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PART I

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

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Title 3—THE PRESIDENT

Proclamation 3826

NATIONAL POISON PREVENTION WEEK, 1968

By the President of the United States of America

A Proclamation

Each year, half a million Americans—most of them children—accidentally swallow substances that could kill or injure them.

Two familiar substances—medicine and household products—are among the most dangerous causes of accidental poisoning among children. Both are valuable assets in our homes—when used as directed. Yet both are a potential danger—a danger no more remote than the unknowing grasp of a small child.

The federal government, together with State and local agencies, private industry, and professional and civic organizations, has tried to alert Americans to the dangers that lie on the shelves of a careless home. Since 1962, when we first called national attention to this threat, deaths by accidental poisoning among children under five years of age has declined 20 percent.

I recently signed into law a bill to establish a National Commission on Product Safety whose job it will be to identify dangerous household products.

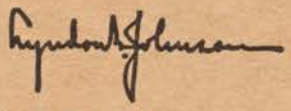
We must do more. We need to be much more alert to the dangers of accidental poisoning. And we need to learn more about how to treat it.

To stimulate public interest in this problem, I am designating the third week in March as National Poison Prevention Week, as requested by Congress.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby proclaim the week beginning March 17, 1968, as National Poison Prevention Week.

I direct the appropriate agencies of the Federal Government, and I invite State and local governments and organizations, to participate actively in programs designed to promote better protection against accidential poisonings, particularly among children.

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



[F.R. Doc. 68-1728; Filed, Feb. 8, 1968; 9:57 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by § 354.1 of the regulations concerning overtime services relating to imports and exports, effective December 24, 1967 (7 CFR 354.1), administrative instructions (7 CFR 354.2), effective August 19, 1967 (32 F.R. 11981), prescribing the commuted travel time that shall be included in each period of overtime duty are hereby amended by adding to and deleting from the "list" therein as follows:

§ 354.2 Administrative instructions prescribing commuted travel time.

* * * * *

OUTSIDE METROPOLITAN AREA

* * * * *

TWO HOURS

Add: Convent, La. (served from Baton Rouge, La.).
Add: Ontario Airport, Calif. (served from Norton AFB, Calif.).
Delete: Good Hope, La. (served from New Orleans, La.).

* * * * *

THREE HOURS

Add: Good Hope, La. (served from New Orleans, La.).
Add: Any undesignated California port served from Norton AFB, Calif.
Delete: Buras, La. (served from New Orleans, La.).
Delete: Cherry Point, N.C. (served from Wilmington, N.C.).
Delete: England AFB, La. (served from Baton Rouge, La.).

* * * * *

FOUR HOURS

Add: Ault Field, Wash. (served from Blaine, Wash.).
Add: Buras, La. (served from New Orleans, La.).
Add: Cherry Point, N.C. (served from Wilmington, N.C.).
Add: Columbia, S.C. (served from Charleston, S.C.).
Add: England AFB, Alexandria, La. (served from Baton Rouge, La.).
Add: McEntire NG Air Base, Eastover, S.C. (served from Charleston, S.C.).
Add: Myrtle Beach AFB, S.C. (served from Charleston, S.C.).
Add: Shaw AFB, Sumter, S.C. (served from Charleston, S.C.).
Delete: Barksdale AFB, La. (served from Baton Rouge, La.).

* * * * *

FIVE HOURS

Delete: Pittsburgh, Pa. (served from Cleveland, Ohio).

* * * * *

SIX HOURS

Add: Barksdale AFB, Shreveport, La. (served from Baton Rouge, La.).
Add: Charlotte, N.C. (served from Wilmington, N.C.).
Add: Greenville-Spartanburg Airport, Columbia, S.C. (served from Charleston, S.C.).
Delete: Pittsburgh, Pa. (served from Cleveland, Ohio).

* * * * *

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

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

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

Done at Hyattsville, Md., this 6th day of February 1968.

[SEAL] F. A. JOHNSTON,
Director,
Plant Quarantine Division.

[F.R. Doc. 68-1655; Filed, Feb. 8, 1968; 8:50 a.m.]

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

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 9]

PART 775—FEED GRAINS

Subpart—1966 Through 1969 Feed Grain Program Regulations

COUNTY PROJECTED YIELDS AND COUNTY RATES

Correction

In F.R. Doc. 68-847 appearing at page 1180 in the issue of Tuesday, January 30, 1968, the following corrections should be made in the tabular material in § 775.427(c):

1. Under "Alabama," the figure in the first column, opposite "Tallapoosa" should read "35.3".

2. Under "Iowa," the figure in the first column opposite "Cedar" should read "106.0" and the figure in the first column opposite "Hamilton" should read "99.0". The counties reading "Vnion" and "Uan Buren" should be changed to read "Union" and "Van Buren" respectively.

3. Under "Michigan," the figure in the first column opposite "Iron" should read "32.2". The figure in the last column for "State check yield" should be deleted.

4. Under "Texas," the figure in the last column opposite "Trinity" should read "1.33". The figure in the last column opposite "Tyler" should read "1.32".

5. Under "Washington," the third county name should read "Benton".

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

[Milk Order 133]

PART 1133—MILK IN INLAND EMPIRE MARKETING AREA

Order Amending Order

§ 1133.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Inland Empire marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in

the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective upon publication in the FEDERAL REGISTER. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued January 3, 1968 (33 F.R. 289), and the decision of the Assistant Secretary containing all amendment provisions of this order was issued January 26, 1968. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective on publication in the FEDERAL REGISTER and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Inland Empire marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order or as amended, and as hereby further amended as follows:

1. Section 1133.7 is revised to read as follows:

§ 1133.7 Plant.

"Plant" means the land, buildings, facilities, and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment which is maintained primarily for receiving, processing or packaging of fluid milk and milk products. However, an establishment that is separate from the foregoing operating unit and used only for transferring bulk milk from one tank truck to another shall not be a plant under this definition.

2. In § 1133.8, paragraph (b) is revised to read as follows:

§ 1133.8 Pool plant.

* * * * *

(b) Any plant, hereinafter referred to as a "supply pool plant", from which there is forwarded to a pool distributing plant(s) 50 percent or more each of the skim milk and butterfat in its dairy farm supply of Grade A milk during the current month during the period of September through November, or 20 percent or more during the current month during the period December through August. Any such plant which has forwarded more than 50 percent of such receipts for the entire period of September through November shall be a pool plant for the months of December through August immediately following unless the operator of such plant files with the market administrator, prior to the first day of any month(s), a written request to withdraw such plant from pool plant status for such month(s); and

* * * * *

3. In § 1133.12, paragraphs (c) (1) and (2) are revised to read as follows:

§ 1133.12 Producer milk.

* * * * *

(c) * * *

(1) A cooperative association may divert for its account, under paragraph (b)(1) of this section, the milk of any member producer eligible for diversion. The total quantity of milk so diverted, however, may not exceed 50 percent in the months of April through August, 30 percent in the months of December through March, and 20 percent in the months of September through November, of its total member milk received at all pool plants or diverted therefrom during the month. Two or more cooperative associations may have their allowable diversions computed on the basis of the combined deliveries of milk by their member producers if each association has filed in writing with the market administrator a request for such computation;

(2) A handler operating a pool plant may divert for his account under paragraph (a)(2) of this section, milk of any producer eligible for diversion, other than a member of a cooperative association which diverts milk under subparagraph (1) of this paragraph. The total quantity of milk so diverted, however, may not exceed 50 percent in the months of April through August, 30 percent in the months of December through March, and 20 percent in the months of September through November, of the milk received at or diverted from such pool plant during the month from producers who are not members of a cooperative association which diverts milk under subparagraph (1) of this paragraph;

* * * * *

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

Effective date: On publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on February 5, 1968.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 68-1626; Filed, Feb. 8, 1968; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Administrative Instructions Prescribing Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Animal Health Division by § 97.1 of the regulations concerning overtime services relating to imports and exports, effective July 31, 1966 (9 CFR 97.1), administrative instructions (9 CFR 97.2) effective July 30, 1963, as amended May 18, 1964 (29 F.R. 6318), December 7, 1964 (29 F.R. 16316), April 12, 1965 (30 F.R. 4609), June 18, 1965 (30 F.R. 7893), June 7, 1966 (31 F.R. 8020), October 11, 1966 (31 F.R. 13114), November 1, 1966 (31 F.R. 13939), November 23, 1966 (31 F.R. 14826), February 14, 1967 (32 F.R. 2843), April 15, 1967 (32 F.R. 6021), August 26, 1967 (32 F.R. 12441), and September 29, 1967 (32 F.R. 13650), prescribing the commuted travel time that shall be included in each period of overtime or holiday duty, are hereby amended by adding to or deleting from the respective "lists" therein, as follows:

OUTSIDE METROPOLITAN AREA

ONE HOUR

Add: Port of Savannah (served from Savannah, Ga.).

FOUR HOURS

Add: Port of Brunswick (served from Savannah, Ga.).

SIX HOURS

Add: Port of St. Mary's (served from Savannah, Ga.).

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal Health Division.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than 30 days after publication in the FEDERAL REGISTER.

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

These revised administrative instructions shall be effective upon publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 6th day of February 1968.

E. E. SAULMON,
Director, Animal Health Division, Agricultural Research Service.

[F.R. Doc. 68-1654; Filed, Feb. 8, 1968; 8:50 a.m.]

SUBCHAPTER F—POULTRY IMPROVEMENT

PART 145—NATIONAL POULTRY IMPROVEMENT PLAN (CHICKENS AND CERTAIN OTHER POULTRY)

PART 147—AUXILIARY PROVISIONS ON NATIONAL POULTRY AND TURKEY IMPROVEMENT PLANS

Miscellaneous Amendments

On October 13, 1967, there was published in the FEDERAL REGISTER (32 F.R. 14224) a notice of proposed amendments of the National Poultry and Turkey Improvement Plans and Auxiliary Provisions recommended by the General Conference Committee representing the State agencies cooperating in the administration of the Plans. After due consideration of all relevant material submitted in connection with such notice, and pursuant to section 101(b) of the Department of Agriculture Organic Act of 1944, as amended (7 U.S.C. 429) Parts 145 and 147 of Title 9, Code of Federal Regulations, are hereby amended in the following respects:

1. Section 145.5 is amended by revising paragraph (c) to read:

§ 145.5 Specific provisions for participating flocks.

* * * * *

(c) A flock shall be deemed to be a participating flock at any time only if its freedom from pullorum and typhoid has been demonstrated by one of the following criteria:

(1) It has been officially blood tested within the past 12 months and qualified for the U.S. Pullorum-Typhoid Clean classification as provided in § 145.10(f)(1). (See § 145.14 relating to the official blood test.);

(2) It is a multiplier breeding flock meeting the following specifications:

(i) The flock is located in a State in which all diagnostic laboratories within the State are required to report to the Official State Agency within 48 hours the source of all poultry specimens from which S. pullorum or S. gallinarum is isloated;

(ii) The flock is composed entirely of birds that originated (*a*) from flocks that qualified as U.S. Pullorum-Typhoid Clean on the basis of an official blood test of all birds in the flock as provided in § 145.10(f)(1), or (*b*) from flocks that met equivalent blood testing requirements under official supervision; and

(iii) A sample comprised of 25 percent of the birds in the flock has been officially blood tested within the past 12 months with no reactors: *Provided*, That the percentage of the flock included in the sample may be reduced by 5 percentage points following each year in which there is no evidence of infection on the premises: *And provided further*, That the sample tested for the qualification of a flock under this subparagraph shall include at least 500 birds in the first year, 400 the second year, 300 the third year, 200 the fourth year, and 100 the fifth year. The sample of birds tested shall be a representative sample drawn on a prorata basis from all pens or units of the flock. When reactors are found in the sample, all birds in the flock shall be tested and the qualification of the flock and any other flock on the same premises during the next 2 years shall be based on the testing of all birds; or

(3) It is a multiplier breeding flock composed entirely of birds that originated from flocks qualified as U.S. Pullorum-Typhoid Clean as provided in § 145.10(f)(1) or from flocks that met equivalent blood testing requirements under official supervision in a State in which it has been determined by the AH Division that:

(i) All chicken and turkey hatcheries within the State are qualified as "National Plan Hatcheries" or have met equivalent requirements for pullorum-typhoid control under official supervision;

(ii) All chicken and turkey hatchery supply flocks within the State are qualified as U.S. Pullorum-Typhoid Clean or have met equivalent requirements for blood testing under official supervision;

(iii) All shipments of products other than U.S. Pullorum-Typhoid Clean, or equivalent, into the State are prohibited;

(iv) All diagnostic laboratories within the State are required to report to the Official State Agency within 48 hours the source of all poultry specimens from which S. pullorum or S. gallinarum is isolated;

(v) All reports of S. pullorum or S. gallinarum isolation are promptly followed by an Official State Agency investigation to determine the origin of the infection;

(vi) All flocks found to be infected with pullorum or typhoid (*a*) are quarantined until marketed under the supervision of the Official State Agency, or (*b*) have been subsequently blood tested and all birds in such flocks failed to demonstrate pullorum or typhoid infection. (The use of eggs produced by a quarantined flock for hatching purposes is prohibited. The quarantined flock or any other flock on the same premises during the next 2 years may qualify as a U.S. Pullorum-Typhoid Clean flock only on the basis of official blood tests conducted by or directly supervised by a State inspector on all birds in the flock);

(vii) All chickens and turkeys going to public exhibition come from U.S. Pullorum-Typhoid Clean or equivalent flocks, or have had a negative pullorum-typhoid test within 90 days of going to public exhibition; and

(viii) A monitoring program, including official blood tests of at least 25 percent of the birds in the hatchery supply flocks in the State, is systematically conducted each year. The samples tested are selected to be representative of all hatchery supply flocks in the State. The minimum requirement as to the percentage of birds tested in the monitoring program may be reduced by 5 percent of the total number of birds in all flocks following each year in which no infected birds are detected.

* * * * *

2. Section 145.10 is amended by revising paragraph (f) to read:

§ 145.10 Terminology and classification; flock and products.

* * * * *

(f) *U.S. Pullorum-Typhoid Clean.* Flocks meeting one of the following specifications:

(1) Flocks in which no pullorum or typhoid reactors were found on the first official blood test provided for in § 145.5(c)(1): *Provided*, That if a reactor or reactors are found on the first test, the flock may qualify with two consecutive official negative tests;

(2) Flocks maintained under the conditions prescribed in § 145.5(c)(2); or

(3) Flocks maintained under the conditions prescribed in § 145.5(c)(3).

* * * * *

3. Section 147.23 is amended by revising paragraph (b) to read:

§ 147.23 Submitting, compiling and distributing proposed changes.

* * * * *

(b) Except as provided in § 147.25(d)(1), proposed changes shall be submitted in writing so as to reach the AH Division not later than 150 days prior to the opening date of the conference, and participants in a Plan shall submit their proposed changes through their Official State Agency.

(Sec. 101(b), 58 Stat. 734, as amended; 7 U.S.C. 429. 29 F.R. 16210, as amended; 30 F.R. 5799, as amended)

The foregoing amendments differ from the proposals set forth in the notice of rule making in that the amendments to the provisions for the U.S. M. Gallisepticum Tested classifications were deleted pursuant to comments received with respect to the notice. All affected poultrymen should be aware of the changes in their operations that will be required by the amendments. The General Conference Committee, and a substantial portion of the comments received with respect to the notice, recommended that the amendments be made effective as

soon as possible. It does not appear that further public rule making procedure would make additional information available to the Department concerning this matter. Therefore, under the provisions in 5 U.S.C. 553, it is found upon good cause that publication of further notice and other public procedure on the amendments are impracticable and unnecessary and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date. The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 6th day of February 1968.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 68-1653; Filed, Feb. 8, 1968; 8:50 a.m.]

Chapter II—Packers and Stockyards Administration, Department of Agriculture

PART 201—REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

Purchase of Livestock by Packers on a Carcass Grade, Carcass Weight, or Carcass Grade and Weight Basis

The Packers and Stockyards Administration has received numerous requests from all segments of the livestock industry for the establishment of guidelines and regulations governing the marketing of livestock on a carcass grade, carcass weight, or carcass grade and weight basis. This method of marketing livestock in the United States has continued to expand during the past several years. In some trade areas, and among certain packers, this has become the predominant method of marketing livestock. Conferences were held by the Administration in 1966 and 1967 with all segments of the livestock and meat packing industries to discuss the need for such a regulation and the feasibility of individual provisions . which had been suggested.

On May 30, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 7858) regarding a proposed amendment to the regulations under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), relating to the purchase of livestock by packers on a carcass grade, carcass weight, or carcass grade and weight basis. All interested parties were afforded an opportunity to submit written data, views, or arguments concerning the proposed amendment by no later than June 30, 1967. Upon request of interested parties, the time for filing such comments and views was extended to and including July 29, 1967, and was further extended through August 15, 1967. Notices of such actions were published in the FEDERAL REGISTER on June 27, 1967 (32 F.R. 9101), and August 4, 1967 (32 F.R. 11334), respectively.

The most controversial provisions in the proposed amendment were those in paragraph (d) which would require that settlement and final payment for livestock purchased by a packer on a carcass weight or carcass grade and weight basis be on actual (hot) carcass weights determined before shrouding; and that the tare weight include only the weight of hooks, rollers, and gambrels or other similar equipment used in connection with the weighing of carcasses. These matters were the subject of a public oral hearing held in Des Moines, Iowa, on November 16 and 17, 1967, pursuant to a notice published in the FEDERAL REGISTER on October 11, 1967 (32 F.R. 14106). Interested parties were afforded an additional 10 days from the close of the hearing to submit written comments and views regarding such provisions.

The purpose of the regulation promulgated herein is to provide safeguards which are necessary in order to protect the interests of producers selling livestock to packers on a carcass grade, carcass weight, or carcass grade and weight basis. In general, the regulation requires packers purchasing livestock on such a basis to:

(1) Make known to the seller, prior to the purchase, all significant details of the purchase contract;

(2) Maintain the identity of each seller's livestock and carcasses;

(3) Furnish the seller a true, written account of such purchase showing the significant details of the accounting;

(4) Maintain sufficient records to substantiate settlement for each purchase transaction;

(5) Make payment on the basis of carcass prices, and on the basis of actual (hot) carcass weights before shrouding; and

(6) Use hooks, rollers, gambrels and similar equipment of uniform weight in the weighing of carcasses from the same species of livestock in each packing plant, and include only the weight of this equipment in the tare weight.

In addition, when livestock are purchased on a grade or grade and weight basis the packer must also make payment on the basis of final USDA carcass grades, or make available to the seller detailed written specifications for any other grades used in determining final payment; and grade carcasses, or have them graded, by the close of the second business day following the day the livestock are slaughtered.

Consideration has been given to all data, views, and arguments presented at the hearing and in writing pursuant to the notices of rule making and to all other relevant information available to the Administration. As would be expected, representatives of the varying economic interests presented sharply opposed views and arguments.

The proposed regulation has generated widespread interest throughout the livestock marketing and meat packing industries. The Administration received 89 written communications prior to August 15, 1967. Statements were presented at the public oral hearing November 16 and 17, 1967, by 43 people and an additional 40 written communications were received within 10 days after the close of the oral hearing. These written communications and oral statements express the views of farmers, feeders, cattlemen, State and National farmer organizations, State and National marketing associations, college and university educators, State governments, State legislators, economists, livestock dealers, market agencies, stockyards, packers, packer organizations, and numerous individuals interested in this system of marketing livestock.

Written and oral statements in support of the proposed regulation were expressed by 21 State and National farmer or producer organizations; 26 farmers, cattlemen and feeders; 27 stockyard and market agency organizations; 12 university and college economists; one association of State governments; 15 representatives of State governments (regulatory and Agriculture Departments); two State legislators; and three meatpackers. Three national packer organizations, 13 members of these organizations, one producer, one producer organization, and two marketing associations opposed this regulation.

Many comments recommended the inclusion of certain requirements more stringent than those proposed in the notice of rule making, relating to such matters as grading, yield grades, cutability grading, time of payment, time of slaughter, definition of a carcass, disposition and value allowed for offal, and identification of carcasses.

Before the notice of proposed rule making was published, the Administration surveyed a large segment of the meatpacking industry which procures livestock on a carcass grade, carcass weight, or carcass grade and weight basis, and a large segment of the livestock industry. This survey showed that often livestock were purchased on such a basis with no clear agreement between the packer and the seller as to the basic elements of the purchase contract, such as price, date of slaughter, grading, etc., and no accounting showing these elements was rendered to the seller. Many purchase agreements or contracts issued to the seller were vague and misleading. Frequently, serious discrepancies were found to exist between the grade, weight, and condemnations of carcasses as accounted for to the seller and the actual grade, weight, and condemnations of such carcasses.

The dressed carcass which results from livestock after it has been slaughtered in a packing plant is weighed on a monorail scale prior to going into a cooler for chilling or in some cases into a fabricating room for boning. The survey of carcass weighing revealed serious discrepancies in arriving at accurate carcass weights which are used in accounting to producers. It is impossible to obtain an accurate weight consistently when a packer weighs carcasses after washing and shrouding and allows an average tare for wet shrouds. The tare weights deducted for washing and shrouding varied from 8 pounds per carcass by some packers to 15½ pounds on comparable carcasses by other packers.

In some instances an improper tare weight was used because the hooks, rollers, gambrels, shrouds, and pins were not of uniform weight. Arbitrary tare weights were used by some packers to offset losses from future trimming of carcasses after chilling.

Arbitrary shrinkage factors for beef carcasses were used by various packers to adjust pay weights. In most cases, these figures exceeded the actual amount of shrinkage from hot carcass weight to cold carcass weight. In all cases checked, the shrink utilized was in excess of actual shrink of the hot carcasses to a chilled condition. In numerous instances, the shrink used by the packer resulted in the packer's carcass sale weight being in excess of the weight used as a basis for final settlement to the seller of the livestock.

The shrink from hot carcass weights to chilled carcass weights varies from one packing plant to another because of the differences in efficiency of cooling facilities. In a newly constructed cooler with well controlled temperature and humidity, carcass shrink is less than in older coolers or those not as well constructed. Cooler shrink also varies within the industry according to the manner in which carcasses are handled. Furthermore, it varies within each packing plant according to the time various carcasses are held before shipment. These are all factors over which the farmer has no control.

Although a majority of the comments concerning paragraph (d) of the proposal strongly supports such paragraph, three national packer organizations and 13 of their members oppose said paragraph, principally on the ground that any reference to shrink and hot weight should be omitted from the regulation, thereby permitting shrink to be a matter of agreement between buyer and seller prior to the actual sale of the livestock.

Some opponents of paragraph (d) of the proposed regulation suggested that settlement for livestock purchased on a carcass weight basis should be made on the basis of hot weight minus a uniform percentage factor. The Administration's survey revealed that producers are often at a serious disadvantage when this method is used. In these instances, the packer decides what shrinkage factor he will use. This shrinkage factor is not ordinarily a negotiated term or condition of sale. The farmer is not in a position to bargain freely on the basis of a full understanding of the contract terms which are within the control of the packer and can only accept or reject the bid offered by the packer. When livestock are purchased on this basis, most farmers are led to believe that the shrink factor applied to their carcasses is actual shrink or very close to actual shrink when, in fact, in a majority of cases, the Administration has found that the actual shrink of carcasses from hot to cold weight is from 1 to 2 percent less than the shrinkage factors used by various packers in settling for beef carcasses. When farmers are led to believe that these calculated shrinkage factors represent the actual shrink on their saleable carcasses, the excessive calculated cooler shrink becomes an unfair, deceptive, and misleading practice.

Others opposing paragraph (d) of the proposed regulation suggested that the Administration should establish a uniform, industrywide shrinkage factor to apply to all purchases on a carcass basis. A uniform, industrywide shrink would mean that all packers would use the same shrink factor for payment, and all farmers and feeders would receive their payment on the basis of the same shrink. The Administration concludes that it would not be reasonable to adopt such a suggestion. In the first place, a nationwide average shrink factor would result in arbitrary, estimated weights rather than true and actual weights. It would be unfair and unjustly discriminatory in that the producer whose livestock carcass shrinks more than the average would get an undue advantage and the producer whose livestock carcass shrinks less than the average would be prejudiced. Moreover, determining an average shrink for the entire industry would be an impossible task. The average shrink rate would change as coolers, handling practices, and holding times are changed from time to time. Also, in view of the wide variation in types of coolers and variations in handling the carcasses, an industrywide, uniform shrink would involve elements of unfairness, since actual carcass shrinkage varies from packer to packer and from plant to plant. Such an average shrink factor would inflate quoted prices unrealistically, for a price based on hot carcass weight minus such shrink factor would make it possible for the buyer to cite a higher per hundredweight price to the producer without actually paying any more money for the carcass.

Others have suggested that each packing plant should apply the average shrink factor for the individual plant on purchase transactions of this type. This method would also involve payments predicated on arbitrary, estimated weights rather than true and actual weights, and would be unjustly discriminatory and unfair. The average shrink factor would have to be based upon the shrinkage experienced by a packer during a prior period—for example, during the previous month. Under this method of payment, the farmer's payment is based on what happened in the plant to someone else's livestock and on items over which he has no control. There is no persuasive reason why a seller should be subjected to a higher cooler shrink because one packer elects to hold carcasses one day longer than others. Neither should his carcasses be given a higher shrink because a packer has not modernized his cooling equipment. This is making the farmer pay for the inefficiency of the packing plant. It is unfair to producers to make their payments for livestock depend on such factors. Furthermore, in some instances properly handled carcasses will shrink more than the average shrink factor. The wide variation in the amount each carcass or lot will shrink makes this suggestion unfair to both the seller and packer.

Settlement for carcasses purchased on the basis of actual cold weight or actual shrink experienced in the cooler would be an impracticable cost burden for most packers. Carcasses from one purchase or one lot may be sold by the packer at different times to different buyers. Facilities are not normally available to reweigh a group of carcasses from the same lot after they have had a specified chill in the coolers. In most instances cooler facilities would have to be rearranged and additional equipment installed. This would involve extra labor costs and confusion in cooler operations. Most packers oppose this system due to the additional costs and problems involved. Even if the industry had facilities available for weighing chilled carcasses for final payment, settlement on the basis of such weights would be unfair principally because the packer has control of the conditions and facilities which govern shrink. Therefore, the Administration concludes that it is not reasonable to require settlement on this basis.

Accordingly, it is the view of the Packers and Stockyards Administration that settlement and final payment for livestock purchased by a packer on a carcass weight or carcass grade and weight basis should be on the actual (hot) carcass weights, as set forth in paragraph (d) of the regulation. It is the view of the Administration that such basis for settlement and final payment is fair, reasonable, and nondiscriminatory and is necessary in order to avoid unfair, unjustly discriminatory and deceptive practices in connection with such purchases. Hot weight is an actual weight and the scales used to ascertain this weight are tested and operated under the supervision of the Administration. The hot weight of carcasses is currently determined as a routine matter by packers and is available for use in transactions of this type.

The universal use of hot weight for settlement purposes will also permit the farmer to better understand and compare prices and therefore bargain freely and more effectively with competing buyers.

The principal packer objection to this system is that carcasses shrink as they chill and the packer then absorbs the shrink. However, this shrink factor can easily be taken into consideration by the packer in the price paid per hundredweight when the purchase is negotiated between the seller and the packer. At the present time, virtually all hogs are purchased and settlement is made by packers on the basis of hot weight. There are some differences in handling hog carcasses and beef carcasses, but none are of such significance as to warrant a different system of settlement and final payment for the purchases.

Paragraph (d) of the regulation also requires that such weight be determined before shrouding and that the tare

weight include only the weight of the hooks, rollers, gambrels, and similar equipment. The accuracy of the tare weight is vitally important in accurate weight determination. Some packers weigh cattle carcasses before shrouding and pinning while others weigh carcasses after shrouding and deduct a tare for the weight of the pins, the shrouds, and the additional water held by the shrouds. Weight picked up in the shrouding process varies due to the size, age, texture, condition, and the moisture absorbing ability of the shroud. The wide range of variations in additional weight picked up in the shrouding process makes such tare weight deductions inaccurate for settlement purposes.

Some packers have increased their tare weight deductions to allow for factors such as excess internal waste fat which they expect to trim after weighing. There is no way that the amount of this kind of future trimming can be accurately predetermined; and the farmer cannot adequately compare the price bids of various packers who use different tare weight deductions. Such discrepancies all too frequently result in the farmer being paid on less than actual weight. Therefore, it is reasonable to conclude that any tare weight deduction should be limited to only the hooks, rollers, and gambrels or other similar equipment. Furthermore, such hooks, rollers, and gambrels should be uniform in weight for the same species of livestock.

Statements made by academic and other professional economists, relating to paragraph (d) of the regulation, pointed out that sellers find it difficult, and sometimes impossible, to compare prices quickly in the bargaining process when a number of factors, some of which may be even inaccurate or incorrect, affect the sales value as well as the quoted price. The proliferation of a variety of shrink and tare weight adjustments unnecessarily confuses and complicates the price comparisons farmers must make when several packers bid for their livestock, and often misleads the farmer. The complexity of bid comparisons is further compounded by the fact that packers currently use different procedures or policies when weighing, grading, and condemning carcasses.

In a truly competitive market situation, trading prices have a central role in guiding and directing the economy. They provide the signals which guide producers regarding their decisions as to when and where to market. The responses to such signals are made more difficult when prices cannot readily, instantly, and accurately be compared during the bargaining process. Weight adjustments for the purpose of inflating or puffing the apparent prices paid to farmers distort the price signals that are relayed through the marketing and distribution system. They interfere with the effectiveness of the competitive pricing system in a truly free market. The same interference results when payment is made on the basis of actual shrink in one case, and on the basis of average shrink for a previous week or month in another situation. The common use of actual (hot) carcass weight for the purpose of settlement would be fair and reasonable and would improve the effectiveness of the competitive pricing system.

A system of settlement under which a farmer is paid on the basis of accurate weights, and one under which he is paid for each full pound of beef carcasses which he delivers, should benefit the entire livestock and meat packing industries. It is only reasonable and fair that this standard should be applied to purchases of livestock on a carcass weight or carcass grade and weight basis by packers subject to the Packers and Stockyards Act.

As a result of careful consideration of all the views and comments received, and on the facts available, the Packers and Stockyards Administration has determined that the proposed regulation should be issued. Therefore, pursuant to section 407(a) of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 228), the regulations under such Act are hereby amended by adding a new § 201.99 reading as follows:

§ 201.99 Purchase of livestock by packers on a carcass grade, carcass weight, or carcass grade and weight basis.

(a) Each packer purchasing livestock on a carcass grade, carcass weight, or carcass grade and weight basis shall, prior to such purchase, make known to the seller, or to his duly authorized agent, the details of the purchase contract. Such details shall include, when applicable, expected date and place of slaughter, carcass price, condemnation terms, description of the carcass trim, grading to be used, accounting, and any special conditions.

(b) Each packer purchasing livestock on a carcass grade, carcass weight, or carcass grade and weight basis, shall maintain the identity of each seller's livestock and the carcasses therefrom and shall, after determination of the amount of the purchase price, transmit or deliver to the seller, or his duly authorized agent, a true written account of such purchase showing the number, weight, and price of the carcasses of each grade (identifying the grade) and of the ungraded carcasses, an explanation of any condemnations, and any other information affecting final accounting. Packers purchasing livestock on such a basis shall maintain sufficient records to subtantiate the settlement of each transaction.

(c) When livestock are purchased by a packer on a carcass weight or carcass grade and weight basis, purchase and settlement therefor shall be on the basis of carcass price. This paragraph does not apply to purchases of livestock by a packer on a guaranteed yield basis.

(d) Settlement and final payment for livestock purchased by a packer on a carcass weight or carcass grade and weight basis shall be on actual (hot) carcass weights determined before shrouding. The hooks, rollers, and gambrels or other similar equipment used at a packing establishment in connection with the weighing of carcasses of the same species of livestock shall be uniform in weight. The tare weight shall include only the weight of such equipment.

(e) Settlement and final payment for livestock purchased by a packer on a USDA carcass grade shall be on an official (final—not preliminary) grade. If settlement and final payment are based upon any grades other than official USDA grades, such other grades shall be set forth in detailed written specifications which shall be made available to the seller or his duly authorized agent. For purposes of settlement and final payment for livestock purchased on a grade or grade and weight basis, carcasses shall be final graded before the close of the second business day following the day the livestock are slaughtered.

(Sec. 407, 42 Stat. 169; 7 U.S.C. 228, 29 F.R. 16210, as amended 32 F.R. 7186)

The provisions of the amendment are the same as those proposed in the notice of rule making published in the FEDERAL REGISTER on May 30, 1967 (32 F.R. 7858), except for minor changes in the language of paragraphs (a), (b), and (e). The phrase "or his duly authorized agent" has been added to paragraph (a). The proposed requirement that a packer shall, on request of the seller, make available for inspection all substantiating records which affect final settlement has been deleted from paragraph (b). Such modifications have been made for the purpose of clarifying the requirements under the regulation and in response to the suggestions and recommendations of the industry.

The language of paragraph (e) has been slightly modified to clarify the fact that the requirements of such paragraph are applicable only when livestock are sold on a grade or grade and weight basis. In addition, the proposed requirement of final grading within 72 hours in such case has been changed to require final grading before the close of the second business day following the day the livestock are slaughtered. This change has also been made to accommodate suggestions submitted by the industry.

It does not appear that further notice of proposed rule making regarding the aforesaid modifications would make additional information available to the Packers and Stockyards Administration. Accordingly, it is found upon good cause, under the administrative procedure provisions of 5 U.S.C., 553, that further notice and public procedure respecting this matter are impracticable and unnecessary.

The foregoing amendment shall become effective 60 days after the date of signature hereof.

Done at Washington, D.C., this 6th day of February 1968.

DONALD A. CAMPBELL,
Acting Administrator, Packers and Stockyards Administration.

[F.R. Doc. 68-1659; Filed, Feb. 8, 1968; 8:51 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C–1284]

PART 13—PROHIBITED TRADE PRACTICES

Mastercraft Furniture Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees.* § 13.155 *Prices:* 13.155–40 Exaggerated as regular and customary. Subpart—Furnishing means and instrumentalities of misrepresentation or deception. § 13.1055. *Furnishing means and instrumentalities of misrepresentation or deception:* 13.1055–50 Preticketing merchandise misleadingly. Subpart: Misrepresenting oneself and goods—Goods: § 13.1647 *Guarantees;* Misrepresenting oneself and goods—Prices: § 13.1811 *Fictitious preticketing.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Mastercraft Furniture Corp. et al., Omaha, Nebr., Docket C–1284, Jan. 8, 1968]

In the Matter of Mastercraft Furniture Corp., a Corporation, and Julius Katzman and Maurice Katzman, Individually and as Officers of Said Corporation

Consent order requiring an Omaha, Nebr., furniture manufacturer to cease falsely representing its products as nationally advertised, preticketing its merchandise, making deceptive guarantees, and supplying others with means to deceive purchasers.

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

It is ordered, That respondents Mastercraft Furniture Corp., a corporation, and its officers, and Julius Katzman and Maurice Katzman, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the manufacturing, advertising, offering for sale, sale, or distribution of furniture or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Advertising, disseminating, or distributing any list, preticketed or suggested retail price that is not established in good faith as an honest estimate of the actual retail price or that appreciably exceeds the highest price at which substantial sales are made in respondents' trade area.

2. Misrepresenting in any manner the prices at which respondents' merchandise is sold at retail.

3. Representing that respondents' merchandise or prices are advertised in nationally distributed publications or other media having national distribution.

4. Representing, directly or by implication, that respondents' products or prices are advertised to any extent or in any manner: *Provided however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that advertising of such products or prices is actually disseminated as represented.

5. Representing that respondents' products are unconditionally guaranteed when there are any conditions or limitations to such guarantees.

6. Using the word "Lifetime" or any other term of the same import in referring to the duration of a guarantee of a product without clearly and conspicuously disclosing the life to which such reference is made; or misrepresenting in any manner the duration of a guarantee.

7. Representing, directly or by implication, that any of respondents' products are guaranteed unless the nature and extent of the guarantee, the identity of the guarantor and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

8. Placing in the hands of their agents, salesmen, distributors or retail dealers, or any other person or persons, means and instrumentalities by and through which they may deceive or mislead the purchasing public as hereinabove prohibited.

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

Issued: January 8, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68–1585; Filed, Feb. 8, 1968; 8:45 a.m.]

[Docket No. C–1283]

PART 13—PROHIBITED TRADE PRACTICES

Oliver Brothers, Inc., and Irvin Segal

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30–75 Textile Fiber Products Identification Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73–90 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46, Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130, 72 Stat. 1717; 15 U.S.C. 45, 68, 70) [Cease and desist order, Oliver Brothers, Inc., et al., Philadelphia, Pa., Docket C–1283, Jan. 8, 1968]

In the Matter of Oliver Brothers, Inc., a Corporation and Irvin Segal Individually and as an Officer of Said Corporation

Consent order requiring a Philadelphia, Pa., manufacturer of men's athletic wear, to cease misbranding its wool products and deceptively advertising its textile fiber products.

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

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

1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to character or amount of constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification correctly showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Affixing or placing the stamp, tag, label, or mark of identification required under the said Act or the information required by said Act and the rules and regulations promulgated thereunder, on wool products in such a manner as to be minimized, rendered obscure or inconspicuous or so as to be unnoticed or unseen by purchasers and purchaser-consumers, when said wool products are offered or displayed for sale or sold to purchasers or the consuming public.

It is further ordered, That respondents Oliver Brothers, Inc., a corporation, and its officers, and Irvin Segal, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products,

as the terms "commerce" and "textile fiber products" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from falsely and deceptively advertising textile fiber products by:

1. Making any representations, directly or by implication, as to fiber content of any textile fiber product in any written advertisement which is used to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of such textile fiber product, unless the same information required to be shown on the stamp, tag, label, or other means of identification under section 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

2. Using a fiber trademark in an advertisement without a full disclosure of the required content information in at least one instance in the said advertisement.

3. Using a fiber trademark in advertising textile fiber products containing more than one fiber without such fiber trademark appearing in the required fiber content information in immediate proximity and conjunction with the generic name of the fiber in plainly legible type or lettering of equal size and conspicuousness.

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

Issued: January 8, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68-1586; Filed, Feb. 8, 1968; 8:45 a.m.]

Title 12—BANKS AND BANKING

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

PART 1—INVESTMENT SECURITIES REGULATION

Los Angeles Convention and Exhibition Center Authority

§ 1.205 Los Angeles Convention and Exhibition Center Authority.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $18 million Los Angeles Convention and Exhibition Center Authority Revenue Bonds, Series A, for purchase, dealing in, underwriting, and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Los Angeles Convention and Exhibition Center Authority is a public entity created under the laws of California by an agreement between the City of Los Angeles and the County of Los Angeles. Under this agreement the Authority is authorized to construct and lease to the City a convention and exhibition center and to issue bonds to finance the project. The Authority is issuing these bonds (Series A) to finance the acquisition of the site, demolition, architectural fees, and miscellaneous financing expenses for the Los Angeles Convention and Exhibition Center. It is expected that $20,500,000 Series B bonds will be issued later to finance construction of the center.

(2) Under the lease rental agreement the City has unconditionally promised to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on both the Series A and Series B bonds as well as other necessary expenses. The City which possess general powers of taxation has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion, therefore, that the $18 million Los Angeles Convention and Exhibition Center Authority Revenue Bonds, Series A, are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and, accordingly, are eligible for purchase, dealing in, underwriting, and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

Dated: February 5, 1968.

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

[F.R. Doc. 68-1662; Filed, Feb. 8, 1968; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 67-EA-142]

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

Alteration of Control Zone

The Federal Aviation Administration is amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Oceana, Va., control zone.

The U.S. Navy expects to decommission the Navy Fentress VOR and therefore it must be deleted from the description of the control zone.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective upon publication in the FEDERAL REGISTER as hereinafter set forth:

Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the Oceana, Va., control zone the words "within 2 miles each side of the Navy Fentress VOR 033° radial, extending from the 5-mile radius zone to the VOR."

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on January 22, 1968.

WAYNE HENDERSHOT, *Acting Director, Eastern Region.*

[F.R. Doc. 68-1605; Filed, Feb. 8, 1968; 8:47 a.m.]

[Airspace Docket No. 68-SO-3]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Beaufort, S.C., control zone.

The control zone extension predicated in § 71.171 (32 F.R. 2071).

The control zone extension predicated on the 042° bearing from the MCAS Beaufort RBN does not provide the required controlled airspace, protection for aircraft executing TACAN approaches. The 037° radial of the MCAS Beaufort TACAN is the final approach radial for the TACAN standard instrument approach procedures. Therefore, it is necessary to alter the control zone to encompass the airspace within 2 miles each side of the TACAN 037° radial, extending from the 5-mile radius zone to 6.5 miles northeast of the TACAN to provide the required controlled airspace protection for the TACAN instrument approach procedures. Less than 2 square miles of uncontrolled airspace is added to the control zone by this alteration.

Since this amendment is minor in nature and in the interest of safety, notice and public procedure hereon are unnecessary.

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

In § 71.171 (33 F.R. 2058), the Beaufort, S.C., control zone is amended to read:

BEAUFORT, S.C.

Within a 5-mile radius of MCAS Beaufort (lat. 32°28'40" N., long. 80°43'20" W.); within 2 miles each side of the 042° bearing from the MCAS Beaufort RBN, extending from the 5-mile radius zone to 8 miles northeast of the RBN; within 2 miles each side of the MCAS Beaufort TACAN 037° radial, extending from the 5-mile radius zone to 6.5 miles northeast of the TACAN.

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

Issued in East Point, Ga., on January 30, 1968.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 68-1606; Filed, Feb. 8, 1968; 8:47 a.m.]

[Airspace Docket No. 67-EA-132]

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

Alteration of Control Zone and Transition Area

The Federal Aviation Administration is amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Providence, R.I., control zone and transition area.

The Theodore Francis Green Airport, Providence, R.I., has been changed to the Theodore Francis Green State Airport. An amendment is necessary to reflect this change.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective upon publication in the FEDERAL REGISTER as hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to insert in the description of the Providence, R.I., control zone the word "State" after the word "Green".

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to insert in the description of the Providence, R.I., transition area the word "State" after the word "Green".

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on January 23, 1968.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 68-1607; Filed, Feb. 8, 1968; 8:47 a.m.]

[Airspace Docket No. 67-EA-136]

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

Alteration of Transition Area

The Federal Aviation Administration is amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Middletown, Ohio, 700-foot floor transition area.

The Middletown, Ohio, RBN has been changed to Hook Field, Ohio, RBN and will require an editorial change in the transition area description to reflect the change.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective upon publication in the FEDERAL REGISTER as hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Middletown, Ohio, transition area the words "Middletown, Ohio, RBN" and insert in lieu thereof the words "Hook Field, Ohio, RBN."

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on January 23, 1968.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 68-1609; Filed, Feb. 8, 1968; 8:47 a.m.]

[Airspace Docket No. 67-CE-124]

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

Designation of Transition Area

On page 16437 of the FEDERAL REGISTER dated November 30, 1967, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Adrian, Mich.

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

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

This amendment shall be effective 0001 e.s.t., March 28, 1968.

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

Issued in Kansas City, Mo., on January 22, 1968.

DANIEL E. BARROW,
Acting Director, Central Region.

