extent practicable, such information shall be given general publicity in the county.

§ 722.413 Allotments for special farms.

(a) *Where the farm owner is displaced by a Federal, State, or other agency having the right of eminent domain.* Farm allotments for such acquired land and determination of other farm allotments for such owner shall be governed by Part 719 of this chapter.

(b) *Allotments for farms operated by publicly-owned agricultural experiment stations.* A farm allotment shall be established pursuant to the provisions of § 722.410 for a farm operated by a publicly owned agricultural experiment station. Such farm allotment shall not include any experimental acreage for which there is an exemption from marketing quotas under the marketing quota regulations of this part.

EXTRA LONG STAPLE COTTON

§ 722.414 Conditions of exemption of extra long staple cotton.

The provisions of this subpart relating to upland cotton shall not apply to extra long staple cotton for any year for which marketing quotas are in effect for extra long staple cotton.

NOTICES OF FARM MARKETING QUOTAS

§ 722.415 Notices of farm allotment and marketing quota.

(a) *Initial notice of farm allotment and marketing quota.* (1) The county committee shall mail a written notice of farm allotment and marketing quota to the operator of each old cotton farm and each new cotton farm for which a farm allotment for the current year is established and approved as soon as possible after the farm allotment is established.

(2) Insofar as practicable, the notice for each old cotton farm shall be mailed so as to be received prior to the marketing quota referendum for the current year.

(3) If application for a new cotton farm allotment is made but the county committee determines that no new farm allotment shall be established, the county committee shall mail a written notice of "None" as the farm allotment and marketing quota to the operator of such farm.

(4) If an old cotton farm loses eligibility for a farm allotment as an old cotton farm for the current year, the county committee shall mail a written notice of "None" as the farm allotment and marketing quota to the operator of such farm showing the reason no farm allotment was established for the farm.

(b) *Revised notice of farm allotment and marketing quota.* (1) The county committee shall mail a written notice of revised farm allotment and marketing quota to the operator of the farm as soon as possible after the county committee determines that a revision is required (i) under this subpart or the Regulations Governing Reconstitution of Farms, Allotments, and Bases in Part 719 of this chapter, (ii) to correct errors committed by the county committee, or (iii) to correct errors caused by fraud or misrepresentation of facts by or on behalf of the producers on the farm.

(2) Such revised notice shall be issued prior to the date when planting of cotton normally becomes general on farms in the county if at all possible, but if not possible to do so, such revised notice shall be issued after such date and the county committee shall determine whether the erroneous notice of cotton allotment provisions of § 722.423 are applicable.

(c) *Notice to operator constitutes notice to other persons.* (1) Each notice shall contain a statement substantially as follows: "To all persons who as operator, landlord, tenant, or sharecropper will for the crop year shown below be interested in the commodity designated below produced on the farm for which this acreage allotment and marketing quota are established." Notice so given shall constitute notice to all such persons.

(2) A copy of each notice showing the date of mailing to the operator shall be kept among the records of the county committee. Upon request, a certified copy shall be furnished without charge to any person who as an operator, landlord, tenant, or sharecropper is interested in the cotton produced on the farm in the year for which the notice is issued.

(d) *Effectiveness of notice.* Each notice shall bear the actual or facsimile signature of a member of the county committee. The facsimile signature may be affixed by the county committeeman or an employee of the county office. Farm allotments shall not become effective unless the notice is properly signed, approved, and mailed in accordance with this section.

(e) *Farm operator obligation to inform county committee of changes.* The farm operator shall immediately inform the county committee of any change in the ownership, operation, or control of the farm, or any part thereof, and any change in the total land in the farm, for a farm with a current farm allotment.

(f) *Review of farm allotment.* Each notice shall contain a brief statement of the procedure for application to obtain

a review of the farm allotment and marketing quota by a review committee in accordance with section 363 of the act and the Marketing Quota Review Regulations in Part 711 of this chapter. Unless application for such review is timely filed within 15 days after the mailing of a notice under this section, the farm allotment and marketing quota established by such notice shall be final and not subject to review by the review committee: *Provided*, That the failure of the farmer to apply for such review shall not preclude the county committee from issuing any required revised notice of farm allotment. If such notice is subsequently revised in accordance with this section, the revised farm allotment and marketing quota shall be subject to review in the same manner as the previous allotment and quota.

§ 722.416 Publication of farm allotments and marketing quotas and availability of records.

(a) One copy of each notice of the farm allotment and marketing quota for farms in the county mailed under § 722.415 shall be placed in binders or folders, or a listing of such allotments and quotas shall be prepared. Such notices or listings shall be (1) kept freely available in the office of the county committee for public inspection for a period of not less than 30 calendar days, (2) filed in the office of the county committee at the end of the 30-day period and remain readily available for further public inspection, and (3) maintained in the county office by the county office manager for the use of the chairmen of the community committees.

(b) The State and county committees shall make available for inspection by owners or operators of farms receiving cotton allotments, all records pertaining to cotton allotments and marketing quotas, including (1) the allocations to the county from the State reserve, and (2) the total amount and distribution of the county reserve.

(c) The State committee shall keep on file at the State office, available for examination by any interested cotton producers: (1) The amount of State reserve and authorized uses thereof, and (2) The formula, if any, and data developed and used to apportion State reserve for trends and abnormal conditions.

(d) The provisions of Part 798 of this chapter concerning the availability of information to the public shall be applicable to cotton program records.

MISCELLANEOUS PROVISIONS

§ 722.417 Successors-in-interest.

A successor-in-interest shall be governed by § 722.71.

§ 722.418 Marketing quotas transferable only under specified conditions.

A farm marketing quota is established for a farm and except as specifically provided for in §§ 722.412 (release and reapportionment), 722.413(a) (pooled allotments), 722.425 (natural disaster transfer), 722.426 (cotton-rice exchange), 722.431 (sale, lease, or owner transfer) and under 7 U.S.C. 1305, may not be assigned or otherwise transferred in whole or in part to any other farm.

§ 722.419 Determination of compliance with allotments.

For purposes of determining compliance with allotments, certification of acreage, premeasurement of farms, measurement of farms after planting, notice of measured acreage, disposition of excess acreage, and remeasurement shall be governed by Part 718 of this chapter.

§ 722.420 No credit for overplanting the farm allotment.

Any acreage planted to cotton in the current year in excess of the farm allotment shall not be taken into account in establishing State, county, and farm allotments for subsequent crops of cotton.

§ 722.421 Approval of determinations and additional authority for determination of farm allotments and farm marketing quotas.

(a) *Approval of State reserves, county allotments, and county reserves.* Determination of State reserves, county allotments, and county reserves shall be subject to review and approval by the Administrator, ASCS.

(b) *Approval of county committee determinations.* No official notice of farm allotment and marketing quota shall be mailed to a farm operator of an old or new cotton farm until a representative of the State committee has reviewed and approved the farm allotment. The representative of the State committee may revise or require revisions of any determination made under this subpart. Such prior review shall not be required for revised farm allotments resulting from: (1) Reconstitution of farms that does not require allocation of additional acreage, (2) release of acreage allotments, and (3) reapportionment of acreage allotment, except that the State committee may require prior approval by its representative before notices are issued.

(c) *Additional authority for determination of farm allotments and farm marketing quotas.* In addition to the authority established in this subpart for determination of farm allotments and farm marketing quotas for both old and new farms, including revised allotments to correct errors, such determinations may be made by the Secretary, Undersecretary, Administrator of ASCS or the Deputy Administrator. A notice conforming to the requirements of § 722.415 executed by any of the foregoing officials and mailed to the operator of the farm shall be deemed to meet the requirements of § 722.415.

(d) *Supervisory authority of State committee.* The State committee may take any action required to be taken by the county committee which the county committee fails to take and the State committee may correct or require the county committee to correct any action taken by such committee which is not in accordance with this subpart. The State committee may also require the county committee to withhold taking any action which is not in accordance with this subpart.

§ 722.422 Review of farm allotment.

Any producer who is dissatisfied with the farm allotment established for his farm, or in the case of a new cotton farm with the action of the county committee in refusing to establish a farm allotment for such farm, may, by making application in writing within 15 days after the mailing to him of the notice provided for in § 722.415, have such allotment reviewed by a review committee pursuant to the marketing quota review regulations set forth in Part 711 of this chapter, a copy of which may be obtained from the county committee.

§ 722.423 Erroneous notice of cotton allotment.

In any case where through error the producer is officially notified in writing of a farm allotment larger than the final approved farm allotment and it is found by the county committee that such producer, acting solely on the information contained in the erroneous notice, planted an acreage to cotton in excess of the final approved farm allotment, the producer will not be considered to have exceeded the farm allotment unless he planted an acreage in excess of the allotment shown on the erroneous notice. Before a producer can be said to have relied upon the erroneous notice, the circumstances must have been such that the producer had no cause to believe that the allotment notice was in error. To determine this fact, the date of any corrected notice in relation to the time of planting, the size of the farm, the amount of cotton customarily planted, and all other pertinent facts should be taken into consideration. The determination by the county committee under this section shall be subject to the approval of the State committee or the State executive director. The acreage planted to cotton on the farm in excess of the final approved allotment shall be considered as excess acreage for purposes of § 722.420.

FARM DOMESTIC ALLOTMENTS

§ 722.424 Farm domestic allotments.

Section 350 of the act provides for the establishment of farm domestic acreage allotments for upland cotton of the 1968 and 1969 crops. The county committee shall establish a farm domestic acreage allotment for each farm for each such year by multiplying the final approved farm allotment established under this subpart by the farm domestic acreage allotment percentage established in another subpart of this part for each such year.

NATURAL DISASTER TRANSFERS

§ 722.425 Transfer of farm cotton acreage affected by a natural disaster.

(a) *General authority.* Upon a determination for any year that because of a natural disaster a portion of the farm allotments in a county cannot be timely planted or replanted in such year, a

transfer of such acreage may be authorized under section 344(n) of the act. For any year in which a natural disaster within the meaning of section 344(n) of the act occurs, the necessary determinations and designation of affected States and counties will be published as paragraphs of this section.

(b) *Application for transfer.* The owner or operator of a farm in a county designated for any year under paragraph (a) of this section may file a written application for transfer of cotton acreage within the farm cotton allotment for such year to another farm in the same county or in an adjoining county in the same or another State if such acreage cannot be timely planted or replanted because of the natural disaster determined for such year. The application shall be filed with the county committee for the county in which the farm affected by such disaster is located. If the application involves a transfer to an adjoining county, the county committee for the adjoining county shall be consulted before action is taken by the county committee receiving the application.

(c) *Amount of transfer.* The acreage to be transferred shall not exceed the smaller of (1) the farm allotment established under this subpart less such acreage planted to cotton and not destroyed by the natural disaster, or (2) the acreage requested to be transferred.

(d) *County committee approval.* The county committee shall approve the transfer if it finds that the following conditions have been met:

(1) All or part of the farm allotment for the farm from which the acreage is to be transferred could not be timely planted or replanted because of the natural disaster and planting was not prohibited by the lease in case of lands owned by the Federal Government.

(2) One or more producers of cotton on the farm from which the acreage is to be transferred will be a bona fide producer engaged in the production of cotton on the farm to which the acreage is to be transferred and will share in the crop or in the proceeds of the cotton. Such sharing shall be in the manner customary in the area in order to establish the status of such producer as a bona fide producer on the farm to which the acreage is to be transferred.

(e) *Cancellation of transfers.* If a transfer is approved under this section and it is later determined that the conditions in paragraph (d) of this section have not been met, the county committee, State committee or the deputy administrator may cancel such transfer. Action by the county committee to cancel a transfer shall be subject to the approval of the State committee or its representative.

(f) *Acreage history credits and eligibility as an old cotton farm.* Any acreage transferred under this section shall be deemed to be released acreage for purposes of acreage history credit, except that transferred acreage shall be deemed planted on the farm from which transferred for purposes of determining eligibility as an old cotton farm, whether or not such acreage was actually planted.

(g) *Closing dates—1968 and succeeding crops.* The closing date for filing applications for transfers with the county committee for the 1968 and succeeding crops shall be the 10th of June of the current year. Notwithstanding such closing date requirement, the county committee may accept applications filed after the closing date upon a determination by the county committee that the failure to timely file an application was the result of conditions beyond the control of the applicant and a representative of the State committee approves such determination.

(h) *1968 crop.* It is hereby determined that a natural disaster consisting of flood or excessive rainfall in connection with Hurricane Beulah in late 1967 will prevent timely planting or replanting of a portion of the 1968 farm allotments on some farms in the following designated State and counties:

TEXAS

Cameron.	Starr.
Hidalgo.	Willacy.

EXCHANGE OF COTTON AND RICE FARM ALLOTMENTS

§ 722.426 Exchange of cotton and rice farm allotments.

(a) *General explanation.* Subsection (h) of section 344a of the act authorizes the exchange between farms in the same county, or between farms in adjoining counties within a State, of upland cotton farm allotment for rice farm allotment to take effect during any of the years 1968 and 1969. Each exchange of allotments shall be on an acre-for-acre basis subject to any required adjustments for differences in productivity of the farms under paragraph (c) of this section. Producer rice allotments established under section 353 of the act shall not be exchanged under this section.

(b) *Applications for exchange.* The owners and operators of the two farms shall be eligible to file application for exchange. If the owner and operator of a farm are different persons, both such persons shall execute the application. Applications shall be filed with the county committee of the county in which one of the farms is located not later than the closing date for release of cotton allotments under § 722.412(b)(7) for the year in which the exchange is to take effect. Applications shall be limited to exchanges to take effect during 1968 and 1969, but shall be permanent exchanges and remain in effect beyond such years.

(c) *Productivity adjustments—(1) Reduction in farm allotment being transferred.* The acreage allotment for cotton or rice, as the case may be, received by any farm in an exchange under this section shall be adjusted for differences in farm productivity if the projected yield for the commodity on the receiving farm exceeds the projected yield therefor on the farm from which the transfer is made by more than 10 percent. The adjustment, if any, shall be made for cotton by comparing the projected cotton yields for the farms involved in the exchange. Similarly, the adjustment, if any, shall be made for rice by comparing the projected rice yields for the farms involved in the exchange. The county committee shall determine the amount of allotment for cotton or rice, as the case may be, received by any farm in an exchange under this section where productivity adjustment is required by dividing the allotment to be exchanged by a percentage quotient obtained by dividing the yield of the receiving farm by the yield of the transferring farm. The projected yields used in the productivity adjustment shall be those for the first crop for which the exchange will be effective. The amount of allotment for a commodity so transferred from a farm shall be the full amount and the amount of allotment for a commodity so transferred to a farm shall be the reduced amount.

(2) *Adjustment in history acreage for rice.* Any adjustment in history acreage for rice allotments transferred under this section shall be governed by the regulations in Part 730 of this chapter.

(3) *Adjustment in history acreage for cotton.* The history acreage for cotton shall be adjusted in accordance with the provisions of subparagraphs (2), (3), (4), and (5) of § 722.429(c).

(d) *Conditions—(1) Same or adjoining county in a State.* No exchange shall be made between farms which are not in the same county or adjoining counties in the same State.

(2) *Consent of lienholders.* No exchange shall be made if one or both of the farms is subject to a mortgage or other lien unless the exchange is agreed to in writing by the lienholders.

(3) *New farm eligibility.* No farm from which the entire upland cotton or rice farm allotment has been transferred in an exchange shall be eligible for an allotment for the commodity as a new farm within a period of 5 crop years after the date of exchange.

(e) *County committee action.* The county committee shall approve exchanges of allotments only if it determines that a timely filed application has been received and that the exchange complies with the requirements of this section. If the exchange is made between counties, the approval of both county committees shall be required. No exchange shall be effective until approval as provided under this paragraph is obtained. The county committee shall issue revised notices of farm allotments for cotton and rice for each farm affected by the exchange. If a county committee obtains evidence that the conditions applicable to any exchange of allotment under this section have not been met, a report of the facts shall be made to the State committee. The State committee shall determine whether such conditions have been met and if not met, shall require that the exchange be canceled. Where cancellation is required, the respective county committees shall issue revised notices of allotment showing the reasons for cancellation of the exchange of allotment.

TRANSFER OF ALLOTMENTS—SALE, LEASE, OR BY OWNER

§ 722.427 General explanation of transfer of allotments.

Section 344a of the act authorizes the Secretary to permit three types of transfers of upland cotton allotments during 1968 and 1969. The Secretary has exercised such statutory authority in § 722.271 (30 F.R. 14307) to permit such transfers of all or part of the farm allotment. Transfers by sale would be permanent transfers of allotment, related history, and farm base acreages from one farm to another farm in the same State. Transfers by lease would be transfers from one farm to another farm in the same State for the term of the lease (which may extend beyond the years 1968 and 1969), and the related history and farm base acreages would be maintained to support the leased allotment on the basis of the county from which leased. Transfers by sale or lease would be permitted to cross county lines in a State only if a referendum of farmers in a county favored such movement from their county. Transfers by an owner to any other farm owned or controlled by him in the same State would be either permanent transfers of allotment or transfers for a term of years designated by the owner (which may extend beyond the years 1968 and 1969), but would not be subject to all of the limitations (for example, referendum approval and limit on amount of acreage transferred) applicable to transfers by sale and lease. Related history and farm base acreages would be transferred on a permanent basis or in case of transfer for a term of years in a manner similar to lease transfers.

§ 722.428 Applications for transfer.

(a) *Persons eligible to file applications for transfers*—(1) *Sale or lease.* The owner and operator of any old cotton farm, as defined in § 722.404(p), for which an upland cotton allotment is or will be established for the year in which the transfer by sale or lease is to take effect shall be eligible to file an application for sale or lease of all or part of such allotment to any other owner or operator of a farm which received an upland cotton allotment greater than zero for 1965 and which has a current upland cotton allotment for transfer to such farm. If the owner and operator of the farm from which transfer by sale or lease is to be made are different persons, both such persons shall execute the application.

(2) *By owner.* The owner of any old cotton farm, as defined in § 722.404(p), for which an upland cotton allotment is or will be established for the year in which the transfer is to take effect is eligible to file an application to transfer such allotment from the farm to another farm in the same State owned or controlled by such owner. The county committee shall approve a transfer under this subparagraph requested on a nonpermanent basis to a farm controlled but not owned by the applicant only if such applicant will be the operator of the farm to which transfer is to be made for each of the years for which the transfer is requested. Such requirement shall apply to transfers approved for 1966 and 1967 only with respect to such years remaining in the term of years previously approved beginning with 1968. However, if the county committee determines that the applicant is prevented from remaining the operator of such farm for which such transfer has been approved due to conditions beyond his control, the transfer shall remain in effect. Conditions beyond his control shall include, but are not limited to, death, illness, incompetency, or bankruptcy of such person.

(3) *Pooled allotments.* Notwithstanding the requirement of subparagraph (1) of this paragraph that the farm to which transfer is made be a farm which received a 1965 upland cotton allotment greater than zero, applications may be filed to transfer allotment by sale or lease to a farm for which a 1965 upland cotton allotment was not established if an allotment is established for such farm during 1968 or 1969 from pooled allotment under section 378 of the act derived from a farm which received an upland cotton allotment in 1965 greater than zero and for which an allotment is or will be established for the year the transfer is to take effect.

(b) *When applications to be filed*—(1) *For transfers effective beginning in 1968.* Applications shall be filed for transfers to take effect in 1968 during the period June 1, 1967, through January 2, 1968. The statutory closing date of December 31, 1967, is a nonworking day for county offices and the next working day is January 2, 1968, which becomes the closing date under the rule in Part 720 of this chapter.

(2) *For transfers effective beginning in 1969.* Applications shall be filed for transfers to take effect in 1969 during the period June 1, 1968, through December 31, 1968.

(c) *Where applications to be filed.* Applications shall be filed with the county committee of the county where the farm to which the allotment is to be transferred is located, but the county office of the county where the farm from which the allotment is to be transferred is located is hereby authorized to receive applications on behalf of such county committee and shall forward a copy of each application to such county committee.

§ 722.428 Amount of allotment transferable.

(a) *General.* All or part of the upland cotton allotment established for a farm for 1968 or 1969 may be transferred to another farm in the same State as provided in §§ 722.427 to 722.431.

(b) *No transfer of acreage from national reserve.* No acreage apportioned from the national reserve to a farm shall be transferred under section 344a of the act. This limitation applies only to farms having allotments of 10 acres or less for which minimum farm allotments have been established in counties receiving an allocation from the national reserve. It is hereby determined that 11 percent of each such farm allotment is attributable to the national reserve. If all or part of the allotment is to be transferred, the county committee shall transfer 89 percent of the allotment or part of the allotment and shall cancel 11 percent thereof. If part of the allotment is to be transferred, the minimum allotment for the farm shall be reduced by the percentage which the part of the allotment transferred is of the entire allotment.

(c) *Productivity adjustments*—(1) *Reduction in farm allotments being transferred.* If the finally determined projected yield for the farm to which transfer is made for the year the transfer is to take effect exceeds the projected yield for the farm from which transfer is made for the year the transfer is to take effect by more than 10 percent, the allotment so transferred shall be reduced for differences in farm productivity. If a yield is revised as a result of an appeal after a transfer has been approved, the productivity adjustment shall be redetermined for the current year if the determination is made prior to the end of the normal planting period for the area. The county committee shall determine the amount of allotment to be transferred by sale, lease, and by owner, where productivity adjustment is required under this paragraph as follows: (i) Divide the yield of the receiving farm by the yield of the transferring farm, then (ii) divide the allotment to be transferred by the percentage quotient so obtained. The amount of allotment so transferred from a farm shall be the full amount and the amount of allotment so transferred to a farm shall be the reduced amount. In the case of temporary transfers of allotment for 1 or more years by lease or by owner, the productivity adjustment and amount of allotment so transferred shall be redetermined by the county committee each year the transfer remains in effect in accordance with § 722.430(j).

(2) *Adjustment in farm history acreage.* The farm history acreage for the immediately preceding 5 years on farms from which and to which permanent transfers of allotment are made shall be adjusted by the county committee for each of the base years to correspond with the amount of allotment transferred between the farms. In the case of temporary transfers of allotment for 1 or more years by lease or by owner, there shall be no reduction in farm history acreage on the farm from which the transfer is made and no farm history acreage shall be transferred to the receiving farm. The net loss in history acreage, if any, resulting from productivity adjustments for transfers in the same county and across county lines shall be determined by the State committee.

(3) *Adjustments in county history acreage.* The county history acreage for the 5-year base period shall be adjusted by the State committee for each of the base years to correspond with the adjustments in farm history acreages under subparagraph (2) of this paragraph.

(4) *Adjustment in State history acreage.* The State committee shall determine the State history acreage for each of the 5 base years by adjusting the totals of

previously reported county history acreages to reflect permanent transfers of history acreage, as adjusted under subparagraph (3) of this paragraph, among farms within the same county and from one county to another.

(5) *Acreage regarded as planted to cotton in the State.* For purposes of establishing future State acreage allotments only and not for purposes of establishing future county allotments, the net losses of county history acreage as determined under subparagraph (3) of this paragraph shall be regarded as planted to cotton.

(d) *Sale and lease transfers—limit on amount of acreage transferred.* The total upland cotton allotment which may be transferred by sale or lease to a farm shall not exceed the smaller of (1) the available cropland on the farm, or (2) the acreage obtained by subtracting the allotment (excluding reapportioned acreage, and any increases or decreases of allotment resulting from exchanges of cotton and rice allotments and from owner transfers shall be disregarded) for such farm established for the year the transfer is to take effect from the sum of (i) the 1965 farm allotment before release and reapportionment and (ii) 100 acres. The available cropland on the farm for purposes of such transfers shall be the total cropland as defined in Part 719 of this chapter, on the farm less the total of the allotments, feed grain base, and sugar proportionate shares established for the farm for the current year. Producers wishing to transfer cotton allotment to a farm may choose to reduce the feed grain base, sugar proportionate share, or other allotments on the farm to the extent necessary to meet the requirements of this section. If the farm to which allotment is to be transferred is made up of two or more separately owned tracts, each separately owned tract shall be considered a farm for purposes of computing this limitation except where the county committee, with the approval of a representative of the State committee, determines that an owner of a tract has an ownership interest in one or more of the other tracts by reason of ownership of stock in a corporation which owns such other tract, or by reason of membership as a partner in a partnership which owns such other tract, or the owner of a tract is a member of the same family living in the same household and the other tract is owned by another member of such family. No farm shall be eligible for transfer of an allotment by sale or lease unless such farm received an upland cotton allotment greater than zero for 1965 and for the year in which the transfer is to take effect, except that allotment may be transferred to a farm for which an upland cotton allotment was established under provisions of section 378 of the act during 1968 or 1969 from pooled allotment if the farm which was acquired by the agency having the power of eminent domain, and which contributed the allotment to the pool, had an allotment greater than zero for 1965. For purposes of determining the amount of allotment eligible for transfer by sale or lease under the first sentence of this paragraph, the 1965 farm allotment on the farm acquired by the agency shall be used, regardless of the allotment actually transferred from the pool.

(e) *No transfer of reapportioned acreage.* No transfer of allotment under section 344a of the act shall be made of allotment reapportioned to a farm under section 344(m)(2) of the act.

(f) *No transfer of new farm allotment.* No transfer of allotment under section 344a of the act shall be made from a farm which received a new farm allotment in the current year or within the three immediately preceding crop years.

(g) *No permanent transfers by sale or by owner from farms to which transfer by sale or by owner within 3 years.* No permanent transfer by sale or by owner shall be made from any farm to which allotment was permanently transferred by sale or by owner within the three immediately preceding crop years.

(h) *Transfer of pooled allotments.* Allotments established for a farm as pooled allotment under section 378 of the act may be transferred under section 344a of the act on a permanent basis during the 3-year life of the pooled allotment or for a term of years not to exceed the remaining number of crop years of such 3-year period.

§ 722.430 Additional conditions and limitations.

(a) *Same State.* No transfer under section 344a of the act shall be made from a farm to a farm in another State or to a person for use in another State.

(b) *Across county lines of a State.* No transfer by sale or lease from a farm to a farm in another county shall be made unless the producers of cotton in the county from which transfer is being made have voted in a referendum within 3 years of the date of such transfers by a two-thirds majority of the producers participating in such referendum, to permit the transfer by sale or lease to farms in other counties within the State.

(c) *Consent of lienholder.* No transfer under section 344a of the act shall be made from a farm subject to a mortgage or other lien unless the transfer is agreed to in writing by the lienholder.

