FEDERAL REGISTER

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Agencies in this issue—

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Agency for International Development
Atomic Energy Commission
Business and Defense Services Administration
Civil Aeronautics Board
Civil Service Commission
Commodity Credit Corporation
Consumer and Marketing Service
Federal Aviation Administration
Federal Communications Commission
Federal Maritime Commission
Federal Trade Commission
Fish and Wildlife Service
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Interior Department
Internal Revenue Service
Interstate Commerce Commission
Land Management Bureau
Packers and Stockyards Administration
Securities and Exchange Commission

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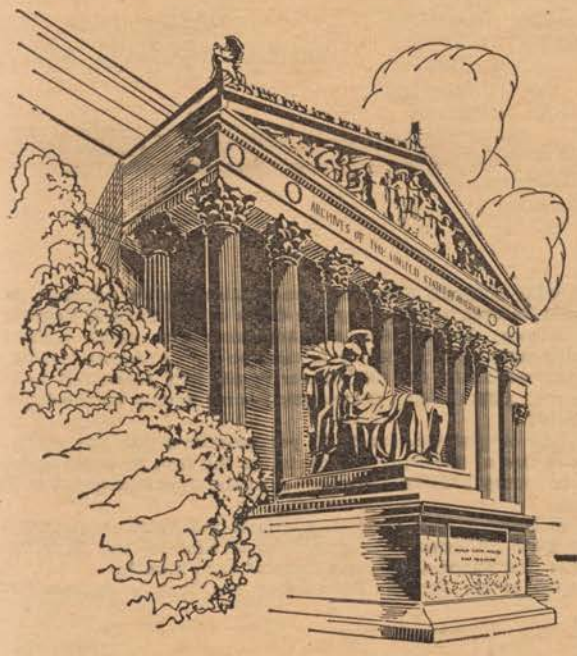

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NATIONAL SAFE BOATING WEEK, 1968

By the President of the United States of America

A Proclamation

Each year more and more Americans go boating in their leisure hours. If we are to prevent the needless loss of life and property, this increasing traffic on our waterways must be accompanied by greater awareness of safe boating practices.

The principal agent of boating accidents last year was a careless operator. The most common errors were overloading or improper loading of small boats—mistakes easily avoided by the boatowner who understands his boat, its machinery, and its operation.

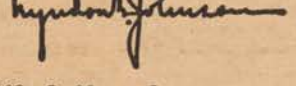
An aggressive and comprehensive program of safety education—supported, where necessary, by law enforcement—can reduce the rate of boating accidents, and make boating what it should be: a purely pleasant recreation.

Recognizing the need for emphasis on boating safety, the Congress of the United States, by a joint resolution approved June 4, 1958 (72 Stat. 179), has requested the President to proclaim annually the week which includes July 4 as National Safe Boating Week:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate the week beginning June 30, 1968, as National Safe Boating Week.

I also invite the Governors of the States, the Commonwealth of Puerto Rico, and other areas subject to the jurisdiction of the United States to provide for the observance of this week.

IN WITNESS WHEREOF, I have hereunto set my hand this 28th 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. 68-2686; Filed, Feb. 29, 1968; 3:00 p.m.]

Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 67-SW-91]

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

Alteration of Control Zone and Transition Area

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

On January 5, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 149) stating the Federal Aviation Administration proposed to alter controlled airspace in the Beaumont, Tex., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matter presented.

Comments received from the Air Transport Association of America (ATA) indicated agreement with designation of controlled airspace to protect any instrument approach procedures that may be approved for the Beaumont Municipal Airport; however, it was stated that ATA is not in agreement with the specific ADF approach procedure proposed to serve that airport. ATA commented that the proposed ADF procedure would directly conflict with all IFR procedures serving the Jefferson County Airport. ATA further contended that during use of this procedure, it would be necessary to stop all IFR operations at Jefferson County Airport and cause air and ground delays to air service.

A review of the proposed amendment, in the light of the ATA comments, disclosed that instrument approach procedures serving the Jefferson County Airport, in existence for a number of years, have been used for approaches to the Beaumont Municipal Airport as well as accommodating IFR operations at the Jefferson County Airport without apparent adverse effect on air carrier operations. The impact of approaches using a procedure serving the Beaumont Municipal Airport can be expected to be no greater than approaches made on existing procedures for landing at the Beaumont Municipal Airport. In fact, use of the proposed procedure would appear to have less impact on air carrier departures than an approach to the Jefferson County Airport. Finally, the agency cannot foresee any adverse effect on IFR air carrier operations at the Jefferson County Airport by the addition of the proposed instrument approach procedure to serve the Beaumont Municipal Airport.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective April 25, 1968, as herein set forth.

(1) In § 71.171 (33 F.R. 2063) the Beaumont, Tex., control zone is amended by substituting "* * * 7 miles southwest of the VOR * * *" for "* * * 8 miles southwest of the VOR * * *."

(2) In § 71.181 (33 F.R. 2148) the Beaumont, Tex., transition area is amended as follows:

BEAUMONT, TEX.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Beaumont ILS localizer northwest course extending from the OM to 8 miles northwest of the OM, within 2 miles each side of the Beaumont ILS localizer southeast course extending from the arc of a 5-mile radius circle centered at Jefferson County Airport (lat. 29°57'05" N., long. 94°01'10" W.) to 17 miles southeast of the approach end of Runway 29, within a 5-mile radius of Beaumont Municipal Airport (lat. 30°04'15" N., long. 94°13'00" W.), and within 2 miles each side of the 308° bearing from the Beaumont ILS LOM extending from the 5-mile radius area to the LOM; and that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of lat. 29°54'40" N., long. 94°02'40" W.

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

Issued in Fort Worth, Tex., on February 21, 1968.

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

[F.R. Doc. 68-2598; Filed, Mar. 1, 1968; 8:46 a.m.]

[Airspace Docket No. 68-SW-16]

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

Alteration of Transition Area

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

The present description of the 1,200-foot transition area extension from the Walnut Ridge, Ark., transition area to the Batesville RBN was based on a public use NDB (ADF) instrument approach procedure proposed at Batesville Municipal Airport, Batesville, Ark. After designation of the transition area, the transition radial from Walnut Ridge VORTAC to the Batesville RBN was found to be the Walnut Ridge VORTAC 235° (230° magnetic) rather than the 236° (230° magnetic) as was initially computed. Reference to the 236° radial is included in the present description of the Batesville, Ark., transition area.

Action is being taken herein to change this transition area description to include the 235° radial rather than the 236°. The airspace affected by this alteration is minor and the amount of controlled airspace will not be increased.

Alteration of the Batesville, Ark., transition area is necessary to provide that airspace protection for aircraft transitioning from the Walnut Ridge VORTAC to the Batesville RBN which was intended by the original designation. In the interest of safety, this amendment should be issued without delay, therefore notice and public procedure thereon are impracticable.

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

In § 71.181 (33 F.R. 2147) the Batesville, Ark., transition area 1,200-foot portion is amended by deleting "* * * 236° * * *" and substituting "* * * 235° * * *" therefor.

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

Issued in Fort Worth, Tex., on February 21, 1968.

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

[F.R. Doc. 68-2599; Filed, Mar. 1, 1968; 8:46 a.m.]

[Airspace Docket No. 67-AL-29]

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

Alteration of Control Zone and Transition Area

On December 29, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 20986) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations which would change the effective time of the control zone and alter the transition area at Homer, Alaska.

Interested persons were given 30 days to submit written comments or objections regarding the proposed amendments. No comments or objections were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., April 25, 1968, as hereinafter set forth:

1. In § 71.171 (33 F.R. 2058) the Homer, Alaska, control zone is amended by adding:

This control zone is effective from 0600 Mondays through 2145 Saturdays and from 0600 through 2145 Sundays, local time, or during the specific dates and times established in advance by Notice to Airman. The effective date and time will thereafter be

continuously published in the Alaska Airman's Guide and Chart Supplement.

2. In § 71.181 (33 F.R. 2137) the Homer, Alaska, transition area is amended by adding:

* * * and within a 54-mile radius of the Homer VOR extending counterclockwise from the south boundary of V–436E, west of Homer, to the west boundary of V–438W, southwest of Homer.

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

Issued in Anchorage, Alaska, February 19, 1968.

JOHN R. KULLMAN,
Brigadier General, U.S. Air Force, Acting Director, Alaskan Region.

[F.R. Doc. 68–2600; Filed, Mar. 1, 1968; 8:46 a.m.]

[Airspace Docket No. 67–SW–71]

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

Alteration of Transition Area

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

On January 3, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 23) stating the Federal Aviation Administration proposed to alter the Bartlesville, Okla., transition area.

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

The proposal contained the phrase "excluding the portion within the Independence, Kans., transition area." This phrase has been deleted from the final rule since a subsequent amendment to the Independence transition area has negated the requirement for the exclusion.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., April 25, 1968, as herein set forth.

In § 71.181 (33 F.R. 2147), the following transition area is amended to read:

BARTLESVILLE, OKLA.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Phillips Airport (lat. 36°45'45" N., long. 96°00'30" W.), and within 2 miles each side of the Bartlesville VORTAC 355° radial extending from the 8-mile radius area to 8 miles north of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 5 miles east and 8 miles west of the Bartlesville VORTAC 355° radial extending from the VORTAC to 13 miles north, that airspace bounded on the north by V–516 on the south and southwest by V–190 and on the east by V–131, within 5 miles each side of the Bartlesville VORTAC 184° radial extending from the VORTAC to 18 miles south excluding the portion within the Tulsa, Okla., transition area, and that airspace bounded on the north by V–190 on the southwest by V–74N and on the east by a line 5 miles west of and parallel to the Bartlesville VORTAC 184° radial excluding the portion within the Tulsa, Okla., transition area.

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

Issued in Fort Worth, Tex., on February 15, 1968.

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

[F.R. Doc. 68–2601; Filed, Mar. 1, 1968; 8:46 a.m.]

[Airspace Docket No. 68–SO–6]

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 Huntsville, Ala., control zone.

The Huntsville control zone is described in § 71.171 (33 F.R. 2058 and 2627).

A new VOR standard instrument approach procedure to the Huntsville-Madison County Airport is proposed to become effective April 4, 1968. Therefore, it is necessary to alter the control zone to encompass the airspace within 2 miles each side of the Huntsville VOR 217° radial, extending from the 5-mile radius zone to 5 miles southwest of the VOR to provide the required controlled airspace protection for this approach procedure. Less than 1 square mile of uncontrolled airspace is added to the control zone by this alteration.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit processing and publication of the procedure, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., March 28, 1968, as hereinafter set forth.

In § 71.171 (33 F.R. 2058), the Huntsville, Ala., control zone (33 F.R. 2627) is amended as follows: "* * * within 2 miles each side of the Huntsville ILS localizer north course, extending from the 5-mile radius zone to 2.5 miles south of the Capshaw RBN * * *" is deleted and "* * * within 2 miles each side of the Huntsville ILS localizer north course, extending from the 5-mile radius zone to 2.5 miles south of the Capshaw RBN; within 2 miles each side of the Huntsville VOR 217° radial, extending from the 5-mile radius zone to 5 miles southwest of the VOR * * *" is substituted therefor.

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

Issued in East Point, Ga., on February 20, 1968.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 68–2602; Filed, Mar. 1, 1968; 8:46 a.m.]

[Airspace Docket No. 68–SW–15]

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

Alteration of Transition Area

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

The present description of the transition area extension was based on a public use VOR/DME instrument approach procedure proposed at Crystal Lake Airport, Decatur, Ark. After designation of the transition area, the final approach radial was found to be the Fayetteville VORTAC 291° (284° magnetic) rather than the 292° (285° magnetic) as was initially computed. Reference to the 292° radial is included in the present description of the Decatur, Ark., transition area. The approach procedure effective date is February 29, 1968.

Action is being taken herein to change this transition area description to include the 291° radial rather than the 292°. The airspace affected by this alteration is minor and the amount of controlled airspace will not be increased.

Alteration of the Decatur, Ark., transition area is necessary to provide that airspace protection for aircraft executing the VOR/DME instrument approach procedure which was intended by the original designation. In the interest of safety, this amendment should be issued without delay, therefore notice and public procedure thereon are impracticable.

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

In § 71.181 (33 F.R. 2170) the Decatur, Ark., transition area 700-foot portion is amended by deleting "* * * 292° * * *" and substituting "* * * 291° * * *" therefor.

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

Issued in Fort Worth, Tex., on February 21, 1968.

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

[F.R. Doc. 68–2603; Filed, Mar. 1, 1968; 8:46 a.m.]

[Airspace Docket No. 67–SW–82]

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

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a transition area at Sugar Land, Tex.

On January 5, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 150) stating that the Federal Aviation Administration proposed to designate the Sugar Land, Tex., transition area.

Interested persons were afforded an opportunity to participate in the rule

making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., April 25, 1968, as herein set forth.

In § 71.181 (33 F.R. 2137) the Sugar Land, Tex., transition area is designated as follows:

SUGAR LAND, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Hull Field (lat. 29°37'37" N., long. 95°39'30" W.) and within 2 miles each side of the 348° bearing from the Sugar Land RBN (lat. 29°37'53" N., long. 95°39'25" W.) extending from the 5-mile radius area to 8 miles north of the RBN, excluding the portion within the Alief, Tex., transition area.

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

Issued in Fort Worth, Tex., on February 15, 1968.

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

[F.R. Doc. 68-2604; Filed, Mar. 1, 1968; 8:46 a.m.]

[Airspace Docket No. 67-SW-66]

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

Designation and Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Crossett, Ark., transition area and revoke the 1,200-foot portion of the El Dorado, Ark., transition area (the Crossett area encompasses the revoked area).

On January 3, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 24) stating the Federal Aviation Administration proposed to designate the Crossett, Ark., transition area and revoke the 1,200-foot portion of the El Dorado, Ark., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., April 25, 1968, as herein set forth.

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

CROSSETT, ARK.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Crossett Municipal Airport (lat. 33°10'30" N., long. 91°52'45" W.); and within 2 miles each side of the 056° bearing from the Crossett RBN (lat. 33°10'30" N., long. 91°52'45" W.), extending from the 8-mile radius area to 14 miles northeast of the RBN; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at lat. 33°30'00" N., long. 90°54'00" W., to lat. 32°35'00" N., long. 91°28'00" W., to lat. 32°49'00" N., long. 91°50'00" W., to lat. 32°44'00" N., long. 92°20'00" W., to lat. 33°20'30" N., long. 92°51'30" W., to lat. 33°22'50" N., long. 93°02'30" W., to lat. 34°17'00" N., long. 93°26'00" W., to lat. 33°51'00" N., long. 91°48'00" W., to lat. 33°33'43" N., long. 91°42'56" W., to point of beginning.

2. In § 71.181 (33 F.R. 2175) the 1,200-foot portion of the El Dorado, Ark., transition area is revoked.

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

Issued in Fort Worth, Tex., on February 15, 1968.

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

[F.R. Doc. 68-2605; Filed, Mar. 1, 1968; 8:46 a.m.]

[Airspace Docket No. 67-SO-123]

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

Designation and Alteration of Transition Area

On January 12, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 471), stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would designate the Union City, Tenn., transition area and alter the Dyersburg, Tenn., transition area.

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

Subsequent to the publication of the notice, Coast and Geodetic Survey redefined the final approach radial from 036° to 037°. Because of this redefinement, it is necessary to alter the description accordingly. Since this alteration is minor in nature, it is incorporated in this rule.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., April 25, 1968, as hereinafter set forth.

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

UNION CITY, TENN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Everett-Stewart Airport (lat. 36°22'44" N., long. 88°59'07" W.); within 2 miles each side of the Dyersburg VORTAC 037° radial, extending from the 5-mile radius area to 25 miles northeast of the VORTAC.

In § 71.181 (33 F.R. 2137), the Dyersburg, Tenn., transition area is amended by adding the following to the present description:

* * * and that area northeast of Dyersburg VORTAC within 5 miles each side of the 16-mile radius arc of the Dyersburg VORTAC, extending from the southeast boundary of V-11E to the north boundary of V-140 * * *.

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

Issued in East Point, Ga., on February 20, 1968.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[F.R. Doc. 68-2606; Filed, Mar. 1, 1968; 8:47 a.m.]

[Airspace Docket No. 68-CE-8]

PART 73—SPECIAL USE AIRSPACE

Revocation of Restricted Area/Military Climb Corridor

The purpose of this amendment to Part 73 is to revoke the Grand Forks, N. Dak. (Grand Forks AFB) Restricted Area/Military Climb Corridor R-5402.

The U.S. Air Force has stated that the requirement for this restricted area/military climb corridor no longer exists.

Since this restricted area/military climb corridor was designated solely for use of the military, revocation thereof will reduce the burden on the public. Therefore, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than thirty days. In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 73.54 (33 F.R. 2335) R-5402 Grand Forks, N. Dak. (Grand Forks AFB) Restricted Area/Military Climb Corridor is revoked.

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

Issued in Washington, D.C., on February 23, 1968.

JOSEPH J. REGAN,
Acting Director, Air Traffic Service.

[F.R. Doc. 68-2607; Filed, Mar. 1, 1968; 8:47 a.m.]

[Airspace Docket No. 68-CE-9]

PART 73—SPECIAL USE AIRSPACE

Revocation of Restricted Area/Military Climb Corridor

The purpose of this amendment to Part 73 is to revoke the Marquette, Mich. (K. I. Sawyer AFB) Restricted Area/Military Climb Corridor R-4208.

The U.S. Air Force has stated that the requirement for this restricted area/military climb corridor no longer exists.

Since this restricted area/military climb corridor was designated solely for use of the military, revocation thereof will reduce the burden on the public. Therefore, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than thirty days. In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 73.42 (33 F.R. 2322) R-4208 Marquette, Mich. (K. I. Sawyer AFB) Restricted Area/Military Climb Corridor is revoked.

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

Issued in Washington, D.C., on February 23, 1968.

JOSEPH J. REGAN,
Acting Director, Air Traffic Service.

[F.R. Doc. 68-2608; Filed, Mar. 1, 1968; 8:47 a.m.]

[Airspace Docket No. 68-CE-10]

PART 73—SPECIAL USE AIRSPACE

Revocation of Restricted Area/ Military Climb Corridor

The purpose of this amendment to Part 73 is to revoke the Sault Sainte Marie, Mich. (Kincheloe AFB) Restricted Area/ Military Climb Corridor R-4205.

The U.S. Air Force has stated that the requirement for this restricted area/military climb corridor no longer exists.

Since this restricted area/military climb corridor was designated solely for use of the military, revocation thereof will reduce the burden on the public. Therefore, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than thirty days. In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 73.42 (33 F.R. 2322) R-4205 Sault Sainte Marie, Mich. (Kincheloe AFB) Restricted Area/Military Climb Corridor is revoked.

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

Issued in Washington, D.C., on February 23, 1968.

JOSEPH J. REGAN,
Acting Director, Air Traffic Service.

[F.R. Doc. 68-2609; Filed, Mar. 1, 1968; 8:47 a.m.]

[Docket No. 8463; Amdt. 91-52, 93-10; 121-39]

PART 91—GENERAL OPERATING AND FLIGHT RULES

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

PART 121—CERTIFICATION AND OPERATIONS: AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Elimination of VFR Operations Under Less Than Basic VFR Weather Minimums

The purpose of these amendments to Parts 91, 93, and 121 of the Federal Aviation Regulations is to eliminate the VFR operation of fixed-wing aircraft in certain control zones, under less than basic VFR weather minimums.

These amendments are based on a notice of proposed rule making issued as Notice 67-45 and published in the FEDERAL REGISTER on October 17, 1967 (32 F.R. 14334). Interested persons were afforded an opportunity to participate in the rule making through submission of written comments. Due consideration has been given to all relevant matter presented.

A vast number of comments were received in response to the notice representing a very broad spectrum of airspace users, including the aviation industry associations, the Military Departments, local pilot groups, numerous State Aviation Departments, fixed base operators, the California State Legislature, the Attorney General for the State of South Dakota, pipeline and powerline patrol operators. The comments were almost uniformly in opposition to the proposal as stated in the notice. A substantial number of comments recognized that local conditions such as high traffic density and inadequate radar coverage could produce an environment in which the operation under VFR in conditions of low visibility may become hazardous. However, the complete elimination of special VFR was uniformly considered to be a drastic and unjustifiable action.

Discussion of individual and association comments would be impracticable because of the large number received. However, comments typically emphasized that many users rely on obtaining a special VFR clearance to operate in control zones which are adjacent to uncontrolled airspace. They maintained that this type of operation is a convenient and efficient way to fly during periods of reduced visibility, and is compatible with simultaneous IFR operations in most circumstances. Additionally, comments from many business related aviation activities stated that they are dependent on this type of operation, and they would suffer a severe economic penalty if special VFR were eliminated. The majority of the comments also recognized that special VFR operations should be prohibited or limited at certain high density traffic locations. As a result of further study, taking into consideration such factors as availability of radar, proximity of other airports, frequency of instrument weather conditions, the FAA has determined that special VFR operations will be eliminated at certain locations and ATC procedures modified to ensure safe and efficient use of the airspace where special VFR is permitted. Based upon changing conditions involving safety considerations additional airports may be designated in the future.

The agency's objective is to develop a system of airspace utilization and air traffic control and navigation which permits the movement of people and goods in air commerce at optimum levels of safety and efficiency, and serve the national security needs of the country. This requires that some portions of the airspace be subjected to higher orders of regulation to provide the optimum degree of safety for the majority of the public, aircrews, passengers, and persons and property on the ground that may be affected by aircraft operation. Because of the ever increasing number of aircraft operating in the vicinity of airports serving large population centers, it has become necessary to impose restrictions and establish priorities with respect to the airspace and the services associated with it. Based on the requirement for the safe and efficient use of the airspace, the agency has decided to take regulatory action which eliminates special VFR operations at specified control zones based on IFR activity.

Special VFR operations will be permitted at all other control zones. However, procedures will be established to give IFR traffic priority over special VFR at those locations at which there are a traffic control tower and airport surveillance radar; while at other locations special VFR flights will be permitted only when IFR operations are not being conducted. Special consideration will be given to military operations where appropriate.

Several petitions were filed requesting a public hearing. It was determined that these petitions should be denied because the comments generally objected to the proposal on substantially similar grounds. Due to the magnitude of the number of comments and the uniformity of objections stated, the FAA is aware of the basic factors and the consensus of user opinion, so that it is improbable that any additional information would be obtained from a public hearing. In fact, this rule in the main now conforms to the recommendations proposed by those requesting a public hearing; accordingly it would serve no useful purpose to convene a public hearing on this matter.

In consideration of the foregoing, effective April 30, 1968, Parts 91, 93, and 121 of the Federal Aviation Regulations are amended as hereinafter set forth.

1. Section 91.107(a) is amended to read as follows:

§ 91.107 Special VFR weather minimums.

(a) Except as provided in § 93.113 of this chapter, when a person has recieved an appropriate ATC clearance, the special weather minimums of this section instead of those contained in § 91.105 apply to the operation of an aircraft by that person in a control zone under VFR.

* * * * *

2. Section 93.1 is amended to read as follows:

§ 93.1 Applicability.

* * * * *

(b) Unless otherwise authorized by ATC (with the exception of § 93.113), each person operating an aircraft shall do so in accordance with the special air traffic rules in this part in addition to other applicable rules in Part 91 of this chapter.

* * * * *

(d) Subpart I of this part prescribes the locations at which the special VFR weather minimums do not apply to fixed-wing aircraft.

3. The following new subpart is added after Subpart H of Part 93:

Subpart I—Locations at Which Special VFR Weather Minimums Do Not Apply

Sec.
93.111 Applicability.
93.113 Control zones within which special VFR minimums are not authorized.

AUTHORITY: The provisions of this Subpart I issued under secs. 307, 313(a), 601, 604, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1354, 1421, 1424.

§ 93.111 Applicability.

This subpart specifies the control zones in which special VFR weather minimums prescribed in § 91.107 of this chapter do not apply, except for in-flight emergencies.

§ 93.113 Control zones within which special VFR weather minimums are not authorized.