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

ADRIAN, MICH.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Adrian Municipal Airport (latitude 41°52'10" N., longitude 84°04'30" W.); and within 2 miles each side of the 223° bearing from Adrian Municipal Airport, extending from the 6-mile radius area to 8 miles southwest of the airport.

[F.R. Doc. 68-1610; Filed, Feb. 8, 1968; 8:47 a.m.]

[Airspace Docket No. 67-PC-4]

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

Designation and Alteration of VOR Federal Airways; Alteration of Transition Area; and Designation and Revocation of Reporting Points

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is alter Hawaii VOR Federal airways Nos. 1, 10, and 16; designate Hawaii VOR Federal airways Nos. 18 and 19; alter the Hilo, Hawaii, transition area; revoke the Skipjack reporting point; and designate the Crater, Clam, and Lobster reporting points.

As parts of these amendments relate to the navigable airspace outside the United States, this rule is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state

accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since these amendments involve, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Since the realignment and designation of these airways and the alteration of the Hilo transition area are required in the interest of safety and for the expeditious movement of the increased volume of air traffic operating within the greater Hilo, Hawaii, area, the Administrator has determined that notice and public procedure hereon is impractical, and for that reason this action may become effective in less than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 29, 1968, as hereinafter set forth.

1. Section 71.127 (33 F.R. 2047) is amended as follows:

a. V–1 Hawaii is amended to read:

V–1 Hawaii From INT Upolu Point, Hawaii, 093° and Hilo, Hawaii 334° radials, 12 AGL INT Upolu Point 093° and Hilo 013° radials; 12 AGL Hilo.

b. V–10 Hawaii is amended to read:

V–10 Hawaii From Hilo, Hawaii, 12 AGL to INT Hilo 057° radial and the Honolulu FIR/Oceanic CTA.

c. In V–16 Hawaii all after "12 AGL Upolu Point, Hawaii;" is deleted, and "12 AGL INT Upolu Point 108° and Hilo, Hawaii 013° radials; 12 AGL Hilo." is substituted therefor.

d. V–18 Hawaii is added:

V–18 Hawaii From Upolu Point, Hawaii, 12 AGL to INT Upolu Point 076° radial and the Honolulu FIR/Oceanic CTA.

e. V–19 Hawaii is added:

V–19 Hawaii From Hilo, Hawaii, 12 AGL to the INT Hilo 013° radial and the Honolulu FIR/Oceanic CTA.

2. In § 71.181 (33 F.R. 2137) Hilo, Hawaii, is amended by deleting everything after "to the Hilo VOR 154° radial;" and substituting "and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of the Hilo VOR extending from the arc of a 7-mile radius circle centered on General Lyman Airport clockwise from a line 5 miles southwest of and parallel to the Hilo 334° radial to a line 5 miles south of and parallel to the Hilo VOR 121° radial, and within a 12-mile radius of the Hilo VOR, extending from the arc of a 5-mile radius circle centered on General Lyman Airport clockwise from the Hilo VOR 121° radial to a line 7 miles southwest of and parallel to the Hilo VOR 149° radial, and within a 55-mile radius of the Hilo VOR, extending from the arc of a 30-mile radius circle centered on the Hilo VOR clockwise from V–10 to a line 5 miles south of and parallel to the Hilo VOR 080° radial, and within the area bounded on the north by V–18, on the northeast by the Honolulu FIR/Oceanic control area, on the southeast by V–10, on the southwest by the arc of a 30-mile radius circle centered on the Hilo VOR, and on the west by V–19, and within the area bounded on the north by V–18, on the east by V–19, on the south by V–1, and on the west by the North Hilo, Hawaii, transition area." therefor.

3. Section 71.215 (33 F.R. 2294) is amended as follows:

a. "Skipjack INT:" is revoked.

b. "Clam INT: INT of Upolu Point, Hawaii, 076° radial and the Honolulu FIR/Oceanic CTA at lat. 20°35′ N., long. 154°12′ W." is added.

c. "Crater INT: INT of Hilo, Hawaii, 057° radial and the Honolulu FIR/Oceanic CTA at lat. 20°22′ N., long. 153°57′ W." is added.

d. "Lobster INT: INT of Hilo, Hawaii, 013° radial and the Honolulu FIR/Oceanic CTA at lat. 21°02′ N., long. 154°42′ W." is added.

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

Issued in Washington, D.C., on February 5, 1968.

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

[F.R. Doc. 68–1631; Filed, Feb. 8, 1968; 8:49 a.m.]

[Airspace Docket No. 67–WE–78]

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

Designation of Transition Area

On page 20987 of the FEDERAL REGISTER for December 29, 1967, the Federal Aviation Administration published a notice of proposed rule making to amend Part 71 of the Federal Aviation Regulations that would designate controlled airspace in the Lakeview, Oreg., terminal area. Interested persons were given 30 days after publication of the notice in which to submit written comments, suggestions, or objections.

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

Effective date. This amendment is effective April 25, 1968.

Issued in Los Angeles, Calif., on February 2, 1968.

LEE E. WARREN,
Acting Director, Western Region.

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

LAKEVIEW, OREG.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lake County-Lakeview Airport (latitude 42°09′35″ N., longitude 120°24′15″ W.), and within 2 miles each side of the 180° bearing from the Lakeview RBN (latitude 42°09′15″ N., longitude 120°24′18″ W.), extending from the RBN to 8 miles south of the RBN; that airspace extending upward from 1,200 feet above the surface within 6 miles east and 9 miles west of the 180° and 360° bearings from the Lakeview RBN extending from 5 miles north to 18 miles south of the RBN.

[F.R. Doc. 68–1632; Filed, Feb. 8, 1968; 8:49 a.m.]

[Airspace Docket No. 67–WE–80]

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Jet Routes

The purpose of this amendment is to alter the alignment of Jet Route No. J–65 between Bakersfield, Calif., and Fresno, Calif.

J–65 is presently aligned in part from Bakersfield via INT of the Bakersfield 345° and the Fresno 150° radials to Fresno. Action is taken herein to realign this portion of J–65 from Bakersfield direct to Fresno.

Most aircraft operating along J–65 are presently cleared direct between Bakersfield and Fresno. The action taken herein will eliminate the dogleg, decrease the distance and eliminate the necessity for issuance of numerous direct clearances between Bakersfield and Fresno.

Since this amendment is minor in nature and reduces the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, § 75.100 (33 F.R. 2349) is amended, effective 0001 e.s.t., March 28, 1968, as hereinafter set forth:

In Jet Route No. 65 "INT of the Bakersfield 345° and the Fresno, Calif., 150° radials; Fresno;" is deleted, and "Fresno, Calif.;" is substituted therefor.

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

Issued in Washington, D.C., on January 31, 1968.

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

[F.R. Doc. 68–1608; Filed, Feb. 8, 1968; 8:47 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 8696; Amdt. 580]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

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

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

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

1. By amending § 97.11 of Subpart B to establish low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

ADF Standard Instrument Approach Procedure

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Capron Int	Alva NDB	Direct	3000	T-dn	300–1	300–1	200–½
				C-dn	900–1	900–1	900–1½
				S-dn-35	800–1	800–1	800–1
				A-dn	NA	NA	NA

Procedure turn W side of crs, 160° Outbnd, 340° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2270′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished after passing Alva NDB, turn left to heading 160°, climb to 3000′; hold S of Alva NDB on bearing 160°–340° Inbnd, 1-minute left turns.
NOTE: Use Gage, Okla., FSS altimeter setting.
MSA within 25 miles of facility: 000°–360°—3400′.

City, Alva; State, Okla.; Airport name, Alva Municipal; Elev., 1470′; Fac. Class., MHW; Ident., AVK; Procedure No. NDB(ADF) Runway 35, Amdt. Orig.; Eff. date, 29 Feb. 68

Nevada Int	BNW NDB	Direct	3000	T-dn	300–1	300–1	200–½
FOD VOR	BNW NDB	Direct	3000	C-d	700–1	700–1	700–1½
DSM VOR	BNW NDB	Direct	3000	C-n	700–1½	700–1½	700–1½
				S-dn-14	700–1	700–1	700–1
				A-dn	NA	NA	NA

Procedure turn W side of crs, 331° Outbnd, 151° Inbnd, 2800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1847′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of NDB, climb to 2800′ on 151° bearing from NDB within 10 miles, return to NDB.
NOTE: Use Des Moines, Iowa, altimeter setting.
CAUTION: Runways 2/20 unlighted.
MSA within 25 miles of facility: 000°–180°—2700′; 180°–360°—2500′.

City, Boone; State, Iowa; Airport name, Boone Municipal; Elev., 1147′; Fac. Class., MH; Ident., BNW; Procedure No. NDB(ADF) Runway 14, Amdt. Orig.; Eff. date, 29 Feb. 68

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn* C-d S-d-18 A-dn	300-1 500-1 500-1 NA	300-1 500-1 500-1 NA	300-1 500-1½ 500-1 NA

Radar available.
Procedure turn E side of crs, 339° Outbnd, 159° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 159°—3.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.1 miles after passing SHB VOR, make right turn and return to SHB VOR at 2400′.
NOTES: (1) Use Indianapolis altimeter setting. (2) Final approach from holding pattern at SHB VOR not authorized, procedure turn required.
*CAUTION: 1125′ tower, 1.7 miles SE. On E or S departures climb to 1600′ in runway heading before proceeding on crs.
MSA within 25 miles of facility: 000°–180°—2300′; 180°–270°—3100′; 270°–360°—2800′.

City, Shelbyville; State, Ind.; Airport name, Shelbyville Memorial; Elev., 804′; Fac. Class., L-BVOR; Ident., SHB; Procedure No. VOR Runway 18, Amdt. Orig.; Eff. date, 29 Feb. 68

2. By amending § 97.11 of Subpart B to amend low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

VOR–DME STANDARD INSTRUMENT APPROACH PROCEDURE

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn% C-dn* S-dn-25*# A-dn* FM minimums: S-dn-25*	300-1 600-1 600-1 800-2 400-1	300-1 600-1 600-1 800-2 400-1	300-1 600-1½ 600-1 800-2 400-1

Shuttle descent to 6000′ on R 045° LWS VOR.
Procedure turn N side of crs, 045° Outbnd, 225° Inbnd, 4600′ within 10 miles.
Minimum altitude over facility on final approach crs, 3700′; over Orchards FM, 2038′.
Crs and distance, facility to airport, 246°—5.8 miles; Orchards FM to airport, 246°—1.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing LWS VOR or 1.5 miles after passing Orchards FM, climb to 5000′ on R 246° within 15 miles of LWS VOR.
*Alternate minimums not authorized when weather service not available. Use Walla Walla altimeter setting when Lewiston altimeter not available. Authorized ceiling minimums 300′ higher when Walla Walla altimeter used.
%Takeoffs all runways: Climb direct LWS VOR, thence climb on LWS VOR R 234° within 10 miles to cross the VOR at or above 3000′ northbound on V253; 3000′ westbound on V520′; 3500′ southbound on V253.
#Sliding scale not authorized for landing.
MSA within 25 miles of facility 000°–090°—5200′; 090°–180°—6800′; 180°–270°—7100′; 270°–360°—6000′.

City, Lewiston; State, Idaho; Airport name, Lewiston-Nez Perce County; Elev., 1438′; Fac. Class., L-BVOR; Ident., LWS; Procedure No. VOR Runway 25, Amdt. 3; Eff. date, 29 Feb. 68 or upon commissioning of Orchards FM; Sup. Amdt. No. VOR 1, Amdt. 2; Dated 21 Nov. 64

R 020°, OTM VOR clockwise	R 123°, OTM VOR	Via 7-mile DME Arc.	2600	T-dn C-dn	300-1 500-1	300-1 500-1	200-½ 500-1½
R 245°, OTM VOR counterclockwise	R 123°, OTM VOR	Via 7-mile DME Arc.	2600	S-dn-32 A-dn	500-1 800-2	500-1 800-2	500-1 800-2
7-mile DME Fix, R 123° OTM VOR	OTM VOR (final)	Direct	2400	DME minimums: C-dn S-dn-32	 400-1 400-1	 500-1 400-1	 500-1½ 400-1

Procedure turn N side of crs, 123° Outbnd, 303° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 2400′; over 4-mile DME Fix (R 303°) 1345′.
Crs and distance, facility to airport, 303°—6.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.7 miles after passing OTM VOR, make right turn, climbing to 2600′ and return to OTM VOR.
MSA within 25 miles of facility: 000°–360°—2400′.

City, Ottumwa; State, Iowa; Airport name, Ottumwa Industrial; Elev., 845′; Fac. Class., L-BVORTAC; Ident., OTM; Procedure No. VOR Runway 32, Amdt. 8; Eff. date, 29 Feb. 68; Sup. Amdt. No. VOR 1, Amdt. 7; Dated, 30 July 66

VOR–DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Pittsburgh Int	CCR VOR	Direct	4000	T–dn%	300–1	300–1	200–½
CCR VOR	Berkeley Int/DME	Direct	4000	C–dn#	500–1	500–1	500–1¼
Berkeley Int/DME	South Shore Int/DME (final)	Direct	2500	S–dn–19L$	400–1	400–1	400–1
R 320°, SFO VOR clockwise	R 360°, SFO VOR	17-mile Arc	4000	A–dn	800–2	800–2	800–2
R 360°, SFO VOR clockwise	R 011°, SFO VOR	17-mile Arc SFO R 004° lead radial.	3600				
R 080°, SFO VOR counterclockwise	R 022°, SFO VOR	17-mile Arc	4000				
R 022°, SFO VOR counterclockwise	R 011°, SFO VOR	17-mile Arc SFO R 018°, lead radial.	3600				

Radar available.
Procedure turn not authorized. Final approach crs, 191° Inbnd.
Minimum altitude over South Shore Int on final approach crs, 2500'; over Oyster Int, 1100'.
Facility on airport. Final approach crs, parallel to and between Runways 19 L/R.
Crs and distance, Oyster Int to VOR, 191°—4.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3 miles after passing Oyster Int/DME or 0 mile after passing IA LMM, turn left, climb to 2500' on SFO, R 101° within 10 miles.
%700–1 required for takeoff on Runways 19 L/R, and left turn must be started as soon as practicable. Terrain over 1000', 3 miles S of airport. Sliding scale not authorized.
%IFR departures must comply with published San Francisco SID's.
#1100' ceiling required for circling S of Runway 10/28 for all aircraft and 700' ceiling required for circling NW of Runways 10/28 and 01/19 for 4-engine turbojets.
$400–¾ authorized, with operative HIRL, except for 4-engine turbojets.
MSA within 25 miles of facility: 000°–090°—4900'; 090°–180°—4300'; 180°–270°—3000'; 270°–360°—3700'.

City, San Francisco; State, Calif.; Airport name, San Francisco International; Elev., 11'; Fac. Class., L–VOR/DME; Ident., SFO; Procedure No. VOR Runway 19L, Amdt. 11; Eff. date, 16 Feb. 68 or upon commissioning of ILS (I–SIA); Sup. Amdt. No. VOR–19L, Amdt. 10; Dated, 5 Mar. 66

3. By amending § 97.11 of Subpart B to delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Farmingdale, N.Y.—Republic Field, ADF 1, Amdt. 5, 20 Aug. 1966 (established under Subpart C).
Thomasville, Ga.—Thomasville Municipal, VOR 1, Amdt. 3, 27 June 1964 (established under Subpart C).

4. By amending § 97.11 of Subpart B to cancel low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

PROCEDURE CANCELED, EFFECTIVE 16 FEB. 1968, OR UPON COMMISSIONING OF SFO ILS–19L (I–SIA).

City, San Francisco; State, Calif.; Airport name, San Francisco International; Elev., 12'; Fac. Class., MHW; Ident., SIA; Procedure No. 2, Amdt. 1; Eff. date, 5 Mar. 66; Sup. Amdt. No. Orig.; Dated, 9 Oct. 65

5. By amending § 97.15 of Subpart B to establish very high frequency omnirange-distance measuring equipment (VOR/DME) procedures as follows:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
FYV VORTAC	20-mile DME Fix, R 284°	Direct	3000	T–dn	300–1	300–1	NA
FYV VORTAC, R 261° clockwise	FYV VORTAC, R 284°	Via 23-mile DME Arc.	3000	C–dn	600–1	600–1	NA
23-mile DME Fix, R 284°	20-mile DME Fix, R 284° (final)	Direct	2100	S–dn–13	600–1	600–1	NA
				A–dn	NA	NA	NA

Procedure turn S side of crs, 284° Outbnd, 104° Inbnd, 3000' within 5 miles of 20-mile DME Fix.
Minimum altitude over 20-mile DME Fix on final approach crs, 2100'; over 17-mile DME Fix, 1780'.
Crs and distance, 20-mile DME Fix to MAP, 104°—3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at the 17-mile DME Fix, turn left to intercept R 284°, climb to 3000'; hold W, left turns between 20-mile and 23-mile DME Fixes on FYV VORTAC, R 284°, 104° Inbnd crs.
NOTES: (1) Approach from holding pattern authorized, cross 23-mile Fix Inbnd, 2800'. (2) Use Fayetteville FSS altimeter setting.
MSA within 25 miles of facility: 090°–180°—3500'; 180°–090°—3100'.

City, Decatur; State, Ark.; Airport name, Crystal Lake; Elev., 1180'; Fac. Class., H–BVORTAC; Ident., FYV; Procedure No. VOR/DME Runway 13, Amdt. Orig.; Eff. date, 29 Feb. 68

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
OTM VOR	17-mile DME Fix, R 304°	Direct	2500	T-dn	300-1	300-1	200-½
R 245°, OTM VOR clockwise	R 304°, OTM VOR	Via 17-mile DME Arc.	2500	C-dn	400-1	500-1	500-1½
				S-dn-14	400-1	400-1	400-1
R 020°, OTM VOR counterclockwise	R 304°, OTM VOR	Via 17-mile DME Arc.	2500	A-dn	800-2	800-2	800-2
17-mile DME Fix OTM VOR, R 304°	11-mile DME Fix OTM VOR, R 304° (final).	Direct	1900				

Procedure turn N side of crs, 304° Outbnd, 124° Inbnd, 2500′ within 10 miles of 11-mile DME Fix OTM VOR, R 304°.
Minimum altitude over 11-mile DME Fix, R 304° on final approach crs, 1900′.
Crs and distance, 11-mile DME Fix, R 304° to airport, 124°—3.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 7.5-mile DME Fix, climb to 2600′ on R 304° to OTM VOR, MSA within 25 miles of facility: 000°-360°—2400′.

City, Ottumwa; State, Iowa; Airport name, Ottumwa Industrial; Elev., 845′; Fac. Class., L-BVORTAC; Ident., OTM; Procedure No. VOR/DME Runway 14, Amdt. Orig.; Eff. date, 29 Feb. 68

6. By amending § 97.15 of Subpart B to cancel very high frequency omnirange-distance measuring equipment (VOR/DME) procedures as follows:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

PROCEDURE CANCELED, EFFECTIVE 29 FEB. 1968.

City, Farmingdale; State, N.Y.; Airport name, Republic Aviation Corp.; Elev., 82′; Fac. Class., BVORTAC; Ident., DPK; Procedure No. VOR/DME No. 1, Amdt. 1; Eff. date, 5 June 65; Sup. Amdt. No. Orig.; Dated, 8 May 65

7. By amending § 97.17 of Subpart B to establish instrument landing system (ILS) procedures as follows:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Pittsburgh Int	CCR VOR	Direct	4000	T-dn%	300-1	300-1	200-½
CCR VOR	Berkeley Int/DME	Direct	4000	C-dn#	500-1	500-1	500-1½
Berkeley Int/DME	South Shore Int/DME (final)	SIA LOC N crs	2500	S-dn-19L	300-¾	300-¾	300-¾
				A-dn	600-2	600-2	600-2

Radar available.
Procedure turn not authorized.
Minimum altitude over South Shore Int/DME on final approach crs, 2500′; over Oyster Int/DME, 1090′.
Crs facility to airport, localizer crs, 191°.
Minimum altitude at glide slope interception Inbnd, 1500′.
Altitude of glide slope and distance to approach end of runway at Oyster Int/DME, 1090′—3.6 miles; at MM, 234′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing MM, turn left, and R 360° climb to 2000′ on SFO VOR, R 101° within 10 miles.
NOTE: When authorized by ATC, SFO DME may be used at 17 miles to position aircraft on SIA LOC front crs as follows: Between SFO, R 320° clockwise, 4000′; between SFO R 360° and R 022° clockwise, 3600′; between SFO R 022° and R 080° clockwise, 4000′. Lead radial for localizer interception from clockwise orbit, SFO R 004°; from counterclockwise orbit, SFO, R 018°.
CAUTION: Disregard localizer crs information beyond 35° either side front crs (approximately SFO VOR, R 336° and R 046°).
%700-1 required for takeoff on Runways 19 L/R, and left turn must be started as soon as practicable. Terrain over 1000′ 3 miles S of airport. Sliding scale not authorized. IFR departures must comply with published SID's.
#1100′ ceiling required for circling S of Runways 10/28 for all aircraft and 700′ ceiling required for circling NW of Runways 10/28 and 01/19 for 4-engine turbojets.

City, San Francisco; State, Calif; Airport name, San Francisco International; Elev., 11′; Fac. Class., ILS; Ident., I-SIA; Procedure No. ILS Runway 19L, Amdt. Orig.; Eff. date, 16 Feb. 68 or upon commissioning of facility

8. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

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

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

Terminal routes				Missed approach
From	To	Via	Minimum altitudes (feet)	
				MAP: 6.2 miles after passing DPK VORTAC.
				Climbing right turn to 1800' direct to DPK VORTAC and hold. Supplementary charting information: Hold NE, 1-minute right turns, 244° Inbnd.

Shuttle. Deer Park VORTAC holding fix, 244° Inbnd, 064° Outbnd, right turns 1800'.
FAF, DPK VORTAC. Final approach crs, 244°. Distance FAF to MAP, 6.2 miles.
Minimum altitude over DPK VORTAC, 1800'.
MSA: 000°–180°—1700'; 180°–270°—1600'; 270°–360°—1900'.
NOTES: (1) Radar vectoring. (2) Procedure authorized only during hours control tower is in operation.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	560	1	478	560	1	478	560	1½	478	640	2	558
A	Standard.			T 2-eng. or less.—Standard.					T over 2-eng—Standard.			

City, Farmingdale; State, N.Y.; Airport name, Republic Field; Elev., 82'; Fac. Class., DPK; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 29 Feb. 68

Terminal routes				Missed approach
From	To	Via	Minimum altitudes (feet)	
Hartsfield Int	MGR VOR	Direct	1800	MAP: 10 miles after passing MGR VOR. Climb to 1800' left turn to MGR VOR. Supplementary charting information: Profile show MAP 10 miles from VOR.

Procedure turn W side of crs, 030° Outbnd, 210° Inbnd, 1800' within 10 miles of MGR VOR.
FAF, MGR VOR. Final approach crs, 198°. Distance FAF to MAP, 10 miles.
Minimum altitude over MGR VOR, 1800'.
MSA: 000°–090°—2400'; 090°–180°—1700'; 180°–360°—2600'.
NOTES: (1) Radar vectoring. (2) Use Valdosta, Ga., altimeter setting. (3) Advance notice required for operation of runway lights, after 2200, through VLD FSS or TLH FSS. (4) No weather available to public. (5) Pilot will close IFR flight plan with Valdosta Approach Control or Valdosta, Ga., FSS when reaching VFR conditions on approach and will proceed VFR from contact point (10 miles after passing MGR) to airport.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1040	3	776	1040	3	776	1040	3	776	1040	3	776
A	Not authorized.			T 2-eng. or less—Standard.					T over 2-eng.—Standard.			

City, Thomasville; State, Ga.; Airport name, Thomasville Municipal; Elev., 264'; Fac. Class., MGR; Procedure No. VOR-1, Amdt. 4; Eff. date, 29 Feb. 68; Sup. Amdt. No. VOR 1, Amdt. 3; Dated, 27 June 64

9. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) NDB(ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB(ADF)

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

Terminal routes				Missed approach
From	To	Via	Minimum altitudes (feet)	MAP: 0 mile after passing CFV NDB.
Liberty Int	CFV NDB	Direct	2400	Right turn climb to 2100′ on 155° crs from CFV NDB, left turn to CFV NDB.
Tyro Int	CFV NDB	Direct	2400	
IDP NDB	CFV NDB	Direct	2400	
OSW VOR	CFV NDB	Direct	2400	Supplementary charting information: Final approach crs intercepts runway centerline 3475′ from threshold. Tower 3.4 miles SW of airport 1290′.

Procedure turn E side of crs, 155° Outbnd, 335° Inbnd, 2100′ within 5 miles of CFV NDB.
Final approach crs, 335°.
MSA: 090°–270°—2300′; 270°–090°—2600′.
NOTE: Use Chanute, Kans., altimeter setting.
CAUTION: When weather below 600-2, plan flight to avoid 1290′ tower before departing SW.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-35	1340	1	581	1340	NA	581	1340	NA	581	1340	NA	581
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1340	1	581	1340	NA	581	1340	NA	581	1340	NA	581
A	Not authorized.			T 2-eng or less—Standard.			T over 2-eng—Not authorized.					

City, Coffeyville; State, Kans.; Airport name, Coffeyville Municipal; Elev., 759′; Fac. Class., CFV; Procedure No. NDB(ADF) Runway 35, Amdt. Orig.; Eff. date, 29 Feb. 68

Terminal routes				Missed approach
From	To	Via	Minimum altitudes (feet)	MAP: 3.2 miles after passing BBN NDB.
				Climbing left turn to 1600′ direct to BBN NDB and hold. Supplementary charting information: Hold S, 1-minute right turns, 347° Inbnd.

Procedure turn E side of crs, 167° Outbnd, 347° Inbnd, 1600′ within 10 miles of BBN NDB.
FAF, BBN NDB. Final approach crs, 347°. Distance FAF to MAP, 3.2 miles.
Minimum altitude over BBN NDB, 800′.
MSA: 000°–090°—1700′; 090°–270°—1400′; 270°–360°—2600′.
NOTES: (1) Radar vectoring. (2) Procedure authorized only during hours control tower is in operation.
*Straight-in night minimums not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-1*	560	1	499	560	1	499	560	1	499	560	1	499
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	560	1	478	560	1	478	560	1½	478	640	2	558
A	Standard.			T 2-eng or less—Standard.			T over 2-eng—Standard.					

City, Farmingdale; State, N.Y.; Airport name, Republic Field; Elev., 82′; Fac. Class., BBN; Procedure No. NDB(ADF) Runway 1, Amdt. 6; Eff. date, 29 Feb. 68 Sup. Amdt. No. ADF 1, Amdt. 5; Dated, 20 Aug. 66

These procedures shall become effective on the dates specified therein.

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

Issued in Washington, D.C., on January 24, 1968.

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

[F.R. Doc. 68-1229; Filed, Feb. 8, 1968; 8:45 a.m.]

SUBCHAPTER K—ADMINISTRATIVE REGULATIONS

PART 199—EMPLOYEE RESPONSIBILITIES AND CONDUCT

CROSS REFERENCE: For a document canceling Part 199 of Chapter I of Title 14, see F.R. Doc. 68-1622, Title 49, Subtitle A, Part 99, Part II of this issue, *infra*.

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

Subpart D—Food Additives Permitted in Food for Human Consumption

SULFADIMETHOXINE

I. The Commissioner of Food and Drugs, having evaluated the data submitted in petitions (FAP 5D1524, 5D1652), filed by Hoffmann-La Roche, Inc., Nutley, N.J. 07710, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of sulfadimethoxine (A) in drinking water for chickens for the treatment of coccidiosis, fowl cholera, and infectious coryza and (B) in boluses for cattle for the treatment of foot rot, bacterial pneumonia, shipping fever, and calf diphtheria. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Part 121 is amended in Subpart C as follows:

1. Section 121.249 is amended by adding to paragraph (f) a new subparagraph (2), as follows:

§ 121.249 Food additives for use in milk-producing animals.

* * * * *

(f) * * *

(2) (i) It contains sulfadimethoxine and is administered in accordance with § 121.311

(ii) Milk that has been taken from animals during treatment and for 48 hours (4 milkings) after the latest treatment must not be used for food.

* * * * *

2. The following new section is added:

§ 121.311 Sulfadimethoxine.

Sulfadimethoxine may be safely used in accordance with the following prescribed conditions:

(a) It is used or intended for use as follows:

TABLE 1—SULFADIMETHOXINE IN DRINKING WATER

	Grams per gallon	Limitations	Indications for use
1. Sulfadimethoxine	1.875 (0.05%)	For broiler and replacement chickens; administer for 6 consecutive days; as sole source of drinking water and sulfonamide medication; do not administer within 5 days of slaughter; not for laying chickens.	Treatment of coccidiosis, fowl cholera, and infectious coryza.

TABLE 2—MISCELLANEOUS

	Amount	Limitations	Indications for use
1. Sulfadimethoxine	1.25 to 2.5 gm. per 100 lb. body weight.	For cattle; in tablets for oral administration; administer 2.5 gm. per 100 lb. body weight for first day followed by 1.25 gm. per 100 lb. body weight per day; treat from 4 to 5 days; do not administer within 5 days of slaughter; use in milk-producing animals conforms to § 121.249(f).	Treatment of foot rot, bacterial pneumonia, shipping fever, and calf diphtheria.

(b) To assure safe use, the label and labeling of the additive and of any final dosage form prepared therefrom shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive.

(2) The quantity of the additive contained therein.

(3) Adequate directions and warnings for use including, if the product is intended for chickens, a statement to the effect that poultry that have survived fowl cholera outbreaks should not be kept for laying house replacements or breeders unless tests show that they are not carriers.

II. Based upon an evaluation of the data before him and proceeding under the authority of the act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), delegated as cited above, the Commissioner has concluded that a tolerance limitation is required to assure that milk, eggs, and edible tissues of animals treated with sulfadimethoxine in accordance with § 121.311 are safe for human consumption. Accordingly, the following new section is added to Subpart D:

§ 121.1216 Sulfadimethoxine.

A tolerance of zero is established for residues of the food additive sulfadimethoxine in eggs of chickens, in milk, and in uncooked edible tissues and by-products of cattle and chickens.

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

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

(Sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4))

Dated: January 31, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-1589; Filed, Feb. 8, 1968; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

OXYTETRACYCLINE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed jointly by the U.S. Department of the Interior, Fish and Wildlife Service, Bureau of Commercial Fisheries, Washington, D.C. 20240, and the Oregon Fish Commission, Portland, Oreg. 97201, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of oxytetracycline in feed for fish as a means of marking skeletal tissue of Pacific salmon. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.251(d) is amended by adding thereto a new table, as follows:

§ 121.251 Oxytetracycline.

* * * * *

(d) * * *

TABLE 4—OXYTETRACYCLINE IN FISH FEED

	Mg. per kg. of fish per day	Limitations	Indications for use
Oxytetracycline	250	For salmon not over 30 grams body weight; administer as sole ration for 4 consecutive days in feed containing oxytetracycline hydrochloride or oxytetracycline monoalkyl (C_8-C_{18}) trimethylammonium salt; fish not to be liberated for at least 7 days following the last administration of medicated feed.	For marking of skeletal tissue of Pacific salmon.

* * * * *

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

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

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

Dated: January 31, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-1588; Filed, Feb. 8, 1968; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

AMMONIUM CHLORIDE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 6D1947) filed by Allied Chemical Corp., 40 Rector Street, New York, N.Y. 10006, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of ammonium chloride in ruminant feed to reduce the incidence of urinary calculi. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Part 121 is amended by adding to Subpart C the following new section:

§ 121.312 Ammonium chloride.

Ammonium chloride may be safely used in animal feed when incorporated therein in accordance with the following conditions:

(a) The additive is the chemical ammonium chloride (NH_4Cl) conforming to the specifications in the U.S.P.

(b) It is used or intended for use as follows:

AMMONIUM CHLORIDE IN CATTLE AND SHEEP FEED

	Amount	Limitations	Indications for use
	Grams per head per day		
1. Ammonium chloride	21.3–35.5 (0.75–1.25 oz.)	For range cattle	Reduce the incidence of urinary calculi.
2. Ammonium chloride	28.4–42.5 (1.0–1.5 oz.)	For fattening cattle	Do.
3. Ammonium chloride	7.1 (0.25 oz.)	For sheep	Do.

(c) To assure safe use, the label and labeling of the additive, any combination of additives, and any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive or additives.

(2) A statement of the quantity or quantities contained therein.

(3) Adequate directions and warnings for use.

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

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

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

Dated: January 31, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-1587; Filed, Feb. 8, 1968; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER J—BRIDGES

[CGFR 67-98]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Santa Rosa Sound, Fla.

1. The Santa Rosa Island Authority requested the Corps of Engineers, Department of the Army, to prescribe special regulations to govern the operation of the bridge across Santa Rosa Sound on State Road 399, Gulf Breeze, Fla. In accordance with the procedures in 33 CFR 209.520, Public Notice dated September 15, 1967, setting forth the proposed revision of the regulations governing this drawbridge, was issued by the Mobile District, Corps of Engineers, and was made available to all persons known to have an interest in this subject. After consideration of all comments submitted in response thereto the proposed regulations are hereby adopted. The purpose of this document is to prescribe special regulations for the operation of the Santa Rosa Island Authority Highway bridge between Gulf Breeze and Santa Rosa Island, Fla.

2. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by 14 U.S.C. 632 and the delegation in 49 CFR 1.4(a)(3), the text of 33 CFR 117.480 shall read as follows and shall be effective on and after 30 days after date of publication of this document in the FEDERAL REGISTER:

§ 117.480 Intracoastal Waterway, Santa Rosa Sound, Fla.; Santa Rosa Island Authority highway bridge between Gulf Breeze and Santa Rosa Island, State Road 399.

(a) Except as otherwise provided in paragraphs (b), (c), and (d) of this section, it will not be necessary to open the draw span from 3 p.m. to 6 p.m., on Saturdays, Sundays, and national holidays from Memorial Day through Labor Day annually.

(b) Vessels owned or operated by the United States or commercial vessels shall be passed without delay through

the draw of the bridge at any time on giving the signals prescribed in § 117.240 (b) or (c).

(c) During the display or notification of small craft warnings or warnings for winds of greater force by the U.S. Weather Bureau, the bridge shall be opened for the passage of vessels giving the prescribed signals at any time.

(d) The draw of the bridge shall be opened at any time for the passage of any vessel in an emergency involving danger to life or property. Such an emergency shall be indicated by four blasts of a whistle, horn, or megaphone.

(e) The owner of or agency controlling the bridge shall keep a copy of the regulations conspicuously posted on both sides thereof, in such manner that it can be easily read.

(Sec. 5, 28 Stat. 362, as amended; 33 U.S.C. 499; 49 CFR 1.4(a)(3)(v), 32 F.R. 5606)

Dated: February 2, 1968.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 68-1603; Filed, Feb. 8, 1968; 8:47 a.m.]

[CGFR 68-15]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

St. Francis River, Ark.

1. The Corps of Engineers, Department of the Army, by letter dated January 9, 1968, requested that § 117.560(f)(37) be deleted in view of the fact that the vertical lift span of the Missouri Pacific Railway bridge across the St. Francis River at Cody, Ark., has been abandoned and removed. The purpose of this document is to delete the requirements in 33 CFR 117.560(f)(37).

2. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by 14 U.S.C. 632, 49 CFR 1.4(a)(3), the text of 33 CFR 117.560(f)(37) is hereby deleted and shall be effective immediately after date of publication of this document in the FEDERAL REGISTER:

§ 117.560 Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(f) Lower Mississippi River. * * *

(37) [Deleted]

* * * * *

(Sec. 5, 28 Stat. 362, as amended; 33 U.S.C. 499; 49 CFR 1.4(a)(3)(v), 32 F.R. 5606)

Dated: February 2, 1968.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 68-1602; Filed, Feb. 8, 1968; 8:46 a.m.]

Chapter IV—Saint Lawrence Seaway Development Corporation

PART 400—EMPLOYEE RESPONSIBILITIES AND CONDUCT

CROSS REFERENCE: For a document canceling Part 400 of Chapter IV of Title 33, see F.R. Doc. 68-1622, Title 49, Subtitle A, Part 99, Part II of this issue, *infra*.

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

PART 5A-1—GENERAL

Procurement of Qualified Products

The table of contents for Part 5A-1 is amended to change the entries under Subpart 5A-1.11 to read as follows:

Subpart 5A-1.11—Qualified Products

AUTHORITY: The provisions of this Subpart 5A-1.11 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); and 41 CFR 5-1.101(c).

Subpart 5A-1.11 is revised to read as follows:

Subpart 5A-1.11—Qualified Products

§ 5A-1.1101 Procurement of qualified products.

§ 5A-1.1101-70 Solicitations.

(a) *Qualified products clause.* Whenever qualified products are to be procured, the clause in § 1-1.1101(b), modified to read as follows, shall be included in the invitation for bids:

QUALIFIED PRODUCTS

(a) With respect to products described in this invitation as requiring qualification, awards will be made only for such products as have, prior to the time set for opening of bids, been tested and approved for inclusion in the qualified products list identified below. Manufacturers who wish to have a product tested for qualification are urged to communicate with the office designated below. Manufacturers having products not yet listed, but which have been qualified, are requested to submit evidence of such qualification with their bids, so that they may be given consideration.

NOTE TO CONTRACTING OFFICER. Immediately following (a), above, insert identification of the qualified products list involved (e.g., "QPL under Federal Specification (or Military Specification) ------, dated ---------") and the name and address of the office, as identified in the specification, which manufacturers should contact regarding qualification of their product.

(b) The bidder shall insert in the spaces provided below, the manufacturer's name and product designation, and the QPL test or qualification reference number of each qualified product bid upon. If the bidder is a qualified distributor, he also shall insert his name and product designation. Any bid which does not identify the qualified product offered will be rejected.

Item No.; Manufacturer; Manufacturer's Product Designation; QPL Test or Reference No.

(c) Products delivered under a contract resulting from this solicitation shall be in either (1) the manufacturer's containers showing the manufacturer's identifying label or markings or (2) if the name of a distributor of the product is listed (or has been found eligible for listing) in the applicable qualified products list identified under (a), above, in the distributor's containers showing the distributor's identifying label or markings.

(b) *Product removal from qualified products lists.* Listing of products which are qualified by examination and tests under the requirements stated in any applicable specification are for the use of the Government agencies, their contractors, and subcontractors in the performance of procurement functions described by FPR 1-1.1.1. However, such products can be removed from applicable qualified products lists for reasons stated in the Federal Standardization Handbook (FPMR 101-29).

(1) When security cabinets, security vault doors, and changeable combination padlocks, which have been qualified under applicable Federal or Interim Federal Specifications, are to be procured insert the following provision in the invitation for bids or solicitation and the resultant contract:

PRODUCT REMOVAL FROM QUALIFIED PRODUCTS LIST

If, during the performance of this contract, the product being furnished is, for any reason except those outlined in paragraph 3.1.1 of the applicable Federal or Interim Federal Specification, removed from the Qualified Products Lists, the Government may terminate this contract for default pursuant to Article 11(a)(ii) of the General Provisions (SF 32).

(2) When other qualified products are to be procured insert the following provision in the invitation for bids or solicitation and the resultant contract:

PRODUCT REMOVAL FROM QUALIFIED PRODUCTS LIST

If, during the performance of this contract, the product being furnished is, for any reason, removed from the Qualified Products List, the Government may terminate this contract for default pursuant to Article 11(a)(ii) of the General Provisions (SF 32).

§ 5A-1.1101-71 Waiver of qualification requirement.

(a) When a buying activity has a requirement for a product to be procured under a specification which includes a qualification requirement and the contracting officer has evidence to support a conclusion that it is likely that a solicitation for a QPL product would not produce acceptable bids or adequate competition, a request for a waiver from the qualification requirement of the specification shall be submitted through the Director, Procurement Operations Division, to the Director, Standardization Division. The request shall state the reasons why the waiver is being requested. Such reasons might include, for example, the following: The qualified product manufacturers have indicated, in connection with previous procurements or otherwise, that they are not interested in bidding on the size requirement being procured or do not package their product in the size or type of container required.

(b) If a waiver is granted, the solicitation for bids shall state that the qualification requirement of the specification does not apply. Unless a notification of waiver states otherwise, each waiver granted shall apply only to the specific procurement for which the waiver was requested, and shall not be construed as authorizing a waiver with respect to any other procurement.

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

Dated: January 31, 1968.

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

[F.R. Doc. 68-1660; Filed, Feb. 8, 1968; 8:51 a.m.]

Chapter 9—Atomic Energy Commission

PART 9-7—CONTRACT CLAUSES

Subpart 9-7.50—Use of Standard Clauses

PART 9-53—NUMBERING AND DISTRIBUTION OF CONTRACTS AND ORDERS

Subpart 9-53.100—Contracts

MISCELLANEOUS AMENDMENTS

1. In § 9-7.5006-23, *Payments and advances (cost-type contracts where funds are advanced by AEC)*, the following Note is added to paragraph (e):

§ 9-7.5006-23 Payments and advances (cost-type contracts where funds are advanced by AEC).

* * * * *

(e) *Review and approval of costs incurred.* * * *

NOTE: This paragraph (e) should be omitted in contracts with nonintegrated contractors.

* * * * *

2. In § 9-7.5006-58 *Cancellation (multiyear contracts)*, subparagraph (d)(1) is revised by deleting the word "and" at the end of this subparagraph. As revised § 9-7.5006-58(d)(1) reads as follows:

§ 9-7.5006-58 Cancellation (multiyear contracts).

* * * * *

"(d) * * *

"(1) Labor, materials, or other expenses incurred for performance of the canceled work: *Provided,* That initial costs, preparatory expenses and other nonrecurring costs reasonably and necessarily incurred by the contractor and its subcontractors, but exclusive of any costs allocable to the completed work paid or to be paid for, may be included in such charge;

* * * * *

3. In § 9-53.101, *Numbering of contracts*, paragraph (f) is added, as follows:

§ 9-53.101 Numbering of contracts.

* * * * *

(f) On a modification or extension of a contract that has been transferred from one contracting office to another, the contract should be renumbered with the prefix number of the new administering office.

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

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

Dated at Germantown, Md., this 2d day of February 1968.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director, Division of Contracts.

[F.R. Doc. 68-1574; Filed, Feb. 8, 1968; 8:45 a.m.]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101-26—PROCUREMENT SOURCES AND PROGRAMS

Consolidated Procurement of Security Cabinets

Procedures are established for consolidation of requirements for security cabinets to be procured by GSA for Government agencies and contractors required or eligible to purchase such cabinets under Federal Supply Schedule contracts. GSA will enter into definite quantity contracts under competitive bid and award procedures on a semiannual basis effective in April 1968. By consolidating requirements, the number of individual purchase transaction will be reduced and lower overall prices should result.

The table of contents for Part 101-26 is amended by the addition of the following new entries:

101-26.507	Security cabinets.
101-26.507-1	Submission of requirements.
101-26.507-2	Procurement time schedule.
101-26.507-3	Purchase from Federal Supply Schedule.
101-26.507-4	Quantities in excess of the maximum order limitation.

Subpart 101-26.5—GSA Procurement Programs

Subpart 101-26.5 is amended by the addition of new §§ 101-26.507, 101-26.507-1, 101-26.507-2, 101-26.507-3, and 101-26.507-4, as follows:

§ 101-26.507 Security cabinets.

