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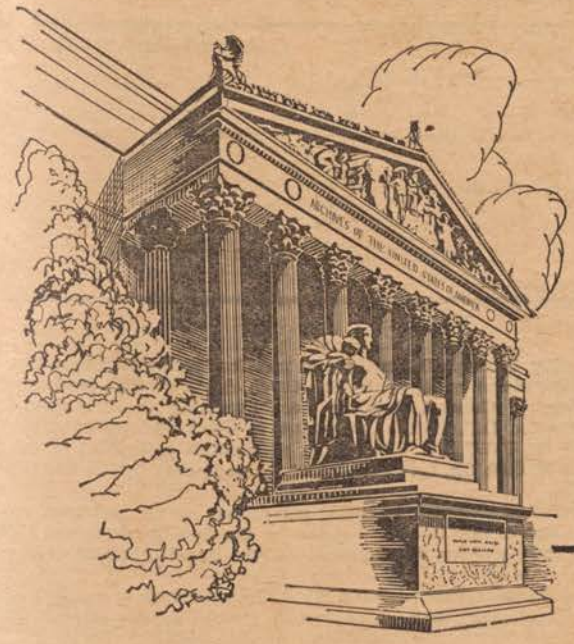

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1968, and specifies how they are affected.

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Rules and Regulations

Title 1—GENERAL PROVISIONS

Chapter I—Administrative Committee of the Federal Register

APPENDIX B—LISTS OF ACTS REQUIRING PUBLICATION IN THE FEDERAL REGISTER

Appendix B is amended by adding thereto the list of acts enacted in 1967 requiring or authorizing the publication of documents in the FEDERAL REGISTER, as follows:

1967

Publication and incorporation by reference in the FEDERAL REGISTER	81 Stat. 54; 5 U.S.C. 552.
Hazardous household products	81 Stat. 467, 468; 15 U.S.C. 1262 note.
Air Pollution	81 Stat. 491, 493; 42 U.S.C. 1857c–2, 1857d.
Meat Inspection	81 Stat. 596; 21 U.S.C. 661.
Pay Recommendations of President	81 Stat. 644; 2 U.S.C. 361.
Subversive Activities Control	81 Stat. 771; 50 U.S.C. 792.
Presidential determination of Foreign Aid	81 Stat. 939; 22 U.S.C. 2370 note.

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Housing and Home Finance Agency and Department of Housing and Urban Development

Sections 213.3344 and 213.3384 are amended to show that the position of Special Assistant to the Assistant Secretary for Renewal and Housing Assistance is excepted under Schedule C in lieu of the position of Special Assistant to the Commissioner (Liaison), Public Housing Administration, Housing and Home Finance Agency. Effective on publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (c) of § 213.3344 is revoked and a new subparagraph (6) is added to paragraph (c) of § 213.3384 as set out below.

§ 213.3344 Housing and Home Finance Agency.

* * * * *

(c) *Public Housing Administration.*

(1) [Revoked]

* * * * *

§ 213.3384 Department of Housing and Urban Development.

* * * * *

(c) *Office of the Assistant Secretary for Renewal and Housing Assistance.* * * *

(6) Special Assistant to the Assistant Secretary.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

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

[F.R. Doc. 68–3070; Filed, Mar. 12, 1968; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that the position of Staff Assistant to the Deputy Assistant Secretary, Housing Assistance Administration, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (7) is added to paragraph (c) of § 213.3384 as set out below.

§ 213.3384 Department of Housing and Urban Development.

* * * * *

(c) *Office of the Assistant Secretary for Renewal and Housing Assistance.* * * *

(7) One Staff Assistant to the Deputy Assistant Secretary, Housing Assistance Administration.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

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

[F.R. Doc. 68–3071; Filed, Mar. 12, 1968; 8:48 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 1]

PART 722—COTTON

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

ERRONEOUS NOTICE OF COTTON ALLOTMENT

Basis and purpose. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). The purpose of this amendment is to expand the provisions of § 722.423 to permit application of the erroneous notice of allotment provision to export market acreage and to make such provisions applicable prior to planting the crop under specified conditions.

Since planting of cotton is imminent in some areas affected farmers need benefit of this amendment immediately. It is hereby determined and found that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, this amendment shall be effective upon filing with the Director, Office of the Federal Register.

Section 722.423 is amended by revising the first sentence thereof to read as follows:

§ 722.423 Erroneous notice of cotton allotment.

In any case where through error the producer is officially notified in writing of a farm allotment (including export market acreage) larger than the final approved farm allotment and it is found by the county committee that such producer, acting solely on the information contained in the erroneous notice, has materially changed his position to enable him to produce the allotment crop (for example, obligated expenditure of funds for land preparation, additional equipment and labor), or has planted an acreage to cotton in excess of the final approved farm allotment, the producer will not be considered to have exceeded the farm allotment unless he planted an acreage in excess of the allotment shown on the erroneous notice. * * *

(Secs. 344, 344a, 346(e), 375, 377, 63 Stat. 670, as amended, 79 Stat. 1197, 79 Stat. 1192, 52 Stat. 66, as amended, 70 Stat. 206, as amended, 7 U.S.C. 1344, 1344b, 1346(e), 1375, 1377)

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

Signed at Washington, D.C., on March 8, 1968.

RAY FITZGERALD,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 68-3068; Filed, Mar. 12, 1968; 8:48 a.m.]

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

[948.356, Amdt. 2; Area 2]

PART 948—IRISH POTATOES GROWN IN COLORADO

Limitation of Shipments

Marketing Agreement No. 97, as amended, and Order No. 948, as amended (7 CFR Part 948), regulate the handling of Irish potatoes grown in the State of Colorado. They are effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Findings. (a) Based upon the recommendation and information submitted by the Colorado Area No. 2 Committee, established pursuant to the said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable 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 amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) compliance with this amendment will not require any special preparation by handlers which cannot be completed by the effective date, (3) information regarding the committee's recommendation has been made available to producers and handlers in the production area, and (4) time required for rule making procedure will result in loss of seed potato sales in some areas where noncertified seed potatoes are being planted.

Order, as amended. In § 948.356 (32 F.R. 12593), subparagraph (2)(ii) of paragraph (c) is hereby amended to read as follows:

§ 948.356 **Limitation of shipments.**

* * * * *

(c) *Special purpose shipments.* * * *

(2) *Other special purposes.* * * *

(ii) The quality and maturity requirements of paragraphs (a) and (b) of this section shall not be applicable to the handling of potatoes for seed pursuant to § 948.6: *Provided,* That the handling of potatoes for seed which have not been certified shall be limited to shipments sold to producers exclusively for planting within the States of New Mexico, Arizona, and Texas pursuant to § 948.23(e); but any lot of potatoes handled for seed shall be subject to assessments.

* * * * *

Effective date: Issued March 8, 1968, to become effective upon publication in the FEDERAL REGISTER.

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

[F.R. Doc. 68-3052; Filed, Mar. 12, 1968; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Farm Storage Facility Loan Bulletin 1 (Rev. 4), Amdt. 3]

PART 1474—FARM STORAGE FACILITIES

Subpart—Farm Storage Facility Loan Program

TERMS AND CONDITIONS OF LOANS

The subpart of Part 1474 of Title 7 of the Code of Federal Regulations, containing the terms and conditions governing the Commodity Credit Corporation Farm Storage Facility Loan Program, published in the FEDERAL REGISTER of November 1, 1962, and amended on March 14, 1963, and November 2, 1963 (27 F.R. 10647, 28 F.R. 2491 and 28 F.R. 11725), is amended by revoking paragraph (f) of § 1474.726. This amendment will eliminate the requirement that the borrower maintain insurance on the facility until the loan has been fully repaid.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b)

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

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

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

[F.R. Doc. 68-3054; Filed, Mar. 12, 1968; 8:47 a.m.]

[CCC Dryer Loan Program Regs., Amdt. 1]

PART 1474—FARM STORAGE FACILITIES

Subpart—Dryer Loan Program Regulations

TERMS AND CONDITIONS OF LOANS

The subpart of Part 1474 of Title 7 of the Code of Federal Regulations published in the FEDERAL REGISTER of January 3, 1964 (29 F.R. 41), containing the terms and conditions of the Commodity Credit Corporation Dryer Loan Program, is amended by revoking paragraph (f) of § 1474.766. This amendment will eliminate the requirement that the borrower maintain insurance on the equipment during the life of the loan.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b)

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

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

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

[F.R. Doc. 68-3055; Filed, Mar. 12, 1968; 8:47 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. G]

PART 207—CREDIT BY PERSONS OTHER THAN BANKS, BROKERS, OR DEALERS FOR PURPOSE OF PURCHASING OR CARRYING REGISTERED EQUITY SECURITIES

Miscellaneous Amendments

By document appearing in the FEDERAL REGISTER of February 8, 1968 (33 F.R. 2691), the Board of Governors announced the adoption of a new Part 207, effective March 11, 1968. By document appearing in the FEDERAL REGISTER of March 7, 1968 (33 F.R. 4249), the effective date of § 207.4(f) was deferred to April 10, 1968. Certain technical amendments have now been adopted by the Board, all effective March 11, 1968. Those amendments and the reasons therefor are as follows:

1.a. Section 207.1(d) (1) and (4) is amended to read as follows:

§ 207.1 **General rule.**

* * * * *

(d) *Credit on convertible debt securities.* (1) A lender may extend credit for the purpose specified in paragraph (c) of this section on collateral consisting of any debt security convertible into a registered equity security or any debt security carrying a warrant or right to subscribe to or purchase such a registered equity security (such a convertible debt security is sometimes referred to herein as a "convertible security").

* * * * *

(4) In the event that any registered stock is substituted for a convertible security held as collateral for a credit extended under this section, such registered stock and any credit extended on it in compliance with this part shall thereupon be treated as subject to paragraph (c) of this section and not to this paragraph and the credit extended under

this paragraph shall be reduced by an amount equal to the maximum loan value of the security withdrawn.

* * * * *

b. The purpose of the change in subparagraph (1) is to clarify that the special loan value provided for credit extended under such paragraph is available only for collateral consisting of convertible debt securities, and that preferred stocks, whether or not registered on a national securities exchange which are convertible into registered stocks have the same loan value as such registered stocks. The purpose of the change in subparagraph (4) is to resolve an ambiguity and eliminate surplusage.

2.a. Section 207.2(g) is amended to read as follows:

§ 207.2 Definitions.

* * * * *

(g) The term "indirectly secured" includes, except as provided in § 207.4(a)(3), any arrangement with the customer under which the customer's right or ability to sell, pledge, or otherwise dispose of registered equity securities owned by the customer is in any way restricted so long as the credit remains outstanding, or under which the exercise of such right, whether by written agreement or otherwise, is cause for acceleration of the maturity of the credit: *Provided*, That the foregoing shall not apply (1) if such restriction arises solely by virtue of an arrangement with the customer which pertains generally to the customer's assets unless a substantial part of such assets consists of registered equity securities, or (2) if the lender in good faith has not relied upon such securities as collateral in the extension or maintenance of the particular credit: *And provided further*, That the foregoing shall not apply to stock held by the lender only in the capacity of custodian, depositary or trustee, or under similar circumstances, if the lender in good faith has not relied upon such securities as collateral in the extension or maintenance of the particular credit.

b. The purpose of the change is to eliminate certain redundancies and to clarify that the paragraph does not apply to certain routine negative covenants in loan agreements.

3.a. Section 207.4(a)(1) is amended to read as follows:

§ 207.4 Miscellaneous provisions.

(a) *Stock option and employee stock purchase plans.* * * *

(1) Section 207.1 (c), (d), (f), (g), (h), (i), and (j) shall not apply (i) to any such credit extended to finance the exercise of such rights granted to any named officer or employee prior to February 1, 1968, and effectively exercised by such officer or employee prior to February 1, 1969, or (ii) to any credit extended prior to February 1, 1969, to a plan-lender pursuant to a bona fide written commitment in existence on February 1, 1968, to finance the exercise of such rights and by such plan-lender from the proceeds of such credit to any officer or employee to finance the exercise of rights granted pursuant to a stock purchase plan under which the exercise price does not exceed 50 percent of the market value of the stock subject to purchase, valued as of the offering date thereof.

* * * * *

b. This change is to correct an unintended omission of a reference to § 207.1(j), and to clarify that the section was not intended to prevent the implementation of certain contractual rights entered into prior to February 1, 1968.

4.a. Section 207.5(b) is amended to read as follows:

§ 207.5 Supplement.

* * * * *

(b) *Maximum loan value of convertible debt securities subject to section 207.1(d).* For the purpose of § 207.1, the maximum loan value of any security against which credit is extended pursuant to § 207.1(d) shall be 50 percent of its current market value, as determined by any reasonable method.

* * * * *

b. This change is solely to conform the name of the type of loan throughout the regulation.

The provisions of section 553 of Title 5, United States Code, relating to notice and public participation and to deferred effective dates, were not followed in connection with these amendments. Since the amendments are designed to clarify other amendments that are to become effective on March 11, 1968, such procedures would result in delays that would be contrary to the public interest and serve no useful purpose.

Dated at Washington, D.C., this 8th day of March 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-3141; Filed, Mar. 12, 1968; 8:50 a.m.]

[Reg. T]

PART 220—CREDIT BY BROKERS, DEALERS, AND MEMBERS OF NATIONAL SECURITIES EXCHANGES

Miscellaneous Amendments

By document appearing in the FEDERAL REGISTER of February 8, 1968 (33 F.R. 2695), the Board of Governors announced the adoption of amendments to §§ 220.1 through 220.8 of Part 220, effective March 11, 1968. By document appearing in the FEDERAL REGISTER of March 7, 1968 (33 F.R. 4249), the effective date of § 220.7(f) was deferred to April 10, 1968. Certain technical amendments have now been adopted by the Board, all effective March 11, 1968. Those amendments and the reasons therefor are as follows:

1. Section 220.3(a) is amended as set forth below. This change is to implement the change in § 220.3(d) relating to execution in the general account of short sales of certain debt securities.

2. Section 220.3(b)(1) is amended as set forth below. The change is to clarify that the special loan value provided for credit extended under § 220.4(j) is available only for collateral consisting of convertible debt securities.

3. Section 220.3(c)(2) is amended as set forth below. The change is solely to conform the names of accounts throughout the regulation.

4. Section 220.3(d)(3) is revised as set forth below. The change is to clarify that short sales shall be executed in the general account, including short sales of debt securities convertible into such securities sold short.

5. Section 220.3(g) is amended as set forth below. The change is solely to conform the names of accounts through the regulation.

The affected portions of § 220.3 read as follows:

§ 220.3 General accounts.

(a) *Contents of general account.* All financial relations between a creditor and a customer, whether recorded in one record or in more than one record, shall be included in and be deemed to be parts of the customer's general account with the creditor, except that the relations which § 220.4 permits to be included in any special account provided for by that section may be included in the appropriate special account, and all transactions in commodities, and, except to the extent provided in paragraph (b)(2) of this section, all transactions in nonequity securities, exempted securities, and in other securities having no loan value in a general account under the provisions of paragraph (c) of this section and § 220.8 (the Supplement to Regulation T) (except unissued securities, short sales and purchases to cover short sales, securities positions to offset short sales, and contracts involving as endorsement or guarantee of any put, call, or other option), shall be included in the appropriate special account provided for by § 220.4. During any period when such § 220.8 specifies that registered equity securities shall have no loan value in a general account, any transaction consisting of a purchase of a security other than a purchase of a security to reduce or close out a short position shall be effected in the special cash account provided for by § 220.4(c) or in some other appropriate special account provided for by § 220.4.

(b) *General rule.* (1) A creditor shall not effect for or with any customer in a general account, special bond account subject to § 220.4(i), or special convertible debt security account (sometimes referred to herein as "special convertible security account") subject to § 220.4(j) any transaction which, in combination with the other transactions effected in such account on the same day, creates an excess of the adjusted debit balance of such account over the maximum loan value of the securities in such account, or increases any such excess, unless in connection therewith the creditor obtains, as promptly as possible and in any event before the expiration of 5 full business days following the date of such transaction, the deposit into such account of cash or securities in such amount that the cash deposited plus the

loan value of the securities deposited equals or exceeds the excess so created or the increase so caused.

* * * * *

(c) *Maximum loan value and current market value.* * * *

(2) Except as otherwise provided in this paragraph, the maximum loan value of a security in a general account, special bond account subject to § 220.4(i), or special convertible security account subject to § 220.4(j) shall be such maximum loan value as the Board shall prescribe from time to time in § 220.8 (the Supplement to Regulation T). No collateral other than an exempted security or a registered nonequity security held in such account on March 11, 1968, and continuously thereafter, or registered equity security shall have any loan value in a general account except that a registered equity security eligible for a special convertible security account pursuant to § 220.4(j) shall have loan value in a general account only if held in the account on March 11, 1968, and continuously thereafter.

* * * * *

(d) *Adjusted debit balance.* * * *

(3) The current market value of any securities (other than unissued securities) sold short in the general account plus, for each such security (other than an exempted security), such amount as the Board shall prescribe from time to time in § 220.8 (the Supplement to Regulation T) as the margin required for such short sales, except that such amount so prescribed in such § 220.8 need not be included when there are held in the general account the same securities or securities exchangeable or convertible within 90 calendar days, without restriction other than the payment of money, into such securities sold short;

* * * * *

(g) *Transactions on given day.* For the purposes of paragraph (b) of this section, the question of whether or not an excess of the adjusted debit balance of a general account, special bond account subject to § 220.4(i), or special convertible security account subject to § 220.4(j) over the maximum loan value of the securities in such account is created or increased on a given day shall be determined on the basis of all the transactions in the account on such day exclusive of any deposit of cash, deposit of securities, covering transaction or other liquidation that has been effected on such day, pursuant to the requirement of paragraph (b) or (e) of this section, in connection with a transaction on a previous day. In any case in which an excess so created, or increase so caused, by transactions on a given day does not exceed $100, the creditor need not obtain the deposit specified therefor in paragraph (b)(1) of this section. Any transaction which serves to meet the requirements of paragraph (e) of this section or otherwise serves to permit any offsetting transaction in an account shall, to that extent, be unavailable to permit any other transaction in such account. For the purposes of this part (Regulation T), if a security has maximum loan value under paragraph (c)(1) of this section in a general account, a sale of the same security (even though not the same certificate) in such account shall be deemed to be a long sale and shall not be deemed to be or treated as a short sale.

* * * * *

6.a. Section 220.4(j) (1), (2), and (4) is amended to read as follows:

§ 220.4 Special accounts.

* * * * *

(j) *Special convertible debt security account.* (1) In a special convertible debt security account a creditor may extend credit on any registered equity security consisting of a debt security convertible into stock or a debt security carrying a warrant or right to subscribe to or purchase stock.

(2) A special convertible debt security account shall be subject to the same conditions to which it would be subject if it were a general account except that the maximum loan value of the securities in the account shall be as prescribed from time to time in § 220.8 (the Supplement to Regulation T).

* * * * *

(4) In the event any stock is to be substituted for a security held in this account, or if a security held in this account is to be used to offset a short sale in the general account, such security shall thereupon be transferred to the customer's general account against a deposit of cash or registered equity securities eligible for an extension of credit in this account (counted at their maximum loan value) equal to at least the maximum loan value of the security for which such substitution is made, without regard to the retention requirement of § 220.3(b)(2).

b. The change in subparagraph (1) is to clarify that the special loan value provided for credit extended under § 220.4(j) is available only for collateral consisting of convertible debt securities. The change in subparagraph (2) is solely to conform the names of accounts throughout the regulation. The change in subparagraph (4) is to clarify that a customer may apply the loan value released to him when he deposits into the margin account stock received on conversion of a convertible bond against the retention requirement imposed under this section.

6.a. Section 220.6(k) is amended to read as follows:

§ 220.6 Certain technical details.

* * * * *

(k) *Innocent mistakes.* If any failure to comply with this part results from a mechanical mistake made in good faith in executing a transaction, recording, determining, or calculating any loan, balance, market price or loan value, or other similar mechanical mistake, the creditor shall not be deemed guilty of a violation of this part if promptly after the discovery of such mistake he takes whatever action may be practicable in the circumstances to remedy such mistake.

b. This amendment is to conform the paragraph to the corresponding provision of Part 207 (§ 207.4(e) of Regulation G) and to clarify that the Board did not intend that the two sections should have a different import.

7.a. Section 220.8 is amended to read as follows:

§ 220.8 Supplement.

(a) *Maximum loan value for general accounts.* The maximum loan value of securities in a general account subject to § 220.3 shall be:

(1) Of a registered nonequity security held in the account on March 11, 1968, and continuously thereafter and of a registered equity security (except as provided in § 220.3(c) and paragraphs (b) and (c) of this section), 30 percent of the current market value of such securities.

(2) Of an exempted security held in the account on March 11, 1968, and continuously thereafter the maximum loan value of the security, as determined by the creditor in good faith.

(b) *Maximum loan value for a special bond account.* The maximum loan value of an exempt security and of a registered nonequity security pursuant to § 220.4(i) shall be the maximum loan value of the security as determined by the creditor in good faith.

(c) *Maximum loan value for special convertible debt security account.* The maximum loan value of a registered equity security eligible for a special convertible security account pursuant to § 220.4(j) shall be 50 percent of the current market value of the security.

(d) *Margin required for short sales.* The amount to be included in the adjusted debit balance of a general account, pursuant to § 220.3(d)(3), as margin required for short sales of securities (other than exempt securities) shall be 70 percent of the current market value of each such security.

(e) *Retention requirement.* In the case of an account which would have an excess of the adjusted debit balance of the account over the maximum loan value of the securities in the account following a withdrawal of cash or securities from the account, pursuant to § 220.3(b)(2),

(1) The "retention requirement" of an exempted security held in the general account on March 11, 1968, and continuously thereafter shall be equal to its maximum loan value as determined by the creditor in good faith, and the "retention requirement" of a registered nonequity security held in such account on March 11, 1968, and continuously thereafter and of a registered equity security shall be 70 percent of the current market value of the security.

(2) In the case of a special bond account subject to § 220.4(i), the retention requirement of an exempted security and of a registered nonequity security shall be equal to the maximum loan value of the security.

(3) In the case of a special convertible security account subject to § 220.4(j) which would have an excess of the adjusted debit balance of the account over

the maximum loan value of the securities in the account following a withdrawal of cash or securities from the account, the retention requirement of a security having loan value in the account shall be 70 percent of the current market value of the security.

(4) For the purpose of effecting a transfer from a general account to a special convertible security account subject to § 220.4(j), the retention requirement of a security described in § 220.4(j) shall be 70 percent of its current market value.

(f) *Securities having no loan value in general account.* No securities other than an exempted security or a registered nonequity security held in the account on March 11, 1968, and continuously thereafter, and a registered equity security shall have any loan value in a general account except that a registered equity security eligible for the special convertible security account pursuant to § 220.4(j) shall have loan value only if held in the account on March 11, 1968, and continuously thereafter.

b. The changes are the addition of new paragraphs (b) and (e)(2) in order to implement the provisions of § 220.4(i), and certain clarifying changes in paragraph (e)(1).

The provisions of section 553 of Title 5, United States Code, relating to notice and public participation and to deferred effective dates, were not followed in connection with these amendments. Since the amendments are designed to clarify other amendments that are to become effective on March 11, 1968, such procedures would result in delays that would be contrary to the public interest and serve no useful purpose.

Dated at Washington, D.C., this 8th day of March 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-3140; Filed, Mar. 12, 1968; 8:50 a.m.]

[Reg. U]

PART 221—CREDIT BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING REGISTERED STOCKS

Miscellaneous Amendments

By document appearing in the FEDERAL REGISTER of February 8, 1968 (33 F.R. 2702), the Board of Governors announced the adoption of amendments to §§ 221.1 through 221.4 of Part 221, effective March 11, 1968. By document appearing in the FEDERAL REGISTER of March 7, 1968 (33 F.R. 4249), the effective date of § 221.3(u) was deferred to April 10, 1968. Certain technical amendments have now been adopted by the Board, all effective March 11, 1968. Those amendments and the reasons therefor are as follows:

1. Section 221.3(a) is amended as set forth below. The purpose of this change is to eliminate certain administrative problems created by the form in which the purpose statement, pursuant to § 221.3(a), would otherwise have to be furnished.

2. Section 221.3(c) is amended as set forth below. The purpose of the change is to eliminate certain redundancies and to clarify that the section does not apply to certain routine negative covenants in loan agreements.

3. Section 221.3(t) (1) and (4) are amended as set forth below. The purpose of the change in subparagraph (1) is to clarify that the special loan value provided for credit extended under this paragraph is available only for collateral consisting of convertible debt securities, and that preferred stocks, whether or not registered on a national securities exchange, which are convertible into registered stocks, have the same loan value as such registered stocks. The purpose of the change in subparagraph (4) is to eliminate surplusage.

§ 221.3 Miscellaneous provisions.

(a) *Required statement as to stock-secured loan.* In connection with an extension of credit secured directly or indirectly by any stock, the bank shall obtain and retain in its records for at least 6 years after such credit is extinguished a statement in conformity with the requirements of Federal Reserve Form U-1 executed by the recipient of such extension of credit (sometimes referred to as the "customer") and executed and accepted in good faith by a duly authorized officer of the bank prior to such extension: *Provided,* That this requirement shall not apply to any credit described in paragraph (o) of this section or § 221.2 except for credit described in § 221.2 (f), (g) and (h) extended to persons who are not brokers or dealers subject to Part 220 of this chapter (Regulation T). In determining whether or not an extension of credit is for the purpose specified in § 221.1 or for any of the purposes specified in § 221.2, the bank may rely on the statement executed by the customer if accepted in good faith. To accept the customer's statement in good faith, the officer must (1) be alert to the circumstances surrounding the credit and (2) if he has any information which would cause a prudent man not to accept the statement without inquiry, have investigated and be satisfied that the customer's statement is truthful.

* * * * *

(c) *Indirectly secured.* The term "indirectly secured" includes any arrangement with the customer under which the customer's right or ability to sell, pledge, or otherwise dispose of stock owned by the customer is in any way restricted so long as the credit remains outstanding, or under which the exercise of such right, whether by written agreement or otherwise, is cause for acceleration of the maturity of the credit: *Provided,* That the foregoing shall not apply (1) if such restriction arises solely by virtue of an arrangement with the customer which pertains generally to the customer's assets unless a substantial part of such assets consists of stock, or (2) if the bank in good faith has not relied upon such stock as collateral in the extension or maintenance of the particular credit: *And provided further,* That the foregoing shall not apply to stock held by the bank only in the capacity of custodian, depositary, or trustee, or under similar circumstances, if the bank in good faith has not relied upon such stock as collateral in the extension or maintenance of the particular credit.

* * * * *

(t) *Credit on convertible debt securities.* (1) A bank may extend credit for the purpose specified in § 221.1 on collateral consisting of any debt security convertible into a stock registered on a national securities exchange or any debt security carrying a warrant or right to subscribe to or purchase a stock so registered (such a debt security is sometimes referred to herein as a "convertible security").

* * * * *

(4) In the event that any stock is substituted for a convertible security held as collateral for a credit extended under this paragraph, the stock and any credit extended on it in compliance with this part shall thereupon be treated as subject to § 221.1 and the credit extended under this paragraph shall be reduced by an amount equal to the maximum loan value of the security withdrawn.

* * * * *

4. Section 221.4 (b) and (c) is amended as set forth below. The changes are solely to conform the name of the type of loan throughout the regulation.

§ 221.4 Supplement.

* * * * *

(b) *Maximum loan value of convertible debt securities subject to § 221.3(t).* For the purpose of § 221.3(t), the maximum loan value of any security against which credit is extended pursuant to § 221.3(t) shall be 50 percent of its current market value, as determined by any reasonable method.

(c) *Retention requirement.* For the purpose of § 221.1, in the case of a loan which would exceed the maximum loan value of the collateral following a withdrawal of collateral, the "retention requirement" of a stock, whether or not registered on a national securities exchange, and of a convertible debt security subject to § 221.3(t), shall be 70 percent of its current market value, as determined by any reasonable method.

The provisions of section 553 of Title 5, United States Code, relating to notice and public participation and to deferred effective dates, were not followed in connection with these amendments. Since the amendments are designed to clarify other amendments that are to become effective on March 11, 1968, such procedures would result in delays that would be contrary to the public interest and serve no useful purpose.

Dated at Washington, D.C., this 8th day of March 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-3142; Filed, Mar. 12, 1968; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER–529, Amdt. 7]

PART 221—CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Visual In-Flight Entertainment and In-Flight Service of Alcoholic Beverages [1]

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., 6th day of March 1968.

In a notice of proposed rule making published in the FEDERAL REGISTER on March 15, 1967 (32 F.R. 4076), and circulated to the industry as EDR–112/PSDR–17 dated March 9, 1967, the Board indicated that it had under consideration amendments to Part 221 of the Board's Economic Regulations (14 CFR Part 221) and Part 399 of its Statements of General Policy (14 CFR Part 399), to require that carriers offering visual in-flight entertainment in interstate and overseas air transportation make provision therefor in their tariffs. In addition, the amendments stated the tentative policy of the Board that carriers establish charges to passengers utilizing such service appropriate to the cost and value of the service provided, and that, in the absence of a contrary showing, a tariff providing for a charge of less than $2 for visual entertainment which includes a full length feature motion picture would be considered unjust and unreasonable and would be suspended and investigated.

Simultaneously with the above notice, the Board deferred action on Agreement CAB 18922 (Docket 16503) pending final determination of this rule making proceeding.[2] The agreement in effect provided that the parties thereto would charge each passenger being furnished visual in-flight entertainment the sum of $2 in all classes of service within the continental United States.[3] For the reasons stated in that order, the Board concluded that the public interest required that a charge, appropriate to the cost and value of service, should be assessed passengers participating in visual in-flight entertainment furnished by carriers, and that, based upon the costs presented in that proceeding, a charge of less than $2 for a full length feature motion picture would not be reasonable. However, the Board also tentatively concluded that in interstate and overseas air transportation, it would be appropriate to implement these determinations by the exercise of its rate regulatory authority. The rules proposed in the subject notice of rule making were intended to accomplish that objective.

In response to the notice, comments were received from certain U.S. air carriers and three comments were submitted by suppliers of in-flight visual entertainment equipment, services or films.[4] Also, letters were received from a number of individuals.

Subsequently, the Board ordered [5] U.S. air carrier members of International Air Transport Association (IATA) and Inflight to file experience data with respect to in-flight entertainment in foreign air transportation and stated that such data would be considered in this rule making proceeding. And in a supplemental notice in this proceeding, the Board provided for the filing of comments with respect to such data and replies to comments that are filed. In the IATA proceeding, data with respect to in-flight entertainment were filed by two U.S. air carriers (Pan American and TWA), by one foreign air carrier [6] (Olympic Airways) and by Inflight. Inflight alone filed a comment with respect to such data; no reply comments were filed.