No person may operate a fixed-wing aircraft under the special VFR weather minimums prescribed in § 91.107 of this chapter within the following control zones:

1. Atlanta, Ga. (Atlanta Airport).
2. Baltimore, Md. (Friendship International Airport).
3. Boston, Mass. (Logan International Airport).
4. Buffalo, N.Y. (Greater Buffalo International Airport).
5. Chicago, Ill. (O'Hare International Airport).
6. Cleveland, Ohio (Cleveland-Hopkins International Airport).
7. Columbus, Ohio (Columbus Municipal Airport).
8. Covington, Ky. (Greater Cincinnati Airport).
9. Dallas, Tex. (Love Field).
10. Denver, Colo. (Stapleton Municipal Airport).
11. Detroit, Mich. (Metropolitan Wayne County Airport).
12. Honolulu, Hawaii (Honolulu International Airport).
13. Houston, Tex. (William P. Hobby Airport).
14. Indianapolis, Ind. (Wier-Cook Municipal Airport).
15. Kansas City, Mo. (Kansas City Municipal Airport).
16. Los Angeles, Calif. (Los Angeles International Airport).
17. Louisville, Ky. (Standiford Field).
18. Memphis, Tenn. (Memphis Metropolitan Airport).
19. Miami, Fla. (Miami International Airport).
20. Minneapolis, Minn. (Minneapolis-St. Paul International Airport).
21. Newark, N.J. (Newark Airport).
22. New York, N.Y. (John F. Kennedy International Airport).
23. New York, N.Y. (LaGuardia Airport).
24. New Orleans, La. (New Orleans International Airport-Moisant Field).
25. Oakland, Calif. (Metropolitan Oakland International Airport).
26. Philadelphia, Pa. (Philadelphia International Airport).
27. Pittsburgh, Pa. (Greater Pittsburgh Airport).
28. Portland, Oreg. (Portland International Airport).
29. San Francisco, Calif. (San Francisco International Airport).
30. Seattle, Wash. (Seattle-Tacoma International Airport).
31. St. Louis, Mo. (Lambert-St. Louis Municipal Airport).
32. Tampa, Fla. (Tampa International Airport).
33. Washington, D.C. (Washington National Airport).

4. The following new paragraph (c) is added after § 121.649(b):

§ 121.649 Takeoff and landing weather minimums: VFR: Domestic air carriers.

* * * * *

(c) The weather minimums in this section do not apply to the VFR operation of fixed-wing aircraft in any control zone listed in § 93.113 of this chapter. The basic VFR weather minimums in § 91.105 of this chapter apply at those locations.

(Secs. 307, 313(a), 601, 604, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1354, 1421, 1424)

Issued in Washington, D.C., on February 26, 1968.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 68-2610; Filed, Mar. 1, 1968; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8721 c.]

PART 13—PROHIBITED TRADE PRACTICES

Sydney N. Floersheim et al.

Subpart—Claiming or using indorsements or testimonials falsely or misleadingly: § 13.330 *Claiming or using indorsements or testimonials falsely or misleadingly:* 13.330-90 United States Government: 13.330-90(h) Federal Trade Commission. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1425 *Government connection.* Subpart—Securing information by subterfuge: § 13.2168 *Securing information by subterfuge.*

(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, Sydney N. Floersheim trading as Floersheim Sales Co. etc., Los Angeles, Calif., Docket 8721, Feb. 5, 1968]

In the Matter of Sydney N. Floersheim, an Individual Trading and Doing Business as Floersheim Sales Co. and National Research Co.

Order requiring a Los Angeles, Calif., distributor of skip tracer and debt collection forms, to cease selling false, misleading, and deceptive skip tracer and debt collection forms, and to cease misrepresenting that any of the forms have been approved by the Commission or the Courts.

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

It is ordered, That the respondent Sydney N. Floersheim, an individual trading and doing business as Floersheim Sales Co., National Research Co., or under any other name or names, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the business of obtaining information concerning delinquent debtors or assisting in the collection of delinquent accounts or the offering for sale, sale, or distribution of forms, or other material, for use in obtaining information concerning delinquent debtors, or for use in the collection of, or attempting to collect, delinquent accounts in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "Claimants Information Questionnaire", "Current Employment Records", "Change of Address", "Questionnaire", "Payment Demand", or any other words of similar import or meaning, to refer to respondent's business or that of any of the purchasers or users of the forms sold by the respondent.

2. Using or placing in the hands of others for use, any form, questionnaire, or other material:

a. Which appears to be, or simulates, an official or governmental form or document or which falsely represents, directly or by implication, that a party other than the creditor is attempting to collect the debt;

b. Which does not reveal in a prominent place, in clear language and in type at least as large as the largest type, exclusive of captions, used on said form:

(1) That the sole purpose is to obtain information concerning an allegedly delinquent debtor or that the sole purpose is to collect or attempt to collect an allegedly delinquent account;

(2) That the U.S. Government is in no way connected with the request for information or demand for payment;

c. Which does not reveal in a prominent place and in clear language the identity of the creditor to whom the debt is allegedly owed;

d. Which misrepresents or inaccurately states the rights of a creditor under State law to attach the real or personal property, income, wages, or any other property of the debtor;

e. Which contains a statement of a creditor's right to attach after judgment the real or personal property, wages, income, or other property of a debtor without disclosing that no judgment may be entered against the debtor unless he has first had an opportunity to appear and defend himself in a court of law: *Provided, however,* That it shall be a defense hereunder for respondent to establish that forms containing a statement prohibited by this paragraph (e) are sent only by or on behalf of a creditor who has obtained a final judgment against the debtor to whom the form is sent.

3. Using or placing in the hands of others for use, any envelope:

a. Which appears to be, or simulates, an official or governmental envelope;

b. Which purports to come from a party other than the creditor;

c. Which contains a Washington, D.C., return address without revealing in a prominent place, in clear language, and in type at least as large as the largest type used on said envelope, the identity of the creditor and the fact that the enclosed forms do not come from the U.S. Government;

d. Which contains the statement "The form enclosed is confidential, no one else may open" or any statement of similar purport.

4. Representing, directly, or by implication, that any of respondent's Payment Demand forms or any similar collection material sold by the respondent have been approved by the Federal Trade Commission or have been deemed to be in compliance with the requirements of the order to cease and desist entered by the Federal Trade Commission in Docket No. 6236, Matter of Mitchell S. Mohr, et al.

5. Misrepresenting Federal Trade Commission or court approval of any of respondent's envelopes, forms, or other material.

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

By the Commission.[1]

Issued: February 5, 1968:

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

[F.R. Doc. 68-2583; Filed, Mar. 1, 1968; 8:45 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 31—NONALCOHOLIC BEVERAGES

Soda Water; Order Amending Standard To Permit Use of Quillaia as Optional Foaming Agent

In the matter of amending the definition and standard of identity for soda water (21 CFR 31.1) to provide for the use of quillaia (Quillaja saponaria Mol.) as an optional foaming agent:

No comments were received in response to the notice of proposed rule making on the above-identified matter published in the FEDERAL REGISTER of December 2, 1967 (32 F.R. 16533), and based on a petition filed by the National Soft Drink Association, 1128 16th Street NW., Washington, D.C. 20036.

On the basis of the information supplied by the petitioner, and other relevant information, it is concluded that it will promote honesty and fair dealing in the interest of consumers to adopt the amendment as proposed. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under the authority delegated by the Secretary of Health, Education, and Welfare to the Commissioner of Food and Drugs (21 CFR 2.120): *It is ordered*, That § 31.1(b)(7) be revised to read as follows:

§ 31.1 Soda water; identity; label statement of optional ingredients.

* * * * *

(b) * * *

(7) One or more of the foaming agents ammoniated glycyrrhizin, gum ghatti, licorice or glycyrrhiza, yucca (Joshua-tree), yucca (Mohave), quillaia (soapbark) (Quillaja saponaria Mol.).

* * * * *

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. 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, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

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

Dated: February 21, 1968.

J. K. KIRK, *Associate Commissioner for Compliance.*

[F.R. Doc. 68-2643; Filed, Mar. 1, 1968; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

Subpart G—Radiation and Radiation Sources Intended for Use in the Production, Processing, and Handling of Food

WHOLE FISH PROTEIN CONCENTRATE

An order was published in the FEDERAL REGISTER of February 2, 1967 (32 F.R. 1173), amending the food additive regulations by adding two new sections to provide for the safe use of whole fish protein concentrate as a source of protein in food (21 CFR 121.1202) and to authorize microwave heat treatment of whole fish protein concentrate (21 CFR 121.3008).

The order provided for the filing of objections and requests for a hearing within 30 days following its date of publication, and numerous objections and requests for a hearing were received in response thereto. Among these, an objection was filed by the American Dry Milk Institute which was subsequently withdrawn by the Institute.

The Commissioner of Food and Drugs has evaluated the remaining objections and requests for a hearing and concludes that these objections and requests for a hearing are not supported by grounds legally sufficient to justify the relief sought; therefore, such objections and requests for a hearing in this matter are hereby denied.

This action is taken under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), (4), (f), 72 Stat. 1786, 1787; 21 U.S.C. 348(c)(1), (4), (f)) and delegated by him to the Commissioner (21 CFR 2.120).

(Sec. 409(c)(1), (4), (f), 72 Stat. 1786, 1787; 21 U.S.C. 348(c)(1), (4), (f))

Dated: February 21, 1968.

JAMES L. GODDARD, *Commissioner of Food and Drugs.*

[F.R. Doc. 68-2645; Filed, Mar. 1, 1968; 8:50 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

RUBBER ARTICLES INTENDED FOR REPEATED USE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 7B2183) filed by Hazleton Laboratories, Inc., Post Office Box 30, Falls Church, Va. 22046, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of an additional

[1] Commissioner Nicholson not participating for the reason that oral argument was heard prior to his taking the oath of office.

optional substance (identified below) in the formulation of rubber articles intended for repeated food-contact use. 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), § 121.2562 (c)(4)(iii) is amended by alphabetically inserting in the list a new item, as follows:

§ 121.2562 Rubber articles intended for repeated use.

* * * * *

(c) * * *

(4) * * *

(iii) *Antioxidents and antiozonants (total not to exceed 5 percent by weight of rubber product).*

* * * * *

Tri(nonylphenyl) phosphite-formaldehyde resins produced when 1 mole of tri(nonylphenyl) phosphite is made to react with 1.4 moles of formaldehyde such that the finished resins have a viscosity of 20,000 to 30,000 centipoises at 25° C., as determined by Brookfield Viscosimeter using a No. 4 spindle at 12 r.p.m., and have an organic phosphorus content of 4.05 to 4.15 percent by weight.

* * * * *

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: February 21, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-2644; Filed, Mar. 1, 1968; 8:49 a.m.]

SUBCHAPTER C—DRUGS

PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 145—ANTIBIOTIC DRUGS; DEFINITIONS AND INTERPRETATIVE REGULATIONS

ALTERNATIVE METHOD FOR ASSAYING CERTAIN BULK FORMS OF PENICILLIN

No comments were received in response to the notice published in the FEDERAL REGISTER of October 13, 1967 (32 F.R. 14239), proposing that the antibiotic drug regulations be amended to provide an alternative expeditious method (hydroxylamine colorimetric assay) for assaying certain bulk forms of penicillin. The Commissioner of Food and Drugs concludes that the proposed amendments, with certain minor changes and additions, should be adopted as set forth below.

Accordingly, under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated by him to the Commissioner (21 CFR 2.120), Parts 141, 141a, and 145 are amended:

1. By adding to Part 141 a new section, as follows:

§ 141.507 Hydroxylamine colorimetric assay.

(a) *Reagents*—(1) *Hydroxylamine hydrochloride solution.* Dissolve 350 grams of hydroxylamine hydrochloride in sufficient distilled water to make 1 liter.

(2) *Buffer.* Dissolve 173 grams of sodium hydroxide and 20.6 grams of sodium acetate in sufficient distilled water to make 1 liter.

(3) *Neutral hydroxylamine.* Mix 1 volume each of hydroxylamine hydrochloride solution described in subparagraph (1) of this paragraph and the buffer described in subparagraph (2) of this paragraph. Check the pH and if necessary adjust to pH 7.0±0.1 by adding an additional amount of one of the components. To 1 volume of this neutralized solution add 8 volumes of distilled water and 2 volumes of 95 percent ethanol. This solution should be used for 1 day only.

(4) *Ferric ammonium sulfate.* Dissolve 272 grams of ferric ammonium sulfate in a mixture of 26 milliliters of concentrated sulfuric acid and sufficient distilled water to make 1 liter. This reagent may be used for 1 week when stored in a brown bottle at room temperature.

(b) *Working standard solution.* Dissolve an accurately weighed portion of the working standard in sufficient 1.0 percent potassium phosphate buffer, pH 6.0, to make a solution containing 2.5 milligrams of the working standard per milliliter.

(c) *Sample solution.* Dissolve an accurately weighed portion of the sample in sufficient 1.0 percent potassium phosphate buffer, pH 6.0, to make a solution containing 2.5 milligrams of the sample per milliliter.

(d) *Procedure.* Using a volume of from 1 to 2 milliliters of standard or sample solution, add an equal volume of water and mix. Add the following reagents in the specified volumetric proportions with respect to the sample or standard solutions: Add 1.25 volumes of neutral hydroxylamine reagent and allow to react for 5 minutes. Add 1.25 volumes of ferric ammonium sulfate reagent, mix, and after 3 minutes determine the absorbance of the resulting solution at the wavelength of 480 millimicrons, using a suitable spectrophotometer and a reagent blank prepared by treating a volume of water in the same manner as the standard or sample solution. The time elapsed after the addition of the ferric ammonium sulfate reagent and the reading of the absorbance must be precisely the same (within 10 seconds) for each solution. Calculate the potency of the sample in units or micrograms per milligram as follows:

$$\text{Units or micrograms per milligram of sample} = \frac{(A_1)\ \text{(Potency (in units or micrograms per milliliter of standard solution))}}{(A_2)\ \text{(Milligrams of sample per milliliter of sample solution)}}$$

A_1 = Absorbance of sample solution.
A_2 = Absorbance of standard solution.

2. By replacing the first sentence of paragraph (h) of § 141a.1 *Sodium penicillin, calcium penicillin, potassium penicillin; potency* with two sentences reading "Using the penicillin G working standard as the standard of comparison, assay by any of the following methods; however, the results obtained from the bioassay method shall be conclusive. The potency of the sample may also be determined by the iodometric method as described in § 141a.5(d) or by the hydroxylamine colorimetric assay as described in §141.507 of this chapter, or by the standard curve technique, using a single dose of standard and unknown."

3. By revising §141a.26(a) to read as follows:

§ 141a.26 Procaine penicillin.

(a) *Potency.* Assay for potency by any of the following methods; however, the results obtained from the bioassay method shall be conclusive:

(1) *Bioassay.* Using the penicillin G working standard as the standard of comparison, proceed as directed in § 141a.1.

(2) *Iodometric assay.* Using the penicillin G working standard as the standard of comparison, proceed as directed in § 141a.5(d)(1), except prepare the sample as follows: Dissolve a weighed sample (approximately 50 milligrams) in

2.0 milliliters of pure methanol. Further dilute this solution with sufficient 1.0 percent potassium phosphate buffer, pH 6.0, to give a concentration of 2.0 milligrams per milliliter.

(3) *Hydroxylamine colorimetric assay.* Using the procaine penicillin G working standard as the standard of comparison, proceed as directed in § 141.507 of this chapter, except prepare the procaine penicillin G working standard and sample solutions by dissolving an accurately weighed portion of each in a sufficient amount of a 1+19 mixture of pure methanol and 1.0 percent potassium phosphate buffer, pH 6.0, to make solutions containing 2.0 milligrams of the working standard or sample per milliliter.

* * * * *

4. By revising § 141a.81(a) to read as follows:

§ 141a.81 Phenoxymethyl penicillin.

(a) *Potency.* Using the phenoxymethyl penicillin working standard as the standard of comparison, assay for potency by any of the following methods; however, the results obtained from the bioassay method shall be conclusive:

(1) *Bioassay.* Proceed as directed in § 141a.1, except prepare the sample as follows: Dissolve a weighed quantity of the sample (approximately 30 milligrams) in 2.0 milliliters of pure methanol. Further dilute this solution with sufficient 1.0 percent potassium phosphate buffer, pH 6.0, to give a concentration of 2.0 milligrams per milliliter (estimated).

(2) *Iodometric assay.* Proceed as directed in § 141a.5(d), except prepare the sample as follows: Dissolve a weighed quantity of the sample (approximately 30 milligrams) in 2.0 milliliters of pure methanol. Further dilute this solution with sufficient 1.0 percent potassium phosphate buffer, pH 6.0, to give a concentration of 1.0 unit per milliliter (estimated).

(3) *Hydroxylamine colorimetric assay.* Proceed as directed in § 141.507 of this chapter.

* * * * *

5. By amending § 141a.100 as follows:

a. By revising the section heading and paragraph (a) to read as follows:

§ 141a.100 Potassium phenethicillin.

(a) *Total potency.* Using the potassium-L-phenethicillin working standard as the standard of comparison, assay for potency by either of the following methods:

(1) *Iodometric assay.* Proceed as directed in § 141a.5(d)(1), except determine the factor F as the number of milliliters of 0.01*N* I_2 absorbed by 1.0 milligram of the potassium-L-phenethicillin working standard.

$$\text{Units of potassium phenethicillin per milligram} = \frac{\text{Difference in titers} \times \text{potency of potassium-L-phenethicillin working standard in units per milligram}}{\text{Milligrams in 2.0 milliliters tested} \times F}$$

(2) *Hydroxylamine colorimetric assay.* Proceed as directed in § 141.507 of this chapter.

* * * * *

b. By changing in the formula in paragraph (b)(1)(vi) the sentence "Units per milligram found in iodometric assay of sample" to read "Units per milligram found in chemical assay of sample."

6. By amending § 141a.103(a) by revising the first sentence of the paragraph, by revising subparagraph (1) except for subdivision (ii), by revising subparagraph (2), and by adding new subparagraph (3), as follows:

§ 141a.103 Sodium methicillin.

(a) *Potency.* Using the sodium methicillin working standard as the standard of comparison, assay for potency by any of the following methods; however, the results obtained from the bioassay method shall be conclusive:

(1) *Bioassay.* Proceed as directed in § 141a.1 except:

(i) Prepare a stock solution containing 1,000 micrograms per milliliter. Prepare the standard curve by further diluting this stock solution, using 1.0 percent potassium phosphate buffer, pH 6.0, to final concentrations of 6.4, 8.0, 10.0, 12.5, and 15.6 micrograms per milliliter. The 10.0 micrograms per milliliter concentration is the reference concentration.

* * * * *

(2) *Iodometric assay.* Proceed as directed in § 141a.5(d), except use a solution containing 1.0 milligram of the sample per milliliter.

(3) *Hydroxylamine colorimetric assay.* Proceed as directed in § 141.507 of this chapter.

* * * * *

7. By amending § 141a.104(a) by revising the first sentence of the paragraph, by revising subparagraph (1) except for subdivision (ii), by revising subparagraph (2), and by adding new subparagraph (3), as follows:

§ 141a.104 Sodium oxacillin.

(a) *Potency.* Using the sodium oxacillin working standard as the standard of comparison, assay for potency by any of the following methods; however, the results obtained from the bioassay method shall be conclusive:

(1) *Bioassay.* Proceed as directed in § 141a.1 except:

(i) Prepare a stock solution containing 1,000 micrograms per milliliter. Prepare the standard curve by further diluting this stock solution, using 1.0 percent potassium phosphate buffer, pH 6.0, to final concentrations of 3.2, 4.0, 5.0, 6.25, and 7.8 micrograms per milliliter. The 5.0 micrograms per milliliter is the reference concentration.

* * * * *

(2) *Iodometric assay.* Proceed as directed in § 141a.5(d), except use a solution containing 1.0 milligram of the sample per milliliter.

(3) *Hydroxylamine colorimetric assay.* Proceed as directed in § 141.507 of this chapter.

* * * * *

8. By amending § 141a.111 by revising paragraph (a) except for subparagraph (1) and by adding a new subparagraph (3), as follows:

§ 141a.111 Ampicillin trihydrate.

(a) *Potency.* Using the ampicillin working standard as the standard of comparison, assay for potency by any of the following methods; however, the results obtained from the bioassay method shall be conclusive:

* * * * *

(2) *Iodometric assay.* Proceed as described in § 141a.5(d), except use an aqueous solution containing 1.0 milligram of the sample per milliliter.

(3) *Hydroxylamine colorimetric assay.* Proceed as directed in § 141.507 of this chapter, except prepare the ampicillin working standard and sample solutions by dissolving an accurately weighed portion of each in sufficient 1.0 percent potassium phosphate buffer, pH 6.0, to make solutions containing 2.0 milligrams of the working standard or sample per milliliter.

* * * * *

9. By amending § 141a.115 by revising the first sentence of paragraph (a), by revising subparagraph (1) except for subdivision (ii), by revising subparagraph (2), and by adding new subparagraph (3), as follows:

§ 141a.115 Sodium nafcillin.

(a) *Potency.* Using the nafcillin working standard as the standard of comparison, assay for potency by any of the following methods; however, the results obtained from the bioassay method shall be conclusive:

(1) *Bioassay.* Proceed as directed in § 141a.1 except:

(i) Prepare a stock solution containing 1,000 micrograms per milliliter. Prepare the standard curve by further diluting this stock solution with pH 6.0 potassium phosphate buffer to final concentrations of 1.28, 1.60, 2.00, 2.50, and 3.12 micrograms per milliliter. The 2.00 micrograms per milliliter concentration is the reference concentration.

* * * * *

(2) *Iodometric assay.* Proceed as described in § 141a.5(d), except use a solution containing 1.25 milligrams of the sample per milliliter.

(3) *Hydroxylamine colorimetric assay.* Proceed as directed in § 141.507 of this chapter.

* * * * *

10. By revising § 141a.118(a), except for subparagraph (1), and by adding new subparagraph (3) as follows:

§ 141a.118 Sodium cloxacillin monohydrate.

(a) *Potency.* Using the cloxacillin working standard as the standard of comparison, assay for potency by any of the following methods; however, the results obtained from the bioassay method shall be conclusive:

* * * * *

(2) *Iodometric assay.* Proceed as described in § 141a.5(d), except use an aqueous solution containing 1.0 milligram of the sample per milliliter.

(3) *Hydroxylamine colorimetric assay.* Proceed as directed in § 141.507 of this

chapter, except prepare the cloxacillin working standard and sample solutions by dissolving an accurately weighed portion of each in sufficient 1.0 percent potassium phosphate buffer, pH 6.0, to make solutions containing 2.0 milligrams of the working standard or sample per milliliter.

* * * * *

11. By amending § 141a.123 by revising the first sentence of paragraph (a) and adding a new subparagraph (3) to paragraph (a), as follows:

§ 141a.123 Sodium ampicillin.

(a) *Potency.* Using the ampicillin working standard as the standard of comparison, assay for potency by any of the following methods; however, the results obtained from the bioassay method shall be conclusive:

* * * * *

(3) *Hydroxylamine colorimetric assay.* Proceed as directed in § 141.507 of this chapter, except prepare the ampicillin working standard and sample solutions by dissolving an accurately weighed portion of each in sufficient 1.0 percent potassium phosphate buffer, pH 6.0, to make solutions containing 2.0 milligrams of the working standard or sample per milliliter.

* * * * *

12. By revising § 141a.124(a), except for subparagraph (1)(ii), and by adding a new subparagraph (3), as follows:

§ 141a.124 Sodium nafcillin monohydrate.

(a) *Potency.* Using the nafcillin working standard as the standard of comparison, assay for potency by any of the following methods; however, the results obtained from the bioassay method shall be conclusive:

(1) *Bioassay.* Proceed as directed in § 141a.1 except:

(i) Prepare a stock solution containing 1,000 micrograms per milliliter. Prepare the standard curve by further diluting this stock solution with pH 6.0 potassium phosphate buffer to final concentrations of 1.28, 1.60, 2.00, 2.50, and 3.12 micrograms per milliliter. The 2.00 micrograms per milliliter concentration is the reference concentration.