(d) *Limitation on planting of cotton after transfer by sale or lease.* No cotton in excess of the currently established farm allotment after transfer from the farm by sale or lease shall be planted on such farm for a period of 5 years following a transfer by sale and for a period of time equal to the term of the lease if the transfer is by lease. The applicant for transfer by sale or lease shall agree to the limitation on planting under this paragraph as a condition precedent to the approval of any transfer by sale or lease. No export market acreage under section 346(e) of the act shall be apportioned to such farms for the applicable period of time.

(e) *New farm eligibility.* Any farm from which the entire farm allotment is transferred under section 344a of the act shall not be eligible for a new cotton farm allotment during the 5 years following the year in which such transfer is made.

(f) *Minimum farm allotments.* Transfer under section 344a of the act of a portion of a minimum farm allotment established under section 344(f)(1) of the act or which operates to bring the farm within the minimum farm allotment provisions shall cause the minimum farm allotment and base to be reduced to an amount equal to the farm allotment remaining on the farm after such transfer.

(g) *Farms in conservation programs.* Transfer by sale or lease from a farm covered by a conservation reserve contract, cropland conversion agreement, cropland adjustment agreement, or other similar land utilization agreement shall be made subject to an appropriate adjustment in the rates of payment under such contract or agreements but no adjustment shall be made in such contract or agreements on the farm to which transfer by sale or lease is made.

(h) *Subleasing prohibited.* No transfer by lease shall be made from a farm receiving allotment under a transfer by lease for the term of the latter lease.

(i) *Limitation on transfers to and from a farm in the same year.* No transfer of allotment under section 344a of the act for any year shall be made (1) from a farm receiving allotment by transfer under section 344a of the act for such year or (2) to a farm which has had allotment transferred from it under section 344a of the act for such year.

(j) *Transfer of acreage history, farm base, and marketing quota.* Transfer of allotment under section 344a of the act shall have the effect of transferring the acreage history, farm base, and marketing quota attributable to such allotment, except that in the case of transfer by lease, the amount of allotment so transferred shall be determined for each year of the lease on the basis of the county factor of the county from which transferred and upon the expiration of the lease the transferred allotment shall be considered for purposes of establishing future allotments to have been planted on the farm from which such allotment is transferred.

(k) *Conserving base requirement on the farm from which a transfer of allotment by owner is made.* The transfer of an allotment by an owner shall be conditioned on the farm from which such transfer is made being in compliance with the conserving base established for such farm for (1) the period of time that compliance with the conserving base is required as a condition of eligibility for participating in a price support or diversion program for feed grains, or (2) if shorter, the period of time that the transfer of allotment for a term of years remains in effect.

(l) *Federally owned land.* No transfer by sale or lease under section 344a of the act shall be made from any land owned by the United States, or any agency or instrumentality wholly owned by the United States.

(m) *Small farm eligibility.* No transfer under section 344a of the act shall be approved in any case where the county committee determines that a person having an interest as owner or operator in two or more farms requests transfer between such farms for the primary purpose of creating small farm eligibility under the price support program under § 722.802.

§ 722.431 **County committee action.**

(a) *Approval of transfers.* The county committee shall approve transfers of allotment only if it determines that a timely filed application has been received and that the transfer complies with the requirements of §§ 722.427 to 722.430 and this section. If the transfer is made between counties, the approval of both county committees shall be required. No transfer under section 344a of the act shall be effective until approval as provided under this paragraph is obtained.

(b) *Notice of revised allotmets.* The county committee shall issue revised notices of farm allotment for each farm affected by the transfer of allotment.

(c) *Cancellation, withdrawal, or revision of transfer agreements*—(1) *Cancellation.* If the county committee determines that the conditions applicable to any transfer of allotments under §§ 722.427 to 722.430 and this section have not been met, the county committee shall cancel the transfer and issue revised notices of allotment showing the reasons for cancellation.

(2) *Withdrawal or minor revisions.* Where the county committee determines that it is clearly in the best interest of all the producers and that effective operation of the program will not be impaired, the county committee may permit withdrawal or minor revisions of transfers upon written request by all parties to the transfer, provided that: (i) Temporary transfers may be withdrawn or revised during any year of the agreement before cotton is planted, and (ii) permanent transfers may be withdrawn or revised only during the first year of the agreement before cotton is planted.

EXPORT MARKET ACREAGE

§ 722.432 **Export market acreage for 1968 and 1969.**

(a) *National export market acreage reserve.* The national export market acreage reserve for the 1968 crop of cotton in the amount of 250,000 acres was established in § 722.481 (32 F.R. 14268). A national export market acreage reserve will be established for 1969, if required, in accordance with the provisions of section 346(e) of the act. This section shall be applicable to the export market acreage program if any, so established.

(b) *Applications for export market acreage*—(1) *Persons eligible to file application.* The farm operator for the current year of a farm for which a farm allotment for the current year is established and which had an upland cotton allotment in 1965 and which he operated in 1965, may apply for export market acreage for the current year. If such farm operator in 1965 was a partnership, each partner who is an active cotton producer in the partnership as determined by the county committee, upon dissolution of the partnership in 1968 or 1969, shall be eligible to file application for export market acreage for the reconstituted farm derived from the farm operated by the partnership in 1965. If such farm operator in 1965 is deceased, his heir who is the farm operator for the current year, may apply for export market acreage for the current year. No farm shall be eligible for export market acreage for the current year if a transfer by sale under section 344a of the act is approved from such farm for the current year or was approved for 1966, 1967, or 1968. No farm shall be eligible for export market acreage for the current year if a transfer by lease under section 344a of the act is approved from such farm for the current year or was approved for 1966, 1967, or 1968 where the lease term also covers the current year.

(2) *Where application is to be filed.* Applications for export market acreage shall be filed with the county committee of the county in which the farm is located.

(3) *Closing date for filing applications.* Applications for export market acreage shall be filed on or before January 2, 1968, for the 1968 crop and December 31, 1968, for the 1969 crop.

(4) *Form of application.* The form of application for export market acreage shall be prescribed by the deputy administrator and shall provide that the applicant elects to forego price support for the crop of upland cotton on the farm for which application is made and on any other farm in which he has a controlling or substantial interest. No application shall be made for a greater acreage than is available on the farm for the production of upland cotton.

(5) *Closing date for withdrawal of applications.* The applicant may withdraw an application at any time (i) prior to apportionment of export market acreage to the farm, or (ii) within 15 days after notice of the original apportionment of export market acreage to the farm is mailed to the applicant, or March 1 of the current year, whichever is later, by filing a written request for such withdrawal with the county committee. Such timely withdrawal shall also cancel the agreement of applicant to forego price support.

(6) *Closing date for furnishing bond or other undertaking.* The bond or other undertaking required to be furnished under this section shall be furnished to the county committee on or before May 1 of the current year. However, any failure to furnish the bond or other undertaking by the closing date shall not operate to extend the closing date for withdrawal of applications as provided under subparagraph (5) of this paragraph.

(c) *Procedure for apportioning export market acreage to farms*—(1) *Initial apportionment.* The county committee shall determine the maximum acreage for which eligible applicants have filed applications by the closing date. Such maximum acreage shall be tabulated for each county in a State and transmitted to the deputy administrator by the ASCS State office. The deputy administrator shall tabulate the total of all applications and if not in excess of the national export market acreage reserve shall notify the respective ASCS State offices that the applications from each county are approved. If the total of all applications is in excess of the national export market acreage reserve, the deputy administrator shall establish a pro rata factor and notify the respective ASCS State office that the applications from each county are approved subject to the reduction determined by applying the pro rata factor to each application. The county committee shall issue a notice to the applicant showing the export market acreage approved for the farm.

(2) *Supplemental apportionment.* If a supplemental apportionment is required, the county committee shall tabulate the export market acreage recovered from farms for which applications are timely withdrawn and notify the State ASCS office of the amount. Such recovered acreage shall be tabulated for each county in a State and transmitted to the deputy administrator by the State ASCS office. The deputy administrator shall apportion such recovered export market acreage to the remaining farms for which applications were approved and not withdrawn, in amounts determined to be fair and reasonable taking into account the applications filed for such farms, but the total export market acreage so apportioned shall not exceed the acreage requested in the application for any farm. The county committee shall issue a notice showing the total export market acreage approved for a farm receiving a supplemental apportionment.

(3) *Finding as to amount of acreage requested for 1968.* It is hereby found that applications for apportionment to farms from the 250,000-acre national export market acreage reserve for 1968 which were timely filed for amounts of acreage permitted under this section consisted of a total amount of acreage less than such reserve. Accordingly, the applications so received shall be approved and apportionment of export market acreage to farms shall be made in accordance with subparagraphs (1) and (2) of this paragraph.

(d) *No acreage history.* Acreage planted to cotton in excess of the farm allotment established under section 344 of the act shall not be taken into account in establishing future State, county and farm allotments.

(e) *Requirement of exportation of cotton.* The operator of any farm to which export market acreage is apportioned, or the purchaser of cotton produced on such farm, shall furnish a bond or other undertaking providing for the exportation of all cotton produced on such farm without benefit of any Government cotton export subsidy, and for the payment of liquidated damages upon failure to comply with such bond or other undertaking.

(f) *Bond or other undertaking*—(1) *Bond.* The deputy administrator shall prescribe the form of bond for exportation of cotton. The farm operator shall execute such bond as principal and furnish it to the county committee duly executed by the principal and a corporate surety authorized to do business in the State in which the farm is situated and listed by the Secretary of the Treasury of the United States as an acceptable surety on bonds to the United States. A person who has agreed to purchase all the cotton produced on the farm may execute the bond as principal in lieu of the farm operator.

(2) *Other undertaking.* In lieu of a bond under subparagraph (1) of this paragraph, the county committee may accept an undertaking from the farm operator or the purchaser of all the cotton produced on the farm providing for the exportation of all cotton produced on the farm and for deposit with the county committee of an amount to secure the payment of liquidated damages for failure to fulfill terms and conditions of such undertaking. The amount of such deposit shall be equal to the maximum obligation for the payment of liquidated damages determined under paragraph (g) of this section. Such deposit shall be refundable to the extent that it exceeds such maximum obligation, or such undertaking for the exportation of cotton is satisfied. The deputy administrator shall prescribe the form of the undertaking to be furnished.

(g) *Liquidated damages*—(1) *Determination of amount.* The county committee shall determine the estimated liquidated damages under each bond or other undertaking furnished under this section at the time so furnished. Such estimated liquidated damages shall be the number of dollars and cents obtained by multiplying the acreage permitted to be planted on the farm (farm allotment plus export market acreage) by the projected farm yield, and multiplying the result thereof by the upland cotton marketing quota penalty rate established for the year preceding the current year pursuant to section 346(a) of the act. Such estimated liquidated damages shall be adjusted when the cotton crop has been harvested so that the adjusted liquidated damages shall be the number of dollars and cents obtained by multiplying the actual production of lint cotton on the farm in net weight pounds by the marketing quota penalty rate for the current year's crop of upland cotton determined under section 346(a) of the act. In case of exportation of only part of the cotton produced on the farm, the adjusted liquidated damages shall be reduced accordingly.

(2) *Due date.* Liquidated damages shall be due and payable 15 days after the date of mailing notice of the amount of adjusted liquidated damages to the principal and surety on any bond, or to the person furnishing any other undertaking in lieu of such bond. The county committee shall mail such notice by certified mail upon a determination that all the cotton produced on the farm has not been exported in accordance with the requirements of this section. The principal and surety on any bond of indemnity shall be deemed to waive actual notice of any adjustments in the amount of liquidated damages.

(3) *Liability for liquidated damages.* The principal and surety on any bond of indemnity furnished under this section shall be jointly and severally liable for the payment of liquidated damages to the United States of America in accordance with the terms and conditions of the bond and the provisions of this section. Where an undertaking in lieu of a bond of indemnity is furnished, the person executing such undertaking shall be liable for liquidated damages to the United States of America in accordance with the terms and conditions of the undertaking and the provisions of this section and any such person shall authorize payment of the liquidated damages out of any deposit made with the county committee and shall pay any outstanding balance not covered by such deposit within 15 days from the date of mailing of notice of such balance by certified mail to the farm operator and to such person. The county committee shall collect such liquidated damages from the deposit so made and give notice of the balance due, if any, upon a determination that all the cotton produced on the farm has not been exported in accordance with the requirements of this section.

(h) *Determination of cotton to be exported.* The county committee shall determine the actual production of lint cotton of the current year's crop on the farm on the basis of evidence of production furnished by the operator. If the evidence of production is not satisfactory or none is furnished, the county committee shall appraise the actual production on the basis of the projected farm yield and such other information as is available. The actual production, or the appraised actual production as determined under this paragraph, of the current year's crop lint cotton on the farm shall be exported and the cotton so required to be exported is referred to as export cotton for the farm.

(i) *Evidence of exportation.* The county committee shall be furnished with evidence of exportation of export cotton for each farm in terms of bales of cotton of the current year's crop which shall total at least the number of pounds of lint cotton net weight determined as the export cotton for the farm. The county committee shall review the evidence of exportation furnished for each farm which shall be deemed satisfactory if it meets the following requirements:

(1) There shall be submitted a listing showing the name of the farm operator, farm number, gin, or compress bale number or mark, and gross weight of each bale, bill of lading number and date, total quantity (pounds) of export cotton included on bill of lading, carrier, vessel, or car number, destination and date and place of lading, on rail and truck exports the number and date of the lading certificate. Such listing shall be certified by the exporter as true and correct and the farm operator shall also certify that each bale so listed was produced in the United States from the current year's crop on the farm so designated.

(2) The exporter shall also certify that no cotton export subsidy for the exportation of the cotton so listed has been received from the Government and that no claim for any cotton export subsidy for the exportation of such cotton has been or will be filed by such exporter with the Government and the evidence of exportation of cotton furnished under this section has not and will not be used to satisfy the obligation to export cotton which such exporter or any other person may have under any program for the exportation of cotton which may now be or later become effective under the statutes of the United States. However, exportation of export cotton under programs pursuant to Title I—Sales for Foreign Currency and Title IV—Long-Term Supply Contracts, of the Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law 480, 83d Cong.; 7 U.S.C. 1701–9, 1731–6) shall not be deemed to involve a Government cotton export subsidy within the meaning of section 346(e) of the act (7 U.S.C. 1346(e)). Accordingly, evidence of such exportation of export cotton may also be furnished to satisfy the obligation of the exporter under such programs if the applicable purchase authorization under such programs permits the exportation of export cotton.

(3) The exporter shall also furnish promptly any additional evidence of exportation which may be requested by the county committee, State committee, or deputy administrator and make his records available for inspection concerning the records for any farm for which he has provided proof of export.

(j) *Time limit for export and submission of evidence of exportation.* The export cotton for a farm shall be exported on or before July 31 of the year following the current year, and evidence of such exportation satisfactory to the county committee shall be furnished within 60 days after the date of exportation. The State committee, upon recommendation by the county committee, may extend the date for the exportation and the date for furnishing evidence of exportation upon a showing of good cause and the furnishing of an appropriate extension of the bond or other undertaking. Unless evidence of exportation within the time specified under this paragraph is furnished, liability for liquidated damages shall accrue.

(k) *Amounts collected as liquidated damages.* All amounts collected as liquidated damages shall be remitted to the Commodity Credit Corporation.

(l) *Records and reports.* The provisions of section 373 of the act are applicable to the export market acreage program.

(m) *Appeals.* The Appeal Regulations in Part 780 of this chapter (29 F.R. 8200) shall be applicable to determinations under this section.

(n) *Failure to furnish a bond or other undertaking.* No application for export market acreage shall be approved unless a bond or other undertaking is furnished in accordance with this section.

(o) *Acreage planted to cotton exceeds farm allotment and export market acreage.* If the acreage planted to cotton on a farm receiving export market acreage exceeds the sum of the farm allotment and the export market acreage for the farm, the acreage planted to cotton in excess of the farm allotment shall be regarded as excess acreage for purposes of determining the farm marketing excess and marketing quota penalty under sections 345 and 346 of the act. The obligation to export cotton under the bond or other undertaking and the provisions of this section is not reduced or modified by reason of excess acreage plantings established under this paragraph.

§§ 722.433 to 722.450 [Reserved]

The recordkeeping and reporting requirements of those 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 1949.

Effective date: Publication in the FEDERAL REGISTER.

Signed at Washington, D.C. on January 19, 1968.

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

[F.R. Doc. 68-933; Filed, Jan. 24, 1968; 8:46 a.m.]

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

[Tangerine Reg. 34, Amdt. 1]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Argicultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found and determined, in accordance with parargaph (5) of section 602 of the act, that the continuation of regulation of shipments of tangerines, as hereinafter provided, is necessary and will tend to avoid a disruption of the orderly marketing of the remainder of the current crop of such tangerines; and such continuation of regulation will be in the public interest.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of tangerines grown in Florida.

Order. In § 905.504 (Tangerine Reg. 34, 32 F.R. 17616) the provisions of paragraph (a)(2)(ii) are amended to read as follows:

§ 905.504 Tangerine Regulation 34.

(a) * * *

(2) * * *

(ii) Any tangerines, grown in the production area, which are smaller than 2$^{4}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the U.S. Standards for Tangerines: *Provided,* That beginning January 22, 1968, the minimum size shall be 2$^{3}/_{16}$ inches in diameter in lieu of 2$^{4}/_{16}$ inches in diameter.

* * * * *

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

Dated, January 19, 1968, to become effective January 22, 1968.

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

[F.R. Doc. 68-935; Filed, Jan. 24, 1968; 8:46 a.m.]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Expenses and Rate of Assessment

On January 9, 1968, notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 283) regarding proposed expenses and related rate of assessment for the period beginning November 1, 1967, and ending October 31, 1968, pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California. This regulatory program is effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Navel Orange Administrative Committee (established pursuant to the amended marketing agreement and order), it is hereby found and determined that:

§ 907.206 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Navel Orange Administrative Committee, during the period November 1, 1967, through October 31, 1968, will amount to $260,000.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 907.41, is fixed at $0.02 per carton of Navel oranges.

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

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

Dated: January 2, 1968.

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

[F.R. Doc. 68-966; Filed, Jan. 24, 1968; 8:48 a.m.]

[Navel Orange Reg. 145]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.445 Navel Orange Regulation 145.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges and will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable

fluctuation in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 23, 1968.

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

(i) District 1: 400,000 cartons;

(ii) District 2: 275,000 cartons;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: January 24, 1968.

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

[F.R. Doc. 68–1052; Filed, Jan. 24, 1968; 10:57 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 5]

PART 1464—TOBACCO

Subpart—Tobacco Loan Program

The regulations issued by Commodity Credit Corporation, published in 31 F.R. 9679, 32 F.R. 10249, 32 F.R. 11416, 32 F.R. 14203, and 33 F.R. 136 with respect to the tobacco price support loan program are hereby amended for the purpose of changing the period of time during which price support will be available for 1967 crop flue-cured tobacco delivered directly to the Association. Accordingly, § 1464.1756 is revised by amending paragraph (d) (3) thereof to read as follows:

§ 1464.1756 Availability of price support.

* * * * *

(d) Price support to eligible producers will be made available on eligible tobacco in the following manner:

* * * * *

(3) *Period of price support.* Price support will be available to eligible producers on eligible tobacco only during each year's normal marketing season for each kind of tobacco for which support is provided. Price support for flue-cured tobacco delivered directly to the Association will be available only after January 11, 1968, and not later than February 1, 1968.

* * * * *

(Sec. 4, 62 Stat. 1070, as amended, sec. 5, 62 Stat. 1072, secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054, sec. 125, 70 Stat. 198, 74 Stat. 6; 7 U.S.C. 1441, 1445, 1421, 1423, 7 U.S.C. 1813, 15 U.S.C. 714b, 714c)

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

Signed at Washington, D.C. on January 19, 1968.

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

[F.R. Doc. 68–934; Filed, Jan. 24, 1968; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Q]

PART 217—PAYMENT OF INTEREST ON DEPOSITS

Foreign Time Deposits

1. Effective January 18, 1968, paragraph (a) of § 217.3 is amended to read as follows:

§ 217.3 Maximum rate of interest on time and savings deposits.

(a) *Maximum rate prescribed from time to time.* Except in accordance with the provisions of this part, no member bank shall pay interest on any time deposit or savings deposit in any manner, directly or indirectly, or by any method, practice, or device whatsoever. No member bank shall pay interest on any time deposit or savings deposit at a rate in excess of such applicable maximum rate as the Board of Governors of the Federal Reserve System shall prescribe from time to time; and any rate or rates which may be so prescribed by the Board will be set forth in supplements to this part, which will be issued in advance of the date upon which such rate or rates become effective. Under explicit provisions of the Federal Reserve Act, until October 15, 1968, the provisions of this paragraph do not apply to the rate of interest that may be paid by member banks on time deposits of foreign governments, monetary and financial authorities of foreign governments when acting as such, or international financial institutions of which the United States is a member. The provisions of this paragraph shall likewise not apply to the rate of interest that may be paid by a member bank after October 15, 1968, on such a deposit which is received, renewed, or extended, in the ordinary course of business and for a specified period not exceeding 2 years, prior to the expiration of the authority conferred upon the Board by the amendments to section 19(j) of the Federal Reserve Act enacted September 21, 1966.

* * * * *

2a. The purpose of this amendment is to implement the general authority conferred on the Board of Governors in amendments to section 19(j) of the Federal Reserve Act (12 U.S.C. 371b) made by Act of Congress approved September 21, 1966 (Public Law 89–597), as extended by Act of Congress approved September 2, 1967 (Public Law 90–87), so as to permit member banks to agree to pay interest at rates higher than those specified in § 217.6 on certain foreign governmental time deposits maturing in 2 years or less and received, extended or renewed before expiration of the aforesaid authority of the Board of Governors, even though such interest may accrue after termination of the statutory exemption for such deposits in the amendment to said section 19 made by Act of Congress approved October 15, 1962 (Public Law 87–827), as extended by Act of Congress approved July 21, 1965 (Public Law 89–79).

b. The provisions of section 553 of Title 5, United States Code, relating to notice and public procedure and to deferred effective date with respect to changes in substantive rules were not followed in connection with this amendment because the Board found that such actions would result in delays that would have consequences contrary to the National interest.

Dated at Washington, D.C., this 18th day of January 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-906; Filed, Jan. 24, 1968; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 8408, Amdt. 127-7]

PART 127—CERTIFICATION AND OPERATIONS OF SCHEDULED AIR CARRIERS WITH HELICOPTERS

Maintenance Log

The purpose of this amendment to the Federal Aviation Regulations is to delete paragraph (c) of § 127.311 which requires scheduled air carriers with helicopters to include in the helicopter maintenance logs information from which the flight crew may readily determine the time since the last overhaul of the airframe and engine. With the deletion of paragraph (c), § 127.311 is for all intent and purposes identical to the maintenance log provisions of § 121.701 for air carriers and commercial operators of large aircraft.

This amendment was published as a notice of proposed rule making (32 F.R. 13417, Sept. 23, 1967) and circulated as Notice 67-40.

All of the comments that were received favored the proposed amendment. However, one commentator recommended that the regulations specifically provide that the pilots would have ready access to the airframe and engine total time and time between overhaul data. Although the commentator did not present any information in support of its recommendation, the FAA considered substantially the same recommendation in connection with a similar maintenance log requirement applicable to air carriers and commercial operators of large aircraft at the time it was deleted from proposed Part 121 during the FAA recodification program. As determined at that time, such a requirement is not necessary and if a flight crew desires this information it may be obtained from other records.

Interested persons have been given the opportunity to participate in the making of this amendment, and careful consideration has been given to all relevant matter presented.

In consideration of the foregoing, § 127.311 of Part 127 of the Federal Aviation Regulations is amended, effective February 24, 1968, by striking out paragraph (c) of § 127.311.

(Secs. 313(a), 601 through 610, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1423 through 1430)

Issued in Washington, D.C., on January 19, 1968.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 68-932; Filed, Jan. 24, 1968; 8:46 a.m.]

[Docket No. 8677, Amdt. 133-3]

PART 133—ROTORCRAFT EXTERNAL-LOAD OPERATIONS

Evidence of Pilot Knowledge and Skill

The purpose of this amendment to Part 133 of the Federal Aviation Regulations is to permit a pilot, conducting a rotorcraft external-load operation, to carry in his personal possession a letter of competency in lieu of carrying his logbook as evidence that he has demonstrated his knowledge and skill with the load combination.

Under present rule § 133.31(d)(4), a pilot is required to carry his logbook with the appropriate entry indicating that he had demonstrated his knowledge and skill with respect to the rotorcraft-load-combination operations that he is conducting. Frequently, the logbook is the only permanent record of the pilot's flight experience, and by requiring the logbook to be carried, the chances of it being lost or destroyed are thereby enhanced. As a result, the requirement, in practice, has very often proved to be both impractical and inconvenient to the pilot.

The purpose of the rule is to provide readily available evidence that a pilot has previously demonstrated his knowledge and skill in the type of operation being conducted. The FAA has determined that this purpose can be accomplished by the equally effective means of carrying a letter of competency as well as by carrying the logbook with the appropriate entry. This letter can be issued by the appropriate person who makes the logbook entry and will, without affecting safety, serve as an easily carried, effective alternative to carrying the logbook.

Since this amendment is relaxatory and does not adversely affect safety or impose a burden on any person, I find that notice and public procedure thereon are unnecessary.

In consideration of the foregoing, § 133.31(d)(4) is amended effective January 25, 1968, to read as follows:

§ 133.31 Operating rules.

* * * * *

(d) * * *

(4) The pilot has in his personal possession his logbook containing the appropriate entry, or a letter of competency from the Administrator or the chief pilot, indicating that the pilot complied with subparagraph (3) of this paragraph.

* * * * *

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

Issued in Washington, D.C., on January 19, 1968.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 68-931; Filed, Jan. 24, 1968; 8:46 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[10 Gen. Rev. of Export Regs., Amdt. 45]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

Miscellaneous Amendments

Part 373 of the Code of Federal Regulations is amended as set forth below:

Accordingly, the Export Regulations are amended in the following respects:

1. Supplement No. 1 to Part 373 is amended as set forth above under Time Schedules for Submitting Applications.

2. The first sentence of § 373.20(a)(2)(i) is amended to read as follows:

(i) Shipments not commercially processable in the United States.

Consideration will be given to approval of applications covering the proposed export of commodities described in paragraph (1) above, which because of technological or economic reasons, cannot be processed commercially in the United States.

3. Section 373.20(a)(2)(ii) is amended to read as follows:

(ii) Shipments for which processing facilities are not available due to strike conditions.

Consideration will be given to approval of applications received from, or on behalf of, copper producers covering the proposed export to Country Groups T and V of commodities described in paragraph (1) above, that cannot be processed commercially in the United States due to the nonavailability of processing facilities caused by strike conditions in the domestic copper industry. Such applications shall include the following certification:

I (We) certify that due to strike conditions there are no domestic facilities available for processing the commodities described on this application.