In the supplemental notice referred to above, the Board also included in the rule making proceeding the related issue of whether tariffs of U.S. air carriers should be required to contain data with respect to in-flight service of alcoholic beverages to passengers in any or all classes of service in interstate or overseas air transportation. In addition, the Board proposed a policy statement that, in considering the lawfulness of tariff rules pertaining to such in-flight service of alcoholic beverages in interstate and overseas air transportation, the Board would require that each passenger who receives such in-flight service shall be assessed a charge therefor which shall be reasonably related to the cost and value of the service in all classes of service.

With respect to in-flight service of alcoholic beverages, comments have been received from a number of air carriers and from a public entity.[7] Hundreds of letters from private persons were received, the great majority of which support the proposed rule.

Thus, interested persons have been afforded an opportunity to participate in the making of these rules and related policy statements (Part 399), and due consideration has been given to all relevant matter presented. With respect to visual in-flight entertainment and in-flight service of alcoholic beverages, we shall adopt the rules as proposed except that, with respect to service of alcoholic beverages, we shall (1) restrict the applicability of this rule to interstate air transportation within the 48 contiguous States; (2) exempt from the rule passengers in interstate air transportation within the 48 contiguous States who are traveling on domestic legs of through flights having an origin or destination at a foreign point; and (3) permit the in-flight service without charge of wine or beer as an accompaniment to a meal in all classes of service. We are also making certain changes in the related proposed policy statements. As to visual in-flight entertainment, we shall delete all reference to a specified minimum charge for such entertainment, thereby leaving, at least for the present, the matter of the amount of the charge to carrier management discretion. With respect to in-flight service of alcoholic beverages, we shall provide in the corresponding policy statement an exemption based upon a showing that competition in foreign air transportation by an air carrier or a foreign air carrier requires that the petitioning air carrier have authority to provide in-flight service of alcoholic beverages without charge or at lesser charge than that set forth in its tariffs. In all other respects, the policy statements with respect to both types of ancillary service are adopted as proposed. Therefore, except as modified herein, the tentative findings and conclusions set forth in Order E–24839, dated March 9, 1967, and EDR–112/PSDR–17 and EDR–112A/PSDR–17A, dated March 9, 1967, and June 15, 1967, respectively, are incorporated herein by reference and finalized.

1. *Visual in-flight entertainment.* As noted above, three companies supplying in-flight visual entertainment equipment, services or films have filed comments opposing the proposed rule. Of these comments, those of Inflight are the most extensive and certain points raised by Inflight will be discussed hereafter.

Inflight contends that the proposal would discriminate against passengers who avail themselves of visual in-flight entertainment and would in effect raise their fares.

There is no such discrimination. The charge is equitably levied on those who use a special service not generally used by passengers and they will be required to bear a greater share of the costs—although not all the costs of the service—than those who cannot or do not use it. If there is any case to be made with respect to discrimination, it lies in the present system wherein passengers in general bear the cost of a service used by only a

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[1] By PS–34, issued contemporaneously herewith, the Board is adopting policy statements with respect to visual in-flight entertainment and in-flight service of alcoholic beverage.

[2] Order E–24839, dated Mar. 9, 1967.

[3] By Order E–26478, issued simultaneously herewith, the Board is terminating Docket 16503 which relates to the application for Board approval of Agreement CAB 18922.

[4] Independent Film Importers & Distributors of America, Inc.; Inflight Motion Pictures, Inc. (Inflight); Motion Picture Association of America, Inc. Inflight also filed a motion under Rule 4(f) for permission to file an unauthorized document, namely, reply comments. The motion is granted and the reply comments have been considered in this proceeding.

[5] Order E–25153, dated May 16, 1967. This proceeding (Docket 17828) was titled "Agreement adopted by the Traffic Conferences of the International Air Transport Association relating to Inflight Entertainment." It pertains to an IATA agreement relating to visual in-flight entertainment under which the carriers would impose a $2.50 charge for such entertainment with worldwide application.

[6] In order E–25153, supra, the Board invited foreign air carrier members of IATA also to file data with respect to their in-flight entertainment experience.

[7] Port of Bellingham, Bellingham, Wash.

relatively few passengers. The costs of providing this service are by no means inconsequential and, in the long run, will be recovered from the general farepayer unless the direct user pays for them. These costs, if not covered by an appropriate charge to the user, add to the need for fare increases or delay fare reductions. Moreover, in view of the frequently expressed industry concern regarding rising costs and resulting pressure on profits, it is particularly important that the costs of the movie as well as the liquor services, which are separate and apart from basic transportation and used, at least with respect to movies, by comparatively few passengers, be covered to the greatest extent possible by user charges.

Inflight also contends that the proposed rule would "discriminate" against visual in-flight motion pictures, since there is no special charge for flight audio entertainment or food. However, the cost of audio entertainment is but a small fraction of the cost of movies,[8] and obviously justifies separate treatment of the two systems.

While Inflight points out that total food service costs for TWA and United in the continental United States are substantially higher than the total costs of in-flight entertainment, the two services are completely different in kind and character. Carriers have no choice, as a practical matter, except to provide food service at meal times.[9] There is no similar exigency to show movies. Moreover, all flights in transit at meal times offer food service to passengers, whereas only a few flights offer in-flight entertainment, and the consequence is that the number of passengers offered and using food service is incomparably higher than the number of passengers offered and using in-flight entertainment. As an illustration, the quick reference schedules of American published in the April 1967 Official Airline Guide show that of 922 schedules, 33 offered video, 679 offered food service, and 243 provided no food service. Thus, passengers on 922 schedules were bearing the burden of the costs of an in-flight entertainment service available on only 33 schedules. While passengers on 922 schedules were paying for food available on 679 schedules, and passengers on 243 flights received no food service, the great preponderance of the latter flights involved short hauls in which fares are relatively low. Thus, by and large the passengers who use food service are bearing the brunt of the costs of the service. This is far from being the case with the present system of in-flight entertainment. As to the suggestion that there is "unwarranted discrimination" to levy a special charge for the one and not the other, there is obviously a vast difference between offering a passenger a choice of paying for entertainment or foregoing it and offering him a choice of paying a fixed extra charge for a meal or going hungry.

In addition, Inflight contends that the proposal would tend to eliminate a "significant competitive factor." We do not believe that requiring the carriers to impose a charge for visual in-flight entertainment will eliminate the competitive factor. The carriers will still have an incentive to provide in-flight movies. In fact, the experience with respect to the charge for movies by the IATA carriers indicates that the imposition of a fee does not dampen the incentive of carriers to expand the service, promote it and compete with other carriers with respect to it.[10]

Inflight also contends that the proposed minimum charge of $2 for visual in-flight entertainment in interstate and overseas air transportation is too high. It asserts that a charge in the area of $1 will maximize the carriers' revenues, basing its argument on the data filed with respect to the $2.50 charge for visual in-flight services of IATA carriers. Inflight also contends that passenger resistance to a $2 charge on domestic flights will be greater than to the $2.50 charge, since the former would represent a substantially higher percentage of the fare than is the case with the $2.50 charge.

The data filed with respect to the $2.50 charge by IATA carriers have been given due consideration in this proceeding. However, as set forth in Order E–26479, Inflight's submissions that lower charges would produce more revenues are unrealistic and speculative. Moreover, since, as there stated, responsiveness to the service may well be influenced by considerations other than price, Inflight's claims as to greater passenger resistance to a $2 fare are speculative. Further, the data submitted fail to establish that Inflight is being adversely affected by the $2.50 charge.[11] It follows that these data, to the extent relevant to this proceeding, do not show that a $2 charge in interstate or overseas air transportation is excessive or unreasonable or adverse to the public interest.

Nevertheless, we have decided to delete from the Policy Statement any specification of a minimum charge, and instead require only that the carriers make a reasonable charge for such entertainment in all classes of service. This is the approach we are adopting in the rule with respect to in-flight service of alcoholic beverages. It will give the carriers greater latitude to fix the charge for visual in-flight entertainment at a level, consistent with cost factors, which they believe would maximize revenues. However, based on the information currently available, the Board expects to use the proposed $2 charge as a benchmark in testing the reasonableness of tariffs filed when the rule becomes effective. Should serious problems develop concerning the level of the domestic charge for motion pictures, we expect to resolve these problems through the usual rate-making machinery.[12]

Moreover, we expect the carriers to accumulate data on visual in-flight entertainment in interstate and overseas air transportation for the Board's regulatory needs of the future. The records of each carrier offering such service should contain information, computed on a monthly basis, as to the number of flights on which such entertainment was provided since a charge was imposed, the amount of the charge, together with the number of seats, passengers, and viewers/listeners on the flights separately for first and

[1] Comparative carrier estimates are as follows:

Carrier	Cost per seat		Cost per passenger		Cost per user	
	Movies	Stereo	Movies	Stereo	Movies	Stereo
American:						
Sony system	$1.87	$0.09	$4.24	$0.20	$8.48	$0.25
CEC system	1.63	------	3.70	------	7.40	------
TWA	1.30	.04	3.00	.09	3.50	.10
United	1.41	.13	2.37	.24	2.87	.28

(There also may be modification costs to prevent stereo headsets from being used for the audio portion of visual entertainment. In the case of American, it estimates this cost will be approximately $1,000 to $2,000 per aircraft.)

[8] Although there is no necessity to provide luxury dinners and free cocktails or champagne on certain first-class flights, the passengers who are privileged to enjoy these amenities pay substantially higher fares than passengers who are not accommodated. Furthermore, we are requiring that a charge be made for alcoholic beverages in all classes of service, except for wine or beer as an accompaniment to a meal.

[10] In Board Order E–26479, issued contemporaneously herewith, dealing with the IATA charge for inflight movies, we stated: "The data submitted do not show that Inflight is being adversely affected by the $2.50 charge. The data submitted by Inflight show that during the period May 1965 through April 1966 [when the $1 charge was in effect], it had contracts with three carriers, that in the subsequent comparable period, although one carrier no longer providing service via the Atlantic canceled its contract, three more carriers contracted with Inflight for its services, and that its revenues were increased by 47 percent."

[11] See Footnote 10, supra, p. 9.

[12] It is noted that Mohawk requests that the proposed amendment to Part 399 (policy statement) contain a proviso that where the visual entertainment is of shorter duration than a full length feature picture such as short subject movies, the Board may approve a tariff providing for a charge of less than $2. This provision is not necessary because we are not specifying a minimum charge for visual in-flight entertainment. Moreover, we stated in Order E–24839, supra, when we were proposing a $2 minimum charge for a full length feature motion picture that the policy "would not, however, preclude the approval of a tariff providing for a lesser charge [than the proposed $2 minimum charge] under different systems of presentation, for other than full length feature motion pictures, or in other circumstances where it was demonstrated that a lesser charge would be reasonable."

economy-class services; and comparable data for the same months of the preceding year.[13]

2. *In-flight service of alcoholic beverages.* We affirm our tentative finding, set forth in the proposed rule, that the basis for the rule relating to in-flight service of alcoholic beverages is the same as that for in-flight entertainment. These reasons are fully set forth in an opinion and order of the Board[14] issued contemporaneously with the institution of the rule making proceeding relating to in-flight entertainment and need not be repeated here. In summary, they are that the service of alcoholic beverages is ancillary to and severable from the transportation function of the carriers which is primary, and the cost of providing such ancillary service should be borne, to the maximum extent possible, by the passengers who benefit from and utilize such service. In this way, the user passengers would be required to pay a reasonable charge for such ancillary service, which should minimize the impact that the costs of such service may have on the basic fare structure of the carriers.

The carriers opposing the proposed rule[15] assert principally that (1) the proposals are not needed; (2) they represent an unwarranted invasion of an area historically reserved to management discretion; (3) they pertain to matters which have little public interest and there are many other areas in which the Board's time, attention and manpower could more profitably be devoted to consider actions needed in the public interest; (4) the cost of providing free alcoholic beverages is so minimal in relation to the overall fare structure, that the requirement that users pay for this service would have no appreciable effect upon the fare structure and would not result in a reduction of fares. It is also maintained that in-flight entertainment and in-flight service of alcoholic beverages are not comparable, that the services are very unlike and the rule applicable to one is not the appropriate rule for the other. Thus, it is claimed, the two services differ widely in required investment, contractual commitment and expense with the entertainment service imposing a far greater burden on the carriers. It is also asserted that whereas the in-flight entertainment charge was the subject of an industry agreement of the domestic carriers and arose against a background of various problems, there is no industry-wide agreement[16] nor significant difficulties in the case of in-flight service of alcoholic beverages.

We are not persuaded by these contentions to withdraw the proposed rule nor to modify it except as hereinafter provided. As stated above, we find that the rules for in-flight entertainment and in-flight service of alcoholic beverages are related and are supported by the same rationale. Both types of in-flight services are ancillary to, severable from, and not an essential part of the transportation function, and the cost of providing such service should, to the maximum extent possible, be borne by the passengers who utilize the service. Otherwise, the non-users must bear a proportionate share of the costs of such nonessential services, as is the situation at the present time with respect to in-flight entertainment in all classes of service and the service of alcoholic beverages in first-class service.[17]

It is contended that the rule will have a harmful effect upon the viability of first-class service. One carrier asks that, if the Board adopts the rule, an exception be made for first-class service. Some carriers assert that their first-class service is a "prime product," that it is necessary to serve a certain segment of the public, that the fares charged therefor are in excess of those applicable to other classes of service, and that first-class fares pay their own way and do not burden other segments of the traveling public. It is also claimed that the cost of alcoholic beverages does not significantly differ from the costs of serving nonalcoholic beverages, and that to collect from first-class passengers for service of alcoholic beverages would downgrade the service in the eyes of the public. And it is further contended that on long as compared to short flights, the fare differential increases and the demand for first-class service declines and, since service of alcoholic beverages without charge increases the demand for first-class service, the authorization to provide such in-flight service without charge tends to help balance the different classes of service on a system basis.

On balance, we are not convinced that an exemption should be provided for service of alcoholic beverages without charge in first-class service. To begin with, there is no basis to conclude that first-class fares are more likely to cover the costs of liquor service than coach fares are. Indeed, the reverse is probably true. Thus, we can see no inequity in requiring the first-class passenger to pay, as does the coach passenger, an additional price for the service of alcoholic beverage over and above the price he pays for the basic transportation service.[18]

The carriers' remaining arguments for an exemption for first-class service may be summarized by the contention that the rule as proposed would divert passengers from first-class to coach-class service. However, this argument is based largely upon speculation. We have no reason to believe that passengers who would pay the extra price for first-class service which amounts to $15 in the transcontinental markets would abandon it for coach service solely because of the small additional charge imposed for the in-flight service of alcoholic beverages.

A number of carriers maintain that competition from U.S. flag carriers and foreign airlines requires some modification of the rule. Some carriers would have the Board delete "overseas air transportation" from the rule so that it would apply only to interstate air transportation. Other carriers request the Board to exclude "interstate" markets in which domestic carriers compete directly with foreign air carriers, e.g., U.S. mainland-Hawaii traffic. Still other carriers assert the competitive aspects of the rule in domestic and overseas service as one reason for opposing the rule. It is also maintained that administrative problems would result under the proposed rule in that some air carriers would be required to impose a charge on certain passengers (where the service is provided in interstate or overseas air transportation) while at the same time and on the same aircraft they provide the same service without charge to other passengers (where the service is in foreign air transportation).

The competitive aspects which could result from the proposed rule are so far-reaching as to warrant our restricting the scope of the rule. Thus, we shall confine its applicability to in-flight service of alcoholic beverages to passengers in interstate air transportation within the 48 contiguous States. In addition, we shall exclude from the operation of the

[13] In-flight makes an argument based upon alleged Board policy that expenses relating to visual in-flight entertainment should not be included as costs for rate-making purposes. The fact of the matter is that the Board has no such policy. A letter from the Board's Bureau of Economics, upon which In-flight relies, merely reflects the fact that the Board has never had a rate-making proceeding which raised the issue as to the proper method of treating carrier expenses relating to visual in-flight entertainment. In that context the letter states that "from a rate making standpoint the Board has not heretofore included the carriers cost for in-flight entertainment as one of the expenses to be considered in determining the lawful level of fares to be charged for air transportation."

[14] Agreement adopted by certain members of ATA relating to a charge for in-flight entertainment, Docket 16503, Order E-24839, March 9, 1967.

[15] Allegheny, Braniff, Continental, National, Northwest, Pan American, TCA, and TWA. American, Frontier, Delta, United, and Western support, or do not oppose the rule, although all but Frontier suggest modifications.

[16] An agreement with respect to certain aspects of in-flight service of alcoholic beverages between points within the Continental United States, signed by seven U.S. air carriers, was filed with the Board on Nov. 14, 1966 (Agreement CAB 19250). The agreement provides for a mandatory charge only in classes of service other than first-class with an optional charge in first-class service. Board approval was requested and the matter is still pending Board action.

[17] The carriers today usually charge for in-flight service of alcoholic beverages in the lowest class of service. In club coach or deluxe tourist class service (intermediate classes of service), some carriers charge while others do not.

[18] We note in passing that even if in particular cases the effect of requiring carriers to impose a charge for service of alcoholic beverages would increase the first-class fare to an unreasonable amount, the proper solution would not be to make all passengers pay for such ancillary service. Rather, it would be for the carrier to make some adjustment in basic fares. However, nothing presented to us here indicates that finalization of this rule would result in first-class fares being increased to an unreasonable amount.

rule all passengers in interstate air transportation within the 48 contiguous States who are on flights having an origin or destination at a foreign point. This latter exemption is needed because, in its absence, a carrier which transports on the same flight passengers who are traveling in interstate air transportation within the 48 contiguous States and those who are not, would be faced with two choices, neither of which would be satisfactory: it could charge all passengers for liquor service and thereby run the risk of losing passengers in overseas or foreign air transportation or in interstate air transportation outside the 48 contiguous States to other carriers which provide free liquor service; or it could charge passengers who are traveling in interstate air transportation within the 48 contiguous States for liquor service and provide such service without charge to all other passengers, thereby incurring the ill will of those passengers who are being charged for such service. Therefore, to prevent the carriers from being faced with such a dilemma, we shall provide this exemption which will enable an air carrier to provide free liquor to all passengers on flights which have an origin or destination at a foreign point.

We are also cognizant of the fact that, even with the above exemptions, there may still arise certain situations which might warrant further relaxation of the rule because of competitive service in foreign air transportation provided either by other air carriers or by foreign air carriers. Accordingly, the policy statement (PS–34 issued simultaneously herewith) will permit affected carriers to make a showing that competitive service in foreign air transportation provided by other air carriers or by foreign air carriers warrants permission to provide in-flight service of alcoholic beverages without charge or at a lesser charge than that set forth in the carrier's tariff.

A number of carriers ask that an exception from the rule be made so as to permit them to provide without charge in-flight service of alcoholic beverages with a meal.[19] Some carriers now serve without charge wine and beer as part of a meal and wish to continue to do so. Others want to be able to also serve liqueurs, champagne or other alcoholic beverages with a meal without charge. It is argued that to assess a charge for wine or beer served with a meal might be regarded as a meal service charge and the inconvenience and disturbance caused by collecting a charge could adversely affect the quality of the service provided. Another reason given for the requested exception is to preserve managerial flexibility with respect to the basic character of the meal served.

We shall grant a limited exception from the rule so as to permit the in-flight service without charge of wine or beer only as an accompaniment to a meal in all classes of service. This exemption is permissive, i.e., the carriers may charge for this service in any or all classes of service should they wish to do so. The question as to whether to permit free service of beer or wine with a meal is a close one; however, on balance we believe this limited exemption should be allowed. To require carriers to charge for beer or wine when served with a meal might cause substantial inconvenience and disturbance to passengers, especially on short hops when the time that the aircraft is aloft is barely enough to cover the period required for service of a meal. Moreover, a substantial portion of the traveling public view the service of wine or beer as complementary to and an integral part of meal service.[20]

Accordingly, the Civil Aeronautics Board hereby amends Part 221 of its Economic Regulations (14 CFR Part 221), effective April 6, 1968,[21] as follows:

Amend § 221.38 by adding new subparagraphs (8) and (9) to paragraph (a) thereof, which subparagraphs will read as follows:

§ 221.38 Rules and regulations.

(a) *Contents.* Except as otherwise provided in this part, the rules and regulations of each tariff shall contain:

* * * * *

(8) For individually ticketed passenger service in interstate or overseas air transportation, in which any form of visual or visual/audio in-flight entertainment is provided, the nature of such entertainment (full length feature motion pictures; short subject motion pictures; slide projection, etc.), the charges to passengers who utilize such service, or if no charge a statement to that effect, and any terms, conditions or limitations pertaining to the furnishing of such entertainment.

(9) For individually ticketed passenger service in interstate air transportation within the 48 contiguous states, in which in-flight service of alcoholic beverages is provided, the nature of such service, the type and amount of service provided, the charges therefor, and any other terms, conditions or limitations pertaining to such service: *Provided, however,* That this rule shall not apply to passengers in interstate air transportation within the 48 contiguous states who are on through flights having an origin or destination outside the United States: *And provided further,* That nothing herein shall prevent the in-flight service without charge of wine or beer as an accompaniment to a meal in all classes of service in interstate air transportation within the 48 contiguous states.

* * * * *

(Sec. 204(a), 72 Stat. 743, 49 U.S.C. 1324. Interpret or apply secs. 403, 404, 1002, Federal Aviation Act, 72 Stat. 758, 760, 788, 49 U.S.C. 1373, 1374, 1482; sec. 3, Administrative Procedure Act, 81 Stat. 54, 5 U.S.C. 552)

By the Civil Aeronautics Board.[22]

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 68–3080; Filed, Mar. 12, 1968; 8:49 a.m.]

SUBCHAPTER F—POLICY STATEMENTS

[Policy Statement PS–34, Amdt. 13]

PART 399—STATEMENTS OF GENERAL POLICY

Visual In-Flight Entertainment and In-Flight Service of Alcoholic Beverages

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., 6th day of March 1968.

In a notice of proposed rule making published in the FEDERAL REGISTER on March 15, 1967 (32 F.R. 4076) and circulated to the industry as EDR–112/PSDR–17, dated March 9, 1967, the Board indicated that it had under consideration amendments to Part 221 of the Board's Economic Regulations (14 CFR Part 221) and Part 399 of its Statements of General Policy (14 CFR Part 399), to require air carriers offering visual in-flight entertainment in interstate and overseas air transportation to make provision therefor in their tariffs. In addition, the Board stated as tentative policy that air carriers would be required to establish charges to passengers utilizing such service appropriate to the cost and value of the service provided, and that, in the absence of a contrary showing, a tariff providing for a charge of less than $2 for visual entertainment which includes a full length feature motion picture would be considered unjust and unreasonable and would be suspended and investigated. In a supplemental notice, the Board included in the proceeding the related issue of whether tariffs of U.S. air carriers should be required to contain data with respect to in-flight service of alcoholic beverages to passengers in any or all classes of service in interstate or overseas air transportation; also, whether or not

[19] United, Northwest, Delta, Western, American, TCA, and TWA.

[20] Pan American maintains that the proposed rule is beyond the Board's legal powers. It asserts that section 204(a) of the Act empowers the Board to make regulations consistent with the Act; that section 403(a) requires both air carriers and foreign air carriers to file and publish, to the extent required by the Board's regulations, all "* * * rules * * * in connection with air transportation;" that the Board in the proposed rule stated that the "* * * service of alcoholic beverages is ancillary to and severable from the transportation function of the carriers;" and that, therefore, rules pertaining to such in-flight service are not rules "in connection with air transportation." Pan American then alludes to the Board's "long held" position that tariff provisions which are not required by the Act are not proper tariff material. The short answer to this contention is that even though the in-flight service of alcoholic beverages is severable from the transportation function of the carriers, it clearly is included within the term "services in connection with such air transportation" within the meaning of section 403(a) of the Act.

[21] All tariff publications filed prior to April 6, 1968, and which are either in effect on that date or to become effective after that date, shall be brought into compliance with ER–529 and PS–34 effective not later than May 1, 1968.

[22] Vice Chairman Murphy's dissenting statement filed as part of the original document.

the Board would require that each passenger who receives such in-flight service shall be assessed a charge therefor which shall be reasonably related to the cost and value of the service in all classes of service.

Interested persons have been afforded an opportunity to participate in the making of these rules (Part 221) and related policy statements. For the reasons set forth in ER–529, issued concurrently herewith, relating to amendments of Part 221 (Construction, Publication, Filing, and Posting of Tariffs of Air Carriers and Foreign Air Carriers), we are adopting the rules as to visual in-flight entertainment and in-flight service of alcoholic beverages as proposed except, in the case of the latter rule, we shall (1) restrict its applicability to interstate air transportation within the 48 contiguous States; (2) exempt from the rule passengers in interstate air transportation within the 48 contiguous States who are on through-flights having an origin or destination at a foreign point; and (3) permit the in-flight service without charge of wine or beer as an accompaniment to a meal in all classes of service. We are also making certain modifications in the corresponding policy statements. Thus, with respect to the policy statement applicable to visual in-flight entertainment, we shall delete all reference to a specified minimum charge for such entertainment, leaving the matter of the amount of the charge to carrier management discretion, subject to suspension and investigation of any tariff which appears unreasonable.[1] With respect to the policy statement for in-flight service of alcoholic beverages, we shall grant an exemption from the rule for an air carrier which makes a showing that competition in foreign air transportation by another air carrier or by a foreign air carrier warrants its providing in-flight service of alcoholic beverages without charge or at a lesser charge than that set forth in such carrier's tariff, as the case may be. The required showing with respect to markets where no charge for alcoholic beverages or a lesser charge will be made should be contained in the letter of transmittal which accompanies the tariff filing. In all other respects, the policy statements are adopted as proposed.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 399, Statements of General Policy (14 CFR Part 399), effective April 6, 1968, as follows:

1. Amend the table of contents by adding new sections at the end of Subpart C as follows:

Sec.
399.40 Visual in-flight entertainment.
399.41 In-flight service of alcoholic beverages.

2. Add new § 399.40 to Subpart C to read as follows:

[1] However, as indicated in ER–529, supra, the Board expects to use the proposed $2 charge as a benchmark for testing the reasonableness of tariffs filed when the rule becomes effective.

§ 399.40 Visual in-flight entertainment.

In considering the lawfulness of tariff rules pertaining to visual in-flight entertainment in interstate or overseas air transportation, it is the policy of the Board to require that each passenger furnished visual in-flight entertainment shall be assessed a charge in an amount reasonably related to the cost and value of the service provided, in all classes of service.

3. Add new § 399.41 to Subpart C to read as follows:

§ 399.41 In-flight service of alcoholic beverages.

In considering the lawfulness of tariff rules pertaining to the in-flight service of alcoholic beverages in interstate air transportation within the 48 contiguous States (except as to passengers in such transportation who are on through flights having an origin or destination outside the United States and except with respect to the in-flight service of wine or beer as an accompaniment to a meal in all classes of service), it is the policy of the Board to require that each passenger who receives such in-flight service shall be assessed a charge therefor which shall be reasonably related to the cost and value of the service in all classes of service, except where such carrier makes a showing that an exception to the foregoing policy is required by reason of competition in foreign air transportation by another air carrier or a foreign air carrier.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply secs. 403, 404, 1002, Federal Aviation Act of 1958, 72 Stat. 758, 760, 788; 49 U.S.C. 1373, 1374, 1482; sec. 3, Administrative Procedure Act, 81 Stat. 54; 5 U.S.C. 552)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 68–3081; Filed, Mar. 12, 1968; 8:49 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R–335; Order 360]

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Annual Reports of Class A and B Natural Gas Companies; Natural Gas Reserves Available From Purchase Agreements

MARCH 6, 1968.

On January 4, 1968, the Commission issued a notice of proposed rule making in this proceeding (33 F.R. 417, Jan. 11, 1968) proposing to revise, effective for the reporting years 1967 and 1968, only, the schedule, page 550, of FPC Form No. 2, prescribed by § 260.1 of the Commission's regulations. The schedule requires the detailed reporting by the respondent of its natural gas supply available under purchase contracts and since a considerable part of the data supplied in this schedule is duplicated in FPC Form No. 15, we proposed to revise the schedule so as to require the reporting by totals only of the estimated reserves under the several types of gas purchase agreements.

Pursuant to the invitation contained in the notice herein, 12 responses were received: Nine of these from natural gas pipeline companies,[1] favored the proposal as did Columbia Gas System Service Corp. and the Independent Natural Gas Association of America. The response from Associated Gas Distributors (AGD), however, opposed the provision on the ground that distributors have used the data reported in the schedule "not only in connection with formal litigation involving regulated producer sales but also in preparing for settlement negotiations concerning various Commission proceedings." Specifically, AGD stated that it utilized these Form 2 data in two past independent producer company settlements and that a witness sponsored by a group of independent producers used them for exhibit purposes in the Southern Louisiana Area Rate proceeding.

In the light of all the comments received we have concluded that the parties who would likely have an interest in the retention and future use of Form 2, page 550, gas reserves data, in its present form, can have their needs satisfied almost entirely from data currently reported in Form 15. Form 15 contains detailed information on gas reserves presently dedicated under contract to pipeline companies. AGD correctly points out, however, that Form 15 does not correlate reserves data with independent producer rate schedules. Inasmuch as such a correlation may be of some presently unforeseen future value, we have determined that it is appropriate only to suspend detailed reporting of the Form 2 gas reserves data for the year 1967 rather than to eliminate it entirely. By this we mean that the pipeline Form 2 respondents will not be required to report these data but they shall maintain workpapers normally compiled in connection with such reporting in past years. Thus, in the event it becomes necessary for the Commission to activate the 1967 formal reporting requirement, the pipelines will be in a position to respond expeditiously. We think this action will provide significant reporting relief to the affected companies and simultaneously maintain the bank of data in the event a special need should arise warranting a Commission directive requiring the submittal of the 1967 data in detail.

During this period, as a part of our continuing Form 15 review,[2] we would expect interested parties to consider with our staff the incorporation of

[1] Arkansas Louisiana Gas Co.; El Paso Natural Gas Co.; Michigan Wisconsin Pipe Line Co.; Natural Gas Pipeline Company of America; Northern Natural Gas Co.; Panhandle Eastern Pipe Line Co.; Southern Natural Gas Co.; Texas Gas Transmission Corp.; and Transcontinental Gas Pipe Line Corp.

[2] See Order No. 337 (37 FPC 326), Modifying Form No. 15 and Prescribing Form 15–A, issued Feb. 16, 1967.

a correlated gas reserve-producer rate schedule data series in Form 15. Of course, in doing so, the parties would be expected to address themselves to the question as to how, specifically, such a data series would be used and useful in pipeline certificate cases, area rate proceedings, and in other formal hearings; or as a part of the Commission's published information program.

For these reasons we are adopting the proposal set out in our January 4, 1968, notice, with the limitations set forth herein, for the reporting year 1967.

The Commission finds: The abridgment of the reporting requirement ordered herein is necessary and appropriate for the administration of the Natural Gas Act.