* * * * *

(2) *Iodometric assay.* Proceed as directed in § 141a.5(d), except use a solution containing 1.25 milligrams of the sample per milliliter.

(3) *Hydroxylamine colorimetric assay.* Proceed as directed in § 141.507 of this chapter.

* * * * *

13. By adding to § 145.3(b)(1) the following new subdivision:

§ 145.3 Definitions of master and working standards.

* * * * *

(b) * * *

(1) * * *

(x) The term "procaine penicillin G working standard" means a specific lot of a homogeneous preparation of procaine penicillin G.

* * * * *

Since this order providing an alternative, expeditious method for assaying certain bulk forms of penicillin is nonrestrictive and noncontroversial in nature, I find that a delayed effective date is unnecessary.

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

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: February 26, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-2641; Filed, Mar. 1, 1968; 8:49 a.m.]

PART 141d—CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146d—CERTIFICATION OF CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS

CHLORAMPHENICOL OPHTHALMIC SOLUTION

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120), the antibiotic drug regulations are amended as follows to provide for the certification of chloramphenicol ophthalmic solution:

1. Part 141d is amended by adding thereto the following new section:

§ 141d.318 Chloramphenicol ophthalmic solution.

(a) *Potency.* Use either of the following methods; however, the results obtained from the method described in subparagraph (1) of this paragraph shall be conclusive:

(1) *Microbiological assay.* Proceed as directed in § 141d.301(a) (1) through (8), except prepare the sample for assay as follows: Dilute an accurately measured representative portion in sufficient 1 percent potassium phosphate buffer, pH 6, to give a stock solution of convenient concentration. Further dilute an aliquot of this solution with 1 percent potassium phosphate buffer, pH 6, to the proper prescribed reference concentration.

(2) *Spectrophotometric assay.* Dissolve a 1 milliliter aliquot of the sample in sufficient water to make a solution containing 20 micrograms of chloramphenicol per milliliter and proceed as directed in § 141d.301(a)(9). Calculate the potency of the sample as follows:

$$\text{Milligrams of chloramphenicol per milliliter} = \frac{(A_1)\ (\text{labeled potency per milliliter in milligrams})}{(A_2)}$$

where:

A_1 = Absorbance of sample solution obtained as described in § 141d.301(a)(9).

A_2 = Absorbance of standard solution obtained as described in § 141d.301(a)(9).

Its chloramphenicol content is satisfactory if it contains not less than 90 percent nor more than 130 percent of the number of milligrams of chloramphenicol that it is represented to contain.

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

(c) *pH.* Proceed as directed in § 141a.5(b) of this chapter, using the undiluted solution.

2. Part 146d is amended by adding thereto the following new section:

§ 146d.318 Chloramphenicol ophthalmic solution.

(a) *Standards of identity, strength, quality, and purity.* Chloramphenicol ophthalmic solution contains in each milliliter 5 milligrams of chloramphenicol with or without one or more suitable and harmless preservatives and surfactants in an aqueous solution. It is sterile. Its pH is not less than 3 nor more than 6. The chloramphenicol used conforms to the requirements of § 146d.301(a) (1), (3), (6), (7), (8), and (9). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Each immediate container shall be a tight container as defined by the U.S.P. and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter. Its expiration date is 12 months.

(d) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(1) Results of tests and assays on:

(i) The chloramphenicol used in making the batch for potency, toxicity, pH, specific rotation, melting point, and absorptivity.

(ii) The batch for potency, sterility, and pH.

(2) Samples required:

(i) The chloramphenicol used in making the batch: 10 containers, each containing not less than 300 milligrams.

(ii) The batch:

(*a*) For all tests except sterility: A minimum of 5 immediate containers.

(*b*) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation.

(iii) In case of an initial request for certification, each other ingredient used in making the batch: One container of each containing not less than 5 grams.

(e) *Fees.* $4 for each container in the samples submitted in accordance with paragraph (d)(2)(i), (ii)(*a*), and (iii) of this section; $12 for all immediate containers in the sample submitted in accordance with paragraph (d)(2)(ii)(*b*) of this section; and $24 for all immediate containers in the sample submitted for any repeat sterility test, if necessary, in accordance with § 141.2(f) of this chapter.

This order provides for the certification of a new dosage form of an antibiotic drug already being marketed. Data supplied by the manufacturer concerning the safety and efficacy of the subject drug have been evaluated. Since the conditions prerequisite to providing for certification of the drug have been complied with and since it is in the public interest not to delay in providing for such certification, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

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

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: February 21, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-2642; Filed, Mar. 1, 1968; 8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 17924; FCC 68-204]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations; Warner Robins and Hawkinsville, Ga.

Report and order. In the matter of amendment of § 73.202 *Table of Assignments,* FM Broadcast Stations (Warner Robins and Hawkinsville, Ga.), Docket No. 17924, RM-1210.

1. The Commission has before it for consideration its notice of proposed rule making issued in this proceeding on December 15, 1967, FCC 67-1336, and published in the FEDERAL REGISTER on December 20, 1967 (32 F.R. 19191) inviting comments on a proposal to assign a Class A FM channel to Warner Robins, Ga., by making a change in the Hawkinsville, Ga., assignment as follows:

City	Channel No.	
	Present	Proposed
Hawkinsville, Ga.	269A	280A
Warner Robins, Ga.		269A

The notice was issued in response to a petition for rule making filed on October 20, 1967, and amended on November 2, 1967, by WRBN, Inc., licensee of Radio Station WRBN(AM), Warner Robins, Ga.

2. Hawkinsville has a population of 3,967 persons and is the seat and largest community in Pulaski County, which has a population of 8,204. (All population figures are from the 1960 U.S. Census, unless otherwise stated.) It is located about 38 miles south-southeast of Macon. It has a daytime-only radio station, licensed to Tri-County Broadcasting Co., Inc. (Tri-County). Two applications have been filed for the sole FM channel in Hawkinsville, one by Tri-County and the other by WRBN, the petitioner in this matter, requesting the assignment for Warner Robins, under the so-called "25 mile rule" contained in § 73.203. These applications have been designated for a comparative hearing in Dockets 17579 and 17580.

3. Warner Robins has a population of 18,633 and its county has a population of 39,154. It is located about 15 miles south of Macon, within its Standard Metropolitan Statistical Area but outside its Urbanized Area. It has two daytime-only AM stations but no FM assignment. The WRBN proposal would provide each community with its own FM channel as well as eliminate the need for a comparative hearing. No oppositions were filed to the subject proposal, although the Tri-County support is a conditional one.

4. WRBN submits that the 1960 population of Warner Robins represents a 133 percent increase over that of 1950 and that this community is continuing its dramatic growth. Estimates of the recent population as taken from Rand McNally and the Georgia Department of Public Health are stated to be 23,800 and 26,000, excluding the 5,500 military personnel of nearby Robins Air Force Base. Statistics are presented as to the educational, religious, industrial, and financial growth of the community, to support the need for a local FM outlet. WRBN alleges that no channel other than 269A can be assigned to Warner Robins in conformance with the rules, while Channel 280A is available as a replacement for Channel 269A in Hawkinsville. Since Warner Robins is close to a larger population center, the showing as to the areas precluded by the proposal, required by our May 12, 1967, public notice regarding additional FM assignments, is included in the WRBN comment. This showing demonstrates that the move of Channel 269A from Hawkinsville to Warner Robins will not preclude any potential assignments on that or the six adjacent channels, in view of existing stations and assignments in the general area. Thus, WRBN urges that Channel 269A be assigned to Warner Robins in order to provide it with a first FM local station, that this assignment would comply with the mandate of section 307(b) of the Act, and that it would achieve a fair and equitable distribution of radio service.

5. Tri-County supports the assignment of a first FM channel to Hawkinsville and states that such an assignment would provide areas with a first and second FM service, that such an assignment would be more meritorious for Hawkinsville than for Warner Robins if a choice must be made, that it would comply with the stated priorities of FM assignments, and that there is a need for the proposed station in Hawkinsville at the earliest possible date. To support this assertion of need Tri-County presents various statistics concerning facilities, industry, agriculture, and recreation in the community. With respect to the comparative hearing, Tri-County asserts that adoption of the subject proposal would result in the substitution of one Class A channel for another in Hawkinsville and urges that it should be permitted to amend its application in hearing status so that it can retain its hearing status protection and to avoid possible delay in the early institution of service in Hawkinsville. Tri-County submits that this procedure was previously followed by the Commission in a Dallas, Tex., television case, Docket No. 16763, FCC-66-1155, issued on December 16, 1966. Thus, the Tri-County support of the subject proposal is conditioned upon a provision that it be permitted to amend its application to specify operation on 280A instead of 269A and remain in hearing status in Docket No. 17580.

6. Upon careful consideration of all the comments and data submitted in the proceeding, we conclude that each of the two communities merits the assignment of a Class A FM channel since a first local nighttime outlet would be provided and since establishment of a first local FM service will be expedited in one, if not both, of the communities. In the case of Warner Robins, we believe that the move of Channel 269A from Hawkinsville will not preclude future needed assignments elsewhere and the requirements of a fair and equitable distribution of assignments is met thereby. As regards the request of Tri-County for permission to amend its application in hearing status, this amounts to a request for a waiver of § 1.605(c) of the rules, which provides for the removal of an application from hearing status if an application for a broadcast facility is amended so as to eliminate the need for further hearing. Since the change in Hawkinsville is merely the substitution of one Class A channel for another and since it would expedite the start of a new FM service and a first nighttime radio service to the community, we believe that a waiver of § 1.605(c) of the rules is warranted in this case and would serve the public interest. Thus, we will retain the status quo with respect to this channel and permit Tri-County to amend its application and be retained in hearing status. However, since the assignment of Channel 269A to Warner Robins is a new assignment, for which other parties did not have an opportunity to file, we are of the view that a grant of the WRBN application in hearing should not be made but rather that this application should be returned to the processing line.

7. In view of the foregoing, and pursuant to authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended: *It is ordered,* That:

(a) Effective April 5, 1968, § 73.202, the Table of FM Channel Assignments, of the Commission's rules, is amended to read, insofar as the communities named, as follows:

City	Channel No.
Hawkinsville, Ga	280A
Warner Robins, Ga	269A

(b) Tri-County Broadcasting Co., Inc., may amend its application, BPH-5737, to specify Channel 280A in lieu of 269A and the amended application will be retained in hearing status in Docket No. 17580. WRBN, Inc.'s application, BPH-5703 for Channel 269A, will be removed from hearing status in Docket No. 17579.

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

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: February 21, 1968.

Released: February 28, 1968.

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

[F.R. Doc. 68-2635, Filed: Mar. 1, 1968; 8:48 a.m.]

[Docket No. 17847; FCC 68-185]

PART 89—PUBLIC SAFETY RADIO SERVICES

PART 93—LAND TRANSPORTATION RADIO SERVICES

Miscellaneous Amendments

Order. In the matter of Amendment of Parts 89 and 93 of the Commission's rules to make certain frequency bands between 2.9 and 10.5 Gc/s available for radiolocation and to establish requirements for type acceptance of transmitters in radiolocation stations, Docket No. 17847.

1. On November 8, 1967, the Commission released a notice of proposed rule making (FCC 67-1200, 32 F.R. 15680, Nov. 14, 1967) in the above-entitled matter. The Commission proposed to amend Parts 89 and 93 of the rules so as to conform the availability of frequency bands above 2.9 Gc/s for radiolocation stations with those bands listed in Parts 2 and 91 of the rules. In addition, the Commission proposed to amend the rule parts so as to require that transmitters in radiolocation stations be type accepted to be eligible for licensing beginning January 1, 1973. An engineering standard for frequency tolerance for radiolocation stations using pulse modulation was also proposed. The time for filing comments and reply comments has expired.

2. No comments were received in the rule making and no reason has developed since the issuance of the rule making to modify the rule amendments as proposed by the Commission.

3. *Accordingly, it is ordered*, Pursuant to authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, that, effective April 1, 1968, Parts 89 and 93 of the Commission's rules are amended as set forth below.

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

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

Adopted: February 21, 1968.

Released: February 26, 1968.

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

I. Part 89 is amended as follows:

1. In § 89.101, the frequency table in paragraph (h) is amended by revising the entry for 2900–3100 and adding the remaining entries in proper numerical order, and paragraph (i) is amended by revising subparagraphs (4) and (9) and adding subparagraphs (10) through (15) to read as follows:

§ 89.101 Frequencies.

* * * * *

(h) * * *

Frequency band (Mc/s)	Class of station(s)	Limitations
* * *	* * *	* * *
2900-3100	Radiolocation	9, 10
5350-5460	do	10, 14
5460-5470	do	10, 12
5470-5600	do	10, 9
5600-5650	do	10, 11
* * *	* * *	* * *
9000-9200	Radiolocation	10, 14
9300-9500	do	10, 12, 15
10,000-10,500	do	11, 13
* * *	* * *	* * *

(i) * * *

(4) Radiolocation land stations and radiolocation mobile stations, including speed measuring devices, may be authorized to use frequencies in the band 2450–2500 Mc/s on the condition that harmful interference will not be caused to the fixed and mobile services.

* * * * *

(9) The non-Government radiolocation service in this band is secondary to the maritime radionavigation service and to the Government radiolocation service.

(10) Speed measuring devices will not be authorized in this band.

(11) This band is allocated to the radiolocation service on a secondary basis to those services having primary status as shown in the Commission's Table of Frequency Allocations contained in § 2.106 of this chapter.

(12) The non-Government radiolocation service in this band is secondary to the radionavigation service and to the Government radiolocation service.

(13) The non-Government radiolocation service is limited to survey operations using transmitters with a power not to exceed 1 watt into the antenna. Pulsed emissions are prohibited.

(14) The non-Government radiolocation service in this band is secondary to the aeronautical radionavigation service and to the Government radiolocation service.

(15) Radiolocation installations will be coordinated with the meteorological aids service, and, insofar as practicable, will be adjusted to meet the needs of the meteorological aids service.

* * * * *

2. In § 89.103, footnote 2 to the table in paragraph (a) is amended to read:

§ 89.103 Frequency stability.

(a) * * *

[2] Radiolocation equipment using pulse modulation shall meet the following frequency tolerance: The frequency at which maximum emission occurs shall be within the authorized frequency band and shall not be closer than 1.5/T Mc/s to the upper and lower limits of the authorized frequency band where T is the pulse duration in microseconds. For other radiolocation equipment, tolerances will be specified in the station authorization. See also § 89.121.

* * * * *

3. Section 89.117(b) is amended to read:

§ 89.117 Acceptability of transmitters for licensing.

* * * * *

(b) Except for transmitters used in developmental stations, transmitters authorized as of January 1, 1965, in police zone and interzone stations, and transmitters in radiolocation stations during the term of any license issued prior to January 1, 1973, each transmitter utilized by a station authorized for operation under this part must be of a type which is included on the Commission's current Radio Equipment List and is designated for use under this part or be of a type which has been type accepted by the Commission for use under this part.

* * * * *

II. Part 93 is amended as follows:

1. In § 93.102, footnote 3 to the table in paragraph (a) is amended to read:

§ 93.102 Frequency stability.

(a) * * *

[3] Radiolocation equipment using pulse modulation shall meet the following frequency tolerance: The frequency at which maximum emission occurs shall be within the authorized frequency band and shall not be closer than 1.5/T Mc/s to the upper and lower limits of the authorized frequency band where T is the pulse duration in microseconds. For other radiolocation equipment, tolerances will be specified in the station authorization. See also § 93.111.

* * * * *

2. Section 93.109(b) is amended to read:

§ 93.109 Acceptability of transmitters for licensing.

* * * * *

(b) Except for transmitters used in developmental stations, and in radiolocation stations during the term of any license issued prior to January 1, 1973, each transmitter utilized by a station authorized for operation under this part must be of a type which is included on the Commission's current Radio Equipment List and is designated for use under this part or be of a type which has been type accepted by the Commission for use under this part.

* * * * *

[1] Commissioner Bartley dissenting and issuing a statement filed as part of the original document and Commissioner Lee absent.

3. In § 93.112, the frequency table in paragraph (a) is amended by adding the following entries in proper numerical order, and paragraph (b) is amended by adding subparagraphs (8) through (14) to read as follows:

§ 93.112 Availability of microwave frequencies.

(a) * * *

Frequency band (Mc/s)	Class of station(s)	Limitations
* * *	* * *	* * *
2900–3100	Radiolocation	8, 14
5350–5460	do	8, 12
5460–5470	do	8, 10
5470–5600	do	8, 14
5600–5650	do	8, 9
* * *	* * *	* * *
9000–9200	Radiolocation	8, 12
9300–9500	do	8, 10, 13
10,000–10,500	do	9, 11
* * *	* * *	* * *

(b) * * *

(8) Speed measuring devices will not be authorized in this band.

(9) This band is allocated to the radiolocation service on a secondary basis to those services having primary status as shown in the Commission's Table of Frequency Allocations contained in § 2.106 of this chapter.

(10) The non-Government radiolocation service in this band is secondary to the radionavigation service and to the Government radiolocation service.

(11) The non-Government radiolocation service is limited to survey operations using transmitters with a power not to exceed one watt into the antenna. Pulsed emissions are prohibited.

(12) The non-Government radiolocation service in this band is secondary to the aeronautical radionavigation service and to the Government radiolocation service.

(13) Radiolocation installations will be coordinated with the meteorological aids service, and, insofar as practicable, will be adjusted to meet the needs of the meteorological aids service.

(14) The non-Government radiolocation service in this band is secondary to the maritime radionavigation service and to the Government radiolocation service.

* * * * *

[F.R. Doc. 68-2634; Filed, Mar. 1, 1968; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Salt Plains National Wildlife Refuge, Okla.

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

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

OKLAHOMA

SALT PLAINS NATIONAL WILDLIFE REFUGE

Portions of the Salt Plains National Wildlife Refuge, Okla., are open to public access, use, and recreation, subject to the provisions of Title 50, Code of Federal Regulations, and the public use area is designated on maps available at refuge headquarters, Jet, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103, and subject to the following special conditions:

(1) The public is permitted to enter upon the Great Salt Plains from the west along designated routes of travel to collect gypsum (selenite) crystals. Vehicles will be allowed only along such travel lanes and parking areas as are posted for such activity.

(2) Each individual may collect for his personal use up to a maximum of 10 pounds plus one crystal or crystal cluster per day.

(3) Digging for crystals will be confined to areas posted for such activity.

(4) The period of use shall be on Saturdays, Sundays, and holidays from April 1 through October 15, 1968, inclusive. Gates will be opened to the collecting area at 8 a.m. and closed at 6 p.m.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through October 15, 1968.

WILLIAM T. KRUMMES,
Regional Director,
Albuquerque, N. Mex.

FEBRUARY 20, 1968.

[F.R. Doc. 68-2584; Filed, Mar. 1, 1968; 8:45 a.m.]

PART 32—HUNTING

Kodiak National Wildlife Refuge, Alaska

The following special condition supplements the regulations published in F.R. Doc. 67-12038, appearing on page 14157 of the issue for Thursday, October 12, 1967:

(3) A Federal permit is required to take brown bear on the Kodiak National Wildlife Refuge during the period April 1–May 20, 1968. Permits will be issued by hunting area units on a priority application basis. Permits may be obtained from the Refuge Manager, Kodiak National Wildlife Refuge, Post Office Box 825, Kodiak, Alaska 99615.

HENRY BAETKEY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 27, 1968.

[F.R. Doc. 68-2657; Filed, Mar. 1, 1968; 8:50 a.m.]

PART 33—SPORT FISHING

Salt Plains National Wildlife Refuge, Okla.

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

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

OKLAHOMA

SALT PLAINS NATIONAL WILDLIFE REFUGE

Sport fishing on the Salt Plains National Wildlife Refuge, Okla., is permitted only on areas designated by signs as open to fishing. These open areas, comprising 7,800 acres, are delineated on maps available at refuge headquarters, Jet, Okla., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from April 15 through October 15, 1968, inclusive, in Great Salt Plains Lake as posted, in Sand Creek, the three main channels of Salt Fork River, and the right-of-way of Oklahoma State Highway 11 as posted.

(2) It is illegal to take game fish by any means other than hook and line. Trotlines must be removed from waters at the close of the fishing season.

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

FRED L. BOLWAHNN,
Refuge Manager, Salt Plains National Wildlife Refuge, Jet, Okla.

FEBRUARY 12, 1968.

[F.R. Doc. 68-2585; Filed, Mar. 1, 1968; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—U.S. Standards for Grades of Grapefruit Juice

CHANGE IN EFFECTIVE DATE

U.S. Standards for Grades of Grapefruit Juice were published in the FEDERAL REGISTER of February 2, 1968 (33 F.R. 2500) to become effective 30 days after such publication—on March 3, 1968. It is now determined that good

cause exists for delaying the effective date of these standards and the supersedure of the U.S. Standards for Grades of Canned Grapefruit Juice (7 CFR 52.1191–52.1203), as provided in the aforementioned publication, until the current major grapefruit juice pack has been finished. It is also found that notice and public procedure are impracticable.

Statement of consideration leading to this action. A proposal to issue U.S. Standards for Grades of Grapefruit Juice was published in the FEDERAL REGISTER of September 30, 1967 (32 F.R. 13720). Comments from all interested persons responding to this proposal indicated strong general approval of the standards as proposed. Certain minor changes suggested were adopted as being reasonable and appropriate.

Subsequent to the publication of the standards on February 2, 1968, information furnished the Department by the Florida Canners Association, and others, indicates that a change in the quality standards—on March 3, 1968, would be disruptive to the marketing of grapefruit juice already packed under existing contracts, and cause confusion regarding the packing, marketing, and labeling of the small portion of the pack yet to be produced from fresh fruit.

In consideration of the aforementioned information and opinions, and other information now available to the Department, the effective date of the U.S. Standards for Grades of Grapefruit Juice and the supersedure of the U.S. Standards for Grades of Canned Grapefruit Juice, as provided for on March 3, 1968, are stayed until October 1, 1968, at which time both of these actions shall become fully effective.

Dated: February 28, 1968.

JOHN C. BLUM,
Acting Deputy Administrator, Marketing Services.

[F.R. Doc. 68–2653; Filed, Mar. 1, 1968; 8:50 a.m.]

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

[Lemon Reg. 310]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.610 Lemon Regulation 310.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 27, 1968.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period March 3, 1968, through March 9, 1968, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 186,000 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated: February 29, 1968.

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

[F.R. Doc. 68–2670; Filed, Mar. 1, 1968; 8:50 a.m.]

[Grapefruit Reg. 19]

PART 913—GRAPEFRUIT GROWN IN INTERIOR DISTRICT IN FLORIDA

Limitation of Handling

§ 913.319 Grapefruit Regulation 19.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 913 (7 CFR Part 913; 30 F.R. 15204), regulating the handling of grapefruit grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Interior Grapefruit Marketing Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Interior grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such Interior grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 29, 1968.

(b) *Order.* (1) The quantity of grapefruit grown in the Interior District which may be handled during the period March 4, 1968, through March 10, 1968, is hereby fixed at 175,000 standard packed boxes.

(2) As used in this section, "handled," "Interior District," "grapefruit," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

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

Dated: March 1, 1968.

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

[F.R. Doc. 68–2748; Filed, Mar. 1, 1968; 11:21 a.m.]

[980.1 Potatoes, Amdt. 5]

PART 980—VEGETABLES: IMPORT REGULATIONS

Irish Potatoes

Pursuant to the requirements of 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608e–1) § 980.1 *Import regulations, Irish potatoes* (7 CFR Part 980), is hereby amended in the following respects:

1. Subparagraph (2)(ii) of paragraph (a) is amended by deleting the period and adding at the end thereof the following: "*Provided,* That for the period March 6 through June 14, 1968, imports of all other round type potatoes are in most direct competition with the marketing of the same type potatoes produced in the State of Maine covered by Order No. 950 (Part 950 of this chapter)."

2. Subparagraph (2) of paragraph (b) is amended by deleting the period and adding at the end thereof the following: "*Provided,* That for the period March 6 through June 14, 1968, the grade, size, quality and maturity requirements of Marketing Order No. 950, as amended (Part 950 of this chapter) applicable to potatoes of the round types shall be the respective grade, size, quality and maturity for imports of other round type potatoes."