4. The second paragraph of § 373.20(b)(2)(ii) is amended editorially to set forth in full, rather than by cross reference, the certification required by that paragraph. As amended, the second paragraph reads as follows:

Where an application covers commodities to be exported under the provisions of this § 373.20(b)(2)(ii) that will be smelted and the resulting refined copper, or an equivalent quantity thereof, will be imported into the United States for consumption, it shall also contain the following certification:

I (We) certify that there are no domestic facilities available for processing the commodities described on this application. The refined copper produced from these commodities, less the customary charges made by the foreign refinery, or an equivalent amount of refined copper will be imported into the United States for consumption.

Such applications may be for 100 percent of the stocks of the commodities held by the applicant. However, the refined copper resulting from the export of copper bearing scrap commodities must be imported into the United States no later than 120 days after the scrap export to which it is related.

Subject. Exports of Copper, January–June 1968 [§§ 373.20 (a) (2) and (b) (2), and Supp. No. 1 to Part 373 of the U.S. Export Regulations].

Purpose and effect. Short supply controls over the export of copper and copper products from the United States will be continued during the 6-month period January–June 1968.

During this period, the Office of Export Control will consider applications for licenses against the established export licensing quotas set forth below. This continues the level of control that has been in effect since January 1966.

The quotas established are as follows:

Commodity	*Quota*
(a) Copper scrap, as follows: Copper metalliferous ash and residues (Export Control Commodity No. 28401); copper or copper-base alloy waste and scrap, including copper alloy waste and scrap of less than 40 percent copper content where the copper is the component of chief weight (Export Control Commodity No. 28402); Nickel waste and scrap containing 50 percent or more copper irrespective of nickel content (Export Control Commodity No. 28403).	16,500 copper content short tons.
(b) Refined copper of domestic origin including remelted, in cathodes, billets, ingots (except copper-base alloy ingots), wire bars, and other crude forms (Export Control Commodity No. 68212).[1]	25,000 copper content short tons.
(c) Copper-base alloy ingots composed essentially of copper with one or more other metals, for example: Beryllium copper ingots, devarda alloy ingots, guinea alloy ingots, ounce metal ingots, etc. (Export Control Commodity No. 68212).	1,000 copper content short tons.
(d) Semifabricated copper products and master alloys of copper, as follows:[2]	9,000 copper content short tons.

[1] Shipments of refined copper produced from foreign-origin copper raw materials, and refined copper produced from material which was declared as an offset against an equivalent quantity of foreign-origin copper raw materials entered into the United States under a recent U.S. Customs Import Entry, may be licensed for export without a charge against the quota [see § 373.43(b) (2) of the U.S. Export Regulations].

[2] Shipments of semifabricated copper products and master alloys of copper under U.S. military contracts or under contracts financed by the Agency for International Development will be licensed without a charge against the quota.

Export Control Commodity Number and Commodity Description

51470 Master alloys of copper containing 8 percent or more phosphor.
68213 Master alloys of copper.
68221 Bars, rods, angles, shapes, sections, and wire of copper or copper-base alloy.
68222 Plates, sheets, and strips of copper or copper-base alloy.
68223 Copper foil.
68223 Paper backed copper foil.
68224 Copper or copper alloy powders and flakes.
68225 Tubes, pipes, and blanks therefor, and hollow bars of copper or copper-base alloy.
69892 Copper and copper-base alloy castings and forgings.
72310 Wire and cable coated with, or insulated with, fluorocarbon polymers or copolymers.
72310 Coaxial-type communications cable as follows: (a) Containing fluorocarbon polymers or copolymers, (b) using a mineral insulator dielectric, using a dielectric aired by discs, beads, spiral, screw, or any other means, (d) designed for pressurization or use with a gas dielectric, or (e) intended for submarine laying.
72310 Other coaxial cable.
72310 Communications cable containing more than one pair of conductors of which any one of the conductors, single or stranded, has a diameter exceeding 0.9 mm. (0.035 inch), as follows: (a) Cable in which the nominal mutual capacitance of paired circuits is less than 53 nanofarads/mile (33 nanofarads/KM), except conventional paper and air dielectric types, (b) submarine cable, or (c) cable containing fluorocarbon polymers or copolymers.
72310 Other communications cable containing more than one pair of conductors and containing any conductor, single or stranded, exceeding 0.9 mm. in diameter.
72310 Other copper or copper-base alloy insulated wire and cable.

Licensing under past participation in exports licensing method. The quotas set forth above for copper-base scrap, refined copper, and copper-base alloy ingots will be licensed in accordance with the Past Participation in Exports licensing method described in § 373.8, except as otherwise indicated in the footnotes to this quota announcement.

Of the total quota of 9,000 copper content short tons established for semifabricated copper products and master alloys of copper, 65 percent (or 5,850 copper content short tons) will be allocated in accordance with the Past Participation in Exports licensing method. The remaining portion of the quota, 35 percent (or 3,150 copper content short tons) will be reserved to meet essential export requirements that cannot be satisfied under the Past Participation in Exports licensing method.

Quantities allocated for licensing to each exporter under the Past Participation in Exports licensing method will be the same during the January–June 1968 6-month period as it was during the period of July through December 1967.

Time schedules for submitting applications. An exporter of any commodities for which a quota has been established, except for semifabricated copper products and master alloys of copper, who qualifies as a "historical exporter" under the Past Participation in Exports licensing method shall submit his applications no later than May 31, 1968. An exporter of these quota commodities who does not qualify as a "historical exporter" shall submit his applications no later than February 16, 1968.

The submission of applications for licenses to export semifabricated copper products and master alloys of copper is not subject to time schedules. Applications for these products may be submitted at any time.

Accumulated inventories—1. *Copper ores, concentrates, matte, blister copper, and other unrefined copper.* Previously, where an exporter intended to export these commodities for refining overseas without return of the refined copper to the United States, the Office of Export Control granted licenses for 80 percent of the exporter's available quantity of his July 1–November 15, 1967 production, and required the exporter to retain the remaining 20 percent in his accumulated inventory. The Office of Export Control will now consider applications to export this accumulated inventory, even though the exporter does not intend to return the refined copper to the United States.

2. *Copper and copper-base alloy waste and certain nickel scrap.* The provisions of § 373.20(b) (2) (ii) remain in effect limiting consideration for approval to export these commodities to 80 percent of an applicant's inventory and receipts where the export will not result in the import of refined copper into the United States for consumption.

Applicability of other provisions. Exporters are reminded that all other special copper provisions continue in effect. These provisions are set forth in §§ 373.20 and 373.43 of the Export Regulations. It should be noted in particular that applications for licenses to export copper ores, concentrates, matte, blister copper, and other unrefined copper generally are denied. However, applications for licenses to export these commodities as well as copper and copper-base alloy waste and certain nickel scrap that cannot be processed commercially in the United States

will continue to be considered for licensing without a charge against the export quota. In connection with the exception to the general policy of denial for copper ores, concentrates, matte, blister copper, and other unrefined copper, the Export Regulations formerly described these commodities as not commercially processable because of "contamination or for any other reason." They are now identified as not commercially processable for "Technological or economic reasons."

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 FR 4487, 3 CFR 1959–63 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–63 Comp.)

Effective date: January 22, 1968.

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

[F.R. Doc. 68–927; Filed, Jan. 24, 1968; 8:46 a.m.]

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

PART 1000—FOREIGN DIRECT INVESTMENT REGULATIONS

Miscellaneous Amendments; Corrections

In the miscellaneous amendments to Part 1000, published at 33 F.R. 806, the following corrections are made:

1. In amendatory item 5, the amendatory language should have read as follows: "5. In § 1000.504, paragraph (a) (introductory text) is amended, and paragraph (b) is revised, to read as follows:"

The purpose of this correction is to make it clear that subparagraphs (1), (2), and (3) of paragraph (a), § 1000.504, were not deleted and were to remain as published at 33 F.R. 52.

2. Amendatory item "7", containing an amendment of § 1000.505, should have been designated as item "6".

Dated: January 24, 1968.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 68–1013; Filed, Jan. 24, 1968; 10:00 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 17780; FCC 68–61]

PART 1—PRACTICE AND PROCEDURE

PART 13—COMMERCIAL RADIO OPERATORS

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

Report and order. 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. The Commission, on September 29, 1967, adopted a notice of proposed rule making in the above captioned matter (FCC 67–1101) which was published in the FEDERAL REGISTER on October 4, 1967 (32 F.R. 13821). Opportunity was afforded interested persons to submit comments by October 20, 1967, in support of or in opposition to the proposed rule amendments and for filing reply comments by October 30, 1967.

2. The purpose of the attached amendments is to 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. The permit is to be valid for a period of 12 months only and will not be renewed. Before expiration of the permit, the holder is expected to appear at a regularly scheduled examination point and fulfill the examination requirements by successfully completing an examination before an authorized Commission employee.

3. The Commission after being informed by the National Association of Broadcasters that there exists a shortage of licensed commercial radio operators in small market broadcast areas found that part of the difficulty appears to stem from the inability of prospective operators to travel to the nearest FCC field office and be examined, a distance which often is several hundred miles. examinations at places away from the field office, such examinations in some cases are given infrequently and may not coincide with the immediate needs of the broadcast station and the financial circumstances of the prospective operator in the area.

4. The holder of a provisional certificate for a radiotelephone third class operator permit endorsed for broadcast use may be responsible for routine operation of a standard broadcast station with authorized power of 10 kilowatts or less, and employing a nondirectional antenna; or an FM broadcast station with a transmitter power output not in excess of 25 kilowatts; or a noncommercial educational FM broadcast station of 25 kilowatts or less output power. Small business should benefit from the new procedure since licensed radio operators will be more readily available and local people may find employment in the broadcasting industry, as operators.

5. Timely comments in support of the proposal were filed by National Association of Broadcasters, 13 State Broadcasters Associations, and representatives of 134 individual broadcast stations. The National Association of Broadcasters stated:

> The Association is in complete accord with the instant proposal. Small market stations have had considerable difficulty in attracting and holding experienced operators and, therefore, it is incumbent upon them to employ and train inexperienced local people. By deleting the immediate examination requirement, personnel would no longer be required to travel great distances to take the qualifying examination before they assumed their duties.

Only one timely comment in opposition to the proposal was filed. That comment was submitted by an individual who gave no reason for his objection. Fifteen persons filed comments in support of the proposal after the closing date and one person submitted a late comment in opposition.

6. Editorial changes have been made in § 13.8(e) as compared with the wording in the notice of proposed rule making for the sake of clarity and to emphasize the intent that a provisional radio operator certificate for radiotelephone third-class operator permit endorsed for broadcast use will be issued only once.

7. In view of the foregoing: *It is ordered,* That, pursuant to the authority contained in sections 4(i) and 303 (l) and (r) of the Communications Act of 1934, as amended, Parts 1 and 13 of the Commission's rules are amended effective March 15, 1968, as set forth below.

8. *It is further ordered,* That the proceeding Docket No. 17780 is terminated.

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

Adopted: January 17, 1968.

Released: January 22, 1968.

FEDERAL COMMUNICATIONS COMMISSION,
[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 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.

(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 provded 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 under the following conditions:

(1) The certificate is valid for a period not to exceed 12 months.

(2) The certificate is not renewable.

(3) The certificate may be issued to a person only once.

(4) Additional limitations may be specified, as necessary.

(5) The certificate 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. 68-951; Filed, Jan. 24, 1968; 8:47 a.m.]

[Docket No. 17281; FCC 68-58]

PART 73—RADIO BROADCAST SERVICES

Television Broadcast Stations, Fort Myers, Fla.

Report and order. In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (Fort Myers, Fla.), Docket No. 17281.

1. The Commission has before it for consideration its notice of proposed rule making released March 10, 1967 (FCC 67-312), proposing the assignment of Channels 20 and 36, or one of them, to Fort Myers, Fla.

2. The notice resulted from the filing of petitions for rule making by Kenneth J. Schwartz (RM-1085, received Dec. 16, 1966) and Hubbard Broadcasting, Inc. (RM-1106, received Feb. 2, 1967). Hubbard is the permittee of a new UHF station at St. Petersburg, Fla. The two petitioners filed both comments and reply comments, as did Fort Myers Broadcasting Co. (WINK), licensee of WINK-TV, Fort Myers Channel 11. Comments were also filed by Gulf American Land Corp. (a land development company in the area) and WSUN, Inc., licensee of WSUN-TV, St. Petersburg Channel 38. Except for WINK, all of these parties are potential applicants for a Fort Myers UHF assignment, although WSUN states only that if the Commission acts in accordance with its comments (urging that only one channel be assigned) it will give serious consideration to becoming an applicant. Hubbard proposes to operate a station as a satellite of its new St. Petersburg station.

3. At the present time Fort Myers has assigned to it Channels 11 and *30. The educational assignment is not operative; WINK-TV, Channel 11, is a CBS affiliate. The need for service, in addition to that provided by WINK, has been met to date by the operation of two translators which import the distant signals of WCKT, Channel 7, Miami (NBC) and WLBW-TV, Channel 10, Miami (ABC), as well as a substantial CATV system owned by Southern Cablevision.[1] Fort Myers is to some extent an isolated community, located along the lower southwest coast of Florida, approximately 144 miles northwest of Miami and 123 miles south of Tampa-St. Petersburg. Its population in 1950 was 13,195; in 1960, 22,523 persons resided there, an increase of 70.7 percent. The substantial growth rate of this, the largest city in and the county seat of Lee County, with its 1960 population of 54,539, has been accompanied by a substantial growth in cultural and economic activity in the areas of agriculture, tourism, and commercial fishing. The city and county receive no Grade B or stronger signals except for WINK. Most commenters in this proceeding concur, in view of these facts, that it would be in the public interest to assign an additional television channel to the community. We agree, particularly in the light of the demand of additional service indicated by the existence and growth of the auxiliary television services located in Fort Myers at this time.

4. Although there is no disagreement concerning the assignment of one additional channel to Fort Myers, the assignment of a second UHF channel is in dispute. The view of Hubbard, the proponent, briefly is: "Fort Myers is an economically viable area presently characterized by a substantial rate of growth. A significant need exists in the area for television service in addition to that presently provided by the local Fort Myers station. Assignment of the requested channels would be in complete conformity with the Commission's technical requirements and would serve to confirm the Commission's stated policies with respect to fostering the growth and development of UHF television and providing communities with as many local outlets for self-expression as possible". The need for additional service, it is claimed, is established by the extensive growth of auxiliary services in the area, and it is asserted that the expressed desires of Hubbard and Schwartz to establish local stations afford opportunity for carrying out the Commission's policy in favor of as many local outlets as possible. It is asserted that the assignment of three commercial channels would potentially enable each station to have a network affiliation, thus assuring the public of three network services and each station of a firm economic base. Hubbard also asserts that refusal to make the third assignment for economic reasons would be inappropriate and premature; such considerations can properly be considered, if at all, only in the context of an evidentiary hearing on a particular application. It is asserted that other parties' assertions about the inability of the area to support three stations are unsupported and, in fact, wrong. Hubbard cites in support of its contentions a number of our recent actions in television and FM channel allocations where arguments opposing additional assignments were rejected, as well as our statements in adopting new CATV rules in 1965 and 1966, concerning the importance of local outlets as opposed to the provision of TV service by a few "super stations" and a nationwide

[1] The CATV is under partial common ownership with WINK-TV. It carries Tampa-St. Petersburg and Largo Channel 8 and 10 stations (NBC and ABC affiliates) and the educational station in Tampa, as well as WINK-TV. *Television Factbook* (1967 edition) lists it as having 3,979 subscribers. There is a smaller system at nearby Cape Coral (owned by a subsidiary of Gulf American Land Corp.) and franchises at North Fort Myers. Gulf American claims that CATV systems operating or under construction in the area total about 13,000 subscribers. As mentioned in the notice, current estimates of the population of Fort Myers and Lee County are 28,900 and 71,800.

network of wires, microwaves and translators.[2]

5. All other parties oppose the addition of more than one channel. Gulf American asserts that Fort Myers cannot support two additional stations; possibly it cannot even support one. WSUN asks that only one channel by assigned now, with the question of an additional assignment to be considered later in light of further experience with the all-channel law and developments with the second commercial assignment here. Schwartz calls attention to the considerable amount of service now available in the area, from WINK–TV and via the auxiliary services, and asserts that the only need is for an additional competitive local outlet; it asserts that Hubbard's assumption that two additional stations would get network affiliations is unsupported, and it also calls attention to the overlap which would exist between a Hubbard station at Fort Myers and its St. Petersburg station. WINK asserts that a third assignment would represent much more than Fort Myers' "fair share" of TV channels (see the next paragraph), in violation of the mandate of section 307(b) of the Act, and, noting that Hubbard proposes a satellite operation, it asserts that this undercuts its entire argument in favor of a third channel. WINK states that this shows that Hubbard does not consider a third local station really "viable" (since it does not propose such an operation); that the proposal would not represent an additional outlet for local expression because Hubbard would simply present its St. Petersburg-oriented programing; that by definition it would not mean a third direct network service but simply exposure in the market for Hubbard (even if Fort Myers is large enough otherwise to be able to have three network-affiliated stations);[3] that the proposed operation would not help local TV development or UHF but in fact would hurt both, since the audience otherwise available to a second local station (UHF) would be fractionated and such a station would be injured by having to compete with a minimum-cost satellite operation able to attract national advertising because it could claim to deliver Fort Myers more effectively than the local station; and, in sum, the proposal does not represent the local public interest of the Fort Myers area but merely Hubbard's private demand for satellites to enhance its St. Petersburg property (it has a CP for a satellite at Ocala, Fla.). It is asserted that restraint should be used in assigning channels on the basis of such private demands (citing our recent refusal to make an additional assignment in Charlotte, N.C., 9 R.R. 2d 1520 (1967)). WINK also calls attention to the somewhat larger market of Panama City, Fla., where some years ago a second VHF channel (third commercial assignment) was assigned at the request of a party and where a second station has yet to be completed and commence operation (Hubbard in reply states that this is irrelevant and, anyhow, not comparable since Panama City gets five off-air Grade B or better signals).

6. As to the "fair share" of channels, WINK lists 26 communities within slightly over 100 miles of Fort Myers which have AM or FM facilities, and only four of which—all larger than Fort Myers—have TV channels assigned and then only one each (the four are Clearwater, Fort Pierce, Lakeland, and Sarasota, ranging in size up to about 42,500). Pointing out that there are competing applications for the Sarasota assignment and operating or authorized stations at Fort Pierce and Clearwater, WINK attacks the "imbalance" alleged to exist in assigning a third commercial channel to Fort Myers before any of the four communities gets a second or any of the other 22 a first—especially since the assignment is urged only for what WINK considers Hubbard's purely private objectives. In reply, Hubbard points out that most of the 26 communities are quite distant from Fort Myers, and that in the case of both Channel 20 and Channel 36, use thereof at Fort Myers would preclude use of these channels at only four communities where they could otherwise be used, all smaller than Fort Myers and where other channels are available which would not be affected by the two proposed Fort Myers assignments.[4]

7. It is appropriate also to note available data concerning the size of the Fort Myers market compared to others, in relation to the number of channels assigned. According to American Research Bureau (ARB) data set forth in the 1967 edition of Television Factbook, Fort Myers ranks as the country's 203d market in net weekly circulation (32,400 homes) and 206th in total homes and TV homes (51,000 and 45,800 respectively). As such, it is of course considerably smaller than most markets to which three commercial channels are assigned, and there is no market of this size or smaller which has three operating TV stations (the smallest market with three operating stations none of which is a satellite of one of the others is Reno, Nev., ranked 178th in net weekly circulation with 60,500 homes, and 185th in total homes and TV homes). However, there are markets smaller in size with three or more commercial channels assigned (San Angelo, Tex., three, 207th in net weekly circulation, 209th in homes and TV homes; Yuma, Ariz.-El Centro, Calif., four (two operating stations, two CP's), 206th in net weekly circulation and 212th in homes and TV homes; Laredo, Tex., three, 217th in net weekly circulation and 219th in homes and TV homes). In Medford, Oreg. (ranked 193d in net weekly circulation with 42,500 homes) there are two operating stations and educational and commercial applicants are competing for the third unreserved channel. Other cities and markets only slightly larger than Fort Myers and with three or more commercial assignments include Butte and Missoula, Mont., and Casper, Wyo.

Conclusions. 8. The Commission has carefully considered the facts and arguments submitted herein and finds that the assignment of a second commercial TV channel in Fort Myers is adequately supported. There appears to be every likelihood that there will be applicants for such a channel and that if a new UHF television broadcast station is authorized, it will be built and placed in operation. There is substantially less support for the assignment of a third commercial channel to a market of the size of Fort Myers. It is not necessary for the Commission to make such a decision at this time. The same end result can be reached by assigning one channel now, accepting and processing applications therefor, pressing for prompt construction and operation of such station as may be authorized, and then determining whether a third commercial channel is needed and likely to be used. Such an approach is most likely to result in the healthy and orderly development of television broadcasting.

9. Accordingly, pursuant to the authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended: *It is ordered*, That, effective February 26, 1968, the Table of Assignments in § 73.606 of the Commission rules is amended, insofar as the

[2] The fifth and sixth reports and orders adopted in 1966 in Docket 14229 (the overall UHF proceeding), concerning Miami, Fla., and Yakima and Kennewick-Richland-Pasco, Wash. (2 FCC 2d 527, 534–536 and 3 FCC 2d 927, 929–930; 6 R.R. 1643, 1651–1653); Topeka, Kans., TV allocation proceeding, Docket 16638, 4 FCC 2d 536, 7 R.R. 2d 1753 (1966); FM assignments at Bakersfield, Calif., and Sturgeon Bay, Wis., Docket 16662, 5 FCC 2d 525, 530–535, 8 R.R. 2d 1575, 1583–1588 (1966); first report and order in Dockets 14895 and 15233, 38 FCC 683, 700, 4 R.R. 2d 1725, 1744 (1965); and second report and order in Dockets 14895, 15233, and 15971, 2 FCC 2d 725, 6 R.R. 2d 1717 (1966).

[3] Hubbard's St. Petersburg station does not now have a network affiliation. Each of the three national networks is affiliated with one of the VHF stations in the Tampa-St. Petersburg-Largo area. Hubbard is the licensee of VHF stations in St. Paul and Albuquerque, both NBC affiliates.

[4] The Hubbard showing in reply does not specifically mention what preclusive effect the Channel 20 and 36 assignment would have on use of adjacent and other technically related channels. However, this appears not to be substantial. Of the four communities mentioned which are larger than Fort Myers (and which have one commercial assignment each), three, all but Sarasota, are well over 75 miles from Fort Myers, and thus, since Channels 20 and 36 themselves cannot be used there because of existing spacing requirements, neither of the proposed Fort Myers assignments would have any effect on channel availabilities at these places. At Sarasota, some 63 miles away, the assignment of Channel 36 at Fort Myers would preclude use of Channel 51 which would otherwise be possible, but there are several other channels from which a second and even a third assignment could be made if warranted. Of the other communities, there are only three which are of more than 6,000 population (1960 Census) and which are close enough to Fort Myers so that the availability of any channels other than 20 and 36 might be affected. At each of these (Belle Glade, Bradenton, and Sebring) other channels not affected by the proposed assignments could be used if needed.

city listed below is concerned, to read as follows:

City	Channels
Fort Meyers, Fla	†11, 20, *30

NOTE: Offsets for Channels 20 and *30 will be supplied in a subsequent order.

10. *It is further ordered*, That, this proceeding is terminated.

(Secs. 4, 303, 307, 43 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: January 17, 1968.

Released: January 22, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[5]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-952; Filed, Jan. 24, 1968; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 33—SPORT FISHING

Carolina Sandhills National Wildlife Refuge, S.C.

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

[5] Commissioners Bartley and Loevinger concurring in the result; Commissioner Lee voting for assignment of both channels; Commissioner Wadsworth not participating.

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

SOUTH CAROLINA

CAROLINA SANDHILLS NATIONAL WILDLIFE REFUGE

Sport fishing on the Carolina Sandhills National Wildlife Refuge, McBee, S.C., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 80 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from February 1, 1968 through December 31, 1968, on Lake Bee and the U.S. Highway 1—Black Creek Bridge Area; from March 15, 1968 through October 15, 1968, on Martins Lake, Lakes 12 and 17, Wire Road—Black Creek Bridge Area, State Road 145—Black Creek Bridge Area, and the Catarrh Road—Black Creek Bridge Area.

(2) Fishing permitted during daylight hours only.

(3) Fishing on Sunday prohibited.

(4) Boats with electric motors permitted; gasoline powered engines prohibited.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1968.

C. EDWARD CARLSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 19, 1968.

[F.R. Doc. 68-911; Filed, Jan. 24, 1968; 8:45 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 6944]

PART 400—TEMPORARY REGULATIONS UNDER THE FEDERAL TAX LIEN ACT OF 1966

Substitution of Sale Proceeds and Subordination of Tax Lien, Levy Upon a Delinquent Taxpayer's Insurance Contract, Notice of Sale in the Case of a Nonjudicial Sale, and Redemption of Real Property Subject to a Tax Lien

Correction

In F.R. Doc. 68-831, appearing at page 732 of the issue for Saturday, January 20, 1968, make the following changes:

1. In column 2, page 733, last paragraph, seventh line from bottom of column, the first reference to the word "of" should read "or".

2. In § 400.4-1(a)(1), the third sentence from the end of the paragraph should read "Paragraph (d) of this section of the regulations contains rules relating to the consent to sale provisions of section 7425(c)(2).".

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 952]

IRISH POTATOES GROWN IN EASTERN SOUTH DAKOTA PRODUCTION AREA

Proposed Termination of Marketing Agreement and Order

Notice is hereby given that the Secretary of Agriculture is considering termination of Marketing Agreement No. 103 and Order No. 952 (7 CFR Part 952). The marketing agreement and order (hereinafter referred to as "order") authorize regulation of the handling of Irish potatoes grown in the production area defined therein. This order, effective since May 15, 1948, was issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

At the November 8, 1967, joint meeting of the South Dakota Potato Growers Association and the South Dakota Potato Committee, the administrative agency for this program, both organizations unanimously recommended that the order be terminated.

The last grade and size regulations issued under this order were in effect for the 1951 crop. No regulations have been issued since then.

In accordance with the committee's recommendation and pursuant to section 608c (16)(A) of the act (7 U.S.C. section 608c(A)) and § 952.61(b) of the order and agreement, it is being considered that the order and agreement no longer tend to effectuate the declared policy of the act; and that both the order and the agreement should be terminated.