The Commission, acting pursuant to sections 10 and 16 of the Natural Gas Act (52 Stat. 826, 830; 15 U.S.C. 717i, 717o), orders:

(A) In FPC Form No. 2, prescribed by § 260.1, Subchapter G, Chapter I, Title 18 of the Code of Federal Regulations, the detailed requirements of the schedule "Natural Gas Reserves Available From Purchase Agreements" are suspended for the reporting year 1967 on the conditions specified below:

(1) Respondents will report, on page 550 of the Form 2 entitled, "Natural Gas Reserves Available From Gas Purchase Agreements", estimated total Mcf of recoverable pipeline gas available to respondent at the end of year 1967, by the following account numbers:

800. Natural gas wellhead purchases.
801. Natural gas field line purchases.
802. Natural gas gasoline plant outlet purchases.
803. Natural gas transmission line purchases.
804. Natural gas city gate purchases.
805. Other gas purchases.

(2) Respondents shall maintain documents reflecting the suspended detail data related to the estimated total Mcf reported in subparagraph (A)(1) above.

(B) The abridged Form 2, page 550, reporting requirement as set out in ordering paragraph (A) shall be effective upon the issuance of this order and is prescribed for the reporting year 1967, only.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-3045; Filed, Mar. 12, 1968; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 68-79]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Entry of Purebred Animals for Breeding Purposes

In connection with the importation of dogs and cats claimed to be duty-free under item 100.01, Tariff Schedules of the United States, as purebred animals imported by a citizen specially for breeding purposes, release of the animals is now being effected in some cases under an informal entry when the value thereof does not exceed $250 with a deposit of estimated duties on the entry. Upon the subsequent timely production of a certificate of pure breeding issued by the Department of Agriculture the entry is liquidated with a refund of the duty deposited.

It has been found that a certificate of pure breeding issued by the Department of Agriculture is nearly always produced in such cases.

The Bureau has concluded that under certain conditions when dogs and cats not exceeding $250 in value are entered under item 100.01 of the Tariff Schedules of the United States on an informal entry, a deposit of estimated duties is not necessary to protect the revenue, except in unusual circumstances. It has also been decided that a similar relaxation is justified when purebred dogs or cats not exceeding $500 in value accompany a passenger to the United States.

To give effect to the above, § 10.71 of the Customs Regulations is amended by adding new paragraphs (e) and (f) to read as follows:

§ 10.71 Purebred animals; bond for production of evidence; deposit of estimated duties; stipulation.

* * * * *

(e) When a passenger arriving in the United States with one or more dogs or cats and with the required certificates of pedigree and transfers of ownership in his possession furnishes a properly executed declaration on customs Form 3327 along with an application to the Department of Agriculture on AIQ Form 338 for a certificate of pure breeding, the entry of the animal(s) as duty-free under item 100.01, Tariff Schedules of the United States, may be made on the passenger's baggage declaration if the value of the animals does not exceed $500. In such case the entry shall be supported by a bond on customs Form 7551 or 7553 for the production within 6 months of a certificate of pure breeding. The bond shall be without surety or cash deposit unless the district director of customs on the basis of information before him finds that a bond with surety or a cash deposit is necessary to protect the revenue.

(f) Under conditions corresponding to those set forth in paragraph (e) of this section, dogs and cats having a value of not to exceed $250 that arrive unaccompanied by the importer may be entered on an informal entry (customs Form 5119 or 5119-A) under item 100.01, Tariff Schedules of the United States, without a deposit of estimated duty when supported by a bond on customs Form 7551 or 7553 which may be without surety or cash deposit to the same extent and under the same conditions as provided in paragraph (e) of this section.

(Sec. 101, 76 Stat. 72, secs. 499, 624, 46 Stat. 728, as amended, 759; 19 U.S.C. 1202 (item 100.01), 1499, 1624)

Since this amendment involves a determination by the Government that under certain conditions the protection of the revenue does not require a bond with surety or a cash deposit to insure the production of a certificate of pure breeding, no good purpose would be served by requesting public participation, notice and public procedure under 5 U.S.C. 553 are, therefore, found to be unnecessary and contrary to the public interest, and since a restriction is relieved good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER. This amendment shall, therefore, become effective on the date of its publication in the FEDERAL REGISTER.

Approved: March 7, 1968.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.
FRED B. SMITH,
General Counsel of the Treasury.

[F.R. Doc. 68-3086; Filed, Mar. 12, 1968; 8:49 a.m.]

[T.D. 68-78]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties; Sugar Content of Certain Articles From Australia; February 1968

The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by the Australian Government within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303), on the exportation during the month of February 1968, of approved fruit products and other approved products containing sugar amounts to Australian $111 per 2,240 pounds of sugar content.

The net amount of bounties or grants on the above-described commodities which are manufactured or produced in Australia is hereby ascertained, determined, and declared to be Australian $111 per 2,240 pounds of sugar content. Additional duties on the above-described commodities, except those commodities covered by T.D. 55716 (27 F.R. 9595), whether imported directly or indirectly from that country, equal to the net amount of the bounty shown above shall be assessed and collected.

The table in § 16.24(f) of the Customs Regulations is amended by inserting after the last line under "Australia—Sugar content of certain articles" the number of this Treasury decision in the column headed "Treasury Decision" and the words "New rate" in the column headed "Action." The table in § 16.24(f) is further amended by deleting therefrom under "Australia—Sugar content of certain articles" the number 68-2 in the column headed "Treasury Decision" and the words "New rate" appearing opposite such number in the column headed "Action."

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: March 1, 1968.

FRED B. SMITH,
General Counsel of the Treasury.

[F.R. Doc. 68-3087; Filed, Mar. 12, 1968; 8:49 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart H—Delegations of Authority

MISCELLANEOUS AMENDMENTS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120), Part 2 is amended in Subpart H as follows:

§ 2.120 [Amended]

1. Section 2.120 *Direct delegations from the Secretary* is amended by changing "(25 F.R. 8625)" in paragraph (a) to read "(33 F.R. 10012)".

2. In § 2.121, the introductory paragraph is revised to read as follows:

§ 2.121 Redelegations of authority from the Commissioner to other officers of the Administration.

Final authority of the Commissioner of Food and Drugs is redelegated as set forth in this section. Further redelegation of the authority vested herein is not authorized. Authority redelegated herein to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis, unless prohibited by a restriction written into the document designating him as "acting" or unless not legally permissible.

* * * * *

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

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

Dated: March 5, 1968.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 68-3064; Filed, Mar. 12, 1968; 8:48 a.m.]

SUBCHAPTER E—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS OTHER THAN THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

PART 281—ENFORCEMENT OF THE TEA IMPORTATION ACT

Tea Standards 1968–69

Pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Tea Importation Act (secs. 2, 10, 29 Stat. 607, 41 Stat. 712, 57 Stat. 500; 21 U.S.C. 42, 50) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120), the regulations for the enforcement of this act (21 CFR Part 281) are amended by changing § 281.19(a) to read as follows:

§ 281.19 Tea standards.

(a) Samples for standards of the following teas, prepared, identified, and submitted by the Board of Tea Experts on February 16, 1968, are hereby fixed and established as the standards of purity, quality, and fitness for consumption under the Tea Importation Act for the year beginning May 1, 1968 and ending April 30, 1969:

(1) Formosa oolong.

(2) Ceylon-India, Indonesia black (all black tea except Formosa and Japan black).

(3) Formosa black (Formosa black and Japan black).

(4) Green tea.

(5) Canton type (all Canton type teas including scented Canton and Canton oolong types).

These standards apply to tea shipped from abroad on or after May 1, 1968. Tea shipped prior to May 1, 1968, will be governed by the standards that became effective May 1, 1967 (32 F.R. 4020).

* * * * *

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendment is based upon the recommendation of the Board of Tea Experts, which is comprised of tea experts drawn from the Food and Drug Administration and the tea trade, so as to be representative of the trade as a whole.

Effective date. This order shall become effective May 1, 1968.

(Secs. 2, 10, 29 Stat. 607, 41 Stat. 712, 57 Stat. 500; 21 U.S.C. 42, 50)

Dated: March 5, 1968.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 68-3065; Filed, Mar. 12, 1968; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER D—SECURITY

PART 156—DEPARTMENT OF DEFENSE CIVILIAN APPLICANT AND EMPLOYEE SECURITY PROGRAM

Authority; Correction

In F.R. Doc. 67-3527 (Part 156), published at 32 F.R. 5420, the following correction should be made:

The eighth line of § 156.2 *Authority* is corrected to read:

§ 156.2 Authority.

* * * 10531, 10548, 10550, hereafter referred to * * *.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 68-3063; Filed, Mar. 12, 1968; 8:47 a.m.]

Chapter VII—Department of the Air Force

SUBCHAPTER A—ADMINISTRATION

PART 809a—ENFORCEMENT OF ORDER AT AIR FORCE INSTALLATIONS, CONTROL OF CIVIL DISTURBANCES, AND SUPPORT OF DISASTER RELIEF OPERATIONS

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

A new Part 809a is added as follows:

Sec.
809a.0 Purpose.

Subpart A—Enforcement of Order at or Near Air Force Installations

809a.1 Military responsiblity and authority.
809a.2 Civil responsibility and authority.
809a.3 Unauthorized entry to installations.
809a.4 Use of Government facilities.

Subpart B—Use of Military Forces in Civil Defense, Civil Disturbances, and Disasters

809a.5 Definitions.
809a.6 Base policies and laws.
809a.7 Conditions for use of Air Force personnel.
809a.8 Military Commanders' repsonsibilities.

AUTHORITY: The provisions of this Part 809a issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted.

SOURCE: AFR 355-11, Apr. 18, 1967.

§ 809a.0 Purpose.

Subpart A of this part prescribes the commanders' responsibilities for enforcing order at and in the vicinity of installations under their jurisdiction. Subpart B of this part provides guidance for the use of Air Force resources in controlling civil disturbances and in supporting

diaster relief operations. This part applies only to installations in the Continental United States. Oversea commands, the States of Hawaii and Alaska, and territories and possessions of the United States will be guided by instructions issued by the appropriate unified commander.

Subpart A—Enforcement of Order at or Near Air Force Installations

§ 809a.1 Military responsibility and authority.

Each commander is authorized to grant or deny access to his installation, and to exclude or remove persons whose presence is unauthorized. In excluding or removing persons from the installation, he must not act in an arbitrary or capricious manner. His action must be reasonable in relation to his responsibility to protect and to preserve order on the installation. As far as practicable, he should prescribe by regulation the rules and conditions governing access to his installation.

§ 809a.2 Civil responsibility and authority.

Local civil authorities are primarily responsible for maintaining order outside the perimeter of an installation. If assistance from civil authorities is insufficient, and the installation commander believes that the employment of Air Force resources is essential, he should send a request for instructions and a report of the circumstances to Hq USAF per AFR 55-30 (Apex Beeline Report of Serious Accident, Incident, or Disturbance). Unless an emergency involves imminent danger to personnel or property under the commander's jurisdiction, he is not authorized to act before instructions are received.

§ 809a.3 Unauthorized entry to installations.

Removal of violators: If unauthorized entry occurs, the violators may be apprehended, ordered to leave, and escorted off the installation by personnel carefully selected for such duties. Violators who reenter an installation—after having been removed from it or having been ordered, by an officer or person in command or charge, not to reenter—may be prosecuted under 18 U.S.C. 1382. If prosecution for subsequent reentry is contemplated, the order not to reenter should be in writing so as to be easily susceptible of proof. Commanders are cautioned that only civil law enforcement authorities have the power to arrest and prosecute for unauthorized entry of Government property.

§ 809a.4 Use of Government facilities.

Commanders are not authorized to permit the use of Government facilities for partisan purposes, and will deny permission to hold demonstrations or conduct political meetings on Air Force installations. They are not to volunteer public statements on demonstrations or possible demonstrations.

Subpart B—Use of Military Forces in Civil Defense, Civil Disturbances, and Disasters

§ 809a.5 Definitions.

(a) *Emergencies.* These are conditions which affect public welfare and occur as a result of enemy attack, insurrection, civil disturbances, earthquake, fire, flood, or other public disasters which endanger life and property or disrupt the usual process of government. The term "emergency" includes any or all of the conditions explained in this section.

(b) *Civil defense emergency.* This is a disaster situation resulting from devastation created by an enemy attack and requiring emergency operations during and following attack. It may also be proclaimed by appropriate authority in anticipation of an attack.

(c) *Civil disturbances.* These are group acts of violence or disorder prejudicial to public law and order including those which follow a major disaster.

(d) *Major disaster.* Any flood, fire, hurricane, or other catastrophe which, in the determination of the President, is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement the efforts and available resources of the State and local governments in alleviating the damage, hardship, or suffering caused thereby.

§ 809a.6 Base policies and laws.

This subpart contains policies on the use of Air Force military personnel in civil disturbances and disasters. The more important laws concerning military aid to civil authorities are also summarized.

(a) The Air Force gives military assistance to civil authorities in civil defense or civil disturbances and disasters only when such assistance is requested or directed. Commanders will not undertake such assistance without authority, unless the overruling demands of humanity compel immediate action to protect life and property and to restore order.

(b) The military service having available resources nearest the affected area is responsible for providing initial assistance to civil authorities in emergencies. Subsequent operations are to be according to the mutual agreement between the senior service commanders concerned.

(c) The protection of life and property and the maintenance of law and order within the territorial jurisdiction of any State is the primary responsibility of State and local authorities. It is well-established U.S. Government policy that intervention with military forces takes place only after State and local authorities have used their own forces and are unable to control the situation, or when they do not take appropriate action.

§ 809a.7 Conditions for use of Air Force personnel.

This part is not intended to extend Air Force responsibility in emergencies, to generate additional manpower requirements, or encourage participation in such operations at the expense of the Air Force primary mission. It is a guide for the employment of Air Force personnel when:

(a) A disaster or disturbance occurs in areas in which the U.S. Air Force is the executive agent of the United States.

(b) A disaster or disturbance occurs in areas that are remote from an Army installation but near an Air Force installation, thereby necessitating Air Force assumption of responsibility pending arrival of Army personnel.

(c) The overriding demand of conditions resulting from a natural disaster compels immediate action to protect life and property and to restore order.

§ 809a.8 Military Commanders' responsibilities.

(a) Civilians in the affected area will be informed of the rules of conduct and other restrictive measures to be enforced by the military. These will be announced by local proclamation or order, and will be given the widest publicity by all available media.

(b) Persons not normally subject to military law, who are taken into custody by military forces incident to civil disturbances, will be turned over to the civil authorities as soon as possible.

(c) Military forces will ordinarily exercise police powers previously inoperative in an affected area; restore and maintain order; maintain essential transportation and communication; and provide necessary relief measures.

By order of the Secretary of the Air Force.

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

[F.R. Doc. 68-3029; Filed, Mar. 12, 1968; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

Narragansett Bay, R.I.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 204.10 governing the use and navigation of a torpedo testing area and a prohibited area in Narragansett Bay, R.I., is hereby amended in its entirety enlarging the prohibited area and disestablishing the torpedo testing area, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 204.10 Narragansett Bay, R.I.; prohibited area.

(a) Beginning at a point on the east shore of Conanicut Island at latitude 41°33'15"; thence southeasterly to latitude 41°32'44", longitude 71°21'17"; thence southerly to latitude 41°32'09", longitude 71°21'17"; thence southeasterly to latitude 41°31'50", longitude 71°21'10"; thence southeasterly to latitude 41°31'26", longitude 71°20'33"; thence easterly to latitude 41°31'27", longitude 71°20'06"; thence northerly to a point on the southwesterly shore of Prudence Island at latitude 41°35'00"; thence northerly along the southwesterly shore of Prudence Island to a point at latitude 41°35'43", longitude 71°20'15.5"; thence northwesterly to latitude 41°37'21", longitude 71°20'48"; thence west to latitude 41°37'21", longitude 71°21'48"; and thence south to latitude 41°33'54", longitude 71°21'48".

(b) The regulations: (1) No vessel shall at any time, under any circumstances, anchor or fish or tow a drag of any kind in the prohibited area because of the extensive cable system located therein.

(2) Orders and instructions issued by patrol craft or other authorized representatives of the enforcing agency shall be carried out promptly by vessels in or in the vicinity of the prohibited area.

(3) The regulations in this section shall be enforced by the Commander U.S. Naval Base, Newport, R.I., and such agencies as he may designate.

[Regs., Feb. 20, 1968, 1507-32 (Narragansett Bay, R.I.)-ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

J. W. HURD,
Colonel, AGC, Comptroller, TAGO.

[F.R. Doc. 68-3030; Filed, Mar. 12, 1968; 8:45 a.m.]

PART 204—DANGER ZONE REGULATIONS

PART 207—NAVIGATION REGULATIONS

Gulf of Mexico, Fla.; Lower Atchafalaya River (Berwick Bay), La.

1. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 204.112 is hereby prescribed establishing and governing the use of a danger zone in the Gulf of Mexico, south of St. George Island, Fla., effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 204.112 Gulf of Mexico, south of St. George Island, Fla.; test firing range.

(a) *The danger zone.* A fan-shaped area bounded as follows:

	Latitude	*Longitude*
NW corner	29°35'15"	85°03'12"
SW corner	29°31'18"	85°07'31"
SE corner	29°30'18"	84°59'18"
NE corner	29°35'09"	85°01'53"

The seaward end of the area is an arc with a 10,500 meter radius with its center located on the south shore line of St. George Island 1,500 feet east of Cape St. George Light.

(b) *The regulations.* (1) The area shall be used from sunrise to sunset daily Mondays through Fridays for test firing helicopter armament.

(2) During firing the entire area plus five miles beyond in all directions shall be kept under surveillance by one control helicopter and two crash boats equipped with FM and UHF communications to the Safety Officer at range control to insure cease fire if an aircraft or surface vessel is observed approaching the area.

(3) The regulations in this section shall be enforced by the Commanding Officer, U.S. Army Aviation Test Board, Fort Rucker, Ala., and such agencies as he may designate.

[Regs., Feb. 20, 1968, 1507-32 (Gulf of Mexico, Fla.)-ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 18, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.240 governing navigation of the reach of lower Atchafalaya River (Berwick Bay) at Morgan City, La., is hereby amended revising paragraphs (d), (f), and (g) and revoking paragraph (e), effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.240 Atchafalaya River, La.; special regulations to govern navigation through the reach of the Lower Atchafalaya River (Berwick Bay) in the vicinity of the Southern Pacific Railroad Bridge at Morgan City, La.

* * * * *

(d) When the signals described in paragraphs (b) and (c) of this section are displayed, unless otherwise directed by the District Engineer, tows (except as described below) moving southward through the bridge opening shall not exceed one barge or other vessel in addition to the towing vessel. Tows moving northward through the bridge opening shall not exceed two barges or other vessels arranged in tandem in addition to the towing vessel. Towing on hawser in either direction shall not be permitted.

(e) [Revoked]

(f) Tows consisting of not more than four units of type designed for integrated tows and securely lashed together with a towing vessel of adequate power made up to stern of the tow may proceed through the bridge opening in either direction. Regardless of direction of the current flow, all tows shall move through the bridge opening at the minimum speed required to maintain control.

(g) The regulations of paragraphs (d) and (f) of this section shall not apply to tows with two towing vessels of sufficient power, one at the head and one at the stern of the tow.

* * * * *

[Regs., Feb. 23, 1968, 1507-32 (Atchafalaya River, La.)-ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

J. W. HURD,
Colonel, AGC, Comptroller, TAGO.

[F.R. Doc. 68-3031; Filed, Mar. 12, 1968; 8:45 a.m.]

PART 208—FLOOD CONTROL REGULATIONS

Devil Creek Dam and Reservoir, Bear River Basin, Idaho

Pursuant to the provisions of section 7 of the act of Congress approved December 22, 1944 (58 Stat. 890; 33 U.S.C. 709), § 208.77 is hereby prescribed to govern the use and operation of Devil Creek Dam and Reservoir on Devil Creek in Malad River Basin, tributary to Bear River, Idaho, for flood control purposes.

§ 208.77 Devil Creek Dam and Reservoir, Bear River Basin.

The Malad Valley Irrigating Co., Malad City, Idaho, shall operate or otherwise effect the operation of Devil Creek Dam and Reservoir in the interest of flood control as follows:

(a) Storage space in Devil Creek Reservoir of 2,000 acre-feet, below the elevation of the crest of the uncontrolled spillway shall be kept available for flood control purposes on a seasonal basis in accordance with the Flood Control Diagram in force for that reservoir. The Flood Control Diagram in force as of the promulgation of this section is that dated February 23, 1968, File No. DC-1-25-1, and is on file in the Office of the Chief of Engineers, Department of the Army, Washington, D.C. Revisions of the diagram may be developed from time to time as necessary by the Corps of Engineers with concurrence of the Malad Valley Irrigating Co. Each such revision shall be effective upon the date specified in the approval thereof by the Chief of Engineers and the Malad Valley Irrigating Co. and from that date until replaced shall be the Flood Control Diagram for purposes of this section. Copies of the Flood Control Diagram currently in force shall be kept on file in and may be obtained from the Office of the District Engineer, Corps of Engineers, Sacramento, Calif., and the Malad Valley Irrigating Co., Malad City, Idaho.

(b) Releases from Devil Creek Reservoir shall be restricted insofar as possible to quantities which will not cause flows in Devil Creek below Devil Creek Dam to exceed the controlling flow rate, as specified on the Flood Control Diagram. Any water temporarily stored in the flood control space shall be released as rapidly as can be safely accomplished without causing downstream flows to exceed those criteria.

(c) Nothing in the regulations of this section shall be construed to require dangerously rapid changes in magnitudes of releases or that releases be made at rates or in a manner that would be inconsistent with requirements for protecting the dam and reservoir from major damage.

(d) The Malad Valley Irrigating Co. shall obtain such basic hydrologic data and shall make such current determinations of required flood control space and required release at Devil Creek Reservoir as are required to accomplish the flood control objectives prescribed in this section.

(e) The Malad Valley Irrigating Co. shall keep the District Engineer, Sacramento District, Corps of Engineers, Department of the Army, in charge of the locality, currently advised of reservoir release, reservoir storage, and such other operating data as the District Engineer may request.

(f) The flood control regulations of this section are subject to temporary modification by the District Engineer, Corps of Engineers, if found necessary in time of flood emergency. Requests for and action on such modification may be made by any available means of communication, and the action taken by the District Engineer shall be confirmed in writing under date of same day to the office of the Malad Valley Irrigating Co.

[Regs., Feb. 23, 1968, ENGCW-EY] (Sec. 7, 58 Stat. 890; 33 U.S.C. 709)

For the Adjutant General.

J. W. HURD,
Colonel, AGC, Comptroller, TAGO.

[F.R. Doc. 68-3032; Filed, Mar. 12, 1968; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

SUBCHAPTER C—INTERNATIONAL MAIL

PART 246—SPECIAL HANDLING

APPENDIX—DIRECTORY OF INTERNATIONAL MAIL

Miscellaneous Amendments

I. In Subchapter C—International Mail make the following changes:

A. In Part 246, §§ 246.1, 246.2, 246.3, and 246.4 are revised to extend special handling service to surface postal union AO mail packages.

§ 246.1 Availability.

The special handling service for domestic parcel post and third class is available also for surface parcel post and surface postal union AO mail packages (i.e., printed matter, matter for the blind, samples of merchandise, and small packets). The service is optional except in the case of parcels for Canada containing baby (day-old) poultry and honey bees. Special handling service does not apply to airmail postal union articles or to air parcels.

§ 246.2 Fees.

Weight	*Fee (cents)*
Not more than 2 pounds	25
More than 2 pounds but not more than 10 pounds	35
More than 10 pounds	50

Special handling fees are in addition to the regular postage rates to the country concerned, and may be prepaid by ordinary postage stamps or with meter stamps.

§ 246.3 Marking.

Senders must place the words "Special Handling" above the name of addressee and below the stamps, as illustrated in § 167.3 of this chapter.

§ 246.4 Treatment.

Special handling packages are given priority in distribution and disposal over other packages from the office of mailing to the point of dispatch from the United States. They are not accorded and preferential dispatch from the United States, and receive no special treatment in the country of destination.

NOTE: The corresponding Postal Manual sections are 246.1, 246.2, 246.3, and 246.4 respectively.

B. In the appendix to Subchapter C—The Directory of International Mail, Chart 6 is revised to reflect the extension of special handling service to surface postal union AO mail packages.

CHART 6.—SPECIAL HANDLING

Special handling service is available only for surface parcel post and surface postal union AO mail packages. The following fees apply:

	Cents
Up to 2 pounds	25
Over 2 pounds and up to 10 pounds	35
Over 10 pounds	50

Marking. Sender must endorse the package *Special Handling.*

Treatment. Packages are entitled to priority treatment within the United States only. For further information see Part 246 of this chapter.

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

TIMOTHY J. MAY,
General Counsel.

MARCH 6, 1968.

[F.R. Doc. 68-3093; Filed, Mar. 12, 1968; 8:50 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

SUBCHAPTER C—MINERALS MANAGEMENT (3000)

[Circular No. 2240]

PART 3100—PUBLIC DOMAIN LEASING UNDER 1920 ACT

Subpart 3101—Lessees

PART 3120—OIL AND GAS

Subpart 3123—Noncompetitive Leases

QUALIFICATIONS FOR ASSOCIATIONS

On pages 15883 and 15884 of the FEDERAL REGISTER of November 18, 1967, there were published a notice and text of proposed amendments of §§ 3101.1 and 3123.2 of Title 43, Code of Federal Regulations. The purpose of the amendments is to state in the regulations the fact that associations, including partnerships, which meet certain requirements may hold a lease or permit under the Mineral Leasing Act, and that such associations may furnish qualifications in a manner similar to that permitted to be followed by corporations.

Interested persons were given 30 days within which to submit comments, suggestions or objections with respect to the proposed amendments. No comments, suggestions or amendments have been received. The proposed amendments are hereby adopted without change, and are set forth below. The amendments shall become effective at the end of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

DAVID S. BLACK,
Acting Secretary of the Interior.

MARCH 7, 1968.

Section 3101.1 is amended to read as follows:

§ 3101.1 Who may hold leases and permits.

Mineral prospecting permits and mineral leases may be issued only to (a) citizens of the United States; (b) associations of such citizens organized under the laws of the United States or of any State thereof, which are authorized to hold such interests by the statute under which organized and by the instrument establishing the association; (c) corporations organized under the laws of the United States or of any State thereof; or (d), in the case of coal, oil, oil shale, or gas, municipalities. A mineral lease or permit will not be issued to a minor, but oil and gas leases may be issued to legal guardians or trustees of minors in their behalf. As used in this group, "association" includes "partnership."

In § 3123.2 paragraphs (c) (1) and (f) are amended to read as follows:

§ 3123.2 What should accompany offer.

* * * * *

(c) (1) Except in the case where a member or a partner signs an offer on behalf of an association (as to which, see paragraph (f) (1) of this section), or where an officer of a corporation signs an offer on behalf of the corporation (as to which, see paragraph (g) of this section), evidence of the authority of the attorney-in-fact or agent to sign the offer and lease, if the offer is signed by such attorney or agent on behalf of the offeror. Where such evidence has previously been filed in the same land office where the offer is filed, a reference to the serial number of the record in which it has been filed, together with a statement by the attorney-in-fact or agent that such authority is still in effect will be accepted.

* * * * *

(f) (1) If the offeror is an association which meets the requirements of § 3101.1 of this chapter, the offer shall be accompanied by a certified copy of its articles of association or partnership, together with a statement showing (i) that it is authorized to hold oil and gas leases; (ii) that the member or partner executing the lease is authorized to act on behalf of the association in such matters;

and (iii) the names and addresses of all members owning or controlling more than 10 percent of the association. A separate statement from each person owning or controlling more than 10 percent of the association, setting forth his citizenship and holdings, shall also be furnished. Where such material has previously been filed, a reference by serial number to the record in which it has been filed, together with a statement as to any amendments, will be accepted.

(2) If the offer is made by an association which does not meet the requirements of § 3101.1 of this chapter, the same showing as to citizenship and holdings of its members shall be made as is required of an individual.

* * * * *

[F.R. Doc. 68-3056; Filed, Mar. 12, 1968; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 68-254]

PART 97—AMATEUR RADIO SERVICE

Assignment of Preferred Station Call Signs

Order. 1. The Commission has under consideration its rules relating to the assignment of station call signs in the Amateur Radio Service.

2. Section 97.51(a) provides that call signs for amateur stations will be assigned systematically with certain exceptions. The exceptions provide for the assignment of two-letter call signs and for the assignment of specific call signs to stations of previous holders, to club stations in memorial to deceased members, and to stations connected with temporary special events.

3. Throughout the years, the Commission has developed a number of policies and procedures to supplement the provisions of § 97.51(a). These policies and procedures are consistent with the meaning and intent of the provisions of § 97.51(a) and are merely designed to govern various special problems, especially those relating to the assignment and conservation of preferred-type call signs. A number of these policies and procedures have been indicated in Amateur Radio Service information bulletins, however, the Commission believes that it is appropriate that those which are of particular importance and of general applicability be stated in the rules. Accordingly, the Commission has determined that new § 97.53 should be adopted essentially to set forth the policies and procedures applicable to conservation and assignment of preferred call signs.

4. The rule change adopted herein involves general statements of policy and is procedural in nature, and, hence, the prior notice procedure and the effective date provisions of 5 U.S.C. section 553 are not applicable. Authority for these rule changes is contained in section 4(i) and 303(r) of the Communications Act of 1934, as amended.

5. In view of the foregoing: *It is ordered,* That, effective March 15, 1968, Part 97 of the Commission's rules is amended by adding new § 97.53 as shown below.

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

Adopted: March 6, 1968.

Released: March 8, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

Part 97 of the Commission's rules is amended as follows:

New § 97.53 is added to read as follows:

§ 97.53 Policies and procedures applicable to assignment of call signs.

(a) The following are regarded as preferred call signs:

(1) Two-letter call signs—call signs with a single letter prefix (two-letter prefix in Alaska, Hawaii, and in the U.S. possessions) and a two-letter suffix; e.g. W6AB (KH6AB).

(2) Three-letter call signs—call signs with a single letter prefix and a three-letter suffix; e.g. W6ABC.

(b) An eligible licensee will be permitted to hold only one two-letter call sign. However, a licensee who, by reason of former rule provisions, presently holds more than one such call sign may continue to hold those call signs in the same call sign areas.

(c) Subject to availability, two-letter call signs beginning with the letter "W" will normally be assigned in each call sign area to eligible licensees.

(d) An eligible licensee who holds one or more three-letter call signs must relinquish one of those call signs in order to be assigned a two-letter call sign.

(e) New additional stations will not be assigned a preferred call sign.

(f) An additional station which is presently assigned a preferred call sign will be issued a nonpreferred call sign upon modification of license to show a station location in a different call sign area.

(g) Subject to availability, a basic station will be issued the same type of call sign as the one relinquished upon modification of license to show a station location in a different call sign area.

(1) Licensees will not be assigned specific call signs of their choice or counterpart call signs (call signs with identical suffix letters) under this provision.

(2) When a two-letter call sign is not available in the new call sign area, an eligible licensee may be assigned an available unspecified three-letter call sign.

(h) Call signs which have been unassigned for more than one year are normally available for reassignment.

[F.R. Doc. 68-3089; Filed, Mar. 12, 1968; 8:49 a.m.]