Findings. (a) It is hereby found and determined that during the period March 6 through June 14, 1968, all other round varieties of potatoes imported into the United States are in most direct competition with all other round varieties produced in the State of Maine and that the import regulations shall be based on the regulation in effect for all other round varieties of potatoes regulated under Marketing Order 950 (7 CFR Part 950).

(b) It is hereby found that it is impracticable and unnecessary and contrary to the public interest to give preliminary notice or engage in public rule making procedure and that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the requirements of 8e of the act make this amendment mandatory, (2) compliance with the amendment on and after the effective date of this regulation will not require any special preparation by importers which cannot be completed by the effective date hereof, and (3) the effective date hereof complies with the notice requirement specified in the act and such notice is determined to be reasonable.

For the information of importers the regulations for all other round type potatoes (7 CFR Part 950), published in the FEDERAL REGISTER Saturday, February 17, 1968, page 3102, effective February 19, 1968, require all other round type potatoes to meet the requirement of U.S. No. 1 or better grade, 2 inches minimum diameter.

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

Dated February 29, 1968, to become effective March 6, 1968.

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

[F.R. Doc. 68–2749; Filed, Mar. 1, 1968; 11:21 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 932]

[Docket No. AO–352–A1]

HANDLING OF OLIVES GROWN IN CALIFORNIA

Notice of Hearing With Respect to Proposed Amendments to Marketing Agreement and Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in Assembly Room 1036, State of California Building, 2550 Mariposa Street, Fresno, Calif., beginning at 9 a.m., local time, March 21, 1968, with respect to proposed amendments of the marketing agreement and Order No. 932 (7 CFR Part 932), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of olives grown in the State of California. The proposed amendments have not received the approval of the Secretary of Agriculture.

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

The following amendments to the marketing agreement and order have been proposed by the Olive Administrative Committee, the administrative agency established pursuant to the marketing agreement and order:

1. Revise § 932.8 to read as follows:

§ 932.8 Natural condition olives.

"Natural condition olives" means olives in their fresh harvested state, whether or not placed in a water or other preserving medium.

2. Amend § 932.25 by deleting the final sentence and inserting in lieu thereof a sentence to read as follows:

§ 932.25 Establishment and membership.

* * * Allocation of the handler members shall be four members to represent cooperative marketing organizations, herein referred to as "cooperative handlers," and four members to represent handlers who are not cooperative marketing organizations, herein referred to as "independent handlers," *Provided*, That whenever during the crop year in which nominations are made and the preceding crop year, the cooperative handlers or the independent handlers handled as first handler 65 percent or more of the total quantity of olives so handled by all handlers allocation shall be five members to represent the group which handled 65 percent or more of such olives and three members to represent the group which handled 35 percent or less. The committee may, with the approval of the Secretary, provide such other allocation of producer or handler membership as may be necessary to assure equitable representation.

3. Revise § 932.29 to read as follows:

§ 932.29 Nominations.

(a) *Producer members.* (1) Nominations for producer members of the committee, and their respective alternates, shall be made at meetings of producers held by the committee at such times and places as it shall designate. The names of nominees shall be submitted to the Secretary prior to April 16 of the year in which nominations are made. The committee shall prescribe such procedure for the conduct of such meetings and for voting on the candidates selected thereat as shall be fair to all persons concerned.

(2) Only producers, including duly authorized officers or employees of producers, who are present shall participate in the nomination of producer members and alternate members. Each producer shall be entitled to cast only one vote for each nominee to be selected in the district in which he produces olives. No producer shall participate in the selection of nominees in more than one district. If a producer produces olives in more than one district, he shall select the district in which he will so participate and notify the committee of his choice.

(b) *Handler members.* (1) At a meeting or meetings called by the committee, the cooperative handlers shall nominate a qualified person for each member position and a qualified person for each alternate position allocated to cooperative handlers as provided in § 932.25.

(2) At a meeting or meetings called by the committee, the independent handlers shall nominate a qualified person for each member position and a qualified person for each alternate member position allocated to independent handlers as provided in § 932.25.

(3) Each handler shall be entitled to cast only one vote for each nominee for cooperative handler member or alternate member or independent handler member or alternate member, as the case may be, which vote shall be weighted by the tonnage of olives he handled during the crop year in which nominations are made and the previous crop year.

4. Amend § 932.35 by revising paragraph (c) to read as follows:

§ 932.35 Duties.

The committee shall have, among others, the following duties:

* * * * *

(c) To make scientific and other studies, and assemble data on the producing, handling, shipping, and marketing conditions relative to olives, which are necessary in connection with the performance of its official duties;

* * * * *

5. Amend paragraph (a) of § 932.39 to read as follows:

§ 932.39 Assessments.

(a) As his pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by the committee during a fiscal year, each handler who first handles olives during such year shall pay to the committee, upon demand, assessments on all olives used as canned ripe olives or green olives when regulated. * * *

* * * * *

6. Revise § 932.45 to read as follows:

§ 932.45 Marketing research and development.

(a) The committee may, with the approval of the Secretary, establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of California olives. Such projects may provide for any form of marketing promotion, including paid advertising. The expenses of such projects shall be paid from funds collected pursuant to § 932.39.

(b) In recommending projects pursuant to this section, the committee shall give consideration to the following factors:

(1) The expected supply of olives in relation to market requirements;

(2) The supply situation among competing areas and commodities; and

(3) The need for marketing research with respect to any marketing development activity and the need for a coordinated effort with USDA's Plentiful Foods Program.

(c) If the committee should conclude that a program of marketing research or development should be undertaken or continued pursuant to this section in any crop year, it shall submit the following for the approval of the Secretary:

(1) Its recommendations as to funds to be obtained pursuant to § 932.39;

(2) Its recommendations as to any marketing research projects; and

(3) Its recommendations as to promotion activity and paid advertising.

7. Revise paragraph (a) of § 932.51 to read as follows:

§ 932.51 Incoming regulations.

(a) *Minimum standards for natural condition olives.* (1) Except as otherwise provided in this section, no handler shall process any lot of natural condition olives for use in the production of packaged olives which has not first been:

(i) Weighed on scales sealed by the State of California Department of Weights and Measures, an official certified weight certificate issued thereon, and a copy of such certificate furnished to the Federal or Federal-State Inspection Service and the committee; and

(ii) Size-graded, either by sample or by lot, under the supervision of any such inspection service and classified into separate size designations and a certification issued with respect thereto by such inspection service. Such size designations shall be in accordance with those set forth in Table 1 of the U.S. Standards for Grades of Canned Ripe Olives (§§ 52.3751–52.3766 of this title) or such sizes as may be recommended by the committee and established by the Secretary: *Provided*, That, for the purpose of this part, the size designations in said Table 1 shall be deemed to include the following two additional size designations:

Designations(s)	Approximate count (per pound)	Average count (per pound)
Subpetite		181 and up.
Petite	160	141 to 180, inclusive.

Such certification shall show, in addition to the quantities by weight of the olives in the lot that are classified as being in each size or size designation, the quantity of olives classified as culls by the handler: *Provided*, That when the Secretary, upon the recommendation of the committee, issues a definition of and classification for "culls," the aforesaid quantity of culls shall be determined on the basis of such definition and in accordance with such classification.

(2) Each handler shall, under the supervision of any such inspection service, dispose of as other than canned ripe olives an aggregate quantity of olives, comparable in size and characteristics and equal to the quantities shown on the certification for each lot to be:

(i) Variety Group 1 olives, except the Ascolano, Barouni, and Saint Agostino varieties, of a size which have a count in excess of 105 per pound;

(ii) Variety Group 1 olives of the Ascolano, Barouni, and Saint Agostino varities of a size which have a count in excess of 180 per pound;

(iii) Variety Group 2 olives, except the Obliza variety, of a size which have a count in excess of 225 per pound;

(iv) Variety Group 2 olives of the Obliza variety of a size which have a count in excess of 180 per pound;

(v) Such other sizes for the foregoing variety groups as may be recommended annually by the committee and established by the Secretary: *Provided*, That the sizes specified in subdivisions (i) to (iv) of this subparagraph shall apply in the 1968 crop year; or

(vi) Olives classified as culls.

(3) A handler's obligation for any variety group for quantities of olives that are smaller than sizes listed above for such variety group may be satisfied by disposing of olives of any variety group which are olives of sizes smaller than those listed above for such variety group.

A handler's obligation for cull olives for any variety group may be satisfied by disposing of cull olives from any other variety group.

Handlers may satisfy the disposition requirements with olives of sizes larger than those sizes listed above for each variety group or olives of a quality better than culls.

(4) Each handler shall hold at all times a quantity of olives equal to the quantities required in subparagraph (2) of this paragraph, less any quantity previously disposed of as specified in such subparagraph.

* * * * *

8. Amend § 932.52 by revising paragraph (a) to read as follows:

§ 932.52 Outgoing regulations.

(a) *Minimum standards for packaged olives.* * * *

(1) Canned ripe olives, other than those of the "tree-ripened" type, shall grade at least U.S. Grade C, as such grade is defined in the then current U.S. Standards for Canned Ripe Olives (§§ 52.3751–52.3766 of this title) or as modified by the committee with the approval of the Secretary.

* * * * *

(3) Processed olives to be used in the production of canned pitted ripe olives, other than those of the "tree-ripened" type, shall meet the same size requirements as specified in subparagraph (2) of this paragraph: *Provided*, That olives which do not meet such size requirements may be used in the production of halved, sliced, chopped, or minced styles of canned ripe olives, as defined in said U.S. Standards, if such olives are not smaller than the following applicable minimum size:

(i) Variety Group 1 olives, except the Ascolano, Barouni, and Saint Agostino varieties, of a size which have a count of 105 or less per pound;

(ii) Variety Group 1 olives of the Ascolano, Barouni, or Saint Agostino varieties, of a size which have a count of 180 or less per pound;

(iii) Variety Group 2 olives, except the Obliza variety, of a size which have a count of 225 or less per pound;

(iv) Variety Group 2 olives of the Obliza variety of a size which have a count of 180 or less per pound; or

(v) Such other minimum size requirements for the foregoing variety groups as may be recommended annually by the committee and established by the Secretary: *Provided*, That the minimum size requirements specified in subdivisions (i) to (iv) of this subparagraph shall apply in the 1968 crop year.

* * * * *

9. Revise § 932.54 to read as follows:

§ 932.54 Interhandler transfers.

Transfers within the area of olives from one handler to another for further handling within the area are permitted. Whenever such a transfer of olives is made, the transferring handler shall comply with all applicable regulations up to the time of such transfer, and the receiving handler shall comply with all applicable regulations subsequent to such transfer: *Provided*, That disposition obligation of § 932.51(a)(2) may be transferred on lot or lots of natural condition olives.

10. Amend § 932.55 by revising paragraph (b) to read as follows:

§ 932.55 Exemption.

* * * * *

(b) Upon the basis of the recommendation submitted by the committee or from other available information, the Secretary may relieve from any or all requirements under this part the handling of olives in such minimum quantities in such types of shipments, or for such specified purposes (including shipments to facilitate the conduct of marketing research and development projects established pursuant to § 932.45) as the committee with the approval of the Secretary may prescribe.

* * * * *

The Fruit and Vegetable Division, Consumer and Marketing Service, has proposed that consideration be given to making such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of the notice of hearing may be obtained from the Director, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, or from Mr. O. C. Fuqua, Fresno Marketing Field Office, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Room 3114 Federal Building, 1130 O Street, Fresno, Calif. 93721.

Dated: February 28, 1968.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc 68-2654; Filed, Mar. 1, 1968; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 91]

[Docket No. 8613; Notice No. 67-55A]

OPERATION OF CERTAIN AIRPLANES IN CONTROLLED AIRSPACE

Extension of Comment Period

On December 27, 1967, a notice of proposed rule making was issued that would

require certain types of operators and classes of airplanes to operate under instrument flight rules when in controlled airspace in the 48 contiguous States and the District of Columbia.

Several user organizations have requested an extension to the comment period ending March 1, 1968. Since this proposal may have substantial effect on aviation, good cause exists to extend the comment period to ensure that all interested parties have an opportunity to submit comments in full. Therefore, the time period for the submission of comments on Notice 67–55 is extended to March 11, 1968.

Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This extension of comment period is issued under the authority of sections 307 and 313 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on February 28, 1968.

ARCHIE W. LEAGUE,
Director, Air Traffic Service.

[F.R. Doc. 68–2616; Filed, Mar. 1, 1968; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 150]

EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES

Transfer of Products Containing Byproduct Material and Source Material Exempted From Licensing and Regulatory Requirements

Subsection 274c of the Atomic Energy Act of 1954, as amended, provides that notwithstanding any agreement between the Atomic Energy Commission and any State, the Commission is authorized to require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license issued by the Commission.

In issuing 10 CFR Part 150, which implemented certain provisions of section 274 of the Act, the Commission exercised its authority under subsection 274c of the Act by providing (§ 150.15(a)(6)) that persons in agreement States[1] are not exempt from the Commission's licensing requirements with respect to * * *

(6) The transfer of possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material, intended for use by the general public.

In its notice of rule making published on February 14, 1962 (27 F.R. 1351), the Commission stated:

Control over consumer type devices, such as luminous watches, would be retained by the Commission. The uncontrolled distribution of atomic materials in products designed for distribution to the general public, such as consumer type devices, and the ultimate uncontrolled release of these materials into the environment, involve questions of national policy which have not yet been resolved. It is for this reason that the Commission is retaining control over such products. The Commission recognizes that the phrase "products designed for distribution to the general public" is not precise. The purpose of the provision, however, will be discussed with each agreement State; serious difficulties in interpretation of the phrase are not anticipated.

In retaining regulatory authority over transfer of "products * * * intended for use by the general public", the Commission was seeking to maintain surveillance over the safety of products containing radioactive materials, without the imposition of regulatory controls, and to be able to assess the effect of the attendant uncontrolled addition of these radioactive materials to the environment. In view of the increasing difficulty in determining whether or not such products are intended for use by the general public, the Commission is considering the amendment of Part 150 to redefine the category of products containing radioactive materials over whose transfer in an agreement State it retains jurisdiction.

The proposed amendment of Part 150 set forth below would amend § 150.15(a)(6) by deleting the phrase "product * * * intended for use by the general public" and substituting therefore the phrase "product * * * whose subsequent possession, use, transfer, and disposal are exempted from licensing and regulatory requirements of the Commission under Parts 30 and 40 of this chapter."

If the proposed amendment is adopted, the transfer of possession or control by a manufacturer, processor, or producer of any equipment, device, commodity, or other product containing byproduct material or source material whose possession, use, transfer, and disposal are exempted from Commission licensing and regulatory requirements under Parts 30 and 40 would not be subject to the licensing and regulatory authority of an agreement State even though the product is manufactured, processed, or produced pursuant to an agreement State license. The manufacturer of such products in an agreement State would be subject to the Commission's regulatory authority with respect to transfer of any product which has been so exempted from the Commission's licensing and regulatory requirements. The Commission has confined its regulation of the transfer of exempt products to specifications for the products, quality control procedures, requirements for testing, and labeling. The authority of agreement States to regulate any radiation hazards that might arise during manufacture of such products would not be affected by the proposed amendment. Accordingly, dual regulation will continue to be avoided.

Unlike present § 150.15(a)(6), the proposed amendment refers only to products containing source and byproduct material, and does not refer to products containing special nuclear material. Since the proposed amendment substitutes the concept of products which have been exempted from Commission regulations for the concept of products "intended for use by the general public," and since the Commission has never exempted products containing special nuclear material from licensing requirements, such a reference would be inappropriate. Neither section 53 nor section 57 of the Act, which relate to licensing requirements for special nuclear material and Commission authority to issue such licenses, contains a provision authorizing the Commission to exempt uses of special nuclear material from licensing requirements.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of Title 5 of the United States Code, notice is hereby given that adoption of the following amendment of 10 CFR Part 150 is contemplated. All interested persons who desire to submit written comments or suggestions in connection with the proposed amendment should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 60 days after initial publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments on the proposed rule may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Section 150.15(a)(6) of Part 150 is amended to read as follows:

§ 150.15 Persons not exempt.

(a) Persons in agreement States are not exempt from the Commission's licensing and regulatory requirements with respect to the following activities:

* * * * *

(6) The transfer of possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source material or byproduct material whose subsequent possession, use, transfer, and disposal are exempted from licensing and regulatory requirements of the Commission under Parts 30 and 40 of this chapter.

* * * * *

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201; sec. 274, 73 Stat. 688; 42 U.S.C. 2021)

[1] States to which the Commission has transferred certain regulatory authority over radioactive material by formal agreement pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

Dated at Washington, D.C., this 14th day of February 1968.

For the Atomic Energy Commission.

F. T. HOBBS,
Acting Secretary.

[F.R. Doc. 68-2351; Filed, Feb. 23, 1968; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 17969]

AVAILABILITY OF FM CHANNELS TO UNLISTED COMMUNITIES

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.203(b) concerning the availability of FM channels to unlisted communities, Docket No. 17969.

1. In a notice of proposed rule making, released on January 22, 1968, in this proceeding (FCC 68-65), the Commission invited comments by February 23, 1968, and reply comments by March 8, 1968, on a proposal to amend the requirements of § 73.203(b), the so-called "25 mile rule" for FM broadcast stations.

2. On February 23, 1968, Middle Georgia Broadcasting Co., licensee of Station WCTY(AM), Macon, Ga., and applicant for a new FM station in that city, filed a request for a 10-day extension of time in which to file comments in this proceeding. Petitioner states that engineering and other comments are being prepared for submission, but that due to a death in the family of its counsel, these documents cannot be filed in the time given. We are of the view that a sufficient showing of need for the request has been shown and that the extension would serve the public interest.

3. In view of the foregoing: *It is ordered*, That the time for filing comments in this proceeding is extended to March 4, 1968, and the time for filing reply comments is extended to March 19, 1968.

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

Adopted: February 23, 1968.

Released: February 27, 1968.

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

[F.R. Doc. 68-2636; Filed, Mar. 1, 1968; 8:49 a.m.]

[47 CFR Part 73]

[Docket No. 17585; FCC 68-196]

TELEVISION BROADCAST STATIONS

Table of Assignments in Georgia; Memorandum Opinion and Order Terminating Proceeding

In the matter of amendment of § 73.606 *Table of assignments*, Television Broadcast Stations. (Savannah, Pembroke, Columbus, and Warm Springs, Ga.), Docket No. 17585, RM-1129.

1. The Commission adopted a notice of proposed rule making on July 5, 1967 (FCC 67-802), proposing reassignment of Channel *9- from Savannah to Pembroke, Ga., and Channel *28 from Columbus to Warm Springs, Ga. This was in response to a petition by The Georgia State Board of Education (RM-1129), licensee of the educational stations on these channels, who requested the changes because the stations, located so as to be part of an ETV system providing statewide coverage, are actually located much closer to the two smaller communities than to the two larger cities.

2. By letter dated November 2, 1967, the petitioner, through counsel, requested waiver of § 73.652 to permit dual-city identification for the stations[1] and dismissal of this proceeding. It was stated that the requested waiver would alleviate confusion and result in more accurate identification of the stations, the reason for which the rule making was initiated. By letters dated December 1, 1967, both stations were granted the identification waivers.

3. It appears that the matter has thus been resolved, this proceeding is no longer necessary, and dismissal as requested is appropriate. Accordingly, the petition (RM-1129) is dismissed and this proceeding is terminated.

Adopted: February 21, 1968.

Released: February 26, 1968.

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

[F.R. Doc. 68-2637; Filed, Mar. 1, 1968; 8:49 a.m.]

[1] Station WVAN-TV as "Savannah-Pembroke" and Station WJSP-TV as "Columbus-Warm Springs".

Notices

DEPARTMENT OF STATE

Agency for International Development

HOUSING GUARANTIES

Prescription of Rate

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

The interest allowed to an eligible U.S. investor may not exceed a rate three-quarters of 1 percentum (¾ percent) above the current ceiling applicable, at the time the project covered by the investment is officially authorized, to housing mortgages insured by the Department of Housing and Urban Development under the mutual mortgage and home improvement loans program (24 CFR Part 203). Prior to the execution of the contract of guaranty, the Administrator may amend such rate at his discretion, consistent with the provision of section 222(h) of the Act.

WILLIAM S. GAUD,
Administrator.

FEBRUARY 26, 1968.

[F.R. Doc. 68-2595; Filed, Mar. 1, 1968; 8:46 a.m.]

DIRECTOR, HOUSING AND URBAN DEVELOPMENT DIVISION, OFFICE OF CAPITAL DEVELOPMENT, BUREAU FOR LATIN AMERICA

Delegation of Authority

Pursuant to the authority delegated by Delegation of Authority No. 39 from the Administrator of A.I.D., dated April 13, 1964 (29 F.R. 5355) as amended on February 2, 1966 (31 F.R. 2785) and the delegation of authority, dated March 13, 1964, from the Assistant Secretary of State for Inter-American Affairs and U.S. Coordinator, Alliance for Progress, to the Deputy U.S. Coordinator for the Alliance for Progress (29 F.R. 3677), I hereby delegate the following functions:

1. To the Director, Housing and Urban Development Division, Office of Capital Development, Bureau for Latin America, authority to issue and to take all appropriate action with respect to guarantees for loan investments for housing projects in Latin America under section 224 of the Foreign Assistance Act of 1961.

2. The authority delegated herein to issue guarantees may not be redelegated; all other authorities delegated herein may be redelegated but only to the Deputy Director for Guarantees, and Engineering, Housing and Urban Development Division, Office of Capital Development, Bureau for Latin America and to A.I.D. Representatives and Directors of A.I.D. Missions in countries of Latin America, and no such redelegation shall permit further redelegation.

3. References in this Delegation of Authority to any Act shall be deemed to be references to such Act as amended from time to time.

4. This Delegation of Authority shall be deemed effective as of the date on which it is signed and includes ratification of all acts taken prior hereto which are consistent with the terms and scope of this Delegation of Authority.

JAMES R. FOWLER,
Deputy U.S. Coordinator.

JANUARY 19, 1968.

[F.R. Doc. 68-2596; Filed, Mar. 1, 1968; 8:46 a.m.]

DEPUTY DIRECTOR FOR GUARANTEES AND ENGINEERING, HOUSING AND URBAN DEVELOPMENT DIVISION, OFFICE OF CAPITAL DEVELOPMENT, BUREAU FOR LATIN AMERICA

Redelegation of Authority

Pursuant to the authority delegated to me by the Delegation of Authority from the Deputy U.S. Coordinator, Alliance for Progress, dated January 19, 1968, I hereby delegate to the Deputy Director for Guarantees and Engineering, Housing and Urban Development Division, Office of Capital Development, Bureau for Latin America, the following functions:

1. Authority to take all appropriate action with respect to guarantees for loan investments for housing projects in Latin America under section 224 of the Foreign Assistance Act of 1961.

2. The authority delegated herein may not be redelegated.

3. References in this Delegation of Authority to any Act shall be deemed to be references to such Act as amended from time to time.

4. This Delegation of Authority shall be deemed effective as of the date on which it is signed and includes ratification of all acts taken prior hereto which are consistent with the terms and scope of this Delegation of Authority.

STANLEY BARUCH,
Director, Housing and Urban Development Division, Office of Capital Development.

JANUARY 26, 1968.

[F.R. Doc. 68-2597; Filed, Mar. 1, 1968; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order 87, Rev. 1]

ALCOHOL AND TOBACCO TAX

Delegation of Authority to Settle Claims

Pursuant to the authority vested in the Commissioner of Internal Revenue by Treasury Department Orders No. 150-2 and No. 150-37, and 26 U.S.C. 7851(b)(3), it is hereby ordered:

1. Each Assistant Regional Commissioner (Alcohol and Tobacco Tax) is authorized to allow or reject, in whole or in part, claims for nonbeverage drawback filed under the provisions of section 5134(b), I.R.C., and claims for abatement, refund, allowance, remission, and credit of taxes imposed under chapters 51 and 52, I.R.C.

2. The authority delegated herein may be redelegated only to Chiefs of Permissive Branches and to Chiefs of Technical Rulings and Services Sections.