Procurement of security cabinets for executive agencies shall be accomplished in accordance with the provisions of this § 101-26.507. Government contractors and subcontractors eligible to purchase such cabinets under Federal Supply Schedule contracts (§§ 1-5.902 and 101-26.407) and other Federal agencies may participate in this program.

§ 101-26.507-1 Submission of requirements.

Requirements for security cabinets covered by the latest edition of Federal Specification AA-F-357 and AA-F-358, and Interim Federal Specification AA-F-00363 (GSA-FSS) and AA-F-00364 (GSA-FSS) shall be submitted in FED STRIP/MILSTRIP format to the GSA regional office serving the particular geographical area of the consignee. GSA, in turn, will consolidate the requirements seminannually for procurement on a definite quantity basis.

§ 101-26.507-2 Procurement time schedule.

Planned requirements for security cabinets will be consolidated by GSA on April 30 and October 31 of each year. Such consolidated requirements will serve as the basis for executing definite quantity contracts. To insure inclusion in the invitation for bids, requirements shall be submitted on or before April 1 or October 1 as appropriate. Requirements received after these dates will normally be carried over to the subsequent consolidation date. Approximately 180 days following the consolidation dates should be allowed for initial delivery. Requisitions shall include a required delivery date which reflects anticipated receipt under this time schedule.

§ 101-26.507-3 Purchase from Federal Supply Schedule.

To insure that a readily available source exists to meet unforeseen demands for security cabinets, Federal Supply Schedule, FSC Group 71, Part XI, will remain in effect for use by agencies to satisfy urgent requirements which are not appropriate for consolidated procurement and which do not exceed the maximum order limitation. In addition, the Schedule will be available for purchases within the specified maximum order limitation by Government contractors and subcontractors (at any tier) who meet the requirements of §§ 1-5.902 or 101-26.407, as applicable.

§ 101-26.507-4 Quantities in excess of the maximum order limitation.

Quantities exceeding the maximum order limitation under the Federal Supply Schedule will also be consolidated and procured by GSA pursuant to § 101-26.507-2. Where such quantities are required to be delivered prior to the time frames established for the semiannual consolidated procurement, the requisition must indicate such earlier required delivery. As necessary, separate procurement action will be taken by GSA to satisfy the requirement.

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

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

Dated: February 5, 1968.

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

[F.R. Doc. 68-1661; Filed, Feb. 8, 1968; 8:51 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter III—International Regulatory Agencies (Fishing and Whaling)

SUBCHAPTER B—INTERNATIONAL WHALING COMMISSION

PART 351—WHALING

The Whaling Convention Act of 1949 (64 Stat. 421–425; 16 U.S.C. 916 et seq.), implements the International Convention for the Regulation of Whaling signed at Washington, December 2, 1946, by the United States of America and certain other Governments. Section 13 of the Act (64 Stat 425; 16 U.S.C. 916k), provides that regulations of the International Whaling Commission shall be submitted for publication in the FEDERAL REGISTER by the Secretary of the Interior. Regulations of the Commission are defined to mean the whaling regulations in the schedule annexed to and constituting a part of the Convention in their original form or as modified, revised, or amended by the Commission. The provisions of the whaling regulations, as originally embodied in the schedule annexed to the Convention, have been amended several times by the International Whaling Commission, the last amendment having been brought into effect on October 6, 1967. The provisions of these regulations are applicable to nationals and whaling enterprises of the United States.

Amendments to the whaling regulations are adopted by the International Whaling Commission pursuant to Article V of the Convention without regard to the notice and public procedure requirements of the Administrative Procedure Act (5 U.S.C. 553). Accordingly, in fulfillment of the duty imposed upon Secretary of the Interior by section 13 of the Whaling Convention Act of 1949, the whaling regulations published as Part 351, Title 50, Code of Federal Regulations, as the same appeared in 29 F.R. 7672, June 16, 1964, are amended and Part 351 is hereby revised to read as set forth below.

These revised regulations shall become effective upon the date of publication in the FEDERAL REGISTER.

Issued at Washington, D.C., pursuant to authority delegated to me by the Secretary of the Interior on August 26, 1966 (31 F.R. 11685), and dated February 2, 1968.

H. E. CROWTHER,
Director,
Bureau of Commercial Fisheries.

Sec.

AUTHORITY: The provisions of this Part 351 issued under Article V, 62 Stat. 1718, secs. 2–14, 64 Stat. 421–425; 16 U.S.C. 916 et seq.

CROSS REFERENCE: For regulations of the Department of the Interior, implementing the Whaling Convention Act of 1949, see Part 230 of this title.

§ 351.1 Inspection.

(a) There shall be maintained on each factoryship at least two inspectors of whaling for the purpose of maintaining 24-hour inspection and also such observers as the member countries engaged in the Antarctic pelagic whaling may arrange to place on each other's factoryships. These inspectors shall be appointed and paid by the Government having jurisdiction over the factoryship: *Provided,* That inspectors need not be appointed to ships which, apart from the storage of products, are used during the season solely for freezing or salting the meat and entrails of whales intended for human food or feeding animals.

(b) Adequate inspection shall be maintained at each land station. The inspectors serving at each land station shall be appointed and paid by the Government having jurisdiction over the land station.

§ 351.2 Killing of gray or right whales prohibited.

It is forbidden to take or kill gray whales or right whales, except by aborigines or a Contracting Government on behalf of aborigines and only when the meat products of such whales are to be used exclusively for local consumption by the aborigines.

§ 351.3 Killing of calves or suckling whales prohibited.

It is forbidden to take or kill calves or suckling whales or female whales which are accompanied by calves or suckling whales.

§ 351.4 General restrictions on taking baleen whales.

(a) (1) It is forbidden to kill blue whales in the North Atlantic Ocean for 5 years ending on February 24, 1970.

(2) It is forbidden to kill or attempt to kill blue whales in the North Pacific Ocean and its dependent waters north of the Equator for 5 years beginning with the 1966 season.

(b) It is forbidden to use a whale catcher attached to a factoryship for the purpose of killing or attempting to kill baleen whales in any of the following areas:

(1) In the waters north of 66° north latitude except that from 150° east longitude eastwards as far as 140° west longitude the taking or killing of baleen whales by a factoryship or whale catcher shall be permitted between 66° north latitude and 72° north latitude;

(2) In the Atlantic Ocean and its dependent waters north of 40° south latitude;

(3) In the Pacific Ocean and its dependent waters east of 150° west longitude between 40° south latitude and 35° north latitude;

(4) In the Pacific Ocean and its dependent waters west of 150° west longitude between 40° south latitude and 20° north latitude;

(5) In the Indian Ocean and its dependent waters north of 40° south latitude.

§ 351.5 Closed area for factoryships in Antarctic.

It is forbidden to use a whale catcher attached to a factoryship for the purpose of killing or attempting to kill baleen whales in the waters south of 40° south latitude from 70° west longitude westward as far as 160° west longitude. (This section, as a result of a decision of the 14th meeting was rendered inoperative until the Commission otherwise decides.)

§ 351.6 Limitations on the taking of humpback whales, blue whales, and sperm whales.

(a) It is forbidden to kill or attempt to kill humpback whales in the North Atlantic Ocean for a period ending on November 8, 1969. Notwithstanding this closed season, the taking of 10 humpback whales per year is permitted in Greenland waters: *Provided,* That whale catchers of less than 50 gross register tonnage are used for this purpose.

(b) It is forbidden to kill or attempt to kill humpback whales in the waters south of the Equator.

(c) It is forbidden to kill or attempt to kill blue whales in the waters south of the Equator.

(d) It is forbidden to kill or attempt to kill humpback whales in the North Pacific Ocean and its dependent waters north of the Equator for 3 years beginning with the 1968 season.

(e) It is forbidden to use a whale catcher attached to a factoryship for the purpose of killing or attempting to kill sperm whales in the waters between 40° south latitude and 40° north latitude.[1]

§ 351.7 Closed seasons for pelagic whaling for baleen and sperm whales.

(a) It is forbidden to use a whale catcher attached to a factoryship for the purpose of killing or attempting to kill baleen whales (excluding minke whales) in any waters south of 40° south latitude, except during the period from December 12, to April 7, following, both days inclusive.

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[1] Section 351.6(e) came into force on Jan. 4, 1966, but is not binding on Japan, Norway, and the Union of Soviet Socialist Republics, each of which objected within the prescribed period.

(b) It is forbidden to use a whale catcher attached to a factoryship for the purpose of killing or attempting to kill sperm or minke whales, except as permitted by the Contracting Governments in accordance with paragraphs (c), (d), and (e) of this section.

(c) Each Contracting Government shall declare for all factoryships and whale catchers attached thereto under its jurisdiction, one continuous open season not to exceed 8 months out of any period of 12 months during which the taking or killing of sperm whales by whale catchers may be permitted: *Provided,* That a separate open season may be declared for each factoryship and the whale catchers attached thereto.

(d) Each Contracting Government shall declare for all factoryships and whale catchers attached thereto under its jurisdiction one continuous open season not to exceed 6 months out of any period of 12 months during which the taking or killing of minke whales by the whale catchers may be permitted: *Provided,* That:

(1) A separate open season may be declared for each factoryship and the whale catchers attached thereto;

(2) The open season need not necessarily include the whole or any part of the period declared for other baleen whales pursuant to paragraph (a) of this section.

(e) Each Contracting Government shall declare for all whale catchers under its jurisdiction not operating in conjunction with a factoryship or land station one continuous open season not to exceed 6 months out of any period of 12 months during which the taking or killing of minke whales by such whale catchers may be permitted. Notwithstanding this section one continuous open season not to exceed 8 months may be implemented so far as Greenland is concerned.

§ 351.8 Catch quota for baleen whales.

(a) The number of baleen whales taken during the open season caught in waters south of 40° south latitude by whale catchers attached to factoryships under the jurisdiction of the Contracting Governments shall not exceed 3,200 blue whale units in 1967–68.

(b) For the purposes of paragraph (a) of this section, blue whale units shall be calculated on the basis that one blue whale equals:

(1) Two fin whales; or

(2) Two and a half humpback whales; or

(3) Six sei whales.

(c) Notification shall be given in accordance with the provisions of Article VII of the Convention, within 2 days after the end of each calendar week, of data on the number of blue whale units taken in any factoryship under the jurisdiction of each Contracting Government: *Provided,* That when the number of blue whale units is deemed by the Bureau of International Whaling Statistics to have reached 85 percent of whatever total catch limit is imposed by the Commission, notification shall be given as aforesaid at the end of each day of data on the number of blue whale units taken.

(d) If it appears that the maximum catch of whales permitted by paragraph (a) of this section may be reached before April 7 of any year, the Bureau of International Whaling Statistics shall determine, on the basis of the data provided, the date on which the maximum catch of whales shall be deemed to have been reached and shall notify the master of each factoryship and each Contracting Government of that date not less than 4 days in advance thereof. The killing or attempting to kill baleen whales by whale catchers attached to factoryships shall be illegal in any waters south of 40° south latitude after midnight of the date so determined.

(e) Notification shall be given in accordance with the provisions of Article VII of the Convention of each factoryship intending to engage in whaling operations in any waters south of 40° south latitude.[2]

§ 351.9 Minimum size limits.

(a) It is forbidden to take or kill any blue, sei, or humpback whales below the following lengths:

Blue whales 70 feet (21.3 meters);
Sei whales 40 feet (12.2 meters);
Humpback whales 35 feet (10.7 meters);

except that blue whales of not less than 65 feet (19.8 meters) and sei whales of not less than 35 feet (10.7 meters) in length may be taken for delivery to land stations: *Provided,* That, except in the Northeast Pacific area for a period of 3 years starting April 1, 1968, the meat of such whales is to be used for local consumption as human or animal food.

(b) It is forbidden to take or kill any fin whales below 57 feet (17.4 meters) in length for delivery to factoryships or land stations in the Southern Hemisphere, and it is forbidden to take or kill fin whales below 55 feet (16.8 meters) for delivery to factoryships or land stations in the Northern Hemisphere; except that fin whales of not less than 55 feet (16.8 meters) may be taken for delivery to land stations in the Southern Hemisphere and fin whales of not less than 50 feet (15.2 meters) may be taken for delivery to land stations in the Northern Hemisphere: *Provided,* That except in the Northeast Pacific area for a period of 3 years starting April 1, 1968, in each case, the meat of such whales is to be used for local consumption as human or animal food.

(c) It is forbidden to take or kill any sperm whales below 38 feet (11.6 meters) in length, except that sperm whales of not less than 35 feet (10.7 meters) in length may be taken for delivery to land stations.

(d) Whales must be measured when at rest on deck or platform, as accurately as possible by means of a steel tape measure fitted at the zero end with a spiked handle which can be stuck into the deck planking abreast of one end of the whale. The tape measure shall be stretched in a straight line parallel with the whale's body and read abreast the other end of the whale. The ends of the whale, for measurement purposes, shall be the point of the upper jaw and the notch between the tail flukes. Measurements, after being accurately read on the tape measure shall be logged to the nearest foot, that is to say, any whale between 75 feet 6 inches and 76 feet 6 inches shall be logged as 76 feet, and any whale between 76 feet 6 inches and 77 feet 6 inches shall be logged as 77 feet. The measurement of any whale which falls on an exact half foot shall be logged at the next half foot, e.g., 76 feet 6 inches precisely shall be logged as 77 feet.

§ 351.10 Closed season for land stations.

(a) It is forbidden to use a whale catcher attached to a land station for the purpose of killing or attempting to kill baleen and sperm whales except as permitted by the Contracting Government in accordance with paragraphs (b), (c), and (d) of this section.

(b) Each Contracting Government shall declare for all land stations under its jurisdiction, and whale catchers attached to such land stations, one open season during which the taking or killing of baleen (excluding minke) whales by the whale catchers shall be permitted. Such open season shall be for a period of not more than 6 consecutive months in any period of 12 months and shall apply to all land stations under the jurisdiction of the Contracting Government: *Provided,* That a separate open season may be declared for any land station used for the taking or treating of baleen (excluding minke) whales which is more than 1,000 miles from the nearest land station used for the taking or treating of baleen (excluding minke) whales under the jurisdiction of the same Contracting Government.

(c) Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations, one open season not to exceed 8 continuous months in any one period of 12 months, during which the taking or killing of sperm whales by the whale catchers shall be permitted, such period of 8 months to include the whole of the period of 6 months declared for baleen whales (excluding minke whales) as provided for in paragraph (b) of this section: *Provided,* That a separate open season may be declared for any land station used for the taking or treating of sperm whales which is more than 1,000 miles from the nearest land station used for the taking or treating of sperm whales under the jurisdiction of the same Contracting Government.[3]

[2] Section 351.8(e) which followed in earlier copies was deleted by the Commission at its fourth meeting in 1952 and the deletion became effective on Sept. 12, 1952. Original paragraph (f) consequently becomes paragraph (e).

[3] This § 351.10(c) came into force as from Feb. 21, 1952, in respect of all Contracting Governments, except the Commonwealth of Australia, who lodged an objection to it within the prescribed period, and this objection was not withdrawn. The provisions of this paragraph, therefore, are not binding on the Commonwealth of Australia.

(d) (1) Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations one open season not to exceed 6 continuous months in any period of 12 months during which the taking or killing of minke whales by the whale catchers shall be permitted (such period not being necessarily concurrent with the period declared for other baleen whales, as provided for in paragraph (b) of this section): *Provided*, That a separate open season may be declared for any land station used for the taking or treating of minke whales which is more than 1,000 miles from the nearest land station used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government.

(2) Except that a separate open season may be declared for any land station used for the taking or treating of minke whales which is located in an area having oceanographic conditions clearly distinguishable from those of the area in which are located the other land stations used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government; but the declaration of a separate open season by virtue of the provisions of this paragraph shall not cause thereby the period of time covering the open season declared by the same Contracting Government to exceed 9 continuous months of any 12 months.

(e) The prohibitions contained in this section shall apply to all land stations as defined in Article II of the Whaling Convention of 1946 and to all factoryships which are subject to the regulations governing the operation of land stations under the provisions of § 351.17.

§ 351.11 Use of factoryships in waters other than south 40° south latitude.

It is forbidden to use a factoryship which has been used during a season in any waters south of 40° south latitude for the purpose of treating baleen whales, in any other area for the same purpose within a period of 1 year from the termination of that season: *Provided*, That this section shall not apply to a ship which has been used during the season solely for freezing or salting the meat and entrails of whales intended for human food or feeding animals.

§ 351.12 Limitations on processing of whales.

(a) It is forbidden to use a factoryship or a land station for the purpose of treating any whales (whether or not killed by whale catchers under the jurisdiction of a Contracting Government) the killing of which by whale catchers under the jurisdiction of a Contracting Government is prohibited by the provisions of § 351.2, § 351.4, § 351.5, § 351.6, § 351.7, § 351.8, or § 351.10.

(b) All other whales (except minke whales) taken shall be delivered to the factoryship or land station and all parts of such whales shall be processed by boiling or otherwise, except the internal organs, whale bone and flippers of all whales, the meat of sperm whales and of parts of whales intended for human food or feeding animals. A Contracting Government may in less developed regions exceptionally permit treating of whales without use of land stations: *Provided*, That such whales are fully utilized in accordance with this section.

(c) Complete treatment of the carcasses of "Dauhval" and of whales used as fenders will not be required in cases where the meat or bone of such whales is in bad condition.

§ 351.13 Prompt processing required.

(a) The taking of whales for delivery to a factoryship shall be so regulated or restricted by the master or person in charge of the factoryship that no whale carcass (except of a whale used as a fender, which shall be processed as soon as is reasonably practicable) shall remain in the sea for a longer period than 33 hours from the time of killing to the time it is hauled up for treatment.

(b) Whales taken by all whale catchers, whether for factoryships or land stations, shall be clearly marked so as to identify the catcher and to indicate the order of catching.

(c) All whale catchers operating in conjunction with a factoryship shall report by radio to the factoryship:

(1) The time when each whale is taken;

(2) Its species; and

(3) Its marking, effected pursuant to paragraph (b) of this section.

(d) The information reported by radio pursuant to paragraph (c) of this section shall be entered immediately in a permanent record which shall be available at all times for examination by the whaling inspectors; and in addition there shall be entered in such permanent record the following information as soon as it becomes available:

(1) Time of hauling up for treatment;

(2) Length, measured pursuant to paragraph (d) of § 351.9;

(3) Sex;

(4) If female, whether milk filled or lactating;

(5) Length and sex of fetus, if present; and

(6) A full explanation of each infraction.

(e) A record similar to that described in paragraph (d) of this section shall be maintained by land stations, and all of the information mentioned in the said paragraph shall be entered therein as soon as available.

§ 351.14 Remuneration of employees.

Gunners and crews of factoryships, land stations, and whale catchers shall be engaged on such terms that their remuneration shall depend to a considerable extent upon such factors as the species, size, and yield of whales taken and not merely upon the number of whales taken. No bonus or other remuneration shall be paid to the gunners or crews of whale catchers in respect of the taking of milk filled or lactating whales.

§ 351.15 Submission of laws and regulations.

Copies of all official laws and regulations relating to whales and whaling and changes in such laws and regulations shall be transmitted to the Commission.

§ 351.16 Submission of statistical data.

Notification shall be given in accordance with the provisions of Article VII of the Convention with regard to all factoryships and land stations of statistical information (a) concerning the number of whales of each species taken, the number thereof lost, and the number treated at each factoryship or land station, and (b) as to the aggregate amounts of oil of each grade and quantities of meal, fertilizer (guano), and other products derived from them, together with (c) particulars with respect to each whale treated in the factoryship or land station as to the date and approximate latitude and longitude of taking, the species and sex of the whale, its length and, if it contains a fetus, the length and sex, if ascertainable, of the fetus. The data referred to in paragraphs (a) and (c) of this section shall be verified at the time of the tally and there shall also be notification to the Commission of any information which may be collected or obtained concerning the calving grounds and migration routes of whales. In communicating this information there shall be specified:

(1) The name and gross tonnage of each factoryship;

(2) The number of whale catchers, including separate totals for the surface vessels and aircraft and specifying, in the case of surface vessels, the average length and horsepower of whale catchers;

(3) A list of the land stations which were in operation during the period concerned.

§ 351.17 Factoryship operations within territorial waters.[4]

(a) A factoryship which operates solely within territorial waters in one of the areas specified in paragraph (c) of this section, by permission of the Government having jurisdiction over those waters, and which flies the flag of that

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[4] Section 351.17 (a), (b), and (c) (1) to (3), was inserted by the Commission at its first meeting in 1949, and came into force on Jan. 11, 1950, with respect to all Contracting Governments except France, which therefore remains bound by the provisions of the original § 351.17 which reads as follows:

"§ 351.17 Notwithstanding the definition of land station contained in Article II of the Convention, a factoryship operating under the jurisdiction of a Contracting Government, and the movements of which are confined solely to the territorial waters of that Government, shall be subject to the regulations governing the operation of land stations within the following areas:

(a) On the coast of Madagascar and its dependencies, and on the west coasts of French Africa;

(b) On the West Coast of Australia in the area known as Shark Bay and northward to Northwest Cape and including Exmouth Gulf and King George's Sound, including the port of Albany; and on the East Coast of Australia, in Twofold Bay and Jervis Bay."

Section 351.17(c)(4) was inserted by the Commission at its 11th meeting in 1959 and came into force on Oct. 5, 1959, as regards all Contracting Governments.

Government shall, while so operating, be subject to the regulations governing the operation of land stations and not to the regulations governing the operation of factoryships.

(b) Such factoryship shall not, within a period of 1 year from the termination of the season in which she so operated, be used for the purpose of treating baleen whales in any of the other areas specified in paragraph (c) of this section or south of 40° south latitude.

(c) The areas referred to in paragraphs (a) and (b) of this section are:

(1) On the coast of Madagascar and its dependencies;

(2) On the west coasts of French Africa;

(3) On the coasts of Australia, namely on the whole east coast and on the west coast in the area known as Shark Bay and northward to Northwest Cape and including Exmouth Gulf and King George's Sound, including the Port of Albany;

(4) On the Pacific coast of the United States of America between 35° north latitude and 49° north latitude.

§ 351.18 **Definitions.**

(a) The following expressions have the meanings respectively assigned to them, that is to say:

"Baleen whale" means any whale which has baleen or whale bone in the mouth, i.e., any whale other than a toothed whale.

"Blue whale" (Balaenoptera or Sibbaldus musculus) means any whale known by the name of blue whale, Sibbald's rorqual, or sulphur bottom.

"Dauhval" means any unclaimed dead whale found floating.

"Fin whale" (Balaenoptera physalus) means any whale known by the name of common finback, common rorqual, finback, finner, fin whale, herring whale, razorback, or true fin whale.

"Gray whale" (Rhachianectes glaucus) means any whale known by the name of gray whale, California gray, devil fish, hard head, mussel digger, gray back, or rip sack.

"Humpback whale" (Megaptera nodosa or novaeangliae) means any whale known by the name of bunch, humpback, humpback whale, humpbacked whale, hump whale, or hunchbacked whale.

"Minke whale" (Balaenoptera acutorostrata, B. Davidsoni, B. huttoni) means any whale known by the name of lesser rorqual, little piked whale, minke whale, pike-headed whale, or sharp headed finner.

"Right whale" (Balaena mysticetus, Eubalaena glacialis, E. australis, etc.; Neobalaena marginata) means any whale known by the name of Atlantic right whale, Arctic right whale, Biscayan right whale, bowhead, great polar whale, Greenland right whale, Greenland whale, Nordkaper, North Atlantic right whale, North Cape whale, Pacific right whale, pygmy right whale, Southern pygmy right whale, or Southern right whale.

"Sei whale" (Balaenoptera borealis) means any whale known by the name of sei whale, Rudolphi's rorqual, pollack whale, or coalfish whale and shall be taken to include Bryde's whale (B. brydei).

"Sperm whale" (Physeter catodon) means any whale known by the name of sperm whale, spermacet whale, cachalot, or pot whale.

"Toothed whale" means any whale which has teeth in the jaws.

(b) "Whales taken" means whales that have been killed and either flagged or made fast to catcher.

[F.R. Doc. 68-1623; Filed, Feb. 8, 1968; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 230]

U.S. WHALING REGULATIONS

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Act of August 9, 1950, the Whaling Convention Act of 1949 (64 Stat. 421; 16 U.S.C. 916 et seq.), which has been subsequently delegated to the Director of the Bureau of Commercial Fisheries on June 17, 1965 (30 F.R. 8114; sec. 241.3.1, Departmental Manual), it is proposed to amend 50 CFR Part 230 as set forth below. The Whaling Convention Act of 1949 authorizes the Secretary of the Interior to adopt such regulations as may be necessary to carry out the purposes and objectives of the International Whaling Convention and the regulations of the International Whaling Commission. Regulations of the Commission are defined to mean the whaling regulations in the Schedule annexed to and constituting a part of the Convention in their original form or as modified, revised, or amended by the Commission.

In order to conform the whaling regulations prescribed by the Department of the Interior to the requirements of the Schedule annexed to the International Whaling Convention, it is necessary to periodically amend the Departmental regulations. These regulations are found in Part 230 of Chapter II, Title 50 CFR. Section 230.5 has been added and includes definitions of various types and species of whales. Section 230.6 has been added describing whale products. Section 230.11 has been amended concerning applications for whaling licenses. Section 230.12, a schedule of fees to accompany applications for licenses has been added. Section 230.13 concerning scientific permits has been added. Section 230.20 has been amended to include certain prohibitions on the taking of blue whales and hump-back whales. Section 230.33 has been amended to provide for the reporting of aircraft utilized in whaling operations and to change the reporting of vessel size from a net tonnage basis to an average length basis. Section 230.41, requiring the reporting of salvage of dead whales, has been amended to require the filing of reports within 30-day period after the end of the then current year. Section 230.50 has been amended, clarifying the regulations concerning the molesting of whales. Also a new section, § 230.62, has been added, which describes the procedures for the disposal of perishable seized whales and whale products.

It is the policy of the Department of the Interior whenever practicable to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amended Whaling Regulations to the Director, Bureau of Commercial Fisheries, Washington, D.C. 20240, within thirty (30) days of the date of publication of this notice in the FEDERAL REGISTER.

Issued at Washington, D.C., pursuant to authority delegated to me by the Secretary of the Interior on August 26, 1966 (31 F.R. 11685), and dated February 2, 1968.

H. E. CROWTHER
Director,
Bureau of Commercial Fisheries.

SUBCHAPTER D—WHALING

PART 230—WHALING PROVISIONS

DEFINITIONS

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230.2 Land station.
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230.4 Whale catcher.
230.5 Whales.
230.6 Whale products.

LICENSES AND SCIENTIFIC PERMITS

230.10 Licenses required to engage in whaling.
230.11 Applications for licenses.
230.12 Schedule of fees.
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CLOSED SEASONS

230.20 Whale catchers attached to land stations taking baleen whales.
230.21 Whale catchers attached to land stations taking sperm whales.
230.22 Whale catchers attached to factoryships taking sperm whales.

RECORDS AND REPORTS

230.30 Records to be maintained on whale catchers.
230.31 Records to be maintained on factoryships and at land stations.
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SALVAGE OF UNCLAIMED WHALES

230.40 No processing license required.
230.41 Reporting of salvage of dead whales required.

MOLESTING OR UNAUTHORIZED INTERFERENCE WITH WHALES

230.50 Molesting of whales prohibited.

INSPECTION AND ENFORCEMENT

230.60 Fish and Wildlife Service employees designated as enforcement officers.
230.61 State officers designated as enforcement officers.
230.62 Disposal of perishable seized whales and whale products.

AUTHORITY: The provisions of this Part 230 issued under sec. 12, 64 Stat. 425; 16 U.S.C. 916j.

CROSS REFERENCE: For the regulations of the International Whaling Commission, see Part 351 of this title.

DEFINITIONS

§ 230.1 Factoryship.

The word "factoryship" means a vessel in which or on which whales are treated or processed, whether wholly or in part.

§ 230.2 Land station.

The words "land station" mean a factory on the land at which whales are treated or processed, whether wholly or in part.

§ 230.3 Secondary processing land station.

The words "secondary processing land station" mean a factory on the land which receives from a land station for further processing any or all of those parts of whales which are required, by paragraph 12 of the Schedule of the Whaling Convention of 1946, as amended (§ 351.12 of this title), to be processed by boiling or otherwise.

§ 230.4 Whale catcher.

The words "whale catcher" mean a vessel used for the purpose of hunting, killing, taking, towing, holding on to, or scouting for whales.

§ 230.5 Whales.

(a) "Baleen whale" means any whale which has baleen or whale bone in the mouth, i.e., any whale other than a toothed whale.

(b) "Blue whale" (Balaenoptera or Sibbaldus musculus) means any whale known by the name of blue whale, Sibbald's rorqual, or sulphur bottom.

(c) "Fin whale" (Balaenoptera physalus) means any whale known by the name of common finback, common rorqual, finback, finner, fin whale, herring whale, razorback, or true fin whale.

(d) "Gray whale" (Rhachianectes glaucus or Eschrichtius gibbosus) means any whale known by the name of gray whale, California gray, devil fish, hard head, mussel digger, gray back, or rip sack.

(e) "Humpback whale" (Megaptera nodosa or novaeangliae) means any whale known by the name of bunch, humpback, humpback whale, humpbacked whale, hump whale, or hunchbacked whale.

(f) "Minke whale" (Balaenoptera acutorostrata, B. Davidsoni, B. huttoni) means any whale known by the name of lesser rorqual, little piked whale, minke whale, pike-headed whale, or sharp-headed finner.

(g) "Right whale" (Balaena mysticetus, Eubalaena glacialis, E. australis, etc.; Neobalaena marginata) means any whale known by the name of Atlantic right whale, Arctic right whale, Biscayan right whale, bowhead, great polar whale,

Greenland right whale, Greenland whale, Nordkaper, North Atlantic right whale, North Cape whale, Pacific right whale, pigmy right whale, Southern pigmy right whale, or Southern right whale.

(h) "Sei whale" (Balaenoptera borealis) means any whale known by the name of sei whale, Rudolphi's rorqual, pollack whale, or coalfish whale and shall be taken to include Bryde's whale (B. brydei).

(i) "Sperm whale" (physeter catodon) means any whale known by the name of sperm whale, spermacet whale, cachalot, or pot whale.

(j) "Toothed whale" means any whale which has teeth in the jaws.

§ 230.6 Whale products.

The words "whale products" mean any unprocessed part of a whale and blubber, meat, bones, whale oil, sperm oil, spermaceti, meal, and baleen.

LICENSES AND SCIENTIFIC PERMITS

§ 230.10 Licenses required to engage in whaling.

No person shall engage in the taking or processing of blue whales, fin whales, humpback whales, sei whales, minke whales, or sperm whales without first having obtained an appropriate license.

§ 230.11 Applications for licenses.

(a) Applications for licenses to engage in the taking or processing of whales of the species listed in § 230.10, shall be submitted to the Bureau of Commercial Fisheries through the Regional Director, Pacific Northwest Region (Region 1), Bureau of Commercial Fisheries, 6116 Arcade Building, 1319 Second Avenue, Seattle, Wash. 98101. Such applications shall be accompanied by the affidavit or affidavits prescribed in sections 6 (d) and (e) of the Whaling Convention Act of 1949 and by a check or U.S. Postal Money Order payable to the Bureau of Commercial Fisheries in the appropriate amount as prescribed by section 6(b) of the Whaling Convention Act of 1949 and as set out in § 230.12.

(b) Applicants for a license to operate a whale catcher must furnish by means of a letter to the Regional Director information specifying the names and addresses of the owner and operator of the vessel, the name, official number, and home port of the vessel, its length, beam, and draft, its gross and net tonnage, the horsepower of its engine, its maximum speed, the number of its crew members, and the basis of compensation for its gunners and crew, including the basis on which bonuses are awarded.

(c) Applicants for a license to operate a factoryship must furnish by means of a letter to the Regional Director information specifying the names and addresses of the owner and operator of the vessel, the name, official number, and home port of the vessel, its length, beam, and draft, its gross and net tonnage, the horsepower of its engine, its maximum speed, the number of its crew, including whalers, the basis of compensation for its crew and whales including the basis on which bonuses are awarded, and a list of its processing and manufacturing equipment.

(d) Applicants for a license to operate a land station must furnish by means of a letter to the Regional Director, information specifying the names and addresses of the owner and operator of the land station, the number of its employees, the basis of their compensation, including the basis on which bonuses are awarded, and a list of its processing and manufacturing equipment.

§ 230.12 Schedule of fees.

The following licenses and fees shall be required for each calendar year or any fraction thereof and shall be nontransferable:

(a) Land station licenses for primary processing of whales, $250.

(b) Land station license for secondary processing of parts of whales delivered to it by a land station licensed as a primary processor, $100.

(c) Factoryship license for primary processing of whales delivered by whale catchers, $250.

(d) License for any vessel used exclusively for transporting whale products from a factoryship to a port during the whaling season, $100.

(e) Whale catcher license, $100.

(f) No license fee shall be refunded by reason of the failure of any person to whom a license has been issued to utilize the facility in whaling for which such license was issued.

§ 230.13 Applications for scientific permits.

Applications for scientific permits to take, tag, or study whales for scientific investigations shall be submitted to the Director, Bureau of Commercial Fisheries, Department of the Interior, Washington, D.C. 20240. Scientific permits will be issued free of charge. Applicants for a scientific permit should also include with their application a statement of the specific objectives and operational procedures of their proposed scientific investigation. Upon completion of their research, a report of the results of such research, in triplicate, shall be submitted to the Director of the Bureau of Commercial Fisheries for transmittal to the International Whaling Commission in accordance with paragraph 3 of Article VIII of the International Convention for Regulation of Whaling of 1946.

CLOSED SEASONS

§ 230.20 Whale catchers attached to land stations taking baleen whales.

(a) It is forbidden to use a whale catcher attached to a land station for the purpose of taking or killing any baleen whales, except during the period April 16 to October 15 following, both days inclusive: *Provided*, That, it is forbidden to kill or attempt to kill blue whales, by any means, in the following areas:

(1) The North Atlantic Ocean for 5 years ending on February 24, 1970.

(2) The North Pacific Ocean and its dependent waters north of the Equator for 5 years beginning with the 1966 season.

(3) In the waters south of the Equator.

Provided further, That, it it forbidden to kill or attempt to kill humpback whales, by any means, in the following areas:

(4) In the North Atlantic Ocean for a period ending on November 8, 1969.

(5) In the North Pacific Ocean and its dependent waters north of the Equator for 3 years beginning with the 1968 season.

(6) In the waters south of the Equator.

§ 230.21 Whale catchers attached to land stations taking sperm whales.

It is forbidden to use a whale catcher attached to a land station for the purpose of taking or killing sperm whales except during the period April 1, to November 30 following, both days inclusive.

§ 230.22 Whale catchers attached to factoryships taking sperm whales.

It is forbidden to use a whale catcher attached to a factoryship for the purpose of killing or attempting to kill sperm whales in the waters between 40 degrees south latitude and 40 degrees north latitude. For all other waters, it is forbidden to use a whale catcher attached to a factoryship for the purpose of taking or killing sperm whales except during the period April 1 to November 30 following, both days inclusive.

RECORDS AND REPORTS [1]

§ 230.30 Records to be maintained on whale catchers.

There shall be maintained on each whale catcher a suitable log book or other record in which shall be recorded the following information, and such record shall be available for inspection by any person authorized by law or by this part to act as an inspector or enforcement officer, who shall be permitted to abstract therefrom such information as may be needed by the U.S. Government:

(a) The date and hour of the killing or capture of each whale;

(b) The point in latitude and longitude where each whale was killed or captured;

(c) The species of each whale killed or captured;

(d) The time of delivery of each whale to the land station or factoryship;

(e) Data specified under paragraphs (a), (b), and (c) of this section for each whale killed and later lost, or for some other reason not delivered to a factoryship or land station for processing, with an account of the circumstances surrounding such loss or nondelivery; and

(f) Any observations on migration of whales and on location of calving grounds.

§ 230.31 Records to be maintained on factoryships and at land stations.

(a) There shall be maintained in duplicate on board each factoryship and at

[1] The recordkeeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

each land station a detailed record of all whales received and processed as follows:

(1) Serial number of the whale (begin with number 1 on January 1 of each year).

(2) Species of the whale.

(3) Date and time killed and date and time received by the factoryship or land station.

(4) Sex of the whale.

(5) Length of the whale. (Whales must be measured when at rest on deck or platform, as accurately as possible by means of a steel tape measure fitted at the zero end with a spiked handle which can be stuck into the deck planking abreast of one end of the whale. The tape measure shall be stretched in a straight line parallel with the whale's body and read abreast the other end of the whale. The ends of the whale, for measurement purposes, shall be the point of the upper jaw and the notch between the tail flukes. Measurements, after being accurately read on the tape measure, shall be logged to the nearest foot, that is to say, any whale between 75 feet 6 inches and 76 feet 6 inches shall be logged as 76 feet, and any whale between 76 feet 6 inches and 77 feet 6 inches shall be logged as 77 feet. The measurement of any whale which falls on an exact half foot shall be logged at the next half foot, e.g., 76 feet 6 inches precisely shall be logged at 77 feet.)

(6) Sex of fetus if present.

(7) Length of fetus in feet and inches.

(8) A description of the stomach contents of the whale.

(9) Name of whale catcher which took the whale.

(10) Name of gunner who killed the whale.

(11) The exact location in which the whale was taken, stated in degrees and minutes of latitude and longitude.

(12) Under "Remarks" enter, if the whale is a female, whether lactating or milk-filled as well as abnormalities or peculiarities concerning the whale and the character and quantity of any portion of the whale transferred to a secondary processing plant.

(b) Each sheet of such reports shall be verified or approved by a person authorized by law or by this part to act as inspector or enforcement officer, and the said duplicate reports for each calendar year shall be submitted to the Director, Bureau of Commercial Fisheries, Department of the Interior, Washington, D.C. 20240, within 30 days after the end of each calendar year.

§ 230.32 Records to be maintained at secondary processing land stations.

(a) There shall be maintained by all licensed secondary processing land stations receiving from land stations parts of whales for further processing a suitable ledger or book in which the following information shall be recorded, and such records shall be available for inspection by any authorized person:

(1) The kind and quantity of parts of whales received.

(2) The date of receipt thereof.

(3) The kind and quantity of products derived therefrom.

(b) Said ledger or book or certified true copies thereof shall be submitted in duplicate to the Director, Bureau of Commercial Fisheries, Department of the Interior, Washington, D.C. 20240, within 30 days after the end of each calendar year.

§ 230.33 Report on employment, craft, and products of whaling operations.

The person or persons responsible for the operation of every factoryship, land station, and secondary processing land station shall annually submit in duplicate to the Director, Bureau of Commercial Fisheries, Department of the Interior, Washington, D.C. 20240, within 30 days after the end of each calendar year, a report on employment, craft, and products, which shall show the number of persons employed, the nature of the task which each performs and the manner in which each is remunerated; the number and type of vessels and aircraft operated, including separate totals for surface vessels and aircraft; specifying, in the case of surface vessels, the average length and horsepower of whale catchers and the gross tonnage and horsepower of other vessels; and the quantity and type of products manufactured, including semiprocessed products delivered to secondary processing land stations. Such reports shall be subscribed and sworn to by the person or persons responsible for the operation of said factoryships, land station and secondary processing land station before a notary public or a person authorized by law or by this part to act as inspector or enforcement officer.

§ 230.34 Records retention period.

The records required to be maintained under the regulations of this part shall be retained by the person or persons responsible for their preparation and maintenance for a period of 6 months following the end of the calendar year to which such records apply.

SALVAGE OF UNCLAIMED WHALES

§ 230.40 No processing license required.

No license shall be required for the salvage and processing of any "dauhval" or dead whale found upon a beach or stranded in shallow water, or of any unclaimed dead whale found floating at sea.

§ 230.41 Reporting of salvage of dead whales required.

(a) Any person or persons salvaging and/or processing any dead whale of any of the species enumerated in § 230.5 shall submit a report in writing to the Director, Bureau of Commercial Fisheries, Department of the Interior, Washington, D.C. 20240, no later than within 30 days after the end of the then current calendar year.

(b) Such report shall show the date and exact locality in which such dead whale was found, its species and length, the disposition made of the whale, the firm utilizing or processing it, the products derived therefrom, and any other relevant facts.

MOLESTING OR UNAUTHORIZED INTERFERENCE WITH WHALES

§ 230.50 Molesting of whales prohibited.

The chasing, molesting, exciting, or interfering with, through the use of firearms or by any other manner or means, of any whale of the species listed in § 230.5 or of any other species protected by the provisions of the International Convention for the Regulation of Whaling of 1946, except for the purpose of hunting, killing, taking, towing, holding on to, or scouting for whales in accordance with the provisions of the Convention, the regulations of the International Whaling Commission, and the regulations in this part, is prohibited. Persons violating this section shall upon arrest and conviction, be subject to the penalties imposed by the Whaling Convention Act of 1949.

INSPECTION AND ENFORCEMENT

§ 230.60 Fish and Wildlife Service employees designated as enforcement officers.

Any employee of the Fish and Wildlife Service duly appointed and authorized to enforce Federal laws and regulations administered by the Fish and Wildlife Service is authorized and empowered to act as a law enforcement officer for the purposes set forth in the Whaling Convention Act of 1949.

§ 230.61 State officers designated as enforcement officers.

Any employee of a State government who has been duly designated by the Director, Bureau of Commercial Fisheries, Department of the Interior, with the consent of the State government concerned, is authorized and empowered to act as a Federal law enforcement officer for the purposes set forth in the Whaling Convention Act of 1949.

§ 230.62 Disposal of perishable seized whales and whale products.

Any whales or whale products which are seized pursuant to the Whaling Convention Act of 1949 and which are deemed to be perishable, shall be preserved, processed, and sold as soon as possible under the direction and control of the Bureau of Commercial Fisheries. All proceeds from such sales shall be placed in escrow in any bank or in any manner as the Secretary of the Interior may direct pending the outcome of litigation.

[F.R. Doc. 68-1624; Filed, Feb. 8, 1968; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 729]

PEANUTS

Proposed Determinations Regarding Supply of Valencia Type Peanuts for 1968–69 Marketing Year

At the request of interested producers, the Secretary of Agriculture is initiating

a study necessary to determine whether the supply of Valencia type peanuts for the 1968–69 marketing year will be insufficient to meet the estimated demand for cleaning and shelling purposes. This is in accordance with section 358(c) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1358(c)). This section, as amended, reads in part as follows:

Notwithstanding any other provision of law, if the Secretary of Agriculture determines, on the basis of the average yield per acre of peanuts by types during the preceding 5 years, adjusted for trends in yields and abnormal conditions of production affecting yields in such five years, that the supply of any type or types of peanuts for any marketing year, beginning with the 1951-52 marketing year, will be insufficient to meet the estimated demand for cleaning and shelling purposes at prices at which the Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by it, the State allotments for those States producing such type or types of peanuts shall be increased to the extent determined by the Secretary to be required to meet such demand but the allotment for any State may not be increased under this provision above the 1947 harvested acreage of peanuts for such State. The total increase so determined shall be apportioned among such States for distribution among farms producing peanuts of such type or types on the basis of the average acreage of peanuts of such type or types in the three years immediately preceding the year for which the allotments are being determined. The additional acreage so required shall be in addition to the national acreage allotment, the production from such acreage shall be in addition to the national marketing quota, and the increase in acreage allotted under this provision shall not be considered in establishing future State, county, or farm acreage allotments.