As the committee's affairs, funds, and property have already been liquidated, there will be no need for the members of the committee to continue as trustees. Hence, it is contemplated that with the termination of this order, the appointment of committee members and alternates also will be terminated and the then functioning committee members and alternates will be discharged.

Consideration will be given to any written data, views, or arguments pertaining to this notice which are filed with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 30 days following its publication in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection during regular business hours (7 CFR 1.27(b)).

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

Dated: January 19, 1968.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 68–936; Filed, Jan. 24, 1968; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 17969; FCC 68–65]

FM CHANNELS

Availability to Unlisted Communities

1. The Commission has before it for consideration the requirements of § 73.-203(b), the so-called "25-mile rule", which states that a channel listed in the FM Table of Assignments is available by application to any other community not listed in the Table but which is within 25 miles of the listed community. This rule is similar to one in the TV broadcast service (§ 73.607(b)) with the exception that the distance involved in the TV rule is only 15 miles.

2. The "25-mile rule" was adopted at the time the FM table and the present rules and standards were adopted in August 1963. The table adopted represented the best judgment of the Commission, based upon the comments and data filed in the proceeding (Docket No. 14185) and its own expertise, as to the needs of the various communities throughout the country for FM assignments. In order to preserve flexibility and to permit adjustments, the subject rule was also adopted. This permits changes upon demand and need in communities other than those listed in the table without going through the rule making procedure. On the whole the rule has worked well, but it also has created some problems and inequities in its application. For example, channels have been removed from larger communities to much smaller ones because no immediate interest was shown in the assignment by parties in the larger community. Likewise, two channels assigned to a community, were both removed to another smaller community under this rule. Further, one reason for the rule (this is especially applicable to TV) is the fact that the assignment will provide good service to the community listed in the table even though it is used by a station licensed to an unlisted community. This does not work out well in FM especially for Class A stations. The reason for this is that a Class A station, with maximum permissible facilities, places a 3.16 mv/m signal (70 dbu, the required signal for the principal community) out to a distance of only about 8 miles. Thus, in the event the community is at a greater distance than 8 miles, the station may not serve the listed community with a signal of the intensity required for principal-city service, and, if it is further than 15 miles, not even a 1 mv/m signal will be provided to the listed community. The rule we are proposing would, in most cases, assure a signal strength of at least 1 mv/m over the listed community.

3. Based upon its experience with the operation of this rule, the Commission believes that its provisions should be tightened up considerably. Tentatively we believe that this should be done along the following lines. First, as to distance, it appears that 15 miles would be a more appropriate distance for Class B or C channels, and 10 miles for Class A channels. Secondly, we believe that there should be a limit to which communities of substantial size and importance—those to which the assignment of more than one channel has appeared appropriate either in the adoption of the original table in 1963 or in subsequent rule making actions—can be deprived of channels under such a rule. Thirdly, we are of the view that an unlisted community should be allowed to apply for only one listed assignment rather than any number for which it is otherwise eligible under the rule. Therefore, we propose to impose the following limits: (1) No more than one channel assigned to one community in the table may be used in other communities under the rule; and (2) where a community has once utilized the privilege of the rule it cannot do so again in order to obtain a second FM station. As so revised, the rule would remove the above-mentioned problems inherent in the present "25-mile rule" and be more in keeping with the objectives sought. At the same time it would permit some flexibility in shifting assignments that are unused. Parties interested in assignments which do not conform to the proposed limits may still request changes in assignments by filing petitions for rule making.

4. The revision of the rule presents certain other questions to which comments are invited. The first is whether the more restrictive provisions should apply to applications tendered only after the effective date of the rule, or to an application pending at that time and not designated for hearing, or to any application pending but which was tendered after the public release of this notice.

5. The second group of matters relates to the application of the numerical limits mentioned. We are of the view that use of channels under the "25-mile rule" up

to now, as well as in the future, should be taken into account (i.e., if one channel in a city was used under the "25-mile rule" in 1965, none could be so used from now on); and comments are invited as to whether this will present problems for potential applicants in determining whether or not this has occurred.

6. Pursuant to applicable procedures set out in § 1.415 in the Commission's rules, interested parties may file comments on or before February 23, 1968, and reply comments on or before March 8, 1968. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in the 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.

7. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs or other documents shall be furnished the Commission.

8. Authority for the adoption of the amendment proposed herein is contained in section 4 (i) and (j), 303, and 307(b) of the Communications Act of 1934, as amended.

Adopted: January 17, 1968.

Released: January 22, 1968.

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

[F.R. Doc. 68-953; Filed, Jan. 24, 1968; 8:47 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 416]

ADVERTISING OF ECONOMIC POISONS

Proposed Trade Regulation

Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41 et seq., and the provisions of Part 1, Subpart B of the Commission's procedures and rules of practice, 32 F.R. 8444 (June 13, 1967), has initiated a proceeding for the promulgation of a Trade Regulation Rule regarding unfair or deceptive acts or practices in the advertising of economic poisons.

The Commission has initiated this proceeding having reason to believe that: (1) Manufacturers and other marketers of economic poisons in the advertising of such products have made representations which are inconsistent with, exceed, negate, or contradict various statements including warnings and directions for use appearing on the label or in the labeling thereof; that (2) this practice has the tendency or effect of misleading or deceiving prospective purchasers of such products as to the hazardous nature of such products, the degree of care to be taken by users of such products, and the uses and purposes for which such products have been registered by the U.S. Department of Agriculture; and therefore, that (3) this practice constitutes an unfair method of competition and an unfair or deceptive act or practice in violation of section 5 of the Federal Trade Commission Act.

In taking this action the Commission has considered, among other things, the results of a staff investigation of advertising representations for economic poisons, and on the basis of its accumulated experience and studies and reports, is of the opinion that the public interest in a Trade Regulation Rulemaking proceeding is specific and substantial.

Accordingly, the Commission proposes the following Trade Regulation rule:

§ 416.1 The rule.

In connection with the sale, offering for sale or distribution of any economic poison in commerce, as "commerce" is defined in the Federal Trade Commission Act, it is an unfair method of competition and an unfair or deceptive act or practice, within the meaning of section 5 of the Federal Trade Commission Act, to disseminate any advertising which contains any representation with respect to the use of said product as an economic poison which is inconsistent with, exceeds, negates, contradicts, or in any way limits, detracts from, or qualifies any statement, warning, or directions for use, in the labeling of any such product.

§ 416.2 Definitions.

For purposes of this rule:

(a) "Economic Poison" means "economic poison" as that term is defined in the Federal Insecticide, Fungicide and Rodenticide Act (65 Stat. 163, 7 U.S.C. 135–135k), to wit: "Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, nematodes, fungi, weeds, and other forms of plant or animal life or viruses, except viruses on or in living man or other animals, which the Secretary of Agriculture shall declare to be a pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant"; or as subsequently defined in said Act.

(b) "Advertising" includes radio and television commercials and other oral or visual representations, newspaper and magazine advertisements, flyers, brochures, sales manuals, technical literature, data sheets, and all other printed, written, graphic, or other material used for promoting the sale or use of economic poisons, but not including the "Labeling" of such products as defined herein.

(c) "Labeling" means all labels, and other written, printed, or graphic matter accepted by the Secretary of Agriculture, in the registration of the economic poison pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act.

For the purpose of carrying out the provisions of the statutes administered by it, the Commission is empowered to promulgate rules and regulations applicable to unlawful trade practices. Such Trade Regulation rules express the experience and judgment of the Commission, based on facts of which it has knowledge derived from studies, reports, investigations, hearings, and other proceedings, or within official notice, concerning the substantive requirements of the statutes which it administers.

Where a Trade Regulation rule is relevant to any issue involved in an adjudicative proceeding thereafter instituted, the Commission may rely upon the rule to resolve the issue, provided that the respondent shall have been given a fair hearing on the applicability of the rule to the particular case.

Protection of the consuming public from false, misleading, deceptive or unfair advertising of products, particularly those that may endanger human health or safety, is a prime duty of the Commission.

All interested persons, including the consuming public, are hereby notified that they may file written data, views, or arguments concerning the proposed rule and the subject matter of this proceeding with Joseph W. Shea, Secretary, Federal Trade Commission, Sixth Street at Pennsylvania Avenue NW., Washington, D.C. 20580, not later than April 24, 1968. To the extent practicable, persons wishing to file written presentations in excess of two pages should submit 20 copies.

The data, views, or arguments presented with respect to the proposed rule will be available for examination by interested parties at the office of the Assistant Secretary for Legal and Public Records, Federal Trade Commission, Washington, D.C., and will be considered by the Commission.

All persons, firms, corporations, or others engaged in the sale or distribution of economic poisons in commerce as "commerce" is defined in the Federal Trade Commission Act, would be subject to the requirements of any Trade Regulation Rules promulgated in the course of this proceeding.

All interested parties, including the consuming public are urged to express their approval or disapproval of the proposed rule, or to recommend revisions thereof, and to give a full statement of their views in connection therewith.

Issued: January 24, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-883; Filed, Jan. 24, 1968; 8:45 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority No. 76]

ASSISTANT ADMINISTRATOR FOR PRIVATE RESOURCES

Delegation of Authority

JANUARY 18, 1968.

Pursuant to the authority delegated to me by Delegation of Authority No. 104, as amended, from the Secretary of State, and in furtherance of my decision relating to "Voluntary Foreign Aid Service/Disaster Relief Coordinator" announced in AID General Notice of January 12, 1968, it is hereby ordered as follows:

(1) Subsection 4 of section 2 of AID Delegation of Authority No. 23 dated December 28, 1962 (28 F.R. 563), and subsection b(2) of section 4 of Delegation of Authority No. 69 dated March 23, 1967 (32 F.R. 5475), are hereby amended to delete references to the functions set forth in section 203 of Public Law 480 and in section 216 of the Foreign Assistance Act of 1961, as amended, and to Voluntary Foreign Aid.

(2) Henceforth the responsibility of the Assistant Administrator, Office of Private Resources, shall include the functions set forth in section 203 of Public Law 480 and in section 216 of the Foreign Assistance Act of 1961, both as amended, of authorizing payment of transportation costs of shipments by Voluntary Foreign Aid agencies.

(3) This authority may be redelegated.

(4) This delegation of authority shall be effective as of January 12, 1968.

RUTHERFORD M. POATS,
Acting Administrator.

[F.R. Doc. 68-941; Filed, Jan. 24, 1968; 8:47 a.m.]

[Delegation of Authority No. 75]

ASSISTANT ADMINISTRATOR FOR NEAR EAST-SOUTH ASIA ET AL.

Delegation of Authority

Pursuant to the authority vested in me by Delegation of Authority No. 104 from the Secretary of State, dated November 3, 1961, I hereby delegate to the Assistant Administrator for Near East-South Asia, the U.S. Coordinator for the Alliance for Progress, the Deputy U.S. Coordinator for the Alliance for Progress, the Assistant Administrator for Africa, the Assistant Administrator for East Asia, and the Assistant Administrator for Viet-Nam, each for the countries or areas within their responsibility, without authority to redelegate and retaining for myself concurrent authority to exercise the functions herein delegated, the authority of section 611(e) of the Foreign Assistance Act of 1961, as amended, to receive and take into consideration a certification from the principal officer of this Agency in a country in which a capital assistance project estimated to cost in excess of $1 million is to be financed, as to the capability of the country (both financial and human resources) to effectively maintain and utilize the project, for all such projects for which the above-named officers of this Agency have been delegated authority to authorize capital assistance activities.

This delegation of authority shall be effective immediately.

RUTHERFORD M. POATS,
Acting Administrator.

JANUARY 11, 1968.

[F.R. Doc. 68-942; Filed, Jan. 24, 1968; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[MAS 133.11—5101W]

"ENTRY RECORD"

November 1967 Edition

Bureau of Customs Circular (ADM-5-MAS) of January 17, 1968, which requires the use of the November 1967 edition of customs Form 5101 on and after March 1, 1968, is set forth below.

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

JANUARY 17, 1968.

TREASURY DEPARTMENT

BUREAU OF CUSTOMS

[Circular: ADM-5-MAS]

JANUARY 17, 1968.

Subject: Administration; Customs Form 5101, "Entry Record."

Reference: Section 8.8, Customs Regulations.

1. *Purpose.* To announce the required use of the November 1967 edition of customs Form 5101, "Entry Record," on and after March 1, 1968.

2. *Background.* The design of customs Form 5101 has been changed so that the block for the entry number and date is in the same position as the entry number block on customs Form 7501. This was necessary to assure accurate input data submitted to the Customs Data Center and to the Bureau of the Census computers. The installation of automatic numbering machines which will soon take place, will also require that the companion entry documents (cF 7501 and cF 5101) be of such a design that the entry block be in the same position. Therefore, the design of cF 5101 was changed to accomplish the necessary accommodation.

3. *Action.* Existing supplies of the July 1966 edition of cF 5101 shall be used through February 29, 1968. The November 1967 edition of cF 5101 will be the required and only acceptable edition on and after March 1, 1968. The use of one edition of the cF 5101 will eliminate any confusion caused by concurrent use of two editions and assure accurate computer input. After March 1, 1968, any unused supplies of the July 1966 edition should be destroyed. The November 1967 edition of cF 5101 should be procured from Region II Publications and Reproduction Section, 201 Varick Street, New York, N.Y. 10014, in advance of March 1, 1968, so that sufficient supply is available for required use.

4. *Public notice.* Please bring the contents of this Circular to the attention of all importers, brokers, etc., who will be affected by the requirement.

File: MAS 191.11 RW

EDWIN F. RAINO,
Acting Commissioner of Customs.

[F.R. Doc. 68-928; Filed, Jan. 24, 1968; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S. 585, etc.]

CALIFORNIA

Notice of Classification of Public Lands for Multiple-Use Management

JANUARY 17, 1968.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and the regulations in 43 CFR Parts 2410 and 2411, the public lands within the areas described in paragraph 3 are classified for multiple-use, together with any lands therein that may become public lands in the future. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C., Chs. 7 and 9; 25 U.S.C. sec. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). The lands shall remain open to all other applicable forms of appropriation including the mining and mineral leasing laws.

As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Comments were received following publication in the FEDERAL REGISTER of the notice of proposed classification (32 F.R. 207), and at the public hearing in Susanville, Calif., which was held on November 14, 1967. As a result of the comments, classification of lands in Lassen County is deferred. The record showing the comments received and other information is on file and can be examined in the Susanville District Office, Fifth and Cedar, Susanville, Calif. 96130.

3. The public lands affected by this classification are located within the following described area and are shown on maps designated 0201, 0232, and 0205 in the Susanville District Office and at the Land Office of the Bureau of Land Management, 650 Capitol Mall, Sacramento, Calif.:

MOUNT DIABLO MERIDIAN, CALIFORNIA

ALTURAS AREA S 585

Modoc County

All public lands in:

T. 42 N., R. 9 E.,
Secs. 1, 2, 3, 10, 11, 12, 14, and 15.
T. 41 N., R. 10 E.,
Secs. 1 to 3, inclusive;
Secs. 10 to 13, inclusive.
T. 42 N., R. 10 E.,
Secs. 1 to 12, inclusive.
T. 40 N., R. 11 E.,
Secs. 1 to 4, inclusive;
Secs. 9 to 16, inclusive;
Secs. 21 to 27, inclusive;
Secs. 34 and 35.
T. 41 N., R. 11 E.,
Secs. 1 to 29, inclusive;
Secs. 32 to 36, inclusive.
T. 42 N., R. 11 E.,
Secs. 1 to 12, inclusive.
T. 40 N., R. 12 E.,
Secs. 3 to 10, inclusive;
Secs. 15 to 20, inclusive;
Secs. 22 and 30.
T. 41 N., R. 12 E.,
Secs. 4 to 9, inclusive;
Secs. 16 to 22, inclusive;
Secs. 24 and 25;
Secs. 28 to 34, inclusive.
T. 42 N., R. 12 E.,
Secs. 5 to 7, inclusive;
Secs. 28, 29, 32, 33, and 34.
T. 43 N., R. 12 E.,
Secs. 22 to 27, inclusive.
T. 39 N., R. 13 E.,
Secs. 1 to 5, inclusive;
Secs. 11 and 12.
T. 40 N., R. 13 E.
T. 41 N., R. 13 E.
T. 42 N., R. 13 E.,
Sec. 1, SE¼NE¼;
Secs. 23 to 26, inclusive;
Sec. 35.
T. 43 N., R. 13 E.,
Secs. 2, 3, 10, 11, 13, and 15;
Secs. 19 to 24, inclusive;
Secs. 28 to 30, inclusive.
T. 44 N., R. 13 E.,
Secs. 1, 2, 3, 10, and 11;
Secs. 14 to 16, inclusive;
Secs. 22, 23, 26, 27, 34, and 35.
T. 45 N., R. 13 E.,
Secs. 27, 34, and 35.
T. 39 N., R. 14 E.,
Secs. 5 and 6.
T. 40 N., R. 14 E.,
Secs. 4 to 9, inclusive;
Secs. 16 to 20, inclusive;
Secs. 29 to 32, inclusive.
T. 41 N., R. 14 E.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 42 N., R. 14 E.,
Secs. 6 to 8, inclusive;
Secs. 17, 19, 30, and 31.
T. 43 N., R. 14 E.,
Secs. 4 and 5;
Sec. 7;
Secs. 17 to 19, inclusive.
T. 44 N., R. 14 E.,
Sec. 3;
Sec. 17;
Secs. 19 to 21, inclusive;
Secs. 28 to 32, inclusive;
Sec. 33, NE¼NE¼.
T. 46 N., R. 14 E.,
Sec. 33.
T. 47 N., R. 14 E.,
Sec. 25.

Except the following public lands:

T. 42 N., R. 9 E.,
Sec. 12, SE¼NE¼, NE¼SE¼.
T. 40 N., R. 11 E.,
Sec. 2, NE¼SW¼.
T. 41 N., R. 11 E.,
Sec. 14, NE¼NW¼.
T. 42 N., R. 11 E.,
Sec. 9, SE¼NE¼;
Sec. 10, NW¼NW¼.
T. 41 N., R. 12 E.,
Sec. 30, N½SE¼ and SW¼SE¼.
T. 43 N., R. 12 E.,
Sec. 23, NE¼NE¼.
T. 43 N., R. 13 E.,
Sec. 19, NE¼NW¼;
Sec. 24, SE¼SW¼.

SURPRISE AREA S 766

Modoc County

All public lands in:

T. 44 N., R. 15 E.,
Secs. 1, 2, and 3;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34, 35, and 36.
T. 45 N., R. 15 E.,
Secs. 1, 12, 13, 24, 25, and 36.
T. 46 N., R. 15 E.,
Secs. 1, 12, 13, 24, 25, and 26.
T. 39 N., R. 16 E.
T. 40 N., R. 16 E.
T. 41 N., R. 16 E.
T. 42 N., R. 16 E.
T. 43 N., R. 16 E.
T. 44 N., R. 16 E.
T. 45 N., R. 16 E.
T. 46 N., R. 16 E.
T. 47 N., R. 16 E.
T. 48 N., R. 16 E.
T. 39 N., R. 17 E.,
Sec. 1;
Sec. 2, E½NW¼;
Sec. 4, W½NW¼, N½SW¼;
Sec. 5, N½, N½S½;
Sec. 6, N½, N½S½.
T. 40 N., R. 17 E.
T. 41 N., R. 17 E.
T. 42 N., R. 17 E.
T. 43 N., R. 17 E.
T. 44 N., R. 17 E.
T. 45 N., R. 17 E.
T. 46 N., R. 17 E.
T. 47 N., R. 17 E.
T. 48 N., R. 17 E.

MADELINE AREA S 767

Modoc County

All public lands in:

T. 39 N., R. 12 E.,
Secs. 1 to 15, inclusive;
Secs. 17 and 18;
Secs. 22 to 24, inclusive;
Sec. 25, NE¼NE¼, S½NE¼, N½SE¼;
Sec. 26, NW¼, N½SW¼.
T. 39 N., R. 13 E.,
Secs. 11 to 14, inclusive;
Secs. 16 to 24, inclusive;
Sec. 25, N½, N½S½;
Sec. 26, N½, N½SE¼, NE¼SW¼;
Sec. 27, NE¼, N½SE¼;
Sec. 30, NW¼, N½SW¼.
T. 39 N., R. 14 E.,
Secs. 18, 19, and 20;
Sec. 29, E½NE¼, NE¼SE¼;
Sec. 30, NW¼, W½NE¼, N½S½.
T. 40 N., R. 11 E.,
Secs. 25, 35, and 36.
T. 40 N., R. 12 E.,
Secs. 20, 21, and 22;
Secs. 26 to 36, inclusive.

The public lands in the area described aggregate approximately 247,654 acres.

4. For a period of 30 days from date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2411.2(c).

J. R. PENNY,
State Director.

[F.R. Doc. 68-912; Filed, Jan. 24, 1968; 8:45 a.m.]

[C-2705]

COLORADO

Notice of Classification

JANUARY 18, 1968.

1. Pursuant to Section 2 of the Act of September 19, 1964 (43 U.S.C. 1412) the public lands within the areas described below are hereby classified for disposal through exchange under section 8 of the Taylor Grazing Act (43 U.S.C. 315g) for lands in Mesa County, Colo.

2. The lands affected by this classification are described as follows:

SIXTH PRINCIPAL MERIDIAN, COLORADO

MESA COUNTY

Block II

T. 11 S., R. 102 W.,
Sec. 31, lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, SW¼NE¼, SE¼NW¼, NE¼SW¼, SE¼SW¼;
Sec. 32, lot 9.
T. 12 S., R. 102 W.,
Sec. 4, lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17;
Sec. 5, lots 5, 6, 7, 8, 9, 11, 12, 14, 15, 18;
Sec. 6, lots 8, 9, 10, 13, 14, 16, 17, SW¼NE¼, SE¼NW¼, W½SE¼, NE¼SW¼;
Sec. 7, lots 5, 6, 9, 10, NW¼NE¼;
Sec. 9, lot 1, NW¼NE¼;
Sec. 14, lot 1;
Sec. 20, lots 1, 3, E½SE¼;
Sec. 21, SW¼SW¼;
Sec. 22, lot 9, SE¼SE¼;
Sec. 27, lot 1;
Sec. 28, lots 2, 3, 4;
Sec. 29, lot 1.

Block III

T. 12 S., R. 101 W.,
Sec. 18, lot 7.

Block IV

T. 12 S., R. 101 W.,
Sec. 19, lots 6, 7, and 8;
Sec. 20, lots 11, 16, 17, 18, 19.
T. 13 S., R. 101 W.,
Sec. 3, lot 3.

Block V

T. 14 S., R. 101 W.,
Sec. 12, S½, S½N½, NE¼NW¼;
Sec. 13, N½N½, SE¼NW¼, NW¼SE¼, NE¼SW¼.

The areas described aggregate 2,560.15 acres.

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

E. I. ROWLAND,
State Director.

[F.R. Doc. 68-913; Filed, Jan. 24, 1968; 8:45 a.m.]

[Serial No. N–805]

NEVADA

Notice of Public Sale

JANUARY 19, 1968.

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421–1427), 43 CFR Subpart 2243, a tract of land will be offered for sale to the highest bidder at a sale to be held at 10 a.m., local time, on Wednesday, March 6, 1968, at the Winnemucca District Office, Bureau of Land Management, East Highway 40, Winnemucca, Nev. 89445. The land is described as follows:

MOUNT DIABLO MERIDIAN, NEVADA

T. 47 N., R. 30 E.,
Sec. 22, W½NW¼.

The area described contains 80 acres. The appraised value of the tract is $2,100 and the publication costs to be assessed are $12.

The land wil be sold subject to all valid existing rights, and rights-of-way of record. Reservations will be made to the United States for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All minerals are to be reserved to the United States and withdrawn from appropriation under the public land laws, including the general mining laws.

Bids may be made by the principal or his agent, either at the sale, or by mail. An agent must be prepared to establish the eligibility of his principal.

Bids must be for all the land in the parcel. A bid for less than the appraised value of the land is unacceptable. Bids sent by mail will be considered only if received at the Winnemucca District Office, Bureau of Land Management, Post Office Box 71, Winnemucca, Nev. 89445, prior to 4 p.m., on Tuesday, March 5, 1968. Bids made prior to the public auction must be in sealed envelopes, and accompanied by certified checks, postal money orders, bank drafts, or cashier's checks, payable to the Bureau of Land Management, for the full amount of the bid plus publication costs. The envelopes must be marked in the lower lefthand corner "Public Sale Bid, Parcel No. 1, sale of March 6, 1968."

The authorized officer shall publicly declare the highest qualifying sealed bid received. Oral bids shall then be invited in specified increments. After oral bids, if any, are received, the authorized officer shall declare the high bid. A successful oral bidder must submit a guaranteed remittance, in full payment for the tract and cost of publication, before 3:30 p.m. of the day of the sale.

If no bids are received for the sale tract on Wednesday, March 6, 1968, the tract will be reoffered on the first Wednesday or subsequent months at 10 a.m., beginning April 3, 1968.

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

The land described in this notice has been segregated from all forms of appropriation, including locations under the general mining laws, except for sale under this Act, from the date of the proposed classification decision. Inquiries concerning this sale should be addressed to the District Manager, Bureau of Land Management, Post Office Box 71, East Highway 40, Winnemucca, Nev. 89445, or to the Land Office Manager, Bureau of Land Management, Room 3008 Federal Building, 300 Booth Street, Reno, Nev. 89502.

A. JOHN HILLSAMER,
Acting Manager,
Nevada Land Office.

[F.R. Doc. 68–961; Filed, Jan. 24, 1968; 8:48 a.m.]

[New Mexico 4123]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 18, 1968.

The Forest Service, U.S. Department of Agriculture has filed application, Serial No. New Mexico 4123 for the withdrawal of lands described below. The lands were conveyed to the United States pursuant to section 8 of the Taylor Grazing Act. They lie within the exterior boundaries of the Cibola National Forest. They have not been open to entry under the public land laws. The applicant desires the lands for the addition to, and the consolidation with national forest lands to permit more efficient administration thereof in the conservation of natural resources.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Chief, Division of Lands and Minerals, Program Management and Land Office, Post Office Box 1449, Santa Fe, N. Mex. 87501.

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

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

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

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

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 4 N., R. 5 E.,
Sec. 11, E½, SW¼NW¼, and NW¼SW¼.

The area described, aggregates 400 acres.

MICHAEL T. SOLAN,
Chief, Division of Lands and Minerals, Program Management and Land Office.

[F.R. Doc. 68–940; Filed, Jan. 24, 1968; 8:47 a.m.]

[OR 1565]

OREGON

Notice of Classification of Public Lands for Multiple-Use Management

JANUARY 18, 1968.