3. This order supersedes Delegation Order No. 87, issued October 9, 1962.

Date of issuance: February 26, 1968.

Effective date: February 26, 1968.

[SEAL] SHELDON S. COHEN,
Commissioner.

[F.R. Doc. 68-2626; Filed, Mar. 1, 1968; 8:48 a.m.]

[Order 8, Rev. 2]

LIABILITY FOR PERSONAL HOLDING COMPANY TAX

Delegation of Authority To Sign Agreements

1. The authority granted to the Commissioner of Internal Revenue and District Directors by 26 CFR 301.7701-9 and 26 CFR 1.547-2 to enter into agreements relating to liability for personal holding company tax, is hereby delegated to the following officials:

(a) Assistant Regional Commissioners (Appellate);

(b) Chiefs, Appellate Branch Offices;

(c) Associate Chiefs, Appellate Branch Offices;

(d) Assistant Chiefs, Appellate Branch Offices;

(e) Director of International Operations;

(f) Assistant District Directors; and

(g) Chiefs of District Audit Divisions.

2. The authority delegated to Assistant Chiefs, Appellate Branch Offices, is limited to cases in which the net deficiencies or the net overassessment determined by the District Director or by the

Director of International Operations did not exceed $50,000 and the determination of the Appellate Division does not involve a net overassessment in excess of $50,000.

3. This authority may be redelegated only by District Directors and the Director of International Operations, who may redelegate to the Chief of Review Staff (or to the Chief of Technical Branch where that position has been established); Chief of Conference Staff; and to Revenue Agents (Reviewers or Conferees) not lower than GS–11.

4. This order supersedes Delegation Order No. 8 (Rev. 1) issued August 8, 1967.

Date of issuance: February 28, 1968.

Effective date: February 28, 1968.

[SEAL] SHELDON S. COHEN, *Commissioner.*

[F.R. Doc. 68–2627; Filed, Mar. 1, 1968; 8:48 a.m.]

[Order 77, Rev. 2]

ISSUANCE OF STATUTORY NOTICES OF DEFICIENCY

Delegation of Authority

1. The authority granted to the Commissioner of Internal Revenue, Assistant Regional Commissioners (Appellate) and District Directors by 26 CFR 301.7701–9, 26 CFR 301.6212–1, and 26 CFR 301.6861–1 to sign, and send to the taxpayer by registered or certified mail any statutory notice of deficiency is hereby delegated to the following officials:

(a) Chiefs, Appellate Branch Offices;

(b) Associate Chiefs, Appellate Branch Offices;

(c) Assistant Chiefs, Appellate Branch Offices;

(d) Director of International Operations;

(e) Assistant District Directors; and

(f) Chiefs of District Audit Divisions.

2. The authority delegated to Assistant Chiefs, Appellate Branch offices, is limited to cases in which the net deficiencies or the net overassessment determined by the District Director or by the Director of International Operations did not exceed $50,000 and the determination of the Appellate Division does not involve a net overassessment in excess of $50,000.

3. This authority may be redelegated only by District Directors and the Director of International Operations, who may redelegate to the Chief of Review Staff (or to the Chief of Technical Branch where that position has been established); Chief of Conference Staff; to Revenue Agents (Reviewers or Conferees) not lower than GS–11 for field audit cases; and to Revenue Agents (Reviewers or Conferees) and Tax Technicians (Reviewers or Conferees) not lower than GS–9 for office audit cases.

4. This order supersedes Delegation Order No. 77 (Rev. 1) issued August 8, 1967.

Date of issuance: February 28, 1968.

Effective date: February 28, 1968.

[SEAL] SHELDON S. COHEN, *Commissioner.*

[F.R. Doc. 68–2628; Filed, Mar. 1, 1968; 8:48 a.m.]

[Order 35, Rev. 3]

AGREEMENTS TREATED AS DETERMINATIONS

Delegation of Authority

1. Pursuant to the authority granted to the Commissioner of Internal Revenue and District Directors by 26 CFR 301.7701–9 and 26 CFR 1.1313(a)–4, the authority to enter into agreements pursuant to section 1313(a)(4), Internal Revenue Code of 1954, relating to agreements treated as determinations, is hereby delegated to the following officials:

(a) Assistant Regional Commissioners (Appellate);

(b) Chiefs, Appellate Branch Offices;

(c) Associate Chiefs, Appellate Branch Offices;

(d) Assistant Chiefs, Appellate Branch Offices;

(e) Director of International Operations;

(f) Assistant District Directors; and

(g) Chiefs of District Audit Divisions.

2. The authority delegated to Assistant Chiefs, Appellate Branch offices, is limited to cases in which the net deficiencies or the net overassessment determined by the District Director or by the Director of International Operations did not exceed $50,000 and the determination of the Appellate Division does not involve a net overassessment in excess of $50,000.

3. This authority may be redelegated only by District Directors and the Director of International Operations, who may redelegate to the Chief of Review Staff (or to the Chief of Technical Branch where that position has been established); Chief of Conference Staff; to Revenue Agents (Reviewers or Conferees) not lower than GS–11 for field audit cases; and to Revenue Agents (Reviewers or Conferees) and Tax Technicians (Reviewers or Conferees) not lower than GS–9 for office audit cases.

4. This order supersedes Delegation Order No. 35 (Rev. 2) issued August 8, 1967.

Date of issuance: February 28, 1968.

Effective date: February 28, 1968.

[SEAL] SHELDON S. COHEN, *Commissioner.*

[F.R. Doc. 68–2629; Filed, Mar. 1, 1968; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

NEEDY INDIAN LIVESTOCKMEN IN COLORADO AND NEW MEXICO

Notice of Declaration of Acute Distress Area for Donating Feed

Notice is hereby given that, pursuant to the provisions of section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427, 63 Stat. 1055), and Executive Order 11336, the Secretary of Agriculture has declared the reservation and grazing lands designated for the use of the Indians specified in this notice, to be an acute distress area. The Secretary has authorized the donation of feed grains owned by the Commodity Credit Corporation to livestockmen who are determined by the Bureau of Indian Affairs, Department of the Interior, to be needy members of the tribe in such acute distress area. The designated area is as follows:

Location of reservation and grazing lands	*Indian tribe*
1. Colorado	Southern Ute.
2. Colorado and New Mexico.	Ute Mountain.

Signed at Washington, D.C., on February 27, 1968.

RAY FITZGERALD, *Vice President of the Commodity Credit Corporation.*

[F.R. Doc. 68–2651; Filed, Mar. 1, 1968; 8:50 a.m.]

LIVESTOCK FEED PROGRAM IN ARIZONA AND UTAH

Notice of Designation of Emergency Areas

Notice is hereby given that, pursuant to the provisions of section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427, 63 Stat. 1055), and the Act of September 21, 1959, as amended (sections 1–4, 73 Stat. 574), the Secretary of Agriculture has designated the counties listed below as emergency areas for purposes of the Livestock Feed Program (7 CFR Part 1425, as amended). Feed grains will be made available for sale to livestock owners in such counties in accordance with the terms and conditions in the regulations for such program. The designated counties are as follows:

ARIZONA

Gila.	Mohave.
Graham.	

UTAH

Garfield.	Kane.

Signed at Washington, D.C. on February 27, 1968.

RAY FITZGERALD, *Vice President of the Commodity Credit Corporation.*

[F.R. Doc. 68–2652; Filed, Mar. 1, 1968; 8:50 a.m.]

Consumer and Marketing Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the list (33 F.R. 3146) of establishments which are operated under Federal inspection pursuant to the Federal Meat Inspection Act (34 Stat. 1260, as amended by Public Law 90–201) and which use humane methods of slaughter and incidental handling of livestock is hereby amended as indicated in the following table listing species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

Name of Establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Mid States Packers, Inc.	476	(*)					
Milwaukee Dressed Beef Co.	654	(*)					
De Luca Packing Co.	2054	(*)	(*)	(*)			
New establishments reported: 3							
Superior's Brand Meats, Inc.	31					(*)	
Hernando Packing Co., Inc.	355		(*)				
Meyer's Packing Co.	363					(*)	
S. Bonaccurso & Sons	418		(*)				
Pioneer Boneless Beef, Inc.	461		(*)				
Greendell Packing Corp.	542		(*)				
Armour & Co.	579		(*)				
The William Focke's Sons Co.	685		(*)	(*)			
Mid State Meat Co.	741					(*)	
Diamond Meat Co., Inc.	783		(*)				
Wells & Davies, Inc.	860		(*)				
Swanton Packing Co.	883		(*)				
Species added: 13							

Done at Washington, D.C., this 28th day of February 1968.

R. K. SOMERS,
Deputy Administrator, Consumer Protection.

[F.R. Doc. 68–2655; Filed, Mar. 1, 1968; 8:50 a.m.]

Packers and Stockyards Administration

[P. & S. Docket No. 311]

MARKET AGENCIES AT KANSAS CITY STOCKYARDS

Notice of Petition to Vacate Order and Dismiss Proceeding

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), a basic order was issued in the case of "L. B. Andrews, doing business as L. B. Andrews Livestock Commission Company, et al., Market Agencies doing business at the Kansas City Stockyards, Kansas City, Mo.," respondents (P. & S. Docket No. 311), on May 18, 1932, prescribing the rates and charges to be assessed by the respondents for the stockyard services rendered by them at the Kansas City Stockyards, Kansas City, Mo. Such rates and charges have been modified from time to time by subsequent orders issued in the proceeding. The latest such order was issued on September 11, 1967, prescribing the rates and charges to be assessed by respondents to and including April 30, 1968, unless modified or extended by further order before the latter date.

On February 8, 1968 the respondents filed a petition requesting that the rate order in this proceeding be vacated and the proceeding dismissed in conformity with § 203.11 (9 CFR 203.11) of the statements of general policy under the Packers and Stockyards Act. The petition reads as follows:

Come now the Respondents, who request that the rate order in this proceeding be vacated and the proceeding be dismissed in accordance with § 203.11 of the Statements of General Policy under the Packers and Stockyards Act (9 CFR 203.11).

The basic rate order in this proceeding was issued May 18, 1932. Respondents are now operating under an order issued March 25, 1966 (25 A.D. 360) as modified by an order dated September 11, 1967 (26 A.D.). Such orders to remain in effect unless modified or extended by further order until April 30, 1968.

Respondents do not believe the marketing structure in their trade territory, economic conditions in the industry, or any other circumstance requires continuing the formal procedure for obtaining modification in the rates and charges assessed by Respondents. It is requested, therefore, that this petition be granted.

Any interested person may file with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 15 days after the publication of this notice in the FEDERAL REGISTER, written data, views, comments, or arguments with respect to the petition filed by respondents.

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

Done at Washington, D.C. this 27th day of February 1968.

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

[F.R. Doc. 68–2656; Filed, Mar. 1, 1968; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S 1280]

CALIFORNIA

Proposed Modification of a National Forest Boundary

Correction

In F.R. Doc. 68–1810 appearing at page 2950 in the issue of Wednesday, February 14, 1968, the second sentence of the second paragraph should be corrected to read as follows: "The proposed withdrawal segregates the lands from all appropriation under the public land laws, but not from mining or mineral leasing under the mining and mineral leasing laws."

[7944]

MONTANA

Notice of Proposed Classification of Public Lands

FEBRUARY 23, 1968.

Notice is hereby given of a proposal to classify the lands described below for disposal through exchange under section 8 of the Taylor Grazing Act (43 U.S.C. 315) for lands within the Cedar Grazing Association ranch located approximately 12 air miles south of Glendive, Mont. This publication is made pursuant to the Act of September 19, 1964 (43 U.S.C. 1412).

All minerals now owned by the United States on the lands will remain in Federal ownership.

The proposed exchange will be made subject to existing rights of way and easements of record.

This proposal has been discussed with District Advisory Board members, local governmental officials and other interested parties. Information derived from these discussions and other sources indicates these lands meet the criteria of 43 CFR Part 2410.

Information concerning the lands, including the record of public discussions, is available for study at the Bureau of Land Management District Office located west of Miles City, Mont.

For a period of 60 days from the date of this publication, interested parties may submit comments to the District Manager of the Miles City District, Post Office Box 940, Miles City, Mont. 59301.

The lands affected by this proposal are located in southern Dawson County and are described as follows:

PRINCIPAL MERIDIAN, MONTANA

T. 14 N., R. 55 E.,
Sec. 4, SE¼SE¼;
Sec. 24, S½;
Sec. 28, W½SW¼;
Sec. 33, lots 1, 2, 3, and 4, and E½E½;
Sec. 35, all.
T. 14 N., R. 56 E.,
Sec. 18, lots 1, 2, 3, and 4, E½W½, and E½;
Sec. 30, lots 1, 2, 3, and 4, E½W½, and E½;
Sec. 32, NE¼NE¼.

T. 13 N., R. 57 E.,
Sec. 18, SE¼NW¼;
Sec. 20, NE¼, E½NW¼, NE¼SW¼, and NW¼SE¼.

The areas described aggregate 3,088.16 acres.

EUGENE H. NEWELL,
Acting State Director.

[F.R. Doc. 68-2588; Filed, Mar. 1, 1968; 8:45 a.m.]

Office of the Secretary

BARONA INDIAN RESERVATION, CALIF.

Ordinance Legalizing the Introduction, Sale, or Possession of Intoxicants

Pursuant to the Act of August 15, 1953 (Public Law 277, 83d Congress, 1st session), I certify that the following ordinance relating to the application of the Federal Indian liquor laws on the Barona Indian Reservation, Calif., was adopted on December 3, 1967, by a general meeting of the Barona Group of Capitan Grande Indians which has jurisdiction over the area of Indian country included in the ordinance to read as follows:

AN ORDINANCE RELATING TO THE APPLICATION OF THE FEDERAL INDIAN LIQUOR LAWS ON THE BARONA RESERVATION

Whereas Public Law 277, 83d Congress, approved August 15, 1953: *Provides*, That sections 1154, 1156, 3113, 3488, and 3618 of title 18, United States Code, commonly referred to as the Federal Indian liquor laws, shall not apply to any act or transaction within any area of Indian country provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER.

Therefore, be it resolved that the introduction, sale, or possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Barona Group: *Provided*, That such introduction, sale, or possession is in conformity with the laws of California.

Be it further resolved, that any tribal laws, resolutions, or ordinances heretofore enacted which prohibit the sale, introduction, or possession of intoxicating beverages are hereby repealed.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

FEBRUARY 27, 1968.

[F.R. Doc. 68-2586; Filed, Mar. 1, 1968; 8:45 a.m.]

VIEJAS (BARON LONG) INDIAN RESERVATION, CALIF.

Ordinance Legalizing the Introduction, Sale, or Possession of Intoxicants

Pursuant to the Act of August 15, 1953 (Public Law 277, 83d Congress, 1st session), I certify that the following ordinance relating to the application of the Federal Indian liquor laws on the Viejas (Baron Long) Indian Reservation, Calif., was adopted on December 3, 1967, by a general meeting of the Viejas (Baron Long) Group of Capitan Grande Indians which has jurisdiction over the area of Indian country included in the ordinance to read as follows:

AN ORDINANCE RELATING TO THE APPLICATION OF THE FEDERAL INDIAN LIQUOR LAWS ON THE VIEJAS (BARON LONG) RESERVATION

Whereas Public Law 277, 83d Congress, approved August 15, 1953: *Provides*, That sections 1154, 1156, 3113, 3488, and 3618 of title 18, United States Code, commonly referred to as the Federal Indian liquor laws, shall not apply to any act or transaction within any area of Indian country provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER.

Therefore, be it resolved that the introduction, sale, or possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Viejas (Baron Long) Group, *Provided*, That such introduction, sale, or possession is in conformity with the laws of California.

Be it further resolved that any tribal laws, resolutions, or ordinances heretofore enacted which prohibit the sale, introduction, or possession of intoxicating beverages are hereby repealed.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

FEBRUARY 27, 1968.

[F.R. Doc. 68-2587; Filed, Mar. 1, 1968; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

STATE UNIVERSITY 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. 68-00271-33-46040. Applicant: State University of New York, Upstate Medical Center, 766 Irving Avenue, Syracuse, N.Y. 13210. Article: Electron microscope, Model Elmiskop IA, with recirculation unit and spare parts kit. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used in medical research to examine various negatively stained specimens as well as to determine specific subcellular relationships as 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: The foreign article provides accelerating voltages of 40, 60, 80, and 100 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. It has been experimentally established that the lower accelerating voltages permit attaining optimum contrast in thin unstained biological specimens and that the voltages intermediate between 50 and 100 kilovolts permit obtaining optimum contrast for negatively stained specimens. The applicant has stated that both thin biological specimens and negatively stained biological specimens will be investigated. Therefore, the additional accelerating voltages provided by the foreign article are pertinent to the purposes for which such article is intended to be used. For this reason, 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. 68-2580; Filed, Mar. 1, 1968; 8:45 a.m.]

STATE UNIVERSITY OF NEW YORK 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. 68-00385-33-46040. Applicant: State University of New York, Research Foundation, Upstate Medical Center, College of Medicine, 766 Irving Avenue, Syracuse, N.Y. 13210. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, Inc., The Netherlands. Intended use of article: The article will be used for the following studies:

1. A study of the internal nucleoprotein of the virus.
2. A reevaluation of the budding phenomenon in virus mulitiplication based on more recent findings related to membrane structure.
3. A study of avian osteopetrosis virus.
4. A study of intracellular events in cells infected with avian tumor viruses.
5. Continuation of studies involving congenital transmission of avian tumor viruses.

Application received by Commissioner of Customs: February 16, 1968.

Docket No. 68-00384-33-46040. Applicant: The Johns Hopkins University School of Medicine, 725 North Wolfe Street, Baltimore, Md. 21205. Article: Electron microscope, Model EM6B. Manufacturer: Associated Electrical Industries, Ltd., United Kingdom. Intended use of article: The article will be used for comparative anatomical studies of anaerobic spirochetes to achieve further knowledge of their structure and better criteria for their classification; pathogenesis of the treponematoses, with emphasis on the location and fate of the invading parasites; studies of erythrocyte membrane structure as affected by antibody and the various components of the complement system; the role of phagocytic cells in host defense against microbial invasion; and genetic studies requiring visualization of ultrastructural components of host cells and morphologic changes of invading viruses. Application received by Commissioner of Customs: February 15, 1968.

Docket No. 68-00383-00-77050. Applicant: University of Rochester, River Campus Station, Rochester, N.Y. 14627. Article: Microwave cavity for electron spin resonance spectrometer. Manufacturer: Japan Electron Optics Laboratory Co., Japan. Intended use of article: The article will be used for detection of organic radicals. Application received by Commissioner of Customs: February 14, 1968.

Docket No. 68-00382-33-73610. Applicant: University of Houston, Department of Biology, Houston, Tex. 77004. Article: Volumetric spore trap. Manufacturer: Burkard Manufacturing Co., United Kingdom. Intended use of article: The article will be used for the collection of fungal spores for academic research. Application received by Commissioner of Customs: February 13, 1968.

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

[F.R. Doc. 68-2581; Filed, Mar. 1, 1968; 8:45 a.m.]

UNIVERSITY OF HAWAII 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. 68-00376-55-83500. Applicant: University of Hawaii, Hawaii Institute of Geophysics, 2525 Correa Road, Honolulu, Hawaii 96822. Article: Sea Bottom Thermogradmeter. Manufacturer: Sokkisha Co., Ltd., Japan. Intended use of article: The article will be used for scientific research measurement of oceanic heat flow from small ships. Application received by Commissioner of Customs: February 9, 1968.

Docket No. 68-00377-33-46040. Applicant: University of California, San Diego, Department of Biology, Post Office Box 109, La Jolla, Calif. 92037. Article: Electron microscope and accessories. Manufacturer: Philips Electronics Instruments, Inc., The Netherlands. Intended use of article: The article will be used for several diverse projects including the study of bacterial flagella synthesis, chromosomal proteins, cell adhesion substances, allomorphic forms of viral and plasmid DNA (deoxyribonucleic acid) and other projects requiring only routine high performance of the instrument. Application received by Commissioner of Customs: February 9, 1968.

Docket No. 68-00378-33-46040. Applicant: The University of Michigan, Dental Research Institute, Laboratory of Cell Biology, 543 Church Street, Ann Arbor, Mich. 48104. Article: Electron microscope, Model HS-8. Manufacturer: Hitachi-Perkin Elmer, Japan. Intended use of article: The article will be used in research and research training of advanced graduate students, research associates and faculty members of the School of Dentistry and several basic science departments of the Medical School of the University. Application received by Commissioner of Customs: February 12, 1968.

Docket No. 68-00379-33-46040. Applicant: State University College at Plattsburgh, Plattsburgh, N.Y. 12901. Article: Electron microscope. Manufacturer: Siemens AG, West Germany. Intened use of article: The article will be used for research and student training. In most cases, undergraduate use of the electron microscope will be related to independent study programs, honors projects, and senior research. The studies would include cell biology; advanced genetics; laboratory techniques in biology; problems of speciation, taxonomy, and systematics; and biophysics. Application received by Commissioner of Customs: February 12, 1968.

Docket No. 68-00380-01-77030. Applicant: Yale University, Bureau of Purchases, 20 Ashmun Street, New Haven, Conn. 06520. Article: Nuclear magnetic spectrometer. Manufacturer: Bruker Scientific, Inc., West Germany. Intended use of article: The article will be used for the study of anomeric configuration of pyrimidine nucleosides dealing with chemical shifts of acetyl signals. Application received by Commissioner of Customs: February 13, 1968.

Docket No. 68-00389-33-84500. Applicant: University of North Carolina, School of Medicine, Chapel Hill, N.C. 27514. Article: Vacuum evaporator. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used to clean permanent apertures for an electron microscope and to do some shadow casting and carbon coating of specimens for the electron microscope. Application received by Commissioner of Customs: February 13, 1968.

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

[F.R. Doc. 68-2582; Filed, Mar. 1, 1968; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ELANCO PRODUCTS CO.

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 8F0702) has been filed by Elanco Products Co., a division of Eli Lilly & Co., Indianapolis, Ind. 46206, proposing the establishment of a tolerance of 0.05 part per million for residues of the herbicide trifluralin in or on the raw agricultural commodity cucurbits.

The analytical method proposed in the petition for determining residues of the herbicide is a gas chromatographic technique.

Dated: February 21, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-2646; Filed, Mar. 1, 1968; 8:49 a.m.]

MONSANTO CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 8A2261) has been filed by Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, proposing an amendment to § 121.1137 *Dioctyl sodium sulfosuccinate* to provide for the safe use of dioctyl sodium sulfosuccinate as a wetting agent in fumaric acid-acidulated gelatin desserts at a level not in excess of 15 parts per million of the finished gelatin.

Dated: February 21, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-2647; Filed, Mar. 1, 1968; 8:49 a.m.]

STAUFFER CHEMICAL CO.

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 8FO699) has been filed by the Stauffer Chemical Co., 1200 South 47th Street, Richmond, Calif. 94804, proposing the establishment of tolerances for residues of the insecticide *N*-(mercaptomethyl)phthalimide *S*-(*O*,*O*-dimethyl phosphorodithioate) in or on raw agricultural commodities as follows: Alfalfa at 40 parts per million; apples, peaches, and pears at 10 parts per million; and meat and fat of meat of cattle, goats, hogs, and sheep at 0.2 part per million.

The analytical methods proposed in the petition for determining residues of the insecticide are:

1. A method based on a phosphorous determination as phosphomolybdate.
2. Anthranilic acid colorimetry that involves hydrolyzing the parent compound and its oxygen analog, if present, in basic solution and converting the phthalate formed to anthranilic acid by Hofmann rearrangement, the determinative step being based on coupling with 3-methyl-2-benzothiazolone to obtain a magenta-colored product.
3. Gas chromatographic procedures for the parent compound and metabolites that contain the phthalic moiety.
4. A method for the oxygen analog involving use of bee-head cholinesterase and indophenyl acetate as a chromogenic substrate.

Dated: February 21, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-2648; Filed, Mar. 1, 1968; 8:49 a.m.]

THOMPSON-HAYWARD CHEMICAL CO.