Prior to determining whether the supply of Valencia type peanuts for the 1968–69 marketing year will be insufficient under section 358(c) of the Act to meet the estimated demand for cleaning and shelling, consideration will be given to any data, views and recommendations relating thereto which are submitted in writing to the Director, Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C. 20250. To be considered, any such submissions must be postmarked not later than February 28, 1968.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27 (b)).

Signed at Washington, D.C., on February 5, 1968.

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

[F.R. Doc. 68–1625; Filed, Feb. 8, 1968; 8:48 a.m.]

Consumer and Marketing Service

[7 CFR Parts 1001–1005, 1008, 1009, 1011, 1015, 1016, 1030–1036, 1038–1041, 1043–1051, 1060, 1062–1071, 1073, 1075, 1076, 1078, 1079, 1090, 1094, 1096–1099, 1101–1104, 1106, 1108, 1120, 1121, 1125–1134, 1136–1138]

[Docket No. AO 14–A44, etc.]

MILK IN MASSACHUSETTS-RHODE ISLAND-NEW HAMPSHIRE AND CERTAIN OTHER MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR Part	Marketing area	Docket No.
1001	Massachusetts-Rhode Island-New Hampshire.	AO 14–A44.
1002	New York-New Jersey	AO 71–A56.
1003	Washington, D.C.	AO 293–A19.
1004	Delaware Valley	AO 160–A37.
1005	Tri-State	AO 177–A33.
1008	Greater Wheeling	AO 268–A12–RO2.
1009	Clarksburg	AO 268–A15.
1011	Appalachian	AO 251–A11.
1015	Connecticut	AO 305–A21.
1016	Upper Chesapeake Bay	AO 312–A16.
1030	Chicago	AO 361–RO2.
1031	Northwestern Indiana	AO 170–A24–RO2.
1032	Southern Illinois	AO 313–A16.
1033	Cincinnati	AO 166–A38.
1034	Miami Valley	AO 175–A28.
1035	Columbus	AO 176–A25.
1036	Northeastern Ohio	AO 179–A28–RO2.
1038	Rock River Valley	AO 194–A17–RO2.
1039	Milwaukee	AO 212–A22–RO2.
1040	Southern Michigan	AO 225–A20.
1041	Northwestern Ohio	AO 72–A34.
1043	Upstate Michigan	AO 247–A14.
1044	Michigan Upper Peninsula.	AO 299–A15.
1045	Northeastern Wisconsin	AO 334–A12–RO2.
1046	Louisville-Lexington-Evansville.	AO 123–A35.
1047	Fort Wayne	AO 33–A38.
1048	Youngstown-Warren	AO 325–A8–RO2.
1049	Indianapolis	AO 319–A13.
1050	Central Illinois	AO 355–A5.
1051	Madison	AO 329–A8–RO2.
1060	Minnesota-North Dakota	AO 360–A2.
1062	St. Louis	AO 10–A37–RO1 and AO–10–A39–RO2.
1063	Quad Cities-Dubuque	AO 105–A27–RO2.
1064	Kansas City	AO 23–A34.
1065	Nebraska-Western Iowa	AO 86–A21–RO2.
1066	Sioux City	AO 122–A15–RO2.
1067	Ozarks	AO 222–A23–RO2.
1068	Minneapolis-St. Paul	AO 178–A22.
1069	Duluth-Superior	AO 153–A16.
1070	Cedar Rapids-Iowa City	AO 229–A19.
1071	Neosho Valley	AO 227–A22.
1073	Wichita	AO 173–A23.
1075	Black Hills	AO 248–A10.
1076	Eastern South Dakota	AO 260–A13.
1078	North Central Iowa	AO 272–A14.
1079	Des Moines	AO 295–A16.
1090	Chattanooga	AO 266–A11.
1094	New Orleans	AO 103–A27.
1096	Northern Louisiana	AO 257–A17.
1097	Memphis	AO 219–A22.
1098	Nashville	AO 184–A27.
1099	Paducah	AO 183–A21.
1101	Knoxville	AO 195–A18.
1102	Fort Smith	AO 237–A17.
1103	Mississippi	AO 346–A7.
1104	Red River Valley	AO 298–A13.
1106	Oklahoma Metropolitan	AO 210–A26.
1108	Central Arkansas	AO 243–A19.
1120	Lubbock-Plainview	AO 328–A9.
1121	South Texas	AO 364–RO2.
1125	Puget Sound	AO 226–A19.
1126	North Texas	AO 231–A32–RO2.
1127	San Antonio	AO 232–A19.
1128	Central West Texas	AO 238–A22.
1129	Austin-Waco	AO 256–A15.
1130	Corpus Christi	AO 259–A18.
1131	Central Arizona	AO 271–A12–RO3.
1132	Texas Panhandle	AO 262–A18.
1133	Inland Empire	AO 275–A19.
1134	Western Colorado	AO 301–A9.
1136	Great Basin	AO 309–A13.
1137	Eastern Colorado	AO 326–A14.
1138	Rio Grande Valley	AO 335–A12.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Chisca Plaza Hotel, 272 South Main Street, Memphis, Tenn., beginning at 9 a.m., local time, on February 23, 1968, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the aforesaid marketing areas.

This hearing represents a reopening for the limited purposes stated herein of the public hearings previously held under Docket Nos. AO 268–A12, AO 361, AO 170–A24, AO 179–A28, AO 194–A17, AO 212–A22, AO 334–A12, AO–325–A8, AO 329–A8, AO 10–A37, AO 10–A39, AO 105–A27, AO 86–A21, AO 122–A15, AO 222–A23, AO 364, AO 231–A32, and AO 271–A12, with respect to the orders regulating the handling of milk in the Greater Wheeling, Chicago, Northwestern Indiana, Northeastern Ohio, Rock River Valley, Milwaukee, Northeastern Wisconsin, Youngstown-Warren, Madison, St. Louis, Quad-Cities-Dubuque, Nebraska-Western Iowa, Sioux City, Ozarks, South Texas, North Texas, and Central Arizona marketing areas, respectively.

The public hearing is for the purpose of receiving evidence only with respect to:

1. In markets other than Massachusetts-Rhode Island-New Hampshire, New York-New Jersey, Delaware Valley, Connecticut, Washington, D.C., and Upper Chesapeake Bay:

(a) Continuing beyond April 30, 1968, the temporary 20 cents added to the Class I price over regular formula factors; and

(b) Extending beyond April 30, 1968, the temporary basic formula price of $4.05;

2. In the Massachusetts-Rhode Island-New Hampshire, New York-New Jersey, Connecticut and Delaware Valley markets extending beyond April 30, 1968, the effect of the temporary Class I price amendments to specify Class I prices as follows: Massachusetts-Rhode Island-New Hampshire, $6.39; New York-New Jersey, $6.11; Connecticut, $6.79; Delaware Valley, $6.65; [1]

[1] The Class I price in the Washington, D.C., and Upper Chesapeake Bay orders is the Delaware Valley Class I price less 10 cents.

3. In the Delaware Valley, Southern Illinois and Central Illinois markets remove the June 30, 1968, termination date on the current Class I price provisions;

4. Whether the economic and emergency market conditions in the several markets imperatively and unavoidably require the Secretary, in the due and timely execution of his functions, to omit a recommended decision in connection with any amendatory action that may be required with respect to any of the aforesaid orders.

With respect to those hearings which are being reopened and which deal with marketing area expansion, or the merger of existing marketing areas, proposals 1(a) and 1(b) will be considered relative to amending the separate orders or any order or orders resulting from such hearings.

This notice is issued in response to a request by cooperative associations of producers supplying milk to most of the areas in which the handling of milk is regulated by Federal milk orders.

The aforesaid proposals have not received the approval of the Secretary of Agriculture.

Signed at Washington, D.C., on February 6, 1968.

ALEXANDER SWANTZ,
Acting Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 68-1656; Filed, Feb. 8, 1968; 8:50 a.m.]

[7 CFR Parts 1001–1006, 1008, 1009, 1011, 1012, 1013, 1015, 1016, 1030–1036, 1038–1041, 1043–1051, 1060, 1062–1071, 1073, 1075, 1076, 1078, 1079, 1090, 1094, 1096–1099, 1101–1104, 1106, 1108, 1120, 1121, 1125–1134, 1136–1138]

[Docket No. AO 219-A21, etc.]

MILK IN MEMPHIS, TENN., AND CERTAIN OTHER MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR Part	Marketing area	Docket No.
1097	Memphis	AO 219-A21.
1001	Massachusetts-Rhode Island-New Hampshire.	AO 14-A43.
1002	New York-New Jersey	AO 71-A55.
1003	Washington, D.C.	AO 203-A18.
1004	Delaware Valley	AO 160-A36.
1005	Tri-State	AO 177-A32.
1006	Upper Florida	AO 356-A3.
1008	Greater Wheeling	AO 268-A12-R01.
1009	Clarksburg	AO 268-A14.
1011	Appalachian	AO 251-A10.
1012	Tampa Bay	AO 347-A7.
1013	Southeastern Florida	AO 286-A15.
1015	Connecticut	AO 305-A20.
1016	Upper Chesapeake Bay	AO 312-A15.
1030	Chicago	AO 361-R01.
1031	Northwestern Indiana	AO 170-A24-R01.
1032	Southern Illinois	AO 313-A15.
1033	Cincinnati	AO 166-A37.
1034	Miami Valley	AO 175-A27.
1035	Columbus	AO 176-A24.
1036	Northeastern Ohio	AO 179-A28-R01.
1038	Rock River Valley	AO 194-A17-R01.
1039	Milwaukee	AO 212-A22-R01.
1040	Southern Michigan	AO 225-A19-R01.
1041	Northwestern Ohio	AO 72-A33.
1043	Upstate Michigan	AO 247-A13.
1044	Michigan Upper Peninsula.	AO 209-A14.
1045	Northeastern Wisconsin	AO 334-A12-R01.
1046	Louisville-Lexington-Evansville.	AO 123-A34.
1047	Fort Wayne	AO 33-A37.
1048	Youngstown-Warren	AO 325-A8-R01.
1049	Indianapolis	AO 319-A12.
1050	Central Illinois	AO 355-A4.
1051	Madison	AO 329-A8-R01.
1060	Minnesota-North Dakota.	AO 360-A1.
1062	St. Louis	AO 10-A39-R01.
1063	Quad Cities-Dubuque	AO 105-A27-R01.
1064	Kansas City	AO 23-A33.
1065	Nebraska-Western Iowa	AO 86-A21-R01.
1066	Sioux City	AO 122-A15-R01.
1067	Ozarks	AO 222-A23-R01.
1068	Minneapolis-St. Paul	AO 178-A21.
1069	Duluth-Superior	AO 153-A15.
1070	Cedar Rapids-Iowa City.	AO 229-A18.
1071	Neosho Valley	AO 227-A21.
1073	Wichita	AO 173-A22.
1075	Black Hills	AO 248-A9.
1076	Eastern South Dakota	AO 260-A12.
1078	North Central Iowa	AO 272-A13.
1079	Des Moines	AO 295-A15.
1090	Chattanooga	AO 266-A10-R01.
1094	New Orleans	AO 103-A26.
1096	Northern Louisiana	AO 257-A16.
1098	Nashville	AO 184-A26.
1099	Paducah	AO 183-A20.
1101	Knoxville	AO 195-A17.
1102	Fort Smith	AO 237-A16
1103	Mississippi	AO 346-A6.
1104	Red River Valley	AO 298-A12.
1106	Oklahoma Metropolitan	AO 210-A25.
1108	Central Arkansas	AO 243-A18.
1120	Lubbock-Plainview	AO 328-A8.
1121	South Texas	AO 364-R01.
1125	Puget Sound	AO 226-A18-R01.
1126	North Texas	AO 231-A32-R01.
1127	San Antonio	AO 232-A18.
1128	Central West Texas	AO 238-A21.
1129	Austin-Waco	AO 256-A14.
1130	Corpus Christi	AO 259-A17.
1131	Central Arizona	AO 271-A12-R02.
1132	Texas Panhandle	AO 262-A17.
1133	Inland Empire	AO 275-A18-R01.
1134	Western Colorado	AO 301-A8-R01.
1136	Great Basin	AO 309-A12.
1137	Eastern Colorado	AO 326-A13.
1138	Rio Grande Valley	AO 335-A11.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Chisca Plaza Hotel, 272 South Main Street, Memphis, Tenn., beginning at 10 a.m., local time, on February 19, 1968, with respect to proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the aforesaid marketing areas.

This hearing represents a reopening for the limited purposes stated herein of the public hearings previously held under Docket Nos. AO 268-A12, AO 361, AO 170-A24, AO 179-A28, AO 194-A17, AO 212-A22, AO 225-A19, AO 334-A12, AO 325-A8, AO 329-A8, AO 10-A39, AO 105-A27, AO 86-A21, AO 122-A15, AO 222-A23, AO 266-A10, AO 364, AO 226-A18, AO 231-A32, AO 271-A12, AO 275-A18, and AO 301-A8, with respect to the orders regulating the handling of milk in the Greater Wheeling, Chicago, Northwestern Indiana, Northeastern Ohio, Rock River Valley, Milwaukee, Southern Michigan, Northeastern Wisconsin, Youngstown-Warren, Madison, St. Louis, Quad Cities-Dubuque, Nebraska-Western Iowa, Sioux City, Ozarks, Chattanooga, South Texas, Puget Sound, North Texas, Central Arizona, Inland Empire, and Western Colorado marketing areas, respectively.

This public hearing is for the purpose of receiving evidence concerning the economic and marketing conditions in each of the aforesaid marketing areas relating to the disposition or potential disposition in such areas of filled milk and certain other products containing milk or milk derivatives which are disposed of in fluid form. The hearing is to receive evidence with respect to any amendments to such orders which may be needed to maintain orderly marketing of milk and its products in the respective marketing areas as a consequence of the disposition of these products in the respective areas.

This hearing will cover evidence with respect to this issue as it relates to all marketing areas, both as to the need for a co-ordinated program of regulation of such products in all markets and the consideration of specific issues which must be dealt with in individual markets.

The types of information needed to resolve these matters are suggested by the following list of issues and proposals upon which evidence is invited.

Proposals to regulate filled milk or imitation milk raise at least the following issues for consideration with respect to each order.

1. Whether or not any or all of the ingredients of filled milk and/or imitation milk should be subject to, or exempt from, classification and pricing. If subject to classification and pricing, how should such products be defined for regulatory purposes.

2. Whether or not filled milk or imitation milk should be classified as Class I milk or in another class.

3. Whether or not, if filled milk or imitation milk were classified as Class I milk, other fluid milk products, such as eggnog, milk shake mix, milk drinks, etc., should be classified Class I under each order if currently in a lower priced class under the respective order, irrespective of the use of milk of Grade A quality in their preparation.

4. Whether or not, if filled milk or imitation milk were classified as Class I milk, an equalization payment should apply on other source milk, such as nonfat dry milk, condensed milk, or ungraded milk, placed in such use; and, if an equalization payment should be applied, by whom should it be paid and at what rate per hundredweight.

5. Whether or not, if filled milk or imitation milk were classified as Class I milk, the scope of regulation under any or all milk orders should be extended to include processors and distributors of such products and other fluid milk products, such as general food processors or suppliers of milk products and their derivatives, who are not now defined as handlers under any order in the event such products are distributed directly or indirectly in a regulated marketing area. If extended to such persons, in what appropriate manner.

6. Whether or not the processing and distribution of filled milk or imitation

milk as a Class I product by a producer-handler should alter his regulatory status under any milk order.

7. Whether or not the classification and pricing of filled milk or imitation milk require a change in butterfat differentials.

8. Whether or not other order changes may be necessary to accommodate the regulation of fluid milk.

The following examples and references to particular parts of orders illustrate some of the above issues. They are not intended to exclude consideration of appropriate modifications or alternatives. Order modifications which may be suggested by such examples or by the issues described have not received the approval of the Secretary of Agriculture.

Examples—A. *Filled milk.* The term "filled milk" means any milk, cream, or skimmed milk, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated, to which has been added, or which has been blended or compounded with, any fat or oil other than milk fat, so that the resulting product is in imitation or semblance of milk, cream, or skimmed milk, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated.

B. *Imitation milk.* "Imitation milk" means a mixture containing milk or any portion of milk or any derivative thereof (e.g. sodium caseinate) whether condensed, evaporated, concentrated, powdered, dried or desiccated, to which has been added, or which has been blended or compounded with, any fat or oil other than butterfat, so that the resulting product is in imitation or semblance of milk, skim milk, cream, or other fluid milk products.

C. *Fluid milk product.* "Fluid milk product" means: Milk, filled milk, cream (including cultured or sour), skim milk, buttermilk, flavored milk and milk drinks (including eggnog and milk shake mixes), and any product in fluid form which contains milk, cream or skim milk. This definition shall include any of such products in frozen or concentrated form or made by reconstituting or recombining concentrated or dehydrated milk products with water or with another milk product in fluid form. Excluded from this definition are bulk plastic and frozen cream for commercial use, aerated cream products, ice cream and frozen dessert mixes for commercial use, evaporated or condensed milk, sterilized products in hermetically sealed metal or glass containers, yogurt and any cultured mixtures commonly referred to as dips.

D. *Definitions.* Amend order definitions of "plant," "distributing plant," "supply plant," "pool plant," "nonpool plant," "producer," "producer milk," and "related provisions," as may be necessary, to assure that, if imitation or filled milk products are classified as Class I, such products shall be subject to the same regulation as other Class I products.

E. *Producer-handler.* Amend "producer-handler" definitions to assure that if imitation or filled milk products are classified as Class I, a producer-handler shall be subject to regulation on the same basis as other handlers disposing of such products in the marketing area.

F. *Milk equivalent of concentrated products.* (1) Fluid milk products containing nonfat milk ingredients shall be considered "fortified" if the nonfat solids content is not more than 11 percent, and shall be accounted for on a volume basis without regard to its nonfat solids content.

(2) Fluid milk products containing nonfat milk ingredients shall be considered "concentrated" if the nonfat solids content is more than 11 percent, and shall be accounted for on a skim milk equivalent basis.

G. *Allocation.* Amend the allocation provisions in each order to identify filled milk or imitation milk, and any other product necessary to provide proper assignments.

H. *Payments on unregulated milk.* Alternative rates of payment on unregulated milk disposed of in the marketing area by a nonpool plant or used by a pool plant for such disposition.

(1) The Class I price minus the lowest order class price;

(2) The Class I price less the uniform price; or

(3) The Class I price less a market price for ingredients from which a product is constituted.

I. *Butterfat differentials.* (1) Provide a Class I butterfat differential of 4 cents for each one-tenth of 1 percent variation in butterfat from 3.5 percent; or

(2) Provide a Class I butterfat differential for each one-tenth of 1 percent variation in butterfat equal to 0.065 times the price at Chicago per pound of Grade A butter.

With respect to those hearings which are being reopened and which involve marketing area expansion, the aforesaid proposals will be considered relative to amending the separate orders or any order or orders resulting from such hearings on marketing area expansion.

This notice is issued in response to a request by cooperative associations of producers in markets throughout the Nation and other interested parties in the dairy industry.

Signed at Washington, D.C., on February 6, 1968.

ALEXANDER SWANTZ,
Acting Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 68-1657; Filed, Feb. 8, 1968; 8:51 a.m.]

[7 CFR Parts 1005, 1033, 1034, 1035, 1046, 1049]

[Docket No. AO 177-A31, etc.]

MILK IN TRI-STATE AND CERTAIN OTHER MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR Part	Marketing area	Docket No.
1005	Tri-State	AO 177-A31.
1033	Greater Cincinnati	AO 166-A36.
1034	Miami Valley, Ohio	AO 175-A26.
1035	Columbus, Ohio	AO 176-A23.
1046	Louisville-Lexington-Evansville.	AO 123-A33.
1049	Indianapolis, Ind	AO 319-A11.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at The Netherland Hilton, Fifth and Race Streets, Cincinnati, Ohio 45201, beginning at 1 p.m. local time, on February 14, 1968, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the aforesaid marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

GREATER CINCINNATI, MIAMI VALLEY, COLUMBUS, AND TRI-STATE ORDERS

Proposed by the Cincinnati Milk Sales Association, Inc., Cooperative Pure Milk Association, Inc., Miami Valley Milk Producers Association, Inc., Central Ohio Cooperative Milk Producers Association, Inc., Dairymen's Cooperative Sales Association, Inc., and the Huntington Interstate Milk Producers, Inc.:

Proposal No. 1. Amend paragraph (h) in §§ 1033.63, 1034.71, 1035.61, and 1005.61 by changing each such paragraph to read as follows:

(h) Subtract during each of the months of April, May, June, and July an amount equal to the hundredweight of producer milk included in these computations multiplied by 6 percent of the simple average of the basic formula prices, computed to the nearest cent, for the 12 months of the preceding calendar

year, rounded to the nearest cent: *Provided, however,* That such amount to be subtracted in any month shall not exceed 25 cents per hundredweight.

Proposal No. 2. Amend paragraph (l) in §§ 10.33.63; 1034.71; 10.3561, and 1005.61 by changing each such paragraph to read as follows:

(l) Add during each of the months of September, October, November, and December, one-fourth of the total amount of money subtracted pursuant to paragraph (h) of this section.

CINCINNATI ORDER

Proposed by the Cincinanti M.S.A., Inc., and the Cooperative P.M.A, Inc.:

Proposal No. 3. Amend paragraph (a) of § 1033.52, by striking the figure 0.127 at the end of the full sentence of such paragraph and substituting therefore the figure 0.120.

COLUMBUS ORDER

Proposed by the Cincinnati M.S.A., Inc., the Central Ohio C.M.P.A., Inc., and the Miami Valley M.P.A., Inc.:

Proposal No. 4. Review the level of the Class I butterfat differential in § 1035.52(a) and provide for alignment with surrounding Federal order markets.

INDIANAPOLIS ORDER

Proposed by Central Indiana Dairymen's Association and Miami Valley Milk Producers Association, Inc.:

Proposal No. 5. Amend paragraph (h) of § 1049.71 to read as follows:

§ 1049.71 Computation of uniform prices.

(h) Subtract from the remainder during each of the months of April through July an amount equal to 8 percent of the simple average of the basic formula prices, computed to the nearest cent, for the 12 months of the preceding calendar year, but not to exceed 30 cents per hundredweight in any month, multiplied by the total hundredweight of producer milk;

* * * * *

LOUISVILLE-LEXINGTON-EVANSVILLE ORDER

Proposed by Kyana Milk Producers, Inc.:

Proposal No. 6. Amend paragraph (h) of § 1046.71 to read as follows:

§ 1046.71 Computation of weighted average and uniform prices.

* * * * *

(h) Subtract during each of the months of April, May, June, and July an amount equal to the hundredweight of producer milk included in these computations multiplied by 10 percent of the simple average of the basic formula prices, computed to the nearest cent, for the 12 months of the preceding calendar year, but not to exceed 40 cents per hundredweight in any month;

* * * * *

Proposal No. 7. Amend paragraphs (a) and (b) of § 1046.52 to read as follows:

§ 1046.52 Butterfat differentials to handlers.

* * * * *

(a) *Class I milk.* Multiply the Chicago butter price for the preceding month by 0.120.

(b) *Class II milk.* Multiply the Chicago butter price for the month by 0.115.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 8. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Office of the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be procured from the offices of the market administrators listed below or may be there inspected:

Post Office Box 33, Gallipolis, Ohio 45631.
Post Office Box 1195, Cincinnati, Ohio 45201.
434 Third National Bank Building, Dayton, Ohio 45402.
Hartman Building, Room 505, 79 East State Street, Columbus, Ohio 43215.
Post Office Box 18030, Louisville, Ky. 40218.
5130 North Brouse Avenue, Indianapolis, Ind. 46205.

Signed at Washington, D.C., on February 6, 1968.

ALEXANDER SWANTZ,
Acting Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 68-1658; Filed, Feb. 8, 1968; 8:51 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

DDT

Proposed Reduction of Tolerances in or on Raw Agricultural Commodities

Following the spray residue public hearings held in 1950, and pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act, tolerances for the insecticide DDT were established in Part 120 (21 CFR Part 120) at a single level of 7 parts per million on 58 fresh fruits and vegetables by an order published in the FEDERAL REGISTER on March 11, 1955 (20 F.R. 1473). Since that date, several additional tolerances have been established in Part 120 for residues of DDT in or on various raw agricultural commodities at the following levels: 50, 20, 7, 4, 3.5, 1.5, 1, and 0.05 part(s) per million.

It is the policy of the Food and Drug Administration to review its pesticide tolerances with respect to new scientific data and information and in response to recommendations by recognized scientific advisory bodies. In 1966 the FAO Working Party and the WHO Expert Committee on Pesticide Residues in a joint meeting established an acceptable daily intake of DDT for man at a level of 0.01 milligram per kilogram of body weight or 0.6 milligram per day for an adult of 60 kilograms ("Evaluation of Some Pesticide Residues in Food," Food and Agriculture Organization of the United Nations, World Health Organization).

The report "Use of Pesticides" of the President's Science Advisory Committee (May 15, 1963) recommended that the accretion of residues in the environment be controlled by orderly reduction in the use of persistent pesticides. The report (October 26, 1966), of the Food and Drug Administration's advisory committee appointed to review the petition of the California State Departments of Public Health and Agriculture to establish a tolerance for DDT and related compounds (DDD and DDE) in milk and milk products recommended that "with respect to DDT, there is need for a thorough review and reassessment of its uses on all raw agricultural commodities to ascertain the tolerances needed in present agricultural practices for various crops."

A review of the DDT tolerances has been made. A reevaluation of the available DDT experimental residue data reflecting specified patterns of use shows that a tolerance of 7 parts per million is higher than is necessary for many of the crops for which it was established in 1955. The analytical data obtained in the Food and Drug Administration's pesticide residue surveillance and enforcement program show a wide disparity between levels of DDT actually present in or on raw agricultural commodities and the tolerance levels; that is, the levels actually found were generally well below the more common, current tolerance level of 7 parts per million. In the period of July 1, 1963, to June 30, 1967, only 3 percent of the samples analyzed that showed any detectable DDT had residues in excess of 1 part per million and less than 1 percent of all the 48,000 samples of raw agricultural commodities analyzed exceeded 1 part per million of DDT. Thus it appears on the basis of experimental data and examination of samples from commercial food channels that the tolerance of 7 parts per million is much higher than needed in a number of instances.

The U.S. Department of Agriculture has advised that under current agricultural practices tolerances lower than 7 parts per million are adequate to provide for the residues that are likely to result in or on some of these commodities and that there are no registered uses for DDT on rhubarb. Differences in tolerance levels on similar crops in this proposal are based on differences in registered patterns of use.

The total diet studies of the Food and Drug Administration support the conclusion that the total dietary daily intake of DDT by individuals in the United States is well below the 0.6 milligram FAO/WHO acceptable daily intake level.

While the DDT residue data on raw agricultural commodities and the data from the total diet studies indicate that there is presently no injury from DDT residues, to reduce any potential for such an injury to consumers and to bring the DDT tolerances into line with the policy that a pesticide tolerance should be no higher than the amount reasonably required to cover the residue when the

USDA registered directions for use are followed, the Commissioner of Food and Drugs proposes to reduce tolerances for DDT from 7 parts per million to 3.5 parts per million or 1 part per million on those commodities where available residue data indicate that the currently registered uses do not require a higher level. Additionally, it is the intention of the Commissioner that no tolerances for DDT will be continued at a level higher than 1 part per million after the close of the 1968 growing season unless (1) facts are adduced to support a conclusion that current good agricultural practices require such uses and (2) it can also be concluded on the basis of current safety criteria that such exception to a 1 part per million tolerance will be safe for consumers.

Accordingly, all interested parties are invited to obtain and furnish to the Food and Drug Administration prior to January 1, 1969, residue data reflecting effective patterns of use that may require DDT tolerances higher than the 1 part per million and to justify such usage. In the absence of such data and justification from interested parties the Commissioner will proceed on the basis of available data and information.

Based on consideration given to the above information, and other relevant material, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (e), (m), 68 Stat. 514, 517; 21 U.S.C. 346a (e), (m)) and delegated to him by the Secretary (21 CFR 2.120), the Commissioner proposes that § 120.147 be revised to read as follows:

§ 120.147 DDT; tolerances for residues.

Tolerances for residues of the insecticide DDT (a mixture of 1,1,1-trichloro-2, 2-bis (*p*-chlorophenyl) ethane, and 1,1,1-trichloro-2-(*o*-chlorophenyl)-2-(*p*-chlorophenyl) ethane) are established in or on raw agricultural commodities as follows:

50 parts per million in or on peppermint hay and spearmint hay, which are not to be used for feeding livestock.

20 parts per million in or on fresh hops. Any byproducts or refuse from such hops are not to be used for feeding livestock.

7 parts per million in or on apples, apricots, beans, beet greens, blueberries (huckleberries), cabbage, carrot tops, celery, cranberries, cucumbers, eggplants; fat of meat from cattle, goats, hogs, horses, and sheep; grapes, lettuce, mangoes, melons, nectarines, okra, onions, parsnip greens, peaches, pears, peas, peppers, pineapples, pumpkins, quinces, radish tops, rutabaga tops, squash, summer squash, sweetpotatoes (from postharvest use), tomatoes, turnip greens.

4 parts per million in or on cottonseed.

3.5 parts per million in or on avocados, carrots (without tops), cherries, citrus fruits, collards, the fresh vegetable sweet corn (determined on kernels plus cob after removing any husk present when marketed), kale, mustard greens, papayas, plums (fresh prunes), spinach, Swiss chard.

3.5 parts per million combined residues of DDT and toxaphene in or on soybeans (dry form), of which residues DDT shall not exceed 1.5 parts per million and toxaphene shall not exceed 2 parts per million.

1.5 parts per million in or on soybeans (dry form).

1 part per million in or on artichokes, asparagus, beets (roots), blackberries, boysenberries, broccoli, brussel sprouts, cauliflower, currants, dewberries, endive (escarole), gooseberries, guavas, kohlrabi, loganberries, mushrooms, parsnips (roots), peanuts, potatoes (determined after washing off any soil present when marketed), radishes (roots), raspberries, rutabagas (roots), strawberries, turnips (roots), youngberries.

Any person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing the pesticide chemical DDT may request, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, that the proposal herein be referred to an advisory committee in accordance with section 408(e) of the act.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments on this proposal, preferably in quintuplicate. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: February 1, 1968.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 68-1590; Filed, Feb. 8, 1968; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket 67-EA-124]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Washington, D.C. Transition Area.

New ILS Runway 32 and NDB (ADF) Runway 32 standard instrument approach procedures have been developed for Davison Army Airfield, Fort Belvoir, Va., and will require modification of the Washington, D.C. 700-foot floor transition area to provide airspace protection for aircraft executing these procedures.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, JFK International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, FAA Federal Building, JFK International Airport, Jamaica, N.Y. 11430.

The FAA having reviewed the airspace requirements in the Washington, D.C. area proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to add the coordinates "to latitude 38°30'00" N., longitude 77°04'00" W." after the coordinates "38°35'00" N., longitude 76°54'20" W.".

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

Issued in Jamaica, N.Y., on January 23, 1968.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 68-1614; Filed, Feb. 8, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket 67-EA-126]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Oneonta, N.Y., transition area.

An authorized revision to the VOR instrument approach procedure for Oneonta Municipal Airport, Oneonta, N.Y., will require airspace protection for aircraft executing the approach and departure procedures.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, FAA, Federal Building, JFK International Airport, Jamaica, N.Y. 11430. All communications received within 30 days

after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with FAA officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, FAA, Federal Building, JFK International Airport, Jamaica, N.Y. 11430.

The FAA having reviewed the airspace requirements for the terminal area of Oneonta, N.Y., proposes the airspace action as hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Oneonta, N.Y., transition area the radial "066°" and insert in lieu thereof "067°" and delete the sentence "This transition area shall be effective from sunrise to sunset, daily."

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

Issued in Jamaica, N.Y., on January 23, 1968.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 68-1615; Filed, Feb. 8, 1968; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket 67-EA-130]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Saranac Lake, N.Y., transition area.

An authorized revision to the VOR instrument approach procedure for Adirondack Airport, Saranac Lake, N.Y., will require airspace protection for the aircraft executing the instrument departure and approach procedures.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, FAA, Federal Building, JFK International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, FAA, Federal Building, JFK International Airport, Jamaica, N.Y.

The FAA having completed a review of the airspace requirements for the terminal area of Saranac Lake, N.Y., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the Saranac Lake, N.Y., transition area the figure "12" and insert in lieu thereof the figure "13"; delete the sentence "This transition area is effective from sunrise to sunset, daily."

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

Issued in Jamaica, N.Y., on January 23, 1968.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 68-1616; Filed, Feb. 8, 1968; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-SO-115]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Muscle Shoals, Ala., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Memphis Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The Muscle Shoals 1,200-foot transition area described in § 71.181 (32 F.R. 2148) would be amended as follows: "* * * and on the south by V-54N * * *" would be deleted and "* * * on the south by V-54N; and that airspace southwest of Muscle Shoals bounded on the east by V-7W, on the southwest by V-159N, and on the north by V-54S * * *" would be substituted therefor.

The primary air carrier direct route from Muscle Shoals, Ala., to Hamilton, Ala., is not presently contained in controlled airspace. The proposed addition to the Muscle Shoals 1,200-foot transition area southwest of Muscle Shoals is required to provide this protection.

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

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

Issued in East Point, Ga., on January 30, 1968.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 68-1617; Filed, Feb. 8, 1968; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-EA-78]

TRANSITION AREA

Proposed Designation

On page 15120 of the FEDERAL REGISTER the Federal Aviation Administration published a proposed amendment to designate a part-time 700-foot floor transition area over Sky Acres Airport, Millbrook, N.Y.

Subsequent to the proposal the VOR approach procedure was revised to permit night approaches. This revision will require a full time transition area.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, FAA, Federal Building, JFK International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with FAA officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, FAA, Federal Building, JFK International Airport, Jamaica, N.Y. 11430.

The FAA, having completed a review of the airspace requirements for the terminal area of Millbrook, N.Y., proposes the airspace action hereinafter set forth:

Amend Airspace Docket 67–EA–78 so as to delete from the description of the proposed transition area the words "effective from sunrise to sunset daily."

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

Issued in Jamaica, N.Y., on January 24, 1968.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 68–1618; Filed, Feb. 8, 1968; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67–EA–123]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor transition area over Meriden Markham Municipal Airport, Meriden, Conn.

Airspace protection is required for aircraft executing instrument approach and departure procedures at the airport.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, JFK International Airport, Jamaica, N.Y.

The Federal Aviation Administration having reviewed the airspace requirements for Meriden, Conn., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Meriden, Conn., transition area described as follows:

MERIDEN, CONN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°30'35" N., 72°49'50" W. of Meriden Markham Municipal Airport, Meriden, Conn.; and within 2 miles each side of the Runway 36 centerline extended from the 5-mile radius area to 7 miles north of the end of the runway, excluding the portion which coincides with the Bridgeport, Conn., and Hartford, Conn., transition areas.

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

Issued in Jamaica, N.Y., on January 23, 1968.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 68–1619; Filed, Feb. 8, 1968; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67–EA–141]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor transition area over Rehoboth Aircrafters Airport, Rehoboth Beach, Del.

A new VOR Runway 16 instrument approach procedure has been developed for Rehoboth Aircrafters Airport, Rehoboth Beach, Del., and will require designation of a 700-foot floor transition area at Rehoboth Beach, Del., to provide airspace protection for aircraft executing the approach and departure procedures.

The proposed transition area extension to the northwest based on the Waterloo, Del., VORTAC 144° true radial (153° magnetic radial) is required to provide protection to aircraft executing the instrument approach procedure during descent from 1,500 to 700 feet above the surface.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, FAA, Federal Building, JFK International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with FAA officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, FAA, Federal Building, JFK International Airport, Jamaica, N.Y.

The FAA, having completed a review of the airspace requirements for the terminal area of Rehoboth Beach, Del., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor Rehoboth Beach, Del., transition area described as follows:

REHOBOTH BEACH, DEL.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 38°43'10" N., 75°07'35" W., of Rehoboth Aircrafters Airport, Rehoboth Beach, Del., and within 2 miles each side of the Waterloo, Del., VORTAC 144° radial extending from the 5-mile radius area to the VORTAC. This transition area is effective from sunrise to sunset, daily.

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

Issued in Jamaica, N.Y., on January 23, 1968.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 68–1620; Filed, Feb. 8, 1968; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67–EA–147]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor transition area over Albion Airstrip, Albion, N.J.

A new VOR Runway 4 instrument approach procedure has been developed for Albion Airstrip, Albion, N.J., and will require designation of a 700-foot floor transition area at Albion, N.J., to provide airspace protection for aircraft executing the approach and departure procedures.

The proposed transition area extension south of the 5 mile radius area based on the Millville, N.J., VORTAC 003° true radial (013° magnetic radial) is required to provide protection for aircraft executing the instrument approach procedure during descent from 1,500 to 700 feet above the surface.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, FAA, Federal Building, JFK International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained

in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, FAA, Federal Building, JFK International Airport, Jamaica, N.Y.

The FAA having completed a review of the airspace requirements for the terminal area of Albion, N.J., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor Albion, N.J., transition area described as follows:

ALBION, N.J.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 39°46'40" N., 74°56'55" W., of Albion Airstrip, Albion, N.J., and within 2 miles each side of the Millville VORTAC 003° radial extending from the 5-mile radius area to the VORTAC, excluding the portion that coincides with the Millville, N.J., transition area. This transition area is effective from sunrise to sunset, daily.

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

Issued in Jamaica, N.Y., on January 23, 1968.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 68-1621; Filed, Feb. 8, 1968; 8:48 a.m.]

[14 CFR Parts 71, 73]

[Airspace Docket No. 67-SW-92]

TEMPORARY RESTRICTED AREA AND CONTROLLED AIRSPACE

Proposed Designation and Alteration

The Federal Aviation Agency (FAA) is considering an amendment to Parts 71 and 73 of the Federal Aviation Regulations which would establish a temporary restricted area at White Sands Proving Grounds, N. Mex., and alter the description of the continental control area in order to reflect the establishment of the restricted area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

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

In Airspace Docket No. 65-SW-23 (30 F.R. 9577), Temporary Restricted Areas R-5116A and B at White Sands Proving Grounds, N. Mex., were designated for the period September 15, 1965, through February 1, 1966, in support of a classified project associated with the Hound Dog Missile Program.

In Airspace Docket No. 65-WA-63 (31 F.R. 958), these areas were further designated for the period of April 1, 1966, through May 31, 1966, to accommodate four additional launches.

In Airspace Docket No. 66-WA-26 (31 F.R. 13987, 16127), Restricted Area R-5116A, only, was designated from November 10, 1966, through March 10, 1967, to accommodate additional testing of the Hound Dog Missile.

The Department of the Air Force has now submitted a further request for the designation R-5116A from sunrise to sunset, for the period June 1, 1968, through December 31, 1968. The area would be activated for only a period of minutes during each launching of a Hound Dog Missile and the same procedures in effect previously would apply to this designation. These procedures include (1) sufficient advance notice of the activation of this area that will permit notification to the public by all news media available and in regularly scheduled broadcasts of Flight Service Stations in the vicinity, and (2) coordination by the Air Force with the Albuquerque ARTC Center so the missile launching will have a minimum impact on published air carrier schedules.

In consideration of the foregoing, the FAA proposes the airspace actions as hereinafter set forth:

R-5116A WHITE SANDS PROVING GROUNDS, N. MEX.

Boundaries: Beginning at lat. 33°53'40" N., long. 106°44'35" W.; to lat. 34°20'35" N., long. 107°02'35" W.; to lat. 34°25'00" N., long. 106°51'45" W.; to lat. 34°09'55" N., long. 106°41'35" W.; to the point of beginning.

Designated altitudes: Surface to FL 240, excluding the airspace below 6,000 feet MSL west of long. 106°52'00" W.

Time of designation: Sunrise to sunset, June 1, 1968, through December 31, 1968, as published in NOTAMs at least 12 hours in advance of use.

Controlling agency: Federal Aviation Administration, Albuquerque ARTC Center.

Using agency: Commander, Air Force Missile Development Center, Holloman AFB, N. Mex.

The description of the continental control area would be altered to include Restricted Area R-5116A.

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

Issued in Washington, D.C., on February 1, 1968.

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

[F.R. Doc. 68-1613; Filed, Feb. 8, 1968; 8:47 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 67-WE-81]

RESTRICTED AREA

Proposed Alteration and Redesignation

The Federal Aviation Administration is considering an amendment to Part 73 of the Federal Aviation Regulations (FARs) which would redesignate the Hanksville, Utah, Restricted Area R-6411 and alter the time of designation.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

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

On December 1, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 15958) proposing the designation of the Hanksville, Utah, Restricted Area. Subsequently, on April 8, 1965, a rule was published in the FEDERAL REGISTER (30 F.R. 4534) designating the restricted area from May 26, 1965, through June 26, 1965, and included a provision for the designation of subsequent biannual periods as follows: "Time of designation: The first time of use shall be from 0530 to 1800 hours m.s.t., May 26, 1965, through June 26, 1965, unless canceled sooner by Notices to Airmen. All subsequent biannual firing periods shall be designated by a rule published in the FEDERAL REGISTER." Accordingly, the Hanksville restricted area was designated for two biannual periods during 1965 and two biannual periods during 1966.

This restricted area was designated as the launch area for a series of off-range missile firings in support of a classified project. The missile pay load leaves the launch area above FL 600 and remains above FL 600 until entering the White Sands, N. Mex., restricted area complex in which the impact area is located.

The Department of the Army has requested the designation of R-6411 for a single 90-day period (May 15, 1968, to August 15, 1968) for their 1968 test program in lieu of two 30-day periods. The Army has determined that the plan to

complete the test series during one continuous annual period is more operationally satisfactory and more economical than the previous system of spreading the activities between two separate biannual periods.

If this action is taken, the Hanksville, Utah, Restricted Area R–6411 would be amended by deleting the present time of designation and substituting the following therefor:

Time of designation: May 15, 1968, through August 15, 1968, unless canceled sooner by Notices to Airmen. All subsequent annual firing periods will be designated by a rule published in the FEDERAL REGISTER.

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

Issued in Washington, D.C., on February 1, 1968.

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

[F.R. Doc. 68–1612; Filed, Feb. 8, 1968; 8:47 a.m.]

[14 CFR Part 75]

[Airspace Docket No. 67–WE–65]

JET ROUTE

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 75 of the Federal Aviation Regulations which would designate a jet route from Oakland, Calif., via the existing alignment of J–88 to Medford, Oreg.; via Hoquiam Wash.; Neah Bay, Wash., RBN; Tofino, British Columbia, RBN; to Malcolm Island, British Columbia, VOR.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

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

As parts of this proposal relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic service is provided and also whenever a contracting state accepts the responsibility of providing air traffic service over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provision of Executive Order 10854.

At the present time, approximately 11 flights operate daily north of Medford via the proposed routing with the assistance of radar vectors provided by air traffic controllers. The proposed jet route would decrease the jet route distance between Medford and Malcolm Island by 35 miles, would avoid flight over the busy terminal areas of Portland, Oreg., and Seattle, Wash., and would eliminate the necessity for issuance of radar vectors.

Appropriate segments of the proposed jet route would be listed under § 71.161 so as to provide the required controlled airspace outside the continental control area.

The Canadian Department of Transport has agreed to designate a high level airway and jet route for the portion of the route which lies within Canadian airspace.