[1] Commissioners Hyde, Chairman; and Lee absent.

[FCC 68-255]

PART 97—AMATEUR RADIO SERVICE

Notice and Application Filing Requirements

Order. In the matter of amendment of the Amateur Radio Service Rules to delete a notice requirement and to clarify an application filing requirement.

1. The Commission has under consideration Amateur Radio Service rule § 97.99 relating to notice and application filing requirements for amateur operations away from the permanent station location.

2. The provisions of paragraph (a) of § 97.99 are intended to require that an application for modification of license must be filed within 4 months after a change of the authorized permanent station location and that operation at the new permanent location may not be commenced until after the modification application is submitted. However, the present wording of paragraph (a) appears to be somewhat ambiguous and, therefore, the Commission finds that it should be revised to more clearly state these requirements and limitations.

3. Paragraph (b) of § 97.99 provides, in pertinent part, for a procedure whereby written notice is to be given to the Secretary of the Commission by licensees as to certain temporary operations away from the authorized permanent station location. The Commission finds that the notices filed with its Secretary under this provision are no longer needed since the additional requirements for identical notices to be filed at field offices is adequate to meet monitoring and enforcement needs. It is determined, therefore, that it is in the public interest to delete this requirement.

4. The Commission concludes that the changes to § 97.99 are simplified and best accomplished by deleting the entire section and incorporating it into present § 97.95. An editorial amendment to § 97.97 is also necessary.

5. The rule changes herein ordered are procedural and interpretive in nature and, hence, the prior notice, public procedure and effective date provisions of 5 U.S.C., section 553, are not applicable. Authority for these rule changes is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

6. In view of the foregoing: *It is ordered,* That, effective March 15, 1968, § 97.99 is deleted and §§ 97.95 and 97.97 are amended as shown below.

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

Adopted: March 6, 1968.

Released: March 8, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

Part 97 of the Commission's rules is amended as follows:

1. In § 97.95, the headnote and paragraph (a) are revised to read as follows:

[1] Commissioners Hyde, Chairman; and Lee absent.

§ 97.95 Operation away from the authorized permanent station location.

(a) Operation within the United States, its territories, or possessions is permitted as follows:

(1) When there is no change in the authorized permanent station location, an amateur station may be operated under the permanent station license anywhere in the United States, its territories or possessions as a portable, mobile, or temporary fixed station.

(2) When the authorized permanent station location is changed, formal application (FCC Form 610) must be submitted to the Commission prior to any operation and within 4 months of the move for the purpose of modifying the station license to show the new permanent station location. Operation at the new location is permitted under the license for the former station from the date the modification application is mailed until advised of Commission action on that application.

(3) For operations under subparagraphs (1) and (2) of this paragraph, advance notice, as required by § 97.97, must be given to the Engineer in Charge of each radio district in which operation is intended and the portable identification procedures specified in § 97.87 must be used.

* * * * *

2. In § 97.97, the first sentence of the introductory text is amended to read as follows:

§ 97.97 Notice of operation away from authorized location.

Whenever an amateur station is, or is likely, to be operated during periods in excess of 48 hours away from the fixed transmitter location specified on the station license without return thereto, the licensee shall give advance written notice of such operation to the Commission's office(s) specified in § 97.95. * * *

* * * * *

§ 97.99 [Deleted]

3. Section 97.99 is deleted.

[F.R. Doc. 68-3083; Filed, Mar. 12, 1968; 8:49 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. MC-68]

PART 1041—INTERPRETATION—CERTIFICATES AND PERMITS

Removal of Truckload Lot Restrictions; Postponement of Effective Date

MARCH 8, 1968.

The order of the Commission adding § 1041.13 to Chapter X of Title 49 of the Code of Federal Regulations and published on page 2711 of the February 8, 1968 issue of the FEDERAL REGISTER was to become effective March 15, 1968. Petitions for reconsideration were subsequently filed by Boss-Linco Lines, Inc., Gordons Transports, Inc., the Regular Common Carrier Conference of American Trucking Associations, Inc., East Texas Motor Freight Lines, Inc., Central Motor Lines, Inc., Indiana Motor Rate and Tariff Bureau, Inc., and Roadway Express, Inc.

Pursuant to section 17(8) of the Interstate Commerce Act, the effective date of the order is postponed pending disposition of these petitions.

Copies of the petition filed by Boss-Linco Lines, Inc., are available from Harold G. Hernly, Jr., Esq., 711 Fourteenth Street NW., Washington, D.C. 20006.

Copies of the petition filed by Gordons Transports, Inc., are available from James W. Wrape, Esq., 711 Fourteenth Street NW., Washington, D.C. 20006.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-3074; Filed, Mar. 12, 1968; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 11]

[Bureau of Mines Schedule 13E]

SELF-CONTAINED BREATHING APPARATUS

Procedures for Investigation, Tests, Certification, Approval, and Fees

On June 7, 1967 (32 F.R. 8162), notice was given of the intention to revise the regulations issued as Part 11 of Chapter I, Title 30, Code of Federal Regulations. Interested parties were allowed 30 days to submit written comments, suggestions, or objections with respect to the proposed revision of the regulations. Some cogent objections were received to individual items of the proposed revision and several persons requested that a meeting be held at which they could express their points of view. Such a meeting was held in Pittsburgh, Pa., on September 28, 1967.

Consideration of the written comments and of the suggestions made at the meeting on September 28, 1967, has resulted in the revision of several parts of the regulation as it was proposed on June 7, 1967. The revised proposal follows:

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), notice is hereby given that under authority contained in the Act of May 16, 1910 (36 Stat. 370; 30 U.S.C. 3, 5, and 7), as amended, it is proposed to revise the regulations issued as Part 11 of Chapter I, Title 30, Code of Federal Regulations. The current regulations were adopted September 22, 1956 (21 F.R. 7234) and the fees were revised on March 23, 1965 (30 F.R. 3752).

The purposes of the proposed revision are to bring up to date the regulations to incorporate technologic advances in the design and construction of self-contained breathing apparatus, to provide for wider variety of equipment to better fit new environmental conditions, to improve the method of categorizing and identifying the equipment, and to restate the fees to reflect increases in actual costs of investigations, tests, certification, and approval.

In accordance with the policy of the Department of the Interior, interested persons may submit written comments, suggestions, or objections with respect to the proposed revision of the regulations to the Director, Bureau of Mines, Interior Building, Washington, D.C. 20240, within 30 days after the date of publication in the FEDERAL REGISTER.

WALTER R. HIBBARD, Jr.,
Director, Bureau of Mines.

Subpart A—General Provisions

Sec.
11.1 Purpose.
11.2 Definitions.
11.3 Consultation.
11.4 Types of apparatus.
11.5 Applications.
11.6 Fees.
11.7 Date for testing.
11.8 Conduct of investigations, tests, and demonstrations.
11.9 Certificate of approval.
11.10 Approval labels and markings.
11.11 Material required for record.
11.12 Changes after certification.
11.13 Withdrawal of certification.

Subpart B—Design, Construction, Requirements, and Bench Tests

11.20 Design and construction.
11.21 Requirements and tests.
11.22 Requirements for combination self-
11.22 Requirements for combination self-contained breathing apparatus and another type of respiratory protective device.

Subpart C—Man Tests

11.30 General description of tests.
11.31 Test procedures and requirements.
11.32 Gas tightness tests.

AUTHORITY: The provisions of this Part 11 issued under sec. 5, 36 Stat. 370, as amended, 30 U.S.C. 7. Interpret or apply secs. 2, 3, 36 Stat. 370, as amended, 30 U.S.C. 3, 5.

Subpart A—General Provisions

§ 11.1 Purpose.

The regulations in this part set forth the requirements for certification or approval of self-contained breathing apparatus.

§ 11.2 Definitions.

As used in this part:

(a) A "self-contained breathing apparatus" or "apparatus" is a completely assembled, portable, self-contained device designed to provide respiratory protection against irrespirable gases, vapors, aerosols, or combinations thereof, and against oxygen-deficient atmospheres.

(b) "Bureau" means the Bureau of Mines of the U.S. Department of the Interior.

(c) An "approved" apparatus is one conforming to the requirements of this part and having a certificate of approval to that effect.

(d) A "certificate of approval" is a formal document issued by the Bureau stating that the apparatus has met the requirements of this part. It authorizes the use and attachment of an official approval label or marking to indicate this.

(e) A "closed-circuit" apparatus is one in which the exhaled air is rebreathed by the wearer after the carbon dioxide has been effectively removed and the oxygen concentration restored.

(f) An "open circuit" apparatus is one from which exhaled air is vented to the atmosphere and not rebreathed.

(g) A "demand-type" apparatus is an open-circuit apparatus in which the pressure inside the facepiece in relation to the immediate environment is positive during exhalation and negative during inhalation.

(h) A "pressure-demand type" apparatus is an open-circuit apparatus having positive pressure inside the facepiece in relation to the immediate environment during both exhalation and inhalation.

(i) A "self-rescue apparatus" is an open- or closed-circuit apparatus for use only during emergency escape from irrespirable atmospheres and shall not be used for entry into such an atmosphere.

(j) "Entry into and escape from" means that the apparatus approved for these purposes may be used to enter an irrespirable atmosphere and/or to escape from it.

(k) "Auxiliary equipment" is a self-contained breathing apparatus that is limited when used underground in mines, tunnels, and similar operations to situations in which the wearer has ready access to fresh air and at least one crew of five or six men equipped with approved self-contained breathing apparatus, preferably of 2 hours or longer rating, is in reserve at a fresh air base.

(l) A "combination apparatus" is a self-contained breathing apparatus which combines the functions and purpose of a self-contained breathing apparatus with those of another type of respiratory protective device described in another part.

(m) "Compressed breathing gas" is oxygen or air stored in the apparatus and supplied to the wearer in a gaseous form.

(n) "Liquefied breathing gas" is oxygen or air stored in the apparatus in liquid form and supplied to the wearer in a gaseous form.

(o) "Applicant" means an individual, partnership, company, corporation, association, or other organization that designs, manufactures, assembles, or controls the assembly of an apparatus and that seeks a certificate of approval thereof.

§ 11.3 Consultation.

By appointment, applicants or their representatives may visit the Bureau's Health and Safety Research and Testing Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213, to discuss with qualified Bureau personnel proposed self-contained breathing apparatus to be submitted in accordance with the regulations of this part. No charge is made for such consultation and no written report thereof will be made to the applicant.

§ 11.4 Types of apparatus.

(a) Types of apparatus covered by the requirements of this part are classified according to their use as follows:

(1) An apparatus for entry into or escape from oxygen-deficient atmos-

pheres or irrespirable vapors, gases, or aerosols.

(2) Apparatus for escape only from oxygen-deficient atmospheres or from irrespirable vapors, gases, or aerosols.

(b) Apparatus covered by the requirements of this part are further classified according to their design as:

(1) *Closed-circuit apparatus.* (i) Compressed-oxygen;

(ii) Oxygen-generating;

(iii) Liquid-oxygen.

(2) *Open-circuit apparatus (using compressed or liquefied breathing gas).* (i) Demand-type;

(ii) Pressure-demand type.

(3) *Combinations of closed-circuit and open-circuit apparatus.* An apparatus of this type shall meet the applicable requirements of both closed-circuit and open-circuit classifications.

(c) Apparatus covered by the requirements of this part are also classified according to the length of time they will provide respiratory protection (as determined by the Bureau's tests) as follows:

(1) Four hours.
(2) Three hours.
(3) Two hours.
(4) One hour.
(5) Thirty minutes.
(6) Fifteen minutes.
(7) Ten minutes.
(8) Three minutes.

Only apparatus classified for 15 minutes service time, or longer, will be approved for purposes of entry into and escape from an irrespirable atmosphere. Apparatus classified for less than 1-hour service time will not be approved for use in underground mining, tunneling, and similar operations except as auxiliary equipment. Auxiliary equipment will not be approved for a rated service time less than one half hour. Apparatus with a rated service time of 3 minutes or 10 minutes will not be approved for entry into an irrespirable atmosphere. The maximum rated service time for any self-contained breathing apparatus for self-rescue is 30 minutes.

§ 11.5 Applications.

(a) No investigation or testing (including retesting of apparatus that has been previously tested and disapproved) will be undertaken hereunder by the Bureau except pursuant to a written application, in duplicate, accompanied by all drawings, specifications, descriptions, and related matters and also a check, bank draft, or money order, payable to the Bureau of Mines to cover the fees. The application and all related matters and correspondence concerning it shall be addressed to the Bureau of Mines, Health and Safety Research and Testing Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213, attention: Approval and Testing.

(b) Drawings, specifications, and descriptions shall be adequate in detail to identify fully all components and subassemblies and the assembled apparatus. All drawings shall include title, number, and date; any revision dates shall be shown on the drawings, and the purpose of each revision shall be shown on the drawing or described on an attachment to the drawing to which it applies.

(c) Duplicate sets of detailed drawings and specifications shall be a part of the application. These shall fully describe the construction, dimensions, composition, materials, finishes, and assembly of all parts of the apparatus.

(d) The application shall state that, when tested by the applicant or his testing agency, the apparatus has met the pertinent requirements of Subparts B and C of this part. Two copies of the results of the applicant's inspections and tests shall accompany the application. The Bureau will, upon request, provide the applicant with drawings and descriptions of test equipment and will assist the applicant where possible in setting up a test laboratory or obtaining the services of a testing agency.

(e) The application shall state that the apparatus is completely developed and is a finished marketable product.

(f) The application shall describe the function of the apparatus and the operation of its parts.

(g) The application shall state how production items will be tested to maintain quality control of the apparatus and its component parts. The Bureau may have its qualified representative(s) inspect the applicant's control-test methods, equipment, and records, and may interview the personnel who conduct the control tests, at all reasonable times.

(h) When the Bureau notifies the applicant that the application has been accepted, it will also inform him of the number of complete apparatus and extra parts that will be required for testing. All test materials shall be delivered (charges prepaid) to the Bureau of Mines, Health and Safety Research and Testing Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213, Attention: Approval and Testing.

§ 11.6 Fees.

The following fees are charged for inspecting and testing self-contained breathing apparatus.

(a) Apparatus for entry into or escape entry into or escap
cape from oxygen-deficient atmospheres or irrespirable vapors, gases, or aerosols.

(1) Complete 4-hour self-contained breathing apparatus inspection and tests $3,465

(2) Complete 3-hour self-contained breathing apparatus inspection and tests $3,275

(3) Complete 2-hour self-contained breathing apparatus inspection and tests $3,080

(4) Complete 1-hour self-contained breathing apparatus inspection and tests $2,890

(5) Complete ½-hour self-contained breathing apparatus inspection and tests $2,610

(6) Complete ¼-hour self-contained breathing apparatus inspection and tests $2,090

(b) Apparatus for escape only from oxygen-deficient atmospheres or from irrespirable vapors, gases, or aerosols $1,735

(c) Facepiece alone $355

(d) Fees for tests of unusually complicated apparatus, for unusual tests, or tests not included in this list or for tests required for extensions of approval, will be based on the actual costs of testing, which will be estimated in advance by the Bureau. The applicant will be notified accordingly, and the fee shall be paid before tests are begun. Any surplus will be refunded to the applicant.

(e) Where an apparatus requires less than a complete investigation, the fee will be in proportion to the work involved. If the applicant cannot determine the fee, the Bureau will notify him of the proper fee required. Any surplus will be refunded to the applicant.

NOTE: If a self-contained breathing apparatus fails to pass any of the required tests and the applicant notifies the Bureau to terminate further investigation or testing, the Bureau will return to the applicant any part of the fee not applied to its compensation for services. If the self-contained breathing apparatus is resubmitted for testing and approval after correcting the deficiencies, the additional fee will be estimated in advance by the Bureau and the applicant will be notified accordingly. Such fee shall be paid before tests are begun.

§ 11.7 Date for testing.

The date of acceptance of an application will determine its order of precedence for investigation and testing. The applicant, if he so specifies, will be notified of the date when tests on his apparatus will begin. If an apparatus fails to meet any of the requirements, it shall lose its order of precedence. If the application is resubmitted, after the cause of failure has been corrected, it will be treated as a new application.

§ 11.8 Conduct of investigations, tests, and demonstrations.

(a) Prior to the issuance of a certificate of approval, only Bureau personnel, representatives of the applicant, and such other persons as may be mutually agreed upon, may observe the investigations or tests. The Bureau shall hold as confidential, and shall not disclose, principles or patentable features prior to certification. It shall not disclose any analyses, nor any details of the applicant's drawings, specifications, and related material. The conduct of all investigations, tests, and demonstrations shall be under the sole direction and control of the Bureau. Any other persons shall be present only as observers as required under paragraph (c) of this section.

(b) After the issuance of a certificate of approval, the Bureau may conduct such public demonstrations and tests of the approved apparatus as it deems appropriate.

(c) When requested by the Bureau, the applicant shall provide assistance in assembling or disassembling the apparatus and its components, subassemblies, or assemblies for testing, in preparing the apparatus and its components, subassemblies, or assemblies for testing, and in operating the apparatus during the tests.

(d) Applicants shall be responsible for their representatives present during tests

and for observers admitted at their request and shall save the Government harmless in the event of damage to applicant's property or injury to applicant's representatives or to observers admitted at their request.

§ 11.9 Certificate of approval.

(a) Certificates of approval will be issued hereunder only for completely assembled apparatus, and not for component parts or subassemblies.

(b) Upon completion of the investigation and testing of an apparatus, the Bureau will issue to the applicant either a certificate of approval or a written notice of disapproval. Informal notifications of approval will not be issued. If a certificate of approval is issued, no test data or detailed results will accompany it. If a notice of disapproval is issued, it will be accompanied by any available information about the defects, with a view to possible correction. The Bureau will not disclose, except to the applicant, any information on an apparatus upon which a notice of disapproval has been issued.

(c) A certificate of approval will be accompanied by a list of drawings and specifications covering the details of design and construction of the apparatus. The applicant shall keep exact duplicates of the drawings and specifications submitted to the Bureau. The approved drawings and specifications shall be adhered to exactly in commercial production of the certified apparatus.

§ 11.10 Approval labels and markings.

(a) A certificate of approval will be accompanied by photograph(s) of design(s) of approval label(s). Legible reproductions of the entire label(s) shall be attached permanently to each apparatus. When, in the Bureau's opinion, there is insufficient space, or some other valid reason, the label(s) may be reproduced on the apparatus instructions. The label(s) will bear the seal of the Bureau of Mines, the approval number, the manufacturer's name and address, the duration of use for which the apparatus is approved, and the limitations or conditions for safe and efficient use of the apparatus.

(b) The Bureau will notify the applicant if any additional labels or markings will be required on subassemblies and parts.

(c) Full-scale reproductions of approval labels and markings and a sketch or description of their method of application and position on the apparatus shall be submitted to the Bureau for approval before final adoption.

(d) Use of the Bureau's approval label obligates the applicant to maintain the quality of the apparatus and to guarantee that it is manufactured according to the drawings and specifications upon which the certificate of approval is based. The approval label shall be used only by the applicant.

§ 11.11 Material required for record.

(a) The Bureau will retain, as part of the permanent record of each investigation, a complete apparatus and any component thereof that has been tested and certified. Material not required for record will be returned to the applicant at his request and expense.

(b) As soon as a certified apparatus is commercially available, the applicant shall deliver one complete unit free of charge to the Bureau of Mines, Health and Safety Research and Testing Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213, Attention: Approval and Testing.

§ 11.12 Changes after certification.

If an applicant desires to change any feature of a certified apparatus, he shall first obtain the Bureau's approval of the change, pursuant to the following procedure:

(a) Application shall be made as for an original certificate of approval, requesting that the existing certification be extended to cover the proposed change(s). The application shall be accompanied by drawings, specifications, and related material in full detail.

(b) The application and accompanying material will be examined by the Bureau to determine whether testing will be required. The Bureau will inform the applicant of the fee required for any testing involved.

(c) If the proposed modification meets the requirements of this part, a formal extension of certification will be issued, accompanied by a list of new and revised drawings and specifications covering the change(s).

§ 11.13 Withdrawal of certification.

The Bureau reserves the right to rescind, for cause, any certificate of approval issued under this part.

Subpart B—Design, Construction, Requirements, and Bench Tests

§ 11.20 Design and construction.

(a) The Bureau will only investigate and test apparatus that, in its opinion, is constructed of suitable materials, evidences good workmanship, and is designed on sound engineering and scientific principles. The following factors of design and construction will be evaluated: Safety; distribution of weight; durability of construction; practicability of wearer use including comfort, field of vision, fit of mouthpiece, noseclip, facepiece, and harness; and performance during investigation and testing, including any adverse effects on the wearer of the apparatus.

(b) All possible designs, assemblies, or combination of materials and components cannot be foreseen. The Bureau, therefore, reserves the right to modify or omit any test(s) or part(s) of any test(s) described in Subparts B and C of this part, or to perform other test(s) not specifically stated, in order to obtain the necessary information and to provide the same degree of safety as required by the test requirements described in this part. The Bureau will notify the applicant of any changes in the tests or requirements.

§ 11.21 Requirements and tests.

(a) *General requirements.* All parts of the apparatus shall be designed and constructed for maximum safety of the wearer. Parts requiring frequent replacement shall be easily replaceable and after such replacement the effectiveness of the apparatus shall be restored. The construction of the apparatus shall readily permit inspection, testing, and repair of functional parts by persons skilled in such work. All parts requiring cleaning and disinfection shall be readily accessible for this purpose. All parts of the apparatus that are in direct contact with portions of the wearer's body shall be of nonirritating composition.

(b) *Breathing gas requirements.* Self-contained breathing apparatus shall be approved for use only when it supplies respirable breathing gas to the wearer. Oxygen (including liquid oxygen) shall meet the requirements of the United States Pharmacopeia for medical or breathing oxygen. Compressed (gaseous) breathing air shall meet the most recent requirements of the Compressed Gas Association Commodity Specification for Air, G–7.1, Type I, Grade D, gaseous air. Compressed (liquified) breathing air shall meet the most recent requirements of the Compressed Gas Association Commodity Specification for Air, G–7.1, Type II, Grade B, liquid air. In no case, however, the named specifications notwithstanding, shall the breathing air supplied by the apparatus contain less than 20.5 volume-percent of oxygen (see also § 11.31(d)(4)). No apparatus will be approved for interchangeable use of air and oxygen.

(c) *Requirements and tests for component parts.* The following requirements shall apply to all self-contained breathing apparatus, except where specifically indicated below.

(1) *Facepiece.* If a facepiece is used, it shall assure a gas-tight fit on persons of widely varying facial shapes and sizes. The applicant shall certify that the eyepiece(s) meets the pertinent requirements for impact and penetration specified in the most recent United States of America Standards Institute Safety Code for Eye Protection. The wearer's field of vision shall be adequate and not distorted by the eyepiece(s). The design of facepiece shall minimize eyepiece fogging. Facepiece exhalation valves or pressure relief valves and inhalation valves shall be protected against distortion. An adjustable head harness capable of maintaining tension under all circumstances shall be furnished. The facepiece shall have, or be capable of having added to it, a provision for the use of corrective spectacles. The use of spectacles shall not reduce the respiratory protective qualities of the apparatus.

(2) *Mouthpiece and noseclip.* If a mouthpiece and noseclip are used, both shall be provided. An adjustable head harness capable of maintaining tension under all circumstances shall be furnished. They shall provide an air-tight seal and shall be securely attached to the apparatus to prevent accidental loss.

(3) *Gas and liquid container(s).* Compressed-breathing gas container(s) shall be acceptable for interstate shipment when fully charged and shall comply

with pertinent requirements in Interstate Commerce Commission Specification 3AA or other applicable ICC regulation. Compressed-breathing gas container valves shall be equipped with outlet threads specified for the service by the United States of America Standards Institute Standard for Compressed Gas Cylinder Valve Outlet and Inlet Connections, B57.1—1965. Containers that are normally removed from the apparatus for refilling shall be permanently and legibly marked with the name of their contents, such as compressed-breathing air, compressed-breathing oxygen, liquefied-breathing air, or liquefied-breathing oxygen. Compressed-breathing-gas containers, when they are normally removed from the apparatus for refilling, shall be equipped with a dial-indicating gage to show container pressure. The gage shall meet the requirements of subparagraph (4) of this paragraph.

(4) *Gages.* (i) Compressed-breathing-gas container gages shall be calibrated in pounds per square inch and may also be calibrated in fractions of total container capacity.

(ii) Gas pressure gages (except compressed-breathing-gas container gages) shall be calibrated either in pounds per square inch or in fractions of the total container capacity, or both.

(iii) Liquid-level gages shall be calibrated in fractions of the total container capacity and may also be calibrated in units of liquid volume.

(iv) Dial-indicating gages shall be reliable to within 5 percent of full scale when tested both up and down the scale at each of 10 equal intervals. The full scale graduation of the gage shall not be in excess of 150 percent of the maximum cylinder pressure allowed under applicable regulations of the Interstate Commerce Commission.

(v) Stem-type gages shall be readible by sight and by touch and shall have a stem travel distance of not less than one-quarter inch between each graduation. At least five graduations shall be engraved on the stem, including empty, one-quarter, one-half, three-quarters, and full. Stem gage readings shall not vary from true readings by more than 1/16-inch per inch of stem travel.

(vi) The loss of gas through a broken gage or severed gage connection shall not exceed 70 liters per minute when the cylinder pressure is 1,000 pounds per square inch gage or the liquid level at one-half.

(vii) When a gage is connected to the remainder of the apparatus through a gage line, a means shall be provided to isolate the gage and line from the apparatus, unless failure of the gage or line does not impair performance or service life of the apparatus.

(viii) Oxygen gages shall have the words, "Use No Oil," marked prominently on the gage.

(ix) Apparatus using compressed or liquefied-breathing gas, except apparatus for self-rescue, shall have, visible to the wearer, a gage that indicates remaining gas or liquid content.

(5) *Timers.* A timer shall be included on oxygen-generating apparatus (except apparatus only for self-rescue). It shall be accurately calibrated in minutes of remaining service life. It shall be discernible by the wearer's sight and touch while the apparatus is in use. The timer shall warn the wearer for not less than 10 seconds after the preset time has elapsed.

(6) *Remaining service-life indicator or warning.* Apparatus (except apparatus only for self-rescue) using compressed-breathing gas shall have a remaining service-life indicator or warning device in addition to a pressure gage. The device shall operate automatically, without preadjustment by the wearer, when the remaining service life is reduced to between 20 and 25 percent of the rated service time of the apparatus. If the device depends on gas flow, the maximum flow-rate of gas used to operate such a device shall not exceed 4 liters per minute. When used on closed-circuit apparatus, not more than 1 liter per minute of the actuating gas shall be permitted to escape from the breathing circuit.

(7) *Hand-operated valves.* (i) Valves shall be designed so that the stem cannot be completely removed from the valve body during normal usage and so that the full pressure of the container cannot be released suddenly when the valve is opened. Valves that must be manipulated during the use of the apparatus shall be positioned where they can be readily operated by the wearer. Valves shall be protected from damage by external forces. Valves shall be easily distinguishable from each other and shall be designed or positioned to prevent accidental closing.

(ii) A main-line valve shall be provided, in addition to a gas-container valve(s), if it is needed to conserve gas in the event of regulator or demand valve failure, except as provided in subdivision (iv) of this subparagraph.

(iii) A hand-operated bypass system shall be provided to permit the wearer to breathe and to conserve his gas supply if the regulator or demand valve fails except as provided in subdivision (iv) of this subparagraph. The bypass control shall be colored red.

(iv) A main-line valve and bypass system will not be required on apparatus for escape only.

(8) *Breathing bag.* When a breathing bag(s) is used on an apparatus (except for self-rescue only), it shall be designed or protected to prevent damage or collapse from external force. The bag(s) of all apparatus shall be of sufficient volume to prevent gas waste during exhalation and to provide an adequate reserve for inhalation, as determined by man tests described in Subpart C of this part. The bag(s) shall be flexible and resistant to gasoline vapors. The bag(s) will be tested in an air atmosphere saturated with gasoline vapor at room temperature (75°–85° F.) for a continuous period of twice the rated time of the apparatus (except for apparatus for self-rescue only where the test period shall be the rated time of the apparatus). The bag(s) will be operated during this test by a breathing machine with 24 respirations per minute and a minute-volume of 40 liters. A breathing machine cam with a work rate of 622 kg-m/min [1] will be used. The air within the bag(s) shall not contain more than 100 parts per million of gasoline vapor at the end of the test.

(9) *Carrying or storage container.* Where a carrying or storage container or bracket is supplied by the applicant for use with a self-contained breathing apparatus, the container shall be examined and approved by the Bureau as part of the complete apparatus.

(10) *Safety relief valves or system.* All closed-circuit appartus shall be provided with a safety pressure-relief valve or system that will release excess pressure in the breathing circuit. Excess pressure in the breathing circuit is defined as 1/2-inch-water-column height of pressure, or more, above the minimum pressure required to fill the breathing bag within the resistance requirements in paragraph (d)(2) of this section. The safety relief valve, or system shall be operated automatically by the pressure on the inhalation side of the bag. The valve or system shall also permit manual overriding for test purposes and in the event of failure of the safety relief valve or system. The safety relief valve or system shall be designed to prevent external atmospheres from entering the breathing circuit.

(d) *Requirements and tests for complete apparatus*—(1) *Weight.* The completely assembled and fully charged apparatus shall not weigh more than 35 pounds; except that when the weight of an apparatus decreases by more than 25 percent of its initial charge weight during its service life, the completely assembled and fully charged apparatus shall not weigh more than 40 pounds. When an apparatus is equipped with a device which would contribute materially to the wearer's comfort (such as a cooling system), the completely assembled and fully charged apparatus shall not weigh more than 40 pounds regardless of the decrease in weight during use.

(2) *Breathing resistance*—(i) *Inhalation.* Resistance to airflow will be measured at the facepiece while the apparatus is operated by a breathing machine as described in paragraph (c)(8) of this section. The inhalation resistance of open-circuit apparatus shall not exceed 1.25-inch-water-column height. The inhalation resistance of closed-circuit apparatus shall not exceed the difference between exhalation resistance and 4 inches of water-column height.

(ii) *Exhalation.* Resistance to airflow at the facepiece of open-circuit apparatus will be measured with air flowing at a continuous rate of 85 liters per minute. The exhalation resistance of demand apparatus shall not exceed 1 inch of water-column height. The exhalation resistance of pressure-demand apparatus shall not exceed the static pressure in the facepiece by more than 2 inches of water-column height. The static pressure (at zero flow) in the facepiece shall

[1] Silverman, L., G. Lee, T. Plotkin, L. Amory, and A. R. Yancy, Fundamental Factors in the Design of Protective Equipment, O.S.R.D. Report No. 5732, issued April 1, 1945.

not exceed 1.5 inches of water-column height.

Resistance to airflow at the facepiece of closed-circuit apparatus will be measured as described in subdivision (i) of this subparagraph. The exhalation resistance shall not exceed 2 inches of water-column height.