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 8F0700) has been filed by the Thompson-Hayward Chemical Co., Post Office Box 2383, Kansas City, Mo. 66110, proposing the establishment of a tolerance of 0.05 part per million for residues of the fungicide triphenyltin hydroxide in or on the raw agricultural commodity peanuts.

The analytical method proposed in the petition for determining residues of the fungicide is a thin-layer chromatographic technique in which the peanuts are extracted with hexane and the peanut oil-hexane mixture is extracted with dimethyl sulfoxide to partition the triphenyltin compounds. The dimethyl sulfoxide extract is diluted with aqueous ammonium sulfate and extracted with hexane. The hexane extract is put through an alumina column and eluted with methylene chloride. The plate is developed in acetone as the mobile solvent and pyrocatechol violet is used to make the spots visible.

Dated: February 21, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-2649; Filed, Mar. 1, 1968; 8:49 a.m.]

UNION CARBIDE CORP.

Notice of Filing of Petition Regarding Pesticides

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 8F0694) has been filed by the Union Carbide Corp., New York, N.Y. 10017, proposing an exemption from the requirement of a tolerance for residues of the insecticide butoxypolypropylene glycol in or on meat and milk of livestock resulting from application of the insecticide to livestock. In the event that an exemption from the requirement of a tolerance is not established, the petitioner proposes a tolerance of 0.2 part per million for residues of the insecticide in or on meat and milk.

The analytical method proposed in the petition for determining residues of the insecticide involves extraction with isooctane and acetonitrile, addition of phosphoric acid to yield propionaldehyde, and reaction of the propionaldehyde with ninhydrin to yield a blue colored complex. The absorbance is measured spectrophotometrically at 595 millimicrons.

Dated: February 21, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-2652; Filed, Mar. 1, 1968; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-285]

OMAHA PUBLIC POWER DISTRICT (FORT CALHOUN STATION, UNIT NO. 1)

Notice of Hearing on Application for Provisional Construction Permit

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities", and Part 2, rules of practice, notice is hereby given that a hearing will be held at 10 a.m., local time, on April 9, 1968, in the Washington County Courthouse, Blair, Nebr. 68008, to consider the application filed under § 104b. of the Act by Omaha Public Power District (the applicant) for a provisional construction permit for a pressurized water reactor designed to operate at 1,420 megawatts (thermal) to be located at the applicant's site in Washington County, Nebr., on the southwest bank of the Missouri River about 19 miles northwest of Omaha, Nebr.

The hearing will be conducted by the Atomic Safety and Licensing Board designated by the Atomic Energy Commission consisting of Dr. Clark Goodman, Houston, Tex.; Mr. Hood Worthington, Wilmington, Del.; and Mr. Samuel W. Jensch, Esq., Chairman, Washington,

D.C. Mr. Warren E. Nyer, Idaho Falls, Idaho, has been designated as a technically qualified alternate.

A prehearing conference will be held by the Board at 10 a.m., local time, on March 26, 1968, in the Washington County Courthouse, Blair, Nebr., to consider the matters provided for consideration by § 2.752 of 10 CFR Part 2 and section II of appendix A to 10 CFR Part 2.

The Director of Regulation proposes to make affirmative findings on Item Numbers 1–3 and a negative finding on Item 4 specified below as the basis for the issuance of a provisional construction permit to the applicant substantially in the form proposed in appendix A.

1. Whether in accordance with the provisions of 10 CFR § 50.35(a):

(a) The applicant has described the proposed design of the facility, including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted, a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facility, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public;

2. Whether the applicant is technically qualified to design and construct the proposed facility;

3. Whether the applicant is financially qualified to design and construct the proposed facility; and

4. Whether the issuance of a permit for the construction of the facility will be inimical to the common defense and security or to the health and safety of the public.

In the event that this proceeding is not a contested proceeding, as defined by § 2.4 of the Commission's rules of practice, 10 CFR Part 2, the Board will, without conducting a de novo evaluation of the application, consider the issues of whether the application and the record of the proceeding contain sufficient information, and the review by the Commission's regulatory staff has been adequate, to support the findings proposed to be made and the provisional construction permit proposed to be issued by the Director of Regulation.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as the issues in this proceeding, Item Numbers 1 through 4 above as the basis for determining whether the provisional construction permit should be issued to the applicant.

As they become available, the application, the report of the Commission's Advisory Committee on Reactor Safeguards (ACRS) and the Safety Evaluation by the Commission's regulatory staff will be placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., where they will be available for inspection by members of the public. Copies of the ACRS report and the regulatory staff's Safety Evaluation may be obtained by request to the Director of the Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issues specified, but who does not wish to file a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of § 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, by March 22, 1968.

Any person whose interest may be affected by the proceeding who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding must file a petition for leave to intervene.

Petitions for leave to intervene, pursuant to the provisions of § 2.714 of the Commission's rules of practices, must be received in the Office of the Secretary, U.S. Atomic Energy Commission, Germantown, Md., or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., not later than March 22, 1968, or in the event of a postponement of the prehearing conference, at such time as the Board may specify.

The petition shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by Commission action and the contentions of the petitioner. A petition for leave to intervene which is not timely filed will be denied unless the petitioner shows good cause for failure to file it on time.

A person permitted to intervene becomes a party to the proceeding, and has all the rights of the applicant and the regulatory staff to participate fully in the conduct of the hearing. For example, he may examine and cross-examine witnesses. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of § 2.705 of the Commission's rules of practice, must be filed by the applicant on or before March 22, 1968.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, or may be filed by delivery to the Office of the Secretary, U.S. Atomic Energy Commission, Germantown, Md., or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545.

Pending further order of the Board, parties are required to file, pursuant to the provisions of § 2.708 of the Commission's rules of practice, an original and twenty conformed copies of each such paper with the Commission.

Dated at Washington, D.C., this 27th day of February 1968.

UNITED STATES ATOMIC ENERGY COMMISSION,
W. B. McCOOL,
Secretary.

APPENDIX A

OMAHA PUBLIC POWER DISTRICT (FORT CALHUN STATION, UNIT NO. 1)

[Docket No. 50–285]

PROVISIONAL CONSTRUCTION PERMIT

Construction Permit No. _____

1. Pursuant to § 104b. of the Atomic Energy Act of 1954, as amended (the Act), and Title 10, Chapter 1, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities", and pursuant to the order of the Atomic Safety and Licensing Board, the Atomic Energy Commission (the Commission) hereby issues a provisional construction permit to Omaha Public Power District (the applicant) for a utilization facility (the facility), designed to operate at 1,420 megawatts (thermal), described in the application and amendments thereto filed in this matter by the applicant and as more fully described in the evidence received at the public hearing upon that application. The facility, known as the Fort Calhoun Station, Unit No. 1, will be located at the applicant's site in Washington County, Nebr., on the southwest bank of the Missouri River about 19 miles northwest of Omaha, Nebr.

2. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.34 and 50.55 of said 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 conditions specified or incorporated below:

A. The earliest date for the completion of the facility is July 1, 1970, and the latest date for completion of the facility is December 31, 1970.

B. The facility shall be constructed and located at the site as described in the application, as amended, in Washington County, Nebr., on the southwest bank of the Missouri River, about 19 miles northwest of Omaha, Nebr.

C. This construction permit authorizes the applicant to construct the facility described in the application and the hearing record in accordance with the principal

architectural and engineering criteria set forth therein.

3. This permit is provisional to the extent that a license authorizing operation of the facility will not be issued by the Commission unless (a) the applicant submits to the Commission, by amendment to the application, the complete final safety analysis report, portions of which may be submitted and evaluated from time to time; (b) the Commission finds that the final design provides reasonable assurance that the health and safety of the public will not be endangered by the operation of the facility in accordance with procedures approved by it in connection with the issuance of said license; and (c) the applicant submits proof of financial protection and the execution of an indemnity agreement as required by § 170 of the Act.

For the Atomic Energy Commission.

[F.R. Doc. 68-2613; Filed, Mar. 1, 1968; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 19601]

LINEAS AEREAS DE NICARAGUA, S.A. (LANICA)

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 8, 1968, at 11 a.m., e.s.t., in Room 211, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Hyman Goldberg.

Dated at Washington, D.C., February 27, 1968.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 68-2630; Filed, Mar. 1, 1968; 8:48 a.m.]

NORTH CENTRAL AIRLINES, INC.

Notice of Application for Amendment of Certificate of Public Convenience and Necessity

FEBRUARY 27, 1968.

Notice is hereby given that the Civil Aeronautics Board on February 27, 1968, received an application, Docket 19637, from North Central Airlines, Inc., for amendment of its certificate of public convenience and necessity for Route 86 to authorize it to engage in nonstop service between the points Detroit, Mich., and Milwaukee, Wis., and Milwaukee, Wis., and Minneapolis/St. Paul, Minn. The applicant requests that its application be processed under the expedited procedures set forth in Subpart M of Part 302 (14 CFR Part 302).

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-2631; Filed, Mar. 1, 1968; 8:48 a.m.]

[Docket No. 19591]

UNITED AIR LINES

Notice of Proposed Approval

Application of United Air Lines, Inc., for a disclaimer of jurisdiction or exemption from the provisions of section 408 of the Federal Aviation Act of 1958, as amended, or approval thereunder, with respect to the sale to United by Pan American World Airways, Inc., of five Douglas Model DC-8 aircraft, Docket 19591.

Notice is hereby given, pursuant to the statutory requirements of section 408 (b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., February 27, 1968.

[SEAL] A. M. ANDREWS,
Director,
Bureau of Operating Rights.

Issued under delegated authority:

Application of United Air Lines, Inc. for a disclaimer of jurisdiction or exemption from the provisions of section 408 of the Federal Aviation Act of 1958, as amended, or approval thereunder; Docket 19591.

ORDER OF APPROVAL

By application filed February 15, 1968, United Air Lines, Inc. (United), requests a disclaimer of jurisdiction, or an exemption, pursuant to section 416(b), from the provisions of section 408 of the Federal Aviation Act of 1958, as amended, (the Act), or approval thereunder, with respect to the sale to United by Pan American World Airways, Inc. (Pan American) or five (5) Douglas Model DC-8 aircraft, together with spare engines and parts.

The purchase price of each aircraft is $3,750,000, subject to certain adjustments based upon hours since overhaul of both the airframes and engines installed on the aircraft. In addition, the agreement provides for the purchase of DC-8 parts, including five (5) engines for $1,200,000. Delivery of the aircraft is scheduled to begin in September, 1968 and to end in November, 1968. Upon execution of the agreement United will make a total initial payment of $1,875,000 on the five aircraft. The balance due on each aircraft will be paid by United upon delivery of such aircraft. The cost of the spare parts will be paid by United within thirty (30) days after submission of invoices therefor.

United alleged that the aircraft in question represent 3.44 percent of Pan American's jet fleet, and that Pan American has ordered five Boeing Model 707 aircraft as replacements for such aircraft. It is also stated that the sale price of the aircraft, engines, and spare parts is approximately $19,950,000, and that this amount represents approximately 1.57 percent of Pan American's total assets of $1,272,080,000. Based on the foregoing, United contended that the transaction does not constitute the acquisition of a substantial portion of the assets of Pan American and, accordingly, the Board should disclaim jurisdiction over the transaction. Alternatively, the carrier requested an exemption from section 408 or approval under the third proviso of section 408(b).

United's request for a disclaimer raises a threshold question of jurisdiction; however, this question need not be resolved since we have decided to approve the transaction under the third proviso of section 408(b).

No objections or requests for a hearing have been filed.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the instant transaction, it is found that the acquisition by United of five DC-8 aircraft, from Pan American together with spare engines and parts, does not result in creating a monopoly, does not restrain competition and does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing, and it is found that the public interest does not require a hearing.

The transaction appears to be in the public interest in that it will enhance United's ability to meet its service obligations. Pan American plans the replacement of each aircraft with new B-707 equipment presently on order. Thus, disposal by Pan American of the five DC-8 aircraft should not impair that carrier's capability to satisfy its certificate responsibilities.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.13, it is found that the foregoing aircraft purchase agreement should be approved under section 408(b) of the Act without a hearing.

Accordingly, it is ordered:

1. That the acquisition by United from Pan American of five DC-8 aircraft and spare parts and engines be and it hereby is approved;

2. That this action does not constitute a determination of the reasonableness of the transaction for rate-making purposes; and

3. That, except to the extent granted herein, the application in Docket 19591 be and it hereby is denied.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within 5 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-2633; Filed, Mar. 1, 1968; 8:48 a.m.]

[Docket No. 18791]

Hearing
Notice of Further Postponement of
VIASA ENFORCEMENT CASE

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter now assigned to be held on March 5, 1968, is hereby postponed to April 1, 1968, 10 a.m., e.s.t., Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., February 27, 1968.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[F.R. Doc. 68-2632; Filed, Mar. 1, 1968; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

FINNLINES AND NORDDEUTSCHER LLOYD

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. F. J. Barry, General Traffic Department, United States Navigation Co., Inc., 17 Battery Place, New York, N.Y. 10004.

Agreement No. 9701, between Finnlines and Norddeutscher Lloyd, which operate regular services in the trades between U.S. ports and ports in the United Kingdom and Europe, and elsewhere, provides for the interchange of cargo containers and/or related equipment in accordance with the terms and conditions set forth therein.

Dated: February 28, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68-2618; Filed, Mar. 1, 1968; 8:47 a.m.]

FINNLINES AND HAMBURG-AMERIKA LINIE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. F. J. Barry, General Traffic Department, United States Navigation Co., Inc., 17 Battery Place, New York, N.Y. 10004.

Agreement No. 9700, between Finnlines and Hamburg-Amerika Linie, which operate regular services in the trades between U.S. ports and ports in the United Kingdom and Europe, and elsewhere, provides for the interchange of cargo containers and/or related equipment in accordance with the terms and conditions set forth therein.

Dated: February 28, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68-2621; Filed, Mar. 1, 1968; 8:47 a.m.]

AMERICAN PRESIDENT LINES AND LYKES BROTHERS STEAMSHIP CO., INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. D. J. Morris, Manager, Rates and Conferences, American President Lines, 601 California Street, San. Francisco, Calif. 94108.

Agreement No. 9437-1, between American President Lines and Lykes Bros. Steamship Co., Inc. modifies the basic transshipment agreement between the parties by adding the Philippine Islands to the origin and destination points of the agreement and adds Hong Kong and Manila as points of transshipment.

Dated: February 28, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68-2622; Filed, Mar. 1, 1968; 8:47 a.m.]

AMERICAN PRESIDENT LINES AND CHINA NAVIGATION CO., LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. D. J. Morris, Manager, Rates and Conferences, American President Lines, 601 California Street, San Francisco, Calif. 94108.

Agreement No. 9324-2, between American President Lines and China Navigation Co., Ltd., modifies the basic transshipment agreement between the parties by changing the division of the through revenue to 7/15ths to the originating carrier and 8/15ths to the delivering carrier and by changing the minimum proportions to $21 and $24 respectively.

Dated: February 28, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68-2623; Filed, Mar. 1, 1968; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Mexican Change List No. 243]

MEXICAN BROADCAST STATIONS

List of Changes, Proposed Changes, and Corrections in Assignments

FEBRUARY 16, 1968.

Notifications under the provisions of Part III, section 2 of the North American Regional Broadcast Agreement.

List of changes, proposed changes, and corrections in Assignments of Mexican Broadcast Stations modifying the appendix containing assignments of Mexican Broadcast Stations (Mineograph No. 4721–6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power watts	Antenna	Schedule	Class	Expected date of commencement of operation
XEZG (assignment deleted).	Zihuatanejo, Gro.	*550 kilocycles* 1,000D/150N	ND	U	IIID/IIVN	
XERJ (PO: 1320 kc/s).	Mazatlan, Sin.	*600 kilocycles* 5,000D/1,000N	DA-2	U	III	8–16–68 (Probable).
XEEL (in operation with 1,000D/150N since 2–10–68).	Fresnillo, Zac.	*610 kilocycles* 1,000D/150N	ND	U	IIID/IVN	*2–10–68.*
XEPQ (in operation with 1,000D/100N, ND, since 12–6–67).	Muzquiz, Coah.	*710 kilocycles* 1,000D/100N	ND	U	II	*12–6–67.*
XEML (PO: 250 W, ND, D).	Apatzingan, Mich.	*770 kilocycles* *1,000yyd*	ND	D	II	11–10–68 (Probable).
XEHT (in operation on 810 kc/s since 2–10–68).	Huamantla, Tlax.	*810 kilocycles* 500	ND	D	II	*2–10–68.*
XEUS (correction of an omission: In operation since 1–16–65).	Hérmosillo, Son.	*850 kilocycles* 1,000	ND	D	II	*1–16–65.*
XEFM (in operation with 1,000D/200N, ND, since 2–8–68).	Veracruz, Ver.	*1010 kilocycles* 1,000D/200N	ND	U	II	*2–8–68.*
XELJ (correction of an omission: In operation on 1030 kc/s with 250 W, ND, D, since *5–4–63*. Increase in power).	Lagos de Moreno, Jal.	*1030 kilocycles* *1,000*	ND	D	II	8–16–68 (Probable).
XEWL (correction of an omission: In operation with 2,500 W since 7–23–55. Decrease in power).	Nuevo Laredo, Tams.	*1090 kilocycles* *1,000*	ND	D	II	*2–16–68.*
XETKR (assignment deleted. See 1480 kilocycles).	Villa de Guadalupe, N.L.	*1190 kilocycles* 1,000D/500N	DA-N	U	II	
XERPA (new).	Morelia, Mich.	*1240 kilocycles* 500	ND	D	IV	3–8–68 (Probable).
XEXR (in operation since 11–30–67).	Cd. Valles, S.L.P.	*1260 kilocycles* 1,000	ND	D	III	*11–30–67.*
XEZH (correction of an omission: In operation since 4–29–66).	Salamanca, Gto.	*1260 kilocycles* 500	ND	D	IV	*4–29–66.*
XEGL (in operation with 1,000D/500N, ND, since 2–8–68).	Navojoa, Son.	*1270 kilocycles* 1,000D/500N	ND	U	III	*2–8–68.*
XEIY (new).	Rio Verde, S.L.P.	*1290 kilocycles* 250	ND	D	IV	2–16–69 (Probable).
XERJ (correction of an omission: In operation with 5,000D/500N since *11–5–65*. Change to 600 kilocycles).	Mazatlan, Sin.	*1320 kilocycles* 5,000D/500N	ND	U	III	*11–5–65.*
XEUAS (new).	Culiacan, Sin.	*1330 kilocycles* 5,000D/1,000N	DA-N	U	III	2–16–69 (Probable).
XEJE (correction of an omission: In operation since 3–11–66).	Dolores Hidalgo, Gto.	*1370 kilocycles* 500	ND	D	III	*3–11–66.*
XEYD (new).	Francisco I. Madero, Coah.	*1410 kilocycles* 1,000D/100N	ND	U	IIID/IVN	2–16–69 (Probable).
XEJV (correction of an omission: In operation with 500 W, ND, D, since *9–12–64*. Increase in power and extend hours of operation).	Jaltipan, Ver.	*1420 kilocycles* *1,000D/250N*	ND	*U*	IIID/*IVN*	7–16–68 (Probable).
XEWP (correction of an omission: In operation since 2–22–66).	Sayula, Jal.	*1420 kilocycles* 500	ND	D	III	*2–22–66.*
XEEA (change in call letters, previously XEDV).	Cd. Camargo, Chih.	*1440 kilocycles* 5,000D/1,000N	ND	U	III	
XEEK (new).	Cheran, Mich.	*1440 kilocycles* 1,000	ND	D	III	2–16–69 (Probable).
XEPY (PO: 250 W, ND, U).	Merida, Yuc.	*1450 kilocycles* *500D/250N*	ND	U	IV	7–15–68 (Probable).
XEXQ (correction of an omission: In operation since 12–15–47).	San Luis Potosi, S.L.P.	*1460 kilocycles* 250	ND	U	IV	*12–15–47.*
XEYX (assignment deleted).	Mexicali, B.C.	*1460 kilocycles* 1,000/500	DA-N	U	III	

Call letters	Location	Power watts	Antenna	Schedule	Class	Expected date of commencement of operation
XETKR (operation definitive on 1480 kc/s. Change in call letters, previously XEJET. See 1190 kc/s).	Villa de Guadalupe, N.L.	*1480 kilocycles* 1,000D/500N	ND	U	III	
XECH (this cancels the notification to increase to 500 W, D, included in List No. 211).	Toluca, Mex	*1490 kilocycles* 250	ND	U	IV	
XEYT (correction of an omission: In operation since 12-11-66).	Teocelo, Ver	*1490 kilocycles* 250D/100N	ND	U	IV	*12-11-67.*
XEOF (correction of an omission: In operation since 6-29-67).	Cortazar, Gto	*1510 kilocycles* 250	ND	D	II	*6-29-67.*
XEHT (assignment deleted: See 810 kc/s).	Huamantla, Tlax	*1520 kilocycles* 250	ND	D	II	
XERQ (previously notified as XEST).	Sn. Luis Rio Colorado, Son.	*1520 kilocycles* 250	ND	D	II	1-16-69 (Probable).
XEVO (new)	San Rafael, Ver	*1520 kilocycles* 250	ND	D	II	1-16-69 (Probable).
XEVF (in operation since 5-22-67. Change in call letters, previously XEVÉ).	Villa Flores, Chis	*1540 kilocycles* 500	ND	D	II	*5-22-67.*
XEDV (new)	El Oro, Mex	*1550 kilocycles* 250	ND	D	II	10-16-68 (Probable).
XEART (new)	Zacatepec, Mor	*1590 kilocycles* 1,000	DA-2	U	III	1-16-69 (Probable).
XEZK (PO: 250 W, ND, U).	Tepatitlan, Jal	*1600 kilocycles* *1,000D/250N*	ND	U	IIID/IVN	8-19-68 (Probable).

FCC NOTE: Mexican Change List No. 243 has not been received through official channels.

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

[F.R. Doc. 68-2574; Filed, Mar. 1, 1968; 8:45 a.m.]

[FCC 68-207]

NAVAL OBSERVATORY AND NATIONAL BUREAU OF STANDARDS

Rebroadcast of Time Signals

FEBRUARY 27, 1968.

A. *Naval Observatory Time Signals.* Broadcasting stations desiring to rebroadcast Naval Observatory Time Signals are hereby authorized to do so, without further permission by the Commission, subject to the following conditions:

(1) The time signal rebroadcast must be obtained by direct radio reception from a Naval radio station.

(2) Announcement of the time signal must be made without reference to any commercial activity.

(3) Identification of the Naval Observatory as the source of the time signal must be made by an announcement, substantially as follows: "With the signal, the time will be ____, courtesy of the U.S. Naval Observatory."

Schedules of time signal broadcasts may be obtained upon request from the Superintendent, U.S. Naval Observatory, Washington, D.C. 20390.

B. *National Bureau of Standards Time Signals.* Broadcasting stations desiring to rebroadcast the time signals from stations operated by the National Bureau of Standards (NBS) are hereby authorized to do so, without further permission by the Commission, subject to the following conditions:

(1) Time signals for rebroadcast must be obtained by direct radio reception from an NBS station.

(2) Use of receiving and rebroadcasting equipment must not delay the signals by more than 0.05 seconds.

(3) Signals must be rebroadcast live, not from tape or other recording.

(4) Voice or code announcements of the call letters of NBS stations are not to be rebroadcast.

(5) Identification of the origin of the service and the source of the signals must be made by an announcement substantially as follows: "Next tone begins at 11 hours 25 minutes Greenwich Mean Time. This is a rebroadcast of a continuous service furnished by the National Bureau of Standards, Radio Standards Laboratory, Boulder, Colo." No commercial sponsorship of this announcement is permitted and none may be implied.

(6) Notice of use of NBS time signals for rebroadcast should be forwarded semiannually to Frequency-Time Broadcast Services, Radio Standards Laboratory, National Bureau of Standards, Boulder, Colo. 80302.