In order to provide route continuity, it is proposed to identify the new jet route/high level airway as J/HL–502 to provide a single numbered route from Oakland to Anchorage, Alaska. J–88 would be revoked since it would be replaced by J–502.

This amendment is proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510) and Executive Order 10854 (24 F.R. 9565).

Issued in Washington, D.C., on February 1, 1968.

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

[F.R. Doc. 68–1611; Filed, Feb. 8, 1968; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Parts 25, 26, 95]

RESTRICTED DATA

Notice of Industry Conference and Extension of Comment Period

Notice is hereby given that an industry conference to discuss the provisions of the proposed new Part 26, "Dissemination of and Access to Private Restricted Data" and amendments to Parts 25, "Permits for Access to Restricted Data" and 95, "Safeguarding of Restricted Data" is scheduled to be held on February 21, 1968, at 10:30 a.m. at the Commission's offices at 1717 H Street NW., Washington, D.C.

Any person wishing to make a formal statement at that time should notify the Secretary to the Commission as soon as possible.

The proposed regulations published in the FEDERAL REGISTER (32 F.R. 20868) on December 28, 1967, specified a 45-day comment period. To accommodate those who may wish to comment after the conference, notice is hereby given that the comment period is extended for an additional 30 days, until March 13, 1968.

Dated at Washington, D.C., this 6th day of February 1968.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 68–1629; Filed, Feb. 8, 1968; 8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. S-425]

FRANK J. AND ROBIN D. MAGNUSON

Notice of Loan Application

FEBRUARY 5, 1968.

Frank J. Magnuson and Robin D. Magnuson, 5036 Northeast 57th Street, Portland, Oreg. 97217, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 45.6-foot registered length wood vessel to engage in the fishery for salmon, albacore, and Dungeness crab.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

J. L. MCHUGH,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 68-1594; Filed, Feb. 8, 1968; 8:46 a.m.]

National Park Service

ACADIA NATIONAL PARK

Notice of Intention To Negotiate Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent of Acadia National Park, Bar Harbor, Maine, proposes to negotiate a concession permit with William F. Tapley authorizing him to provide saddle horse and carriage hire service for the public at Acadia National Park, Bar Harbor, Maine, for a period of two (2) years from January 1, 1968, through December 31, 1969.

The foregoing concessioner has performed his obligations under the prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the negotiation of a new permit. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposals to be considered and evaluated must be submitted within thirty (30) days of the publication date of this notice.

Interested parties should contact the Superintendent, Acadia National Park, Bar Harbor, Maine 04609, for information as to the requirements of the proposed permit.

ROBERT O. BINNEWIES,
Acting Superintendent,
Acadia National Park.

JANUARY 15, 1968.

[F.R. Doc. 68-1663; Filed, Feb. 8, 1968; 8:51 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

CONSUMER AND MARKETING SERVICE

Delegations of Functions

Sections 110 and 111 of the Statement of Delegations of Functions appearing at 30 F.R. 6697, as amended by 31 F.R. 10079, 31 F.R. 10644, and 31 F.R. 14463 is hereby further amended as follows:

1. Paragraph 1 of section 110 is amended to read as follows:

1. Poultry Products Inspection Act (21 U.S.C. 451 et seq.), Federal Meat Inspection Act, as amended by the Wholesome Meat Act (21 U.S.C. 601-691), Humane Slaughter Act (7 U.S.C. 1901 et seq.), Process and Renovated Butter Act (26 U.S.C. 4817-4818).

2. Item (3) of section 111a is amended to read as follows:

(3) Designation of members of advisory committees under section 5 of the Humane Slaughter Act (7 U.S.C. 1905) and section 301(a)(4) of the Federal Meat Inspection Act, as amended by the Wholesome Meat Act (21 U.S.C. 661 (a)(4)).

Done at Washington, D.C., this 5th day of February 1968.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 68-1627; Filed, Feb. 8, 1968; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

AGRICULTURAL RESEARCH SERVICE

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

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

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

Docket No. 68-00210-33-46500. Applicant: U.S. Department of Agriculture, Agricultural Research Service, Eastern Administrative Division, Contracting Unit, Room 602, Federal Center Building, 6505 Belcrest Road, Hyattsville, Md. 20782. Article: Ultramicrotome, Model LKB 8800A Ultrotome III. Manufacturer: LKB Instruments, Inc., Sweden. Intended use of article: The article will be used for the preparation of ultrathin tissue sections for electron microscopy in various research projects shown in the application. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The purposes for which the foreign article is intended to be used require an ultramicrotome capable of cutting the thinnest possible sections. The foreign article has the capability of cutting sections down to 50 Angstroms (page 6, 1965 catalogue for the "Ultrotome III" Ultramicrotome, LKB Produkter AB, Stockholm, Sweden). The only known comparable domestic ultramicrotome, the Model MT-2 manufactured by Ivan Sorvall, Inc. (Sorvall) has a specified thin-sectioning capability down to 100 Angstroms page 11, 1966 catalogue for "Porter-Blum" MT-1 and MT-2 ultramicrotomes, Ivan Sorvall, Inc., Norwalk, Conn. The lower thin-sectioning capability of the foreign article is pertinent because the thinner the section that can be examined under an electron microscope, the more it is possible to take advantage of the ultimate resolving power of the microscope. (2) For its

purposes, the applicant requires an instrument capable of reproducing a series of ultrathin sections with consistent accuracy and uniformity. We are advised by the Department of Health, Education, and Welfare (HEW) (memorandum dated Dec. 14, 1967) that only an ultramicrotome equipped with a thermal advance (feed) can meet this requirement. The foreign article incorporates both a thermal advance for ultrathin sections and a mechanical advance for thicker sections. The Sorvall Model MT–2 is equipped only with a mechanical feed. In connection with Docket No. 67–00024–33–46500, which relates to an identical foreign article, HEW advised that ultramicrotomes employing a mechanical system utilize a gear mechanism and inherent in such mechanisms are backlash and slippage. Hence, in mechanical systems, the variation in thickness and uniformity will be greater than in thermal systems when both are functioning at their best. We therefore find the thermal advance of the foreign article to be pertinent to the purposes for which such article is intended to be used. (3) The foreign article incorporates a device which permits measuring the knife-angle setting to an accuracy of 1° (page 3 of catalogue on "Ultrotome III"), whereas no equivalent device is specified for the Sorvall Model MT–2. The capability of accurately measuring the knife-angle setting is pertinent because the angle at which the knife enters the specimen determines the thickness of the section.

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

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

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

[F.R. Doc. 68–1639; Filed, Feb. 8, 1968; 8:49 a.m.]

CATHOLIC UNIVERSITY OF AMERICA

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

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

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

Docket No. 68–00239–33–46040. Applicant: Catholic University of America, Department of Biology, 620 Michigan Avenue NE., Washington, D.C. 20017. Article: Electron Microscope, Model EM 9A, with set of recommended parts. Manufacturer: Carl Zeiss, West Germany. Intended use of article: Applicant states: "Instrument to be used for staff and student research projects in Biology, as well as in course work." The application further shows the electron microscope will be used for teaching a large number of students beginning in January 1968. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The applicant requires a small, compact, and relatively simple electron microscope, for teaching students in an introductory course in the use of electron microscopes. The only known domestic electron microscope, the Model EMU–4 manufactured by the Radio Corporation of America (RCA), is a relatively complex instrument which is designed for research. The foreign article provides a magnification range which is low enough to overlap considerably with the magnification range of optical microscopes. In addition, the foreign article provides three viewing windows, whereas the RCA Model EMU–4 provides only one. The additional viewing windows permit the instructor and students to simultaneously view and discuss the image of the specimen under the microscope. The characteristics of the foreign article, which are not possessed by the RCA Model EMU–4, are pertinent to the purposes for which such article is intended to be used.

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

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

[F.R. Doc. 68–1640; Filed, Feb. 8, 1968; 8:49 a.m.]

CITY COLLEGE OF NEW YORK

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

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

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

Docket No. 68–00243–80–46040. Applicant: The City College Research Foundation of The City College of New York, 138th Street and Convent Avenue, New York, N.Y. 10031. Article: Electron Microscope, Model EM 300 with Plate Camera, Rotating Tilting Stage, High Temperature Holder, Low Temperature Holder, Temperature Control, Decontamination Device, High Resolution Diffraction Attachment, Water Recirculator, 70-mm. Film Holder equipped with Auto Translation between exposures, TV display with Plumbicon, monitor, and recorder. Manufacturer: Philips Electronics NVD, The Netherlands. Intended use of article: Applicant states:

* * * [The article will be used for] investigation of the fine structure of materials in such diverse disciplines as biology, metallurgy, polymers, ceramics, as well as physical and organic chemistry.

Projects which will involve immediate use of this facility are cited below:

1. The morphology and structure of organic polymer crystals.
2. The structure of protozoan cell membranes.
3. Cryptocotyle lingua and its significance for problems of trematode structure and function.
4. Analytic and odor studies or organic aerosols in air.
5. The mechanism of particle nucleation in emulsion polymerization.
6. Fundamentals of the oxidation protection of columbium and tantalum.
7. Vacuum deposition of aluminum oxide and the refractory metals to form coatings and structures.
8. Hard facing of steel by vacuum deposition for high temperature dies.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article provides a guaranteed resolution of 5 Angstroms. The only known domestic electron microscope, the Model EMU–4 manufactured by the Radio Corporation of America (RCA), provides a guaranteed resolution of 8 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capabilities.) For the purposes for which the foreign article is intended to be used, the additional resolving capability of the foreign article is pertinent. (2) The foreign article provides accelerating voltages of 20, 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU–4 provides only 50 and 100 kilovolt accelerating voltages. It has been experimentally established that the lower accelerating voltages afford optimum contrast for unstained specimens and that the accelerating voltages intermediate between 50 and 100 kilovolts provide optimum contrast for negatively stained specimens. For the purposes for which the foreign article is intended to be used, optimum contrast is pertinent.

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

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

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

[F.R. Doc. 68–1641; Filed, Feb. 8, 1968; 8:49 a.m.]

CITY OF HOPE MEDICAL CENTER

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

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

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

Docket No. 68–00189–33–46500. Applicant: City of Hope Medical Center, Department of Pathology, Duarte, Calif. 91010. Article: Ultramicrotome, model LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The ultramicrotome is to be used to prepare ultrathin sections of subcellular organelles in a search of virus particles. Long series of equal thickness serial sections will be prepared for observation in an electron microscope. The thicknesses of these sections are to be between the value of 50 Angstroms to 2 microns as chosen by the operator. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The purposes for which the foreign article is intended to be used require an ultramicrotome capable of cutting the thinnest possible sections. The foreign article has the capability of cutting sections down to 50 Angstroms (page 6, 1965 catalogue for the "Ultrotome III" Ultramicrotome, LKB Produkter AB, Stockholm, Sweden). The only known comparable domestic ultramicrotome, the Model MT–2 manufactured by Ivan Sorvall, Inc. (Sorvall), has a specified thin-sectioning capability down to 100 Angstroms (page 11, 1966 catalogue for "Porter-Blum" MT–1 and MT–2 ultramicrotomes, Ivan Sorvall, Inc., Norwalk, Conn.). The lower thin-sectioning capability of the foreign article is pertinent because the thinner the section that can be examined under an electron microscope, the more it is possible to take advantage of the ultimate resolving power of the microscope. (2) For its purposes, the applicant requires an instrument capable of reproducing a series of ultrathin sections with consistent accuracy and uniformity. We are advised by the Department of Health, Education, and Welfare (HEW) (memorandum dated Dec. 11, 1967) that only an ultramicrotome equipped with a thermal advance (feed) can meet this requirement. The foreign article incorporates both a thermal advance for ultrathin sections and a mechanical advance for thicker sections. The Sorvall Model MT–2 is equipped only with a mechanical feed. In connection with Docket No. 67–00024–33–46500, which relates to an identical foreign article, HEW advised that ultramicrotomes employing a mechanical system utilize a gear mechanism and inherent in such mechanisms are backlash and slippage. Hence, in mechanical systems, the variation in thickness and uniformity will be greater than in thermal systems when both are functioning at their best. We therefore find the thermal advance of the foreign article to be pertinent to the purposes for which such article is intended to be used. (3) The foreign article incorporates a device which permits measuring the knife-angle setting to an accuracy of one degree (page 3 of catalogue on "Ultrotome III"), whereas no equivalent device is specified for the Sorvall Model MT–2. The capability of accurately measuring the knife-angle setting is pertinent because the angle at which the knife enters the specimen determines the thickness of the section.

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

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

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

[F.R. Doc. 68–1642; Filed, Feb. 8, 1968; 8:49 a.m.]

DETROIT INSTITUTE OF CANCER RESEARCH ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 68–00318–33–46040. Applicant: Detroit Institute of Cancer Research, 4811 John R. Street, Detroit, Mich. 48201. Article: High Resolution Electron Microscope Model Elmiskop IA and Accessories. Manufacturer: Siemens AG, West Germany. Intended use of article: This article will be used in one of the technologically most difficult areas of cell biology, distinguishing amongst cells which appear morphologically identical with the light microscope, but which by physiological lines of evidence have been shown to consist of several kinds of cells. Application received by Commissioner of Customs: January 5, 1968.

Docket No. 68–00319–00–46040. Applicant: Johns Hopkins University, 536 North Wolfe Street, Baltimore, Md. 21205. Article: High Tension Rectifier for Siemens Electron Microscope. Manufacturer: Siemens AG, West Germany. Intended use of article: The applicant states: "Generation of high stabilized HT for high resolution electron microscopy." Application received by Commission of Customs: January 5, 1968.

Docket No. 68–00321–33–46500. Applicant: Rutgers Medical School, Rutgers, The State University, New Brunswick, N.J. 08903. Article: LKB 8800 Ultrotome III Ultramicrotome. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in research concerned with lipid metabolism in tissue culture cells. The ultramicrotome will be used to prepare ultrathin sections of plastic embedded tissue culture cells for observation with the electron microscope, in order to study the subtle changes occurring in these cells when they are exposed to small concentrations of various lipids in their media. Application received by Commissioner of Customs: January 9, 1968.

Docket No. 68–00322–33–46040. Applicant: Department of Pathology, University of Pittsburgh, School of Medicine, Terrace and De Soto Streets, Pittsburgh, Pa. 15213. Article: High Resolution Electron Microscope, EM 300. Manufacturer: Philips Electronic Instruments Inc., The Netherlands. Intended use of article: The article will be used for reseach in cellular biology and for training of graduate and postdoctoral fellows learning optical techniques for biological investigations. These investigations include research at the tissue, cellular and macromolecular levels, for which an instrument of variable capabilities is essential. Application received by Commissioner of Customs: January 9, 1968.

Docket No. 68–00323–30–69500. Applicant: The Pennsylvania State University, Department of Physics, 101 Osmond Laboratory, University Park, Pa. 16802. Article: Micro-Color-Pyrometer and Accessories, Design A No. 2884. Manufacturer: Pyro-Werk G.M.B.H., West Germany. Intended use of article: The article will be used for investigating the surface and emission properties of several types of solids, for example, the surface properties of nickel oxide, silicon, selenium, and tellurium. Within this program the temperature of many hot objects of small dimension has to be measured as precisely as possible. Application received by Commissioner of Customs: January 9, 1968.

Docket No. 68–00324–33–46040. Applicant: University of Pennsylvania, Laboratory for Research on the Structure of Matter. 3231 Walnut Street, Philadelphia, Pa. 19104. Article: Norelco EM 300 Electron Microscope. Manufacturer: Philips Electronc Instruments, Inc., The Netherlands. Intended use of article: The article will be used to prepare students to conduct independent research using this instrument and others in the central facility. Some of the projects that will be conducted will involve the study of dislocations in metals and organic crystals, the core structure of dislocations, structure of bone and teeth, fractography of metals and bone (failure mechanisms), air borne spores, phase transformations in metals, alloys, and polymers, electron diffraction studies and many other projects. Application received by Commissioner of Customs: January 9, 1968.

Docket No. 68–00325–33–46040. Applicant: The Chicago Medical School, 2020 West Ogden Avenue, Chicago, Ill. 60612. Article: Philips EM 300 Electron Microscope. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used for studies undertaken on the metabolism of various carcinogenic compounds and others concerned with the ultrastructure of the vascular components of neoplasms. Application received by Commissioner of Customs: January 9, 1968.

Docket No. 68–00327–33–46040. Applicant: Barnes Hospital, Barnes Hospital Plaza, St. Louis, Mo. 63110. Article: Philips EM 300 Electron Microscope with Anticontamination Device. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used in ultrastructural studies of viral antigenic determinants; red cell membrane structural proteins; thyroglobulin synthesis, degradation, and toxin release; aflatoxin hepatocarcinogenesis; gastrointestinal argentifin cells; the parathyroids in state of hypersecretion; ultimobranchial and parafollicular cells; ovarian neoplasms; skeletal neoplasms; and diagnostic ultrastructural studies of renal, hepatic and dermatologic diseases. Application received by Commissioner of Customs: January 9, 1968.

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

[F.R. Doc. 68–1576; Filed, Feb. 8, 1968; 8:45 a.m.]

GEORGIA INSTITUTE OF TECHNOLOGY

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

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

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

Docket No. 68–00168–65–46040. Applicant: Georgia Institute of Technology, 225 North Avenue NW., Atlanta, Ga. 30332. Article: Electron Microscope, Model Elmiskop IA. Manufacturer: Siemens AG, West Germany. Intended use of article: Applicant states:

> The electron microscope with its accessories will be used by the applicant primarily for scientific research and to a limited degree for teaching purposes. The instrument will be applied for investigations in the fields of metallurgy, mineralogy and plastic chemistry.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides accelerating voltage of 50, 75, 100, and 125 kilovolts. The only known domestic electron microscope is the Model EMU–4 manufactured by the Radio Corporation of America (RCA), which provides only 50 and 100 kilovolt accelerating voltages. The difference in the maximum voltage provided by the foreign article and the maximum voltage provided by the RCA Model EMU–4 is pertinent because the higher the accelerating voltage, the greater is the penetration of the electron beam into the metallurgical specimens with a corresponding lower diffraction background. This results in both increased magnification and better resolution. In addition, the provision of four accelerating voltages in the foreign article affords greater flexibility in the choice of the best possible voltage when studying replicas.

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

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

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

[F.R. Doc. 68–1643; Filed, Feb. 8, 1968; 8:49 a.m.]

PUBLIC HEALTH LABORATORIES, CITY OF NEW YORK

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

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

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

Docket No. 68–00195–33–46040. Applicant: Public Health Laboratories, City of New York, 455 First Avenue, New York, N.Y. 10016. Article: Electron Microscope, Model EM 300 with Biological Stage, Specimen Chamber Cooling Device, Rotating/Tilting Stage, 6.5 x 9 Plate Holders and Refrigerated Recirculating Water Cooler-Dual Pump. Manufacturer: N. V. Philips Gloeilampenfabrieken, The Netherlands. Intended use of article: Applicant states: "The instrument will be used for high resolution studies of viruses, their components, macromolecules and macromolecular complexes." Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article provides a resolution of 5 Angstroms. The only known comparable domestic electron

microscope, the Model EMU–4 manufactured by the Radio Corporation of America (RCA), provides a resolution of 8 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolution.) For the purposes for which the foreign article is intended to be used, the additional resolving capabilities provided by the foreign article are pertinent. (2) The foreign article provides accelerating voltages of 20, 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU–4 provides only accelerating voltages of 50 and 100 kilovolts. It has been experimentally established that the lower accelerating voltages provide optimum contrast for unstained specimens and that the voltages intermediate between 50 and 100 kilovolts provide optimum contrast for negatively stained specimens. For the purposes for which the foreign article is intended to be used, the additional accelerating voltages are pertinent.

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

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

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

[F.R. Doc. 68–1644; Filed, Feb. 8, 1968; 8:50 a.m.]

RUTGERS STATE UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Servces Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulatons issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 68–00292–65–46040. Applicant: Rutgers—The State University, New Brunswick, N.J. 08903. Article: Electron Microscope, Model JEM–200. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: Applicant states:

> Our intended uses of the requested apparatus are to study the morphology, the structure, and the nature of defects in crystals of both metals and polymers. By use of the 200 KV electron microscope, we hope to obtain new information about structure, and changes in structure, produced by various types of external agencies, such as applied stress, radiation, annealing, crystallization conditions, etc.

A discussion of the various specific programs is included in the application. Application received by Commissioner of Customs, December 19, 1967.

Docket No. 68–00294–33–46040. Applicant: Medical College of Virginia, 1200 East Broad Street, Richmond, Va. 23219. Article: Electron Microscope, Hitachi Perkin-Elmer Model HS–7S. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for research into the structure and function of the nervous system and for teaching residents in neurosurgery and research fellows in the neurological sciences and the techniques of electron microscopy. Application received by Commissioner of Customs: December 20, 1967.

Docket No. 68–00295–85–46040. Applicant: University of Illinois, Purchasing Division, 223 Administration Building, Urbana, Ill. 61801. Article: Electron Microscope, Mark IIA Scanning. Manufacturer: Cambridge Instruments Co., Ltd., United Kingdom. Intended use of article: The article will be used in the study of the ultra-architecture of skeletal elements produced by marine invertebrates, investigation of the mechanism of calcification in foraminifera and taxonomic and biostratigraphic studies of calcareous nannofossils. Application received by Commissioner of Customs: December 20, 1967.

Docket No. 68–00296–33–46040. Applicant: Children's Medical Center, 1935 Amelia Street, Dallas, Tex. 75235. Article: Electron Microscope, AE1 EM6B. Manufacturer: Associated Electrical Industries, United Kingdom. Intended use of article: The article will be used for clinical and experimental research involving the following: (a) Fine structure of the maturation of tubules in the kidney, (b) morphological effects of toxin on tubules in the kidney; (c) exploration of future use of the electron microscope as a routine tool in the diagnosis of disease, especially of the kidney; (d) developing and applying new and current methods of particle preparation using bacterial and viral injections in experiments to determine fine structure at the macromolecular level. Application received by Commissioner of Customs: December 22, 1967.

Docket No. 68–00297–33–46040. Applicant: Texas A&M University, Department of Veterinary Pathology, College Station, Tex. 77843. Article: Electron Microscope, Hitachi Model HS–8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used to train pathology students in the detection and causes of disease found in domestic and lab animals. Techniques to be taught include dissection of diseased tissue, preparing unstained and stained ultrathin-sections, and photographing the thin-sections. Application received by Commissioner of Customs: December 21, 1967.

Docket No. 68–00299–00–46040. Applicant: New York Medical College, Flower and Fifth Avenue Hospital, Fifth Avenue at 106th Street, New York, N.Y. 10029. Article: Siemens Electron Microscope Accessories. Manufacturer: Siemens AG, West Germany. Intended use of article: Applicant states: "Measurement of exact exposure time." Application received by Commissioner of Customs: December 26, 1967.

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

[F.R. Doc. 68–1577; Filed, Feb. 8, 1968; 8:45 a.m.]

RUTGERS STATE UNIVERSITY

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

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

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

Docket No. 68–00196–33–46040. Applicant: Rutgers, The State University, Rutgers Medical School, New Brunswick, N.J. 08903. Article: Electron Microscope, Model EM 300. Manufacturer: Philips Electronics, The Netherlands. Intended use of article: The electron microscope will be used in a project for detailed physical and chemical study of group B arthropod-borne viruses (arboviruses) and their interaction with human and arthropod cells. The ultimate aim of these studies is to develop safe and effective immunizing preparations and, through genetic approaches, to learn something about the evolutionary interrelationships which might explain the emergence of so many different viruses belonging to this rapidly growing group.

The Kleinschmidt technique, or other improved methods as they become available, will be employed to look at Ribonucleic Acid (RNA), proteins, and lipids of dissected viral particles. The protein subunits and the lipid-containing envelope and its detailed structural relationship to cellular membrane structures will be studied. Additional projects include (1) studies of the Deoxyribonucleic Acid (DNA) of adenoviruses and the search for virus-specific viral macromolecules in malignant tumors and abortive infections caused by adenoviruses and other DNA viruses; (2) detailed comparison of RNA molecules derived from different parts of the cell (mitochondria, endoplasmic reticulum, polyribosomes, nucleolus, etc.) which are known to differ from one another by other criteria. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article provides a guaranteed resolution of 5 Angstroms. The only known domestic electron microscope, the Model EMU–4 manufactured by the Radio Corporation of America (RCA), provides a guaranteed resolution of 8 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capabilities.) For the purposes for which the foreign article is intended to be used, the additional resolving capability of the foreign article is pertinent. (2) the foreign article provides accelerating voltages of 20, 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU–4 provides only 50 and 100 kilovolt accelerating voltages. It has been experimentally established that the lower accelerating voltages afford optimum contrast for unstained specimens and that the accelerating voltages intermediate between 50 and 100 kilovolts provide optimum contrast for negatively stained specimens. For the purposes for which the foreign article is intended to be used, optimum contrast is pertinent.

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

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

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

[F.R. Doc. 68–1645; Filed, Feb. 8, 1968; 8:50 a.m.]

STATE UNIVERSITY OF NEW YORK AT STONY BROOK

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

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

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

Docket No. 68–00188–33–46500. Applicant: State University of New York at Stony Brook, Stony Brook, N.Y. 11790. Article: Ultramicrotome, Model LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to section yeast cells prepared for electron microscopy to determine how changes in lipid composition affect specific transport processes. Long series of equal thickness serial sections chosen between values of 50 Angstroms to 2 microns will be cut. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The purposes for which the foreign article is intended to be used require an ultramicrotome capable of cutting the thinnest possible sections. The foreign article has the capability of cutting sections down to 50 Angstroms (page 6, 1965 catalogue for the "Ultrotome III" Ultramicrotome, LKB Produkter AB, Stockholm, Sweden). The only known comparable domestic ultramicrotome, the Model MT–2 manufactured by Ivan Sorvall, Inc. (Sorvall), has a specified thin-sectioning capability down to 100 Angstroms (page 11, 1966 catalogue for "Porter-Blum" MT–1 and MT–2 ultramicrotomes, Ivan Sorvall, Inc., Norwalk, Conn.). The lower thin-sectioning capability of the foreign article is pertinent because the thinner the section that can be examined under an electron microscope, the more it is possible to take advantage of the ultimate resolving power of the microscope. (2) For its purposes, the applicant requires an instrument capable of reproducing a series of ultrathin sections with consistent accuracy and uniformity. We are advised by the Department of Health, Education, and Welfare (HEW) (memorandum dated Dec. 14, 1967) that only an ultramicrotome equipped with a thermal advance (feed) can meet this requirement. The foreign article incorporates both a thermal advance for ultrathin sections and a mechanical advance for thicker sections. The Sorvall Model MT–2 is equipped only with a mechanical feed. In connection with Docket No. 67–00024–33–46500, which relates to an identical foreign article, HEW advised that ultramicrotomes employing a mechanical system utilize a gear mechanism and inherent in such mechanisms are backlash and slippage. Hence, in mechanical systems, the variation in thickness and uniformity will be greater than in thermal systems when both are functioning at their best. We therefore find the thermal advance of the foreign article to be pertinent to the purposes for which such article is intended to be used. (3) The foreign article incorporates a device which permits measuring the knife-angle setting to an accuracy of one degree (page 3 of catalogue on "Ultrotome III"), whereas no equivalent device is specified for the Sorvall Model MT–2. The capability of accurately measuring the knife-angle setting is pertinent because the angle at which the knife enters the specimen determines the thickness of the section.

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

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

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

[F.R. Doc. 68–1646; Filed, Feb. 8, 1968; 8:50 a.m.]

TULANE UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical

Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 68–00330–33–46500. Applicant: Tulane University School of Medicine, 1430 Tulane Avenue, New Orleans, La. 70112. Article: LKB 4800A Ultrotome I Ultramicrotome. Manufacture: LKB Produkter AB, Sweden. Intended use of article: The article will be used by graduate students in anatomy and by medical students in the preparation of thin sections for viewing with the electron microscope. The types of materials to be sectioned by the ultramicrotome will be variable depending on the needs of the electron microscopist. The thickness of these sections should be easily operator chosen between the values 50 Angstroms to 2 microns. Application received by Commissioner of Customs: January 10, 1968.

Docket No. 68–00331–85–79700. Applicant: University of Illinois, Purchasing Division, 223 Administration Building, Urbana, Ill. 61801. Article: Photogrammetric Stereoplotter and Accessories. Manufacturer: Kern and Co., Ltd., Switzerland. Intended use of article: Applicant states: "The stereoplotter will be used for teaching (graduate and undergraduate) and research in photogrammetry in the Department of Civil Engineering of the University of Illinois." Application received by Commissioner of Customs: January 10, 1968.

Docket No. 68–00332–25–15500. Applicant: University of Montana, Missoula, Mont. 59801. Article: One Potentiostat and Accessories. Manufacturer: AMEL Apparecchiature Di Misura Elettroniche, Italy. Intended use of article: The article will be used by graduate students in research involving the study of electrochemical reductions. Specifically, the potentiostat current integrator, and accessories will control the potential applied to the system and measure the current used during the reductions studied. Application received by Commissioner of Customs: January 11, 1968.

Docket No. 68–00333–25–34000. Applicant: Clarkson College of Technology, Department of Electrical Engineering, Potsdam, N.Y. 13676. Article: Educational Motor-Generator Set, L–56090–B. Manufacturer: Electrical Division, Canada Iron Foundries, Ltd., Canada. Intended use of article: The article will be used for teaching the theory of electrical rotating machines. Application received by Commissioner of Customs: January 12, 1968.

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

[F.R. Doc. 68–1578; Filed, Feb. 8, 1968; 8:45 a.m.]

UNIVERSITY OF CHICAGO

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

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

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

Docket No. 68–00226–33–46040. Applicant: The University of Chicago School of Medicine, 950 East 59th Street, Chicago, Ill. 60637. Article: Electron Microscope, Model EM 300 with Anticontamination Device. Manufacturer: Philips Co., The Netherlands. Intended use of article: Applicant states:

> The article will be used in Medical Research programs in the Department of Surgery, Section of Otolaryngology of the University of Chicago. The research programs include [those which are summarized below:]
>
> (a) Comparative studies of the vestibular nuclei in representative vertebrates * * *
>
> (b) Study of the ultrastructure of the vestibular nuclei of the fish * * *
>
> (c) Investigation of the synaptic characteristics of the Tangential nucleus of the chick with different fixatives * * *
>
> (d) * * * investigation of the development of the synapses of the cochlear and vestibular nuclei in vertebrates.
>
> (e) Studies of the ultrastructure of the Trapezoid body in the cat * * * and other related investigation with the electron microscope. * * *

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article provides a guaranteed resolution of 5 Angstroms. The only known domestic electron microscope, the Model EMU–4 manufactured by the Radio Corporation of America (RCA), provides a guaranteed resolution of 8 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capabilities.) For the purposes for which the foreign article is intended to be used, the additional resolving capability of the foreign article is pertinent. (2) The foreign article provides accelerating voltages of 20, 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU–4 provides only 50 and 100 kilovolt accelerating voltages. It has been experimentally established that the lower accelerating voltages afford optimum contrast for unstained specimens and that the accelerating voltages intermediate between 50 and 100 kilovolts provide optimum contrast for negatively stained specimens. For the purposes for which the foreign article is intended to be used, optimum contrast is pertinent.

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

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

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

[F.R. Doc. 68–1647; Filed, Feb. 8, 1968; 8:50 a.m.]

UNIVERSITY OF COLORADO

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

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

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

Docket No. 68–00167–33–46040. Applicant: University of Colorado Medical Center, 200 East Ninth Avenue, Denver, Colo. 80220. Article: Electron Microscope Norelco EM 300 and Specimen Decontamination Device Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article:

1. Basic research in following areas:
   a. Fine structure and function of photoreceptors.
   b. Fine structure of contractile proteins of muscle.
   c. Fine structure of pigments.
   d. Viral replication studies.
2. Teaching and training of medical and graduate students, graduate student dissertation research.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article provides a guaranteed resolution of 5 Angstroms. The only known domestic electron microscope, the Model EMU–4 manufactured by the Radio Corporation of America (RCA), provides a guaranteed resolution of 8 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capabilities.) For

the purposes for which the foreign article is intended to be used, the additional resolving capability of the foreign article is pertinent. (2) The foreign article provides accelerating voltages of 20, 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU–4 provides only 50 and 100 kilovolt accelerating voltages. It has been experimentally established that the lower accelerating voltages afford optimum contrast for unstained specimens and that the acclerating voltages intermediate between 50 and 100 kilovolts provide optimum contrast for negatively stained specimens. For the purposes for which the foreign article is intended to be used, optimum contrast is pertinent.

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

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

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

[F.R. Doc. 68–1648; Filed, Feb. 8, 1968; 8:50 a.m.]

UNIVERSITY OF DELAWARE ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 68–00282–90–16500. Applicant: University of Delaware, Physics Department, Newark, Del. 19711. Article: Special Ultra-high-vacuum Cold-finger with Helium Cryostat. Manufacturer: Leybold (West Germany) in teamwork with Dr. Böer (University of Delaware) and Dr. Rass (University of Berlin). Intended use of article: The article will be used to permit the continuance of investigations into bond excitons studies at helium temperatures in cadnium sulfide that started between the Max-Planck-Institut in Berlin and University of Berlin with this equipment. The applicant states: "Only the fact that he [Dr. Rass] could prepare the cold-finger in Germany while we were preparing a vacuum system (similar to the one he uses in Berlin) here in Delaware (this part is manufactured by Varian, U.S.A.) and thereby having the entire experimental set-up ready at his arrival made possible a successful experimental investigation in such a short time." Application received by Commissioner of Customs: December 15, 1967.

Docket No. 68–00283–33–46040. Applicant: Texas Christian University, Fort Worth, Tex. 76129. Article: Electron Microscope, Hitachi Model HS–8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for training graduate students in a variety of preparative techniques for fixing, embedding, and sectioning tissue and microorganism for electron microscopy; and for all aspects of microscope operation including certain maintenance procedures. Application received by Commissioner of Customs: December 15, 1967.

Docket No. 68–00284–00–46040. Applicant: University of California, Lawrence Radiation Laboratory, East End of Hearst Avenue, Berkely, Calif. 94720. Article: Electron Microscope Parts and Accessories consisting of Electron Gun, Cathode Cap, High Voltage Cable, Anode, Projector Tube, Camera Chamber with Airlock and Plate Camera for Elmiskop I. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used to alter the performance of an existing electron microscope to form a new lens with sufficient chromatic aberration to enable the electron energy spectra to be resolved and thereby allow researchers to perform chemical analysis down to 50 Angstroms resolution. Application received by Commissioner of Customs: December 15, 1967.

Docket No. 68–00285–00–46040. Applicant: Vanderbilt University, Nashville, Tenn. 37203. Article: Decontamination Device for Electron Microscope. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used as an accessory to a Siemens electron microscope for reduction of specimen contamination for high resolution microscopy. Application received by Commissioner of Customs: December 19, 1967.

Docket No. 68–00286–00–72000. Applicant: State University of New York at Albany, 135 Western Avenue, Albany, N.Y. 12203. Article: Rheogoniometer: Accessories and Parts. Manufacturer: Sangamo Controls Limited, United Kingdom. Intended use of article: The articles will be used as accessories to an existing Weissenberg rheogoniometer model R17. Application received by Commissioner of Customs: December 19, 1967.

Docket No. 68–00287–33–46040. Applicant: The University of Chicago (Operation of Argonne National Laboratory), 9700 South Cass Avenue, Argonne, Ill. 604439. Article: Electron Microscope, Model JEM–7A with AS–2 Stereo Stage; ANS–2 Charge Neutralizer and Control Box; ACW Wide Field High Contrast Accessory; WRAY Binocular Scope; AD–3 Diffraction Accessory with Air Lock and Spare Parts. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used for the study of the three components of elementary mitochondrial particles, and the polymerization of ribosomes into helices and the deposition of macromolecules through ribosomal action to form plasma membranes. In addition, development biology studies in RNA (Ribonucleic acid) and DNA (Deoxyribonucleic acid) nucleo proteins and the determination of origins and molecular morphology will be undertaken. Application received by Commissioner of Customs: December 19, 1967.

Docket No. 68–00288–01–77030. Applicant: Sacramento State College, 6000 J Street, Sacramento, Calif. 95819. Article: Nuclear Magnetic Resonance Spectrometer, Model R–20. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: Applicants states:

> The use of this instrument at our institution will be two-fold. The primary use will be as a teaching tool. It will be used to demonstrate the techniques of NMR to our first year classes and in subsequent classes we will let the students themselves operate the instrument.
>
> The second use of the instrument will be as a research tool for the various undergraduate and graduate research projects in our department.

Application received by Commissioner of Customs: December 19, 1967.

Docket No. 68–00290–00–46040. Applicant: New York University Medical Center, 550 First Avenue, New York, N.Y. 10016. Article: Set of parts for Elmiskop IA with External Precision Resistor, Part No. EO UM 11 Ap 20. Manufacturer: Siemens AG, West Germany. Intended use of article: Applicant states: "Modification of Siemens electron microscope." Application received by Commissioner of Customs: December 19, 1967.

Docket No. 68–00291–65–46040. Applicant: University of Connecticut, Storrs, Conn. 06268. Article: Electron Microscope, Model EM 300, with 35-mm. Film Holder and Transport Mechanism, Decontamination Device, and Goniometer Stage. Manufacturer: Philips Electronics NVD, The Netherlands. Intended use of

article: The article will be used for various research programs which include the following: (1) Physical biology of bone and hard surfaces; (2) fracture of structural materials; (3) mechanical metallurgy; (4) growth of alloy phases; (5) theory of emulsion polymerization and polymer organosols; and (6) phase agglomeration in block copolymer systems. A discussion of these programs is included in the application. Application received by Commissioner of Customs: December 19, 1967.

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

[F.R. Doc. 68-1575; Filed, Feb. 8, 1968; 8:45 a.m.]

UNIVERSITY OF IOWA

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

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

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

Docket No. 68-00230-33-46040. Applicant: University of Iowa College of medicine, Iowa City, Iowa 52240. Article: Electron Microscope, Model EM 300 with Anticontamination Device Type PW 6526/00. Manufacturer: Philips Electronic Instruments, Inc., The Netherlands. Intended use of article: Applicant states: "The instrument will be used in the medical research programs of the Departments of Medicine and Pathology." Various specific projects are listed by the applicant. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article provides a guaranteed resolution of 5 Angstroms. The only known domestic electron microscope, the Model EMU-4 manufactured by the Radio Corporation of America (RCA), provides a guaranteed resolution of 8 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capabilities.) For the purposes for which the foreign article is intended to be used, the additional resolving capability of the foreign article is pertinent. (2) The foreign article provides accelerating voltages of 20, 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU-4 provides only 50 and 100 kilovolt accelerating voltages. It has been experimentally established that the lower accelerating voltages afford optimum contrast for unstained specimens and that the accelerating voltages intermediate between 50 and 100 kilovolts provide optimum contrast for negatively stained specimens. For the purposes for which the foreign article is intended to be used, optimum contrast is pertinent.

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

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

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

[F.R. Doc. 68-1649; Filed, Feb. 8, 1968; 8:50 a.m.]

UNIVERSITY OF OREGON

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

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

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

Docket No. 68-00205-33-46040. Applicant: University of Oregon, Eugene, Oreg. 97403. Article: Electron Microscope, Model EM 300, with Desiccator and Anticontamination Device. Manufacturer: Philips Electronic Instruments, Inc., The Netherlands. Intended use of article: The article will be used for: (1) Studies of the mechanism and ultrastructural sequence of lateral root protrusion through living cortical parenchyma during lateral root formation; (2) studies of the mechanism of cell plate formation during plant cell cytokinesis; (3) investigations of the specific localization of proteins within the contractile apparatus of muscle cells; (4) identification and localization of an additional third filament in muscle; (5) investigation of the mechanisms of chromosome movements during plant cell mitosis; (6) studies on the development of mutant ascospores; and (7) examination of the development of fungal hyphae, particularly the formation of the crosswall. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article provides a guaranteed resolution of 5 Angstroms. The only known domestic electron miscroscope, the Model EMU-4 manufactured by the Radio Corporation of America (RCA), provides a guaranteed resolution of 8 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capabilities.) For the purposes for which the foreign article is intended to be used, the additional resolving capability of the foreign article is pertinent. (2) the foreign article provides accelerating voltages of 20, 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU-4 provides only 50 and 100 kilovolt accelerating voltages. It has been experimentally established that the lower accelerating voltages afford optimum contrast for unstained specimens and that the accelerating voltages intermediate between 50 and 100 kilovolts provide optimum contrast for negatively stained specimens. For the purposes for which the foreign article is intended to be used, optimum contrast is pertinent.

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

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

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

[F.R. Doc. 68-1650; Filed, Feb. 8, 1968; 8:50 a.m.]

UNIVERSITY OF PENNSYLVANIA

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

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

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

Docket No. 68-00141-33-46500. Applicant: University of Pennsylvania, School of Veterinary Medicine, 3800 Spruce Street, Philadelphia, Pa. 19104. Article: Ultramicrotome, Model LKB 4800A-NM. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is to be used in an investigation of the

cell adhesion phenomenon in nematode larvae exposed to antibody-producing cells from immunized vertebrate hosts. Material will be prepared in equal thickness sections to establish cellular relationships. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The purposes for which the foreign article is intended to be used require an ultramicrotome capable of cutting the thinnest possible sections. The foreign article has the capability of cutting sections down to 50 Angstroms (page 6, 1965 catalogue for the "Ultrotome III" Ultramicrotome, LKB Produkter AB, Stockholm, Sweden). The only known comparable domestic ultramicrotome, the Model MT–2 manufactured by Ivan Sorvall, Inc. (Sorvall), has a specified thin-sectioning capability down to 100 Angstroms (page 11, 1966 catalogue for "Porter-Blum" MT–1 and MT–2 ultramicrotomes, Ivan Sorvall, Inc., Norwalk, Conn.). The lower thin-sectioning capability of the foreign article is pertinent because the thinner the section that can be examined under an electron microscope, the more it is possible to take advantage of the ultimate resolving power of the microscope. (2) For its purposes, the applicant requires an instrument capable of reproducing a series of ultrathin sections with consistent accuracy and uniformity. We are advised by the Department of Health, Education, and Welfare (HEW) (memorandum dated Nov. 21, 1967) that only an ultramicrotome equipped with a thermal advance (feed) can meet this requirement. The foreign article incorporates both a thermal advance for ultrathin sections and a mechanical advance for thicker sections. The Sorvall Model MT–2 is equipped only with a mechanical feed. In connection with Docket No. 67–00024–33–46500, which relates to an identical foreign article, HEW advised that ultramicrotomes employing a mechanical system utilize a gear mechanism and inherent in such mechanisms are backlash and slippage. Hence, in mechanical systems, the variation in thickness and uniformity will be greater than in thermal systems when both are functioning at their best. We therefore find the thermal advance of the foreign article to be pertinent to the purposes for which such article is intended to be used. (3) The foreign article incorporates a device which permits measuring the knife-angle setting to an accuracy of one degree (page 3 of catalogue on "Ultrotome III"), whereas no equivalent device is specified for the Sorvall Model MT–2. The capability of accurately measuring the knife-angle setting is pertinent because the angle at which the knife enters the specimen determines the thickness of the section.

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

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

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

[F.R. Doc. 68–1651; Filed, Feb. 8, 1968; 8:50 a.m.]