1. The notice of classification appearing as F.R. Doc. 67–13765 on pages 16108 to 16111 of the issue for Thursday, November 23, 1967, is hereby amended as follows:

WILLAMETTE MERIDIAN

MALHEUR COUNTY

T. 20 S., R. 39 E.,
Secs. 1 to 14, inclusive, secs. 17 to 29, inclusive, and secs. 28 to 35, inclusive.

is amended to read:

Secs. 1 to 14, inclusive, secs. 17 to 21, inclusive, and secs. 28 to 35, inclusive.
T. 31 S., R. 42 E.,

The description appearing near the bottom of column 2 on page 16110 is amended to read:

Secs. 5, 6, 13, 14, 15, secs. 20 to 30, inclusive, E½E½ sec. 31, and secs. 32 to 36, inclusive.

The description appearing at the top of column 3 on page 16111 is amended to read:

Sec. 31, W½, W½E½.

2. The acreage stated at the conclusion of paragraph 2 is amended to read 4,524,000 acres, and the acreage stated at the conclusion of paragraph 3 is amended to read 7,730 acres.

ARCHIE D. CRAFT,
State Director.

[F.R. Doc. 68–914; Filed, Jan. 24, 1968; 8:45 a.m.]

[Oregon 014688]

OREGON

Order Providing for Opening of Public Lands

JANUARY 19, 1968.

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. 19 S., R. 44 E.,
Sec. 34, SE¼SW¼.
T. 19 S., R. 45 E.,
Sec. 5, lots 1 and 2, S½NE¼.
T. 19 S., R. 46 E.,
Sec. 31;
Sec. 33, N½NW¼, SW¼NW¼, all north of main canal in SE¼NW¼.
T. 20 S., R. 44 E.,
Sec. 2, lot 4, SW¼NW¼, and W½SW¼;
Sec. 3, lot 1, SE¼NE¼, and NE¼SE¼.
T. 20 S., R. 46 E.,
Sec. 5, lots 1 and 2, SW¼NE¼ west of siphon, that portion of the W½, and W½SE¼ lying north and west of the Owyhee Canal.

The areas described aggregate 1,611.36 acres.

2. The lands are located in Malheur 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., February 26, 1968, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The United States did not acquire minerals in the lands described herein.

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. 68-915; Filed, Jan. 24, 1968; 8:45 a.m.]

[OR 1630]

OREGON

Notice of Termination of Proposed Classification of Public Lands

Correction

In F.R. Doc. 67-13936, appearing at page 16284 of the issue for Wednesday, November 29, 1967, the land description for Sec. 18 under "T. 29 S., R. 13 E." is corrected to read as follows: "Sec. 18, W½".

[OR 1630]

OREGON

Notice of Classification of Public Lands for Multiple-Use Management

Correction

In F.R. Doc. 67-13937, appearing at page 16285 of the issue for Wednesday, November 29, 1967, the land description for "T. 34 S., R. 26 E. is corrected to read as follows:

T. 34 S., R. 26 E.,
Secs. 3 to 9, inclusive, W½ sec. 10, W½ sec. 16, secs. 17 to 19, inclusive, W½ sec. 20, and sec. 30.

[Wyoming 10641]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 19, 1968.

The Bureau of Reclamation, U.S. Department of the Interior, has filed an application, Serial No. Wyoming 10641, for the withdrawal of lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The lands are required for reclamation purposes in connection with the Buffalo Bill Reservoir in the Shoshone Project. The applicant wishes to assure tenure of the lands as they are within the take area of the reservoir. Transfer of administration of the lands to the applicant is also requested to promote the orderly recreation development of the project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 2120 Capitol Avenue, Cheyenne, Wyo. 82001.

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

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

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

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

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 52 N., R. 104 W.,
Sec. 11, S½SE¼;
Sec. 14, lots 1, 4, and 5.

The areas described aggregate 143.59 acres.

ED PIERSON,
State Director.

[F.R. Doc. 68-916; Filed, Jan. 24, 1968; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

CALIFORNIA

Designation of Areas for Emergency Loans

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

CALIFORNIA

San Joaquin.

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

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

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-967; Filed, Jan. 24, 1968; 8:48 a.m.]

NORTH DAKOTA AND UTAH

Designation of Areas for Emergency Loans

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

NORTH DAKOTA

Logan.

UTAH

San Juan.

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

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

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-937; Filed, Jan. 24, 1968; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

UPJOHN CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by The Upjohn Co., Kalamazoo, Mich. 49001, proposing the issuance of a food additive regulation to provide for the safe use of a combination drug containing lincomycin, neomycin, methylprednisolone, polysorbate 80, and disodium EDTA in an aqueous solution intended for intramammary infusion in dairy animals for treatment of mastitis.

Dated: January 15, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-939; Filed, Jan. 24, 1968; 8:47 a.m.]

Office of Education

BUREAU OF ELEMENTARY AND SECONDARY EDUCATION

Statement of Organization, Functions, and Delegations of Authority

Part 6 (Office of Education) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (32 F.R. 10476, at 10477, and 10478) is hereby amended to delete the Office of Equal Educational Opportunity and to add the name of a new division to the Bureau of Elementary and Secondary Education. The organization and functions of this division read as follows:

6-B Organization and functions.

* * * * *

Bureau of Elementary and Secondary Education.

* * * * *

Division of Equal Educational Opportunity. Administers programs under Title IV, Public Law 88-352, The Civil Rights Act of 1964: Provides technical assistance in the preparation, adoption, and implementation of plans for desegregation; arranges through grants or contracts for training institutes in problems occasioned by desegregation; makes grants to school boards for inservice training and employment of specialists in connection with problems incident to desegregation.

* * * * *

Dated: January 19, 1968.

DONALD F. SIMPSON,
Assistant Secretary for Administration.

[F.R. Doc. 68-938; Filed, Jan. 24, 1968; 8:47 a.m.]

Office of the Secretary

PUBLIC HEALTH SERVICE

Statement of Organization and Functions and Delegations of Authority

Part 4 (Public Health Service) of the Statement of Organization and Functions and Delegations of Authority for the Department of Health, Education, and Welfare (32 F.R. 9739 et seq., July 4, 1967), as amended, is hereby amended as follows:

With regard to section 4-C, Delegations of Authority—Following paragraph (31) under the heading *Specific Delegations* insert:

(32) The Functions vested in the Secretary under the Public Health Service Act (42 U.S.C. 201 et seq.), as amended by the Partnership for Health Amendments of 1967 (Public Law 90-174), under section 223 relating to volunteer services, section 304 relating to research and demonstrations relative to health facilities and services, section 311 relating to cooperation with States in emergencies, section 324 relating to medical care for Federal employees at remote stations of the Service, section 328 relating to sharing of medical care facilities and resources, and section 623A relating to loans for certain hospital experimentation projects.

Dated: January 18, 1968.

[SEAL] JOHN W. GARDNER,
Secretary, Department of Health, Education, and Welfare.

[F.R. Doc. 68-910; Filed, Jan. 24, 1968; 8:45 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

DIRECTOR, MODEL CITIES STAFF, REGION V (FORT WORTH)

Redelegation of Authority With Respect to Model Cities Program

The Director, Model Cities Staff, Region V (Fort Worth), is hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development to the extent redelegated to the Regional Administrator and to the Deputy Regional Administrator in section A of the redelegations of authority by the Assistant Secretary for Demonstrations and Intergovernmental Relations effective November 27, 1967 (32 F.R. 17496, Dec. 6, 1967), with respect to the model cities program under Title I of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3301-3313) except the authority to authorize waivers of contract provisions.

(Redelegations of Authority by Assistant Secretary for Demonstrations and Intergovernmental Relations effective Nov. 27, 1967 (32 F.R. 17496, Dec. 6, 1967))

Effective date. This redelegation of authority shall be effective as of December 14, 1967.

LEONARD E. CHURCH,
Acting Regional Administrator, Region V.

[F.R. Doc. 68-963; Filed, Jan. 24, 1968; 8:48 a.m.]

CIVIL SERVICE COMMISSION

TEACHER (RECREATION) AND GUIDANCE COUNSELOR

Manpower Shortage

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on January 8, 1968, for positions of Teacher (Recreation) GS-1710-5/9 and Guidance Counselor, GS-1710-11, Job Corps Centers, nationwide.

Appointees to these positions may be paid for the expense of travel and transportation to first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-946; Filed, Jan. 24, 1968; 8:47 a.m.]

GROUP LIFE INSURANCE

Transitional Regulations

Title IV of Public Law 90-206, 61 Stat. 647, made certain changes in the Federal Employees Group Life Insurance Program (hereinafter called regular insurance), and provided for a new program of optional life insurance (hereinafter called optional insurance). The Act provides coverage for regular and optional insurance from its date of enactment. December 16, 1967, to its effective date, February 14, 1968, for certain employees, and provides coverage for optional insurance from its effective date to April 14, 1968, or until the employee has had a reasonable opportunity to elect or decline the optional insurance, whichever comes first, for certain employees. Pursuant to that Act and section 8716 of title 5, United States Code, the Civil Service Commission has adopted the following regulations for the guidance of employees and agencies governing the transitional period from December 16, 1967, to April 14, 1968. The Commission will amend Part 870 of title 5, Code of Federal Regulations, and adopt a new Part 871 to that title, to regulate these programs from April 15, 1968, forward.

These regulations are effective December 16, 1967. They expire April 15, 1968, except for rights and obligations attaching during the transitional period.

I. *Regular and optional insurance differentiated.* The main conceptual difference between the regular and optional insurance is that an employee automatically acquires regular insurance

unless he waives it whereas he can acquire the optional insurance only if he elects it.

II. *Employees required to signify decision*—A. *In general.* To avoid disputes and misunderstandings after death, every employee, except as noted in item II.C., is required to elect or decline the optional insurance. His decision is to be recorded on a new form (Standard Form 176–T) being supplied to all agencies through regular supply channels for prompt distribution to, and completion by, employees.

B. *Special groups required to elect or decline.* Employees who have to complete a SF 176–T include:

1. Those with an uncanceled waiver on file. (In this connection see item IV.)

2. Those in a leave status, including employees on leave without pay which has not exceeded 1 year who still have their regular insurance.

3. Those on detail or transfer to a public international organization or other agency in which they were eligible to, and did, elect to retain and pay for their regular insurance.

4. Those on approved leave-without-pay to serve with an employee organization and who elected to retain and pay for their regular insurance.

5. Applicants for retirement who are eligible to continue regular insurance.

C. *Special groups not required to elect or decline.* Employees who do not have to signify their decision and who should not fill out SF 176–T include:

1. Those excluded by law or regulation from insurance coverage.

2. Those whose periodic salary, after all other deductions, is insufficient to cover the cost of the optional insurance.

D. *New employees.* A new employee hired on or before April 14, 1968, automatically acquires regular insurance on his first day in a pay and duty status (provided, of course, he is eligible for coverage and does not waive). He must also file a SF 176–T no later than April 14, 1968, or within 31 days after his appointment, whichever gives him more time.

E. *Exceptions to election requirements.* By operation of law, every employee who has the regular insurance automatically has the optional insurance (except dismemberment protection) at no cost to himself between 12:01 a.m. December 16, 1967, and midnight February 14, 1968.

An employee who has the regular insurance may have the optional insurance at no cost to himself and without election if he dies between 12:01 a.m. February 15, 1968, and midnight April 14, 1968, and if the Civil Service Commission determines that he did not have a reasonable opportunity to elect it. (In this connection see item VII.)

III. *SF 176–T, Election, declination, or waiver of life insurance coverage.*—A. *Purpose of form.* SF 176–T is a temporary form for use through April 14, 1968, the end of the transitional period. It is a multiple-purpose form. On it, the employee can, by marking the appropriate box—

1. Elect the optional insurance in addition to the regular insurance,

2. Decline the optional insurance without affecting his regular insurance, or

3. Waive his regular insurance, which precludes him from having the optional insurance.

A copy of SF 176–T is attached hereto and made a part hereof.[1] The form contains processing instructions for the agency and information for the employee to enable him to decide whether he wants the optional insurance. The table of effective dates incorporated in the form reads as follows:

[1] Filed with the original document.

TABLE OF EFFECTIVE DATES

Date SF 176–T received by employing office	Employee's decision	Effective date (if no waiver, SF 53, in effect)	
		Of decision	Of deductions
On or before Feb. 14, 1968.	Elects optional (in addition to regular) (box A).	Coverage effective Feb. 14, 1968.	Deductions begin 1st day of 1st pay period beginning on or after Feb. 14, 1968.
	Declines optional (but not regular) (box B).	Declination effective Feb. 14, 1968.	
	Waives regular (so ineligible for optional) (box C).	Waiver effective last day of pay period in which Feb. 14, 1968 falls.	Deductions stop last day of pay period in which Feb. 14, 1968 falls.
After Feb. 14 but not later than Apr. 14, 1968.	Elects optional (in addition to regular) (box A).	Coverage effective on date of receipt.	Deductions begin 1st day of 1st pay period beginning on or after date of receipt.
	Declines optional (but not regular) (box B).	Declination effective on date of receipt, but employee loses automatic optional protection on Feb. 14, 1968.	
	Cancels previously elected optional (but not regular) (box B).	Cancellation effective last day of pay period in which received.	Deductions for optional stop last day of pay period in which received.
	Waives regular (so ineligible for optional) (box C).	Waiver effective last day of pay period in which received.	Deductions stop last day of of pay period in which received.

NOTES

1. Because regular insurance coverage and deductions are automatic unless waived (by checking box C), A and B elections do not affect regular insurance effective dates.
2. An employee for whom the agency files SF 176–T because he failed to file is deemed to have declined optional, but not regular, insurance.
3. An employee with an uncanceled waiver (SF 53) on file cannot be insured any earlier than the first day he is in duty and pay status in a pay period beginning on or after Feb. 14, 1968; filing of an SF 176–T before that date will not cancel an SF 53 any earlier. Deductions begin the day he becomes insured.
4. The effective date of regular (and optional) insurance coverage for an employee who has been on leave without pay for more than 1 year is the 1st day he is in pay and duty status. Deductions are effective the same day.

B. *Control to assure return of form.* To assure that employees have an opportunity to promptly elect the optional insurance and because of the possible need to know whether an employee who dies between February 15 and April 14, 1968, did or did not have a reasonable opportunity to elect, it is important that employing offices establish orderly procedures for distributing SF 176–T to employees and for assuring return of the completed forms. The procedure should permit the employing office to ascertain, if it becomes necessary to do so, when (or more precisely, the date on which) an employee was given his SF 176–T and to followup on employees who do not promptly return a completed SF 176–T. Followups should begin after February 14, 1968, and after the employee has had the SF 176–T at least a week, and should take the form of a reminder that optional insurance, if elected, is not in force until the SF 176–T is returned. Followups should be completed by April 14, 1968. If an employee fails to file a SF 176–T by that date, his employing office should file one for him declining the optional insurance. As with the initial distribution of SF 176–T, the employing office should be able to ascertain when a followup was made, should it become necessary to do so later.

C. *Use of original and duplicate of form.* The original of the completed SF 176–T is to be retained in the employee's official personnel folder as a permanent record of his decision. The duplicate is primarily intended to be used as notice to the payroll office of any needed adjustment in pay and, where required by the particular pay system, as support for the payroll action. The duplicate need not be used for these purposes if the agency has other forms or means to accomplish them. Duplicates may be destroyed after they have accomplished these purposes or if they are not so used. The Statistical Stub attached to the duplicate is important. It is to be detached if an employee elects the optional insurance or waives coverage. The stubs should be accumulated at each employing office and the accumulation sent to the Office of Federal Employees Group Life Insurance each week.

D. *Employees wishing to change decision.* An employee who elects optional insurance may cancel his election at any time by filing a new SF 176–T declining the insurance (or waiving coverage). Such a declination (or waiver) is effective at the end of the pay period in which it is received in the employing office.

If an employee first declines the optional insurance, and then on or before

April 14, 1968, decides he wants it, he may file a new SF 176–T electing the optional insurance. His election should be processed the same way and with the same effective date as if it were an original election.

A Waiver of Life Insurance Coverage on SF 176–T cannot be withdrawn (as distinguished from canceled) after it has become effective.

E. *Employees on leave without pay.* An employee on extended leave without pay and for whom regular insurance coverage is continuing without cost is eligible for the optional insurance and should be requested to file SF 176–T. If he elects it, the optional insurance is effective, the same as for any other employee, upon receipt of the SF 176–T in the employing office or February 14, 1968, whichever is later. The optional insurance, like the regular, is without cost to the employee so long as his regular insurance continues. Unless he returns to a pay status before his leave without pay exceeds 12 months, the optional insurance terminates when his regular insurance terminates at the expiration of 12 months leave without pay.

IV. *Automatic cancellation of waivers of regular insurance.* All "Waivers of Life Insurance Coverage" (Standard Form 53) on file are automatically canceled at midnight of the day before the first day of the pay period beginning on or after February 14, 1968. Regular insurance coverage and withholdings begin as of the day after automatic cancellation if the employee does not file a new waiver on SF 176–T on or before that day and if he is in a pay and duty status on that day. If not, then on the first day thereafter he is in a pay and duty status.

It is suggested that employing offices attempt to identify employees with an uncanceled waiver on file (payroll offices may be able to provide a listing) and notify them personally that they will have the regular insurance and that withholdings therefor will be made unless they again waive the insurance on SF 176–T.

An employee whose waiver is automatically canceled must file a SF 176–T. He can elect the optional insurance, decline it, or, as indicated, waive his regular insurance again. (See III.B. for employees who fail to file SF 176–T.)

V. *Employees who transfer, retire, die or otherwise separate*—A. *In general.* Until the Standard Forms normally used in connection with transfers, retirements, and deaths can be revised to reflect the employee's optional insurance status, the cooperation of agencies is requested in noting this information on the forms now in use.

B. *Employees who transfer.* The losing agency should note in item 8 of Standard Form 75 (Request For Preliminary Employment Data) whether the transferring employee elected or declined the optional insurance, or that he has not yet filed a SF 176–T, in which case the gaining agency should ask him to file one. The gaining agency should confirm his optional insurance status directly with the employee. If he elected optional insurance while with the losing agency, this should be shown in item 9 of Standard Form 50 (or equivalent) by posting a code number "4". This should suffice to effect optional insurance withholdings from salary. If the employee declined optional insurance the present code number "1" will indicate that he has the regular insurance only.

C. *Employees who retire.* For an employee who is separated for retirement between December 16, 1967 and April 14, 1968 (both dates inclusive), the agency should note in item 3 of its Certification of Insurance Status (Standard Form 56) whether the employee "elected optional insurance by SF 176–T received (date)", "declined optional insurance", or "did not file SF 176–T". In the latter case and in cases submitted to the Civil Service Commission before receipt of these instructions, the employee will be contacted by the Commission to secure his decision if he is eligible to continue his regular insurance.

D. *Employees who die.* As previously indicated, an employee with regular insurance who dies between December 16, 1967 and February 14, 1968 (both dates inclusive), automatically has the optional insurance (even though he may have filed a declination of optional insurance). For employees who die after February 14 and not later than April 14, 1968, the agency should note in item 3 of its Certification of Insurance Status (SF 56) whether the employee "elected optional insurance by SF 176–T received on (date)", "declined optional insurance", or "did not file SF 176–T." In the latter case, the agency should accompany the SF 56 with a letter stating whether, in its opinion the deceased employee had a reasonable opportunity to file a SF 176–T and, if not, the basis for the opinion. (In connection with "reasonable opportunity" see item VII.)

E. *Employees who otherwise separate.* An employee who is separated by resignation, removal, etc. on or after February 14, 1968, may convert the optional insurance if he elected it. If an employee had elected the optional insurance, the SF 56 issued for conversion purposes should be noted in item 3 "elected optional insurance by SF 176–T received (date)."

VI. *Reemployed annuitants*—A. *Rights as an employee.* A reemployed annuitant who has regular insurance as an employee must also elect or decline the optional insurance. For optional insurance purposes, he is subject to the same rules as any other insured employee.

B. *Rights after termination of reemployment.* If the reemployed annuitant elects optional insurance and is separated after earning a supplemental annuity or acquiring a new retirement right, he may continue his optional insurance after his reemployment terminates.

C. *Employees retired and reemployed during transitional period.* If a retiring employee who elected the optional insurance is reemployed without a break in service of more than 3 days in a position in which he continues his regular life insurance, withholdings from his salary for the optional insurance should be continued as if he had not retired. In addition to the notation that he had elected optional insurance, a notation should be made on the Certification of Insurance Status (SF 56) accompanying the retirement application that he had been reemployed and that withholdings therefor would continue to be taken from salary. If the retired employee with optional insurance is so employed after a break in service of over 3 days (or by a different agency than the one from which he retired), his retirement system should be notified that withholdings are being made so it can discontinue the withholdings, if any, being made from his annuity.

VII. *Reasonable opportunity to elect.* The law provides, in effect, that in the case of an employee who dies during the 60 days after the effective date (i.e., after February 14 and not later than April 14 (1968)) shall have the optional insurance if the Commission determines that he did not have a reasonable opportunity to elect it. To minimize questions as to whether an employee who died during this 60-day period had a reasonable opportunity to elect, agencies should make every effort to get the SF 176–T into the hands of each employee as soon as possible. This includes employees who are on extended leave, especially sick leave.

The Commission will administer the "reasonable opportunity" provision fairly, but strictly rather than liberally. It is impossible to anticipate and define what reasonable opportunity is in every case but where an employee has completed the SF 176–T declining the optional insurance (or waiving life insurance coverage), he will conclusively be presumed to have had a reasonable opportunity.

An employee who did not elect and who dies before he has had the SF 176–T for at least 7 days will be presumed to have died before he had a reasonable opportunity to elect. After the 7 days, an employee will be presumed to have had a reasonable opportunity to elect. This presumption may be overcome by evidence that he did not submit his election because of a cogent reason such as (1) he died while on extensive travel, (2) he was too mentally or physically ill to elect the optional insurance, or (3) the serious illness or death of a family member or relative caused him to be away from work. There may be other valid reasons for delay.

In all cases where the deceased employee had the SF 176–T for more than 7 days, the burden of proof that there was no reasonable opportunity to elect will be on the employee's survivors and persuasive documentary evidence will be required for a favorable determination. Employing offices will be called on, as required, to furnish factual information such as the date SF 176–T was issued generally, and to the particular deceased employee, what efforts were made to contact the employee to get him to return the SF 176–T, his leave record, etc.

VIII. *Special Payroll Office Instructions*—A. *In general.* Rules and procedures governing cancellation of waivers

previously filed, use of the election form (SF 176–T), effective dates, and withholding rates for both regular and optional insurance are covered elsewhere in these regulations and in the Instructions to Employing Agencies on the reverse side of the original of SF 176–T, or in the Important Information for Employees About Changes in Federal Employees Group Life Insurance Program on the reverse side of the duplicate of SF 176–T. These instructions are not repeated here. Also see FPM Supplement 870–1, for continuing instructions (including transfers between agencies) on withholdings and contributions for regular insurance, which will also apply to withholdings for the optional insurance.

B. *Withholdings.* 1. For purposes of determining the amount of withholdings, an employee or annuitant is deemed to attain 35 years of age or 55 years of age on the first day of his first pay period beginning on or after January 1 of the year following the one in which his 35th or 55th birthday occurs. For example, an employee born in 1933 reaches age 35 in calendar year 1968 but his withholding rate does not increase to $6 biweekly until January 1969. For 1968, therefore, employees born in 1933 or later would be subject to biweekly withholdings of $3, those born in 1913 through 1932 would pay $6, and those born prior to 1913, $20.

2. The amount withheld from the salary of an insured employee whose salary is paid during a period shorter than 52 workweeks is the sum obtained by converting the biweekly rate for his age group to an annual rate and prorating the annual rate over the number of installments of pay regularly paid during the year.

IX. *Additional rules.* The following rules, not previously stated in these regulations or in SF 176–T, apply during the transitional period.

A. *Effective date.* February 14, 1968, is the day on which the optional insurance program is effective.

B. *Life of election or declination.* The election of optional insurance remains in effect until canceled by a declination or waiver, which may be filed at any time. A declination of optional insurance remains in effect until canceled by an election of optional insurance which is permitted only if one year has elapsed since the effective date of the declination, the employee is then under age 50, and presents evidence of insurability.

C. *Cessation and conversion.* Optional insurance terminates the same date as regular insurance upon separation from employment, after 12 months of continuous leave without pay, upon entry into the uniformed services, or upon appointment to an excluded position. Upon such termination there is, the same as regular insurance, a 31-day extension of life insurance coverage during which the employee can convert to an individual policy without medical examination. There is no 31-day extension or conversion if termination is because of cancellation of the election of optional insurance or because of termination of annuity.

D. *Insurance policy and legal actions.* Optional insurance is provided under an amendment to the policy purchased by the Civil Service Commission for the regular insurance. The policy is administered for the insuring company by the Office of Federal Employees Group Life Insurance, 4 East 24th Street, New York, N.Y. 10010. The Commission will furnish the name and address of the insuring company upon the written request of an employee or beneficiary. Action at law or in equity to recover on the policy, in which there is not alleged any breach of any obligation undertaken by the United States, should be brought against the insuring company.

E. *Appeals.* An appeal may be taken to the Civil Service Commission's Board of Appeals and Review from the final action or order of the Bureau of Retirement and Insurance denying opitonal insurance coverage. The time for filing such an appeal is not later than 6 months from the date of mailing notice of the final action or order of the Bureau.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68–947; Filed, Jan. 24, 1968; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 17968; FCC 68M–97]

ASBURY AND JAMES TV CABLE SERVICE

Order Scheduling Hearing

In re cease and desist order to be directed against the following CATV operator: Asbury & James TV Cable Service, Lower Belle, Malden, Dupont City, Rand, and George's Creek, W. Va. Docket No. 17968, File No. SR–971.

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 February 21, 1968, at 10 a.m.; and that a prehearing conference shall be held on February 7, 1968, 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: January 18, 1968.

Released: January 18, 1968.

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

[F.R. Doc. 68–955; Filed, Jan. 24, 1968; 8:48 a.m.]

[Docket Nos. 17538–17540; FCC 68–90]

LAUREL CABLEVISION CO. ET AL.

Order Regarding Procedual Dates

In re petitions by Laurel Cablevision Co., Somerset, Pa., Docket No. 17538, File No. CATV 100–24; Punxsutawney TV Cable Co., Inc., Punxsutawney, Pa., Docket No. 17539, File No. CATV 100–155; for authority pursuant to § 74.1107 of the rules to operate CATV systems in the Johnstown-Altoona Television Market and in re application of New York-Penn Microwave Corp., Brockport, Pa., Docket No. 17540, File No. 7793–C1–P–66; for construction permit for new Point-to-Point Microwave radio station.