(3) *Gas flow*—(i) *Open-circuit apparatus.* A static-flow test will be performed on all open-circuit apparatus. The flow from the apparatus shall be greater than 200 liters per minute when the facepiece pressure is lowered by 2 inches water-column height below the static pressure when full container pressure is applied. Where compressed-breathing-gas containers are used, the flow test shall also be made with 500 p.s.i.g. container pressure applied.

(ii) *Closed-circuit apparatus.* If oxygen is supplied by a constant-flow device only, the rate of flow shall be at least 3 liters per minute for the entire rated service time of the apparatus. When constant flow is used in conjunction with demand flow, the constant flow shall be greater than 1.5 liters per minute for the entire service time. The demand-flow device shall provide at least 20 liters of oxygen per minute when it is in the fully open position.

(4) *Rated service time*—(i) *Open-circuit apparatus.* The apparatus will be rated according to the length of time it supplies air or oxygen to a mechanical breathing machine. The breathing machine shall operate as described in paragraph (c) (8) of this section. The service time obtained on this test will be used to classify the apparatus in § 11.4(c).

(ii) *Closed-circuit apparatus.* The apparatus will be rated according to the length of time it supplies adequate breathing gas to the wearer as required in subparagraphs (2) (inhalation resistance) and (5) (carbon dioxide concentation) of this paragraph, and during man test No. 4 described in Table 4, § 11.31. The service time obtained on man test No. 4 will be used to classify the apparatus in § 11.4(c).

(5) *Carbon dioxide in inspired gas.* (i) Open-circuit apparatus: The concentration of carbon dioxide in inspired gas will be measured at the mouth while the apparatus mounted on a dummy head is operated by a breathing machine. The breathing rate shall be 14.5 respirations per minute with a minute-volume of 10.5 liters. A sedentary breathing machine cam [2] shall be used. The apparatus shall be tested at a temperature of 80°±5° F. A concentration of 5 percent carbon dioxide in air shall be exhaled into the facepiece. Tested in this manner, the apparatus shall meet the requirements of subdivision (iii) of this subparagraph.

(ii) Closed-circuit apparatus: The concentration of carbon dioxide will be measured at the mouth while the parts of the apparatus contributing to dead-air space are mounted on a dummy head. Tested in this manner the apparatus shall meet the requirements of subdivision (iii) of this subparagraph.

[2] Work cited in footnote 1.

(iii) The concentration of carbon dioxide at the mouth shall be continuously recorded. The maximum average concentration during the inhalation portion of the breathing cycle shall be less than the following:

Where the rated service time is:	*Maximum allowable average concentration of carbon dioxide in inspired air, percent by volume*
Not more than 30 minutes	2.5
1 hour	2.0
2 hours	1.5
3 hours	1.0
4 hours	1.0

(iv) In addition, during the man tests described in Tables 1 through 4 in § 11.31, gas samples shall be taken from closed-circuit apparatus at a point downstream of the carbon dioxide sorbent. The samples shall not contain more than 0.5 percent carbon dioxide at any time.

(6) *Low-temperature operation*—(i) *Open-circuit apparatus.* (a) The apparatus will be precooled at −25° F. for 4 hours. It will then be worn in a low-temperature chamber at −25° F. for 30 minutes or for the rated service time of the apparatus, whichever is less. During this test there shall be alternate periods of exercise and rest for one minute each for the required time. The exercises to consist of stepping onto and off a box 8½ inches high at a rate of 30 cycles per minute. The apparauts shall function satisfactorily on duplicate tests. The wearer shall have sufficient unobscured vision to perform the work. The wearer shall not experience undue discomfort because of airflow restriction or other physical or chemical changes in the operation of the apparatus.

(b) If necessary, auxiliary low-temperature parts may be used on the apparatus to meet the requirements of this test. These parts shall be commercially available to the user of the apparatus.

(ii) *Closed-circuit apparatus.* The applicant shall specify the minimum temperature for safe operation. Three persons will perform the tests described in subdivision (i) of this subparagraph, wearing the apparatus according to the applicant's directions at the minimum temperature specified by the applicant. At the specified temperature, the apparatus shall meet all the requirements described in subdivision (i) of this subparagraph.

§ 11.22 Requirements for combination self-contained breathing apparatus and another type of respiratory protective device.

(a) Respiratory protective devices combining the characteristics of a self-contained breathing apparatus and another type of respiratory protective device shall meet the requirements of this part as well as the requirements of any other part which is applicable to the total purpose of the device for which approval is sought. The approval, if granted, will be issued under this part. The Bureau will specify, in the certificate of approval and on the approval label, the limitations which shall apply to the use of the combination respiratory protective device.

(b) When the device is a combination self-contained breathing apparatus and air line respirator (supplied-air respirator) either a manual or automatic valve(s) shall be provided to change to the self-contained air supply if the air line supply fails, and to prevent the wearer breathing contaminated air from the outside atmosphere. If a manual valve is provided, it shall be easily operable and located in a position which is convenient to the wearer; a warning device shall be provided to alert the wearer when the self-contained air supply falls below 80 percent of its full container pressure. If an automatic valve is provided, a warning device shall also be provided to alert the wearer that he is breathing from the self-contained air supply, (1) when his normal air line supply fails, or (2) when the self-contained air supply falls below 80 percent of its full container pressure. A quick disconnect and check valve shall be provided between the apparatus and the air line supply hose to permit ready escape from the area, and to prevent loss of breathing air from the device or inhaling the surrounding atmosphere, respectively.

Subpart C—Man Tests

§ 11.30 General description of tests.

(a) The following tests represent the workload a man would perform while wearing an apparatus in the mining, mineral, and allied industries.

(b) The apparatus will be worn by Bureau of Mines personnel who are trained in the use of self-contained breathing apparatus. Before participation in any of these tests, the wearer shall pass a physical examination by a qualified physician. If a test is not completed through no fault of the apparatus, the test shall be repeated.

(c) Breathing resistance will be measured within the facepiece or mouthpiece. The wearer's pulse and respiration rates will be recorded during the 2-minute sample periods indicated in Tests 1 through 4, below. These will evaluate the wearer's physiological reactions to wearing the apparatus.

(d) All tests will be conducted by the Bureau of Mines in an appropriate gallery.

(e) The apparatus will be examined before each test to make certain it is in proper working order.

§ 11.31 Test procedures and requirements.

Tests 1 through 6, inclusive shall be performed in duplicate.

(a) *Tests 1, 2, 3, and 4.* The duration of specific activities and their sequence for Tests 1 through 4 are given in Tables 1 through 4. These tests are designed to familiarize the wearer with the apparatus, provide a gradual increase in activity, evaluate the apparatus under different types of work and physical orientation of the wearer, and to provide

information on the operating and breathing characteristics of the apparatus under anticipated conditions of use.

(b) *Test 5.* This test will determine the maximum length of time the apparatus will supply the respiratory needs of the wearer while he is sitting at rest. The wearer will manipulate the devices controlling the supply of breathing gas to the advantage of the apparatus. Samples of the atmosphere within the apparatus shall be taken once every 15 minutes for apparatus with rated service times of 1 hour or less and once every 30 minutes for apparatus rated over 1 hour. One sample will be taken in the case of 3- and 10-minute apparatus.

(c) *Test 6.* This test is applicable to liquified-breathing gas apparatus only. It is designed to evaluate operation of the apparatus in other than vertical positions. The wearer shall lie face downward for one-fourth the service life of the apparatus with both full and one-quarter full charges of liquified gas. The test will be repeated with the wearer lying on each side and on his back. The oxygen content of the gas supplied to the wearer by the apparatus will be continuously measured.

(d) *General requirements.* (1) The apparatus shall satisfy the respiratory requirements of the wearer for the rated service time.

(2) Fogging of the eyepiece(s) shall not obscure the wearer's vision and the wearer shall not experience undue discomfort because of fit or other characteristics of the apparatus.

(3) The temperature of inspired air should be minimal. The maximum temperature of inspired air during man tests shall not exceed the following:

Where service life of apparatus is—	Where percent relative humidity of inspired air is—	Maximum permissible temperature (°F) of inspired air shall not exceed—
½ hour or less	0–50	125
	50–100	110
½ to 2 hours	0–50	115
	50–100	105
More than 2 hours	0–50	105
	50–100	95

Man tests will be conducted only when the ambient temperature is between 65° F. and 85° F., except as provided in § 11.21(d).

(4) The concentration of oxygen in the inhaled air shall not be less than 20.5 volume-percent.

§ 11.32 Gas tightness tests.

Each apparatus will be tested for tightness by persons wearing it first in an atmosphere of 1,000 p.p.m. isoamyl acetate and then in a 2 volume-percent test concentration of phosgene. To meet the requirements of this test, six persons shall each wear the apparatus in the test concentrations for 2 minutes and none shall detect the odor or taste of the test gases.

TABLE 1.—DURATION AND SEQUENCE OF SPECIFIC ACTIVITIES FOR TEST 1, IN MINUTES

Activity	Rated service time—					
	3 minutes	10 minutes	15 minutes	30 minutes	1 hour	2, 3, and 4 hours
Sampling and readings			2	2	2	Perform 1 hour test 2, 3, or 4 times, respectively.
Walks at 3 miles per hour.	3	3	4	8	18	
Sampling and readings		2	2	2	2	
Walks at 3 miles per hour.		3	5	8	18	
Sampling and readings		2	2	2	2	
Walks at 3 miles per hour.				6	16	
Sampling and readings				2	2	

TABLE 2.—DURATION AND SEQUENCE OF SPECIFIC ACTIVITIES FOR TEST 2, IN MINUTES

Activity	Rated service time—					
	3 minutes	10 minutes	15 minutes	30 minutes	1 hour	2, 3, and 4 hours [1]
Sampling and readings			2	2	2	2.
Walks at 3 miles per hour.		1	1	3	6	10.
Carries 50 pound weight over overcast.		1 time in 2 minutes.	1 time in 2 minutes.	2 times in 4 minutes.	4 times in 8 minutes.	5 times in 10 minutes.
Walks at 3 miles per hour.			1	3	3	5.
Climbs vertical treadmill [2] (or equivalent).	1	1	1	1	1	1.
Walks at 3 miles per hour.		1			3	5.
Climbs vertical treadmill (or equivalent).					1	1.
Sampling and readings.				2	2	2.
Walks at 3 miles per hour.			2	2	5	11.
Climbs vertical treadmill (or equivalent).			1	1	1	1.
Carries 50 pound weight over overcast.			1 time in 2 minutes.	3 times in 6 minutes.	5 times in 10 minutes.	5 times in 10 minutes.
Sampling and readings		2			2	2.
Walks at 3 miles per hour.			1	3	3	
Climbs vertical treadmill. or equivalent.		1		1	1	Then repeat above activities once.
Walks at 3 miles per hour.		2			3	
Climbs vertical treadmill (or equivalent).					1	
Carries 45 pound weight and walks at 3 miles per hour.	1				2	
Walks at 3 miles per hour.	1				4	
Sampling and readings			2	2	2	

[1] Total test time for Test 2 for 2-hour, 3-hour, and 4-hour apparatus is 2 hours.
[2] Treadmill shall be inclined 15 degrees from vertical and operated at a speed of 1 foot per second.

TABLE 3.—DURATION AND SEQUENCE OF SPECIFIC ACTIVITIES FOR TEST 3, IN MINUTES

Activity	Rated service time—					
	3 minutes	10 minutes	15 minutes	30 minutes	1 hour	2, 3, and 4 hours [1]
Sampling and readings			2	2	2	Perform Test No. 3 for 1 hour apparatus, then perform Test No. 1 for 1 hour apparatus.
Walks at 3 miles per hour.		1	1	2	3.	
Runs at 6 miles per hour.	1	1	1	1	1.	
Pulls 45 pound weight to 5 feet.			30 times in 2 minutes.	30 times in 2 minutes.	60 times in 6 minutes.	
Lies on side	½	1	2	3	5.	
Lies on back	½	1	2	2	3.	
Crawls on hands and knees.	1	1	2	2	2.	
Sampling and readings		2		2	2.	
Runs at 6 miles per hour.			1	1	1.	
Walks at 3 miles per hour.				2	10.	
Pulls 45 pound weight to 5 feet.		30 times in 2 minutes.		60 times in 6 minutes.	60 times in 6 minutes.	
Sampling and readings			2		2.	
Walks at 3 miles per hour.		1		3	10.	
Lies on side					4.	
Lies on back					1.	
Sampling and readings				2	2.	

[1] Total test time for Test 3 for 2-hour, 3-hour, and 4-hour apparatus is 2 hours.

TABLE 4.—DURATION AND SEQUENCE OF SPECIFIC ACTIVITIES FOR TEST 4, IN MINUTES

Activity	Rated service time—							
	3 minutes	10 minutes	15 minutes	30 minutes	1 hour	2 hours	3 hours	4 hours
Sampling and readings			2	2	2	Perform test No. 1 for 30-minute apparatus, then perform test No. 4 for 1-hour apparatus, then perform test No. 1 for 30-minute apparatus.	Perform test No. 1 for 1-hour apparatus, then perform test No. 4 for 1-hour apparatus, then perform test No. 1 for 1-hour apparatus.	Perform test No. 1 for 1-hour apparatus, then perform test No. 4 for 1-hour apparatus, then perform test No. 1 for 1-hour apparatus twice. (I.e., 2-one hour tests).
Walks at 3 miles per hour			1	2	2.			
Climbs vertical treadmill [1] (or equivalent).	1	1	1	1	1.			
Walks at 3 miles per hour		1	1	2	2.			
Pulls 45 pound weight to 5 feet		30 times in 2 minutes.	30 times in 2 minutes.	60 times in 5 minutes.	60 times in 5 minutes.			
Walks at 3 miles per hour		1	1	1	3.			
Carries 50 pound weight over overcast.			1 time in 1 minute.	1 time in 1 minute.	4 times in 8 minutes.			
Sampling and readings		2		2	2.			
Walks at 3 miles per hour			1	3	4.			
Runs at 6 miles per hour		1	1	1	1.			
Carries 50 pound weight over overcast.		1 time in 1 minute.	1 time in 1 minute.	2 times in 3 minutes.	6 times in 9 minutes.			
Pulls 45 pound weight to 5 feet	15 times in 1 minute.		15 times in 1 minute.	60 times in 5 minutes.	36 times in 3 minutes.			
Sampling and readings			2	2	2.			
Walks at 3 miles per hour	1	1			6.			
Pulls 45 pound weight to 5 feet					60 times in 5 minutes.			
Carries 45 pound weight and walks at 3 miles per hour.					3.			
Sampling and readings					2.			

[1] Treadmill shall be inclined 15 degrees from vertical and operated at a speed of 1 foot per second.

[F.R. Doc. 68-2978; Filed, Mar. 12, 1968; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1073]

MILK IN WICHITA, KANS., MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Wichita, Kans., marketing area is being considered for the period through November 1968.

The provisions proposed to be suspended are § 1073.71(g), (h), (i), (j), and (k) relating to the seasonal incentive payment plan of the order.

1. The provisions being considered for suspension are those which would reduce by 20 cents per hundredweight the uniform price to be paid producers for milk delivered in each month of April through June to provide a fund to be used in increasing the uniform prices to be paid producers in each month of September through November. These provisions do not affect costs of milk to handlers, and the suspension will not affect overall returns to producers.

2. Suspension of the seasonal incentive payment plan provisions for the year 1968 was requested by Milk Producers, Inc., Kansas Division, a cooperative association representing about 95 percent of the supply for the market.

3. The producers for the Wichita market have not been paid on the basis of the seasonal incentive plan since it was made effective September 1, 1966. These provisions were suspended for the year of 1967 at the request of a predecessor cooperative association. The cooperative association now requests suspension because member producers contend that uniform prices returned to them would result in inadequate income for current production conditions.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

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

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 68-3053; Filed, Mar. 12, 1968; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18063; FCC 68-250]

AM MODULATION MONITORS

Elimination of Requirement of Meters as Indicators

In the matter of amendment of Part 73 of the Commission's rules and regulations to eliminate the requirement for meters as indicators on AM modulation monitors; Docket No. 18063, RM-1208.

1. On October 13, 1967, Collins Radio Co. (Collins) filed a petition for rule making proposing amendment or augmentation of pertinent portions of Part 73 governing the requirements for type approval of amplitude modulation monitors.

2. Collins has developed a new AM modulation monitor which it claims offers substantial advantages over conventional monitors. However, it has certain features and characteristics which do not meet the present type approval specifications. Accordingly, Collins seeks appropriate changes in these specifications so that its new monitor will be eligible for type approval. In particular, the Collins monitor does not incorporate:

(a) A DC meter for setting the average rectified carrier at a specific value, and for detecting carrier shift (required by § 73.50(b)(1)).

(b) A semipeak meter of prescribed ballistic characteristics for indicating percentage of modulation (required by § 73.50(b)(3)).

3. In lieu of the semipeak meter, the Collins instrument incorporates a series of four indicating lights, with associated circuitry so arranged that the lights will glow successively as peak modulation equals or exceeds 25 percent, 50 percent, 85 percent, and 100 percent. That is, if peak modulation is always less than 25 percent, all lights are dark; if peaks equal or exceed 25 percent, but are less than 50 percent, only the first light flashes; if modulation percentage equals or exceeds 50 percent, but is less than 85 percent, the first and second lights flash, etc. The indicating lights respond rapidly to peaks, but the time constant of the circuitry immediately associated with each indicator is such that it remains lighted for a fixed minimum period regardless of the duration of the actuating peak, as tabulated below:

Percentage Indicator (percent)	*Approximate Time Illuminated (milliseconds)*
25	1120
50	700
85	450
100	280

Collins does not state what considerations entered into the determination of the illumination times of the various indicators, or why the times are graduated in the manner shown above.

4. Each light is actuated by an integrated circuit comparator which continuously compares the amplitiude of the audio modulation with a DC voltage obtained by rectification of the RF input. Thus, the full DC voltage is equal to the average value of the modulation envelope, which for symmetrical modulation is the carrier amplitude. The individual comparators select appropriate proportions of this DC voltage, sampled from a precision divider, to balance against the modulation peaks in actuating the lights for percentages of modulation less than 100.

5. Since the comparison is accurately made, whatever the carrier level at any particular moment, it is unnecessary to adjust the input carrier to a predetermined level. Accordingly, no meter is provided for this purpose. Collins indicates that the carrier level may vary over a range of ±25 percent without affecting the accuracy of indication.

6. The Collins monitor has a fifth indicator light which may be set by a manual control to respond to any desired level of modulation. The purpose of this light is similar to that of the peak indicating light required by § 73.50(b)(2), but, like the other indicators on the Collins instrument, it is actuated by a comparator. This indicator has a longer illumination period than any of the fixed indicators.

7. Collins alleges its monitor enjoys the following advantages over monitors meeting existing type approval specifications:

(a) "Much higher practical accuracy and consistency."

(b) It indicates true modulation peaks, rather than quasi-peaks.

(c) It eliminates the necessity for setting the RF input level before reading modulation percentage.

(d) The output and display are in "digital form" (thus making it suitable for accurate reproduction at a remote control point).

8. A modulation monitor has two main purposes:

(a) It provides for indication of peak modulation levels as a means for avoiding overmodulation and its harmful effects.

(b) It is a means for observing the general degree of modulation, which must be maintained at a substantial level, if the carrier power is to be efficiently utilized.

9. In the type approved monitor design, the main burden for determining the point at which overmodulation occurs falls on the peak flasher, since the characteristics of the semipeak meter are such that it is incapable of indicating the full amplitude of short modulation peaks. On the other hand, the semipeak meter provides an indication of the average modulation level. In the Collins monitor design the indicator light for 100 percent modulation, supplemented by the adjustable level indicator, provides the equivalent of the peak flasher, with the further refinement that these indicating lights, when actuated by a modulation peak, even of extremely short duration, remained illuminated for appreciable periods of time, thus insuring that their indications will be noticed.

10. It should initially be noted that the use of battery of lights to indicate modulation percentages is not a new idea made possible by the employment of comparator circuitry (rather, the use of such circuitry may have required the substitution of such an indicating system for the semipeak meter), but is an indicating system which could easily have been incorporated in monitors of earlier design, had advantages of such a system over the semipeak meter been apparent. While the indicating level of each light presumably may be more precisely defined using comparator circuitry (Collins gives no accuracy figure), there is no reason for believing that the accuracy of indication of a battery of lights using other circuitry would be unsatisfactory.

11. A monitor whose indications are substantially unaffected by changes in carrier input level, of course, offers the possibility for greater accuracy in day-to-day operation over the type approved monitor, particularly when used by stations operated by remote control where the operator may not have access to the carrier level meter or the input control of the regular monitor. However, unless the indicating system employed is a fully adequate substitute for the semipeak meter, any benefits derived from the elimination of carrier level dependency may not be realized.

12. We are unable to say, on the basis of such material as Collins has submitted, that the indicating system it proposes, consisting of a series of lights with graduated illumination times, depicting modulation amplitudes in four rather broad brackets constitutes such a fully adequate substitute, let alone an improvement over the present indicating system.

13. In writing type approval specifications for monitors using this type of indication, unless the Commission can find a display having the characteristics of that embodied in the Collins monitor is not only adequate, but optimum (which it obviously cannot do) and with its specifications around this display, it must develop at least minimum standards for all monitors using such a display system. Absent such standards, the possible combinations of the number of indicating lights, firing levels, and illumination times are so great as to make it extremely unlikely that two monitors of different manufacture would give similar indications of the same modulation envelope.

14. While, in the Collins monitor, both the carrier level meter and semipeak meter are eliminated, we have already noted the feasibility of designing a monitor which uses a light display in lieu of a semipeak meter, but one which might still require the carrier input to be set at a prescribed level. The possibility also exists for a monitor design utilizing a semipeak indicator whose accuracy is unaffected by changes in carrier level. The desirability for uniformity in monitor design presumably should not dictate specifications so narrow as to preclude type approval of monitors embodying such variations in design.

15. Collins claims that the "digital" output of its monitor facilitates the transmittal of accurate modulation indications to a remote control point. Because of the almost complete omission by manufacturers of remote control equipment of facilities for the transmittal of the "digital" indications of the peak flasher of the conventional monitor over their systems, presumably because of technical difficulties, this claim cannot be accepted without further examination.

16. In view of the above, we desire comment by monitoring and broadcasting equipment manufacturers, manufacturers of remote control equipment, broadcasters and other interested parties concerning, but not limited to the following points:

(1) Should the specifications for type approved amplitude modulation monitors be modified to permit approval of monitors utilizing indicating light displays in lieu of semipeak meters?

(2) To which extent should such specifications define and limit the type of display permitted?

(3) What are the considerations which determine the number of indicating levels, the value of these levels, and the absolute and relative illumination periods of the indicating lights?

(4) Should the Commission specify a minimum accuracy for such an indicating system, and what should be the nature of such a specification?

(5) What are the problems encountered in transmitting accurate modulation indications to a remote control point, particularly with regard to peaks which may result in over modulation? Does the Collins monitor, or one of similar design, offer a solution to these problems?

(6) Assuming that the light display is the only type of modulation indication feasible in a modulation monitor so designed that its accuracy is unaffected by changes in carrier level, are the advantages gained in this respect sufficient to justify the use of an indicating system which might be adjudged more rudimentary than the semipeak meter?

(7) Are joint tests, involving a panel of observers, desirable or necessary to finally determine the parameters of indicating light system?

(8) What provision should be made in monitors having no carrier reference and/or semipeak meter for the effectuation of audio proof-of-performance measurement?

17. Accordingly, comments and reply comments are requested on the matters hereinbefore set forth. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may submit comments on or before April 15, 1968, and replies to such comments on or before April 30, 1968. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also

take into account other relevant information before it, in addition to the specific comments invited by this notice.

18. Authority for the adoption of the rules proposed herein is contained in section 4(i) and 303(b) of the Communications Act of 1934, as amended.

19. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: March 6, 1968.

Released: March 8, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-3090; Filed, Mar. 12, 1968; 8:49 a.m.]

[1] Commissioners Hyde, Chairman; and Lee absent.

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority 77]

PRINCIPAL U.S. DIPLOMATIC OFFICER IN CHINA

Delegation of Authority Regarding Administration of A.I.D. Program

Pursuant to the authority delegated to me by Delegation of Authority No. 104 from the Secretary of State of November 3, 1961 (26 F.R. 10608), I hereby delegate to the principal diplomatic officer of the United States in China with respect to the administration of the foreign assistance program within the country to which he is accredited, the authorities delegated to Directors of Missions of the Agency for International Development (A.I.D.) in the following delegations, subject to the limitations applicable to the exercise of such authorities by A.I.D. Mission Directors:

(1) Unpublished Delegation of Authority of January 10, 1955;

(2) Delegation of Authority of November 26, 1954, as amended (19 F.R. 8049);

(3) Paragraphs 4 and 5 of Delegation of Authority of September 28, 1960 (25 F.R. 9927).

In addition to the foregoing, there is hereby delegated to the aforesaid principal diplomatic officer the authorities delegated to A.I.D. Mission Directors in existing A.I.D. manual orders, regulations, memoranda and other instructions.

The authority delegated herein may be redelegated, subject to the concurrence of the Assistant Administrator, Bureau for East Asia, A.I.D. Washington.

This delegation of authority shall be deemed effective as of March 4, 1968.

Dated: March 5, 1968.

WILLIAM S. GAUD,
Administrator.

[F.R. Doc. 68-3062; Filed, Mar. 12, 1968; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OUTER CONTINENTAL SHELF OFF TEXAS

Oil and Gas Lease Sale

Pursuant to section 8 of the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U.S.C. 1331 et seq.) and the regulations issued thereunder (43 CFR Part 3380), sealed bids addressed to the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, Room T-9003, Federal Office Building, 701 Loyola Avenue, New Orleans, La., or Post Office Box 53226, New Orleans, La., 70150, will be received until 9:30 a.m., c.s.t., on May 21, 1968, for the lease of oil and gas in certain areas of the Outer Continental Shelf, adjacent to the State of Texas. Bids will be opened at 10 a.m., c.s.t., May 21, 1968, in the Grand Ballroom of the Sheraton-Charles Hotel, 211 St. Charles Street, New Orleans, La.

On that day bids may be delivered in person to the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, at the Grand Ballroom in the Sheraton-Charles Hotel between 8:30 a.m., c.s.t., and 9:30 a.m., c.s.t. No bids received by mail or in person after 9:30 a.m., c.s.t., will be accepted.

All bids must be submitted in accordance with applicable regulations, particularly 43 CFR 3382.1, 3382.3, and 3382.4. Each bidder must submit the certification required by 41 CFR 60-1.6(b) and Executive Order No. 11246 of September 24, 1965, on Form 1140-1, November 1966. Bids may not be modified or withdrawn unless written modifications or withdrawals are received prior to the end of the period fixed for the filing of bids. Bidders are warned against violation of section 1860 of Title 18 U.S.C. prohibiting unlawful combination or intimidation of bidders. Attention is directed to the nondiscrimination clauses in section 2(k) of the lease agreement (Form 3380-1, February 1966). Bidders must submit with each bid, one-fifth of the amount bid, in cash or by cashier's check, bank draft, certified check, or money order, payable to the order of the Bureau of Land Management. The leases will provide for a royalty rate of one-sixth, and a yearly rental or minimum royalty of $3 per acre or fraction thereof. The successful bidder will be required to pay the remainder of the bid and the first year's rental of $3 per acre or fraction thereof and furnish an acceptable surety bond as required in 43 CFR 3384.1 prior to the issuance of each lease.

Bids will be considered on the basis of the highest cash bonus offered for a tract but no total bid amounting to less than $25 per acre or fraction thereof will be considered. The U.S. Government reserves the right to reject any and all bids even though the bid may exceed the minimum referred to previously. Oil payment, overriding royalty, logarithmic or sliding scale bids will not be considered. No bid for less than a full tract, as listed below, will be considered.

A separate bid, in a separate sealed envelope, must be submitted for each tract. The envelope should be endorsed "Sealed bid for oil and gas lease, Texas (insert number of tract) not to be opened until 10 a.m., c.s.t., April 16, 1968."

Official leasing maps in a set of 15, which contains the maps for the areas in which the tracts being offered for lease may be located, can be purchased for $5 per set. The official leasing maps, copies of the lease form (Form 3380-1, February 1966) as well as the Compliance Report Certification (Form 1140-1, November 1966) may be obtained from the above-listed Manager or the Manager, Eastern States Land Office, 7981 Eastern Avenue, Silver Spring, Md. 20910.

Operations under leases which may be issued pursuant to this sale will be subject to provisions for the protection of fishing operations and aquatic values.