(7) In the rebroadcasting of NBS time signals, announcements will not state that they are standard frequency transmissions. NBS time is indicated, after voice announcement, by an audible tone which is 600 or 440 cycles per second. As given by the NBS broadcasts, these tones are used for automatic setting of clocks or tuning of musical instruments. Although it is possible to rebroadcast the frequency of such tones quite accurately, some broadcast methods would give inaccurate reproduction. NBS provides standard frequency radio services by means of the highly accurate carrier frequencies of its radio stations and the double sideband modulation of those frequencies.

(8) Time signals or scales made up from integration of standard frequency signals broadcast from NBS stations may not be designated as National standard scales of time or attributed to the NBS as originator. For example, if a broadcasting station transmits time signals obtained from a studio clock which is periodically calibrated against the NBS time signals from WWV or WWVH, such signals may not be announced as NBS standard time or as having been originated by the NBS.

Schedules of time signal broadcasts may be obtained upon request from Standard Frequency-Time Broadcast Services, Radio Standards Laboratory, National Bureau of Standards, Boulder, Colo. 80302.

This supersedes all earlier notices concerning the retransmission of governmentally originated time signals. In no event will Commission-licensed broadcasting stations credit the Department of the Navy or the National Bureau of Standards as the source of time signals unless they are actual retransmissions of signals originated by those agencies. Detailed information on the respective services of the Navy and the National Bureau of Standards outlined herein may be obtained from the above addresses.

Adopted: February 21, 1968.

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

[F.R. Doc. 68-2638; Filed, Mar. 1, 1968; 8:49 a.m.]

[Docket No. 15094; FCC 68R-63]

AMERICAN TELEPHONE AND TELEGRAPH CO. AND WESTERN UNION TELEGRAPH CO.

Memorandum Opinion and Order Enlarging and Modifying Issues

In the matter of American Telephone and Telegraph Co. and the Western Union Telegraph Co., Docket No. 15094; charges and classifications for private

line telegraph and private line telephotograph services furnished to the press.

1. This proceeding, was instituted by the Commission following its rate authorizations in the Private Line Rate cases, Docket 11645, 34 FCC 217 and 34 FCC 1094 (1963). By order, FCC 63-492, released May 31, 1963, the Commission stated that since it was unable to determine in the Private Line proceeding whether the rates authorized and prescribed therein would impair the widespread dissemination of news if applied to the press,[1] a further investigation (the subject proceeding) was warranted concerning that matter. The investigation, however, was "limited" to the following three issues:

1. The extent to which the rates for private line telegraph and private line telephotograph services prescribed in our decision in Docket Nos. 11645 and 11646 for users other than press users would, if applied to press users, impair the widespread dissemination of news;

2. Whether, in the light of the evidence adduced on the foregoing issue, the rates presently applicable to press users of the above-mentioned services are just and reasonable within the meaning of section 201(b) of the Communications Act of 1934, as amended, or whether they are unjustly discriminatory or unduly preferential or advantageous within the meaning of section 202(a) of such Act;

3. Whether in the light of our determinations of issues 1 and 2 the Commission should prescribe minimum or maximum or minimum and maximum rates to be applied to press users of the above-mentioned services and, if so, what rates should be prescribed;

On December 11, 1963, after hearing, the record in this proceeding was closed, and on March 31, 1965, a recommended decision was submitted by the Common Carrier Bureau concluding that no impairment in the dissemination of the news would result from imposing on the press the higher rates authorized in the Private Line case. On June 2, 1967, certain press parties filed a "Petition for Expedited Hearing and Modification of Hearing Order" (in the Telpak Sharing proceeding, Docket No. 17457) requesting that the Commission en banc, and without hearing, consider the question of whether exclusion of the press from the sharing provisions of Telpak C and D is invalid on the face of the tariff or, in the alternative, to extend termination of Telpak A and B services for press use until the conclusion of the entire Telpak case. By memorandum opinion and order, FCC 67-893, 9 FCC 2d 147, the Commission denied the petition but stated that the showing therein[2] was actually addressed to the question of whether there should be established (pursuant to section 201(b) of the Act) a preferential rate classification for press users of private line services; that such question was the subject of the instant proceeding; and that since the hearing record in this case did not contain evidence concerning material facts and circumstances developed since the closing of the record on December 11, 1963,[3] it would reopen the record in this case. Accordingly, by memorandum opinion and order, FCC 67-1295, 10 FCC 2d 677, the record in this proceeding was reopened and three new issues were specified (see Issues A, B, and C, footnote 6, infra). Presently before the Review Board are (1) a motion to enlarge and clarify the issues, filed December 20, 1967, by The Associated Press (AP); and (2) a motion to change issues, filed December 20, 1967, by United Press International, Inc. (UPI).[4] Both petitions seek the same relief and they will therefore be considered together.[5]

2. Petitioners specifically request the following modifications of the existing issues:[6] (1) redesignation of Issue A to Issue A(1); (2) specification of a new Issue A(2) to read as follows:

A(2) The extent to which the currently effective charges, regulations, practices, and classifications for any private line services used by the press, including any revisions thereof now filed or proposed, or hereafter filed, made effective or proposed by AT&T or Western Union during the pendency of this proceeding, tend to or would diminish, limit, or impair the widespread dissemination of news;

and (3) revision of Issue C by the insertion of the phrase "or other private line services", so that it would read as follows:

C. Whether the Commission should prescribe or authorize a specific classification for press users of private line telegraph and telephotograph services, or other private line services, with different charges and regulations for such class of users and communications, and, if so, what charges and regulations should be prescribed or authorized for such classification of users and communications.

3. In support of these requests, the petitioners contend that a comparison of the issues originally designated in this proceeding with the present issues reveals a Commission intention to broaden the scope of inquiry in this proceeding. AP and UPI maintain that the earlier issues related solely to the question of possible adverse impact on press users of the specific new rate levels then prescribed or authorized for private line telegraph and telephotograph services; whereas the present issues are designed (although not broadly enough, they contend) to determine the overall question of whether there should be a preferential rate classification for press users of private line services. UPI urges that the Commission's language in the Telpak case, supra, where the Commission declared its intention to reopen the record herein, confirms such a conclusion. There, it notes, the Commission stated:

It would appear to us that the aforementioned showing made by petitioners [see footnote 1, supra] rather than justifying continuation of the unlawful Telpak A and B rates, is more appropriately addressed to the question of whether there should be established, pursuant to section 201(b) of the Act, a preferential rate classification for press users of private line services. Such a question is the subject of a separate, pending proceeding in Docket No. 15094 now awaiting final decision * * *. The hearing record in that case was closed on December 11, 1963, and does not, of course, include evidence concerning material facts and circumstances that have developed since the closing of that

[1] Pursuant to the Private Line cases, American Telephone and Telegraph Co. (AT&T) and Western Union Telegraph Co. (Western Union) placed certain rates into effect for nonpress users. However, press users continued to pay the lower rates in effect prior to that time for telegraphic and telephotographic lines pending the outcome of this proceeding.

[2] The press parties asserted (aside from the alleged benefits of an expedited proceeding) that, upon briefs and oral argument, they would show how press sharing in Telpak C and D would minimize the "drastic curtailment of news dissemination" resulting from the withdrawal of Telpak A and B, and also that it would be inequitable "to permit a withdrawal of news dissemination channels from the press" while the Telpak sharing question is still pending.

[3] Specifically, the Commission stated, in the revised designation order, infra, that "* * * effective Aug. 1, 1967, AT&T and Western Union, among other revisions, made substantial changes in the private line telegraph and private line telephotograph rates applicable to nonpress users, leaving in effect the generally lower rates for press users of such services. Thus, the factual situation has changed substantially since this proceeding was instituted and since the last action was taken herein."

[4] The following pleadings are also before the Review Board: (a) Joint statement in support of motions, filed Dec. 20, 1967, by American Newspaper Publishers, Inc., Chicago Tribune-New York Syndicate, Inc., and Twin Coast Newspapers; (b) opposition to motions, filed Jan. 12, 1968, by the Bell System; (c) opposition to motions, filed Jan. 12, 1968, by Western Union; (d) response to the motions, filed Jan. 12, 1968, by the Common Carrier Bureau; and (e) reply to opposition, filed Jan. 24, 1968, by Associated Press.

[5] AT&T, in a footnote to its opposition, contends that since this is "exclusively a rule making proceeding", motions to change the issues should be acted upon by the Commission. However, the Board is of the opinion that this proceeding involves rule making and adjudication, and as such, the Review Board has authority to act on, inter alia, petitions to enlarge or modify issues. Sections 0.365 and 1.292 of the Commission's rules.

[6] The issues presently specified read as follows: "(a) The extent to which the charges, regulations, practices, and classifications currently applicable to nonpress users of the private line telegraph and private line telephotograph services offered by AT&T and Western Union to nonpress users would, if applied to press users, diminish, limit, or impair the widespread dissemination of news; (b) whether the currently effective charges, regulations, classifications, or practices specially applicable to press users of private line telegraph and private line telephotograph services are unjust or unreasonable within the meaning of section 201(b) of the act or unduly discriminatory or preferential within the meaning of section 202(a) of the act; (c) whether the Commission should prescribe or authorize a specific classification for press users of private line telegraph and telephotograph services with different charges and regulations for such class of users and communications, and, if so, what charges and regulations should be prescribed or authorized for such calssification of users and communications."

record. Therefore, the Commission will take action in due course to reopen the record in that case for the purposes of enabling the petitioners to make the aforementioned showing on an evidentiary hearing record and of bringing the prior hearing record up to date.

4. Petitioners urge that the issues as presently designated may foreclose the consideration of at least two important matters necessary to the complete, comprehensive, and logical conclusion of this proceeding. First, they contend, there is a possibility that no showing could be made emphasizing the importance of currently effective rates, classifications, and practices on the growing press use of various types of private line services other than telegraph and telephotograph services; and second, an examination of the importance of press users of newly proposed or recently effected rate changes in other grades of private line service also may be precluded. Petitioners allege that the utilization or nonutilization of the other private line services (where rate increases have or will be made) is inextricably related to the expansion or contraction of further use of private line telegraph and telephotograph services. All factors, petitioners maintain, affect the widespread dissemination of news. Moreover, they argue, the press use of private line service has changed markedly in the past several years, i.e. the reliance of the press on the telegraph and telephotograph services has diminished.[7] Thus, petitioners contend, it simply is not realistic to consider the telegraph and telephotograph lines alone in regard to a broad inquiry into a "special press classification." Petitioners thus conclude that, "this proceeding should permit presentation of evidence of the total impact of all rate increases on the widespread dissemination of news, and consideration of all categories of private line services and their interrelationship in rates and tariff structure. These interrelationships are real and immediate * * *. Restriction of this proceeding to consideration of telegraph and telephotograph grade services only would be a piecemeal and inadequate approach to the press classification issues, whereas a full inquiry encompassing all grades of private line services needed in the press market would clearly be in the public interest." AP also alleges that since telephotograph grade private line services are essentially similar to voice grade circuits (and alternate voice use is permitted thereon), and since costing and data principles embrace both voice grade and telephotograph, any consideration of changes in one grade of service without opportunity to examine the probable effects on the other would be "unrealistic and unrewarding".

5. The Common Carrier Bureau supports the petitioner's request for enlargement and revision but suggests a change in the exact wording and scope of requested Issue A(2). The Bureau recommends that that issue include only the question of charges, regulations, practices, or classifications now in effect or revisions thereof now filed with the Commission, and not those proposed or hereafter filed. Any questions arising out of proposed revisions filed in the future, it asserts, can be considered at the appropriate time. In opposition to the petitions, both AT&T and Western Union contend that the questions raised therein were before the Commission when it designated the present issues, and that had it wanted the wider issues requested by the petitioners, it would have so designated them. Such an intention, they argue, cannot be read into the Commission's order. AT&T contends that this proceeding, in its present posture, was reopened only because of a particular change in circumstance, i.e., that effective August 1, 1967, the carriers made substantial changes in private line telegraph and telephotograph rates so that a higher rate would apply to the press than to which their prior evidence was addressed. "Nothing in these developments indicates that, at this late date, after a substantial record has been compiled, the scope of the case should be radically altered * * *." AT&T argues that, in addition to the above, the memorandum opinion and order reopening this proceeding (supra) indicates that the Commission merely wanted the record brought up to date, and not broadened. Both carriers contend, moreover, that the increased utilization of other types of private line services by the press does not warrant the enlargement of the issues. Western Union argues that the rates of "other" private line services have not been increased since the mid-1950's, that the use of these other services have become more economical as a result of the users' ability to subdivide the channels, and that there is therefore no valid reason for expanding the inquiry to encompass these other services. This, it is alleged, demonstrates the carrier's responsiveness to the needs of the press. "Having these considerations in mind, it becomes apparent that the Commission correctly understood what rates for what particular services could possibly affect the widespread dissemination of news." Finally, the carriers assert that it would be inequitable for the press to get a further delay and a consequent prolongation of preferential rates as a result of this proceeding. They suggest that such alleged preference be removed until this proceeding is concluded.

6. An examination of the Commission's recent designation order reveals no indication that the Commission attempted to restrict or "limit" the issues in this proceeding;[8] and it is clear that no specific preclusion of the instant enlargement sought by petitioners was enunciated. Moreover, the Commission did not specifically consider the rates, classifications, and regulations of the "other private line services". Under these circumstances, the policy set forth in Atlantic Broadcasting Co. (WUST), FCC 66–1053, 8 RR 991, is applicable:

> * * * subordinate officials should look to see whether specific reasons are stated for our action or inaction in a designation order, rather than merely considering whether the petitioner relies on new facts or whether we were aware of the general matter upon which he relies * * *. [W]here the designation order contains no reasoned analysis with respect to the merits of that particular matter, the subordinate official should make such an analysis and rule on the merits of the petition so that the hearing may be conducted in an orderly and expeditious manner.

Therefore, the Review Board will consider petitioners' pleadings on their merits. See §§ 0.361, 0.365(b)(1), and 1.229 of the Commission rules.

7. Petitioners' undisputed allegations show that new private line services have become available and have been extensively utilized by them within the past several years; that such services were not in wide use when this proceeding was instituted; and that the use of private line telegraph and telephotograph services varies with the utilization of other private line services. This relationship, it is asserted, should be investigated in this proceeding in order that the Commission can draw an enlightened conclusion on the main question herein—a special press rate classification. Further, petitioners allege that certain uses which can be made of private line telegraph and telephotograph services (see e.g., paragraph 4, supra) are similar to "other" private line services, and that the same costing and other data principles apply to many private line services. In view of these allegations and facts, the Review Board finds that consideration of other private line services is warranted in this investigation to enable the Commission to make a more enlightened and complete determination of the important questions involved.[9] For

[7] UPI alleges the following in regard to its position: it is now in the process of converting much of its news networks from telegraph to voice grade channels used for data transmissions, subdividing them with its own equipment. In the near future it will have 50,000 miles of such circuits; now, its financial services alone use 2,400 miles. At the time of the orignial hearing, some full period telephone circuits were used; now, 18,000 miles of such circuits are used. UPI also leases 485 miles of Telpak C. AP alleges the following in regard to its position: it presently has 12,808 channel miles of data speed service. Of this, 6,243 circuits are in Telpak C; 6,565 are leases separately. 351 channel miles are leased in conditioned schedule 2. This is telephotograph grade service; however it is not used for telephotograph transmission but for alternate data-voice. AP also leases three 15 kc bandwidth services in major cities. 13,453 channel miles of private line and foreign exchange telephone (now in Telpak C) are also in use.

[8] The Commission specifically "limited" the investigation to the three originally designated issues in its first designation order. However, when it reopened the record and redesignated new issues in this proceeding, no such specific limitation was included.

[9] Assuming the accuracy of the contention that the rates for other services were not raised in the Private Line case, or thereafter, the fact would not warrant a denial of the subject petition since the impact of those rates on the dissemination of news (as well as their relationship to the rates for telegraph and telephotograph services insofar as the effect on the dissemination of news is concerned) has not been previously determined.

if there is justification for authorizing a specific classification with different charges and regulations for press users, it would appear logical that this classification should encompass all of the private line services utilized in substantial measures by the press. In view of the important public interest factors militating against piecemeal, inefficient, and incomplete approaches to important questions we do not agree that the enlargement will unduly prolong this proceeding. However, we agree with the Common Carrier Bureau that, at this time, it is not necessary to consider any charges, classifications, or regulations other than those presently in effect (or revisions thereof on file). Such new charges, classifications, and regulations may be considered when and if made.

8. *Accordingly, it is ordered*, That the petitions to enlarge and modify issues, filed by Associated Press and United Press International, are granted to the extent indicated below, and denied in all other respects; and

9. *It is further ordered*, That the Issue A be redesignated Issue A(1); and

10. *It is further ordered*, That the issues in this proceeding are enlarged by the addition of the following issue:

A(2). The extent to which the currently effective charges, regulations, practices, and classifications for any private line service used by the press, including any revisions thereof filed by AT&T or Western Union, tend to, or would diminish, limit or impair the widespread dissemination of news.

11. *It is further ordered*, That Issue C is modified as follows:

C. Whether the Commission should prescribe or authorize a specific classification for press users of private line telegraph and telephotograph services or other private line services, with different charges and regulations for such class of users and communications, and, if so, what charges and regulations should be prescribed or authorized for such classification of users and communications.

Adopted: February 20, 1968.

Released: February 27, 1968.

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

[F.R. Doc. 68-2640; Filed, Mar. 1, 1968; 8:49 a.m.]

[Docket No. 18024; FCC 68-172]

CLINTON TV CABLE CO., INC., ET AL.

Memorandum Opinion and Order Instituting a Hearing

In re petitions by Clinton TV Cable Co., Inc., Clinton, Iowa, Docket No. 18024, File No. CATV 100-30; Northwest Illinois TV Cable Co., Inc., Monmouth, Ill., File No. CATV 100-60; Kewanee Perfect Pictures T.V., Inc., Kewanee, Ill., File No. CATV 100-143; for authority pursuant to § 74.1107 of the rules to operate CATV Systems in the Quad City (Davenport, Iowa-Rock Island-Moline, Ill.) television market.

1. The Commission has before it for consideration the above-captioned petitions which request waiver of the hearing requirements of § 74.1107 of the rules to permit the importation of distant television signals into three communities in the Quad City television market.

2. These CATV systems would operate in the Quad City television market, currently ranked 62d on the basis of a total net weekly circulation of 301,300. Channel assignments in the market and their status are: 8 (ABC), and *24 (Idle), Moline, Ill.; 4 (CBS), Rock Island, Ill.; 6 (NBC), 18 (CP-proposing independent programing), 30 (Idle), and 36 (Idle), Davenport, Iowa; and 63 (Idle), Galesburg, Ill.

3. Clinton TV Cable Co., Inc., plans to operate its system at Clinton, Iowa (33,589), Clinton County (55,060), about 25 miles northeast of the Quad Cities. The system proposes to carry Channels 8 (ABC), Moline; 4 (CBS), Rock Island, and 6 (NBC), Davenport, all local signals; and the distant signals of Channel 18 (CP-Independent), Davenport; Channels 9 (Independent), 11 (Educational), 26 (Independent), and 32 (Independent), all Chicago stations; Channel 11 (Independent), St. Louis; and Channel 4 (Independent), Indianapolis. In support of its request petitioner claims that Clinton is not in any urbanized or metropolitan area, and is geographically separated from any large centers of population; the proposed UHF station at Davenport has not looked to Clinton for support; the installation of the CATV system will extend the coverage of the new Davenport UHF station; the system will serve less than 2 percent of the market's viewers; the television industry in this area is healthy; and the system will provide Clinton subscribers a variety of programing not now available to them. The licensees of the Quad City network affiliated stations have filed oppositions to the proposed system contending that Clinton TV's request is based on an unsupported conclusion that television viewers in Clinton desire the nonnetwork programs of independent stations; importation of signals from big cities into the primary service area of market stations presents a question which must be thoroughly explored in an evidentiary hearing; and the request for a waiver falls far short of establishing any extraordinary fact which would justify such relief.

4. Northwest Illinois TV Cable Co., Inc., proposes to serve the city of Monmouth (10,372), Warren County, Ill. (21,587).[1] The community is located approximately 35 miles south of the Quad Cities and is not part of any census area. The system would carry Channels 8 (ABC), Moline; 4 (CBS), Rock Island; and 6 (NBC), Davenport, all local signals; and the following distant signals: Channel 18 (CP-Independent), Davenport; Channels 9 (Independent), *11 (Educational), 26 (Independent), and 32 (Independent), all Chicago stations; Channel 11 (Independent), St. Louis; and Channel 4 (Independent), Indianapolis.[2] Petitioner alleges that carriage of these distant signals will give the residents of Monmouth greater variety of television programing adding to the choices in Monmouth the kind of television that is not now available in the community; Channel 63 in Galesburg will not be utilized in the foreseeable future since that community currently receives service from the three Quad City and from the three Peoria network stations; the only UHF service in the area which may realistically be considered is the recently authorized Channel 18 operation in Davenport, and without the proposed CATV service the signals of that station would not be receivable since Monmouth lies approximately 15 miles outside its predicted Grade B contour. The permittee of Channel 18, Davenport, Iowa, and the licensee of Channel 8, Moline, Ill., have filed oppositions to the amended waiver petition, claiming that importation of distant nonmarket independent signals will have an injurious effect on independent UHF development in the area; the network affiliated stations in the Quad Cities produce large amounts of nonnetwork material and thus there is no need to import the signals of independent nonmarket stations; operating stations will not be fully protected by the program exclusivity provisions of § 74.1103 since a large percentage of the programing of the stations in this market is nonnetwork.[3] Television Chicago, a joint venture, licensee of Channel 32, Chicago, Ill. has filed a letter in which it states it has not consented to carriage of its signal; and that its interest in programing for independent UHF stations (i.e., in selling its own programs to other stations) may be affected.

5. Kewanee Perfect Picture T.V., Inc., seeks to commence operation in Kewanee (16,324), Henry County (49,317), located approximately 35 miles southeast of the

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[1] Presently pending before the Commission is an application by United Video Inc. (File No. 5203-C1-P-66), for a new point-to-point microwave station to implement this proposed service. The disposition of the microwave application will follow later (as it is not ready for final action), and will be consistent with our resolution of the § 74.1107 waiver request here.

[2] Northwest Illinois originally requested permission to transmit besides the local stations, the following distant signals: Channels 7 (ABC-CBS), 10 (ABC-NBC), Hannibal-Quincy; and Channels 19 (ABC), 25 (NBC), and 31 (CBS), all Peoria, Ill., stations. Northwest Illinois amended its original petition to delete these signals and substituted the above. The licensee of Channel 4, Rock Island, Ill., filed a pleading in response to the original petition, in which it was stated that there was no opposition to the proposed service. The licensee of Channel 6, Davenport, Iowa, filed an opposition to the original petition. However, these parties have not filed any pleadings in response to the new proposal of Northwest Illinois.

[3] However, the most recent renewal applications for the Quad City stations reveal that their nonnetwork programing is somewhat less than the amount which we found to constitute the national average. Second Report and Order, 2 FCC 2d 725.

Quad Cities, and about 40 miles northwest of Peoria, Ill. Petitioner proposes to provide the residents of this community with the local signals of Channels 8 (ABC), Moline; 4 (CBS), Rock Island; 6 (NBC), Davenport; and 25 (NBC), and 31 (CBS), both Peoria, Ill., stations; and the distant signals of Channels 9 (Independent), *11 (Educational), 20 (Educational), and 32 (Independent), all Chicago stations. Petitioner contends waiver should be granted since the community does not receive any independent or noncommercial educational television service. The licensees of Channel 6, Davenport, Iowa, Channel 4, Rock Island, Ill., Channel 8, Moline, Ill., and Channel 31, Peoria, Ill., have filed oppositions to the petition claiming that several UHF assignments are available in the Kewanee area which, when developed would provide the presently missing services, and importation of distant signals would only delay the development of these broadcast services; without the relief requested petitioner could still carry the three operating VHF stations in the Quad Cities plus two of the three stations in the Peoria market, and a waiver is conceivable to permit carriage of the new UHF station in Davenport, and the remaining station in the Peoria market; carriage of only the area stations would provide substantial nonnetwork programing; petitioner has not indicated that he is willing to comply with the carriage and nonduplication provisions of the rules and that question should be resolved in a hearing.[4] Television Chicago, a joint venture, licensee of Channel 32, Chicago, Ill., alleges in its letter the same matters as previously set forth respecting the Monmouth proposal.