The Hearing Examiner having under consideration a "Petition For Extension of Procedural Dates" filed by Laurel Cablevision Co. on January 11, 1968, requesting extension of previously scheduled procedural dates as indicated below, in view of the additional burden of preparation for hearing imposed on counsel for petitioner as a result of the impending withdrawal of Punxsutawney TV Cable Co., Inc., from this proceeding;

It appearing, That counsel for all parties who will participate in the hearing have informally indicated their assent to immediate consideration and grant of the subject petition, and that "good cause" is found therein for affording the requested extension of procedural dates;

Accordingly, it is ordered, That the "Petition for Extension of Procedural Dates" filed January 11, 1968, is granted, and the pertinent procedural dates are extended as follows:

Procedure from, and to

(1) Exchange of exhibits, Feb. 13–Mar. 15, 1968.
(2) Notification of witnesses, Feb. 27–Mar. 29, 1968.
(3) Hearing, Mar. 5–Apr. 8, 1968.

Issued: January 16, 1968.

Released: January 17, 1968.

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

[F.R. Doc. 68–958; Filed, Jan. 24, 1968; 8:48 a.m.]

[Docket Nos. 17742, 17743; FCC 68M–96]

PATRIOT STATE TELEVISION, INC., AND BOSTON HERITAGE BROADCASTING, INC.

Order Rescheduling 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).

The Hearing Examiner having under consideration communication dated January 12, 1968, from counsel for Boston Heritage Broadcasting, Inc., and a communication dated January 15, 1968, from counsel for Patriot State Television, Inc.;

It appearing, from the substance of both communications that the applicants have entered into negotiations looking towards reaching an agreement

respecting settlement of the comparative aspects of this proceeding;

It further appearing, that both counsel state that appropriate pleadings will be filed with the Commission's Review Board in the near future;

It further appearing, that in light of the developments that the hearing now scheduled for January 30, 1968, should be rescheduled;

Accordingly, it is ordered, That the hearing now scheduled for January 30, 1968, be and the same is hereby rescheduled for April 1, 1968, 10 a.m., in the Commission's offices, Washington, D.C.

Issued: January 17, 1968.

Released: January 18, 1968.

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

[F.R. Doc. 68-959; Filed, Jan. 24, 1968; 8:48 a.m.]

[Docket Nos. 17654, 17655; FCC 68M-86]

TRI-STATE TELEVISION TRANSLATORS, INC., AND WELLERSBURG TV, INC.

Order Rescheduling Hearing

In re Tri-State Television Translators, Inc., (W02AO, W04AQ, W05AI, W08AU, W12AO), Cumberland, Md., petitions for issuance of order to show cause, Docket No. 17654. Wellersburg TV, Inc., (W07AL, W09AI, W13AP), Wellersburg, Pa., order to show cause, Docket No. 17655.

Upon oral request of counsel for the Broadcast Bureau, and with the informal consent of counsel for the other parties thereto; *It is ordered,* That the hearing heretofore scheduled for February 6, 1968, is postponed to February 13, 1968, at 10 a.m., in Cumberland, Md.

Issued: January 15, 1968.

Released: January 17, 1968.

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

[F.R. Doc. 68-960; Filed, Jan. 24, 1968; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 68-5]

CASTLE & COOKE, INC., AND AMERICAN PRESIDENT LINES, LTD.

Order of Investigation and Hearing

American President Lines, Ltd. (APL), and Castle & Cooke, Inc. (C & C), filed an agreement (DC-27) which provides for joint ownership of a new steamship company, Hawaiian Lines, Inc. (HL). The new steamship company will provide steamship services between the U.S. Pacific Coast and the State of Hawaii.

The agreement was submitted to the Commission as a matter of information because the signatory parties do not believe that it is an agreement necessitating approval under section 15 of the Shipping Act, 1916.

Consideration of the agreement and responses to the public notice of the agreement reveals questions with respect to the agreement's approvability under section 15, Shipping Act, 1916, which can be answered definitively only after investigation and hearing.

HL was organized by C & C with other parties in November 1966.

However, although HL was formed at that time the original agreements were not implemented because of the withdrawal of one of the origina. signatory parties. Under the terms of the instant agreement, HL's stock will now be redistributed in amounts such that 66⅔ percent of the outstanding stock will be held by APL and 33⅓ percent by C & C. Both parties will operate HL in the Pacific Coast/Hawaii service.

Matson Navigation Co. (Matson), a common carrier by water serving the U.S. Pacific Coast/Hawaii trade filed a petition for institution of investigation of Agreement No. DC-27. Matson urges that the Commission determine whether C & C is an "other person" subject to the 1916 Shipping Act and whether the instant agreement or others related to it are subject to and lawful under section 15. Matson states that C & C or its corporate subsidiaries might be accorded special privileges or advantages in violation of sections 14, 16, or 17 of the Shipping Act, 1916 or section 2 of the Intercoastal Shipping Act, 1933. Matson further states that the agreement is anticompetitive and that the Commission should determine whether it may be approved under section 15 and if it may be so approved what conditions if any should be attached to such Commission approval.

An investigation into the agreement appears warranted.

Therefore, it is ordered, That the Commission pursuant to section 15 and section 22 of the Shipping Act, 1916 (46 U.S.C. 814, 821) hereby institute an investigation to determine:

(1) Whether the agreement, alone or in connection with any other agreement, is subject to section 15, and if so, whether such agreement should be approved, disapproved, or modified under section 15.

(2) Whether the agreement would operate in a manner which would afford to Castle & Cooke, as shipper or consignee, treatment which is contrary to sections 14, 16, or 17 of the Shipping Act, 1916, or section 2 of the Intercoastal Shipping Act, 1933.

It is further ordered, That the parties named in appendix A, attached hereto, are hereby made respondents in this proceeding; and

It is further ordered, That Matson Navigation Co. be named as petitioner in accordance with the Commission's rules of practice and procedure; and

It is further ordered, That this proceeding be assigned for public hearing before an Examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and place to be determined and announced by the presiding Examiner; and

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and a copy of such order be served upon each respondent and petitioner; and

It is further ordered, That persons other than respondents, petitioner and Hearing Counsel who desire to become parties to this proceeding and to participate therein shall file a petition for leave to intervene in accordance with Rule 5(1) (46 CFR 502.72) of the Commission's rules of practice and procedure no later than the close of business February 9, 1968, with copy to all parties;

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

APPENDIX A—RESPONDENTS

American President Lines, Ltd., 601 California Street, San Francisco, Calif. 94108.
Castle & Cooke, Inc., Post Office Box 2990, Honolulu, Hawaii.

APPENDIX B—PETITIONER

Matson Navigation Co., 215 Market Street, San Francisco, Calif. 94111.

[F.R. Doc. 68-968; Filed, Jan. 24, 1968; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP68-193]

NORTHERN NATURAL GAS CO.

Notice of Application

JANUARY 18, 1968.

Take notice that on January 10, 1968, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP68-193 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities for the transportation of and for the sale of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it proposes to construct over a 2-year period and operate various mainline and branchline facilities to increase the daily design capacity of its transmission system by 300,000 Mcf per day to a total of 2,770,003 Mcf per day, to transport and sell additional volumes of gas to meet the requirements of existing and new customers, and to construct and operate branchline facilities for initial gas service to 61 communities located in the States of Iowa, Minnesota, and Wisconsin.

Applicant further states that of the 300,000 Mcf per day capacity increase 71,246 Mcf is presently committed to

specific distributors at specific locations, and that the balance of the increase in capacity represents Applicant's best estimate of its additional market growth during the next 2 years.

The total estimated cost of the proposed construction is $97,023,100, which cost will be financed by the sale of sinking fund debentures, preferred stock, and from internal sources.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before February 14, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-908; Filed, Jan. 24, 1968; 8:45 a.m.]

[Docket No. CP68-192]

UNITED GAS PIPE LINE CO.

Notice of Application

JANUARY 17, 1968.

Take notice that on January 10, 1968, United Gas Pipe Line Co. (Applicant), Post Office Box 1407, Shreveport, La. 71102, filed in Docket No. CP68-192, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities to enable Applicant to receive into its existing system natural gas from a new source of supply, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate 12 miles of 16-inch pipeline, purchase meter station and appurtenant facilities in Lafourche Parish, La., and install 16-inch crossover and 12-inch valve in Terrebonne Parish, La.

The total estimated cost of the proposed facilities is $2,100,000, which cost will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before February 14, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-909; Filed, Jan. 24, 1968; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Current Economic Policy Directive

JANUARY 19, 1968.

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's current economic policy directive issued at its meeting held on October 24, 1967.[1]

The economic and financial developments reviewed at this meeting indicate that, apart from the effects of strikes in the automobile and other industries, underlying economic conditions continue strong and prospects favor more rapid growth in the months ahead. Upward pressures on costs persist, average prices of industrial commodities have risen further, and the rate of increase in consumer prices remains high. While there recently have been large inflows of liquid funds from abroad through foreign branches of U.S. banks, the balance of payments continues to reflect a substantial underlying deficit. Bank credit expansion has continued large. The volume of new security issues is expanding again and interest rates have risen further, reflecting in part increased uncertainties in financial markets concerning enactment of the President's fiscal program. In this situation, it is the policy of the Federal Open Market Committee to foster financial conditions, including bank credit growth, conducive to sustainable economic expansion, recognizing the need for reasonable price stability for both domestic and balance of payments purposes.

To implement this policy, while taking account of forthcoming Treasury financing activity, System open market operations until the next meeting of the Committee shall be conducted with a view to maintaining about the prevailing conditions in the money market; but operations shall be modified, to the extent permitted by Treasury financing, to moderate any apparent tendency for bank credit to expand significantly more than currently expected.

Dated at Washington, D.C., the 19th day of January 1968.

By order of the Federal Open Market Committee.

ROBERT C. HOLLAND,
Secretary.

[F.R. Doc. 68-907; Filed, Jan. 24, 1968; 8:45 a.m.]

[1] The Record of Policy Actions of the Committee for the meeting of Oct. 24, 1967, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE SOCIALIST REPUBLIC OF ROMANIA

Entry and Withdrawal From Warehouse for Consumption

JANUARY 22, 1968.

On November 22, 1967, the U.S. Government requested the Government of the Socialist Republic of Romania to enter into consultations concerning exports to the United States of cotton textile products in Category 55 produced or manufactured in Romania. In that request, the U.S. Government indicated a specific level at which it considered that exports in this category from Romania should be restrained for the 12-month period, beginning November 22, 1967, and extending through November 21, 1963. Since no solution has been mutually agreed upon, the U.S. Government in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 3, paragraph 3 and Article 6(c) which relates to nonparticipants, is establishing a restraint at the level indicated in that request. This restraint does not apply to cotton textile products in Category 55 produced or manufactured in Romania and exported to the United States prior to the beginning of the applicable 12-month period designated above.

In the event that future consultations regarding cotton textiles and cotton textile products in Category 55 or other categories are held with the Government of the Socialist Republic of Romania, the U.S. Government intends to make any goods which have been prohibited entry as a result of the directive published below a subject of such consultations, and to attempt to provide for their entry should a mutually acceptable arrangement result therefrom.

There is published below a letter of January 19, 1968, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textile products in Category 55, produced or manufactured in Romania which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning November 22, 1967, be limited to the designated level.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

JANUARY 19, 1968.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible after January 20, 1968, and for the 12-month period beginning November 22, 1967, and extending through November 21, 1968, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textile products in Category 55, produced or manufacture in Romania, in excess of a level of restraint for the period of 8,100 dozen.[1]

In carrying out this directive entries of cotton textile products in Category 55 produced or manufactured in the Socialist Republic of Romania and which have been exported to the United States from Romania prior to November 22, 1967, shall not be subject to this directive.

A detailed description of the category in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on July 7, 1966 (31 F.R. 9310).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of cotton textile products from the Socialist Republic of Romania have been determined by the President's Cabinet Textile Advisory Committee, to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965–66). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

A. B. TROWBRIDGE,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 68-948; Filed, Jan. 24, 1968; 8:47 a.m.]

[1] This level has not been adjusted to reflect any entries made on or after Nov. 22, 1967.

SECURITIES AND EXCHANGE COMMISSION

CODITRON CORP.

Order Suspending Trading

JANUARY 19, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $3 par value, of Coditron Corp., New York, N.Y., otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 21, 1968, through January 30, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-917; Filed, Jan. 24, 1968; 8:45 a.m.]

[811-1459]

EXCHANGE GROWTH/INCOME FUND, INC.

Notice of Filing of Application for Order Declaring Company Has Ceased To Be Investment Company

JANUARY 19, 1968.

Notice is hereby given that Exchange Growth/Income Fund, Inc., 89 Broad Street, Boston, Mass. 02110 ("Applicant"), a Maryland corporation registered as a diversified closed-end investment company under the Investment Company Act of 1940, 15 U.S.C. sec. 80a-1 et seq. ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was organized for the purpose of operating as a tax free exchange fund. However, because of an amendment to the Internal Revenue Code, it is now impossible for Applicant to offer its shares to the public in exchange for securities in a nontaxable transaction. Applicant's registration statement under the Securities Act of 1933 has not become effective and has been ordered withdrawn. Applicant is thus not making and does not propose to make any public offering.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, which may be made upon appropriate conditions necessary for the protection of investors, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than February 9, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-918; Filed, Jan. 24, 1968; 8:46 a.m.]

[812-2200]

GOLDFIELD COR

Notice of Filing of Application for Order of Temporary Exemption

JANUARY 19, 1968.

Notice is hereby given that The Goldfield Corp. ("Applicant"), 720 Fifth Avenue, New York, N.Y. 10019, a Wyoming corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission temporarily exempting it from section 7 of the Act. Applicant, in requesting such temporary exemption, has agreed that it and other persons in their transactions and relations with it shall be subject to all other provisions of the Act and the rules and regulations thereunder as though Applicant were a registered investment company, other than the following: Section 8, section 10(a), subsections (f), (g), (h), and (i) of section 17, section 18 (except subsection (d) thereof), section 20(a), section 23, section 30 (except subsection (f) thereof), and section 31

of the Act, and the rules and regulations thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

On October 12, 1967, Applicant filed an application pursuant to section 3(b)(2) of the Act for an order of the Commission declaring it to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities, either directly or through a controlled company. Section 3(b)(2) provides that the filing of an application thereunder shall exempt an applicant for a period of 60 days from all provisions of the Act applicable to investment companies as such.

The 60-day period of exemption provided in section 3(b)(2) of the Act expired, in Applicant's case, on December 11, 1967. Applicant, which has not registered as an investment company under the Act, now requests by this application that it be exempted for an additional 120 days.

Section 6(c) provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 6(e) provides that, if, in connection with any order under section 6 exempting any investment company from section 7, the Commission deems it necessary or appropriate in the public interest or for the protection of investors that certain specified provisions of the Act pertaining to registered investment companies shall be applicable in respect of such company, the provisions so specified shall apply to such company, and to other persons in their transactions and relations with such company, as though such company were a registered investment company.

Notice is further given that any interested person may, not later than February 9, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-919; Filed, Jan. 24, 1968; 8:46 a.m.]

[812-2186]

HEROLD FUND, INC. AND CONNECTICUT CAPITAL CO.

Notice of Filing of Application for Order Exempting Sale by Open-End Company of Its Shares at Other Than Public Offering Price and Exempting Transaction Between Affiliated Persons

JANUARY 19, 1968.

Notice is hereby given that The Herold Fund, Inc. ("Fund"), a Maryland corporation registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management company, and Connecticut Capital Co. ("CCC") (collectively, the "Applicants"), 35 Mason Street, Greenwich, Conn., have filed an application pursuant to sections 6(c) and 17(b) of the Act requesting an order of the Commission exempting from the provisions of sections 22(d) and 17(a) of the Act the proposed issuance of the Fund's shares at net asset value in exchange for substantially all the assets of CCC. All interested persons are referred to the application on file with the Commission for a statement of representations therein which are summarized below.

The proposed transaction. CCC is a private investment partnership exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between the Applicants all of the cash and securities of CCC (less cash estimated by it to be sufficient to pay CCC's liabilities and to make payment upon dissolution to any of its limited partners not approving the transaction) will be transferred to the Fund in exchange for shares of its capital stock. The Fund has filed a registration statement which has not yet become effective under the Securities Act of 1933. The obligations of CCC are conditioned upon approval of the agreement after the effectiveness of the registration statement by partners of CCC holding at least 80 percent of its units.

It is expected that the Fund will offer its shares for sale to the public on a continuous basis at net asset value plus a premium of 1 percent. However, the Fund would acquire the assets of CCC by issuing Fund shares to CCC at net asset value equal to the value of the partnership units of each approving partner of CCC. Those partners of CCC who are subject to Federal income taxes will be subject to a tax at capital gains rates on the amount by which the net asset value of the Fund shares received by them exceeds the tax cost of their units. Any partners of CCC not approving the transaction will be subject to such a tax on the amount by which the cash received by them on the dissolution of CCC exceeds the tax cost of their units.

Commission jurisdiction. Applicants are under common control and thus are affiliated persons of each other within the meaning of section 2(a)(3) of the Act. Section 17(a) of the Act, as here pertinent, makes it unlawful for any affiliated person of a registered investment company to sell any security or other property to such registered company unless the Commission upon application, pursuant to section 17(b) of the Act, grants an exemption from such prohibitions upon a finding that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of the registered investment company and with the general purposes of the Act.

Section 22(d) of the Act prohibits the sale by a registered investment company of its redeemable securities except at a current public offering price described in the prospectus. Section 6(c) permits the Commission, upon application, to exempt such a transaction if it finds that such an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Supporting statements. Applicants contend that the terms of the proposed transaction are reasonable and fair, do not involve overreaching on the part of any person concerned and are consistent with the policies of the Fund. They also submit that the exemptions are necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. The application states that the danger of lack of arms length bargaining is avoided because the price to be paid by the Fund for the securities of CCC will be determined solely by the market value of such securities on the valuation date. Applicants submit that, as the transaction is a taxable one, the Fund will not acquire securities with unrealized appreciation. The application also states that at the time of the transaction the only shareholder of the Fund will be John S. Herold, Inc. ("Herold"), its proposed investment adviser, and that to charge a premium on the transactions with CCC and its partners would only increase the net asset value of the shares held by Herold. It further states that any premium charged to these consenting partners of CCC would be in addition to any taxes payable by them in connection with the transaction.

Notice is further given that any interested person may, not later than February 5, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-920; Filed, Jan. 24, 1968; 8:46 a.m.]

[File No. 1-3629]

KASHMIR OIL, INC.

Order Suspending Trading

JANUARY 19, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Kashmir Oil, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 21, 1968, through January 30, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-921; Filed, Jan. 24, 1968; 8:46 a.m.]

LEEDS SHOES, INC.

Order Suspending Trading

JANUARY 19, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Leeds Shoes, Inc., Tampa, Fla., and all other securities of Leeds Shoes, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 21, 1968, through January 30, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-922; Filed, Jan. 24, 1968; 8:46 a.m.]

MEDICAL ELECTROSCIENCE, INC.

Order Suspending Trading

JANUARY 19, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Medical Electroscience, Inc., 3 Delaware Drive, New Hyde Park, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 19, 1968, through January 26, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-923; Filed, Jan. 24, 1968; 8:46 a.m.]

ROVER SHOE CO.

Order Suspending Trading

JANUARY 19, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Rover Shoe Co. Bushnell, Fla., and stock purchase warrants of Rover Shoe Co. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 22, 1968, through January 31, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-924; Filed, Jan. 24, 1968; 8:46 a.m.]

URANIUM KING CORP.

Order Suspending Trading

JANUARY 19, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Uranium King Corp., Post Office Box 6217, Salt Lake City, Utah, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 19, 1968, through January 28, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-925; Filed, Jan. 24, 1968; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

MANUFACTURER'S ASSOCIATION FOR NATIONAL DEFENSE (MANDCO)

Notice of Withdrawal of Request To Operate and Participate in Small Business Defense Production and Research and Development Pool

The request to Manufacturer's Association for National Defense (MANDCO), to operate as a small business defense production and research and development pool, and to certain companies to participate in the operations of said pool, and the approval of the voluntary program submitted for the operation of said pool, as set forth in 27 F.R. 2167 (March 6, 1962), are hereby withdrawn.

Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act, which was also granted, is terminated, except that nothing stated herein shall affect the immunity of said defense production and research and development pool and its participating members for those acts performed or omitted during the period when such request and approval of said pool were in effect.

Dated: January 19, 1968.

ROBERT C. MOOT,
Administrator.

[F.R. Doc. 68-926; Filed, Jan. 24, 1968; 8:46 a.m.]

TARIFF COMMISSION

BARBER CHAIRS

Report to the President

JANUARY 22, 1968.

The U.S. Tariff Commission today reported to the President the results of three investigations pertaining to barber chairs. In an investigation of a petition for tariff adjustment filed by the two principal domestic producers of barber chairs and certain labor unions, the Commission found unanimously that barber chairs and parts are not, as a result in major part of trade-agreement concessions, being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to the domestic industry producing like or directly competitive articles. In a concurrent investigation of a petition for adjustment assistance filed by the Koken Cos., Inc. (one of the principal domestic producers), the Commission found unanimously that barber chairs and parts are not, as a result in major part of trade-agreement concessions, being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to that firm. In another investigation of a petition for adjustment assistance filed by the Emil J. Paidar Co. (the other principal domestic producer), the Commission found in the negative by a 3 to 2 vote. Chairman Metzger, Vice Chairman Sutton, and Commissioner Culliton found in the negative and Commissioners Thunberg and Clubb found in the affirmative.

The Commission's investigations were conducted under the provisions of section 301 of the Trade Expansion Act of 1962, which prescribes procedures under which industries, firms, and groups of workers may seek tariff adjustment or other adjustment assistance for serious injury or dislocation arising out of increased imports resulting in major part from trade-agreement concessions.

The Commission prepared a complete report for each of the three concurrent investigations for the convenience of readers, despite the duplication involved. Each report contains a statement by Chairman Metzger, Vice Chairman Sutton, and Commissioner Culliton pertaining to the Commission's finding, as well as a supplementary statement of Chairman Metzger, a separate statement by Commissioner Thunberg, and a separate statement by Commissioner Clubb.

Much of the material contained in the three reports to the President may not be made public since it comprises information that would reveal the operations of individual firms. The Commission, therefore, is releasing to the public only those portions of the reports that do not contain such material.

Copies of the three public reports are available upon request as long as the limited supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commission, Eighth and E Streets N.W., Washington, D.C. 20436.

By direction of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 68-965; Filed, Jan. 24, 1968; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1144]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

JANUARY 19, 1968.

The following applications are governed by Special Rule 1.247 [1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 2359 (Sub-No. 19), filed January 10, 1968. Applicant: DAMEO, INC., 568 Central Avenue, Somerville, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Resins*, in bulk, in tank and hopper-type vehicles, from Delaware City, Del., to Manville, N.J., under contract with Johns-Manville Corporation. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 21170 (Sub-No. 261), filed January 12, 1968. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa 50158. Applicant's representative: Boyd & Blanshan, 29 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and processed foodstuffs*, from points in Fulton County, Ohio, to Milan, Ill., and points in Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Toledo, Ohio, or Detroit, Mich.

No. MC 29886 (Sub-No. 239), filed January 11, 1968. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46621. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lift and hoist trucks*, (2) *tractors* (other than truck tractors), and (3) *attachments and accessories for the items named in (1) and (2) above*, from the plantsites of Towmotor Corp. at Cleveland and Mentor, Ohio, to points in Indiana, Lower Peninsula of Michigan, Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Maine, Vermont, New Hampshire, Maryland, Delaware, and the District of Columbia, restricted to traffic originating at and destined to the points named above.

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 30605 (Sub-No. 143), filed January 5, 1968. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, a corporation, 433 East Waterman Street, Wichita, Kans. 67202. Applicant's representative: F. J. Steinbrecher, 80 East Jackson Boulevard, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, liquid nitroglycerine, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Marietta, Okla., and Dallas, Tex.: From Marietta, over U.S. Highway 77 (Interstate Highways 35 and 35E) to Dallas, and return over the same route, serving the intermediate points of Gainesville and Denton, Tex., and (2) between Denton, and Fort Worth, Tex.: From the junction of U.S. Highway 77 and U.S. Highway 377 at Denton over U.S. Highway 377 (Interstate Highway 35W) to Fort Worth and return over the same route, restricted against service between Gainesville and Denton, on the one hand, and, on the other, Dallas and Fort Worth, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Wichita, Kans.