The tracts offered for bid are as follows:

TEXAS

OFFICIAL LEASING MAP, TEXAS MAP NO. 5

(Approved July 16, 1954; Revised January 23, 1967)

BRAZOS AREA

Tract No.	Block	Description	Acreage
Tex. 214	411	SE¼	1,440
Tex. 215	411	SW¼	1,440
Tex. 216	412	All	5,760
Tex. 217	413	do	5,760
Tex. 218	414	do	5,760
Tex. 219	433	do	5,760
Tex. 220	434	do	5,760
Tex. 221	435	do	5,760
Tex. 222	436	NE¼	1,440
Tex. 223	436	SE¼	1,440
Tex. 224	436	SW¼	1,440
Tex. 225	436	NW¼	1,440
Tex. 226	470	All	5,760
Tex. 227	471	do	5,760
Tex. 228	A-1	do	5,760
Tex. 229	505	do	5,760
Tex. 230	506	do	5,760
Tex. 231	508	do	5,760
Tex. 232	509	do	5,760
Tex. 233	513	do	5,760
Tex. 234	514	do	5,760
Tex. 235	538	do	5,760
Tex. 236	539	do	5,760
Tex. 237	540	do	5,760
Tex. 238	541	do	5,760
Tex. 239	A-7	do	5,760
Tex. 240	543	do	5,760
Tex. 241	544	do	5,760
Tex. 242	571	do	5,760
Tex. 243	572	do	5,760
Tex. 244	579	do	5,760
Tex. 245	580	do	5,760
Tex. 246	581	do	5,760
Tex. 247	584	do	5,760
Tex. 248	611	do	57,60
Tex. 249	612	do	5,760
Tex. 250	A-22	do	5,760
Tex. 251	A-43	do	5,760
Tex. 252	613	do	5,760

OFFICIAL LEASING MAP, TEXAS MAP NO. 5B

(Approved September 24, 1959; Revised January 23, 1967)

BRAZOS AREA—SOUTH ADDITION

Tex. 253	A-46	All	5,760
Tex. 254	A-47	do	5,760
Tex. 255	A-60	do	5,760
Tex. 256	A-71	do	5,760
Tex. 257	A-72	do	5,760
Tex. 258	A-75	do	5,760
Tex. 259	A-76	do	5,760
Tex. 260	A-84	do	5,760
Tex. 261	A-102	do	5,760
Tex. 262	A-103	do	5,760
Tex. 263	A-104	do	5,760
Tex. 264	A-105	do	5,760

OFFICIAL LEASING MAP, TEXAS MAP NO. 6

(Approved July 16, 1954; Revised January 23, 1967)

GALVESTON AREA

Tract No.	Block	Description	Acreage
Tex. 265	209	All	5,760
Tex. 266	210	do	5,760
Tex. 267	211	NE¼	1,440
Tex. 268	211	SE¼	1,440
Tex. 269	211	SW¼	1,440
Tex. 270	211	NW¼	1,440
Tex. 271	212	NE¼	1,440
Tex. 272	212	SE¼	1,440
Tex. 273	212	SW¼	1,440
Tex. 274	212	NW¼	1,440
Tex. 275	223	NE¼	1,440
Tex. 276	223	SE¼	1,440
Tex. 277	223	SW¼	1,440
Tex. 278	223	NW¼	1,440
Tex. 279	224	All	5,760
Tex. 280	225	do	5,760
Tex. 281	226	do	5,760
Tex. 282	227	do	5,760
Tex. 283	239	do	5,760
Tex. 284	240	do	5,760
Tex. 285	241	NE¼	1,440
Tex. 286	241	SE¼	1,440
Tex. 287	241	SW¼	1,440
Tex. 288	241	NW¼	1,440
Tex. 289	242	NE¼	1,440
Tex. 290	242	SE¼	1,440
Tex. 291	242	SW¼	1,440
Tex. 292	242	NW¼	1,440
Tex. 293	254	All	5,760
Tex. 294	255	do	5,760
Tex. 295	256	do	5,760
Tex. 296	282	NE¼	1,440
Tex. 297	282	SE¼	1,440
Tex. 298	282	SW¼	1,440
Tex. 299	282	NW¼	1,440
Tex. 300	283	All	5,760
Tex. 301	284	do	5,760
Tex. 302	289	do [1]	5,760
Tex. 303	301	do	5,760
Tex. 304	302	NE¼	1,440
Tex. 305	302	SE¼	1,440
Tex. 306	302	SW¼	1,440
Tex. 307	302	NW¼	1,440
Tex. 308	303	NE¼	1,440
Tex. 309	303	SE¼	1,440
Tex. 310	303	SW¼	1,440
Tex. 311	303	NW¼	1,440
Tex. 312	326	All	5,760
Tex. 313	327	do	5,760
Tex. 314	350	do	5,760
Tex. 315	351	do	5,760
Tex. 316	352	do	5,760
Tex. 317	355	do	5,760
Tex. 318	356	do	5,760
Tex. 319	392	do	5,760
Tex. 320	419	do	5,760
Tex. 321	420	do	5,760
Tex. 322	421	do	5,760
Tex. 323	426	do	5,760
Tex. 324	427	do	5,760
Tex. 325	428	do	5,760
Tex. 326	429	do	5,760
Tex. 327	460	do	5,760
Tex. 328	461	do	5,760
Tex. 329	462	do	5,760
Tex. 330	A-84	do	5,760

[1] This block is within the area of the Galveston Block 288 Unit Agreement (No. 14-08-0001-8670), approved by the Acting Director of the Geological Survey on Apr. 13, 1965. Shell Oil Co. is the approved Unit Operator. The Unit Agreement prescribes the conditions for joinder and may be inspected in the offices of the U.S. Geological Survey, Washington, D.C., and New Orleans, La.

OFFICIAL LEASING MAP, TEXAS MAP NO. 7

(Approved July 16, 1954; Revised August 1955; January 23, 1967)

HIGH ISLAND AREA

Tract No.	Block	Description	Acreage
Tex. 331	53	SW¼	1,440
Tex. 332	53	W½SE¼; SE¼SE¼; W½NE¼SE¼.	1,260
Tex. 333	67	NE¼	1,440
Tex. 334	68	NW¼	1,440
Tex. 335	71	NE¼	1,440
Tex. 336	71	SE¼	1,440
Tex. 337	71	SW¼	1,440
Tex. 338	71	NW¼	1,440
Tex. 339	72	NE¼	1,440
Tex. 340	72	SE¼	1,440
Tex. 341	72	SW¼	1,440
Tex. 342	72	NW¼	1,440
Tex. 343	73	All	5,760
Tex. 344	86	do	5,760
Tex. 345	87	do	5,760
Tex. 346	88	do	5,760
Tex. 347	105	SE¼	1,440
Tex. 348	106	NW¼	1,440
Tex. 349	115	All	5,760
Tex. 350	116	do	5,760
Tex. 351	117	do	5,760
Tex. 352	131	do	5,760
Tex. 353	132	do	5,760
Tex. 354	143	NE¼	1,440
Tex. 355	143	SE¼	1,440
Tex. 356	143	SW¼	1,440
Tex. 357	196	All	5,760
Tex. 358	A-5	do	5,760
Tex. 359	A-6	do	5,760
Tex. 360	A-9	do	5,760
Tex. 361	205	do	5,760
Tex. 362	206	do	5,760
Tex. 363	207	do	5,760
Tex. 364	228	do	5,760
Tex. 365	229	do	5,760
Tex. 366	230	do	5,760
Tex. 367	231	do	5,760
Tex. 368	234	do	5,760
Tex. 369	235	do	5,760
Tex. 370	A-34	do	5,760

OFFICIAL LEASING MAP, TEXAS MAP NO. 7A

(Approved January 23, 1967)

HIGH ISLAND AREA-EAST ADDITION

Tract No.	Block	Description	Acreage
Tex. 371	74	All	5,760
Tex. 372	75	do	2,880
Tex. 373	76	do	2,926.53
Tex. 374	84	do	5,760
Tex. 375	85	do	5,760
Tex. 376	118	do	5,760
Tex. 377	119	do	5,760
Tex. 378	128	do	4,364.41
Tex. 379	129	do	5,760
Tex. 380	A-226	do	5,760
Tex. 381	A-227	do	5,760
Tex. 382	A-228	do	5,760

Some of the tracts offered for lease may fall in fairway areas (including prolongations thereof) or anchorage areas, or both, as designated by the District Engineer, Galveston District, Corps of Engineers, U.S. Army. For the location of these areas and for operational restrictions imposed by that Agency, the District Engineer should be consulted.

Leases issued pursuant to this notice will be subject to all rules and regulations which the Secretary of the Interior is authorized to prescribe and administer under the Outer Continental Shelf Lands Act (43 U.S.C. secs. 1331–1343) including rules and regulations for the prevention of waste and for conservation of the natural resources of the Outer Continental Shelf. The protection of correlative rights therein will be prescribed and administered by the Secretary of the Interior effective as of the effective date of such rules and regulations. In the event a cooperative agreement is concluded between the Secretary and the conservation agency of the State of Texas with respect to enforcement of conservation laws, rules and regulations pursuant to section 5 of the Act, the lessee will be given notice thereof by publication in the FEDERAL REGISTER.

Bidders are requested to submit their bids in the following form:

Manager, Bureau of Land Management, Department of the Interior, Post Office Box 53226, T-9003 Federal Office Building, New Orleans, La. 70150.

OIL AND GAS BID

The following bid is submitted for an oil and gas lease on land of the Outer Continental Shelf specified below:

Area _____

Official Leasing Map No. _____.

Tract No.	Total amount bid	Amount per acre	Amount submitted with bid

_____
Signature

_____
Signature

Important: The bid must be accompanied by one-fifth of the total amount bid. This amount may be in cash, money order, cashier's check, certified check, or bank draft. A separate bid must be made for each tract.

EUGENE V. ZUMWALT,
Acting Associate Director,
Bureau of Land Management.

Approved: March 8, 1968.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 68-3066; Filed, Mar. 11, 1968; 8:50 a.m.]

[C-2515]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 6, 1968.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. C-2515, for the withdrawal of the lands described below from all forms of appropriation under the public land laws. Mineral rights are in third parties and are not affected by the proposed withdrawal.

The Forest Service desires the land to consolidate management responsibility within the Uncompahgre National Forest as provided by Public Law 87-524, July 9, 1962 (76 Stat. 140).

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado Land Office, Room 15019, Federal Building, 1961 Stout Street, Denver, Colo. 80202.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the

concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

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

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

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 44 N., R. 8 W.,
Sec. 16, S½NW¼, N½SW¼.
T. 46 N., R. 4 W.,
Sec. 14, NW¼SW¼.

The areas described aggregate approximately 200 acres.

J. ELLIOTT HALL,
Land Office Manager.

[F.R. Doc. 68-3049; Filed, Mar. 12, 1968; 8:46 a.m.]

[OR 1330]

OREGON

Order Providing for Opening of Public Lands

MARCH 6, 1968.

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

WILLAMETTE MERIDIAN

T. 13 S., R. 37 E.,
Sec. 10, S½SE¼;
Sec. 11, S½SW¼;
Sec. 14, SW¼NW¼, NW¼SW¼;
Sec. 15, SE¼NE¼, NE¼SE¼, excepting therefrom road right-of-way conveyed to Baker County, recorded June 3, 1925, Book 103, page 472, Deeds.

The areas described aggregate 320 acres.

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

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby open to application, petition, location and selection. All valid applications received at or prior to 10 a.m., April 11, 1968, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

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

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 68-3050; Filed, Mar. 12, 1968; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

BONNERS FERRY-COEUR D'ALENE LIVESTOCK, INC., ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
IDAHO	
Bonners Ferry-Coeur d'Alene Livestock, Inc., Bonners Ferry, Oct. 13, 1959.	Bonners Ferry Livestock, Inc., Jan. 2, 1968.
Southern Idaho Stockyards, Inc., Twin Falls, Nov. 10, 1937.	Twin Falls Livestock Commission Company, Dec. 29, 1967.
INDIANA	
Ridgeville Sale Barn, Ridgeville, Sept. 10, 1963.	Ridgeville Livestock Inc., Oct. 1, 1967.
KENTUCKY	
Winchester Stock Yards, Winchester, Feb. 27, 1931.	Winchester Stockyards, Inc., Jan. 31, 1968.
MISSISSIPPI	
Hattiesburg Livestock Yards, Inc., Hattiesburg, Jan. 6, 1959.	Hattiesburg Livestock Market, Nov. 22, 1967.
NEBRASKA	
Superior Livestock Commission Company, Superior, Aug. 15, 1955.	Superior Livestock Commission Company, Inc., Jan. 1, 1968.
NORTH DAKOTA	
Jamestown Livestock Sales Company, Jamestown, May 29, 1959.	Jamestown Livestock Sales, Jan. 1, 1968.
Watford City Auction, Watford City, June 1, 1959.	Badlands Auction Company (a Corp.), Jan. 1, 1968.
OKLAHOMA	
Woods County Livestock Auction, Alva, Oct. 10, 1949.	Alva Sales Co., Nov. 24, 1967.
PENNSYLVANIA	
Wyalusing Sale, Wyalusing, Nov. 4, 1959.	Wyalusing Livestock Market, Feb. 16, 1968.
SOUTH DAKOTA	
Gettysburg Livestock Sales Co., Inc., Gettysburg, June 26, 1956.	Gettysburg Livestock Sales Company, Inc., Jan. 30, 1968.

Done at Washington, D.C., this 7th day of March 1968.

G. H. HOPPER,
Acting Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 68-3094; Filed, Mar. 12, 1968; 8:50 a.m.]

CRAWFORD COUNTY LIVESTOCK AUCTION, INC., ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Name, location of stockyards, and date of posting

Crawford County Livestock Auction, Inc., Van Buren, Ark., Dec. 15, 1958.
Geneseo Sales Co., Geneseo, Ill., Oct. 25, 1966.
Muncie National Stock Yards, Muncie, Ind., Mar. 5, 1924.
Wesley Livestock Market, Wesley, Iowa, May 16, 1959.
Exeter Livestock Sales, Exeter, Maine, Feb. 26, 1966.
Peeler's Livestock Barn No. 1, Kosciusko, Miss., Jan. 13, 1959.
Roy Baker Sales Co., Inc., Butler, Mo., May 18, 1959.
M.F.A. Livestock Association, Inc., Cole Camp Concentration Point, Cole Camp, Mo., Sept. 16, 1966.
M.F.A. Livestock Association, Inc., Eldon Concentration Point, Eldon, Mo., Sept. 22, 1966.
College View Live-Stock Commission Company, Lincoln, Nebr., Nov. 9, 1964.
Lincoln Livestock Commission Co., Lincoln, Nebr., May 1, 1959.
Union Stock Yards, Dayton, Ohio, Nov. 1, 1921.
Producers Livestock Association, Hicksville, Ohio, June 1, 1959.
Hickory Auction & Sales, Inc., Hickory, Pa., Feb. 1, 1960.
Ellensburg Sales Yard, Inc., Ellensburg, Wash., Oct. 6, 1959.
Walla Walla Livestock Commission Co., Inc., Walla Walla, Wash., Oct. 13, 1959.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the

public interest. There is no legal warrant or justification for not deposting promptly a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

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

G. H. HOPPER,
Acting Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 68-3095; Filed, Mar. 12, 1968; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

CHILDREN'S MEDICAL CENTER

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

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

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

Docket No. 68-00296-33-46040. Applicant: Children's Medical Center, 1935 Amelia Street, Dallas, Tex. 75235. Article: Electron microscope, AE1 EM6B. Manufacturer: Associated Electrial Industries, United Kingdom. Intended use of article: The article will be used for clinical and experimental research involving the following: (a) Fine structure of the maturation of tubules in the kidney; (b) morphological effects of toxin on tubules in the kidney; (c) exploration of future use of the electron microscope as a routine tool in the diagonsis of disease, especially of the kidney; (d) developing and applying new and current methods of particle preparation using bacterial and viral injections in experiments to determine fine structure at the macromolecular level. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article has a guaranteed resolution of 5 Angstroms. The only known domestic electron microscope is the Model EMU-4 manufactured by the Radio Corporation of America (RCA), which has a guaranteed resolution of 8 Angstroms. (The lower the numerical rating in terms of Angstroms units, the better the resolving capabilities.) For the purposes for which the foreign article is intended to be used, the best attainable resolution is necessary. Therefore, the additional resolving capabilities provided by the foreign article are pertinent. (2) The foreign article has accelerating voltages of 30, 40, 50, 60, and 80 kilovolts, whereas the RCA Model EMU-4 has only 50 and 100 kilovolt accelerating voltages. It has been experimentally established that the lower accelerating voltages afford better contrast for unstained biological specimens and that the voltages intermediate between 50 and 100 kilovolts afford optimum contrast for negatively stained specimens. Both unstained and negatively stained biological specimens are involved in accomplishing the purposes for which the foreign article is intended to be used and, therefore, the additional accelerating voltages provided by the foreign article are pertinent.

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

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

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

[F.R. Doc. 68-3033; Filed, Mar. 12, 1968; 8:45 a.m.]

MEDICAL COLLEGE OF VIRGINIA

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

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

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

Docket No. 68-00294-33-46040. Applicant: Medical College of Virginia, 1200 East Broad Street, Richmond, Va. 23219. Article: Electron microscope, Hitachi Perkin-Elmer Model HS-7S. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for research into the structure and function of the nervous system and for teaching residents in neurosurgery and research fellows in the neurological sciences and the techniques of electron microscopy. 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 25 and 50 kilovolts. The only known domestic electron microscope is the Model EMU-4 manufactured by the Radio Corporation of America (RCA), which provides accelerating voltages of 50 and 100 kilovolts. It has been experimentally established that the lower accelerating voltage provides optimum contrast for unstained, ultrathin biological specimens. The accomplishment of the purposes for which the foreign article is intended to be used involves the use of unstained ultrathin biological specimens and, consequently, the lower accelerating voltage provided by the foreign article is pertinent.

For this reason, the RCA Model EMU-4 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

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

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

[F.R. Doc. 68-3035; Filed, Mar. 12, 1968; 8:45 a.m.]

MICHIGAN STATE UNIVERSITY

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

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

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

Docket No. 68-00258-33-46040. Applicant: Michigan State University East Lansing, Mich. 48823. Article: Electron microscope, Model EM 300 with decontamination device, 35-mm. film holder and transport mechanism, 70-mm. film holder and desiccator. Manufacturer: N. V. Philips, The Netherlands. Intended use of article: The article will be used for biological research to examine various negatively stained specimens and 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: (1) The foreign article provides a guaranteed resolution of 5 Angstroms. The only known domestic electron microscope is the Model EMU–4 manufactured by the Radio Corporation of America (RCA), which provides a guaranteed resolution of 8 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capabilities.) The additional resolving capabilities provided by the foreign article are pertinent to the purposes for which the article is intended to be used. (2) The foreign article provides accelerating voltages of 20, 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU–4 provides only 50 and 100 kilovolt accelerating voltages. It has been experimentally established that the lower accelerating voltage affords optimum contrast for unstained biological specimens and that the voltages intermediate between 50 and 100 kilovolts afford optimum contrast for negatively stained biological specimens. The accomplishment of the purposes for which the foreign article is intended to be used involves investigations with unstained and negatively stained specimens and, therefore, the additional accelerating voltages provided by the foreign article are pertinent.

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

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

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

[F.R. Doc. 68–3036; Filed, Mar. 12, 1968; 8:45 a.m.]

NEW YORK MEDICAL COLLEGE

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. 68–00299–00–46040. Applicant: New York Medical College, Flower and Fifth Avenue Hospital, Fifth Avenue at 106th Street, New York, N.Y. 10029. Article: Siemens electron microscope accessories. Manufacturer: Siemens AG, West Germany. Intended use of article: Applicant states: "Measurement of exact exposure time." Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory to an electron microscope now in the applicant's possession, which was manufactured by Siemens Aktiengesellschaft of West Germany.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with the foreign article.

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

[F.R. Doc. 68–3037; Filed, Mar. 12, 1968; 8:45 a.m.]

RUTGERS MEDICAL SCHOOL

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. 68–00278–33–46040. Applicant: Rutgers Medical School, Rutgers-The State University, New Brunswick, N.J. 08903. Article: Electron microscope, Model EM 300 with decontamination device and desiccator for plates and film. Manufacturer: Philips Electronics NVD, The Netherlands. Intended use of article: The article will be used to pursue a detailed knowledge of certain structural qualities inherent to nerve and muscle. Study of differences of distances and measurements from nerve to muscle, in the content and size of vesicles of about 200 Angstroms in the nerve terminal and in the content of the space of about 200 Angstroms between nerve and muscle, will be conducted. Additionally, the distance between the double membranes around and in the interior of mitochondria will be investigated. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article provides a guaranteed resolution of five Angstroms. The only known domestic electron microscope is the model EMU–4 manufactured by the Radio Corporation of America (RCA), which provides a guaranteed resolution of eight Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capabilities.) The additional resolving capabilities provided by the foreign article are pertinent to the purposes for which the article is intended to be used (2) The foreign article provides accelerating voltages of 20, 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU–4 provides only 50 and 100 kilovolt accelerating voltages. It has been experimentally established that the lower accelerating voltage affords optimum contrast for unstained biological specimens and that the voltages intermediate between 50 and 100 kilovolts afford optimum contract for negatively stained biological specimens. The accomplishment of the purposes for which the foreign article is intended to be used involves investigations with unstained and negatively stained specimens and, therefore, the additional accelerating voltages provided by the foreign article are pertinent.

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

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

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

[F.R. Doc. 68–3038; Filed, Mar. 12, 1968; 8:46 a.m.]

TEXAS A&M UNIVERSITY

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

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

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

Docket No. 68–00297–33–46040. Applicant: Texas A&M University, Department of Veterinary Pathology, College Station, Tex. 77843. Article: Electron

microscope, Hitachi Model HS–8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used to train pathology students in the detection and causes of diseases found in domestic and lab animals. Techniques to be taught include dissection of diseased tissue, preparing unstained and stained ultrathin sections, and photographing the thin sections. 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 25 and 50 kilovolts. The only known domestic electron microscope is the Model EMU–4 manufactured by the Radio Corporation of America (RCA), which provides accelerating voltages of 50 and 100 kilovolts. It has been experimentally established that the lower accelerating voltage provides optimum contrast for unstained, ultrathin biological specimens. The accomplishment of the purposes for which the foreign article is intended to be used involves the use of unstained ultrathin biological specimens and, consequently, the lower accelerating voltage provided by the foreign article is pertinent.

For this reason, the RCA Model EMU–4 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

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

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

[F.R. Doc. 68–3039; Filed, Mar. 12, 1968; 8:46 a.m.]

UNIVERSITY OF CALIFORNIA

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. 68–00279–00–46040. Applicant: University of California, 405 Hilgard Avenue, Los Angeles, Calif. 90024. Article: Electron microscope accessories consisting of Film Cassette Type 171 023 and spare parts kit type 171 005. Manufacturer: Siemens Aktiengesellschaft, West Germany. Intended use of article: The articles will be used as accessory items in the operation of a Siemens electron microscope. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory to an electron microscope now in the applicant's possession, which was manufactured by Siemens Aktiengesellschaft of West Germany.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with the foreign article.

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

[F.R. Doc. 68–3041; Filed, Mar. 12, 1968; 8:46 a.m.]

UNIVERSITY OF FLORIDA 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. 68–00411–33–46040. Applicant: University of Florida, Division of Biological Sciences, Gainesville, Fla. 32601. Article: Ultra-high-resolution electron microscope, Model HU–11E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for ultrastructural studies on Myxomycetes, functional and structural studies of mitochondrial ribosomes and proteins, and immunochemical studies on cellular slime molds. Application received by Commissioner of Customs: February 26, 1968.

Docket No. 68–00412–80–86000. Applicant: The University of Wisconsin, 750 University Avenue, Madison, Wis. 53706. Article: Universal Vibration Laboratory Apparatus. Manufacturer: Tecquipment, Ltd., United Kingdom. Intended use of article: The article will be used as a teaching device in the following classes:

(a) Undergraduate structures laboratory.

(b) Undergraduate independent studies.

(c) Dynamics of structures.

(d) Thesis and advanced independent studies.

Application received by Commissioner of Customs: February 26, 1968.

Docket No. 68–00413–65–07730. Applicant: The University of Michigan, Purchasing Department, Hoover and Greene Streets, Ann Arbor, Mich. 48104. Article: Guinier type focusing X-ray diffraction camera and accessories. Manufacturer: Incentive Research and Development AB, Sweden. Intended use of article: The article will be used for exact X-ray measurement of crystal lattice spacings which fall in the diffraction angles from 2θ to 90°.

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

[F.R. Doc. 68–3034; Filed, Mar. 12, 1968; 8:45 a.m.]

VANDERBILT UNIVERSITY

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

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

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

Docket No. 68–00285–00–46040. Applicant: Vanderbilt University, Nashville, Tenn. 37203. Article: Decontamination Device for Electron Microscope. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used as an accessory to the Siemens electron microscope for reduction of

specimen contamination for high resolution microscopy. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory to an electron microscope now in the applicant's possession, which was manufactured by Siemens Aktiengesellschaft of West Germany.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with the foreign article.

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

[F.R. Doc. 68-3040; Filed, Mar. 12, 1968; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16503; Order E-26478]

AIR TRANSPORT ASSOCIATION

Order Terminating Proceeding Regarding Charge for In-Flight Entertainment on Flights Between Points Within Continental United States

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of March 1968.

Following discussions authorized by the Board, there was filed for Board approval pursuant to section 412 of the Act, an agreement entered into by 12 air carrier members of the Air Transport Association relating to a charge for in-flight entertainment on domestic flights. By Order E-24839 dated March 9, 1967, the Board tentatively concluded that in interstate and overseas air transportation, the regulatory problems posed by visual in-flight entertainment could best be handled by the affirmative exercise of the Board's rate powers, rather than by action on the proposed agreement. Therefore, the Board deferred action on this agreement pending final determination of the rule making proceeding which was instituted at that time.[1] This rule making proceeding has now been concluded with the Board's issuance, simultaneously herewith, of a final rule and policy statement with respect to visual in-flight entertainment in domestic and overseas air transportation (ER-529 and PS-34, Docket 18256). Moreover, the carriers' agreement on visual in-flight entertainment has expired by its own terms. Therefore, the issues relating to Docket 16503, Agreement CAB 18922, are moot and the proceeding should be terminated.

Accordingly, it is ordered, That:

1. Docket 16503 is herewith terminated; and

2. This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-3082; Filed, Mar. 12, 1968; 8:49 a.m.]

[Docket No. 17828; Order E-26479]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding In-Flight Entertainment

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of March 1968.

Agreements adopted by the Traffic Conferences of the International Air Transport Association relating to in-flight entertainment, Docket 17828, Agreement CAB 19234, R-95, Agreement CAB 19689,[1] Agreement CAB 19724, R-2.[1]

By Order E-24823, dated March 6, 1967, the Board in acting upon resolutions adopted by the member carriers of the International Air Transport Association (IATA), inter alia, approved for a 1-year period through March 31, 1968, a $2.50 in-flight entertainment charge which had been agreed upon for worldwide application for a 2-year period.

By Order E-25153, adopted May 16, 1967, the Board denied a petition of Inflight Motion Pictures, Inc. (In flight), requesting the Board, among other things, to vacate, set aside, and revoke Order E-24823, insofar as it approved the $2.50 entertainment charge. The crux of the petition by Inflight, a supplier of motion picture films and equipment, was that it had not had an opportunity to be heard and that it might be damaged by a charge set so high as to cause carriers to cancel their contracts with Inflight. The Board did, however, require the U.S. carrier members of IATA which provided in-flight entertainment on their internatonal routes to supply usage data, and it invited foreign carriers to submit data to determine if a pattern of resistance was developing to the charge and to maintain a current evaluation of the impact of the charge. Similarly, the Board required Inflight to submit data on its contracts both before and after the imposition of the $2.50 charge. Provisions were made in the order for the submission of comments on data submitted and for reply comments.

The U.S. carriers, Pan American World Airways, Inc. (Pan American), and Trans World Airlines, Inc. (TWA), have submitted their experience data called for. One foreign carrier, Olympic Airways,[2] submitted data on its usage experience and Inflight furnished data with respect to its contracts. Inflight subsequently commented on data furnished by the carriers.

The thrust of Inflight's position in commenting on carrier data, is that the charge is so high as to discourage passengers from using the service, which might in turn, result in the cancellation by carriers of their contracts and impair its ability to attract new customers. In support of its conclusions, Inflight adverts to the experience of Pan American and TWA and the combined experience of these carriers which discloses a diminishing use of the entertainment facility which Inflight attributes to the increase in the charge from $1 to $2.50.[3] Inflight urges the Board to take steps to cause the charge for international routes to be reduced to $1.50 or $1.75 on an experimental basis. While Inflight does not contend that the $2.50 charge will fully cover costs or that costs will be met by the lower charges which it urges, Inflight does contend that a lower movie price would produce greater revenues for the carriers, thus covering a greater portion of the costs of the service than the agreed $2.50 charge.

Inflight's submission sets forth its estimates of carrier revenues at various charges if the market followed the pattern of usage indicated by a straight line arithmetic projection based on carrier experience with the former $1 charge and the present $2.50 charge. Inflight, while indicating the belief that the TWA data are not fully reliable, concludes on the basis of its projection that Pan American and TWA, collectively (assuming 100 passengers per flight), could generate more revenues from a charge of $1.50 than they have derived from a $2.50 charge and that while a $2 charge would produce more revenue per flight, a charge of $1.75 would produce but little less.

After a careful evaluation of the matters presented by Inflight, the Board is not persuaded that Inflight's statistical methodology is valid or that the

[1] EDR-112/PSDR-17, dated Mar. 9, 1967, 32 F.R. 4076, Mar. 15, 1967.

[1] These agreements, which have been promulgated by IATA memoranda indicated below, supersede Agreement CAB 19234, R-93 and R-94.

CAB Agreement	*IATA memorandum*
19689	JT123/Reso. 1322
19724, R-2	JT123/Reso. 1334

[2] Olympic introduced its in-flight entertainment service in June 1966—after the introduction of the $2.50 charge.

[3] Inflight states that the Pan American data show that in the period between Oct. 16, 1965, and May 23, 1966, when the $1 charge was in effect, 42 percent of Pan American's passengers able to use this service did so and that in the period from May 24, 1966, when the $2.50 charge became effective through Apr. 30, 1967, the service was used by 21 percent of its passengers subject to the charge. It also uses the TWA data which reflect an approximate 54 percent usage during the period Jan. 1, 1964, through Apr. 30, 1966, when the $1 charge was in effect, as compared with a usage of 34 percent in the period June 1, 1966, through Apr. 30, 1967, when the $2.50 charge was in effect. The combined carrier data on which Inflight relies shows a 53 percent usage factor at the $1 charge and 27 percent at the $2.50 charge.

data thereby developed show that the $2.50 charge is excessive or unreasonable. Inflight, in its projections has combined first-class and economy data and used data of varying time periods which distort the results. Moreover, the period used by Inflight to reflect passenger usage at the $1 charge does not appear to be adequately representative for that purpose since there were wide shifts in usage within that period. More importantly, and aside from any deficiencies in the manner in which the data are used, public acceptance would not necessarily follow the pattern on which Inflight based its methodology. Although Inflight concedes that "proper pricing" is far from an exact science, the method upon which it relies assumes that price is the controlling factor. The use of the straight line projection based on the data available to show market response to price changes without regard to elements other than price is unrealistic and any conclusions are necessarily speculative.

Responsiveness of the market for an ancillary service may well be influenced by considerations other than price, such as the quality of entertainment both with respect to technical perfection of the equipment and movies shown. Many passengers today are "repeat" passengers and although in-flight entertainment may make air transportation more attractive to some passengers, the declining use might well be attributed in part to diminishing novelty of the attraction as well as price. TWA data demonstrate that public acceptance is not influenced by price alone. Thus, the influence of price cannot be wholly determined by usage data. For example, in the calendar year 1964, 70 percent of TWA's economy-class passengers used in-flight entertainment; in 1965, 44 percent used the facility; but the $1 charge was in effect in both of these years. In addition, even if price were the sole factor, there is no basis for assuming, as is done under straight line projection, that the effect of price change is smooth and continuous at all points on the demand curve.

Finally, as we commented in our last order on this subject, E–25153, the critical matter insofar as Inflight is concerned is whether the agreement will injure Inflight; i.e., whether the charge will result in nonuse by passengers and in the long run cause the carriers to discontinue movies and cancel their contracts. The data submitted do not show that Inflight is being adversely affected by the $2.50 charge. The data submitted by Inflight show that during the period May 1965 through April 1966, it had contracts with three carriers, that in the subsequent comparable period, although one carrier no longer providing service via the Atlantic canceled its contract, three more carriers contracted with Inflight for its services, and that its revenues were increased by 47 percent.

To sum up, Inflight has not made a showing that the current charge is excessive or unreasonable, or adverse to the public interest. There is therefore no basis for modifying the Board's outstanding approval of the current charge. Moreover, in light of the current data and the comments received, we see no reason to maintain the 1-year limitation now imposed on our approval. Accordingly, we will herein extend our approval to cover the full intended period of the resolutions in question, that is, through March 31, 1969.

Accordingly, acting pursuant to the Federal Aviation Act of 1958, particularly sections 102, 204(a), and 412 thereof:

It is ordered, That:

Agreements CAB 19234, R–95; CAB 19689; and CAB 19724, R–2, shall be and hereby are approved through March 31, 1969.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68–3083; Filed, Mar. 12, 1968; 8:49 a.m.]