6. The request for waiver by Clinton TV Cable Co., Inc., will be denied. In view of its size and location it is believed that the question of the impact a CATV system in this city would have should be fully explored in an evidentiary hearing.

7. The requests for Monmouth and Kewanee however, present different factors which warrant a waiver of the hearing requirements. These are relatively small communities, distant and distinct from the central cities of the market, and the proposed systems pose little likelihood of substantial impact upon the potential for additional broadcast service. There is an open UHF allocation in Galesburg. But this city receives predicted service from the network stations in the Quad City and Peoria markets, and there has been no application for the open channel or other interest shown in activating UHF service in Galesburg.

8. Moreover, our own analysis of the maximum cumulative impact which could result from grants to Monmouth and Kewanee, and assuming at the outside the same treatment for all other communities similarly situated in this market, indicates that at least 90 percent of the market Grade A television homes would continue to be unavailable to distant signal CATV systems.[5] Thus, on balance, we do not believe that these systems could have any serious impact upon broadcasting in this market; we also take into account that the public interest is served by making available diverse programming to the people of these communities.

9. *Accordingly, it is ordered,* That the provisions of § 74.1107 of the rules are waived and the Monmouth and Kewanee CATV systems are authorized to carry the distant signals as proposed, subject to the applicable provisions of § 74.1103 of the rules.

It is further ordered, That the request of Clinton TV Cable Co., Inc., for waiver of the hearing provisions of § 74.1107 of the rules, is denied; and pursuant to sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended, and § 74.1107 of the Commission's rules, a hearing is ordered as to said matters on the following issues:

1. To determine the present and proposed penetration and extent of CATV service in the Quad City market.

2. To determine the effects of current and proposed CATV service in the Quad City market upon existing, proposed and potential television broadcast stations in the market.

3. To determine (a) the present policy and proposed future plans of petitioners with respect to the furnishing of any service other than the relay of the signals of broadcast stations; (b) the potential for such services; and (c) the impact of such services upon television broadcast stations in the market.

4. To determine in light of the above whether the proposal is consistent with the public interest.

Clinton TV Cable Co., Inc., Television Chicago, a joint venture, Rock Island Broadcasting Co., Moline Television, Inc., and WOC Broadcasting Co., are made parties to this proceeding and, to participate, must comply with the applicable provisions of § 1.221 of the Commission's rules. The burden of proof is upon the petitioner. A time and place for the hearing will be specified in another order.

Adopted: February 14, 1968.

Released: February 21, 1968.

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

[F.R. Doc. 68-2639; Filed, Mar. 1, 1968; 8:49 a.m.]

[4] It was also argued that the petition was not properly verified. But the petition was signed by counsel and in light of all of the circumstances, no prejudice seems to have resulted.

[5] Population source is the current Sales Management Magazine and television signal contours are derived from the relevant license files. The exclusion percentage assumes the unavailability of rural populations to CATV in the current state of the art, contemplates a maximum penetration of 50 percent over the near term, and includes all television homes in that area surrounding the central cities no greater than the distance from such cities of the closest system for which waiver is granted.

[1] Commissioner Bartley concurring in part and dissenting in part and issuing a statement filed as part of the original document. Commissioner Cox concurring in part and dissenting in part and issuing a statement in which Commissioner Lee joins. This statement is filed as part of the original document. Commissioner Loevinger concurring in the result.

CIVIL SERVICE COMMISSION

DIRECTOR, RESOURCES PLANNING STAFF, BUREAU OF THE BUDGET

Manpower Shortage; Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission has found, effective February 26, 1968, that there is a manpower shortage for the single position of Director, Resources Planning Staff, Bureau of the Budget, Washington, D.C. The appointee may be paid for the expenses of travel and transportation to his post of duty.

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

[F.R. Doc. 68-2619; Filed, Mar. 1, 1968; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2280]

GENESCO WORLD APPAREL, LTD.

Notice of Filing of Application

FEBRUARY 27, 1968.

Notice is hereby given that GENESCO World Apparel, Ltd. ("applicant"), c/o Waller, Lansden, Dortch & Davis, American Trust Building, Nashville, Tenn. 37201, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 for an order exempting it from all provisions of the Act and the rules and regulations thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Applicant was incorporated on February 14, 1968, under the laws of the

Territory of Virgin Islands. The authorized capital stock of the applicant is 1,000 shares of common stock, par value $1 per share, all of which are presently issued and outstanding and were acquired for $10,000 cash by or on behalf of GENESCO World Apparel Corp. ("World Apparel"), a corporation organized under the laws of the State of Delaware. All of the outstanding stock of World Apparel is owned by GENESCO Inc. ("GENESCO"), a corporation organized under the laws of the State of Tennessee. On or before July 31, 1968, World Apparel and/or GENESCO will contribute cash and other property having a fair market value of not less than $2,990,000 to applicant; such other property may consist of stock or obligations of GENESCO's affiliates. Additional contributions to the capital of applicant may be made by World Apparel and/or GENESCO in the future. World Apparel or GENESCO or one of its wholly owned subsidiaries will purchase any additional equity securities which applicant may issue in the future and neither GENESCO or any of its wholly owned subsidiaries will dispose of any equity securities of applicant except to applicant, to GENESCO, or to another wholly owned subsidiary of GENESCO.

GENESCO engages, directly or through its affiliated corporations, both in the United States and abroad, in substantially all phases of the apparel industry. It is a publicly held company the common stock of which is listed on the New York Stock Exchange and registered under the Securities Exchange Act of 1934.

Applicant has been organized in order to raise funds abroad for use in financing the requirements of GENESCO's expanding foreign operations in a manner which will not adversely affect the U.S. balance of payments, in compliance with the program of the U.S. Government of mandatory restraints on direct foreign investments by U.S. corporations, which is designed to improve the balance of payments position of the United States. Applicant intends to issue and sell $15 million of its 5½ percent Guaranteed (Subordinated) Debentures Due 1988 ("the Debentures"). The Debentures will be convertible into shares of common stock of GENESCO at any time on or after November 1, 1968, at a conversion price to be determined prior to the public offering of the Debentures. GENESCO will unconditionally guarantee the principal and premium, if any, and interest payments on, or conversion rights of, the Debentures, such guarantee being subordinate to certain outstanding debts of GENESCO. Any additional debt securities of applicant which may be issued to or held by the public will be guaranteed by GENESCO in the same manner as the Debentures.

Applicant intends that all of its assets will be invested in or loaned to companies which will be either foreign companies or domestic companies all or substantially all of whose business is carried on abroad, which are primarily engaged in a business or businesses other than the business of investing, reinvesting, or trading in securities and with respect to which GENESCO or applicant owns directly or indirectly 10 percent or more of the voting stock. Applicant will proceed as expeditiously as possible with the long-term investment of its funds, but applicant may make short-term deposits of such funds in foreign banks or foreign branches of U.S. banks, may make temporary investments of such funds in short-term obligations outside the United States, and may maintain working balances in U.S. banks. All investments and loans of applicant's funds will be made in or to companies primarily engaged in a business outside the United States and in a business other than investing, reinvesting, owning, holding, or trading in securities. Applicant will not acquire the securities representing its loans or investments for the purpose of resale and will not trade in such securities.

In the opinion of counsel U.S. persons will be subject to payment of the U.S. Interest Equalization Tax with respect to the acquisition of the Debentures. By financing its foreign operations through applicant rather than through the sale of its own debt obligations, GENESCO will utilize an instrumentality, the acquisition of whose debt obligations by U.S. persons would, generally, subject such persons to the Interest Equalization Tax, thus discouraging them from purchasing such debt obligations.

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. The contracts relating to such offer and sale will contain various provisions intended to assure that the Debentures will not be purchased by nationals, citizens, or residents of the United States, its territories or possessions. Any future debt securities of applicant which are sold to the public will be sold under substantially similar conditions.

Applicant intends to apply for listing of the Debentures on the New York Stock Exchange and the Luxembourg Stock Exchange and to register the Debentures under the Securities Exchange Act of 1934.

Applicant submits that it is entitled to an order exempting it from all the provisions of the Act because it is not necessary or appropriate in the public interest or consistent with the protection of investors or the purposes fairly intended by the policy and provisions of the Act to regulate the company under the Act for the following reasons: (1) A principal purpose of applicant is to assist in improving the balance of payments position of the United States by serving as a vehicle through which GENESCO 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 applicant's security holders do not require the protection of the Act because the payment of the Debentures, which is guaranteed by GENESCO, does not depend on the operations or investment policy of applicant, for the Debenture holders may ultimately look to the business enterprise of GENESCO rather than solely to that of applicant; (4) none of applicant's equity securities will be held by any person other than GENESCO or a wholly owned subsidiary of GENESCO; (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 the Luxembourg Stock Exchange and of the Securities Exchange Act of 1934.

Notice is further given that any interested person may, not later than March 8, 1968, at 12:30 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 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. 68–2591; Filed, Mar. 1, 1968; 8:45 a.m.]

[812–2247]

INSURANCE & SECURITIES INC.

Notice of Filing of Application for Order of Exemption

FEBRUARY 27, 1968.

Notice is hereby given that Insurance & Securities Inc. ("ISI"), 100 California Street, San Francisco, Calif.

94120, investment adviser of, and principal underwriter for, Insurance Securities Trust Fund ("Trust Fund"), ISI Growth Fund, Inc. ("Growth Fund"), and ISI Income Fund, Inc. ("Income Fund"), has filed an application pursuant to section 6(c) of the Investment Company Act of 1940, 15 U.S.C. section 80a-1 et seq., ("Act") requesting an order of the Commission exempting from the provisions of section 22(d) of the Act sales of securities of Growth Fund or Income Fund at a reduced sales load or without sales load to holders of participating agreements issued by Trust Fund upon the maturity of such participating agreements and the investment in securities issued by Growth Fund or Income Fund of all or part of the proceeds payable upon such maturity.

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 Trust Fund is a registered open-end management investment company which has been in operation since 1938. Growth Fund and Income Fund are registered open-end management investment companies, the securities of which have not yet been offered to the public. The price of the securities proposed to be offered by the Growth Fund and the Income Fund will include a creation fee or sales load payable to ISI in a maximum amount of 8.5 percent of such price, which fee is to be reduced on a graduated scale for sales involving larger amounts.

It is proposed to permit investors in participating agreements in the Trust Fund to invest at maturity (or within 60 days thereafter) all or a portion of the proceeds payable upon maturity of such participating agreements in the security then being issued by the Growth Fund or by the Income Fund at a sales load no greater than the sales load applicable upon the reinvestment of such proceeds in the security then being issued by the Trust Fund.

Participating agreements issued by the Trust Fund provide for participation in the Trust Fund for a term of 10 years from the date of issuance. Under the Trust Agreement pursuant to which the Trust Fund was organized and is operated, ISI is entitled to be paid a sales load of 8.85 percent on the total amounts paid in on each participating agreement. Until March 1967, Trust Fund investors who wished to reinvest in a new participating agreement all or a portion of the proceeds of a participating agreement which had matured at the end of 10 years paid the full 8.85 percent creation fee applicable to new participating agreements.

Beginning March 27, 1967, ISI (1) eliminated the sales load on the reinvestment at maturity (or within 60 days thereafter) in the single payment security then being issued by the Trust Fund of all or a portion of the proceeds payable upon maturity of any participating agreement issued on or after March 27, 1967; (2) reduced from 8.85 percent to 5 percent the sales load on the reinvestment at maturity (or within 60 days thereafter) in the single payment security then being issued by the Trust Fund of all or a portion of the proceeds payable upon maturity of any single payment participating agreement or accumulative plan participating agreement issued, outstanding and fully paid as of March 24, 1967; (3) provided that in the case of an accumulative plan participating agreement issued and outstanding as of March 24, 1967, but not fully paid as of that date, all or a portion of the maturity proceeds may, within 60 days following maturity, be reinvested in the single payment security then being issued by the Trust Fund subject to a sales load of 5 percent of the lesser of (a) that portion of the maturity proceeds which is equal to the net asset value on maturity of the sum of the net asset value of such participating agreement as of March 24, 1967, and any amounts withdrawn therefrom but not repaid as of March 24, 1967, or (b) the amount reinvested.

The minimum amount which may be reinvested without load or at the reduced load of 5 percent under the foregoing arrangements is $1,000, or the entire proceeds upon maturity if such proceeds are less than $1,000.

Effective August 12, 1967, the Commission adopted Rule 11a-1 under the Act. The effect of Rule 11a-1 is to prohibit the charging of any sales load on the reinvestment of the maturity proceeds of participating agreements in the Trust Fund issued on or after August 12, 1967, at maturity (or within 60 days thereafter) in any security then being issued by the Trust Fund or by any other open-end investment company for which ISI acts as principal underwriter.

Under the present proposal, holders of participating agreements outstanding on March 24, 1967, will be entitled to invest the maturity proceeds thereof at the reduced sales load, not only in the security then being issued by the Trust Fund, but also in the security then being issued by the Growth Fund or the Income Fund. Holders of participating agreements issued after March 24, 1967, will have the same right enjoyed by purchasers of participating agreements issued after August 12, 1967, to reinvest the maturity proceeds thereof without sales load, not only in the security then being issued by the Trust Fund, but also in the security then being issued by the Growth Fund or the Income Fund.

ISI represents that the proposed arrangement will confer significant additional benefits upon investors in the Trust Fund and is consistent with the Commission's order of August 21, 1967 (Investment Company Act Release No. 5062) which exempted from section 22(d) sales of securities of the Trust Fund at a reduced sales load or without sales load pursuant to the arrangement instituted by ISI on March 27, 1967 described above.

Section 22(d) of the Act provides: "No registered investment company shall sell any redeemable security issued by it to any person except either to or through a principal underwriter for distribution or at a current public offering price described in the prospectus, and, if such class of security is being currently offered to the public by or through an underwriter, no principal underwriter of such security and no dealer shall sell any such security to any person except a dealer, a principal underwriter or the issuer, except at a current public offering price described in the prospectus: *Provided, however*, That nothing in this subsection shall prevent a sale made (i) pursuant to an offer of exchange permitted by section 11 hereof including any offer made pursuant to clause (1) or (2) of section 11(b); (ii) pursuant to an offer made solely to all registered holders of the securities, or of a particular class or series of securities issued by the company proportionate to their holdings or proportionate to any cash distribution made to them by the company (subject to appropriate qualifications designed solely to avoid issuance of fractional securities); or (iii) in accordance with rules and regulations of the Commission made pursuant to subsection (b) of section 12."

Section 6(c) of the Act provides: "The Commission, by rules and regulations upon its own motion, or by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of this title or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of this title."

Notice is further given that any interested person may, not later than March 19, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon ISI 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. 68-2592; Filed, Mar. 1, 1968; 8:45 a.m.]

[File Nos. 7-2872—7-2876]

TELEDYNE, INC., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

FEBRUARY 21, 1968.

In the matter of applications of the Detroit 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.
Teledyne, Inc.	7-2872
Trans World Airlines, Inc.	7-2873
Union Carbide Corp.	7-2874
United States Smelting, Refining & Mining Co.	7-2875
Xerox Corp.	7-2876

Upon receipt of a request, on or before March 7, 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. 68-2593; Filed, Mar. 1, 1968; 8:45 a.m.]

URANIUM KING CORP.

Order Suspending Trading

FEBRUARY 27, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Uranium King Corp., Post Office Box 6217, Salt Lake City, Utah, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period February 28, 1968, through March 8, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-2594; Filed, Mar. 1, 1968; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 558]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 28, 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 2392 (Sub-No. 66 TA), filed February 23, 1968. Applicant: WHEELER TRANSPORT SERVICE, INC., Post Office Box 14248, West Omaha Station, 7722 F Street, Omaha, Nebr. 68114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid nitrogen fertilizer solution* in bulk, from Omaha, Nebr., to points in Iowa, Kansas, Minnesota, Missouri, North Dakota, and South Dakota, for 180 days. Supporting shipper: Gulf Oil Corp., Chemicals Department, Dwight Building, Kansas City, Mo. 64105 (R. A. Young, Transportation Manager). Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 18738 (Sub-No. 36 TA), filed February 23, 1968. Applicant: SIMS MOTOR TRANSPORT LINES, INC., 610 West 138th Street, Riverdale, Ill. 60627. Applicant's representative: Tony Hoboian (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite of Jones & Laughlin Corp., Putnam County, Ill., to points in Indiana, Michigan, Ohio, and Kentucky; and *materials, equipment, and supplies used in the manufacture or processing of iron and steel articles* from points in Indiana, Michigan, Ohio, and Kentucky to the plantsite of Jones & Laughlin Corp., Putnam County, Ill. Restriction: Restricted against the transportation of oilfield and pipeline commodities as defined by the Commission in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459, for 180 days. Supporting shipper: C. F. Coombs, Traffic Manager, Jones & Laughlin Steel Corp., 3 Gateway Center, Pittsburgh, Pa. 15230. Send protests to: Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 59117 (Sub-No. 31 TA), filed February 23, 1968. Applicant: ELLIOTT TRUCK LINE, INC., Post Office Box 1, Vinita, Okla. 74301. Applicant's representative: Vincent Elliott (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions*, in bulk, in tank vehicles, from Pryor, Okla., to points in Kansas, Arkansas, Texas, Louisiana, Missouri, and Mississippi, for 180 days. Supporting shipper: Cherokee Nitrogen Co., Donald T. Sjoquist, Post Office Box 429, Pryor, Okla. 74361. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 88368 (Sub-No. 19 TA), filed February 23, 1968. Applicant: CARTWRIGHT VAN LINES, INC., 4411 East 119th Street, Grandview, Mo. 64030. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* (as defined by the Commission) from Earp, Calif., and a 50-mile radius, to points in California, and from points in California, to Earp, Calif., and a 50-mile radius. NOTE: Applicant intends to tack the authority here applied for to other authority held by it, for 180 days. Supporting shippers: Marion Laboratories, Inc., 10236 Bunker Ridge Road, Kansas City, Mo. 64137; Yellow Transit Freight Lines, Inc., Post Office Box 8462, 92d at State Line, Kansas City, Mo. 64114. Send protests to: H. J. Simmons, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 108449 (Sub-No. 280 TA), filed February 23, 1968. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn.

55113. Applicant's representative: W. A. Myllenbeck (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, from Fairmont, Minn., to points in Iowa, for 180 days. Supporting shipper: The Borden Chemical Co., Smith-Douglass Division, Post Office Box 419, Norfolk, Va. 23501. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 115311 (Sub-No. 79 TA), filed February 23, 1968. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, Ga. 31061. Applicant's representative: T. Baldwin Martin, 700 Home Federal Building, Macon, Ga. 31201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica clay*, from Sewanee, Tenn., to Macon, Ga., in pneumatic tank trucks or trailers, for 180 days. Supporting shipper: National Billiard Chalk Co., Chicago, Ill. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 115311 (Sub-No. 80 TA), filed February 23, 1968. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, Ga. 31061. Applicant's representative: T. Baldwin, 700 Home Federal Building, Macon, Ga. 31201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica clay*, from Cairo, Ill., to Macon, Ga., in pneumatic tank trucks or trailers, for 180 days. Supporting shipper: National Billiard Chalk Co., Chicago, Ill. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 115331 (Sub-No. 245 TA), filed February 23, 1968. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, Mo. 63131. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared animal and poultry feed ingredients*, in bags and in bulk, from East St. Louis, Ill., to points in Missouri, for 180 days. Supporting shipper: National Oats Co., 1931 Baugh Avenue, East St. Louis, Ill. 62205. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 3248–B, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 116325 (Sub-No. 52 TA), filed February 23, 1968. Applicant: JENNINGS BOND, doing business as JENNINGS BOND ENTERPRISES, Post Office Box No. 8, Lutesville, Mo. 63762. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and pallets*, from the plant of Joseph G. Baldwin Co., McLeansboro, Hamilton County, Ill., to points in Indiana, Michigan, Wisconsin, Iowa, Kansas City, Kans., Ohio, and Tennessee, for 180 days. Supporting shipper: Joseph G. Baldwin Co. Attention: Florence Baldwin, Vice President, McLeansboro, Ill. 62859. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 3248–B, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 119702 (Sub-No. 31 TA), filed February 23, 1968. Applicant: STAHLY CARTAGE CO., 130A Hillsboro Avenue, Post Office Box 486, Edwardsville, Ill. 62025. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, from Tilton, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Ohio, and Wisconsin, for 180 days. Supporting shipper: United States Steel Corp., 400 Manor Building, Pittsburgh, Pa. 15230. 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 126311 (Sub-No. 6 TA), filed February 23, 1968. Applicant: CHARLES L. PARKS, R.F.D. No. 2, Ashland, Nebr. 68003. Applicant's representative: Charles J. Kimball, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, from Council Bluffs, Iowa, to points in Cass, Butler, Colfax, Dodge, Douglas, Lancaster, Saunders, Seward, and Washington Counties, Nebr., for 180 days. Supporting shippers: Farmers Union Coop Grain Co., Snyder, Nebr.; Farmers Cooperative Co., Hooper, Nebr.; Farmers Grain & Lumber Co., Dodge, Nebr.; Nehawka Farmers Cooperative, Nehawka, Nebr. Send protests to: District Supervisor Max H. Johnston, Bureau of Operations, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 128078 (Sub-No. 1 TA), filed February 23, 1968. Applicant: MICHAEL VALIHORA, 3050 West Fort Street, Box 1176A, Detroit, Mich. 48216. Applicant's representative: James P. Tryand, 515 Ann Arbor Trust Building, Ann Arbor, Mich. 48108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points on the international boundary line between the United States and Canada at or near Detroit, and Port Huron, Mich., to Shakopee, Minn., for 150 days. Supporting shipper: Ritchie Halstead & Quick Corp., 24555 Southfield Road, Southfield, Mich. Send protests to: District Supervisor Gerald J. Davis, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, Detroit, Mich. 48226.

No. MC 129020 (Sub-No. 1 TA), filed February 23, 1968. Applicant: JOHN ALBERT RAVEN, doing business as AMERICAN MOTOR SERVICE, 5819 West 109th Street, Chicago Ridge, Ill. 60415. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, (1) from Depue, Ill., to points in Ohio, Illinois, Indiana, Michigan, Wisconsin, Minnesota, Iowa, Kansas, Missouri, Nebraska, North Dakota, and South Dakota; (2) from Riverdale and Colfax, Ill., to points in Indiana, Michigan, Missouri, Ohio, and Wisconsin; (3) from Des Moines, Iowa, to Kansas, Minnesota, Missouri, Nebraska. North Dakota, South Dakota, and Wisconsin, for 180 days. Supporting shipper: The New Jersey Zinc Co., 160 Front Street, New York, N.Y. 10038. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 129135 (Sub-No. 4 TA), filed February 23, 1968. Applicant: KATUIN BROS. INC., 102 Terminal Street, Dubuque, Iowa 52001. Applicant's representative: Allan Katuin (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, in bags and in bulk, from Cedar Rapids, Iowa, to points in Wisconsin on and south of U.S. Highway 18 and east of U.S. Highway 51, for 180 days. Supporting shipper: Quaker Oats Co., Merchandise Mart Plaza, Chicago, Ill. 60654. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68–2625; Filed, Mar. 1, 1968; 8:48 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 28, 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. 41247—*Barley, grain sorghum seeds and sorghums from Oklahoma points.* Filed by Trans-Continental Freight Bureau, agent (No. 450), for interested rail carriers. Rates on barley, threshed, grain sorghum seeds, grain sorghums, threshed, in straight or mixed carloads, minimum 100,000 pounds, from Goodwell, Guymon, Hooker, Optima, Panoma, and Texhoma, Okla., on Chicago, Rock Island & Pacific Railroad Co., to points in Arizona, California, and New Mexico, on The Atchison, Topeka, and Santa Fe Railway Co.

Grounds for relief—Carrier competition.

Tariff—Supplement 97 to Trans-Continental Freight Bureau, agent, tariff ICC 1725.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68–2624; Filed, Mar. 1, 1968; 8:48 a.m.]

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