No. MC 30837 (Sub-No. 350), filed January 8, 1968. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. 53141. Applicant's representative: Paul F. Sullivan, Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, trailer chassis* (except those designed to be drawn by passenger automobiles), in initial movements, in truckaway service, and *materials, supplies, and parts*, used in the manufacture assembly or servicing of trailers and trailer chassis, from Holland, Mich., and points within 5 miles thereof, to points in the United States, including Alaska but excluding Hawaii, and *damaged or rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 31879 (Sub-No. 25), filed January 11, 1968. Applicant: EXHIBITORS FILM DELIVERY & SERVICE CO., INC., 101 West 10th Avenue, North Kansas City, Mo. 64116. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods, as defined in 17 M.C.C. 467, commodities in bulk, and livestock, restricted so that no service shall be rendered in the transportation of any parcels, packages, or articles weighing in the aggregate more than 100 pounds from one consignor at any one location to one consignee at any one location on any one day), between points in Kansas, points in Adair, Andrew, Atchison, Barry, Barton, Bates, Benton, Boone, Buchanan, Caldwell, Callaway, Camden, Carroll, Cass, Cedar, Chariton, Christian, Clay, Clinton, Cole, Cooper, Dade, Dallas, Daviess, De Kalb, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Howard, Jackson, Jasper, Johnson, Laclede, Lafayette, Lawrence, Linn, Livingston, McDonald, Macon, Mercer, Miller, Moniteau, Morgan, Newton, Nodaway, Pettis, Platte, Polk, Putnam, Randolph, Ray, St. Clair, Saline, Schuyler, Stone, Sullivan, Taney, Vernon, Webster, and Worth Counties, Mo., and points in Nebraska on and south of a line beginning on U.S. Highway 138 at the Nebraska-Colorado State line to U.S. Highway 30 and continuing with U.S. Highway 30 to the Nebraska-Iowa State line, serving off-route points in Nebraska within 10 miles north of the aforesaid line. NOTE: Applicant desires the right to tack the above sought operating authority with that now held and pending, and to interline with other motor common carriers, at any point in Kansas and Missouri. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 34631 (Sub-No. 1), filed January 11, 1968. Applicant: A. ARNOLD & SON TRANSFER & STORAGE CO., INC., 2600 West Broadway, Louisville, Ky. 40211. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Kentucky, restricted to shipments having a prior or subsequent movement beyond the State of Kentucky, and further restricted to pickup and delivery service incidental to and in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such shipments. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 40446 (Sub-No. 2), filed January 12, 1968. Applicant: BERNARD BARON, JR., 137–155 Blanchard Street, Newark, N.J. 07105. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by manufacturers of sewing machines*, from Warwick, N.Y., to Newark, N.J., restricted to traffic having a further movement to points in New York presently authorized in carrier's certificate MC–40446, and *returned shipments*, on return. NOTE: Applicant intends to tack at Newark, N.J., to serve points in Westchester, Nassau, Suffolk, and Rockland Counties, N.Y., and New York, N.Y. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 48551 (Sub-No. 12), filed January 8, 1968. Applicant: P & D LUMBER HANDLING CO., a corporation, Box 69, Phoenixville, Pa. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Wilmington, Del., to points in Delaware and New Jersey, and to points in that part of Pennsylvania on and east of U.S. Highway 219. NOTE: Applicant states that under its present authority, and by means of tacking, it is authorized to perform all of the operations hereinabove described. This application is being filed solely for the reason that applicant desires to eliminate the Philadelphia gateway which it must use to provide this service under its present authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 50069 (Sub-No. 393), filed January 11, 1968. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 930 North York Road, Hinsdale, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plasticizer resin*, in bulk, in tank vehicles, from the plantsite of Reynolds Chemical Products Division, at Farwell, Mich., to Rahway, N.J., and Ringtown, and Allentown, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 59367 (Sub-No. 56), filed January 10, 1968. Applicant: DECKER TRUCK LINE, INC., Post Office Box 915, Fort Dodge, Iowa 50501. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods, and vegetables, and fruit drinks* in tin cans, jars, and bottles, from Clyman and Watertown, Wis., to points in Nebraska, North Dakota, and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 59483 (Sub-No. 27), filed January 11, 1968. Applicant: SOUTHWESTERN TRANSPORTATION COMPANY, a corporation, 733 South Poydras, Post Office Box 6187, Dallas, Tex. 75222. Applicant's representative: Lloyd M. Roach, 1517 West Front Street, Tyler, Tex. 75701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Little Rock, Ark., and junction U.S. Highways 67 and 61 near Festus, Mo., over U.S. Highway 67, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular service route between St. Louis, Mo., and Little Rock, Ark. NOTE: Applicant states it has authority over U.S. Highway 61 between Festus, Mo., and St. Louis, Mo., in connection with the authority between Memphis, Tenn., and St. Louis, Mo., and

between Little Rock, Ark., and St. Louis, Mo. Applicant further states that it does not propose to serve Festus, Mo. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Little Rock, Ark.

No. MC 61396 (Sub-No. 196), filed January 15, 1968. Applicant: HERMAN BROS., INC., 2501 North 11th Street, Omaha, Nebr. 68110. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk and in bags, from points in that area of Nebraska bounded by U.S. Highway 6 on the north, Nebraska Highway 14 on the east, Nebraska Highway 74 on the south, and U.S. Highway 281 on the west, to points in Colorado, Wyoming, South Dakota, North Dakota, Minnesota, Iowa, Missouri, and Kansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha or Lincoln, Nebr.

No. MC 61403 (Sub-No. 176), filed December 22, 1967. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. 37662. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitric acid*, in bulk, in tank vehicles, from the plantsite of Kaiser Agricultural Chemical Co. located at or near Finney, Ohio, to points in Indiana and Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Memphis, Tenn.

No. MC 65802 (Sub-No. 36), filed January 5, 1968. Applicant: LYNDEN TRANSFER, INC., Post Office Box 433, Lynden, Wash. 98264. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry fertilizer*, in sacks and in bulk, between the port of entry on the international boundary line between the United States and Canada, located at or near Sumas, Wash., on the one hand, and, on the other, points in Washington, Oregon, and Idaho; (2) *clay products*, between the port of entry on the international boundary line between the United States and Canada, located at or near Sumas, Wash., on the one hand, and, on the other, points in Oregon and Idaho, and from points in Washington to the port of entry on the international boundary line between the United States and Canada, located at or near Sumas, Wash.; and (3) *heavy machinery, building materials, and commodities*, which because of their size, weight or shape, require the use of special equipment, between points in Whatcom County, Wash. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 66194 (Sub-No. 8), filed January 12, 1968. Applicant: OWL TRUCK COMPANY, a corporation, 500 South Alameda Street, Compton, Calif. 90224. Applicant's representative: Daniel W. Baker, 405 Montgomery Street, Suite 1401, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which by reason of size or weight, require the use of special equipment, and *commodities* when their transportation is incidental to the transportation of the commodities authorized above, and (2) *self-propelled articles*, each weighing 15,000 pounds or more and *related commodities* moving in connection therewith, between points in California and Nevada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 66746 (Sub-No. 10), filed January 8, 1968. Applicants: JOHN L. KERR AND G. O. KERR, JR., a partnership, doing business as SHIPPERS EXPRESS, 1651 Kerr Drive, Post Office Box 8665, Jackson, Miss. 39205. Applicant's representative: Harold D. Miller, Jr., 700 Petroleum Building, Post Office Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except livestock, liquid commodities in bulk, commodities requiring special equipment, household goods as defined by the Commission, and except meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses), as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 706, in mechanically refrigerated equipment, between points in Mississippi within 100 miles of Jackson, Miss., restricted against the movement of traffic from Meridian, Crystal Springs, Hazlehurst, Brookhaven, Summit, and McComb, Miss., and points within the commercial zones of each, and from points in that part of Mississippi south of U.S. Highway 80 and east of U.S. Highway 51, to Jackson, Miss. NOTE: Applicants hold a certificate under MC 66746 (Sub-No. 5) which authorizes irregular route operations between Jackson, Miss., on the one hand, and, on the other, points in Mississippi within 100 miles of Jackson, subject to the restrictions contained in the subject application. Applicants requests cancellation of the authority under MC 66746 (Sub-No. 5) concurrent with issuance of a certificate authorizing operations proposed herein. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 76472 (Sub-No. 8), filed January 9, 1968. Applicant: MATERIAL TRUCKING, INC., 924 South Heald Street, Wilmington, Del. 19801. Applicant's representative: Francis J. Ortman, 770 1700 Pennsylvania Avenue NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, stone, asphalt, and asphalt products, in bulk, in dump and hopper-type vehicles, and such bulk commodities as are transported in dump and hopper-type vehicles*, between points in Delaware; points in Cecil, Kent, Queen Annes, Harford, Caroline, Dorchester, Somerset, Talbot, Wicomico, and Worcester Counties, Md.; points in Salem, Gloucester, Cumberland, Cape May, Atlantic, Camden, Mercer, Burlington, and Ocean Counties, N.J.; points in Lancaster, Delaware, Chester, Montgomery, Bucks, and Philadelphia Counties, Pa. NOTE: Applicant states it does not desire to duplicate its presently outstanding authority and will tender its Certificate MC 76472 for cancellation upon the granting of the certificate requested herein. If a hearing is deemed necessary, applicant requests it be held at Wilmington, Del., or Washington, D.C.

No. MC 80609 (Sub-No. 2), filed January 8, 1968. Applicant: H. S. FOREMAN, INC., 25 Foreman Road, Elizabethtown, Pa. 17022. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mixed fertilizers, ammonium phosphate fertilizers, urea fertilizer, ammonium nitrate fertilizer*, in bags and bulk, and *liquid and dry pesticides*, in bags, drums, or pails, from Lebanon, Pa., to points in Maryland; Kent and Sussex Counties, Del.; Gloucester, Hunterdon, and Mercer Counties, N.J.; Accomack, Northampton, and Culpeper Counties, Va.; and Suffolk, Orange, Rockland, Westchester, Dutchess, Putnam, Ulster, and Columbia Counties, N.Y. NOTE: Applicant states that tacking could take place from North Claymont, Del., to points in Pennsylvania, so as to provide service by tacking over Lebanon, Pa., to points in the destination area involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 89497 (Sub-No. 7), filed January 2, 1968. Applicant: DOWD AND STOLZ TRANSFER CO., INC., Post Office Box 562, Norfolk, Nebr. 68701. Applicant's representative: James E. Ryan, 214 Sharp Building, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products used in the agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries* when shipped in mixed truckloads with salt and salt products (presently authorized), from Lyons and Hutchinson, Kans., and points within 2 miles of each named origin points to points in Nebraska and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 94265 (Sub-No. 206), filed January 12, 1968. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. 23502. Applicant's representative: Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix

I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 272, from Le Mars, Iowa, to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, and Washington, D.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 107104 (Sub-No. 12), filed January 4, 1968. Applicant: ARTHUR R. ALTNOW, doing business as LODI TRUCK SERVICE, Post Office Box 111, 1420 South Cherokee Lane, Lodi, Calif. 95240. Applicant's representative: Marvin Handler, 405 Montgomery Street, Suite 1401, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in vehicles equipped with mechanical refrigeration, temperature or atmospheric control (except liquids or gases in bulk), between points in California south of the northern boundaries of Sonoma, Lake, Colusa, Sutter, Yuba, and Sierra Counties and north of the northern boundaries of San Luis Obispo, Kern, and San Bernardino Counties, Calif., restricted to having had a prior or subsequent movement by rail. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 107496 (Sub-No. 619), filed January 12, 1968. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plantsite of the Alpha Portland Cement Co. at La Salle, Ill., to points in Indiana, Iowa, and Wisconsin. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 107839 (Sub-No. 120), filed January 11, 1968. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 4985 York Street, Denver, Colo. 80216. Applicant's representative: Leslie R. Kehl, 420 Denver Club Building, Denver, Colo. 80216. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, and (2) *frozen foods and salad dressing when moving in the same vehicle with meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, from Denver, Colo., to points in Illinois (except Chicago), and Sioux City, Iowa, and those points in Iowa on and east of U.S. Highway 169. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 108449 (Sub-No. 278), filed January 8, 1968. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis. 53702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, fertilizer, and fertilizer ingredients*, in bulk, from points in Pope County, Minn., to points in Minnesota, North Dakota, South Dakota, Iowa, Wisconsin, and the Upper Peninsula of Michigan. NOTE: If a hearing is deemed necessary, applicant requests it to be held at Minneapolis, Minn., or St. Louis, Mo.

No. MC 109382 (Sub-No. 16), filed January 8, 1968. Applicant: JONAS P. DONMOYER, INC., Ono, Pa. 17077. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mixed fertilizers, ammonium phosphate fertilizers, urea fertilizer, ammonium nitrate fertilizer*, in bags and bulk, and *liquid and dry pesticides* in bags, drums, or pails, from Lebanon, Pa., to points in Maryland; Kent and Sussex Counties, Del.; Gloucester, Hunterdon, and Mercer Counties, N.J.; Accomack, Northampton, and Culpeper Counties, Va.; and Suffolk, Orange, Rockland, Westchester, Dutchess, Putnam, Ulster, and Columbia Counties, N.Y. NOTE: Applicant states that it could tack its authority on fertilizer from Baltimore, Md., to points in Lebanon County, Pa., so as to provide service to the New York and New Jersey counties involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Harrisburg, Pa.

No. MC 111401 (Sub-No. 241), filed January 8, 1968. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Alvin L. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions*, in bulk, in tank vehicles, from Holland, Tex., to points in Louisiana and New Mexico. NOTE: Applicant states that it will tack at Holland, Tex., on petroleum based fertilizer. If a hearing is deemed necessary, applicant requests it be held at Tulsa or Oklahoma City, Okla., or Dallas, Tex.

No. MC 110411 (Sub-No. 5), filed January 8, 1968. Applicant: J. C. BAKER, doing business as NORTHEAST ARKANSAS TRANSPORTATION COMPANY, 408 South Main Street, Leachville, Ark. 72438. Applicant's representative: Lance Hanshaw, Justice Building, Little Rock, Ark. 72201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, dairy products, and articles distributed by meat packinghouses* as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from St. Louis, Mo., to points in Clay, Craighead, Crittenden, Cross, Greene, Independence, Jackson, Lawrence, Lee, Lonoke, Mississippi, Monroe, Poinsett, Prairie, Randolph, St. Francis, Sharp, White, and Woodruff Counties, Ark., under contract with Krey Packing Co., St. Louis Independent Packing Co., and Swift & Co. NOTE: Applicant holds common carrier authority, in MC 118293, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Little Rock or Jonesboro, Ark.

No. MC 110420 (Sub-No. 560), filed January 15, 1968. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: Allan B. Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Peoria, Ill., to points in Louisiana. NOTE: Applicant states that it can tack to serve other origin points under MC 110420 (Sub-Nos. 223, 317, and 347). If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis.

No. MC 112304 (Sub-No. 24) (Correction), filed December 28, 1967, published FEDERAL REGISTER, issue of January 11, 1968, and republished as corrected this issue. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: James M. Burtch, 100 East Broad Street, Room 1800, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, and iron and steel products*, from Weirton, W. Va., and Steubenville, Ohio, to points in Florida, Georgia, North Carolina, and South Carolina. NOTE: The purpose of this republication is to show that irregular route service is proposed. Applicant states it intends to tack with authority held in Sub 1 (size and weight authority) where operationally feasible, and joinder will be at Steubenville, Ohio, or Weirton, W. Va. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112801 (Sub-No. 79), filed January 11, 1968. Applicant: TRANSPORT SERVICE CO., a corporation, Post Office Box 272, Chicago, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal food and liquid animal food supplements*, in bulk, from Dubuque, Iowa, to points in Illinois, Iowa, Indiana, Kansas, Missouri, Minnesota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113584 (Sub-No. 19) (Amendment), filed September 5, 1967, published in FEDERAL REGISTER issue of September 21, 1967, amended January 8, 1968, and republished as amended this issue. Applicant: SHIPPERS SERVICE, INC., 1107 Rockford Road, Charles City, Iowa 50616. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *contract carrier*, by motor

vehicle, over irregular routes, transporting: (1) *Animal and poultry drugs, tonics, medicines, and feed supplements* (except commodities in bulk), from Charles City, Iowa, to points in the United States (except Alabama, Alaska, Arkansas, Delaware, Georgia, Hawaii, Illinois, Kentucky, Maryland, the Lower Peninsula of Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia) and (2) *Materials and supplies* used in the manufacture of (1) above (except commodities in bulk) on return, under contract with Dr. Salsbury's Laboratories of Charles City, Iowa. NOTE: The purpose of this republication is to add "except commodities in bulk" in (2) above. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 114045 (Sub-No. 304), filed January 2, 1968. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. 75222. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Chemicals, except in bulk; buffing compounds; cleaning, scouring and washing compounds; soap, liquid or other than liquid; bathroom fixtures, glass porcelain or china; disinfectants; insecticides and insect repellents; plastic articles; paints and varnish; deodorants, mops and mop parts, and plumbing and urinal fittings*, from Baltimore, Md., to points in North Carolina, South Carolina, Georgia, Kentucky, Tennessee, West Virginia, Missouri, Texas, and California. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114045 (Sub-No. 306), filed January 8, 1968. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. 75222. Applicant's representative: M. L. Beaty (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, except cold pack and frozen, from Wellsboro, Pa., and Arcade, Syracuse, Penn Yan, Lyons, and Newark, N.Y., to points in Missouri, Kansas, Colorado, Alabama, Mississippi and points in Tennessee on and west of U.S. Highway 127, NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Washington, D.C.

No. MC 114273 (Sub-No. 26), filed January 12, 1968. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., 3930 16th Avenue SW., Post Office Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, Iowa 52402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and commodities injurious or contaminating to other lading), (1) between Davenport and Bettendorf, Iowa, and Rock Island and Moline, Ill., and points in their commercial zones as defined by the Commission, on the one hand, and, on the other, West Branch, Iowa; and (2) from West Branch, Iowa, to Cedar Rapids, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cedar Rapids, Iowa.

No. MC 114301 (Sub-No. 52), filed January 16, 1968. Applicant: DELAWARE EXPRESS CO., a corporation, Post Office Box 97, Elkton, Md. 21921. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials*, in bulk, from Perryville, Md., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114848 (Sub-No. 38), filed January 8, 1968. Applicant: WHARTON TRANSPORT CORPORATION, 1498 Channel Avenue, Memphis, Tenn. 38106. Applicant's representative: James N. Clay, III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard*, between points in Henry County, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis or Nashville, Tenn.

No. MC 115924 (Sub-No. 15), filed January 15, 1968. Applicant: SUGAR TRANSPORT, INC., Post Office Box 4063, Port Wentworth, Ga. 31407. Applicant's representative: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Blackstrap molasses*, in bulk, in tank vehicles, from Port Wentworth, Ga., to points in Alabama and Tennessee, under contract with Savannah Sugar Refining Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 116014 (Sub-No. 34), filed January 12, 1968. Applicant: OLIVER TRUCKING COMPANY, INC., Bloomfield Road, Post Office Box 53, Winchester, Ky. 40391. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Finished and unfinished railroad ties, and other forest products*, from Louisville, Ky., to points in Illinois, Indiana, Michigan, Ohio, Wisconsin, West Virginia, Pennsylvania, Kentucky, and Tennessee, and (2) *laminated wood products*, from points in Laurel County, Ky., to points in Illinois, Indiana, Michigan, Ohio, Pennsylvania, Kentucky, Tennessee, Alabama, West Virginia, and Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 116077 (Sub-No. 229), filed January 12, 1968. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrocarbon solvents*, in bulk, in tank vehicles, from Addis, La., to Pasadena, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Baton Rouge, La., or Houston, Tex.

No. MC 117200 (Sub-No. 12), filed January 11, 1968. Applicant: TISCH & DREWS, INC., 212 Green Bay Avenue, Oconto Falls, Wis. 54154. Applicant's representative: Eugene E. Behling, Oconto Falls, Wis. 54154. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lignin liquor*, in bulk, in tank vehicles, from Oconto Falls, Wis., to points in Wisconsin, for subsequent movement by rail to points outside the State of Wisconsin, under contract with Scott Paper Co., Oconto Falls, Wis., and Philadelphia, Pa. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Green Bay or Milwaukee, Wis.

No. MC 117200 (Sub-No. 13), filed January 12, 1968. Applicant: TISCH & DREWS, INC., 212 Green Bay Avenue, Oconto Falls, Wis. 54154. Applicant's representative: Eugene E. Behling, Oconto Falls, Wis. 54154. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bags and in bulk, in tank vehicles, from Eden, Knowles, and Green Bay, Wis., to points in the Upper Peninsula of Michigan and points on and north of Michigan Highway 46, under contract with Western Lime and Cement Co., Milwaukee, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Green Bay, Madison, or Milwaukee, Wis.

No. MC 117344 (Sub-No. 185), filed January 8, 1968. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk, from points in Fayette County, Ohio, to points in Indiana, Kentucky, and Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 118959 (Sub-No. 33), filed January 5, 1968. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. 63701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet or rug cushioning, rubber and plastic coated material*, from Columbus, Miss., to points in Florida. NOTE: Applicant has pending contract carrier applications in MC 125664 and

Sub 4 therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Miss., or St. Louis, Mo.

No. MC 119399 (Sub-No. 19), filed January 11, 1968. Applicant: CONTRACT FREIGHTERS, INC., 3105 East Seventh Street, Joplin, Mo. 64801. Applicant's representative: Roy F. Reed (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients, and seed*, in bags, in mixed shipments with dry fertilizer and/or pesticides, from Atlas, Mo., to points in Arkansas, Illinois, Iowa, Kansas, Missouri, Nebraska, Oklahoma, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla., Kansas City or St. Louis, Mo.

No. MC 119531 (Sub-No. 75) (Amendment), filed December 7, 1967, published FEDERAL REGISTER issue of December 28, 1967, amended January 10, 1968, and republished as amended this issue. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporitng: (1) *Beverages*, bottled and canned, from Mariemont, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, and Pennsylvania, and (2) *materials and supplies* used in the manufacture, sale and distribution of beverages, bottled and canned, from points in Illinois, Indiana, Kentucky, Michigan, and Pennsylvania to Mariemont, Ohio. NOTE: The purpose of this republication is to change the origin point in (1) and destination point in (2) above from Cincinnati, Ohio to Mariemont, Ohio. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119531 (Sub-No. 78), filed January 9, 1968. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal containers and ends*, from St. Louis, Mo., to points in Illinois, Indiana, Michigan, and Ohio, and (2) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of metal containers and ends, from points in Illinois, Indiana, Michigan, and Ohio to St. Louis, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119895 (Sub-No. 15) (Correction), filed December 26, 1967, published FEDERAL REGISTER issue of January 11, 1968, under MC 124813 (Sub-No. 49) on page 439, and republished as corrected, this issue. Applicant: INTERCITY EXPRESS, INC., Post Office Box 1055, Fort Dodge, Iowa 50501. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Fort Dodge, Iowa, to points in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota. NOTE: The purpose of this republication is to show the correct docket number assigned thereto. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 121247 (Sub-No. 2), filed January 10, 1968. Applicant: BURKE MOVING & STORAGE, INC., 2116 Ames Avenue, Cheyenne, Wyo. 82001. Applicant's representative: Robert S. Stauffer, 1510 East 20th Street, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of their size or weight requires the use of special equipment, special handling or special services, and *parts thereof*, between Cheyenne, Wyo., and Denver, Colo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cheyenne, Wyo., or Denver, Colo.

No. MC 123048 (Sub-No. 115), filed January 2, 1968. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53401. Applicant's representatives: C. Ernest Carter, Box A, Racine, Wis., and Paul C. Gartzke, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Tractors;* (2) *self-propelled construction, excavation and industrial equipment;* (3) *portable concrete pumps;* (4) *attachments for the commodities described in items (1) through (3) above;* (5) *cabs for the commodities described in items (1) and (2) above;* (6) *internal combustion engines;* and (7) *parts and accessories for the commodities described in items (1) through (6) above when moving in mixed loads with the commodities described in items (1) through (6) above;* from the plant and warehouse sites of J. I. Case Co. at or near Terre Haute, Ind., to points in the United States except Maine, New Hampshire, Vermont, Massachusetts, New York, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, Virginia, Alaska, Hawaii, and the District of Columbia; restricted to shipments originating at the plant and warehouse sites named above and destined to the destination States named above (except when stored or assembled in transit); and, (B) *returned commodities* described in Part (A) above, on return. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 123502 (Sub-No. 21) (Correction), filed December 5, 1967, published in FEDERAL REGISTER issue of December 28, 1967, and republished as corrected, this issue. Applicant: FREE STATE TRUCK SERVICE, INC., 10 Vernon Avenue, Glen Burnie, Md. 21061. Applicant's representative. Donald E. Freeman, Post Office Box 806, Westminster, Md. 21157. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Nickel scrap*, in dump vehicles, from Johnstown, Pa., to points in Maryland, (2) *metals and metal alloys*, in dump vehicles, from Vancoram, Ohio and Graham, W. Va., to points in Maryland, Virginia, New Jersey, Delaware, Connecticut, Massachusetts, and the District of Columbia, and (3) *alloys, granular refractories, minerals and ores*, in dump vehicles, from East Liverpool, Powhatan, Brilliant, and Philo, Ohio, and Pittsburgh, Pa., to points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, New York, Pennsylvania, Ohio, Indiana, Illinois, Michigan, Tennessee, Kentucky, Alabama, Georgia, Florida, North Carolina, South Carolina, West Virginia, Virginia, Maryland, Delaware, New Jersey, Connecticut, and the District of Columbia (except points within 175 miles of Pittsburgh, Pa.) NOTE: Applicant states it could tack at Baltimore, Md., to enable service to points in Maryland, West Virginia, Virginia, Pennsylvania, Delaware, New York, Connecticut, Ohio, and New Jersey. The purpose of this republication is to show the District of Columbia as a destination territory in lieu of an exception. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124078 (Sub-No. 313), filed January 12, 1968. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions and liquid fertilizer compounds*, from the plantsite of the Borden Chemical, Smith-Douglass Division, at or near Logansport, Ind., to points in Illinois, Kentucky, Michigan, Ohio, and Wisconsin. NOTE: Applicant states the authority here sought may be joined with its Sub 225 as pertinent, at Fulton, Ill., to enable service to points in Iowa, and at Lima, Ohio, to enable service to points in Pennsylvania. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124078 (Sub-No. 314), filed January 12, 1968. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk from Birmingham, Ala., to points in Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 124078 (Sub-No. 315), filed January 12, 1968. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry polyvinyl alcohol*, in bulk, from Atlanta, Ga., to Gaffney, S.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 124078 (Sub-No. 316), filed January 15, 1968. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar products*, in bulk, from Cleveland, Ohio, to points in Iowa, Minnesota, South Dakota, and Wisconsin. NOTE: Applicant intends to tack the authority sought with its existing authority at points in Clinton and Woodbury Counties, Iowa, and Sheboygan, Wis., to serve points in Colorado, Michigan, Minnesota, Nebraska, North Dakota, and Wyoming. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 124688 (Sub-No. 3), filed January 8, 1968. Applicant: INDEPENDENT DELIVERY, INC., 1000 South Weller, Seattle, Wash. 98104. Applicant's representative: George Kargianis, 609 Norton Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other ladings), between points in King, Pierce, Snohomish, Skagit, Kitsap, Thurston, and Mason Counties, Wash., restricted to shipments of 100 pounds or less per shipment. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 124783 (Sub-No. 6), filed January 10, 1968. Applicant: KATO EXPRESS, INCORPORATED, Post Office Box 291, Elizabethtown, Ky. 42701. Applicant's representative: Rudy Yessin, Sixth Floor, McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Edmonson, Butler, Muhlenberg, Ohio, and Grayson Counties, Ky., on the one hand, and, on the other, Standiford Field located in Jefferson County, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 124951 (Sub-No. 25), filed January 11, 1968. Applicant: WATHEN TRANSPORT, INC., Post Office Box 237, Henderson, Ky. 42420. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal feed and dry animal feed ingredients* (except canned animal feed), from Springfield, Tenn., to Evansville, Ind. NOTE: Applicant states it could or would tack at Evansville, Ind., with its authority in MC 124951, Sub-No. 4, wherein it is authorized to conduct operations in the States of Illinois, Indiana, Kentucky, and Missouri. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 125550 (Sub-No. 4), filed January 10, 1968. Applicant: THE HELLER COMPANY, a corporation, 200 Chestnut Avenue, Altoona, Pa. 16603. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical fixtures, metal housewares and houseware products, and metal utility buildings, knocked down*, from Altoona, Pa., to points in Mississippi, Alabama, Georgia, South Carolina, North Carolina, and Tennessee; and (2) *materials used in the manufacture of the above-specified commodities*, on return, under contract with Stanley Electric Manufacturing Co., Altoona, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 125608 (Sub-No. 7), filed January 11, 1968. Applicant: VALER LUPU, doing business as VALER TRANSPORTATION COMPANY, 18615 Dix Avenue, Melvindale, Mich. 48122. Applicant's representative: Frank J. Kerwin, Jr., 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from St. Paul, Minn., to Detroit, Mich., under a continuing contract or contracts with Action Distributing Co., Inc., of Detroit, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Chicago, Ill.