MOHAWK AIRLINES, INC.

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

MARCH 8, 1968.

Notice is hereby given that the Civil Aeronautics Board on March 7, 1968, received an application, Docket 19691, from Mohawk Airlines, Inc., for amendment of its certificate of public convenience and necessity for route 94 to authorize it to engage in one-stop service between Boston, Mass., and Detroit, Mich., and nonstop service between the following pairs of points: Boston, Mass.-Syracuse, N.Y.; Boston, Mass.-Rochester, N.Y.; Boston, Mass.-Buffalo, N.Y.; Hartford, Conn.-Detroit, Mich. 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. 68–3084; Filed, Mar. 12, 1968; 8:49 a.m.]

[Docket Nos. 19296, 19692; Order E–26488]

STATE OF WISCONSIN ET AL.

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of March 1968.

Application of State of Wisconsin, Milwaukee County, and Air Service Division of the Metropolitan Milwaukee Association of Commerce for additional certificated air service, Docket 19296; Milwaukee Short-Haul Investigation, Docket 19692.

The State of Wisconsin, Milwaukee County, and the Air Service Division of the Metropolitan Milwaukee Association of Commerce on November 24, 1967, filed an application, Docket 19296, requesting that the Board authorize new and improved air service between Milwaukee and a number of cities in the Great Lakes area and the southeast.[1]

For the reasons set forth below we have decided to institute an investigation to determine whether new or improved service is required between Milwaukee, on the one hand, and Columbus, Dayton, Cincinnati, Indianapolis, and Louisville, on the other hand.

At the present time, although there is ample traffic volume,[2] air service in these markets is sparse. There is no effective single-plane service in any of them.[3] Nearly all service in these markets requires that passengers change planes at Chicago,[4] and interline connections are usually required. In these circumstances the Board considers it appropriate to examine these markets in order to determine whether new or improved service is required.

We are at this time excluding the request of the municipal parties insofar as it involves service to points in the southeast in order to limit the scope of the present proceeding. In addition, to insure that the proceeding is focused upon service between Milwaukee and the five named cities we will require that any authority awarded herein shall be in the form of one or more new segments. We also emphasize that it is our purpose to focus clearly on the need for short haul service in the five Milwaukee markets, and we desire to avoid the trial of ancillary issues of one-stop service in Milwaukee's major markets in the south and east.

Interested applicants may file applications consistent with the scope of the investigation within the time for filing as hereinafter established. In the event new or amended applications for new or additional routes consistent with the scope of this case are filed, each applicant should file one new composite application covering clearly and specifically all of the authority sought in this proceeding in order to avoid confusion resulting from the consolidation of several separately filed applications.

Accordingly, it is ordered, That:

1. An investigation designated the Milwaukee Short-Haul Investigation, be and it hereby is instituted in Docket 19692, pursuant to sections 204(a) and 401(g) of the Federal Aviation Act of 1958, as amended, to determine whether the public convenience and necessity require the alteration, amendment, or

[1] On Nov. 27, 1967, the municipal parties also filed a motion to consolidate, inter alia, that application in the Twin Cities-Milwaukee Long-Haul Investigation, Docket 19097; or, in the alternative, they request that the Board institute an investigation into the area's air service needs.

[2] In 1966 the Milwaukee-Columbus/Dayton/Cincinnati/Indianapolis/Louisville markets generated 7,150; 6,290; 8,600; 6,850; and 4,610 annual passengers respectively.

[3] In the Milwaukee-Louisville market Eastern provides one daily, one-way, one-stop (Chicago) flight.

[4] Since the segments to be considered in this case will not include Chicago, any award will provide some relief from the airport congestion at Chicago.

modification of air carrier certificates so as to add thereto one or more segments between Milwaukee, on the one hand, and Columbus, Dayton, Cincinnati, Indianapolis, and Louisivlle, on the other hand;

2. In the event a carrier is awarded new certificate authority in any of the markets at issue, the authority will be granted in the form of a separate segment or segments to the carrier's existing certificate;

3. Motions to consolidate, applications, and motions or petitions seeking modification or reconsideration of this order shall be filed no later than twenty (20) days after the date of service of this order and answers to such pleadings shall be filed no later than ten (10) days thereafter;

4. The joint application of the State of Wisconsin, Milwaukee County, and the Air Service Division of the Metropolitan Milwaukee Association of Commerce in Docket 19296, be and it hereby is consolidated with the above instituted investigation to the extent that it is consistent with the issues herein, and except to the extent consolidated herein, be and it hereby is dismissed;

5. This proceeding shall be set down for hearing before an Examiner of the Board at a time and place hereafter designated; and

6. A copy of this order shall be served upon the cities listed in ordering paragraph (1) and the following carriers: Allegheny Airlines, Inc., American Airlines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Lake Central Airlines, Inc., North Central Airlines, Inc., Ozark Air Lines, Inc., Piedmont Aviation, Inc., and Trans World Airlines, Inc.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-3085; Filed, Mar. 12, 1968; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 17918-17920; FCC 68M-388]

LITTLE DIXIE RADIO, INC., ET AL.

Order Continuing Hearing

In re applications of Little Dixie Radio, Inc., Sallisaw, Okla., Docket No. 17918, File No. BP-16768; Ozark Broadcasting Co., Inc., Ozark, Ark., Docket No. 17919, File No. BP-16797; Alcuin C. Wiederkehr, Leo J. Wiederkeher, and John Hilton doing business as Hilton and Wiederkehr Enterprises, Ozark, Ark., Docket No. 17920, File No. BP-16814; for construction permits.

To formalize a ruling made on the record at a prehearing conference in the above-entitled matter held February 28, 1968: *It is ordered*, That the hearing presently scheduled for March 27, 1968, be, and the same is, continued without date pending action by the Review Board on the "Joint Request for Approval of Agreement" filed on February 26, 1968 by Alcuin C. Wiederkehr, Leo J. Wiederkehr, and John Hilton, doing business as Hilton-Wiederkehr Enterprises and Ozark Broadcasting Co., Inc.

Issued: March 5, 1968.

Released: March 7, 1968.

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

[F.R. Doc. 68-3091; Filed, Mar. 12, 1968; 8:50 a.m.]

[Docket No. 17899, etc.; FCC 68-223]

RISNER BROADCASTING, INC., AND LEE MACE

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Risner Broadcasting, Inc., Lebanon, Mo., Docket No. 17899, File No. BPH-5207; Requests: 103.7 mc, No. 279; 25.5 kw.; 251 feet; Risner Broadcasting, Inc., Lebanon, Mo., Docket No. 18043, File No. BP-17031; Requests: 1080 kc, 250 w, DA, Day; Lee Mace, Bagnell, Mo., Docket No. 18044, File No. BP-17122; Requests: 1080 kc, 1 kw, DA, Day; for construction permits.

1. The Commission has under consideration the above-captioned and described applications and the Commission's order of November 29, 1967, which designated for hearing the mutually exclusive applications of the Lebanon Broadcasting Co. (BPH-5167) and Risner Broadcasting, Inc. (BPH-5207), for construction permits for new FM broadcast stations in Lebanon, Mo. Lebanon Broadcasting Company, et al., 10 FCC 2d 936 (1967). By order of February 8, 1968, the Hearing Examiner granted the petition of Lebanon Broadcasting Co. to dismiss its application. Lebanon Broadcasting Company, et al., FCC 68M-225, released February 8, 1968. However, as the Examiner observed, the dismissal of the Lebanon Broadcasting Co. application has no effect on the Risner application except for the removal of a conflict. Several issues relating to the Risner application must be resolved, and the application remains in hearing status.

2. In designating the two FM applications for hearing, the Commission found on the basis of pleadings filed by the Lebanon Broadcasting Co. and Risner Broadcasting, Inc., that there were unresolved questions concerning the truthfulness of representations in the Risner application regarding its efforts to ascertain local needs and interests and the adequacy of its efforts. Identical representations concerning the Risner survey efforts appear in both its FM and standard broadcast applications. Therefore, the allegations considered by the Commission in connection with the FM application are pertinent to the consideration of the standard broadcast application. Since the Risner applications involve the same applicant and some issues material to one application are material to the other, the Commission will, pursuant to § 1.227(a)(1) of the Commission's rules, consolidate the standard broadcast application in the FM proceeding to facilitate the resolution of the issues involving the Risner applications.

3. The consolidation of the Risner standard broadcast application will also require the consolidation of the mutually exclusive application of Lee Mace for a construction permit for a new standard broadcast station in Bagnell, Mo.[1]

4. Risner Broadcasting, Inc., in order to meet construction costs, operating expenses for 1 year and fixed charges totalling $62,918, relies on a loan in the amount of $65,000. The availability of the loan is evidenced by a letter from a banking institution dated December 2, 1965. Under these circumstances the Commission finds it appropriate to specify an issue to permit Risner Broadcasting, Inc., to demonstrate whether the loan is currently available under the same terms.

5. Lee Mace will require, for construction costs and 1 year's operating expenses, $102,092, consisting of the following: Down payment on equipment, $11,825; first year's payments on equipment with interest, approximately $13,567; building, $4,000; other costs $3,200; payments with interest on a loan, $19,500; estimated operating expense, $50,000. To meet these costs, Mr. Mace has approximately $20,000 in cash and a bank loan commitment of $75,000, or a total of $95,000. It appears, therefore, that Mr. Mace will require additional funds. Accordingly, an issue will be specified to permit a showing with respect to the possible availability of additional funds. Also, since Mr. Mace's loan commitment is dated July 29, 1965, he will be given an opportunity to show whether the loan is currently available on the same terms.

6. The Commission has previously found Risner Broadcasting, Inc., qualified, except as indicated by specified issues, to construct and operate its proposed FM broadcast station. The Commission now finds Risner Broadcasting, Inc., and Lee Mace qualified, except as indicated by issues specified below. However, for reasons indicated above, the applications for construction permits for new standard broadcast stations will be consolidated for hearing in the proceeding on the FM application.

7. *Accordingly, it is ordered*, That pursuant to section 309(e) of the Communications Act of 1934, as amended, and § 1.227(a)(1) of the Commission's rules, the applications of Risner Broadcasting,

[1] The Commission notes that on Jan. 22, 1968, the Hearing Examiner properly dismissed a petition of Lee Mace for leave to intervene in the FM proceeding. The Commission's present action authorizes Mr. Mace to participate in the hearing as a party applicant and renders moot an appeal pending before the Review Board seeking reversal of the Hearing Examiner's dismissal of the petition to intervene.

Inc., and Lee Mace for construction permits for new standard broadcast stations are consolidated for hearing in the proceeding on the application of Risner Broadcasting, Inc., for a construction permit for a new FM broadcast station, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether the above-captioned applications of Risner Broadcasting, Inc., contain misrepresentations and/or distortions or omissions of fact.

2. To determine the efforts made by Risner Broadcasting, Inc., to ascertain the programing needs and interests of the area to be served by its proposed FM and standard broadcast stations and the manner in which Risner Broadcasting, Inc., proposes to meet such needs and interests.

3. To determine whether a grant of the Risner Broadcasting, Inc., application for a construction permit for a new FM broadcast station would impede or prevent full and efficient utilization of the Lebanon, Mo., FM channel.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application of Risner Broadcasting, Inc., for a construction permit for a new FM broadcast station would serve the public interest, convenience and necessity.

5. To determine the areas and populations which would receive primary service from the proposed standard broadcast stations and the availability of other primary service to such areas and populations.

6. To determine with respect to the standard broadcast application of Risner Broadcasting, Inc.:

(a) Whether the loan available to the applicant in 1965 is currently available under the terms then specified, and, if not, whether other funds are available; and

(b) Whether, in the light of the evidence adduced pursuant to the foregoing, Risner Broadcasting, Inc., is financially qualified.

7. To determine with respect to the standard broadcast application of Lee Mace:

(a) Whether the loan available to the applicant in 1965 is currently available under the terms then specified, and, if not, whether other funds are available; and

(b) In the event said loan is currently available, whether additional funds as needed are available from other sources; and

(c) Whether, in the light of the evidence adduced pursuant to the foregoing (a and b), Lee Mace is financially qualified.

8. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the standard broadcast proposals would better provide a fair, efficient, and equitable distribution of radio service.

9. To determine, in the light of the evidence adduced pursuant to the foregoing Issues 1, 2, 5, 6, 7, and 8, which, if either, standard broadcast application should be granted.

It is further ordered, That the specification of issues herein shall supersede the specification of issues in the Commission's order of November 29, 1967, in this proceeding.

It is further orderd, That, in the event of a grant of either standard broadcast application, the construction permit shall contain the following condition: Any presunrise operation must conform with §§ 73.87 and 73.99 of the rules, as amended June 28, 1967 (32 F.R. 10437), supplementary proceedings (if any) involving Docket No. 14419, and/or the final resolution of matters at issue in Docket No. 17562.

It is further ordered, That, to avail themselves of the opportunity to be heard with respect to their standard broadcast applications, Risner Broadcasting, Inc., and Lee Mace, pursuant to § 1.221(c) of the Commission's rules, shall, within twenty (20) days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, Risner Broadcasting, Inc., and Lee Mace shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: February 28, 1968.

Released: March 8, 1968.

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

[F.R. Doc. 68-3092; Filed, Mar. 12, 1968; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

AMERICAN MAIL LINE, LTD., 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. W. R. Purnell, District Manager, American Mail Line, Ltd., 601 California Street, Suite 610, San Francisco, Calif. 94108.

Agreement No. 9703 between American Mail Line, Ltd. (AML), and The China Navigation Co., Ltd. (CNC) provides for the transportation of cargo under through bills of lading from ports of call of AML in Alaska, Washington, and Oregon to ports of call of CNC in the Solomon Islands with transshipment at Hong Kong or ports in Japan under terms and conditions set forth in the agreement.

Dated: March 7, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68-3042; Filed, Mar. 12, 1968; 8:46 a.m.]

[Docket No. 68-13]

ASSEMBLY TIME, PORT OF SAN DIEGO

Order of Investigation

The Port of San Diego has petitioned the Commission to modify its order in Docket No. 1217—"Investigation of Free Time and Demurrage Practices—Port of San Diego," 9 F.M.C. 525 (1966), to permit San Diego to institute an assembly period, in addition to free time, not to exceed 10 working days for the assembly of single consignments of not less than 3,000 net tons. A proposed tariff rule designed to accomplish this is as follows:

PROPOSED PORT OF SAN DIEGO TARIFF ITEM NO. 437 RELATING TO ASSEMBLY PERIOD

Item 437. An assembly period of not to exceed ten (10) working days, in addition to the free time provided by Item 435, may be granted for the assembly of single consignments of not less than 3,000 net tons of bagged or Government owned or sponsored outbound cargo. The granting of such assembly time shall be subject to the availability of space and granted only when arrangements therefor are made in advance of arrival of cargo at Port terminal facilities, and when the need for such an assembly period for single consignments is clearly established.

It is also proposed that the Port of San Diego will add a definition of "Assembly Time" to its tariff.

PROPOSED PORT OF SAN DIEGO TARIFF ITEM RELATING TO DEFINITION OF ASSEMBLY PERIOD

Item 5.(z). "Assembly Time" is a designated number of days, not to exceed ten (10), in addition to allowable free time, which may be granted for the accumulation of single lots or consignments for a particular shipper which constitutes a volume substantially in excess of an average shipment. Such a shipment shall be 3,000 tons or more to qualify for assembly time. Assembly time shall be granted only when the nature of the cargo or other circumstances preclude its delivery at the Port's marine terminals as a single consignment at one time.

In Docket No. 1217, the Commission found that on outbound cargo 10 days' free time was reasonable. The Commission concluded that the additional 20 days' free time was discriminatory against exporters who did not wish to take advantage of the additional time in violation of section 16. Furthermore, the Commission found that, since the additional free time was actually free storage, the practice was unreasonable under section 17 in that it resulted in the terminal providing valuable services free of charge, thereby shifting the burden of defraying the costs of the service to nonusers. Therefore, the Commission promulgated the following order:

Therefore, it is ordered, That respondent Port of San Diego, within 45 days of the date of this order, cease and desist from applying Item 455, Tariff 1–D and Item 110, Cotton Tariff No. 3–C, and

It is further ordered, That respondent Port of San Diego, within 45 days of the date of this order, publish and file with the Commission tariff items governing free time which provide free time of 10 days for outbound cargo and 7 days for inbound cargo exclusive of Saturdays, Sundays, and holidays.

Although the proposed rule for assembly time is, on its face, contrary to the foregoing order, the Commission wishes to permit the Port of San Diego an opportunity to present facts and arguments that its proposed rule is lawful and whether, and the extent to which the aforementioned order should be modified.

Therefore, it is ordered, That the Commission, on its own motion, pursuant to section 22 of the Shipping Act, 1916 (46 U.S.C. 821), institute an investigation to determine whether the Port of San Diego's proposed assembly time rule is contrary to section 16 First (46 U.S.C. 815) and section 17 (46 U.S.C. 816) of the Shipping Act, 1916, and whether and in what respect the Commission should modify its order in Docket No. 1217 to permit the proposed assembly time practice.

It is further ordered, That San Diego Unified Port District (Port of San Diego) is hereby named respondent in this proceeding, and respondent shall have the burden of proving that its proposal is not unlawful and that the Commission's order should be amended to permit the implementation of the proposal;

It is further ordered, That this matter be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners, and that the hearing be held at a date and place to be determined and announced by the presiding examiner;

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon respondents;

It is further ordered, That any person other than respondents, who desires to become a party to this proceeding and participate therein, shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 20, 1968, with copy to parties;

And it is further ordered, That all future notices issued by or in behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 68–3043; Filed, Mar. 12, 1968; 8:46 a.m.]

NORTH ATLANTIC ISRAEL EASTBOUND FREIGHT CONFERENCE

Notice of Petition Filed for Approval

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

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

Notice of application to institute an exclusive patronage (dual rate) system filed by:

Mr. P. J. Warmstein, Secretary, North Atlantic Israel Eastbound Freight Conference, 26 Broadway, New York, N.Y. 10004.

A proposed form of merchant's contract has been filed and application has been made to institute an exclusive patronage (dual rate) system on cargo transported on vessels of the carriers members of the North Atlantic Israel Eastbound Freight Conference (Agreement No. 8220, as amended) in the trade from North Atlantic ports of the United States, Hampton Roads/Maine Range to Mediterranean ports of Israel.

The form of contract provides that the contract rates shall be 15 percent lower than the ordinary rates published in the Conference tariff, in addition to other terms and conditions which are set forth therein.

Dated: March 8, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68–3072; Filed, Mar. 12, 1968; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G–3978 etc.]

SIGNAL OIL AND GAS CO. ET AL.

Findings and Order

MARCH 5, 1968.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, cancelling docket number, amending certificates, permitting and approving abandonment of service, terminating certificates, terminating rate proceeding, substituting respondent, making successor co-respondent, redesignating proceedings, requiring filing of agreements and undertakings and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61–1, as amended, or involve sales for which permanent certificates have been previously issued.

Signal Oil and Gas Co. (Operator), Applicant in Docket No. G–3978, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to H. A. Ells et al., doing business as All Star Gas Co., FPC Gas Rate Schedule No. 2. Said rate schedule will be redesignated as that of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI63–178. In its certificate application Applicant has indicated its intention to be responsible for the total refund from the time that the increased rate was made effective subject to refund. Therefore, Applicant will be substituted as respondent in the proceeding pending in Docket No. RI63–178; the proceeding will be redesignated accordingly; and Applicant will be required to file an agreement and undertaking to assure the refund of all amounts collected, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding from the time that the increased rate was made effective subject to refund.

Wolfe Drilling Co. (Operator) et al., Applicant in Docket No. G–20256, proposes to continue the sale of natural gas heretofore authorized in said docket to

be made pursuant to Home-Stake Production Co. (Operator) et al., FPC Gas Rate Schedule No. 5. Said rate schedule will be redesignated as that of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI64–124. Therefore, Applicant will be made a co-respondent in said proceeding; the proceeding will be redesignated accordingly; and Applicant will be required to file an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice, no petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on February 29, 1968, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record.

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefore should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket No. CI68–798 should be cancelled and that the application filed herein should be processed as a petition to amend the certificate heretofore issued in Docket No. G–20256.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G–3978, G–12150, G–20256, CI62–377, CI63–648, CI64–679, CI66–58, CI66–90, CI66–283, CI67–247, CI67–348, CI67–1772, and CI68–206 should be amended as hereinafter ordered and conditioned.

(7) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to the respective Applicants relating to the abandonments hereinafter permitted and approved should be terminated.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the rate suspension proceeding pending in Docket No. RI65–599 should be terminated only insofar as it pertains to Gulf Oil Corp. FPC Gas Rate Schedule No. 54.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Signal Oil and Gas Co. (Operator) should be substituted as respondent in the proceeding pending in Docket No. RI63–178, that said proceeding should be redesignated accordingly, and that Signal should be required to file an agreement and undertaking.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Wolfe Drilling Co. (Operator) et al., should be made a co-respondent in the proceeding pending in Docket No. RI64–124, that said proceeding should be redesignated accordingly, and that Wolfe should be required to file an agreement and undertaking.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after July 1, 1967, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d)(3) of the Commission's statement of general policy No. 61–1, as amended, shall be filed prior to the applicable date as indicated by footnote 6 in the attached tabulation.

(E) The initial rate for the sales authorized in Docket Nos. CI68–205 and CI68–505 shall be 15 cents per Mcf at 14.65 p.s.i.a., including tac reimbursement, plus B.t.u. adjustment; however, in the event that the Commission amends its policy statement No. 61–1, by adjusting the boundary between the Panhandle area and the Oklahoma "Other" area so as to increase the initial wellhead price for new gas in the area involved herein, Applicants thereupon may substitute the new rate reflecting the amount of such increase, and thereafter collect such new rate prospectively in lieu of the initial rate herein required.

(F) The initial rate for the sale authorized in Docket No. CI68–683 shall be 17 cents per Mcf at 14.65 p.s.i.a., subject to B.t.u. adjustment as provided for in the contract.

(G) A certificate is issued herein in Docket No. CI68–687 authorizing Applicant to continue the sale of natural gas being rendered on June 7, 1954.

(H) Docket No. CI68–798 is canceled.

(I) The certificates heretofore issued in Docket Nos. G–12150, CI64–679, CI66–58, CI66–90, CI67–348, CI67–1772, and CI68–206 are amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations pursuant to the rate schedule supplements as indicated in the tabulation herein.

(J) The certificates heretofore issued in Docket Nos. CI62–377, CI66–283, and CI67–247 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicants in Docket Nos. CI68–808, CI68–807, and CI68–802, respectively.

(K) The certificates heretofore issued in Docket Nos. G–3978, G–20256 and CI63–648 are amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(L) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein are granted.

(M) The certificates heretofore issued in Docket Nos. G–9673, G–9762, G–10918, and CI62–307 are terminated.

(N) The rate suspension proceeding pending in Docket No. RI65–599 is terminated only insofar as it pertains to Gulf Oil Corp. FPC Gas Rate Schedule No. 54.

(O) Signal Oil and Gas Co. (Operator) is substituted in lieu of H. A. Ellis et al., doing business as All Star Gas Co., as respondent in the proceeding pending in Docket No. RI63–178 and the proceeding is redesignated accordingly.[1]

(P) Within 30 days from the issuance of this order Signal Oil and Gas Co. (Operator) shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking to assure the refund of all amounts collected, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding from the time that the increased rate was made effective subject to refund. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(Q) Signal Oil and Gas Co. (Operator), shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by Signal in Docket No. RI63–178 shall remain in full force and effect until discharged by the Commission.

(R) Wolfe Drilling Co. (Operator) et al., is made a co-respondent in the proceeding pending in Docket No. RI64–124 and said proceeding is redesignated accordingly.[2]

(S) Within 30 days from the issuance of this order Wolfe Drilling Co. (Operator) et al., shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI64–124 to assure the refund of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(T) Wolfe Drilling Co. (Operator) et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by Wolfe in Docket No. RI64–124 shall remain in full force and effect until discharged by the Commission.

(U) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further, the rate schedules relating to the successions herein are accepted and redesignated, subject to the applicable Commission Regulations under the Natural Gas Act to be effective on the dates as indicated by the tabulation.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Signal Oil and Gas Co. (Operator).

[2] Home-Stake Production Company (Operator) et al., Wolfe Drilling Company (Operator) et al.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G–3978 E 11–13–67	Signal Oil & Gas Co. (Operator) (successor to H. A. Ellis et al., d.b.a. All Star Gas Co.).	Lone Star Gas Co., acreage in Carter County, Okla.	H. A. Ells et al., d.b.a. All Star Gas Co., FPC GRS No. 2.	14	
			Supp. Nos. 1–2	14	1–2
			Notice of succession 11–8–67.		
			Assignment 1–30–67 [1]	14	3
			Effective date: 2–1–67		
G–12150 D 1–8–68	Cities Service Oil Co.	Colorado Interstate Gas Co., Southwest Camp Creek Field, Beaver County, Okla.	Assignment 2–26–65 [2] [5]	100	12
CI62–377 D 1–5–68	Paul H. Ash et al., d.b.a. A & C Oil & Gas Co.	Equitable Gas Co., Skin Creek District, Lewis County, W. Va.	Supplemental agreement 12–6–67 [3] [4]	6	3
CI63–648 E 11–3–67	William A. Sidwell, Jr. (successor to The Sidwell Corp.).	El Paso Natural Gas Co., acreage in San Juan County, N. Mex.	The Sidwell Corp., FPC GRS No. 1.	1	
			Notice of succession 11–1–67.		
			Assignment 5–1–67 [5]	1	1
			Effective date: 5–1–67		
CI64–679 C 1–8–68 [6]	Livingston Oil Co.	Kansas-Nebraska Natural Gas Co., Inc., Bradshaw-Wedel Field, Hamilton County, Kans.	Letter Agreement 10–13–67 [7]	10	4
CI66–58 D 11–13–67	Texaco, Inc.	Cities Service Gas Co., South Bishop Field, Ellis County, Okla.	Amendment 10–13–67 [3] [8]	355	1
CI66–90 C 1–4–68	Texas Gas Exploration Copr. (Operator) et al.	Texas Gas Transmission Corp., St. Charles Area, Hopkins County, Ky.	Amended Contract 8–18–67. [9]	19	1
CI67–348 C 1–8–68 [6]	Sanford E. McCormick	United Gas Pipe Line Co., Riverside Field, Walker and Trinity Counties, Tex.	Amendment 3–28–67	1	1
			Amendment 12–19–67 [7] [10]	1	2
CI67–1772 C 12–13–67 as amended 12–28–67 and 1–25–68 [6]	Texota Oil Co., (Operator) et al.	Arkansas Louisiana Gas Co., acreage in Atoka County et al., Oklahoma and Franklin County et al., Ark.	Description of assignments (Undated). [11]	2	5
			Effective date: 7–6–67		
CI68–205 A 8–25–67 [6]	Anadarko Production Co.	Cities Service Gas Co., Avard Area, Woods County, Okla.	Contract 7–10–67 [7] [12]	135	
CI68–206 C 11–30–67	Midwest Oil Corp.	Arkansas Louisiana Gas Co., Mansfield Field, Scott, County, Ark.	Amendment 10–26–67 [7]	45	2
CI68–505 A 9–29–67 [6]	G. M. Close (Operator) et al.	Cities Service Gas Co., Avard Area, Woods County, Okla.	Contract 9–22–67 [7] [13]	2	
CI68–561 (G–9762) B 10–18–67	Wm. D. McBee (Operator) et al.	Lone Star Gas Co., Sherman Field, Grayson County, Tex.	Notice of cancellation 10–17–67. [3] [14]	1	1
CI68–656 A 11–13–67 [6]	Sun Oil Co. (Southwest Division).	Panhandle Eastern Pipe Line Co., Northwest Dombey and West Lorena Fields, Texas County, Okla.	Contract 5–2–67 [7]	227	

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI68-683 A 11-17-67 [6]	Robert E. Aikman, d.b.a. A.I.K., Ltd., No. 2 (Operator) et al.	Panhandle Eastern Pipe Line Co., West Chester Field, Woodward County, Okla.	Contract 10-1-67	19	
			Compliance 1-17-68 [7] [15]	19	1
CI68-687 A 11-20-67 [6] [16]	Mrs. Grace L. Handley, agent for Barrett Gas Co.	United Fuel Gas Co., Duval District, Lincoln County, W. Va.	Contract 9-6-49	1	
			Letter agreement 12-15-52.[17]	1	1
CI68-798 (G-20256) E 1-2-68 [18]	Wolfe Drilling Co. (Operator) et al. (successor to Home-Stake Production Co. (Operator) et al.).	Cities Service Gas Co., East Orlando Field, Payne County, Okla.	Home-Stake Production Co. (Operator) et al., FPC GRS No. 5.	1	
			Supplement No. 1	1	1
			Notice of succession 12-28-67.		
			Assignment 4-1-67	1	2
			Effective date: 4-1-67		
CI68-799 (G-9673) B 1-2-68	Fred Morgan (Operator) et al.	Cities Service Gas Co., acreage in Cleveland County, Okla.	Notice of cancellation 12-27-67.[3] [14]	1	2
CI68-802 (CI67-247) F 1-4-68	Kirkpatrick Oil & Gas Co. (successor to John L. Crawford).	Panhandle Eastern Pipe Line Co., Mayes Unit, Woods County, Okla.	Contract 7-19-66 [19]	7	
			Amendment 9-9-66	7	1
			Assignment 12-6-67	7	2
			Effective date: 12-1-67		
CI68-804 (CI62-307) B 1-5-68	Gulf Oil Corp., et al.	Arkansas Louisiana Gas Co., South Marlow Field, Stephens County, Okla.	Notice of cancellation 1-2-68.[3] [14]	353	3
CI68-805 (G-10918) B 1-5-68	do	Panhandle Eastern Pipe Line Co., Haviland Pool, Kiowa County, Kans.	Notice of cancellation 12-7-67.[3] [14]	[20] 54	
CI68-807 (CI66-283) F 1-5-68	Thomas N. Berry & Co. (successor to Mobil Oil Corp.).	Kansas-Nebraska Natural Gas Co., Inc., Southeast Liberal Area, Texas County, Okla.	Contract 4-29-65 [21]	10	
			Assignment 4-24-67 [7]	10	1
CI68-808 (CI62-377) F 1-5-68	Allegheny Land & Mineral Co., agent for Appalachian Natural Resources, Inc., et al.	Equitable Gas Co., Skin Creek District, Lewis County, W. Va.	Contract 12-6-67 [22]	14	
			Agreement 12-6-67 [23]	14	1
			Effective date: 12-13-66		
CI68-810 A 1-8-68 [6]	Prue Oil Co., Inc. (Operator) et al.	Cities Service Gas Co., East Cushing Field, Creek County, Okla.	Contract 12-29-67	1	
			Ratified 12-30-67 [24]	1	1
			Ratified 12-30-67 [24]	1	2
			Ratified 12-30-67 [24]	1	3
			Ratified 12-30-67 [24]	1	4
			Ratified 12-30-67 [24]	1	5
			Ratified 12-30-67 [24]	1	6
			Ratified 12-30-67 [24]	1	7
			Ratified 12-30-67 [24]	1	8
			Ratified 12-30-67 [24]	1	9
			Ratified 12-30-67 [24]	1	10
			Ratified 12-30-67 [24]	1	11
			Ratified 12-30-67 [24]	1	12
			Ratified 12-30-67 [24]	1	13
			Ratified 12-30-67 [24]	1	14
			Ratified 12-30-67 [24]	1	15
			Ratified 12-30-67 [24]	1	16
			Ratified 12-30-67 [24]	1	17
			Ratified 12-30-67 [24]	1	18
			Ratified 12-30-67 [24]	1	19
			Ratified 12-30-67 [24]	1	20
			Ratified 12-30-67 [24]	1	21
			Ratified 12-30-67 [24]	1	22
			Ratified 12-30-67 [24]	1	23
			Ratified 12-30-67 [24]	1	24
			Ratified 12-30-67 [24]	1	25
			Ratified 12-30-67 [24]	1	26
			Ratified 12-30-67 [24]	1	27
			Ratified 12-30-67 [7] [24]	1	28
CI68-813 A 1-8-68 [6]	Richard F. Clayton et al.	El Paso Natural Gas Co., Basin Dakota Pool, San Juan County, N. Mex.	Contract 11-13-67	1	
CI68-814 A 1-8-68 [6]	Texas Oil & Gas Corp. et al.	Cities Service Gas Co., Mocane Laverne Area, Beaver County, Okla.	Contract 12-14-67 [7] [25]	51	

See footnotes at end of table.