UNIVERSITY OF VIRGINIA

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

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

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

Docket No. 68–00176–33–46040. Applicant: University of Virginia, School of Medicine, Charlottesville, Va. 22903. Article: Electron Microscope, EM 300 with Accessories. Manufacturer: N. V. Philips Gloeilampenfabrieken, The Netherlands. Intended use of article: The instrument will be used to study structural alterations of unit membranes surrounding rat liver cells that have been altered for investigation. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article provides a guaranteed resolution of 5 Angstroms. The only known domestic electron microscope, the Model EMU–4 manufactured by the Radio Corporation of America (RCA), provides a guaranteed resolution of 8 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capabilities.) For the purposes for which the foreign article is intended to be used, the additional resolving capability of the foreign article is pertinent. (2) The foreign article provides accelerating voltages of 20, 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU–4 provides only 50 and 100 kilovolt accelerating voltages. It has been experimentally established that the lower accelerating voltages afford optimum contrast for unstained specimens and that the accelerating voltages intermediate between 50 and 100 kilovolts provide optimum contrast for negatively stained specimens. For the purposes for which the foreign article is intended to be used, optimum contrast is pertinent.

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

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

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

[F.R. Doc. 68–1652; Filed, Feb. 8, 1968; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ASTRA NUTRITION, DIVISION OF ASTRA PHARMACEUTICAL PRODUCTS, INC.

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 (FAP 8A2259) has been filed by Astra Nutrition, Division of Astra Pharmaceutical Products, Inc., Neponset Street, Worcester, Mass. 01606, proposing an amendment to § 121.1202 *Whole fish protein concentrate* to provide for the safe use of whole fish protein concentrate prepared from herring by solvent extraction with isopropyl alcohol.

Dated: February 1, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68–1591; Filed, Feb. 8, 1968; 8:46 a.m.]

INTERNATIONAL FLAVORS AND FRAGRANCES (US)

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 was given in the FEDERAL REGISTER of August 11, 1967 (32 F.R. 11651), that a petition (FAP 8A2199) had been filed by International Flavors and Fragrances (US), 521 West 57th Street, New York, N.Y. 10019, proposing the issuance of a regulation to provide for the safe use of a cross-linked coacervate, consisting of gelatin, gum arabic, and glutaraldehyde, intended for use as the

wall material of microbeadlets containing food-flavoring substances.

Notice is given that in addition the petition proposes that such regulation provide for the safe use of *n*-octyl alcohol as a defoamer in the manufacture of such microbeadlet wall material.

Dated: January 31, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-1592; Filed, Feb. 8, 1968; 8:46 a.m.]

INTERNATIONAL MINERALS & CHEMICAL CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 8F0697) has been filed by the International Minerals & Chemical Corp., Libertyville, Ill. 60048, proposing an exemption from the requirements of a tolerance for residues of the insecticide Heliothis nuclear polyhedrosis virus in or on the raw agricultural commodities beans, corn, cottonseed, grain sorghum, and tomatoes.

The analytical methods proposed in the petition for determining residues of the insecticide are: (1) A quantitative microscopic determination by counting the number of polyhedral inclusion bodies; and (2) a bioassay method based on the mortality of Heliothis larvae.

Dated: January 31, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-1593; Filed, Feb. 8, 1968; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-272, 50-311]

PUBLIC SERVICE ELECTRIC AND GAS CO.

Notice of Receipt of Application for Construction Permit and Facility License

In an application dated December 13, 1966, and amendments thereto dated July 13, 1967, and October 23, 1967, Public Service Electric and Gas Co., 80 Park Place, Newark, N.J. 07101, filed an application for a construction permit and facility license to authorize construction and operation of two pressurized water nuclear reactors at the applicant's site on the east bank of the Delaware River on the boundary between Burlington City and Burlington Township, Burlington County, N.J. A notice of receipt of application and amendments thereto were published in the FEDERAL REGISTER on January 13, 1967, 32 F.R. 394 and November 14, 1967, 32 F.R. 15684.

By letter dated August 14, 1967, Public Service Electric and Gas Co. advised the Commission that they had decided to relocate the nuclear power plant originally proposed for the Burlington, N.J. site and would amend their application dated December 13, 1966, accordingly. The new site has now been selected.

Please take notice that Public Service Electric and Gas Co. has filed an amendment dated January 22, 1968, to the application which relocates the nuclear generating station in Lower Alloways Creek Township, and changes the name of the station from Burlington Nuclear Generating Station to Salem Nuclear Generating Station. The proposed reactors, designated as the Salem Nuclear Generating Station Units 1 and 2, will have a net electrical output of approximately 1,050 megawatts each, derived from a thermal capacity of approximately 3,250 megawatts, and will be located at the applicant's site on the east bank of the Delaware River approximately 8 miles southwest of Salem, N.J., in Lower Alloways Creek Township, Salem County, N.J.

Copies of the application and amendments thereto are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.

Dated at Bethesda, Md., this 5th day of February 1968.

For the Atomic Energy Commission.

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

[F.R. Doc. 68-1630; Filed, Feb. 8, 1968; 8:48 a.m.]

[Docket No. 50-276]

GEORGIA INSTITUTE OF TECHNOLOGY

Notice of Proposed Issuance of Amended Construction Permit and Facility License

The Atomic Energy Commission is considering the issuance of Amendment No. 1, substantially as set forth below, to Provisional Construction Permit No. CPRR-100 to Georgia Institute of Technology (the Institute). The provisional construction permit authorizes the Institute to possess and store, but not to assemble, the component parts of the Model AGN-201, Serial No. 104, nuclear reactor on its campus in Atlanta, Ga. The permit also authorizes possession and storage of 700 grams of U^{235} as reactor fuel and such byproduct material as may have been contained in the reactor components and fuel at the time of acquisition. The component parts of the reactor and the fuel were received from The University of Akron, Akron, Ohio, which formerly possessed and operated the reactor under Facility License No. R-24.

Amendment No. 1, a completely revised construction permit, would authorize Georgia Institute of Technology to reconstruct the AGN-201, Serial No. 104, nuclear reactor on its campus in Atlanta. The amendment would continue the Institute's authority to possess and store the U^{235} and the byproduct material.

Upon completion of the facility in compliance with the terms and conditions of the amended construction permit and in the absence of a showing of good cause to the contrary, the Commission, without further prior notice, will issue a facility license to Georgia Institute of Technology, substantially in the form also set forth below, authorizing the operation of the reactor.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this amended construction permit and facility license may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued.

For further details with respect to this proposed issuance, see (1) application for amendment dated November 17, 1967, and supplements thereto, and (2) the related Safety Evaluation prepared by the Division of Reactor Licensing both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the Safety Evaluation may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

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

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

CONSTRUCTION PERMIT

[Construction Permit No. CPRR-100; Amdt. 1]

The Atomic Energy Commission (hereinafter "the Commission") having found that:

a. The application for license, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (hereinafter "the Act"), and the Commission's regulations set forth in Title 10, Chapter I, CFR;

b. The AGN-201, Serial No. 104, reactor is a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR Part 50, "Licensing of Production and Utilization Facilities";

c. There is reasonable assurance that the Model AGN-201, Serial No. 104, nuclear reactor can be constructed and operated at the location described in the application without endangering the health and safety of the public;

d. Georgia Institute of Technology is financially and technically qualified to construct the reactor at the designated location

in accordance with the Commission's regulations, Title 10, Chapter I, CFR;

e. Georgia Institute of Technology is a nonprofit educational institution and will use the reactor for the conduct of educational activities and is therefore exempt from the financial protection requirements of subsection 170a of the Act;

f. The issuance of the construction permit will not be inimical to the common defense and security or to the health and safety of the public;

Construction Permit No. CPRR-100 is hereby amended in its entirety, effective as of the date of issuance, to read:

1. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses the Georgia Institute of Technology:

A. Pursuant to the Atomic Energy Act of 1954, as amended, and Title 10, Chapter I, CFR Part 50, "Licensing of Production and Utilization Facilities", to construct, but not to operate, the Model AGN-201, Serial No. 104, nuclear reactor at the designated location on the Institute's campus in Atlanta, Ga., in accordance with the procedures and limitations described in the application dated January 18, 1967, and supplements thereto dated January 26, June 14 and 18, November 17, and December 14, 1967 ("application") and this amended construction permit;

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material," to possess and store at the location described in the application up to 700 grams of contained uranium-235 as reactor fuel.

C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Rules of General Applicability to Licensing of Byproduct Material", to possess and store at the location described in the application, but not to separate, such byproduct material as may be contained in the reactor and the reactor fuel.

2. This license shall be deemed to contain and be subject to the conditions specified in the following Commission regulations (Title 10, CFR, Chapter I): Part 20, § 30.34 of Part 30, §§ 50.54 and 50.55 of Part 50, and § 70.32 of Part 70, and is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect, and is subject to the additional conditions specified below:

A. The earliest date for completion of the construction of the reactor is February 29, 1968, and the latest date for completion of the construction of the reactor is August 30, 1968. The term "completion date", as used herein, means the date on which construction of the facility is complete except for the introduction of the fuel material.

B. Georgia Institute of Technology is exempt from the requirements of § 70.24(a)(1) for a monitoring system. This exemption only applies to the storage of that portion of the fuel from the Model AGN-201, Serial No. 104, nuclear reactor which will be stored in the Radioisotopes Laboratory of the Radiosotopes Storage Facility. No more than 350 grams of U^{235} will be stored in the Radioisotopes Laboratory.

C. This construction permit is contingent upon the execution of an indemnity agreement as required by section 170 of the Act.

3. Upon completion of the construction of the reactor at the designated location in accordance with the terms and conditions of this permit, upon finding that the reactor has been constructed and will operate in conformity with the application, as amended, and in conformity with the provisions of the Act and the rules and regulations of the Commission, upon execution of an amended indemnity agreement as required by section 170 of the Act, and in the absence of any good cause being shown to the Commission why the granting of a license to operate the reactor would not be in accordance with the provisions of the Act, the Commission will issue a Class 104 license to Georgia Institute of Technology pursuant to section 104c of the Act, which license shall expire twenty (20) years after the date of this construction permit.

Date of issuance:

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

PROPOSED FACILITY LICENSE

[License No. R-------]

The Atomic Energy Commission (hereinafter "the Commission") having found that:

A. The application for license complies with the requirements of the Atomic Energy Act of 1954, as amended (hereinafter "the Act"), and the Commission's regulations set forth in Title 10, Chapter I, CFR;

B. The reactor has been constructed in conformity with Construction Permit No. CPRR-100, as amended, and will operate in conformity with the application and in conformity with the Act and the rules and regulations of the Commission;

C. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

D. Georgia Institute of Technology is technically and financially qualified to engage in the activities authorized by this license in accordance with the rules and regulations of the Commission;

E. Georgia Institute of Technology is a nonprofit educational institution and will operate the reactor for the conduct of educational activities. Georgia Institute of Technology is therefore exempt from the financial requirements of subsection 170a of the Act, and will execute an amended indemnity agreement as required by section 170 of the Act and 10 CFR Part 140; and

F. The issuance of this license will not be inimical to the common defense and security or to the health and safety of the public;

Facility License No. R- ------, effective as of the date of issuance, is hereby issued as follows:

1. This license applies to the Model AGN-201, Serial No. 104, nuclear reactor (hereinafter "the reactor") which is owned by the Georgia Institute of Technology (hereinafter "the licensee"), located on the campus in Atlanta, Ga., and described in the licensee's application for license, dated November 17, 1967, and the supplements thereto dated December 14, 1967 and January 15, 1968 (herein "the application").

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses Georgia Institute of Technology:

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", to possess, use and operate the reactor as a utilization facility at the designated location in Atlanta, Ga., in accordance with the procedures and limitations described in the application and in this license.

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material", to receive, possess and use up to 700 grams of contained uranium-235 and 80 grams of plutonium as a Pu-Be neutron source (Monsanto Research Corp. No. M-1233), all for use in connection with operation of the reactor; and

C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Rules of General Applicability to Licensing of Byproduct Material," to possess, but not to separate, such byproduct material as may be produced by operation of the reactor.

3. This license shall be deemed to contain and be subject to the conditions specified in Part 20, § 30.34 of Part 30, §§ 50.54 and 50.59 of Part 50 and § 70.32 of Part 70 of the Commission's regulations; is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. *Maximum power level.* The licensee is authorized to operate the reactor at steady state power levels up to a maximum of 100 milliwatts.

B. *Technical specifications.* The Technical Specifications contained in appendix A[1] to this license (hereinafter "the Technical Specifications") are hereby incorporated in this license. Except as otherwise permitted by the Act and the rules, regulations, and orders of the Commission, the licensee shall operate the reactor in accordance with the Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in 10 CFR § 50.59.

C. *Reports.* In addition to reports otherwise required under this license and applicable regulations:

(1) The licensee shall inform the Commission of any incident or condition relating to the operation of the reactor which prevented or could have prevented a nuclear system from performing its safety function as described in the Technical Specifications or in the Safety Analysis Report. For each such occurrence, the licensee shall promptly notify, by telephone or telegraph, the Director of the appropriate Atomic Energy Commission Regional Compliance Office listed in appendix D of 10 CFR Part 20 and shall submit within ten (10) days a report in writing to the Director, Division of Reactor Licensing (hereinafter "the Director, DRL") with a copy to the Regional Compliance Office.

(2) The licensee shall report to the Director, DRL, in writing within thirty (30) days of its observed occurrence any substantial variance disclosed by operation of the reactor from performance specifications contained in the Safety Analysis Report or the Technical Specifications.

(3) The licensee shall report to the Director, DRL, in writing within thirty (30) days of its occurrence any significant changes in transient or accident analysis as described in the Safety Analysis Report.

D. *Records.* In additional to those otherwise required under this license and applicable regulations, the licensee shall keep the following records:

(1) Reactor operating records, including power levels and periods of operation at each power level.

(2) Records of in-pile irradiations.

(3) Records showing radioactivity released or discharged into the air or water beyond the effective control of the licensee as measured at or prior to the point of such release or discharge.

(4) Records of emergency reactor shutdowns and inadvertent scrams, including reasons for emergency shutdowns.

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[1] This item was not filed with the Office of the Federal Register but will be available for inspection in the Public Document Room of the Atomic Energy Commission.

4. This license is effective as of the date of issuance and shall expire at midnight.

Date of issuance:

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 68-1742; Filed, Feb. 8, 1968; 10:53 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16080; Order No. E-26320]

AIR TRANSPORT ASSOCIATION

Order Approving Revised Containerization Agreements

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of February 1968.

By Agreements CAB Nos. 19981 and 19982 filed on December 19, 1967, on behalf of certain carriers,[1] by the Air Transport Association of America (ATA), the carrier signatories propose to cancel and supersede the present container agreements which are due to expire with February 7, 1968, and to implement the following changes in the existing agreements:

1. Revise the definition of "container" to exclude strapped, banded, or netted pallets;

2. Group carrier-owned Type A containers into classes (in increments of 25 cubic feet);

3. Require a notation on the shipping document as to type of container;

4. Prohibit the leasing of terminal space to shippers/consignees for loading/unloading of containers;

5. Require that containers be loaded to capacity;

6. Add a new Type B-2 container (one fourth of an igloo) and relevant provisions;

7. Add a rule for the disposition of deficit or surplus tare weight of Type B/B-2/C/D containers;

8. Subject the container agreements to the ATA Office of Enforcement.

The new agreements are to expire in 1 year (Feb. 6, 1969). The proposed changes generally represent refinements of the existing container provisions. No protests against the proposed revised agreements have been filed with the Board. Upon consideration of the proposed agreements and other relevant matters, the Board will approve the agreements.

The Board notes, however, the lack of progress toward industry registration of shipper-owned containers. Without such registration, it is difficult to determine what shipper-owned containers are in existence or are being granted rate discounts and this situation may hamper the development of a sound container program. The Board would urge the carriers to continue to give careful consideration to the matter of industry registration of containers. Also, the carriers have not adopted a standard industry agreement as to the applicability of containerization incentive discounts for mixed shipments, i.e., a shipment, in one or more containers, consisting of articles taking different rates. The nature of such mixed shipments tends to lead to abuses and other administrative difficulties, and the carriers are urged to give this matter further study. The Board would also note that the fixed tare weight allowances (allowances for the empty weight of the container itself), appear to lessen the attractiveness of the container program for the shipper of high density items. The Board would suggest that the carriers give further consideration to tare weight allowances which are more oriented to product-density.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 412, and 414 thereof:

It is ordered, That:

1. Agreements CAB 19981 and 19982 are approved: *Provided,* That the parties thereto file the provisions thereof in tariffs marked to expire with February 6, 1969.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-1637; Filed, Feb. 8, 1968; 8:49 a.m.]

[1] Revised Type A Agreement CAB No. 19981 on behalf of Airlift International, Inc. (Airlift), American Airlines, Inc. (American), Braniff Airways, Inc. (Braniff), Trans World Airlines, Inc. (TWA), and United Air Lines, Inc. (United). Delta Air Lines, Inc. (Delta), Northeast Airlines, Inc. (Northeast), and Northwest Airlines, Inc. (Northwest), did not join, even though participating in present Type A Agreement CAB No. 19125.

Revised Type B/C/D Agreement CAB No. 19982 on behalf of Airlift, American, Braniff, The Flying Tiger Line, Inc., Northwest, TWA, and United. Delta and Northeast did not join, even though participating in present Type B/C/D Agreement CAB No. 19126.

[Docket No. 18141]

SCANDINAVIAN AIRLINES SYSTEM ENFORCEMENT PROCEEDING

Notice Postponing Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the public hearing in this proceeding heretofore assigned to be held on February 26, 1968, is hereby postponed, and will now be held before the undersigned Examiner on March 5, 1968, at 10 a.m., e.s.t., in Hearing Room E, Federal Trade Commission Building, 30 Church Street, New York, N.Y.

Dated at Washington, D.C., February 5, 1968.

[SEAL] RICHARD A. WALSH,
Hearing Examiner.

[F.R. Doc. 68-1638; Filed, Feb. 8, 1968; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI68-413, etc.]

MOBIL OIL CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JANUARY 31, 1968.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in appendix A hereof.

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

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 20, 1968.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI68-413	Mobil Oil Corp. (Operator) et al., Post Office Box 2444, Houston, Tex. 77001, Att: H. H. Beeson, attorney.	[2] 20	23	El Paso Natural Gas Co. (Spraberry and Benedum Fields, Glasscock, Midland, and Upton Counties, Tex.) (RR. District Nos. 7-C and 8) (Permian Basin Area).	$20,356	1-2-68	[3] 2-1-68	7-1-68	[6] 14.50	[4] [5] 16.0	
	do	241	16	El Paso Natural Gas Co. (Brown-Bassett-Ellenburger, Terrell County, Tex.) (RR. District No. 7-C) (Permian Basin Area).	97,755	[7] 1-2-68	[3] 2-1-68	7-1-68	[9] 12.29	[3] [8] 13.947	
RI68-414	Mobil Oil Corp. (Operator).	[2] 26	16	El Paso Natural Gas Co. (Kermit Field, Winkler County, Tex.) (RR. District No. 8) (Permian Basin Area).	30,479	1-2-68	[3] 2-1-68	7-1-68	[10] 14.5	[4] [5] 16.0	
	do	[2] 48	32	El Paso Natural Gas Co. (Pegasus Field, Midland and Upton Counties, Tex.) (RR. District Nos. 7-C and 8) (Permian Basin Area).	19,349	1-2-68	[3] 2-1-68	7-1-68	[11] 15.33	[4] [5] 16.0	
RI68-415	Mobil Oil Corp	[2] 76	11	El Paso Natural Gas Co. (Denton Field, Lea County, N. Mex.) (Permian Basin Area).	1,029	1-2-68	[3] 2-1-68	7-1-68	[13] 14.50	[4] [5] 16.0	
	do	[2] 90	11	El Paso Natural Gas Co. (Langlie-Mattix Field, Lea County, N. Mex.) (Permian Basin Area).	1,837	1-2-68	[3] 2-1-68	7-1-68	[14] [15] 14.15	[5] [13] 16.0	
	do	[2] 102	13	El Paso Natural Gas Co. (Slaughter Field, Cochran, Terry, and Hockley Counties, Tex.) (RR. District No. 8) (Permian Basin Area).	39,240	1-2-68	[3] 2-1-68	7-1-68	[17] 14.50	[5] [16] 16.0	
	do	[2] 103	14	El Paso Natural Gas Co. (Dollarhide Field (Dollarhide Plant) Andrews County, Tex.) (RR. District No. 8) (Permian Basin Area).	4,413	1-2-68	[3] 2-1-68	7-1-68	[17] 14.50	[5] [16] 16.0	
	do	[2] 104	17	El Paso Natural Gas Co. (Various Field (Wilshire Plant), Upton County, Tex.) (RR. District No. 7-C) (Permian Basin Area).	7,023	1-2-68	[3] 2-1-68	7-1-68	[19] 14.10	[5] [18] 15.2025	
	do	[2] 144	[20] 13	El Paso Natural Gas Co. (Various Fields, Upton County, Tex.) (RR. District No. 7-C) (Permian Basin Area).	6,841 87	1-2-68	[3] 2-1-68	7-1-68	[22] [23] 12.51 [23] [24] 15.64	[5] [21] 16.0 [5] [21] 16.0	
	do	[2] 175	6	El Paso Natural Gas Co. (Spraberry Trend, Upton County, Tex.) (RR. District No. 7-C) (Permian Basin Area).	([25])	1-2-68	[3] 2-1-68	7-7-68	[26] 14.50	[5] [16] 16.0	
	do	[2] 101	16	El Paso Natural Gas Co. (Levelland Field, Hockley County, Tex.) (RR. District No. 8-A) (Permian Basin Area).	8,938	1-2-68	[3] 2-1-68	7-1-68	[28] 14.21	[5] [27] 16.0	
	do	[2] 201	6	West Texas Gathering Co. (Emporer Field, Winkler County, Tex.) (RR. District No. 8) (Permian Basin Area).	6,934	1-2-68	[3] 2-1-68	7-1-68	[29] 14.39	[5] [27] 16.0	
	do	[2] 226	11	Transwestern Pipeline Co. (Kermit Field, Winkler County, Tex.) (RR. District No. 8) (Permian Basin Area).	6,342	1-2-68	[3] 2-1-68	7-1-68	[29] 14.86	[5] [30] 16.0	
	do	[2] 227	[31] 20	do	8,126	1-2-68	[3] 2-1-68	7-1-68	[29] [31] 14.86	[5] [30] [31] 16.0	
	do	[2] 228	11	do	2,147	1-2-68	[3] 2-1-68	7-1-68	[29] 14.86	[5] [30] 16.0	
	do	[2] 257	7	El Paso Natural Gas Co. (Kermit Field, Winkler County, Tex.) (RR. District No. 8) (Permian Basin Area).	7,430	1-2-68	[3] 2-1-68	7-1-68	[32] 14.5	[5] [27] 16.0	
	do	[2] 341	8	El Paso Natural Gas Co. (Waha Field, Pecos, and Reeves Counties, Tex.) (RR. District No. 8) (Permian Basin Area).	20,382 71,052	1-2-68	[3] 2-1-68	7-1-68	[22] [34] 14.50 [34] [35] 16.50	[5] [33] 16.0 [5] [35] 18.2430	
	do	[2] 308	[37] 8	El Paso Natural Gas Co. (Sand Hills (Judkins and McKnight) Field, Crane County, Tex.) (RR. District No. 8) (Permian Basin Area).	52,601	1-2-68	[3] 2-1-68	7-1-68	[38] 16.50	[5] [34] 18.2430	
	do	350	13	El Paso Natural Gas Co. (Spraberry Trend Field, Midland County, Tex.) (RR. District No. 8) (Permian Basin Area).	1,253	1-2-67	[3] 2-1-68	7-1-68	[39] 14.50	[5] [33] 16.0	

[2] Sale certificated prior to Aug. 5, 1965, the date of issuance of the Permian Basin Opinion.

[3] The stated effective date is the first day after expiration of the statutory notice from January 1 (one day prior to the date of filing).

[4] Increase from applicable area ceiling rate to fractured rate of 16 cents inclusive of taxes. Contract rate is 18 cents plus tax reimbursement.

[5] Pressure base is 14.65 p.s.i.a.

[6] Rate filed in compliance to ordering paragraph (E) of Opinion No. 468. Present rate in effect is 17.2295 cents at 14.65 p.s.i.a. Rate in effect subject to refund in Docket No. G-20406.

[7] Additional material filed Jan. 15, 1968.

[8] Increase from applicable area ceiling rate to fractured rate of 17 cents less treating costs of 3.053 cents for net rate of 13.947 cents. Current contract base rate is 18 cents per Mcf.

[9] Rate filed in compliance to ordering paragraph (E) of Opinion No. 468. Present effective rate is 17 cents less 4.5 cents treating charges for net rate of 12.5 cents in effect subject to refund in Docket No. RI64-43.

[10] Rate filed in compliance to ordering paragraph (E) of Opinion No. 468. Present rate in effect is 18.1215 cents at 14.65 p.s.i.a. Rate in effect subject to refund in Docket No. RI66-22.

[11] Rate filed in compliance with ordering paragraph (E) of Opinion No. 468 and the present rate in effect for additional acreage added. Present effective rate is 18.2430 cents at 14.65 p.s.i.a. Effective subject to refund in Docket Nos. RI65-43, RI65-272, RI65-420, and RI65-540.

[12] Rate filed in compliance to ordering paragraph (E) of Opinion No. 468. Present rate is 18.27585 cents at 14.65 p.s.i.a. Rate in effect subject to refund in Docket No. RI65-42.

[13] Increase from paragraph (E) compliance rate to fractured rate of 16 cents inclusive of taxes. Contract rate is 16.50 cents plus tax reimbursement.

[14] Rate filed in compliance to ordering paragraph (E) of Opinion No. 468. Present rate in effect is 16.63179 cents at 14.65 p.s.i.a. Rate in effect subject to refund in Docket No. RI65-42.

[15] Rate filed in compliance to ordering paragraph (E) and the ceiling rate established by the quality statement differ because one used the actual ad valorem tax and the other used an average tax of 1.3 cents.

[16] Increase from applicable area ceiling rate to fractured rate of 16 cents inclusive of taxes. Contract rate is 18 cents plus tax reimbursement.

[17] Rate filed in compliance to ordering paragraph (E) of Opinion No. 468. Present rate in effect is 18.1215 cents at 14.65 p.s.i.a. Rate in effect subject to refund in Docket No. RI65-42.

[18] Increase from applicable area ceiling rate to contract rate.

[19] Rate filed in compliance to ordering paragraph (E) of Opinion No. 468. Present rate in effect is 15.2025 cents at 14.65 p.s.i.a. Rate in effect subject to refund in Docket No. RI65-42.

[20] Does not apply to residue gas under Supplement No. 10.

[21] Increase from applicable area ceiling rate to fractured rate of 16 cents inclusive of taxes. Contract rate is 16.5 cents at 14.65 p.s.i.a. plus tax reimbursement.

[22] Casinghead gas residue.

[23] Rate filed in compliance to ordering paragraph (E) of Opinion No. 468. Present rate in effect is 16.72275 cents at 14.65 p.s.i.a. Rate in effect subject to refund in Docket No. RI65-41.
[24] Old Gas-well gas.
[25] No deliveries were made under this rate schedule the previous 12 months period and none are anticipated in the immediate future.
[26] Rate filed in compliance to ordering paragraph (E) of Opinion No. 468. Present rate in effect is 17.2295 cents at 14.65 p.s.i.a. Rate in effect subject to refund in Docket No. G-20407.
[27] Increase from applicable area ceiling rate to fractured rate of 16 cents inclusive of tax reimbursement. Contract rate is 18 cents plus tax reimbursement.
[28] Rate filed in compliance to ordering paragraph (E) of Opinion No. 468. Present effective rate is 18.12150 cents per Mcf. Rate in effect subject to refund in Docket No. G-20407.
[29] Rate filed in compliance to ordering paragraph (E) of Opinion No. 468. Present rate is 16 cents, initial rate.
[30] Increase from applicable area ceiling rate to fractured rate of 16 cents inclusive of taxes. Contract rate is 21.8 cents per Mcf.
[31] Pertains to old residue gas only; excludes acreage below 4,000 feet, added by letter. Agreement dated Jan. 27, 1961, Supplement No. 11.
[32] Rate filed in compliance to ordering paragraph (E) of Opinion No. 468. Present rate is 18.2430 cents, effective subject to refund in Docket No. RI65-42.
[33] Rate filed in compliance to ordering paragraph (E) of Opinion No. 468. Present rate in effect is 18.2430 cents at 14.65 p.s.i.a. Rate in effect subject to refund in Docket No. RI65-42.
[34] Rate filed in compliance to ordering paragraph (E) of Opinion No. 468. Present rate in effect is 18.2430 cents at 14.65 p.s.i.a. Rate in effect subject to refund in Docket No. RI65-42.
[35] Increase from applicable area ceiling rate to contract rate.
[36] Residue gas derived from new gas-well gas.
[37] Filing does not apply to acreage committed by Supplement No. 3 from which gas is sold at 16 cents per Mcf.
[38] Rate filed in compliance to ordering paragraph (E) of Opinion No. 468. Present rate in effect is 18.2430 cents at 14.65 p.s.i.a. Rate in effect subject to refund in Docket No. RI66-21.
[39] Rate filed in compliance to ordering paragraph (E) of Opinion No. 468. Present rate in effect is 18.1728 cents at 14.65 p.s.i.a. Rate in effect subject to refund in Docket No. RI65-210.

Mobil Oil Corp., Mobil Oil Corp. (Operator), and Mobil Oil Corp. (Operator) et al. (all referred to herein as Mobil), request waiver of the statutory notice to permit their proposed rate increases to become effective as of the date of filing (Jan. 2, 1968). Mobil also request that should the Commission suspend their rate increases that the suspension period with respect thereto be limited to 1 day. Opinion No. 468 moratorium precluded the filing of rate increases prior to January 1, 1968, and Mobil's filings were received on January 2, 1968. Since the offices were closed and mail deliveries were curtailed in recognition of January 1, 1968, being a legal holiday and Mobil's filings could not be made on that date, we believe, under the circumstances, that Mobil's rate increases should be construed as having been filed on January 1, 1968, and the statutory period commence as of that date to permit the filings to be suspended for 5 months from February 1, 1968. Good cause has not been shown for granting Mobil's request to limit to 1 day the suspension period with respect to their rate filings and such request is denied.

Mobil's proposed rate increases exceed the applicable area ceiling rates established by quality statements previously accepted pursuant to Opinion No. 468, as amended, and should be suspended for 5 months from February 1, 1968, as ordered herein.

[F.R. Doc. 68-1521; Filed, Feb. 8, 1968; 8:45 a.m.]

SAMEDAN OIL CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JANUARY 31, 1968.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in appendix A hereof.

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

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 15, 1968.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI68-396	Samedan Oil Corp. (Operator) et al., Post Office Box 909, Ardmore, Okla. 73401.	17	11	Michigan-Wisconsin Pipe Line Co. (Woodward Area, Woodward County, Okla.) (Panhandle Area) and (Dewey County, Okla.) (Oklahoma "Other" Area).	$23,770 45,093	1-2-68	[2] 2-2-68	7-2-68	[3 6 7] 17.015 [6 7 8] 15.015	[3 4 6 7] 19.015 [3 4 6 7 8] 19.015	RI68-175. RI68-175.
RI68-397	J. C. Trahan Drilling Contractors, Inc., 2625 Line Ave., Shreveport, La.	24	1	Texas Gas Transmission Corp. (West Simsboro Field, Lincoln Parish, La.) (North Louisiana).	13,406	1-8-68	[2] 2-8-68	7-8-68	[11 13] 18.25	[9 10 11 13] 19.75	
RI68-398	Walter F. Kuhn (Operator) et al., c/o Hershberger, Patterson, Jones, and Thompson, Union Center Bldg., Wichita, Kans. 67202, Attn: Jerome E. Jones, Esq.	53	6	Panhandle Eastern Pipe Line Co. (Hugoton Field, Stevens County, Kans.).	7,600	1-8-68	[13] 2-8-68	7-8-68	11.0	[4 9] 12.0	
RI68-399	Sun Oil Co., 1608 Walnut St., Philadelphia, Pa. 19103.	99	2	Kansas-Nebraska Natural Gas Co., Inc. (Hugoton Field, Hamilton County, Kans.).	227	1-2-68	[2] 2-2-68	7-2-68	[11] 11.0	[4 9 11] 12.0	
	do	204	1	Panhandle Eastern Pipe Line Co. (Tangier and Gage Fields, Ellis and Woodward Counties, Okla.) (Panhandle Area).	17,004	1-2-68	[2] 2-2-68	7-2-68	[14] 18.275	[4 9 14] 19.365	
	do	211	2	Northern Natural Gas Co. (Chaney, et al., Fields, Ellis, and Woodward Counties, Okla.) (Panhandle Area).	3,315	1-2-68	[2] 2-2-68	7-2-68	[14] 18.530	[4 9 14] 19.635	

See footnotes at end of table.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
	Sun Oil—Continued	208	[15] 2	Panhandle Eastern Pipe Line Co. (South Peek Field, Ellis County, Okla.) (Panhandle Area).	$18,784	1-2-68	[2] 2-2-68	7-2-68	[14] 19.703	[4] [9] [14] 20.877	
RI68-400	L. J. Onstott d.b.a. Progress Petroleum Properties (Operator) 923 Oil & Gas Bldg., Wichita Falls, Tex. 76301.	1	1	Lone Star Gas Co. (McGregor Gasoline Plant, Archer County, Tex.) (RR. District No. 9).	1,889	1-2-68	[13] 2-2-68	7-2-68	14.49	[4] [9] 16.56	
RI68-401	Sunray DX Oil Co. (Operator) et al., Post Office Box 2039, Tulsa, Okla. 74102, Attn: Homer E. McEwen, Jr., Esq.	27	21	Texas Eastern Transmission Corp. (Karon and North Goebel Fields, Live Oak County, Tex.) (RR. District No. 2).	2,181	1-4-68	[2] 2-5-68	7-5-68	[16] 14.1	[4] [9] 14.8733	
	do	33	21	Texas Eastern Transmission Corp. (Hostetter and North Hostetter Fields, Live Oak Counties, Tex.) (RR. District No. 2).	[17] 45,242 [18] 628	1-4-68	[2] 2-5-68	7-5-68	[16] [19] 14.1	[4] [9] [19] 14.8733	
RI68-402	Sunray DX Oil Co	29	16	Texas Eastern Transmission Corp. (Holxmark-Wilcox Field, Bee County, Tex.) (RR. District No. 2).	352	1-4-68	[2] 2-5-68	7-5-68	[16] 14.1	[4] [9] 14.8733	
	do	32	16	Texas Eastern Transmission Corp. (East Meyersville Field, De Witt County, Tex.) (RR. District No. 2).	1,230	1-4-68	[2] 2-5-68	7-5-68	[16] 14.1	[4] [9] 14.8733	
	do	121	11	Texas Eastern Transmission Corp. (Cabeza Creek Field, Goliad County, Tex.) (RR. District No. 2).	61	1-4-68	[2] 2-5-68	7-5-68	14.1	[4] [9] 14.8733	
RI68-403	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001, Attn.: John J. Carter, General Manager, Natural Gas Department.	403	4	Colorado Interstate Gas Co., (Desert Springs Area, Sweetwater County, Wyo.).	927	1-2-68	[13] 2-2-68	7-2-68	[21] 17.22	[4] [9] [20] 18.25	RI68-8.
	do	406	1	Natural Gas Pipeline Co. of America (Nine Mile Point Field, Aransas County, Tex.) (RR. District No. 4).	70,000	1-2-68	[13] 2-2-68	7-2-68	[22] 16.0	[4] [9] 17.0	
RI68-404	Bright & Schiff, 107 Mercantile Continental Bldg., Dallas, Tex. 75201.	1	10	Texas Eastern Transmission Corp. (South Karon and Ragsdale Fields, Bee County, Tex.) (RR. District No. 2).	600	1-2-68	[2] 2-5-68	7-5-68	14.3733	[4] [9] 14.8733	RI63-314.

[2] The stated effective date is the effective date proposed by Respondent.
[3] Respondent filing from initial permanent certificated rate to initial contract rate.
[4] Pressure base is 14.65 p.s.i.a.
[5] Applicable to Dauphin-Reese Unit and Swain Unit (Oklahoma Panhandle Area).
[6] Subject to upward and downward B.t.u. adjustment.
[7] Includes 0.015 cent tax reimbursement.
[8] Applicable to Hanley Unit (Oklahoma "Other" Unit).
[9] Periodic rate increase.
[10] Pressure base is 15.025 p.s.i.a.
[11] Subject to a downward B.t.u. adjustment.
[12] Includes 1.75 cents tax reimbursement.
[13] The stated effective date is the 1st day after expiration of the statutory notice.
[14] Includes 17 cents plus upward B.t.u. adjustment before increase and 18 cents plus upward B.t.u. adjustment plus 0.015 cent tax reimbursement after increase. Base rate subject to upward and downward B.t.u. adjustment.
[15] Applicable to production from Oklahoma Panhandle only. Rate schedule also covers acreage in Oklahoma "Other" Area.
[16] Settlement rate as approved by Commission order issued May 20, 1964, in Docket No. G-13422 et al.
[17] Dehydrated gas delivered at central point.
[18] Gas delivered at wellhead.
[19] Portion of gas subject to 0.5 cent charge by seller for dehydration and central point delivery.
[20] 16 cents base rate plus 2.25 cents upward B.t.u. adjustment (maximum allowed by contract, as amended).
[21] Includes 2.22 cents per Mcf B.t.u. price adjustment for B.t.u. content between 1,000 and 1,148 B.t.u.'s.
[22] Initial rate.

Walter F. Kuhn (Operator) et al., L. J. Onstott, doing business as Progress Petroleum Properties (Operator), and Humble Oil & Refining Co. (Humble), request an effective date of January 1, 1968, for their proposed rate increases. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for the aforementioned producers' rate filings and such requests are denied. Humble and Bright & Schiff request that should the Commission suspend their rate filings that the suspension periods be limited to 1 day. Good cause has not been shown for limiting to 1 day the suspension periods with respect to Humble and Bright & Schiff's rate filings and such requests are denied.

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

[F.R. Doc. 68-1522; Filed, Feb. 8, 1968; 8:45 a.m.]

[Docket No. RI68-405, etc.]

SUNRAY DX OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JANUARY 30, 1968.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in appendix A hereof.

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

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

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

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 15, 1968.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI68-405	Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla. 74101.	138	11	Colorado Interstate Gas Co. (Laverne Field, Harper County, Okla.) (Panhandle Area).	$126,010	1-2-68	[2] 2-1-68	7-1-68	[5 6] 15.0	[3 4 5 10] 17.01	
	do	152	10	Northern Natural Gas Co. (Beaver County, Okla.) (Panhandle Area) and (Ochiltree County, Tex.) (R.R. District No. 10).	33,095	1-2-68	[2] 2-1-68	7-1-68	[6 8] 15.5 [6 11] 15.5	[3 4 7 8] 18.515 [3 4 9 11] 18.5	
	do	176	14	Michigan Wisconsin Pipe Line Co. (Laverne Area, Harper County, Okla.) (Panhandle Area).	15,229	1-2-68	[2] 2-1-68	7-1-68	[5 6] 17.0	[4 5 12] 19.0	
	do	206	12	Transwestern Pipeline Co. (Various Fields, Ellis, Beaver, Harper, Tex., and Woodward Counties, Okla.) (Panhandle Area).	13,647	1-2-68	[2] 2-1-68	7-1-68	[6 14] 17.0	[4 13 14] 19.0	
	do	211	20	Michigan Wisconsin Pipe Line Co. (Various Fields, Woodward County, Okla.) (Panhandle Area) and (Woods, Dewey, and Major Counties, Okla.) (Oklahoma "Other" Area).	7,848 8,456	1-2-68	[2] 2-1-68	7-1-68	[5 6 8] 17.0 [5 6 10] 15.0	[4 5 8 15] 19.0 [4 5 15 16] 17.9	
	do	118	8	Northern Natural Gas Co. (North Hansford Field, Hansford and Ochiltree Counties, Tex.) (R.R. District No. 10).	17,672	1-2-68	[2] 2-1-68	7-1-68	[6 14] 16.5	[4 5 14 17] 18.5	
	do	129	11	Northern Natural Gas Co. (Harper Ranch, Clark County, Kans.).	10,152	1-2-68	[2] 2-1-68	7-1-68	[6 14] 15.0	[3 4 14] 17.0	
	do	134	8	Cities Service Gas Co. (Eureka District Field, Grant and Alfalfa County, Okla.) (Oklahoma "Other" Area).	1,234	1-2-68	[2] 2-1-68	7-1-68	[6 14] 12.0	[3 4 14] 14.0	
	do	223	5	Northern Natural Gas Co. (Doby Spring Field, Harper County, Okla.) (Panhandle Area).	4,726	1-2-68	[2] 2-1-68	7-1-68	[5 6] 15.0	[3 4 5 7] 17.015	
	do	7	15	United Gas Pipe Line Co. (McFaddin Field, Refugio County, Tex.) (R.R. District No. 2).	6,707	1-2-68	[2] 2-1-68	7-1-68	[9] 13.1664	[4 17] 14.1792	
	do	17	13	Iroquois Gas Corp. (Sheridan Field, Colorado County, Tex.) (R.R. District No. 3).	9,999	1-2-68	[2] 2-1-68	7-1-68	[6] 16.65853	[4 14 21] 19.0	
	do	171	6	United Gas Pipe Line Co. (Northwest Corpus Channel Field, Nueces, and San Patricio Counties, Tex.) (R.R. District No. 4).	20,837	1-2-68	[2] 2-1-68	7-1-68	[6 14] 15.0	[4 14 22] 18.0	
	do	175	6	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Seeligson Field, Jim Wells County, Tex.) (R.R. District No. 4).	49,976	1-2-68	[2] 2-1-68	7-1-68	[6 14] 14.6	[4 14 17] 15.6	
	do	185	3	South Texas Natural Gas Gathering Co. (North Monte Cristo Field, Hidalgo County, Tex.) (R.R. District No. 4).	6,050	1-2-68	[2] 2-1-68	7-1-68	[6 14] 15.0	[4 14 17] 16.0	
	do	178	9	United Fuel Gas Co. (Valentine Field, Lefourche Parish, La.) (South Louisiana).	7,808	1-2-68	[2] 2-1-68	7-1-68	[6 14] 19.1	[4 14 17 20] 21.5	
RI68-406	Sunray DX Oil Co. (Operator) et al.	215	3	Transcontinental Gas Pipe Line Corp. (South Duson Field, Lafayette Parish, La.) (South Louisiana).	125,898	1-2-68	[2] 2-1-68	7-1-68	[14 20] 17.5	[14 18 19] 23.55	

[2] The stated effective date is the effective date proposed by Respondent.
[3] Two-step periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Subject to upward and downward B.t.u. adjustment.
[6] Settlement rate as approved by Commission order issued Jan. 29, 1965, in Docket No. G-6822 et al. Moratorium on filing increased rates expired Jan. 1, 1968.
[7] Inclusive of 0.015 cent tax reimbursement.
[8] Oklahoma Panhandle Production.
[9] Includes 1 cent per Mcf paid to seller by buyer for liquid hydrocarbons.
[10] Includes 0.01 cent tax reimbursement.
[11] Texas Railroad District No. 10 production.
[12] "Fractured" rate increase. Respondent contractually due periodic increase to 19.5 cents per Mcf.
[13] "Fractured" rate increase. Respondent contractually due 23 cents, which is initial contract rate.
[14] Subject to downward B.t.u. adjustment.
[15] "Fractured" rate increase. Respondent contractually due periodic increase to 22 cents per Mcf.
[16] Oklahoma "Other" Area production.
[17] Periodic rate increase.
[18] "Fractured" rate increase. Contractually due 27 cents (25.5 cents base rate plus 1.5 cents tax reimbursement).
[19] Pressure base is 15.025 p.s.i.a.
[20] Inclusive of 1.5 cents tax reimbursement.
[21] "Fractured" rate increase. Contractually due 19.6872 cents (19.5 cents base plus 0.1872 cent tax reimbursement).
[22] "Fractured" rate increase. Contractually due 18.2304 cents (18 cents base plus 0.2304 cent tax reimbursement).