No. MC 125608 (Sub-No. 8), filed January 12, 1968. Applicant: VALER LUPU, doing business as VALER TRANSPORTATION COMPANY, 18615 Dix Avenue, Melvindale, Mich. 48122. Applicant's representative: Rex Eames, 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, (1) from Columbus, Ohio, to Hamtramck, Mich., under a continuing contract or contracts with Hamtramck Distributors, (2) from Columbus, Ohio, to Pontiac, Mich., under a continuing contract or contracts with Hubert Distributors, Inc., (3) from Columbus, Ohio, to Monroe, Mich., under a continuing contract or contracts with Floral City Beverage, and (4) from Columbus, Ohio, to Detroit, Mich., under a continuing contract or contracts with Central Distributors of Pfeiffer and Budweiser Beer of Detroit, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 127215 (Sub-No. 35), filed January 8, 1968. Applicant: KENDRICK CARTAGE CO., a corporation Post Office Box 63, Salem, Ill. 62881. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grinding wheels, abrasives, abrasive products and paper products and materials, equipment and supplies used in the manufacture and distribution of the commodities described above* (except commodities in bulk and those requiring the use of special equipment), between Salem, Ill., on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Chicago, Ill., or St. Louis, Mo.

No. MC 127536 (Sub-No. 1), filed January 3, 1968. Applicant: MOTOR-RAIL DELIVERY, INC., 249 Schweizer Place, Detroit, Mich. 48226. Applicant's representative: L. Agnew Myers, Jr., Suite 1122, Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, as listed in appendix 1(A) of *Description in Motor Carrier Certificates* 61 M.C.C. 766, from points in Michigan to points in Ohio, Pennsylvania, New York, Vermont, New Hampshire, Massachusetts, Maine, Rhode Island, Connecticut, New Jersey, Maryland, Delaware, Virginia, West Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, or Lansing, Mich.

No. MC 128007 (Sub-No. 13), filed January 11, 1968. Applicant: HOFER, INC., Post Office Box 583, 4032 Parkview Drive, Pittsburg, Kans. 66762. Applicant's representative: Marion F. Jones, Suite 420, Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients* (except salt and urea), (1) between points in Arkansas, Colorado, Kansas, Missouri, Oklahoma, and Texas, and (2) from points in Louisiana, Mississippi, and Memphis Tenn., to points in Colorado, Kansas, Missouri, Oklahoma, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 128343 (Sub-No. 5), filed January 9, 1968. Applicant: C-LINE, INC., Tourtellot Hill Road, Chepachet, R.I. Applicant's representative: Ronald N. Cobert, 600 Madison Building, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials, plastic products, and supplies used in the manufacture and production of plastic materials and plastic products* (except in bulk), (1) between North Smithfield, R.I., on the one hand, and, on the other, Halls, Tenn., and (2) between Halls, Tenn., on the one hand, and, on the other, ports of entry in Michigan and Vermont at or near the United States-Canada boundary line, under contract with the Tupperware Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Providence, R.I.

No. MC 128527 (Sub-No. 7), filed January 11, 1968. Applicant: MAY TRUCKING COMPANY, a corporation, Post Office Box 398, Payette, Idaho 83661. Authority sought to operate as a *common*

carrier, by motor vehicle, over irregular routes, transporting: *Laminated beams, components and parts thereof*, from Ontario, Oreg., to points in Washington, Idaho, Montana, Wyoming, Utah, Colorado, New Mexico, Nevada, and California. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 128630 (Sub-No. 8), filed January 11, 1968. Applicant: COMMODITY CARRIERS, INC., 700 Denargo Market, Denver, Colo. 80216. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products, frozen foods, and bakery goods*, from Denver, Colo., to points in Indiana, Illinois, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Montana, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 128630 (Sub-No. 9), filed January 11, 1968. Applicant: COMMODITY CARRIERS, INC., 700 Denargo Market, Denver, Colo. 80216. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Carthage, Mo., to points in Kansas and Colorado, under contract with Carthage Creamery, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 129082 (Sub-No. 1), filed January 10, 1968. Applicant: CHARLES H. TURNER, Hopkins, Mo. 64461. Applicant's representative: Frank H. Strong, 124 East Third Street, Maryville, Mo. 64468. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crushed limestone products*, gravel and rock, between points in Nodaway County, Mo., and Taylor and Page Counties, Iowa, under contract with Turner Quarries, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Joseph or Kansas City, Mo.

No. MC 129182 (Sub-No. 1), filed January 5, 1968. Applicant: K. W. PLEMONS, doing business as UNIVERSITY MOVING & STORAGE CO., 110 Foundry Street, Athens, Ga. Applicant's representative: Ariel V. Conlin, Suite 626, Fulton National Bank Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points within a 100-mile radius of Athens, Ga., within the counties of Polk County, Tenn.; Cherokee, Clay, Macon, Graham, Jackson, Swain, Transylvania, Henderson, and Haywood Counties, N.C.; Greenville, Pickens, Oconee, Spartanburg, Anderson, Union, Laurens, Abbeville, Greenwood, Newberry, Saluda, Edgefield, and Aiken Counties, S.C., and Fannin, Murray, Union, Towns, Rabun, Habersham, Stephens, Gilmer, Gordon, Pickens, Lumpkin, White, Dawson, Floyd, Bartow, Polk, Haralson, Butts, Paulding, Cherokee, Cobb, Hall, Banks, Franklin, Hart, Forsyth, Jackson, Madison, Elbert, Fulton, Douglas, Carroll, Coweta, Fayette, Meriwether, Spalding, Henry, Gwinnett, Barrow, Clarke, Oconee, Oglethorpe, Wilkes, De Kalb, Walton, Clayton, Pike, Lamar, Upson, Monroe, Crawford, Peach, Bibb, Twiggs, Greene, Taliaferro, Rockdale, Morgan, Newton, Jasper, Putnam, Jones, Warren, Columbia, Richmond, Duffie, Burke, Jefferson, Glascock, Hancock, Baldwin, Wilkinson, Bleckley, Lahgrens, Johnson, and Washington Counties, Ga., excluding the commercial zones of Atlanta, Macon, and Augusta, Ga., restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery service incidental to and in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such shipments. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 129242 (Sub-No. 1), filed January 8, 1968. Applicant: WILBUR D. NEUMANN, 204 Rosemary Lane, Creve Coeur, Ill. 61611. Applicant's representative: LaVern Martens, Sugar Creek Foods, 222 West Adams Street, Chicago, Ill. 60606. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, including butter, cream, milk, cheese, cottage cheese, oleo, fruit drinks, fruit juice, powdered milk, powdered buttermilk and dairy plant equipment, materials and supplies*, between Pana and Peoria, Ill., on the one hand, and, on the other, points in Indiana, Iowa, Missouri, and points in Kentucky on and west of U.S. Highway 65, under contract with Sugar Creek Foods and Sealtest Foods. NOTE: If a hearing is deemed necessary, applicant requests it be held at Peoria, Ill., Indianapolis, Ind., or Louisville, Ky.

No. MC 129281 (Sub-No. 2), filed January 12, 1968. Applicant: RICHARD A. EDWARDS, Downing, Wis. 54734. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, shavings and sawdust*, from Connersville, Wis., to St. Paul, Minn., under contract with Harnisch Lumber Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 129624, filed January 5, 1968. Applicant: ROUTE MESSENGERS OF PENNSYLVANIA, INC., 2621 South Street, Philadelphia, Pa. 19146. Applicant's representative: Alan Kahn, 1920 2 Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Optical materials, supplies, and products*, no single parcel or package thereof to exceed 25 pounds in weight, and (2) *dental products, materials and supplies*, no single parcel or package thereof to exceed 25 pounds in weight, between points in Philadelphia, Pa., on the one hand, and, on the other, points in Burlington, Camden, Gloucester, Mercer, and Middlesex Counties, N.J., and New Castle County, Del. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 129625, filed January 5, 1968. Applicant: ROBERT J. COLE, doing business as ROBERT COLE TRUCKING, Rural Delivery No. 3, Indiana, Pa. 15701. 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: (1) *Sand, gravel, aggregates, and limestone*, in bulk, in dump vehicles, between points in Cameron, Clearfield, Elk, Indiana, Jefferson, McKean, Potter, and Warren Counties, Pa., restricted to shipments having a prior movement by rail, (2) *coal*, in dump vehicles, from points in Elk and Jefferson Counties, Pa., to points in New York on and west of U.S. Highway 15, (3) *sand, slag, gravel, aggregates, and limestone*, in bulk, in dump vehicles, from points in New York on and west of U.S. Highway 15 to points in Cameron, Clearfield, Elk, Forest, Indiana, and Jefferson Counties, Pa., and (4) *livestock feed and poultry feed*, from points in Erie and Niagara Counties, N.Y., to points in Indiana and Jefferson Counties, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Pittsburgh, Pa.

No. MC 129627, filed January 4, 1968. Applicant: BROOK MOTOR LINES, INC., 273 Manhattan Avenue, Jersey City, N.J. 07307. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, except frozen, and in bulk, (2) *mustard seed and empty bottles*, and (3) *glass containers*, (1) between Saddlebrook, N.J., on the one hand, and, on the other, New York, N.Y., points in Nassau, Suffolk, Westchester, Orange, and Rockland Counties, N.Y., Fairfield County, Conn., Delaware, and Philadelphia Counties, Pa., and King of Prussia, Pa., (2) between Saddlebrook, N.J., on the one hand, and, on the other, New York and Garden City, N.Y., and (3) from Orangeburg, N.Y., to Saddlebrook, N.J., under contract with American Home Foods, division of American Home Products Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 129628, filed January 4, 1968. Applicant: URANIUM TRUCK LINES (1965), LIMITED, 4 King Street West, Toronto, Ontario, Canada. Applicant's representative: Frank J. Kerwin, Jr., 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from Sault Ste. Marie, Mich., to the port of entry on the international boundary line between the United States and Canada located at or near Sault Ste. Marie, Mich., under a continuing contract or contracts with Denison Mines,

Ltd., of Ontario, Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sault Ste. Marie, Lansing, or Detroit, Mich.

No. MC 129638, filed January 10, 1968. Applicant: G. KAY, INC., Fairmont, Nebr. Applicant's representative: James E. Ryan, 214 Sharp Building, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products* used in the agricultural, water treatment, food processing, wholesale grocery and institutional supply industries when shipped in mixed truckloads with salt and salt products, from Hutchinson, Lyons, and Kanopolis, Kans., to points in Nebraska. NOTE: Applicant holds contract carrier authority under Docket No. MC 52556 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

MOTOR CARRIERS OF PASSENGERS

No. MC 3700 (Sub-No. 58), filed December 4, 1967. Applicant: MANHATTAN TRANSIT COMPANY, a corporation, Route 46, East Paterson, N.J. 07407. Applicant's representative: Robert E. Goldstein, 8 West 40th Street, New York, N.Y. 10018. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express and newspapers* in the same vehicle with passengers, (1) between Paterson, N.J., and New York, N.Y.: From Paterson, N.J., over Interstate Highway 80 to junction Interstate Highway 95 in Teaneck, N.J., thence over Interstate Highway 95 to New York, N.Y., over George Washington Bridge and return over the same route, for the purpose of joinder, serving no intermediate points; (2) between Teaneck, N.J., and New York, N.Y.: From Teaneck, from junction Interstate Highway 80 and Interstate Highway 95, over Interstate Highway 95 to junction Interstate Highway 495 in Secaucus, N.J., thence over Interstate Highway 495 to New York, N.Y., via the Lincoln Tunnel and return over the same route, for purpose of joinder, serving no intermediate points; (3) in Paterson, N.J.: From junction Lakeview Avenue and Access Road to Interstate Highway 80, over Access Road to junction Interstate Highway 80. Return from junction Interstate Highway 80 and Access Road, over Access Road to junction Market Street, serving all intermediate points.

(4) In Paterson, N.J.: From junction Lakeview Avenue and Access Road to Interstate Highway 80, over Access Road to Interstate Highway 80 to junction Access Road to New Jersey Highway 20, thence over Access Road to New Jersey Highway 20 to junction Access Road to Market Street, thence over Access Road to junction Market Street. Return from junction Market Street and Access Road to Market Street, over Access Road to junction Market Street, serving all intermediate points; (5) in East Paterson, N.J.: From junction Interstate Highway 80 and Access Road, over Access Road to junction River Drive, from junction River Drive and Locust Street, over Locust Street to junction to Access Road to Interstate Highway 80, thence over Access Road to junction Interstate Highway 80. Return from junction Interstate Highway 80 and Access Road along Access Road to junction River Drive, thence over River Drive to junction Market Street, serving all intermediate points; (6) in Saddle Brook, N.J.: From junction Interstate Highway 80 and Access Road, over Access Road to junction Pehle Avenue, thence over Pehle Avenue to junction Access Road to Interstate Highway 80, thence over Access Road to junction Interstate Highway 80. Return from junction Interstate Highway 80 and Access Road, over Access Road to junction Pehle Avenue, thence over Pehle Avenue to junction Midland Avenue, thence over Midland Avenue to junction Molnar Drive, thence over Molnar Drive to junction Access Road to Interstate Highway 80, thence over Access Road to Interstate Highway 80, serving all intermediate points.

(7) Between East Paterson and Saddle Brook, N.J.: From junction U.S. Highway 46 and Boulevard in East Paterson, over Boulevard to junction Linden Avenue, thence over Linden Avenue to junction Molnar Drive, thence over Molnar Drive to junction Midland Avenue, thence over Midland Avenue to junction Pehle Avenue, thence over Pehle Avenue to junction Access Road to Interstate Highway 80, thence over Access Road to junction Interstate Highway 80, and return over the same route, serving all intermediate points; (8) in Lodi, N.J.: From junction Interstate Highway 80 and Access Road, over Access Road to junction Interstate Highway 80, and return over the same route, serving all intermediate points; (9) between Hasbrouck Heights and Hackensack, N.J.: (a) From junction Williams Avenue and Terrace Avenue in Hasbrouck Heights, over Terrace Avenue to junction Polifly Road, thence over Polifly Road to junction Access Road to Interstate Highway 80, thence along Access Road to junction Interstate Highway 80, and return over the same route, serving all intermediate points; and (b) from junction U.S. Highway 46 and Access Road to Terrace Avenue, over Access Road to junction Terrace Avenue, thence over Terrace Avenue to junction Polifly Road, thence over Polifly Road to junction Access Road to Interstate Highway 80, thence over Access Road to junction Interstate Highway 80, and return from junction Interstate Highway 80 and Access Road, over Access Road to junction Polifly Road, thence over Polifly Road to junction Terrace Avenue, thence over Terrace Avenue to junction of Charlton Avenue, thence over Charlton Avenue to junction U.S. 46, serving all intermediate points.

(10) Between South Hackensack and Teterboro, N.J.: From junction Interstate Highway 80 and Access Road, over Access Road to junction North Avenue in Teterboro, thence, from junction North Avenue and Access Road to Interstate Highway 80, over Access Road to junction Interstate Highway 80, and return from junction Interstate Highway 80 and Access Road, over Access Road to junction Westley Street in South Hackensack; from junction of Westley Street and Access Road to Interstate Highway 80, thence over junction Access Road to Interstate Highway 80, serving all intermediate points; (11) between Hackensack and South Hackensack, N.J.: From junction State Street and Mercer Street in Hackensack, over State Street to junction Huyler Street, thence over Huyler Street to junction Leuning Street and return over the same route, serving all intermediate points; (12) in Ridgefield Park, N.J.: From junction Interstate Highway 80 and Access Road, over Access Road to junction North Avenue and return over the same route, serving all intermediate points; and, (13) between Bogota and Teaneck, N.J.: From junction Palisade Avenue and East Main Street in Bogota, over East Main Street to junction DeGraw Avenue in Teaneck; thence over DeGraw Avenue to junction Access Road to Interstate Highway 80, thence over Access Road to junction Interstate Highway 80, and return over the same route, serving all intermediate points. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 129644, filed January 12, 1968. Applicant: C & J TRAVEL, INC., 163 Central Avenue, Dover, N.H. 03820. Applicant's representative: Catherine Immen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage, and express in the same vehicle with passengers*, in special party service, restricted to transportation in vehicles having seating capacity of not more than 11 passengers, between Somersworth, Dover, Portsmouth, and Exeter, N.H., on the one hand and, on the other, Logan International Airport, at East Boston, Mass. NOTE: If a hearing is deemed necessary, applicant requests it be held at Concord, N.H.

APPLICATION FOR BROKERAGE LICENSE

PASSENGERS

No. MC 130050, filed January 15, 1968. Applicant: TOWN & COUNTRY TRAVEL SERVICE, INC., 2821 Lee Street, Greenville, Tex. 75402. Applicant's representative: Roland Boyd, 218 East Louisiana Street, McKinney, Tex. 75069. For a license (BMC 5) to engage in operations as a *broker* at Greenville, Tex., and Sulphur Springs, Tex. in arranging for the transportation in interstate or foreign commerce, of *passengers and their baggage*, both as individuals and in groups, in packaged tours including transportation, hotels, baggage tips, sightseeing, and professional escort service, beginning and ending at points in Texas, and extending to points in the United States, including Alaska and Hawaii.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 3252 (Sub-No. 46), filed January 11, 1968. Applicant: PAUL E. MERRILL, doing business as MERRILL TRANSPORT CO., 1037 Forest Avenue,

Portland, Maine 04103. Applicant's representative: Francis E. Barrett, Jr., Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, in dump-type vehicles, from Portsmouth, N.H., to points in Maine (except those in Aroostook County, Maine). NOTE: The instant application is accompanied by a petition to dismiss said application.

No. MC 30887 (Sub-No. 152), filed January 2, 1968. Applicant: SHIPLEY TRANSFER, INC., 49 Main Street, Post Office Box 55, Reisterstown, Md. 21136. Applicant's representative: W. Wilson Corroum (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic granules*, dry, in bulk, from Baltimore, Md., to points in Virgina.

No. MC 127468 (Sub-No. 5), filed January 10, 1968. Applicant: LTD, INC., 3250 South Western Avenue, Chicago, Ill. 60608. Applicant's representative: Seymour S. Guthman, 1025 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Typewriter parts*, in cartons, between Lexington, Ky., and McRae, Ga., under contract with Sunbeam Corp. and McRae Products Co.

No. MC 129626, filed January 5, 1968. Applicant: J. E. REEDER, 3859 Van Dyke Avenue, San Diego, Calif. 92105. Applicant's representative: Donald Murchison, Suite 211, 211 South Beverly Drive, Beverly Hills, Calif. 90212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats*, (1) between points in Washington and points in Oregon, California, Florida, Connecticut, Michigan, Wisconsin, Idaho, Ohio, Illinois, New York, Texas, Louisiana, Maine, and Massachusetts, (2) between points in California and points in Michigan, Louisiana, Florida, New York, Virginia, Massachusetts, and Ohio, (3) from points in Maryland, Tennessee, Illinois, and Connecticut to points in California, (4) from points in California to points in Oregon, Nevada, Arizona, Texas, Montana, Minnesota, Hawaii, Indiana, Illinois, and ports of entry on the international boundary of the United States and Mexico located in California, (5) from points in New Jersey to points in California and (6) from points in Wisconsin to points in Massachusetts, New York, Connecticut, New Jersey, South Carolina, Virginia, Mississippi, California, and Florida.

No. MC 129633, filed January 8, 1968. Applicant: KARL B. HERTZ, doing business as HERTZ TRANSPORTATION COMPANY, 1709 North Garey Avenue, Pomona, Calif. 91767. Applicant's representative: William J. Torrington, 1656 Solejar Drive, Whittier, Calif. 90603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sawdust, wood shavings*, and *sawdust soil conditioners*, in bulk, in packages and containers, between points in California, Nevada, Arizona, and New Mexico.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-891; Filed, Jan. 24, 1968; 8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 22, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41213—*Perlite from Antonito, Colo., to official territory.* Filed by Western Trunk Line Committee, agent (No. A-2536), for interested rail carriers. Rates on perlite, other than crude, in carloads, from Antonito, Colo., to points in official (not including Illinois) territory.

Grounds for relief—Market competition, modified short-line distance formula and grouping.

Tariff—Supplement 74 to Western Trunk Line Committee, agent, tariff ICC A-4620.

FSA No. 41214—*Alumina from Bauxite, Ark., to Louisville, Ky.* Filed by Southwestern Freight Bureau, agent (No. B-9048), for interested rail carriers. Rates on alumina, calcinated or hydrated, in bulk, in box cars, in carloads, from Bauxite, Ark., to Louisville, Ky.

Grounds for relief—Market competition.

Tariff—Supplement 175 to Southwestern Freight Bureau, agent, tariff ICC 4529.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-962; Filed, Jan. 24, 1968; 8:48 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—JANUARY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during January.

3 CFR

Page

EXECUTIVE ORDERS:

10148 (superseded by EO 11388) 563
11182 (amended by EO 11386) 5
11209 (revoked by EO 11386) 5
11248 (amended by EO 11389) 839
11386 5
11387 47
11388 563
11389 839
11390 841

4 CFR

33 685
34 685
36 685
81 357
82 358

5 CFR

213 9, 135, 219, 359
315 401
338 135
353 529, 791
511 895
532 685
534 895
550 219
610 219
752 401
754 401, 843
771 401, 843
2100 485

7 CFR

53 623
81 9, 135
208 623
210 219
215 220
220 220
250 402
319 136
401 221
722 59, 895
723 843
730 729
792 686
811 529
814 59
822 62
827 402
891 62, 402
892 62
905 221, 847, 909
906 848
907 64, 222, 402, 485, 625, 730, 909
910 64, 222, 359, 486, 730
944 848
946 626, 687
947 791
948 687
950 359
959 64
971 359, 565, 731
987 486
1001 65
1421 222
1422 223
1464 136, 910
1483 9

7 CFR—Continued

Page

PROPOSED RULES:

27 283
68 766
319 77
729 77
730 378
907 283
917 497
929 283
952 917
989 78
991 149
993 576
1002 188, 856
1005 285
1013 78
1016 378
1030 768
1031 768
1038 768
1039 768
1041 856
1045 768
1051 768
1063 768
1069 417
1121 497
1126 497
1133 289

8 CFR

212 255
214 255
238 255
316a 255
319 255
332a 255

9 CFR

73 223
76 223
307 9
340 9
355 10

PROPOSED RULES:

78 633

10 CFR

70 137

PROPOSED RULES:

2 638

12 CFR

204 65
217 910
330 530
510 137
545 360
564 403

PROPOSED RULES:

563 580

13 CFR

107 326
121 530

14 CFR

39 10, 255–257, 403, 565, 626
45 449
47 11, 257

14 CFR—Continued

Page

71 11, 12, 66, 67, 138, 139, 450–452, 530–532, 688, 849.
73 487, 627
91 452
97 453, 689, 792
127 911
133 911
151 257
216 692
241 224, 849
302 695
375 697
385 68, 698
389 68, 360
425 458

PROPOSED RULES:

21 469
27 469
29 469
39 292, 576
43 469
45 469
71 22–25, 149–151, 469–471, 539, 576, 577, 635–638, 700, 750, 856–858.
75 25, 638, 858, 859
91 151, 469
93 700
103 750
127 469
298 701

15 CFR

370 687
373 687, 911
382 801
399 802
1000 49, 360, 806, 913

16 CFR

13 258, 487, 488, 532, 566, 850
15 72, 459, 627

PROPOSED RULES:

416 918

17 CFR

230 566
287 259

PROPOSED RULES:

231 507
240 152, 513

18 CFR

2 139
41 139
141 139
158 139
260 224
300 850
601

PROPOSED RULES:

260 417

19 CFR

10 567
12 360

PROPOSED RULES:

1 149

20 CFR

Page

404 ..... 12, 15
405 ..... 404, 488, 567

PROPOSED RULES:

602 700

21 CFR

1 404
51 72
120 ..... 260, 261, 410, 492
121 ..... 73, 261, 262, 567, 569, 627, 731
146a 74
148i 411
148m 262

PROPOSED RULES:

46 634

22 CFR

41 459

23 CFR

255 18

PROPOSED RULES:

255 540

24 CFR

0 144

25 CFR

221 ..... 569, 732, 791

26 CFR

1 533
400 ..... 732, 916

29 CFR

1602 282

31 CFR

500 687

32 CFR

1 264
3 268
4 272
5 272
7 273
8 273
11 274
13 274
14 276
15 276
16 281

32 CFR—Continued

Page

30 281
51 492
54 493
536 282
564 533
808 535
809 738
815 881
882 800
1005 144
1007 144
1016 144
1054 144
1711 229

33 CFR

117 629
205 494
207 494
208 263

36 CFR

7 ..... 145, 853
212 145

38 CFR

1 362
2 362
6 362
8 362
21 536

39 CFR

Ch. I 807
127 231
158 ..... 231, 627
742 570

41 CFR

5A–2 ..... 366, 630
5A–3 366
5A–8 20
5A–73 366
5A–76 631
5B–7 631
6–1 570
6–3 570
8–2 74
8–7 74
9–7 744
14–1 853
101–6 146
101–11 894
101–32 146
101–47 571

42 CFR

Page

73 ..... 367, 370, 536, 744, 855

PROPOSED RULES:

73 292

43 CFR

1720 460

45 CFR

177 371
178 374
500 232
531 232
600 746
1105 494

PROPOSED RULES:

85 110

46 CFR

310 747
380 810

PROPOSED RULES:

Ch. IV 378
504 638
524 701

47 CFR

0 460
1 ..... 460, 913
2 411
13 ..... 698, 913
73 ..... 20, 414, 573, 914
74 ..... 414, 574
95 377

PROPOSED RULES:

21 293
73 ..... 293, 578, 917

49 CFR

95 466
1048 698
1207 537
1240 537
1249 ..... 538, 748

PROPOSED RULES:

131 578
170–190 750
239 765

50 CFR

12 749
28 631
33 ..... 148, 415, 416, 538, 575, 631, 632, 749, 916

PROPOSED RULES:

28 22
253 495