Sunray DX Oil Co. and Sunray DX Oil Co. (Operator) et al. (both referred to herein as Sunray), rate filings were submitted on January 2, 1968, a day after the expiration of the moratorium period. Because January 1, 1968, was a holiday and the filings could not be made on such date, Sunray request waiver of the full 30-day notice requirement to allow a proposed effective date of January 31, 1968. The full 30-day statutory notice period from January 1, 1968, expires on February 1, 1968. Good cause has been shown for waiving the notice requirement to the extent necessary to permit an effective date of February 1, 1968, for Sunray's rate filings for the commencement of the 5-month suspension period.

Sunray's proposed rate increases, totaling $465,344 annually, are filed under rate schedules included in Sunray's company-wide settlement approved by Commission order issued January 29, 1965, in Docket Nos. G–6822 et al. The moratorium period for filing increases in excess of the applicable area increased rate ceilings, as provided by the settlement order, expired January 1, 1968.

All of Sunray's proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61–1, as amended (18 CFR 2.56) and should be suspended for 5 months from February 1, 1968.

[F.R. Doc. 68–1523; Filed, Feb. 8, 1968; 8:45 a.m.]

[Docket No. CP68–213]

LONE STAR GAS CO.

Notice of Application

FEBRUARY 2, 1968.

Take notice that on January 26, 1968, Lone Star Gas Co. (Applicant), 301 South Harwood Street, Dallas, Tex. 75201, filed in Docket No. CP68–213 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a sale to Texas Eastern Transmission Corp. (Texas Eastern) from Carthage Field, Panola County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

By the order issued in Docket No. G–6781 (16 FPC 1431) Applicant was authorized to sell to Texas Eastern surplus natural gas produced from the aforementioned Carthage Field pursuant to a contract entered between the two parties on July 28, 1947. Under the contract, Applicant's right to use and market the gas was superior to any obligation to Texas Eastern whose right to purchase the gas was subjugated to Applicant's prior rights to the gas including its obligation to serve its own consumers.

The application states that due to declining reserves in the Carthage Field and Applicant's increased requirements to serve its own consumers no sales from this field have been made to Texas Eastern since February 19, 1964, and that future sales are not anticipated. The application further states that the aforementioned contract was terminated on November 15, 1967.

Therefore, Applicant requests permission and approval of the Commission to abandon the above-described sale to Texas Eastern.

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 29, 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 permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68–1580; Filed, Feb. 8, 1968; 8:45 a.m.]

[Docket No. CP68–36]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Amendment to Application

FEBRUARY 2, 1968.

Take notice that on January 18, 1968, Michigan Wisconsin Pipe Line Co. (Applicant), 1 Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP68–36 an amendment to the application filed in said docket on August 2, 1967, by requesting that a certificate of public convenience and necessity be issued for the construction and operation of 30.9 miles of 30-inch line instead of a 12-inch line, all as more fully set forth in the amendment to the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes by the amendment to the application to construct and operate from the terminus of Applicant's proposed line from Block 77 to Block 188, Eugene Island Area, Offshore Louisiana, a 30-inch line in lieu of a 12-inch line proposed in the original application and which 12-inch line was authorized in a temporary certificate issued by the Commission on October 4, 1967. Applicant also requests that such temporary certificate be amended.

The amendment to the application states that due to the development of new sources of natural gas in Offshore Louisiana it is economically more feasible to construct a greater diameter pipeline at the present time than to loop a smaller diameter pipeline at a future date.

The estimated cost of constructing 30.9 miles of 30-inch line from Block 77 to Block 188 is $10,414,120.

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 29, 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. 68–1582; Filed, Feb. 8, 1968; 8:45 a.m.]

[Docket No. RP68–17]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Proposed Changes in Rates and Charges

FEBRUARY 2, 1968.

Notice is hereby given pursuant to § 2.59(a) of the Commission's rules of practice and procedure that Natural Gas Pipeline Company of America (Natural) filed on January 30, 1968, proposed changes in its FPC Gas Tariff to become effective on March 1, 1968. The proposed changes reflect, among other things, an increase in rates that would provide higher revenues of $13,110,000 per year from rate schedules CD–1, CD–2, G–1, G–2, and PL–1, $620,426 from rate schedule S–1, both above revenues provided by Natural's rates made effective subject to refund as of December 1, 1967, in Docket No. RP67–21; and $7,445 from rate schedule F–1. In addition to these rate level changes, Natural has included an "Emergency Delivery" provision in its rate schedules CD–1, CD–2, G–1, G–2, and PL–1.

Natural states that the principal reasons for the changes filed are (1) increased costs of purchased gas, (2) to provide a rate of return of 7½ percent, (3) to provide for the proposed 10 percent surtax now pending before Congress, (4) deduction from the rate base of the reserve for accumulated deferred taxes as

of March 1, 1961, instead of February 3, 1964, and (5) substantial increases in other costs, such as salaries, which have occurred now or will occur before July 31, 1968.

Protests, petitions to intervene, or notices of intervention may be filed with the Federal Power Commission, Washington, D.C. 20426, pursuant to the Commission's rules of practice and procedure on or before February 26, 1968.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-1581; Filed, Feb. 8, 1968; 8:45 a.m.]

[Docket No. CP68-211]

UNION TRANSMISSION, INC.

Notice of Application

FEBRUARY 2, 1968.

Take notice that on January 25, 1968, Union Transmission, Inc. (Applicant), Post Office Box 347, Independence, Kans. 67301, filed in Docket No. CP68-211 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition and operation of certain natural gas facilities, 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 acquire from its parent, Union Gas System, Inc., and to operate the following facilities in Osage and Washington Counties, Okla.:

(1) Approximately 4.9 miles of 8-inch pipeline; approximately 13.9 miles of 10-inch pipeline; and approximately 8.8 miles of 12-inch pipeline; and

(2) All miscellaneous fittings and valves appurtenant thereto and all rights-of-way, easements, permits, and property rights related to said facilities.

The application states that the proposed acquisition from Union Gas System will permit a corporate realignment under which the transportation of natural gas, through the facilities to be acquired from the Osage County leases in Oklahoma, to the Oklahoma-Kansas line will remain subject to the jurisdiction of the Commission, while at the same time eliminating the overlapping jurisdiction with respect to the distribution properties of Applicant's parent in Kansas and Oklahoma.

The total estimated cost of acquisition is $98,217, which will be paid for by the issuance of a 15-year 6-percent note for $96,000 and the remainder in cash from company funds.

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 28, 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. 68-1583; Filed, Feb. 8, 1968; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

DENVER U.S. BANCORPORATION, INC.

Order Regarding Application for Determination

In the matter of the application of Denver U.S. Bancorporation, Inc., Denver, Colo., pursuant to section 4(c)(8) of the Bank Holding Company Act of 1956 for a determination re the proposed Lincoln Agency, Inc., and Fidelity National Life Insurance Co. (Docket No. BHC-82)

Denver U.S. Bancorporation, Inc., Denver, Colo., a bank holding company within the meaning of section 2(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(a)), filed a request for a determination by the Board of Governors of the Federal Reserve System that the activities planned to be undertaken by its proposed subsidiaries, Lincoln Agency, Inc., and Fidelity National Life Insurance Co., are of the kind described in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 222.5(b) of the Board's Regulation Y (12 CFR 222.5(b)) so as to make it unnecessary for the prohibitions of section 4(a) of the Act with respect to acquisition of shares in nonbanking companies to apply in order to carry out the purposes of the Act.

Pursuant to the requirements of section 4(c)(8) of the Act and in accordance with the provisions of §§ 222.5(b) and 222.7(a) of the Board's Regulation Y (12 CFR 222.5(b), 222.7(a)), a hearing was held on this matter on July 11, 1967. On December 28, 1967, the Hearing Examiner filed his Report and Recommended Decision,[1] a copy of which is appended hereto, wherein he recommended that the request be granted. The time for filing exceptions to the aforesaid Report and Recommended Decision has expired, and none has been filed. The Board hereby adopts the findings of fact, conclusions of law, and recommendations embodied therein, and on the basis thereof and of the entire record,

It is hereby ordered, That the activities planned to be undertaken by Lincoln Agency, Inc., and Fidelity National Life Insurance Co., all of which are of an insurance nature, are determined to be so closely related to the business of banking or of managing or controlling banks as to be a proper incident thereto and as to make it unnecessary for the prohibitions of section 4(a) of the Bank Holding Company Act to apply in order to carry out the purposes of the Act: *Provided, however,* That this determination is subject to revocation if the facts upon which it is based should change in any material respect.

Dated at Washington, D.C., this 1st day of February 1968.

By order of the Board of Governors, acting by its General Counsel pursuant to delegated authority (12 CFR 265.2(b)(2)).

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-1584; Filed, Feb. 8, 1968; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Kansas City.

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7-2835, 7-2836]

ARLAN'S DEPARTMENT STORES, INC., AND ENGELHARD MINERALS & CHEMICALS CORP.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

FEBRUARY 5, 1968.

In the matter of applications of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Arlan's Department Stores, Inc.	7-2835
Engelhard Minerals & Chemicals Corp	7-2836

Upon receipt of a request, on or before February 20, 1968 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to

take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-1595; Filed, Feb. 8, 1968; 8:46 a.m.]

[811-995]

C. B. NATIONAL FUND, INC.

Notice of Application for Order Declaring That Company Has Ceased To Be an Investment Company

FEBRUARY 5, 1968.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940, 15 U.S.C. sec. 80a-1 et seq. ("Act"), on behalf of C. B. National Fund, Inc. ("Applicant"), 501 Bailey Avenue, Fort Worth, Tex., a Texas corporation, registered as a management closed-end diversified investment company, 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 Applicant's representations which are summarized below.

Applicant has ceased to do business and has been dissolved as provided in the Business Corporation Act of the State of Texas, pursuant to vote of shareholders on December 14, 1963.

Applicant has distributed its assets to shareholders, in accordance with their respective rights and interests except for those which it has been unable to locate. Provision has been made for the deposit of sums due to shareholders whose whereabouts are unknown and a continuing effort is being made to locate such shareholders.

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, 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 26, 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 shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service by affidavit (or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in the 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. 68-1596; Filed, Feb. 8, 1968; 8:46 a.m.]

[File No. 7-2834]

DRESSER INDUSTRIES, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

FEBRUARY 5, 1968.

In the matter of application of the Pittsburgh Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the preferred stock of the following company, which, security is listed and registered on one or more other national securities exchange:

Dresser Industries, Inc., $2.20 Convertible Preferred Stock Series "A", File No. 7-2834.

Upon receipt of a request, on or before February 20, 1968, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-1597; Filed, Feb. 8, 1968; 8:46 a.m.]

HAMILTON LIFE INSURANCE COMPANY OF NEW YORK

Order Suspending Trading

FEBRUARY 2, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Hamilton Life Insurance Company of New York and all other securities of Hamilton Life Insurance Company of New York 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 commencing February 2, 1968, at 10 a.m., e.s.t., through February 11, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-1598; Filed, Feb. 8, 1968; 8:46 a.m.]

[812-2266]

HONEYWELL OVERSEAS FINANCE CO.

Notice of Filing of Application for Order Exempting Company

FEBRUARY 5, 1968.

Notice is hereby given that Honeywell Overseas Finance Co. ("Applicant"), 2701 Fourth Avenue South, Minneapolis, Minn., a Delaware corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting it from all provisions of the Act and the rules and regulations thereunder. All interested persons are preferred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant was organized by Honeywell Inc. ("Honeywell") under the laws of the State of Delaware on January 30, 1968. All of the outstanding capital stock of Applicant consisting of 1,000 shares of common stock, $1 par value, will be purchased by Honeywell for $1,000. Prior to the time of the issuance of the Debentures described below, Honeywell will contribute cash in an amount not less than $5,999,000 to Applicant. Additional contributions to the capital of Applicant may be made by Honeywell in the future.

Any additional securities which Applicant may issue, other than debt securities, will be issued only to Honeywell or to a wholly owned subsidiary of Honeywell (other than any investment company as defined in section 3(a) of the Act). Honeywell or its wholly owned subsidiaries will not dispose of any such securities, other than debt securities, except to Applicant, to Honeywell or to another wholly owned subsidiary of Honeywell (other than any investment company as defined in section 3(a) of the Act).

Honeywell manufactures a wide variety of automatic control instruments and systems and a wide range of electronic data processing systems and related equipment.

Applicant has been organized in order to raise funds abroad for financing Honeywell's expanding foreign operations while, at the same time, providing assistance in improving the balance of payments position of the United States in compliance with the U.S. Foreign Direct Investment Program instituted by the President on January 1, 1968.

Applicant intends to issue and sell $30 million of its Guaranteed Convertible Debentures due 1983 ("Debentures"). The Debentures will be convertible into shares of Common Stock of Honeywell at any time on or after August 15, 1968, at a conversion price to be determined prior to the public offering of the Debentures. Honeywell will guarantee the principal and interest payments on, and conversion rights of, the Debentures. Any additional debt securities of Applicant which may be issued to or held by the public will be guaranteed by Honeywell in the same manner as the Debentures.

Applicant intends that all of its assets will be invested in or loaned to companies at least 50 percent of whose voting securities are owned directly or indirectly by Honeywell or Applicant and which will be either foreign companies or domestic companies all or substantially all of whose business is carried on abroad and which are primarily engaged in a business or business outside the United States other than the business of investing, reinvesting, owning, holding, or trading in securities, except that Applicant may invest in or loan funds to Honeywell International Finance Co., S.A., a wholly owned Luxembourg subsidiary of Honeywell (hereinafter called Honeywell International), which is engaged in investing in or making loans to such companies and to Honeywell Financiering N.V., a wholly owned Netherlands subsidiary of Honeywell International, which is also engaged in investing in or making loans to such companies. Applicant will proceed as expeditiously as possible with the long-term investment of its funds, but it may make short-term deposits in foreign banks or foreign branches of U.S. banks and it may make temporary investments in short-term obligations outside the United States and may maintain working balances in U.S. banks. Applicant will not acquire the securities representing its loans or investments for the purpose of resale and will not trade in securities.

The Debentures are to be sold to a group of Underwriters for offering outside the United States. The Debentures are to be offered and sold under conditions which are intended to assure that the Debentures will not be offered or sold in the United States, its territories or possessions or to nationals or citizens or residents of the United States, its territories or possessions. The contracts relating to such offer and sale will contain various provisions intended to assure that the Debentures will not be purchased by nationals or residents of the United States, its territories or possessions. Any additional debt securities of Applicant which may be sold to the public in the future will be sold under substantially similar conditions, except in the case of sales in the United States, its territories or possessions to agents, nominees, custodians and trustees for persons who are not nationals, citizens or residents of the United States, its territories or possessions.

In the opinion of counsel for Honeywell and Applicant, U.S. persons (as defined in the Interest Equalization Tax Act) will be required to report and pay the interest equalization tax with respect to acquisition of the Debentures, except where a specific statutory exemption is available. Thus, by financing its foreign operations through Applicant rather than through the sale of its own debt obligations, Honeywell will utilize an instrumentality, the acquisition of whose debt obligations by U.S. persons would, generally, subject such persons to the interest equalization tax, thereby discouraging them from purchasing such debt obligations.

Applicant intends to apply for listing of the Debentures on the New York Stock Exchange and to register the Debentures under the Securities Exchange Act of 1934.

Applicant submits that it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act for the Commission to enter an order exempting Applicant from each and every provision of the Act for the following reasons: (1) A principal purpose of Applicant is to assist in improving the balance of payments program of the United States by serving as a vehicle through which Honeywell may obtain funds in foreign countries for its foreign operations; (2) Applicant will not deal or trade in securities; (3) the public policy underlying the Act is not applicable to Applicant and the security holders of Applicant do not require the protection of the Act, because the payment of the Debentures, which is guaranteed by Honeywell, does not depend on the operations or investment policy of Applicant, for the Debenture holders may ultimately look to the business enterprise of Honeywell rather than solely to that of Applicant, and the Common Stock of Honeywell is listed on the New York Stock Exchange and is registered under section 12 of the Securities Exchange Act of 1934; (4) none of the securities other than debt securities of Applicant will be held by any person other than Honeywell or a wholly owned subsidiary of Honeywell (other than any investment company as defined in section 3(a) of the Act); (5) the Debentures will be offered and sold abroad to foreign nationals under circumstances designed to prevent any reoffering or resale in the United States, its territories or possessions or to any U.S. national, citizen or resident in connection with such offering; (6) the burden of the Interest Equalization Tax will tend to discourage purchase of the Debentures by any U.S. person; and (7) Applicant's security holders will have the benefit of the disclosure and reporting provisions of the New York Stock Exchange and of the Securities Exchange Act of 1934.

Notice is further given that any interested person may, not later than February 14, 1968, at 5 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68–1604; Filed, Feb. 8, 1968; 8:47 a.m.]

[812–2251]

KEYSTONE CUSTODIAN FUNDS, INC., AND KEYSTONE COMPANY OF BOSTON

Notice of Filing of Application for Order Exempting Certain Underwriting Contracts and for Modification of Previous Order

FEBRUARY 5, 1968.

Notice is hereby given that Keystone Custodian Funds, Inc. ("Keystone"), a Delaware corporation, as Trustee of each

of the following nine trusts, namely, Keystone Custodian Funds Series S–1, S–2, S–3, S–4, B–1, B–2, B–4, K–1, and K–2 ("Funds"), each registered under the Investment Company Act of 1940, 15 U.S.C. sec. 80a–1, et seq. ("Act") as a management open-end diversified investment company, and The Keystone Company of Boston ("Keystone-Boston"), 50 Congress Street, Boston, Mass. 02109, a Delaware corporation, have filed an application for an order pursuant to section 6(c) of the Act exempting Keystone-Boston from the provisions of section 15(b)(1) and for the modification of a previous order of the Commission. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

The nine Funds are unincorporated common law trusts, each existing under a separate but substantially identical trust agreement between Keystone as Trustee and the investors in the Funds. Shares of each of the Funds are registered under the Securities Act of 1933 and such shares are offered for sale to the public in accordance with the terms of a principal underwriting contract dated August 28, 1964 ("contract") between Keystone, as Trustee for the Funds, and Keystone-Boston, a wholly owned subsidiary of Keystone.

Section 15(b)(1) of the Act makes it unlawful for any principal underwriter for a registered open-end investment company to offer securities of such company except pursuant to a written contract, which contract shall continue in effect for a period of more than 2 years from the date of its execution only so long as such continuance is specifically approved at least annually by the Board of Directors or by vote of a majority of the outstanding voting securities of such registered investment company. Section 6(c) of the Act states that the Commission may exempt any person from the provisions of the Act if the 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.

By order dated September 24, 1965, the Commission granted an application exempting Keystone-Boston from section 15(b)(1) of the Act on the condition that the contract continue in effect with respect to any of the Funds only so long as the continuance is specifically approved at least every 3 years by either written approval by holders of a majority of the outstanding shares of each of the Funds or the vote of a majority of such outstanding shares cast in person or by proxy at a meeting called for that purpose. By reason of such order the contract could continue in effect after August 28, 1967, only if its continuance were approved by shareholders of the Funds in the manner provided by the Commission's order.

By order dated August 16, 1967, the Commission granted an application exempting Keystone-Boston from the provisions of section 15(b)(1) of the Act and the order of September 24, 1965, for a period of 6 months, until February 28, 1968. That order was based upon representations in the application which stated that in addition to submitting the underwriting contracts for shareholder approval, Keystone planned to submit to shareholders substantial revisions of the trust agreements which govern the operation of the funds, as well as a number of other matters; that Keystone needed additional time to complete work on the revisions; and that it would be in the interests of shareholders to have all the matters submitted for consideration and approval at the same time to avoid the expense of two meetings. The application further stated that the requested 6-month delay would not materially or significantly detract from any shareholder protection or be adverse to shareholder interests.

Keystone has now completed the revision of the trust agreements and the preparation of other matters for submission to shareholders, has filed the preliminary proxy soliciting material of one fund with the Commission, and will soon file similar material for the other eight funds. The application also states that Keystone will need approximately 61 additional days beyond February 28, 1968 to review the comments of the Commission's staff and to print and mail the material to the shareholders.

Keystone and Keystone-Boston therefore request an order of the Commission which would permit them to postpone submitting the underwriting contract to shareholders for an additional 61 days through April 29, 1968, and which would, in effect, modify the order of the Commission dated August 16, 1967. The application states that the granting of this limited exemption would be in the interests of shareholders and consistent with the protection of investors for the reasons set forth therein.

Notice is further given that any interested person may, not later than February 26, 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 set forth 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 under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon the 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. 68–1599; Filed, Feb. 8, 1968; 8:46 a.m.]

[File No. 1–5215]

ROTO AMERICAN CORP.

Order Suspending Trading

FEBRUARY 5, 1968.

The common stock, $1 par value, of Roto American Corp., being listed and registered on the National Stock Exchange pursuant to the provisions of the Securities Exchange Act of 1934 and the 7 percent cumulative preferred, $10 par value, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the National Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period February 6, 1968, through February 15, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68–1600; Filed, Feb. 8, 1968; 8:46 a.m.]

[70–4582]

UTAH POWER & LIGHT CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds and Preferred Stock at Competitive Bidding

FEBRUARY 5, 1968.

Notice is hereby given that Utah Power & Light Co. ("Utah"), 1407 West North Temple Street, Post Office Box 899, Salt Lake City, Utah 84170, an electric utility company and a registered holding company, has filed a declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50 thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Utah proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $20 million principal amount of first mortgage

bonds, ------ percent series due 1998. The interest rate of the bonds (which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to Utah (which shall be not less than 99 percent and not more than 102 percent of the principal amount of the bonds) will be determined by the competitive bidding. The bonds are to be dated as of March 1, 1968, will mature on March 1, 1998, and will be issued under a mortgage and deed of trust dated as of December 1, 1943, between Utah and Morgan Guaranty Trust Company of New York (formerly Guaranty Trust Company of New York) and H. H. Gould (successor cotrustee), as trustees, and indentures supplemental thereto including a 16th supplemental indenture to be dated as of March 1, 1968.

Utah also proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 400,000 shares of its $____ cumulative preferred stock, series D, par value $25 per share. The dividend rate of the preferred stock (which shall be a multiple of $0.02) and the price, exclusive of accrued dividends, to be paid to Utah (which shall be not less than $25 nor more than $25.70 per share) will be determined by the competitive bidding.

The proceeds from the sale of the bonds and preferred stock will be applied to the payment of outstanding short-term notes (estimated at $27 million) evidencing borrowings made for construction purposes. The construction program for Utah and its subsidiary company, The Western Colorado Power Co., for the years 1968–70, inclusive, is estimated at $95 million of which $34 million is expected to be used in 1968.

The declaration states that the fees and expenses to be incurred by Utah in connection with the issue and sale of the bonds and preferred stock are estimated at $52,000 and $22,500 respectively, including fees of company counsel of $10,000 for the bonds and $4,000 for the preferred stock. The fees of counsel for the underwriters, which are to be paid by the successful bidders, are estimated at $6,500 for the bonds and $3,500 for the preferred stock. Utah has applied to the Public Service Commission of Wyoming and the Idaho Public Utilities Commission for requisite authority to effectuate the proposed transactions. Copies of the orders entered in connection therewith are to be supplied by amendment. It is represented that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 1, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-1601; Filed, Feb. 8, 1968, 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 6, 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. 41229—*Shelled peanuts between points in Oklahoma.* Filed by Southwestern Freight Bureau, agent (No. B-9039), for interested rail carriers. Rates on shelled peanuts (nut meats), not salted, in carloads, between points in Oklahoma over interstate routes through adjoining States.

Grounds for relief—Motortruck competition.

Tariff—Supplement 14 to Southwestern Freight Bureau, agent, tariff ICC 4659.

FSA. No. 41230—*Shelled peanuts from and to points in Texas.* Filed by Southwestern Freight Bureau, agent (No. B-9052), for interested rail carriers. Rates on shelled peanuts (nut meats), not salted, in carloads, between points in Oklahoma, on the one hand, and points in Texas, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 23 to Southwestern Freight Bureau, agent, tariff ICC 4702.

FSA No. 41231—*Soda ash to Joliet Arsenal (Area 1), Ill.* Filed by Southwestern Freight Bureau, agent (No. B-9041), for interested rail carriers. Rates on soda ash (other than modified soda ash), in bulk, in carloads, from Lake Charles, La., Corpus Christi, Freeport, and Houston, Tex., to Joliet Arsenal (Area 1), Ill.

Grounds for relief—Market competition.

Tariffs—Supplements 162 and 96 to Southwestern Freight Bureau, agent, tariffs ICC 4564 and 4668, respectively.

FSA No. 41232—*Trichloroethylene and trichloroethane to Lemont, Ill.* Filed by Southwestern Freight Bureau, agent (No. B-9046), for interested rail carriers. Rates on trichloroethylene, and trichloroethane, in tank carloads, from specified points in Louisiana and Texas, to Lemont, Ill.

Grounds for relief—Market competition.

Tariffs—Supplements 162 and 96 to Southwestern Freight Bureau, agent, tariffs ICC 4564 and 4668, respectively.

AGGREGATE-OF-INTERMEDIATES

FSA No. 41233—*Trichloroethylene and trichloroethane to Lemont, Ill.* Filed by Southwestern Freight Bureau, agent (No. B-9047), for interested rail carriers. Rates on trichloroethylene and trichloroethane, in tank carloads, from specified points in Louisiana and Texas, to Lemont, Ill.

Grounds for relief—Maintenance of depressed rates published to meet market competition without use of such rates as factors in constructing combination rates.

Tariffs—Supplements 162 and 96 to Southwestern Freight Bureau, agent, tariffs ICC 4564 and 4668, respectively.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-1633; Filed, Feb. 8, 1968; 8:49 a.m.]

[Notice No. 542]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 5, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 53579 (Sub-No. 98 TA), filed January 31, 1968. Applicant: GILBERT CARRIER CORP., No. 1 Gilbert Drive, Secaucus, N.J. 07094. Applicant's representative: Aaron Hoffman, 1 Gilbert Drive, Secaucus, N.J. 07094. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, loose, on hangers, from Mount Vernon, Ill., to points in the New York, N.Y., commercial zone as defined by the Commission, for 150 days. Supporting shipper: Mode O'Day Co., 2130 North Hollywood Way, Burbank, Calif. 91505. Send protests to: Walter J. Grossmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 970 Broad Street, Federal Building, Room 902, Newark, N.J. 07102.

No. MC 87720 (Sub-No. 76 TA), filed January 31, 1968. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, Flemington, N.J. 08822. 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: *Office furniture*, from Nashville, Tenn., to points in Maine, for 180 days. Supporting shipper: Globe Wernicke Co., Division of Sheller-Globe Corp., Cincinnati, Ohio. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, 402 East State Street, Trenton, N.J. 08608.

No. MC 106674 (Sub-No. 63 TA), filed January 31, 1968. Applicant: SCHILLI MOTOR LINES, INC., 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured fertilizer*, in bulk and in bags, and in mixed truckloads of bagged and bulk, from Gulf Oil Corp., Chemicals Department Plant, Rushville, Ind., to points in Ohio, for 180 days. Supporting shipper: Gulf Oil Corp., Chemicals Department, Dwight Building, Kansas City, Mo. 64105. Send protests to: Harold Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 110988 (Sub-No. 246 TA), filed January 31, 1968. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. 54956. Applicant's representative: David A. Petersen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yeast*, in bulk, in tank vehicles, from Minneapolis and St. Paul, Minn., to Juneau, Wis., for 180 days. Supporting shipper: Milbrew, Inc., Juneau, Wis. 53039 (Sheldon Bernstein, President). Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 111424 (Sub-No. 2 TA), filed January 31, 1968. Applicant: SHIPPERS TRUCK SERVICE, INC., 400 Sip Avenue, Jersey City, N.J. 07306. Applicant's representative: Robert B. Peper, 297 Academy Street, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Outdoor signs, and parts thereof*, from Glen Cove, Long Island, N.Y., to points in the United States on and east of a line extending from Lake Superior along the western boundary of Wisconsin to the Mississippi River, and thence along the east bank of the Mississippi River to the Gulf of Mexico. No transportation for compensation except as otherwise authorized, for 150 days. Supporting shipper: Universal Unlimited, Inc., Pratt Oval, Glen Cove, Long Island, N.Y. 11542. Send protests to: District Supervisor W. J. Grossmann, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Federal Building, Newark, N.J. 07102.

No. MC 116791 (Sub-No. 20 TA), filed January 31, 1968. Applicant: FARMERS ELEVATOR OF KENSINGTON, Minn., Inc., Kensington, Minn. 56343. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, and feed ingredients*, in bulk, and in bags, from Ames, Iowa, and New Richmond, Wis., to points in Adams, Larimer, Logan, Morgan, Phillips, Sedgwick, Washington, Weld, and Yuma Counties, Colo., for 180 days. Supporting shipper: Doughboy Industries, Inc., New Richmond, Wis. 54017. Send protests to: C. H. Bergquist, District Supervisor, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 125708 (Sub-No. 81 TA), filed January 31, 1968. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. 62087. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel tubing*, from Clinton, Iowa, to Paris, Tenn., for 180 days. Supporting shippers: Tubular Steel Inc., Post Office Box 65, Hazelwood, Mo. 63042; Central Steel Co., Clinton, Iowa. Send protests to: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 129683 TA, filed January 31, 1968. Applicant: ALMAS BORTHERS—STAR MOVERS, INC., 402 South Avalon Boulevard, Gardena, Calif. 90247. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Wooden frame houses*, from U.S. Marine Corps Base at or near Twenty-Nine Palms, Calif., to points in Mohave and Yuma Counties, Ariz., for 180 days. Supporting shipper: U.S. Department of the Interior, Bureau of Indian Affairs, Colorado River Agency, Parker, Ariz. 85344. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, Room 7708, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-1634; Filed, Feb. 8, 1968; 8:49 a.m.]

[Notice No. 86]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 6, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70113. By order of January 31, 1968, the Transfer Board approved the transfer to Walter E. Staples, doing business as Warren Motor Service, Woodbury, N.J., of the operating rights in certificates Nos. MC-1354 and MC-1354 (Sub-No. 1) issued May 20, 1941, and July 10, 1962, respectively, to Arnold B. Garrett, doing business as Warren Motor Service, Woodbury, N.J., authorizing the transportation, over regular routes, of general commodities, except those of unusual value, and except dangerous explosives, household goods, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Philadelphia, Pa., and Woodbury, N.J., and general commodities, except liquors, commodities of unusual value, classes A and B explosives, household goods, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Woodstown, N.J., and Philadephia, Pa., serving all intermediate points and designated off-route points. David E. Crabtree, 22 North Broad Street, Woodbury, N.J. 08096, attorney for applicants.

No. MC-FC-70173. By order of January 31, 1968, the Transfer Board approved the transfer to Alta Ski Tours, Inc., Brooklyn, N.Y., of license No. MC-12650 (Sub-No. 1), issued October 11, 1961, to Olympia Ski Tours, Inc., Brooklyn, N.Y., authorizing the brokerage operations in connection with transportation by motor vehicle of passengers and their baggage, in round trip, all expense ski tours, beginning and ending at New York, N.Y., and at points in Nassau County, N.Y., and

extending to points in Maine, New Hampshire, Vermont, Massachusetts, and Connecticut, being authorized to engage in such operations as a broker at Brooklyn, Rockville Center, and Manhasset, N.Y., Stuart B. Cassell, 511 Pickman Building, 118–21 Queens Boulevard, Forest Hills, N.Y. 11375, attorney for applicants.

No. MC–FC–70195. By order of January 31, 1968, the Transfer Board approved the transfer to Lewis Truck Lines, Inc., Lisbon, N. Dak., of certificates in Nos. MC–81350 and MC–81350 (Sub-No. 3), issued June 26, 1964, and December 6, 1967, respectively, to Eastern Dakota Transportation, Inc., Sisseton, S. Dak., authorizing the transportation of general commodities with the usual exceptions, and livestock; from, to, or between specified points in Minnesota, North Dakota and South Dakota. Michael E. Miller, 502 First Natl Bank Building, Fargo, N. Dak. 58012, attorney for applicants.

No. MC–FC–70213. By order of January 31, 1968, the Transfer Board approved the transfer to Harry Kaler, doing business as Kaler Freight Line, Mason City, Iowa, of the operating rights in certificate No. MC–18016, issued February 4, 1942, to C. E. Lau, authorizing the transportation, over a regular route, of general commodities, excluding dangerous explosives, household goods, commodities in bulk, and other specified commodities, between Ventura, Iowa, and Mason City, Iowa. Clayton L. Wornson, Brick and Tile Building, Mason City, Iowa 50401, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68–1635; Filed, Feb. 8, 1968; 8:49 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—FEBRUARY

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PART II

Department of Transportation

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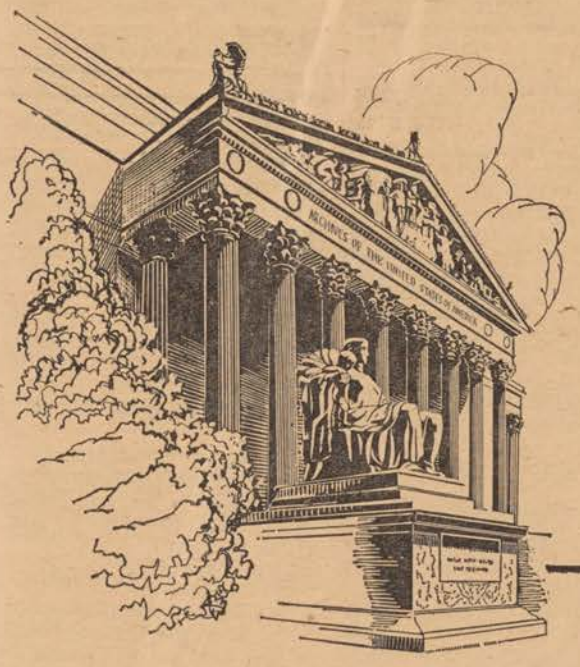
Employee Responsibilities and Conduct



Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 16]

PART 99—EMPLOYEE RESPONSIBILITIES AND CONDUCT

This part prescribes standards of ethical and other conduct, and reporting requirements, for employees and special Government employees of the Office of the Secretary of Transportation, the U.S. Coast Guard, the Federal Aviation Administration, the Federal Highway Administration, the Federal Railroad Administration, and the St. Lawrence Seaway Development Corporation. It does not apply to employees of the National Transportation Safety Board. It implements Executive Order 11222 of May 8, 1965 (30 F.R. 6459), and Part 735 of the Civil Service Commission Regulations (5 CFR Part 735).

Part 735 of the Civil Service Commission Regulations requires each Department to submit implementing regulations to it for approval and to publish the approved regulations in the FEDERAL REGISTER. These amendments were approved by the Civil Service Commission on January 29, 1968.

Pursuant to section 12(a) of the Department of Transportation Act (80 Stat. 949) this regulation supersedes the employee conduct regulations of the Department of the Treasury, the Department of Commerce, and the Interstate Commerce Commission, so far as they are applicable to employees transferred to the Department of Transportation from those organizations. In addition, Part 199 of the Federal Aviation Regulations (14 CFR Part 199) and Part 400 of the regulations of the St. Lawrence Seaway Development Corporation (33 CFR Part 400) relating to employee conduct, are hereby canceled.

Since these amendments relate to Departmental management, procedures, and practices, notice and public procedure thereon are not required, and they may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Subtitle A of Title 49 of the Code of Federal Regulations is amended, effective February 9, 1968, by adding the following new Part 99, "Employee Responsibilities and Conduct."

These amendments are made under the authority of Executive Order 11222 (30 F.R. 6469) and section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on February 2, 1968.

ALAN S. BOYD,
Secretary of Transportation.

Subpart A—General

Subpart B—Ethical and Other Conduct and Responsibilities of Employees

Subpart C—Statements of Employment and Financial Interest

Subpart D—Ethical and Other Conduct and Responsibilities of Special Government Employees

Subpart E—Counseling; Interpretations; Review of Statements; Disciplinary Actions

AUTHORITY: The provisions of this Part 99 issued under E.O. 11222 (30 F.R. 6469); sec. 9, Department of Transportation Act (49 U.S.C. 1657).

Subpart A—General

§ 99.735–1 Purpose and policy.

(a) This part implements Executive Order 11222 (30 F.R. 6469) and Part 735 of Chapter I of Title 5 of the Code of Federal Regulations (30 F.R. 12529), as amended (32 F.R. 8281). It prescribes standards of ethical and other conduct, and reporting requirements, for employees and special Government employees of the Department of Transportation. The standards and requirements are appropriate to the particular functions and activities of the Department.

(b) The absence of a specific published standard of conduct covering an act tending to discredit an employee or special Government employee of the Department does not mean that the act is condoned, is permissible, or would not call for and result in corrective or disciplinary action.

(c) The President has stated the basic philosophy of conduct for those who carry out the public business:

> Where government is based on the consent of the governed, every citizen is entitled to have complete confidence in the integrity of his government. Each individual officer, employee, or adviser of government must help to earn and must honor that trust by his own integrity and conduct in all official actions.

Personnel of the Department are expected to adhere to the President's message and to standards of conduct that will reflect credit on the Government.

§ 99.735–3 Definitions.

Unless the context requires otherwise, the following definitions apply in this part:

"Department" means the Department of Transportation, including the Office of the Secretary, nonappropriated fund activities, and the following operating administrations:

(a) The U.S. Coast Guard.

(b) The Federal Aviation Administration.

(c) The Federal Highway Administration.

(d) The Federal Railroad Administration.

(e) The St. Lawrence Seaway Development Corporation.

"Employee" means an officer or employee of the Department and an active duty officer or enlisted member of the Coast Guard, but does not include any special Government employee.

"Includes" means "includes but is not limited to."

"May" is used in a permissive sense to state authority or permission to do the act prescribed, and the words "no person may * * *" or "a person may not * * *" mean that no person is required, authorized, or permitted to do the act prescribed.

"Secretary" means the Secretary of Transportation or any person to whom he has delegated his authority in the matter concerned.

"Shall" is used in an imperative sense.

"Special Government employee" means a "special Government employee" as defined in section 202 of Title 18, United States Code, who is employed by the Department.

§ 99.735–5 Applicability.

(a) This part applies to the following:

(1) Each employee of the Department.

(2) Each special Goverment employee of the Department.

(3) Each civilian employee or member of an armed force who is detailed to the Department.

Subpart B—Ethical and Other Conduct and Responsibilities of Employees

§ 99.735–7 General.

(a) Each employee shall avoid any action, whether or not specifically prohibited by this part, which might result in or create the appearance of—

(1) Using public office for private gain;

(2) Giving preferential treatment to any person;

(3) Impeding Government efficiency or economy;

(4) Losing complete independence or impartiality;

(5) Making a Government decision outside of official channels; or

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

(b) No employee may engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or any conduct prejudicial to the Government.

§ 99.735–9 Gifts, entertainment, and favors.

(a) Except as provided in paragraphs (b) through (e) of this section, no employee may solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, food, lodging, loan, or other thing of monetary value, from a person or employer of a person who—

(1) Has, or is seeking to obtain, contractual or other business or financial relationships with the Department.

(2) Conducts operations or activities that are regulated by the Department.

(3) Has interests which may be substantially affected by the performance or nonperformance of that employee's official duties.

(b) Notwithstanding paragraph (a) of this section, an employee may—

(1) Accept a gift, gratuity, favor, entertainment, loan, or other thing of value when the circumstances make it clear that an obvious family relationship rather than the business of the persons concerned is the motivating factor;

(2) Accept food or refreshment of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meeting or on an inspection tour if the employee is properly in attendance;

(3) Accept a loan from a bank or other financial institution on customary terms to finance proper and usual activities of the employee such as a home mortgage loan; or

(4) Accept unsolicited advertising or promotional material such as pens, pencils, note pads, calendars, or other items of nominal intrinsic value.

(5) Accept an invitation addressed to the Department or an operating administration, when approved by the Secretary or his designee, to participate in an inaugural flight or similar ceremonial event related to transportation, and accept food, lodging, and entertainment incident thereto.

(c) No employee may solicit a contribution from another employee for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from an employee receiving less pay than himself. However, this paragraph does not prohibit a voluntary gift of nominal value or a donation in a nominal amount made on a special occasion such as marriage, illness, retirement, or transfer.

(d) No employee may accept a gift, present, decoration, or other thing from a foreign government unless authorized by Congress as provided in the Constitution and in 5 U.S.C. 7342.

(e) Unless expressly prohibited by law, neither this section nor § 99.735–11 prohibits an employee from receiving bona fide reimbursement for actual expenses or travel and other necessary subsistence, which is compatible with this part and for which no Government payment or reimbursement is made. However, an employee may not be reimbursed, and payment may not be made on his behalf, for excessive personal living expenses, gifts, entertainment, or other personal benefits. In addition, an employee may not be reimbursed by any person for travel on official business under competent orders when reimbursement is prohibited by Decision B–128527 of the Comptroller General, dated March 7, 1967, prescribing guidelines for the acceptance of reimbursement of travel expenses from non-Government sources.

§ 99.735–11 Outside employment and other activities.

(a) No employee may engage in any outside employment or other outside activity which is not compatible with the full and proper discharge of the duties and responsibilities of his Government employment. Incompatible activities include—

(1) Acceptance of a fee, compensation, gift, payment of expenses, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, a conflict of interest; and

(2) Outside employment which tends to impair his mental or physical capacity to perform his Government duties and responsibilities in an acceptable manner.

(b) No employee may receive any salary or anything of monetary value from a private source as compensation for his services to the Government (18 U.S.C. 209).

(c) Employees are encouraged to engage in teaching, speaking, and writing which is not prohibited by law, Executive order, or this part. However, no employee may, either with or without compensation, engage in teaching, speaking, or writing that is dependent on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when an appropriately designated official authorizes, in writing, the use of nonpublic information on the basis that it would be in the public interest. In addition, no employee who is a Presidential appointee covered by section 401(a) of Executive Order 11222 may receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance, the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the Department, or which draw substantially on official data or ideas which have not become a part of the body of public information.

(d) If an activity covered by paragraph (c) of this section is to be undertaken as official duty, expenses will be borne by the Department, and the employee may not accept compensation or allow his expenses to be paid for by the person or group under whose auspices the activity is being performed. If it is determined that the activity is to be undertaken in a private capacity, the employee may not use duty hours or Government facilities, but he may accept compensation, and he may, subject to § 99.735–17 (b), use his official title if he makes it clear that he does not represent the Department.

(e) No employee may engage in outside employment under a State or local government, except in accordance with Part 734 of the Civil Service Commission Regulations (5 CFR Part 734).

(f) This section does not preclude an employee from—

(1) Participation in the activities of National or State political parties not proscribed by law;

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

(3) Outside employment permitted under this part.

§ 99.735–13 Financial interests.

(a) An employee shall not have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his Government duties and responsibilities. In any case in which such a question of financial interest arises the procedures set forth in § 99.735–15 apply.

(b) An employee shall not engage in, directly or indirectly, a financial transaction as a result of, or primarily relying on, information obtained through his Government employment.

(c) This section does not preclude an employee from having a financial interest or engaging in financial transactions to the same extent as a private citizen not employed by the Government as long as it is not prohibited by law, the Executive order, or this part.

§ 99.735–15 Disqualification arising from private financial interests.

(a) Section 208 of title 18, United States Code, provides criminal penalties for any employee who participates personally and substantially, as a Govern-

ment employee, in certain matters in which, to his knowledge, he, his spouse, his minor children, or certain other persons, have a financial interest. In administering this section and implementing section 208 of title 18, the policies set forth in § 99.735–13 are controlling. For exemptions from section 208, see paragraph (h) of this section.

(b) The kinds of participation covered by section 208 include any decision, approval, disapproval, recommendation, investigation or the furnishing of advice, in any proceeding, application, request for ruling or other determination, contract, claim controversy, charge, accusation, or other matter. Section 208 applies to these matters when a financial interest therein is possessed by the participating employee, his spouse, minor child, or partner, or by an organization in which the employee is serving as an officer, director, trustee, partner or employee, or by any person or organization with which the employee is negotiating or has arrangements concerning prospective employment.

(c) Before an employee may participate in a matter to which, to his knowledge, section 208 applies he must either cause the financial interest involved to be divested, or request a determination of the propriety of his participation in any matter and the financial interest in of the nature and circumstances of the matter and the financial interest involved. For the purposes of this section, a "responsible official" is a designated superior official who is in such a position that the private nature of the employee's interest will be preserved, or the chief personnel officer of the employee's organization.

(d) After examining the information submitted, the responsible official may—

(1) Relieve the employee from participation in the matter and reassign it to another employee who is not subordinate to the relieved employee;

(2) Approve the employee's participation upon determining in writing (a copy of which shall be placed in the employee's personnel file) that the interest involved is not so substantial as to be likely to affect the integrity of the services the Government may expect from the employee thereby making section 208 inapplicable to the matter;

(3) Recommend the reassignment of the employee; or

(4) If none of these alternatives is feasible, direct the employee to cause the financial interest to be divested so that it no longer comes within the scope of this section.

(e) In any case in which a responsible official has reason to believe that an employee may have an interest that would be disqualifying under this section, he shall discuss the matter with the employee. If he finds that the interest exists, he may take any of the actions stated in paragraph (d) of this section.

(f) In any case in which the employee is dissatisfied with the responsible official's decision, the employee may appeal the matter to the Secretary or the head of the operating administration concerned, as the case may be, or his designee, for reconsideration and final determination of the appropriate action.

(g) Any holding in a trust whose terms direct the trustee to manage solely in accord with his own judgment and not to disclose to the beneficiary in any manner the specific dealings and holdings ("blind trust") is exempted from the prohibitions of this section, when an employee is the beneficiary.

(h) Exemptions. Information concerning categories of financial interests which are exempted from the prohibitions of section 208(a) of title 18, United States Code, as being too remote or too inconsequential to affect the integrity of an employee's interest in a matter, are set forth in Appendix A.

§ 99.735–17 Use of Government property or official title.

(a) No employee may, directly or indirectly, use or allow the use of Government property of any kind, including property leased to the Government, for other than an officially approved activity. Each employee has a positive duty to protect and conserve Government property, including equipment, supplies, and other property entrusted or issued to him.

(b) No employee may, directly or indirectly, use or allow the use of his title or position in connection with any commercial enterprise or in endorsing any commercial product or service.

§ 99.735–19 Misuse of information.

Except as provided in § 99.735–11(c) no employee may, for the purpose of furthering a private interest, directly or indirectly, use or allow the use of official information obtained through or in connection with his Government employment, if that information has not been made available to the general public.

§ 99.735–21 Indebtedness.

Each employee shall pay his just financial obligations in a proper and timely manner, especially those imposed by law such as Federal, State, or local taxes. For the purposes of this section "just financial obligations" means those that are recognized as such by the employee or reduced to a judgment by a court, and "in a proper and timely manner" means in a manner which the Department determines does not, under the circumstances, reflect adversely on the Government as his employer. The Department will not determine the validity or amount of a disputed debt and will not act to collect such debts.

§ 99.735–23 Gambling, betting, or lotteries.

No employee may, while on Government owned or leased property, or while on duty for the Government, participate in any gambling activity, including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in buying or selling a numbers slip or ticket. However, this section does not prevent an employee from engaging in activities—

(a) Necessitated by his law enforcement duties; or

(b) Under section 3 of the Executive Order 10927, relating to fundraising activities for national voluntary agencies, or similar activities approved by the Department.

§ 99.735–25 Miscellaneous statutory provisions.

Each employee shall acquaint himself with the laws which relate to his ethical and other conduct as an employee of the Department and of the Government. The attention of employees is specifically directed to the statutory provisions set forth in Appendix B.

Subpart C—Statements of Employment and Financial Interest

§ 99.735–31 Employees required to submit statement.

(a) Except for those employees who are required to report to the Chairman of the Civil Service Commission under section 401(a) of Executive Order 11222, each of the following employees shall submit a statement of employment and financial interest on a form provided by the Department:

(1) Each employee paid at a level of the Executive schedule under subchapter II of Chapter 53 of Title 5, United States Code.

(2) Each employee classified at GS–13 or above under section 5332 of Title 5, United States Code or a comparable pay level under another authority, or in military pay grade O–5 or above, who is in a position identified in Appendix C as a position the incumbent of which is responsible for making a Government decision or taking a Government action in regard to:

(i) Contracting or procurement;

(ii) Administering or monitoring grants or subsidies;

(iii) Regulating or auditing private or other non-Federal enterprise; or

(iv) Other activities where the decision or action has an economic impact on the interests of any non-Federal enterprise.

(3) Each employee classified at GS–13 or above under section 5332 of Title 5, United States Code or a comparable pay level under another authority, or in military pay grade O–5 or above, who is in a position identified in Appendix C as having duties and responsibilities which require the incumbent to report employment and financial interests in order to avoid involvement in a possible conflicts-of-interest situation and carry out the purpose of law, Executive order, and this part.

(4) Each employee classified below GS–13 under section 5332 of Title 5, United States Code or at a comparable pay level under another authority, or in a military pay grade below O–5, who is in a position which otherwise meets the criteria in subparagraph (2) or (3) of this paragraph, on the basis that the inclusion has been specifically justified in writing to the Civil Service Commission as an exception that is essential to protect the integrity of the Government and avoid employee involvement in a possible conflicts-of-interest situation.

(b) Any employee who believes that his position has been improperly included as one requiring the submission of a statement of employment and financial interest is entitled to have that inclusion reviewed under the employee grievance procedures applicable to the part of the Department in which he is employed.

(c) Any employees in a position which meets the criteria in paragraph (a)(2) of this section may be excluded from the reporting requirements of this section whenever the Secretary, or his designee, or the head of an operating administration or his designee, as appropriate, determines that the duties of the position are at such a level of responsibility that the submission of a statement is not necessary because of the degree of supervision and review and the remote or inconsequential effect on the integrity of the Government.

(d) Information concerning financial interests which have been exempted under Appendix A from the prohibitions of section 208(a) of title 18, United States Code, may be omitted from the statement required by this section.

§ 99.735–33 Time and place for submission of employee statements.

(a) Each employee who is subject to the reporting requirements of § 99.735–31 shall submit his employment and financial interest statement not later than—

(1) Ninety days after the effective date of this part, if he is employed by the Department on or before that date; or

(2) Thirty days after entering on duty, but not earlier than 90 days after the effective date of this part, if appointed after that effective date.

(b) Each employee who is subject to the reporting requirements of § 99.735–31 shall submit his employment and financial interest statement, including supplements thereto, as follows:

(1) Heads of operating administrations and employees of the Office of the Secretary shall submit their statements to the Department Counselor for review.

(2) Other employees shall submit their statements to an official who is at the next higher level to which a Deputy Counselor has been assigned, and who is higher in the chain of authority than the employee whose statement is being reviewed.

§ 99.735–35 Supplementary statements.

Each employee shall, not later than July 31 of each year, file a supplementary statement, showing, as of June 30 of that year, any change in, or addition to, the information contained in his statement of employment and financial interest. If no change or addition occurs, a negative report is required. Notwithstanding the filing of the annual statement required by this section, each employee shall at all times avoid acquiring any financial interest that could result, or taking an action that would result, in a violation of the conflicts-of-interest provisions of section 208 of Title 18, United States Code, or Subpart B of this part.

§ 99.735–37 Interest of employee's relatives.

Any interest of a spouse, minor child, or other member of an employee's immediate household is considered to be an interest of the employee. For the purposes of this section "member of an employee's household" means any blood relative who is a resident of the employee's household.

§ 99.735–39 Information not known by employee.

If any information required to be included on a statement of employment and financial interest or a supplementary statement, including any holding placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit the information on his behalf.

§ 99.735–41 Information not required.

This subpart does not require an employee to submit on a statement of employment and financial interest or supplementary statement any information relating to his connection with, or interest in, a professional society, or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization, or a similar organization not conducted as a business enterprise. For the purposes of this section, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are considered to be "business enterprises" and are required to be included in the employee's statement of employment and financial interest.

§ 99.735–43 Confidentiality of employee's statement.

(a) Each statement of employment and financial interest and each supplementary statement shall be held in confidence. The reviewing officials, Counselors, Deputy Counselors, and others who receive statements are responsible for maintaining them in confidence and shall not allow access to, or allow information to be disclosed from, a statement except to carry out the purposes of this Part. Information may not be disclosed to any person outside the Department, except as the Civil Service Commission or the Secretary may determine for good cause shown.

(b) Each statement of employment and financial interest and each supplementary statement shall be maintained in a file as prescribed by the office or operating administration concerned.

§ 99.735–45 Effect of employee statements on other requirements.

Statements of employment and financial interest and supplementary statements required of employees and special Government employees are in addition to, and are not a substitute for or in derogation of, any similar requirements imposed by law, order, or regulation. The submission of a statement or supplementary statement by an employee or special Government employee does not permit him or any other person to participate in a matter in which his or the other person's participation is prohibited by law, order, or regulation.

Subpart D—Ethical and Other Conduct and Responsibilities of Special Government Employees

§ 99.735–51 Use of Government employment.

No special Government employee may use his Government employment for a purpose which is, or gives the appearance of being, motivated by the desire for private gain for himself or another person, particularly one with whom he has family, business, or financial ties.

§ 99.735–53 Use of inside information.

No special Government employee may use inside information obtained as a result of his Government employment for private gain for himself or another person, whether by direct action on his part or by counsel, recommendation, or suggestion to another person, particularly one with whom he has family, business, or financial ties. However, the section does not prevent a special Government employee from using inside information for the purpose of teaching, lecturing, or writing if an appropriately designated official authorizes him, in writing, to use that information on the basis that the use is in the public interest. For the purposes of this section, "inside information" means information obtained under Government authority which has not become a part of the body of public information.

§ 99.735–55 Coercion.

No special Government employee may use his Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or another person, particularly one with whom he has family, business, or financial ties.

§ 99.735–57 Gifts, entertainment, and favors.

(a) Except as provided in paragraph (b) of this section, no special Government employee may, while employed by the Department or in connection with his employment, receive or solicit from any person having business with the Department anything of value as a gift, gratuity, loan, entertainment, or favor for himself or another person, particularly one with whom he has family, business, or financial ties.

(b) The exceptions authorized for employees under § 99.735–9 apply also to special Government employees.

§ 99.735–59 Miscellaneous statutory provisions.

(a) Each special Government employee shall acquaint himself with the statutes referred to in § 99.735–25 that relate to his ethical and other conduct as a special Government employee of the Department and of the Government. Appendix D of this part explains the effect of the conflict of interest statutes on special Government employees. The Department will follow the guidelines set forth in Appendix D of this part for

obtaining and using the services of special Government employees.

(b) Section 208 of title 18, United States Code, and § 99.735–15, relating to participation in matters of personal financial interest, apply to special Government employees.

§ 99.735–61 Specific regulations for special Government employees.

(a) Each special Government employee who is employed as an expert or consultant shall submit a statement of employment and financial interest, on a form provided by the Department, in the manner prescribed in §§ 99.735–33(b) and 99.735–35.

(b) Each special Government employee who is not employed as an expert or consultant shall submit a statement of employment and financial interest on a form provided by the Department, as provided in paragraph (a) of this section, unless an appropriate waiver is issued to him by the office or operating administration in which he is employed based upon a finding that the duties of his position are of such a nature and at such a level of responsibility that the submission of a statement by him is not necessary to protect the integrity of the Government.

(c) For the purposes of this section, the words "consultant" and "expert" have the meaning given to them by chapter 304 of the Federal Personnel Manual, but do not include—

(1) A physician, dentist, or allied medical specialist whose services are procured to provide care and service to patients; or

(2) A veterinarian whose services are procured to provide care and service to animals.

(d) The statement of employment and financial interest required to be submitted under this section must be submitted not later than the time of employment of the special Government employee. Each special Government employee shall keep his statement current throughout his employment by the Department by submitting supplementary statements.

(e) Each statement of employment and financial interest and each supplementary statement of a special Government employee shall be held in confidence and maintained in the same manner as prescribed for statements submitted by employees.

Subpart E—Counseling; Interpretation; Review of Statements; Disciplinary Actions

§ 99.735–71 Interpretation and advisory service.

(a) The General Counsel of the Department is designated as the Department Counselor and serves as the Department's designee to the Civil Service Commission on matters covered by this part and Part 735 of Chapter I of Title 5 of the Code of Federal Regulations. The Department Counselor is responsible for coordinating the Department's counseling services provided under paragraph (b) of this section and for assuring that counseling and interpertations on questions of conflicts of interest and other matters covered by this part and Part 735 of Chapter I of Title 5, Code of Federal Regulations are available to the Deputy Counselors designated in paragraph (b) of this section.

(b) The following are designated as Deputy Counselors for the purpose of providing authoritative counseling and interpretations to employees and special Government employees who require advice and guidance on questions of conflicts of interest or any other matters of legal import covered by this part:

(1) The Assistant General Counsel for Operations and Legal Counsel, Office of the General Counsel.

(2) The chief legal officer of each operating administration of the Department, and his designees.

(c) Counseling on other matters covered by this part will be provided by personnel specifically designated by the Assistant Secretary for Administration, for employees in the Office of the Secretary, and by the head of the operating administration concerned, for employees of that administration.

§ 99.735–73 Review of statements.

(a) Each statement of employment and financial interest submitted under this part shall be reviewed by the official authorized to receive that statement.

(b) Procedures established by the Office or operating administration concerned governing the review of statements of employment and financial interest shall provide that—

(1) Whenever the review discloses a conflict or apparent conflict of interest, the employee concerned is entitled to an opportunity to explain the conflict or appearance of conflict.

(2) If the conflict or appearance of conflict is not resolved on review by the explanation made by the person concerned, the information pertaining to the matter will be submitted to the head of the operating administration concerned or the Secretary, as the case may be.

(3) The resolution of a conflict or apparent conflict of interest either on review or after submittal under subparagraph (2) of this paragraph will be effected promptly so that the conflict or appearance of conflict is ended. The resolution of the conflict or appearance of conflict may be accomplished by one or more means, including any means listed in paragraph (b) of § 99.735–75. The resolution, whether by disciplinary action or otherwise, will be effected in accordance with applicable laws, Executive orders, and regulations.

(c) After review of a statement of employment and financial interest has been completed, the reviewing official shall ensure that it is filed as required by § 99.735–43.

§ 99.735–75 Disciplinary or other remedial action.

(a) A violation of this part by an employee or special Government employee may, in addition to any other penalty prescribed by law, be cause for appropriate disciplinary action by the Department.

(b) If, after consideration of the explanation provided by the employee or special Government employee concerned under § 99.735–73, it is determined that remedial action is required, immediate action shall be taken to end the conflict or appearance of conflict of interest. Remedial action may include—

(1) Divestment by the employee or special Government employee of his conflicting interest;

(2) Disqualification for a particular assignment;

(3) Changes in assigned duties; or

(4) Disciplinary action.

Remedial action, whether disciplinary or otherwise, shall be taken in accordance with applicable laws, Executive orders, and regulations. When remedial action is completed, the person taking that action shall inform the Department Counselor, or Deputy Counselor, as appropriate.

APPENDIX A—CATEGORIES OF FINANCIAL INTERESTS EXEMPTED FROM THE PROHIBITIONS OF SECTION 208(a) OF TITLE 18, UNITED STATES CODE

I. (a) Pursuant to the authority of section 208(b) of Title 18, United States Code, the following are exempted from the prohibitions of section 208(a) of Title 18, United States Code, because they are too remote or too inconsequential to affect the integrity of an employee's services in any matter in which he may act in his governmental capacity.

(1) Any holding in a widely held mutual fund, or regulated investment company, which does not specialize in any particular industry.

(2) Ownership of shares of stock and of corporate bonds or other corporate securities, if the current aggregate market value of the stocks and other securities so owned in any single corporation is less than $5,000 and is less than 1 percent of the outstanding stock of the organization concerned, and if the employee, his spouse, or minor children are not active in the management of the organization and have no other connection with or interest in it.

(3) Continued participation in a bona fide pension, retirement, group life, health, or accident insurance plan or other employee welfare or benefit plan that is maintained by a business or nonprofit organization by which the employee was formerly employed, to the extent that the employee's rights in the plans are vested and require no additional services by him or further payments to the plans by the organization with respect to the services of the employee. In addition, to the extent that the welfare or benefit plan is a profit sharing or stock bonus plan, this exemption does not apply and the procedures prescribed in § 99.735–15 (c) through (e) applies to the interest, if any, of that employee in the plan.

(b) The general exemption in paragraph (a)(2) does not apply to any employee whose position is listed in section II of this appendix, with respect to any stock or other security holding in an organization to which he is assigned, or for which he has specific responsibility as a part of his regular duties, for conducting inspections or issuing certificates, waivers, exemptions, or approvals. In place of this general exemption, the procedures prescribed in § 99.735–15 (c) through (e) applies to the holdings, if any, of that employee in such an organization.

II. The following is a list of positions to which the exemption in paragraph I(a)(2)

of this appendix does not apply. This list may be amended at any time by the Secretary, or his designee, or by the head of any operating administration, after coordination with the Office of the Secretary.

A. Federal Aviation Administration:

(1) General Aviation Operations Inspectors.

(2) General Aviation Maintenance Inspectors.

(3) Air Carrier Operations Inspectors.

(4) Air Carrier Maintenance Inspectors.

(5) Manufacturing Specialists/Inspectors.

(6) Flight Test Pilots.

(7) Quality Control Representatives.

(8) Contracting Officers Technical Representatives.

APPENDIX B—MISCELLANEOUS STATUTORY PROVISIONS RELATING TO EMPLOYEE CONDUCT

The following is a list of statutory provisions to which the attention of each employee is specifically directed by § 99.735–25. The list is not intended to be exhaustive of the laws relating to ethical or other conduct in individual situations not applicable to all other employees of the Department.

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

(b) Chapter 11 of Title 18, United States Code, relating to bribery, graft, and conflicts of interest, as appropriate to the employees concerned.

(c) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(d) The prohibitions against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918).

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

(f) The prohibitions against (1) the disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); and (2) the disclosure of confidential information (18 U.S.C. 1905).

(g) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 7352).

(h) The prohibition against the misuse of a Government vehicle (31 U.S.C. 638a(c)).

(i) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(j) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

(k) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(l) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(m) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(n) The prohibitions against (1) embezzlement of Government money or property (18 U.S.C. 641); (2) failing to account for public money (18 U.S.C. 643); and (3) embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(o) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(p) The prohibitions against political activities in Subchapter III of Chapter 73 of Title 5, United States Code and 18 U.S.C. 602, 603, 607, and 608.

(q) The prohibition against an employee acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

APPENDIX C—LIST OF EMPLOYEES REQUIRED TO SUBMIT STATEMENTS OF EMPLOYMENT AND FINANCIAL INTEREST, UNDER § 99.735–31

The following is a list of positions identified as being required to submit a statement of employment and financial interest under § 99.735–31(a) (2) and (3) of this part:

I. OFFICE OF THE SECRETARY OF TRANSPORTATION

OFFICE OF THE SECRETARY

Special Assistant to the Secretary.

CONTRACT APPEALS BOARD

Chairman and members.

OFFICE OF THE UNDER SECRETARY

Special Assistant to the Under Secretary.

OFFICE OF ASSISTANT SECRETARY FOR POLICY DEVELOPMENT

Deputy Assistant Secretary for Policy Development.
Special Assistant.
Director, Office of Economics.
Research Economist, GS–13/15.
Economist, GS–15.
Director, Office of Policy Review.
Loan Specialist.
Director, Office of Systems Analysis.
Director, Office of Planning and Program Review.

OFFICE OF ASSISTANT SECRETARY FOR PUBLIC AFFAIRS

Special Assistant.
Congressional Liaison Officer.
Director, Legislative Staff.
Director, News Staff.
Director, Information Staff.
Director, Publications Staff.
Public Information Specialist.
Director, Labor Liaison Staff.
Director, State Liaison Staff.
Director, Local Liaison Staff.

OFFICE OF ASSISTANT SECRETARY FOR RESEARCH AND TECHNOLOGY

Deputy Assistant Secretary for Research and Technology.
Special Assistant.
Director, Office of Hazardous Material.
Deputy Director, Office of Hazardous Material.
Director, Office of Research and Development.
Director, Office of Noise Abatement.
Director, Office of Transportation Information Planning.

OFFICE OF ASSISTANT SECRETARY FOR INTERNATIONAL AFFAIRS AND SPECIAL PROGRAMS

Deputy Assistant Secretary for International Affairs and Special Programs.
Special Assistant.
Director, Office of International Industrial Cooperation.
Director, Office of Facilitation.
Director, Office of International Transportation.
Director, Office of Emergency Transportation.
Director, Office of Telecommunications.
Director, Office of Technical Assistance.

OFFICE OF ASSISTANT SECRETARY FOR ADMINISTRATION

Deputy Assistant Secretary for Administration.
Director of Budget.
Deputy Director of Budget.
Director of Investigations and Security.
Chief, Investigations Division.
Supervisory Investigator.
Supervisory Security Specialist.
Contract Compliance Officer.
Equal Opportunity Specialist.
Director, Office of Logistics and Procurement Policy.
Chief, Operations Management Division.
Chief, Systems Analysis Division.
Director of Audit.
Supervisory Auditor.
Auditor, GS–13/14.
Director, Office of Management Systems.
Deputy Director, Office of Management Systems.
Chief, Data Systems Division.
Director of Administrative Operations.
Deputy Director of Administrative Operations.
Chief, Publishing and Graphics Division.
Printing Officer.
Supervisory Printing Specialist.
Chief, Office Services Division.
Chief, Communications Management Branch.
Chief, Material Management Branch.
Chief, Office Services Operations Branch.
Chief, Space Engineering and Design Branch.

OFFICE OF GENERAL COUNSEL

Deputy General Counsel.
Assistant General Counsel.
Deputy Assistant General Counsel, International Affairs.
Special Assistant to the General Counsel.

II. FEDERAL AVIATION ADMINISTRATION

WASHINGTON HEADQUARTERS

Associate Administrators, General Counsel, and Deputies.
Assistant Administrators and Deputies.
Directors of Offices and Services and Deputies (except Information Services and Systems Maintenance Service).

OFFICE OF POLICY DEVELOPMENT

Chief, Investment Analysis Division.
Industry Economist.

OFFICE OF GENERAL COUNSEL

Associate General Counsels.
Supervisory Attorney Advisor.
Attorney Advisor, GS–13/15.
Supervisory General Attorney.
Supervisory Trial Attorney.
Trial Attorney, GS–15.
Patent Advisor, GS–15.

NATIONAL AIRSPACE SYSTEMS PROGRAM OFFICE

Division Chiefs.
Technical Advisor.
Chief, Engineering Branch.
Chief, Configuration Management Branch.
Electronic Engineer, GS–15.
Mathematician, GS–15.
Communications Manager.
Contract Specialist, GS–14.

OFFICE OF SUPERSONIC TRANSPORT DEVELOPMENT

Assistants to Director.
Division Chiefs and Assistants.
Branch Chiefs.
Chief, Special Projects Staff.
Economic Advisor.
Contract Specialist, GS–13/15.
Chief, Seattle Office.
Aerospace Engineer, GS–15.
Supervisory Aerospace Engineer.
Chief, Engine Section.

AIR TRAFFIC SERVICE

Chief, Communications Staff.
Chief, ATC System Requirements Division.
Chief, Flight Information Division.
Chief, Airspace and Air Traffic Rules Division.
Chief, Obstruction Evaluation Branch.

SYSTEMS RESEARCH AND DEVELOPMENT SERVICE

Executive Officer.
Division Chiefs.
Technical Assistant.
Assistant Chief, Navigation Development Division.
Supervisory General Engineer.
Member, Systems Design Team.
Program Area Manager, Traffic and Economics Analysis.

AIRCRAFT DEVELOPMENT SERVICE

Chief, Plans and Management Staff.
Division Chiefs.
Program Managers.
Associate Program Managers.
Program Development Officer.

INSTALLATION AND MATERIEL SERVICE

Executive Officer.
Chief and Assistant Chief, Facilities Establishment Division.
Supervisory Program Officer.
Chief, Procurement Operations Division.
Procurement Officer.
Contract Price Analyst.
Supervisory Electronic Engineer.
Airways Engineer.
Contract Specialist.
Supervisory Contract Specialist.
Supervisory Property Administration Specialist.
Property Administration Specialist.
Transportation Specialist.
Supervisory Quality Control Specialist.
Quality Control Specialist.

AIRPORTS SERVICE

Chief and Assistant Chief, Development Programs Division.
Chief, FAAP Establishment Branch.
Airports Program Officers, GS–13/14.
Chief, Compliance and Property Conveyance Branch.
Chief, FAAP Requirements Branch.

BUREAU OF NATIONAL CAPITAL AIRPORTS

Director and Deputy.
Bureau Counsel.
Special Assistant.
Chief, Operations Division.
Chief, Operations and Standards Staff.
Chief, Engineering Staff.
Supervisory Civil Engineer.
Chief, Financial Management Staff.
Chief, Contract Management Branch.
General Business and Industry Officer.
Chief, Property Management Branch.
Manager, Washington National Airport.
Chief, Financial Management Division.
Chief, Maintenance Division.
Supervisory Civil Engineer.
Manager, Dulles International Airport.
Chief, Financial Management Division.

OFFICE OF AUDIT

Auditor, GS–13/15.

OFFICE OF MANAGEMENT SERVICES

Supervisory Accountant, GS–15.
Chief, Management Analysis Division.
Chief, Data Systems Division.

OFFICE OF INTERNATIONAL AVIATION AFFAIRS

Special Assistant to Assistant Administrator.

OFFICE OF AVIATION MEDICINE

Chief, Aeromedical Applications Division.
Chief, Research Planning Branch.
Chief, Executive Staff.

OFFICE OF PERSONNEL AND TRAINING

Chief, Personnel Programs Division.
Chief, Training Division.

OFFICE OF HEADQUARTERS OPERATIONS

Manager.
Deputy Manager.
Executive Officer.
Records Center Facility Manager.

FIELD INSTALLATIONS

Regional Director and Deputy.
Executive Officer.
Supervisory Auditor.
Procurement Officer.
Supply Management Officer.
Realty Supply Officer.
Realty Officer.
Regional Counsel.
Medical Officer.
Area Manager and Assistant.
Area Counsel.
Chief and Assistant Chief of Flight Standards, Airports, Airway Facilities, Division and/or Branch.
Chief and Assistant Chief of Administrative Services Division.
Chief and Assistant Chief of General Aviation District Office, Air Carrier District Office, Flight Standards District Office, and Flight Inspection District Office.
All Principal Inspectors, except those at Flight Inspection District Offices, having such titles as Air Carrier Inspector, General Aviation Inspector, Air Carrier Operations Inspector, Aviation Operations Inspector, Aviation Safety Officer/Inspector, Airborne Instrument Specialist, Aviation Maintenance Specialist, Aviation Electronic Specialist.
Manufacturing and Engineering Specialist/Inspector.
Chief, Air Traffic Division or Branch.
Flight Test Pilot.

NATIONAL AVIATION FACILITIES EXPERIMENTAL CENTER

Director and Deputy.
Executive Officer.
Program Manager.
Procurement Officer.
Chief Scientist.
Electronic Enigneer, GS–14/15.
General Engineer.
Air Traffic Control Specialist, GS–15.
Aerospace Engineer, GS–14/15.
Flight Operations Analyst.
Attorney Advisor.
Chief, Aviation Facilities Division.
Aviation Maintenance Officer.
Supervisory Airplane Pilot.
Supervisory Auditor.
Auditor.
Aircraft Program Coordinator.
Supervisory Aircraft Inspector.
Airport Manager.
Supervisory Management and General Training Officer.

AERONAUTICAL CENTER

Director and Deputy.
Executive Officer.
Attorney-Advisor (Contracts), GS–15.
Attorney-Advisor (General), GS–14.
Supervisory General Engineer.
Chief, Civil Aeromedical Institute.
Chief, FAA Depot.
Procurement Officer, GS–14/15.
Supervisory Procurement Agent, GS–13/14.
Chief, Aircraft Services Base.
Superintendent, FAA Academy.

III. U.S. Coast Guard

Comptroller.
Chief, Office of Engineering.
Chief Counsel.
Chief and Assistant Chief, Procurement Branch.
Supervisory Contract Specialist.
Contract Specialist, GS–13.
Chief, Office of Operations.
Chief, Office of Merchant Marine Safety.
Chief, Office of Public and International Affairs.
Commanders, U.S. Coast Guard Districts.
Officer-in-charge, Marine Inspection Officers.
Great Lakes Pilotage Administrator.

IV. Federal Highway Administration

OFFICE OF THE FEDERAL HIGHWAY ADMINISTRATOR

Special Assistant.
Chief Counsel.
Deputy Chief Counsel.
Division Chiefs, Office of Chief Counsel.
Director and Assistant Director, Office of Policy Planning.

BUREAU OF PUBLIC ROADS

Deputy Director.
Highway Beautification Coordinator and Deputy.
Director and Deputy Directors, Office of Engineering and Operations.
Highway Engineer, GS–15.
Landscape Architect, GS–15.
Director and Deputy Director, Office of Right-of-Way and Location.
Director and Deputy Director, Office of Administration.
Chief, Administrative Services Division.
Contracting Officer, GS–14.
Procurement Officer GS–13/14.
Mechanical Engineer GS–13.
Director and Deputy Director, Office of Research and Development.
Mathematical Statistician.
Chief, Structures and Applied Mechanics Division.
Chief, Traffic Systems Division.
Highway Research Engineer, GS–14/15.
Research Psychologist, GS–14/15.
Economist, GS–14/15.
Mathematician, GS–15.
Chemical Engineer, GS–15.
Research Chemist, GS–14.
Management Analyst, GS–14.
Electrical Engineer, GS–14.
Contract Program Manager, GS–14.
Director and Deputy Director, Office of Planning.
Chief, Urban Planning Division.
Director and Deputy Director, Office of Audits and Investigations.
Director and Deputy Director, Office of Traffic Operations.

NATIONAL HIGHWAY SAFETY BUREAU

Deputy Director, National Highway Safety Bureau.
Director, Office of Program Planning.
Director and Deputy Director, Office of Research Implementation.
Director, Office of Public Affairs.
Assistant Administrator for Administration.
Principal Scientist.
Chief Scientist (Medicine).
Chief Scientist (Engineering).
Chief Scientist (Public Health).
Chief Scientist (Mathematics-Statistics).

MOTOR VEHICLE SAFETY PERFORMANCE SERVICE

Director and Deputy Director.
Director, Office of Standards Proceedings.
Director, Office of Performance Analysis.
Chief, Division of Defects Review.
Chief, Division of Compliance Analysis.
Director, Office of Standards on Accident Avoidance.
Chief, Division of Standards on Vehicle Driver Performance and Interaction.
Chief, Division of Standards on Brakes and Tires.
Chief, Division of Standards on Information Display and other Communication.
Director, Office of Standards on Crash Injury Reduction.
Chief, Division of Standards on Crash Worthiness of Structures and Components.
Chief, Division of Standards on Driver and Passenger Protection.
Chief, Division of Standards on Pedestrian and Cyclist Protection.
Director and Deputy Director, Office of Standards on Post Crash Factors.

HIGHWAY SAFETY PROGRAMS SERVICE

Director and Deputy Director.
Chief, Division of Motor Vehicle Inspection Standards.
Director, Office of Driver and Community Programs.
Chief, Division of Driver Education and Training.
Chief, Division of Driver Licensing and Performance.
Chief, Division of Vehicle Laws and Codes.
Director, Office of Systems Operation Programs.
Chief, Division of Accident Investigation Programs.

Chief, Division of Emergency Medical Treatment and Transfer of Injured Programs.
Chief, Division of Enforcement Processes.
Director and Deputy Director, Office of Driving Environment Programs.
Director, Office of Grants and Liaison.

NATIONAL TRAFFIC SAFETY INSTITUTE

Director.
Director, National Traffic Safety Research Center.
Director and Deputy Director, Office of Safety Research Facilities and Equipment.
Task Force Leader.
Director, Office of Safety Demonstration Projects.

BUREAU OF MOTOR CARRIER SAFETY

Director.

FIELD INSTALLATIONS

Regions 1 through 10

Regional Federal Highway Administrator.
Assistant Regional Federal Highway Administrator.

Region 7

Federal Highway Projects Engineer.
Highway Engineer (Contract Administration).

Region 8

Federal Highway Projects Engineer.
Deputy Federal Highway Projects Engineer.
Highway Engineer (Contract Administration), GS–13.

Region 9

Federal Highway Projects Engineer.
Highway Engineer (Contract Administration), GS–13.

Region 15

Regional Engineer.
Construction and Maintenance Engineer, GS–14.

Region 19

Regional Engineer.

V. FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

Special Assistant to the Administrator.
Contracts Officer.
Program Coordinator.
Budget Officer.
Chief Counsel.
General Attorney, GS–14.

BUREAU OF RAILROAD SAFETY

Chief, Locomotive Inspection Division.
Assistant Chief, Locomotive Inspection Division.
Field Supervisor, Locomotive Inspection Division.
Chief, Safety Inspection Division.
Assistant Chief, Safety Inspection Division.
Chief, Signals and Train Control Branch.
Chief, Accidents Branch.
Chief, Standards Branch.
Assistant Chief, Standards Branch.

OFFICE OF HIGH SPEED GROUND TRANSPORTATION

Chief, Demonstrations Division.
Intergovernmental Coordinator.
General Attorney, GS–15.
General Engineer, GS–14/15.
Civil Engineer, GS–15.
Physical Science Administrator.
Transportation Specialist, GS–14/15.
Transportation Engineer, GS–14.
Regional Economist

VI. ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION

OFFICE OF THE ADMINISTRATOR

Assistant Administrator.
Chief Engineer.
Administrative Services Officer.
Counsel.

APPENDIX D—EXTRACT FROM APPENDIX C OF CIVIL SERVICE FEDERAL PERSONNEL MANUAL SYSTEM ON SPECIAL GOVERNMENT EMPLOYEES (INCLUDING GUIDELINES FOR OBTAINING AND UTILIZING THE SERVICES OF SPECIAL GOVERNMENT EMPLOYEES)

Each department and agency should observe the following rules in obtaining and utilizing the services of a consultant, adviser, or other temporary or intermittent employee:

(a) At the time of his original appointment and the time of each appointment thereafter, the department or agency should make its best estimate of the number of days during the following 365 days on which it will require the services of the appointee. A part of a day should be counted as a full day for the purposes of this estimate, and a Saturday, Sunday, or holiday on which duty is to be performed should be counted equally with a regular work day.

(b) Unless otherwise provided by law, an appointment should not extend for more than 365 days. When an appointment extends beyond that period, an estimate as required by paragraph (a) should be made at the inception of the appointment and a new estimate at the expiration of each 365 days thereafter.

(c) If a department or agency estimates, pursuant to paragraph (a) or (b), that an appointee will serve more than 130 days during the ensuing 365 days, the appointee should not be carried on the rolls as a special Government employee and the department or agency should instruct him that he is regarded as subject to the prohibitions of 18 U.S.C. 203 and 205 to the same extent as if he were to serve as a full-time employee. If the estimate is that he will serve no more than 130 days during the following 365 days, he should be carried on the rolls of the department or agency as a special Government employee and instructed that he is regarded as subject only to the restrictions of 18 U.S.C. 203 and 205. Even if it becomes apparent, prior to the end of a period of 365 days for which a department or agency has made an estimate on an appointee, that he has not been accurately classified, he should nevertheless continue to be considered a special Government employee or not, as the case may be, for the remainder of that 365-day period.

(d) An employee who undertakes service with two departments or agencies shall inform each of his arrangements with the other. If both his appointments are made on the same date, the aggregate of the estimates made by the departments or agencies under paragraph (a) or (b) shall be considered determinative of his classification by each. Notwithstanding anything to the contrary in paragraphs (a), (b), or (c), if after being employed by one department or agency, a special Government employee is appointed by a second to serve it in the same capacity, each department or agency should make an estimate of the amount of his service to it for the remaining portion of the 365-day period covered by the original estimate of the first. The sum of the two estimates and of the actual number of days of his service to the first department or agency during the prior portion of such 365-day period shall be considered determinative of the classification of the appointee by each during the remaining portion. If an employee undertakes to serve more than two departments or agencies, they shall classify him in a manner similar to that prescribed in this paragraph for two agencies. Each agency which employs special Government employees who serve other agencies shall designate an officer to coordinate the classification of such employees with such other agencies.

(e) When a person is serving as a member of an advisory committee, board or other group, and is by virtue of his membership thereon an officer or employee of the United States, the requirements of paragraphs (a), (b), (c), and (d) should be carried out to the same extent as if he were serving the sponsoring department or agency separately and individually.

(f) The 60-day standard affecting a special Government employee's private activities before his department or agency is a standard of actual past service, as contrasted with the 130-day standard of estimated future service discussed above. A special Government employee is barred from representing another person before his department or agency at times when he has served it for an aggregate of more than 60 days during the past 365 days. Thus, although once having been in effect, the statutory bar may be lifted later by reason of an intervening period of nonservice. In other words, as a matter of law the bar may fluctuate in its effect during the course of a special Government employee's relationship with his department or agency.

(g) A part of a day should be counted as a full day in connection with the 60-day standard discussed in paragraph (f), above, and a Saturday, Sunday, or holiday on which duty has been performed should be counted equally with a regular work day. Service performed by a special Government employee in one department or agency should not be counted by another in connection with the 60-day standard.

To a considerable extent the prohibitions of 18 U.S.C. 203 and 205 are aimed at the sale of influence to gain special favors for private businesses and other organizations and at the misuse of governmental position or information. In accordance with these aims, it is desirable that a consultant or adviser or other individual who is a special Government employee, even when not compelled to do so by 18 U.S.C. 203 and 205, should make every effort in his private work to avoid any personal contact in negotiations for contracts or grants with the department or agency which he is serving if the subject matter is related to the subject matter of his consultancy or other service. It is recognized that this will not always be possible to achieve; for example, in a situation in which a consultant or adviser has an executive position and responsibility with his regular employer which requires him to participate personally in contract negotiations with the department or agency he is advising. When this situation occurs, the consultant or adviser should participate in the negotiations for his employer only with the knowledge of a responsible Government official. In other instances an occasional consultant or adviser may have technical knowledge which is indispensable to his regular employer in his efforts to formulate a research and development contract or a research grant and, for the same reason, it is in the interest of the Government that he should take part in negotiations for his private employer. Again, he should participate only with the knowledge of a responsible Government official.

Section 205 of title 18 contains an exemptive provision dealing with a similar situation which may arise after a Government grant or contract has been negotiated. This provision in certain cases permits both the Government and the private employer of a special Government employee to benefit from his performance of work under a grant or contract for which he otherwise would be disqualified because he had participated in the matter for the Government or it is pending in an agency he has served for more than 60 days in the past year. More particularly, the provision gives the head of a department or agency the power, notwithstanding any prohibition in either 18 U.S.C.

203 or 205, to allow a special Government employee to represent before such department or agency either his regular employer or another person or organization in the performance of work under a grant or contract. As a basis for this action, the department or agency head must first make a certification in writing, published in the FEDERAL REGISTER, that it is required by the national interest.

It is necessary occasionally to distinguish between consultants and advisers who are special Government employees and persons who are invited to appear at a department or agency in a representative capacity to speak for firms or an industry, or for labor or agriculture, or for any other recognizable group of persons, including, on occasion, the public at large. A consultant or adviser whose advice is obtained by a department or agency from time to time because of his individual qualifications and who serves in an independent capacity is an officer or employee of the Government. On the other hand, one who is requested to appear before a Government department or agency to present the views of a nongovernmental organization or group which he represents, or for which he is in a position to speak, does not act as a servant of the Government and is not its officer or employee. He is therefore not subject to the conflict of interest laws and is not within the scope of this chapter.

The following principles are useful in arriving at a determination whether an individual is acting before an agency in a representative capacity:

(1) A person who receives compensation from the Government for his services as an adviser or consultant is its employee and not a representative of an outside group. The Government's payment of travel expenses and a per diem allowance, however, does not by itself make the recipient an employee.

(2) It is rare that a consultant or adviser who serves alone is acting in a representative capacity. Those who have representative roles are for the most part persons serving as members of an advisory committee or similar body utilized by a Government agency. It does not follow, however, that the members of every such body are acting as representatives and are therefore outside the range of the conflict of interest laws. This result is limited to the members of committees utilized to obtain the views of nongovernmental groups or organizations.

(3) The fact that an individual is appointed by an agency to an advisory committee upon the recommendation of an outside group or organization tends to support the conclusion that he has a representative function.

(4) Although members of a governmental advisory body who are expected to bind outside organizations are no doubt serving in a representative capacity, the absence of authority to bind outside groups does not require the conclusion that the members are Government employees. What is important is whether they function as spokesmen for nongovernmental groups or organizations and not whether they can formally commit them.

(5) When an adviser or consultant is in a position to act as a spokesman for the United States or a Government agency—as, for example, in an international conference—he is obviously acting as an officer or employee of the Government.

While it would be highly desirable, in order to minimize the occurrence of conflicts of interests, for departments and agencies of the Government to avoid appointing to advisory positions individuals who are employed or consulted by contractors or others having a substantial amount of business with that department or agency, it is recognized that the Government has, of necessity, become increasingly concerned with highly technical areas of specialization and that the number of individuals expert in those areas is frequently very small. Therefore, in many instances it will not be possible for a department or agency to obtain the services of a competent adviser or consultant who is not in fact employed or consulted by such contractors. In addition, an advisory group may of necessity be composed largely of wholly of persons of a common class or group whose employers may benefit from the advice given. An example would be a group of university scientists advising on research grants to universities. Only in such a group can the necessary expertise be found. In all these circumstances, particular care should be exercised to exclude his employer's or clients' contracts or other transactions with the Government from the range of the consultant's or adviser's duties.

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