[1] Transfers interest from H. A. Ells et al., doing business as All Star Gas Co. to Signal Oil & Gas Co.
[2] Assigns acreage from Applicant to Southwestern Oil Industries, Inc.
[3] Effective date: Date of this order.
[4] Deletes the Fred B. Harris et ux., Lease, which has been assigned to Allegheny Land & Mineral Co., agent for Appalachian Natural Resources, Inc., et al., in Docket No. CI68-808.
[5] Assigns acreage from The Sidwell Corp. to William A. Sidwell, Jr.
[6] Jan. 1, 1970, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
[7] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[8] Deletes 260 acres, Lease Nos. 197986 and 198325. The leases expired Dec. 15, 1966.
[9] Contract supersedes previous contract dated June 21, 1965, FPC GRS No. 19, increases minimum and maximum daily contract quantities and adds acreage.
[10] Adds acreage and amends contract to provide for initial rate of 14 cents with 1 cent per Mcf increases every 5 years until price of 17 cents is attained. (Extends contract term from 5 years to Jan. 1, 1988.)
[11] All assignments are dated July 6, 1967. They transfer Steve Gose's interest in the subject properties to Applicant. These assignments are on file as an Exhibit to the application in Docket No. CI67-1772. (The assignors' sales from the properties were never certificated.)
[12] Commits acreage with respect to gas produced from all depths above the base of The Sylvan Shale.
[13] Contract rate is 17 cents per Mcf; however, Applicant has stated its willingness to accept a permanent certificate at 15 cents per Mcf, plus B.t.u. adjustment.
[14] Source of gas depleted.
[15] Complies with temporary certificate issued Jan. 12, 1968. Applicant states willingness to accept a permanent certificate at 17 cents per Mcf plus B.t.u. adjustment.
[16] Sale being rendered on June 7, 1954.
[17] Increases contract rate from 15 cents to 16 cents per Mcf.
[18] Application erroneously assigned Docket No. CI68-798 being treated as a petition to amend the certificate heretofore issued in Docket No. G-20256 and Docket No. CI68-798 is being canceled.
[19] On file as John L. Crawford FPC GRS No. 3.
[20] Rate of 16 cents in effect subject to refund in Docket No. RI65-599; no money was collected subject to refunp under the contract; therefore, the rate suspension proceeding pending in said docket will be terminated only insofar as it pertains to Gulf's FPC GRS No. 54.
[21] Currently on file as Mobil Oil Corp. FPC GRS No. 380.
[22] The acreage involved was originally covered under Paul H. Ash et al., doing business as A & C Oil & Gas Co., FPC GRS No. 6. This acreage was assigned through a court order to Appalachian. Subsequently, Appalachian and Equitable executed a new contract, No. 6216, to cover this sale.
[23] Deletes subject acreage from the original Contract No. 5699.
[24] Ratification of contract dated Oct. 29, 1967, by Dr. M. Sanders, Prue Oil Co., Inc., Nan McCommon Shaw, R. H. Chance, E. D. Litton, J. R. Todd, V. C. Lavin, G. W. Pollard, Jr., W. F. Cochran, III, R. E. Sitler, K. L. Smith, R. G. Donaldson, Raymond L. and Evangeline Harris, R. R. Hammel, Mr. and Mrs. James L. Burgess, R. C. Roe, D. W. Hammel, D. B. Price, D. L. Harlan, A. E. Case, D. W. Perrin, M. C. Clark, J. E. Mellon, Mr. and Mrs. R. L. Williams, W. W. Warren, M. Rhodes, L. P. Mitchell, and T. J. Corley, respectively. (Ratifications also provide that nonoperators will pay Prue, acting as agent for Wichita Gas System, 5 cents per Mcf for gathering and compression.
[25] Dedication of acreage limited to formations above the base of The Mississippi Limestone Zone.

Suggested agreement and undertaking:

BEFORE THE FEDERAL POWER COMMISSION

(Name of Respondent _____)

Docket No. _____

AGREEMENT AND UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF SECTION 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of Respondent) hereby agrees and undertakes to comply with the refunding and reporting provisions of section 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. _____ (and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto [1]) this _____ day of _____, 196__.

By _____
(Name of Respondent)

Attest:

[F.R. Doc. 68-2965; Filed, Mar. 12, 1968; 8:45 a.m.]

[1] If a corporation.

[Docket No. RI68-491]

MOBIL OIL CORP.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates

MARCH 6, 1968.

On February 5, 1968, Mobil Oil Corporation (Mobil) [1] tendered for filing proposed changes in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI68-491	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001, Attn: R. D. Haworth, Esq.	368	11	El Paso Natural Gas Co. (Pegasus Gasoline Plant, Midland and Upton Counties, Tex.), (RR. District Nos. 8 and 7-C) (Permian Basin Area).	[2] $11,203 [7] 7,010	2-5-68	[3] 3-7-68	8-7-68	[2] [6] 14.5 [7] [9] 16.5	[2] [5] 16.0 [8] [9] 18.243	

[2] Applicable to residue gas not derived from new gas-well gas.
[3] The stated effective date is the first day after expiration of the statutory notice.
[4] "Fractured" rate increase. Mobil contractually due 18 cents per Mcf as of Aug. 1, 1966.
[5] Pressure base is 14.65 p.s.i.a.
[6] Rate of 16 cents per Mcf suspended until June 28, 1968, in Docket No. RI68-409, by order issued Jan. 31, 1968.
[7] Applicable to residue gas derived from new gas-well gas.
[8] Mobil is filing for contractually due rate of 18 cents per Mcf, plus 0.243 cent per Mcf tax reimbursement, due as of Aug. 1, 1966.
[9] Rate of 18.243 cents per Mcf suspended until June 28, 1968, in Docket No. RI68-409, by order issued Jan. 31, 1968.

Mobil requests that its proposed rate increases be permitted to become effective on February 5, 1968. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Mobil's rate filing and such request is denied.

Mobil's proposed rate increases exceed the applicable area ceiling rates established in the related quality statement previously accepted by Commission pursuant to Opinion No. 468, as amended, and should be suspended for five months from March 7, 1968, the date of expiration of the statutory notice, as ordered herein.

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

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 11 to Mobil's FPC Gas Rate Schedule No. 368.

(B) Pending such hearing and decision thereon, Mobil's aforementioned rate supplement is hereby suspended and the use thereof deferred until August 7, 1968, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 24, 1968.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-3044; Filed, Mar. 12, 1968; 8:45 a.m.]

[Docket No. CP68-240]

EL PASO NATURAL GAS CO.

Notice of Application

MARCH 7, 1968.

Take notice that on March 1, 1968, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP68-240 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for direct sale and delivery of natural gas to Inspiration Consolidated Copper Co. (Inspiration) near Inspiration, Ariz., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes the construction and operation of the following facilities:

(1) 0.27 mile of 4½ inch O.D. pipeline;

(2) A measuring and regulating station.

The application states that Inspiration has undertaken construction of a copper rod mill near its existing power plant and smelter, and has requested El Paso to furnish natural gas as fuel for the mill.

Applicant estimates the total cost of the facilities to be $45,718, such cost to be financed out of working funds.

The application further states that the estimated peak day and annual natural gas requirements of the new rod mill are 1,320 Mcf and 321,000 Mcf, respectively. It is stated that these quantities can be delivered within the limits of Applicant's present firm delivery obligation to Inspiration. It is stated that the rate applicable to the sale of the gas is at the same level as the rate in effect from time to time under El Paso's Rate Schedule B-1, FPC Gas Tariff, Original Volume No. 1.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 4, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

[1] Address is: Post Office Box 1774, Houston, Tex. 77001. Attention: R. D. Haworth, Esquire.

unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-3046; Filed, Mar. 12, 1968; 8:46 a.m.]

[Docket No. RI68-435, etc.]

EDWIN M. JONES OIL CO. ET AL.

Order Permitting Rate Filing, Accepting Contract Amendments, Providing for Hearings on Suspension of Proposed Changes in Rates; Correction

FEBRUARY 29, 1968.

Edwin M. Jones Oil Co. et al., Docket No. RI68-435 etc.; Northern Natural Gas Producing Co. (Operator) et al., Docket No. RI68-442.

In order permitting rate filing, accepting contract amendments, providing for hearings on and suspension of proposed changes in rates issued February 9, 1968, and published in the FEDERAL REGISTER February 16, 1968 (F.R. Doc. 68-1915), 33 F.R. 3088, Docket Nos. RI68-435 et al., for Docket No. RI68-442, Northern Natural Gas Producing Co. (Operator) et al., under column headed "Docket No.", change "RI48-442" to read "RI68-442."

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-3047; Filed, Mar. 12, 1968; 8:46 a.m.]

[Docket No. CP68-239]

SOUTHERN NATURAL GAS CO.

Notice of Application

MARCH 7, 1968.

Take notice that on March 1, 1968, Southern Natural Gas Co. (Applicant), Post Office Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP68-239 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission to abandon its Plant Urquhart branch line in Aiken County, S.C., which is 2.614 miles of 8⅝-inch O.D. pipeline, and its Plant Urquhart, Beech Island and North Augusta measuring stations.

Applicant proposes to abandon the facilities by sale to South Carolina Electric & Gas Co. (South Carolina). South Carolina will pay Applicant $122,039.08 for the facilities and $5,256.00 for the land.

The application further states that the purpose of the sale is to enable South Carolina to integrate its distribution system and relieve Applicant of the duty to maintain the facilities. In the future South Carolina will purchase gas from Applicant at one delivery point instead of three.

The application also states that its design daily delivery capacity will not be affected and no service will be discontinued or diminished.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 4, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-3048; Filed, Mar. 12, 1968; 8:46 a.m.]

NATIONAL GALLERY OF ART

VISITING HOURS

Effective April 1, 1968, the National Gallery of Art will be open to the public during the following schedule of hours:

April 1 through Labor Day:
Sunday: 12 noon to 10 p.m.
Weekdays: 10 a.m. to 9 p.m.
From Labor Day through March 31:
Sunday: 12 noon to 10 p.m.
Weekdays: 10 a.m. to 5 p.m.

ERNEST R. FEIDLER,
Secretary.

[F.R. Doc. 68-3067; Filed, Mar. 12, 1968; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4600]

CONSOLIDATED NATURAL GAS CO.

Notice of Proposed Issue and Sale of Debentures at Competitive Bidding

MARCH 6, 1968.

Notice is hereby given that Consolidated Natural Gas Co. ("Consolidated"), 30 Rockefeller Plaza, New York, N.Y. 10020, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 (a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the transaction proposed therein. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Consolidated proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 promulgated under the Act, $30 million principal amount of ____ percent debentures due April 1, 1993. The interest rate of the debentures (which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to Consolidated (which shall be not less than 99 percent nor more than 102 percent of the principal amount thereof) will be determined by the competitive bidding. The debentures will be issued under an Indenture dated as of July 1, 1967, between Consolidated and Irving Trust Co., as Trustee, as supplemented by the First Supplemental Indenture dated as of April 1, 1968. There will be an annual sinking fund of $1,200,000 starting at the beginning of the sixth year of the issue of the debentures, leaving a balance of $6 million payable at maturity of the issue.

The proceeds from the sale of the debentures will be used to finance, in part, the 1968 construction programs of the subsidiary companies, presently estimated at $115 million. The balance of funds required for the 1968 construction programs will be obtained from internal cash sources of the Consolidated system and short-term financing.

Fees and expenses incident to the proposed transaction are estimated at $93,000, including independent consulting geologists' fees and expenses of $10,000, accounting fees of $4,000, and $27,500 of service charges, at cost, of Consolidated Natural Gas Service Co., Inc., the system service company. The fees and expenses of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment.

The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 1, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be

permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-3057; Filed, Mar. 12, 1968; 8:47 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

MARCH 7, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, 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 March 8, 1968, through March 17, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-3058; Filed, Mar. 12, 1968; 8:47 a.m.]

[File No. 2-14698]

CORMAC CHEMICAL CORP.

Order Suspending Trading

MARCH 7, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Cormac Chemical Corp., New York, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 8, 1968, through March 17, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-3059; Filed, Mar. 12, 1968; 8:47 a.m.]

FASTLINE, INC.

Order Suspending Trading

MARCH 7, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Fastline, Inc., New York, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 8, 1968, through March 17, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-3060; Filed, Mar. 12, 1968; 8:47 a.m.]

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

MARCH 7, 1968.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 8, 1968, through March 17, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOISE, *Secretary.*

[F.R. Doc. 68-3061; Filed, Mar. 12, 1968; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 489]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 8, 1968.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 1515 (Deviation No. 431) (Cancels Deviation No. 215), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio, filed February 26, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction U.S. Highway 21 and Ohio Highway 82 over Ohio Highway 82 to junction Interstate Highway 77, thence over Interstate Highway 77 to junction Ohio Highway 176, southeast of Ghent, Ohio, (2) from Akron, Ohio, over Interstate Highway 77 to Canton, Ohio, (3) from Canton, Ohio, over Interstate Highway 77 to junction Tuscarawa County Road 53, thence over Tuscarawa County Road 53 to junction U.S. Highway 21 at Stone Creek, Ohio, (4) from Strasburg, Ohio, over U.S. Highway 21 to junction Interstate Highway 77, (5) from Dover, Ohio, over Ohio Highway 39 to junction Interstate Highway 77, (6) from New Philadelphia, Ohio, over U.S. Highway 21 to junction Interstate Highway 77, (7) from junction Ohio Highway 541 and U.S. Highway 21 over Ohio Highway 541 to junction Interstate Highway 77, thence over Interstate Highway 77 to junction Alternate U.S. Highway 50, thence over Alternate U.S. Highway 50 to Marietta, Ohio, (8) from Cambridge, Ohio, over U.S. Highway 22 to junction Interstate Highway 77, (9) from Cambridge, Ohio, over U.S.

Highway 40 to junction Interstate Highway 77, (10) from junction Ohio Highway 313 and U.S. Highway 21 over Ohio Highway 313 to junction Interstate Highway 77.

(11) From junction U.S. Highway 21 and Interstate Highway 77, north of Caldwell, Ohio, over U.S. Highway 21 to Caldwell, Ohio, (12) from junction Ohio Highway 78 and U.S. Highway 21 just south of Caldwell, Ohio, over Ohio Highway 78 to junction Interstate Highway 77, and (13) from Macksburg, Ohio, over Washington County Road 301 to junction Interstate Highway 77, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent services routes as follows: (1) From Cleveland over Ohio Highway 8 via Bedford and Akron, Ohio, to Dover, Ohio, thence over U.S. Highway 250 to New Philadelphia, Ohio; (2) from Cleveland over Ohio Highway 176 to junction Rockside Road, thence over Rockside Road to junction U.S. Highway 21, thence over U.S. Highway 21 to junction Ohio Highway 176, thence over Ohio Highway 176 to junction Ohio Highway 18, thence over Ohio Highway 18 to Akron, Ohio, thence over Ohio Highway 5 to junction U.S. Highway 21, and thence over U.S. Highway 21 via Navarre, Dover, and New Philadelphia, Ohio, to Marietta (also from Cleveland over Ohio Highway 176 to junction U.S. Highway 21); (3) from Massillon over U.S. Highway 30 to Canton; (4) from Richfield over Ohio Highway 303 to junction Ohio Highway 176; (5) from junction Ohio Highway 176 and Oaks Road over Oaks Road to junction U.S. Highway 21; (6) from Cleveland over New U.S. Highway 21 (Willow Freeway) to junction Rockside Road just north of Independence, and (7) from Massillon, Ohio, over Ohio Highway 241 via Greensburg to Akron, Ohio, and return over the same routes.

No. MC 1515 (Deviation No. 432) (Cancels Deviation No. 170), GREYHOUND LINES, INC. (Central Division), 210 East Ninth Street, Forth Worth, Tex. 76102, filed February 28, 1968. Carrier proposes to operate as a common carrier, by motor vehicle of passengers and their baggage, and express and newspapers in the same vehicle with passengers, over deviation routes as follows: (1) From the Illinois-Wisconsin State line near Russell, Ill., over Interstate Highway 94 to the Minnesota-Wisconsin State line near Hudson, Wis., and (2) from the Illinois-Wisconsin State line near Beloit, Wis., over Interstate Highway 90 to junction U.S. Highway 52, thence over U.S. Highway 52 to Rochester, Minn., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From McHenry, Ill., over Illinois Highway 31 to junction U.S. Highway 12, thence over U.S. Highway 12 to Sauk City, Wis., thence over Wisconsin Highway 78 to junction Sauk County Highway Z, thence over Sauk County Highway Z to junction U.S. Highway 12, thence over U.S. Highway 12 to junction Sauk County Highway W at Baraboo, Wis., thence over Wisconsin Highway 33 to junction U.S. Highway 12, thence over U.S. Highway 12 to junction Wisconsin Highway 172, thence over Wisconsin Highway 172 through Eau Claire, Wis., to junction U.S. Highway 12, thence over U.S. Highway 12 to St. Paul, Minn. (also from Middleton, Wis., over U.S. Highway 14 via La Crosse, Wis., to La Crescent, Minn., thence over U.S. Highway 61 to Hastings, Minn.), (also from Tomah, Wis., over U.S. Highway 16 via West Salem, Wis., to La Crosse, Wis.), (2) from the Illinois-Wisconsin State line at Beloit, Wis., over U.S. Highway 51 to Janesville, Wis., (3) from Janesville, Wis., over U.S. Highway 51 to Edgerton, Wis., (4) from Edgerton, Wis., over U.S. Highway 51 to junction Wisconsin Highway 106, (5) from junction U.S. Highway 51 and Wisconsin Highway 106 over U.S. Highway 51 to junction U.S. Highway 12, (6) from Chicago over city streets to Evanston, Ill., thence over U.S. Highway 41 to Milwaukee, Wis., (7) from Wisconsin Dells, Wis., over U.S. Highway 16 to Milwaukee, Wis., and (8) from Watertown, Wis., over Wisconsin Highway 19 to Sun Prairie, Wis., and return over the same routes.

No. MC 1515 (Deviation No. 433) (Canceling Deviation No. 258), GREYHOUND LINES, INC. (Western Division), Market and Fremont Streets, San Francisco, Calif. 94106, filed March 4, 1968. Applicant's representative: W. T. Meinhold, 371 Market Street, San Francisco, Calif. 94105. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage and express and newspapers* in the same vehicle with passengers over deviation routes as follows: (1) From junction unnumbered highway and Interstate Highway 680 (South Pleasanton Junction, Calif.), over Interstate Highway 680 to junction California Highway 21 (Scott's Corner), and (2) from junction California Highway 238 and Interstate Highway 680 (Warm Springs Junction), over Interstate Highway 680 to San Jose, Calif., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Livermore, Calif., over unnumbered highway via Pleasanton to junction California Highway 21, thence over California Highway 21 to junction Interstate Highway 680 (Scott's Corner), thence over Interstate Highway 680 to junction California Highway 238, (North Mission Junction), thence over California Highway 238 to San Jose, Calif., and return over the same route.

No. MC 3647 (Deviation No. 3), PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N.J. 07040, filed February 23, 1968. Carrier's representative: Richard Fryling, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *pasengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction New Jersey Highway 73 and Interstate Highway 295 located in Mount Laurel Township, N.J., over Interstate Highway 295 to junction New Jersey Highway 38, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Philadelphia, Pa., across the Delaware River to Camden, N.J., thence over unnumbered highway to Mount Holly, N.J. (also from Camden over New Jersey Highway 38 to junction unnumbered highway, thence over unnumbered highway to Mount Holly), thence over unnumbered highway via Pemberton and Browns Mill, N.J., to junction U.S. Highway 40, thence over U.S. Highway 40 to Lakehurst, N.J., thence over New Jersey Highway 37 to Seaside Park, N.J., (2) from junction Interstate Highway 295 and New Jersey Highway 73, located at Mount Laurel Township, N.J., over Interstate Highway 295 to junction U.S. Highway 130, located at West Deptford Township, N.J., and (3) from Philadelphia, Pa., over the Walt Whitman Bridge to New Jersey, thence over approach and access roads to New Jersey Highway 42 (North-South Freeway), thence over New Jersey Highway 42 to junction U.S. Highway 130 to Gloucester, N.J., and return over the same routes.

No. MC 45626 (Deviation No. 25), VERMONT TRANSIT CO., INC., Burlington, Vt. 05401, filed February 26, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Nashua, N.H., over the F. E. Everett Turnpike to the New Hampshire-Massachusetts State line, thence over the Lowell Turnpike (U.S. Highway 3 Extension) to Tyngsboro, Mass., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: Between Nashua, N.H., and Tyngsboro, Mass., over U.S. Highway 3.

No. MC 73464 (Deviation No. 3), JACK COLE COMPANY, 1900 Vanderbilt Road, Post Office Box 274, Birmingham, Ala. 35202, filed February 29, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highways 72 and 43 (approximately 6 miles south of Florence, Ala.), over U.S. Highway 43 to junction Alabama Highway 20, thence over Alabama Highway 20 to the Alabama-Tennessee State line, thence over Tennessee Highway 69 to junction U.S. Highway 64, thence over U.S. Highway 64 to junction Tennessee Highway 22, thence over Tennessee Highway 22 to Martin, Tenn., and return

over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From junction U.S. Highways 72 and 43 (approximately 6 miles south of Florence, Ala.), over U.S. Highway 72 to junction U.S. Highway 45, thence over U.S. Highway 45 to junction U.S. Highway 45E, thence over U.S. Highway 45E to Martin, Tenn., and return over the same route.

No. MC 109265 (Deviation No. 11), W. L. MEAD, INC., Post Office Box 31, Cleveland Road, Norwalk, Ohio 44857, filed March 1, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From junction Ohio Highway 10 and Interstate Highway 80 over Interstate Highway 80 to junction Interstate Highway 80S, thence over Interstate Highway 80 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction Interstate Highway 84, thence over Interstate Highway 84 to junction Interstate Highway 90, thence over Interstate Highway 90 to Boston, Mass. (also from junction Interstate Highway 84 and Interstate Highway 91 over Interstate Highway 91 to junction Interstate Highway 90, thence over Interstate Highway 90 to Boston) and (2) from Akron, Ohio, over Interstate Highway 80S to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction Interstate Highway 84, thence over Interstate Highway 84 to junction Interstate Highway 90, thence over Interstate Highway 90 to Boston, Mass. (also from junction Interstate Highway 84 and 91 over Interstate Highway 91 to junction Interstate Highway 90 thence over Interstate Highway 90 to Boston, Mass.), and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows:

(1) From Boston, Mass., over U.S. Highway 20 via Worcester, Mass., and Albany, Waterloo, and Depew, N.Y., and Cleveland, Ohio, to Norwalk, Ohio, thence over unnumbered highway to North Fairfield, Ohio, thence over unnumbered highway to Delphi, Ohio, thence over U.S. Highway 224 to Attica, Ohio, thence over Ohio Highway 4 to Marion, Ohio, thence over U.S. Highway 23 to Columbus, Ohio (also from Boston to Cleveland and specified above, thence over Ohio Highway 8 to Akron, thence over Ohio Highway 18 to Norwalk, thence as specified above to Columbus; also from Boston over Massachusetts Highway 9 to Worcester, thence over Massachusetts Highway 12 to junction U.S. Highway 20, thence as specified above to Columbus; also from Boston to Albany, N.Y., as specified above, thence over New York Highway 5 to the New York-Pennsylvania State line, thence over Pennsylvania Highway 5 to junction U.S. Highway 20, near West Springfield, Pa., and thence as specified above to Columbus; and also from Boston to Cleveland as specified above, thence over Ohio Highway 10 to junction U.S. Highway 20 near Oberlin, Ohio, thence as specified above to Columbus), (2) from Boston, Mass., over U.S. Highway 1 to Providence, R.I., thence over U.S. Highway 6 to Hartford, Conn., thence over U.S. Highway 5 to Springfield, Mass., and (3) from Providence, R.I., over U.S. Highway 1 to junction Connecticut Highway 9, thence over Connecticut Highway 9 to junction Alternate U.S. Highway 6, thence over Alternate U.S. Highway 6 to Waterbury, Conn., thence over Connecticut Highway 8 to the Connecticut-Massachusetts State line, thence over Massachusetts Highway 8 to junction U.S. Highway 20, near West Becket, Mass., and return over the same routes.

No. MC 109598 (Deviation No. 10), CAROLINA SCENIC STAGES, Box 2387, Charlotte, N.C. 28201, filed February 26, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction North Carolina Highway 191 and Interstate 26 over Interstate Highway 26 to junction U.S. Highway 64, thence over U.S. Highway 64 (an access road) to Hendersonville, N.C., and (2) from junction U.S. Highway 176 and North Carolina Highway 108 over North Carolina Highway 108 (an access road) to junction Interstate Highway 26, thence over Interstate Highway 26 to junction U.S. Highway 176, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Asheville, N.C., over North Carolina Highway 191 to Hendersonville, N.C., thence over U.S. Highway 176 via Tryon, N.C., and Landrum, S.C., to Spartanburg, S.C., and return over the same route.

No. MC 109598 (Deviation No. 11), CAROLINA SCENIC STAGES, Box 2387, Charlotte, N.C. 28201, filed February 28, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction U.S. Highway 29 and South Carolina Highway 198, near Blackburg, S.C., over South Carolina Highway 198 (an access road) to junction Interstate Highway 85, thence over Interstate Highway 85 to junction U.S. Highway 76, thence over U.S. Highway 76 (an access road) to Anderson, S.C., with the following access roads: (a) From junction Interstate Highway 85 and U.S. Highway 178 over U.S. Highway 178 (an access road) to Anderson, S.C., and (b) from junction Interstate Highway 85 and South Carolina Highway 81 over South Carolina Highway 81 (an access road) to Anderson, S.C., (2) from junction U.S. Highway 29 and South Carolina Highway 198 over South Carolina Highway 198 (an access road) to junction Interstate Highway 85, thence over Interstate Highway 85 to junction Interstate Highway 385, thence over Interstate Highway 385 to Greenville, S.C., (3) from junction U.S. Highway 29 and South Carolina Highway 198 over South Carolina Highway 198 (an access road) to junction Interstate Highway 85, thence over Interstate Highway 85 to junction South Carolina Highway 101, thence over South Carolina Highway 101 (an access road) to Greer, S.C.

(4) From junction U.S. Highway 29 and South Carolina Highway 198 over South Carolina Highway 198 (an access road) to junction Interstate Highway 85, thence over Interstate Highway 85 to junction U.S. Highway 221, thence over U.S. Highway 221 (an access road) to Spartanburg, S.C., (5) from junction U.S. Highway 29 and South Carolina Highway 198 over South Carolina Highway 198 (an access road) to junction Interstate Highway 85, thence over Interstate Highway 85 to junction South Carolina Highway 18, thence over South Carolina Highway 18 (an access road) to Gaffney, S.C., (6) from Gaffney, S.C., over South Carolina Highway 11 (an access road) to junction Interstate Highway 85, thence over Interstate Highway 85 to junction U.S. Highway 76, thence over U.S. Highway 76 (an access road) to Anderson, S.C., with the following access roads: (a) From junction Interstate Highway 85 and U.S. Highway 178 over U.S. Highway 178 (an access road) to Anderson, S.C., and (b) from junction Interstate Highway 85 and South Carolina Highway 81 over South Carolina Highway 81 (an access road) to Anderson, S.C., (7) from Gaffney, S.C., over South Carolina Highway 11 (an access road) to junction Interstate Highway 85, thence over Interstate Highway 85, to junction Interstate Highway 385, thence over Interstate Highway 385 to Greenville, S.C., (8) from Gaffney, S.C., over South Carolina Highway 11 (an access road) to junction Interstate Highway 85, thence over Interstate Highway 85 to junction South Carolina Highway 101, thence over South Carolina Highway 101 (an access road) to Greer, S.C., (9) from Gaffney, S.C., over South Carolina Highway 11 (an access road) to junction Interstate Highway 85, thence over Interstate Highway 85 to junction U.S. Highway 221, thence over U.S. Highway 221 (an access road) to Spartanburg, S.C.

(10) From Spartanburg, S.C., over U.S. Highway 29 (an access road) to junction Interstate Highway 85, thence over Interstate Highway 85 to junction U.S. Highway 76, thence over U.S. Highway 76 (an access road) to Anderson, S.C., with the following access road: (a) From junction Interstate Highway 85 and South Carolina Highway 81 over South Carolina Highway 81 (an access road) to Anderson, S.C., and (b) from junction Interstate Highway 85 and U.S. Highway 178, over U.S. Highway 178 (an access road) to Anderson, S.C., (11) from Spartanburg, S.C., over U.S. Highway 29 (an access road) to junction Interstate Highway 85, thence over Interstate Highway 85 to junction Interstate Highway 385, thence over Interstate Highway 385 to Greenville, S.C., (12)

from Spartanburg, S.C., over U.S. Highway 29 (an access road) to junction Interstate Highway 85, thence over Interstate Highway 85 to junction South Carolina Highway 101, thence over South Carolina Highway 101 (an access road) to Greer, S.C., (13) from Greer, S.C., over South Carolina Highway 14 (an access road) to junction Interstate Highway 85, thence over Interstate Highway 85 to junction U.S. Highway 76, thence over U.S. Highway 76 (an access road) to Anderson, S.C., with the following access roads: (a) From junction Interstate Highway 85 and U.S. Highway 178, over U.S. Highway 178 (an access road) to Anderson, S.C., and (b) from junction Interstate Highway 85 and South Carolina Highway 81, over South Carolina Highway 81 (an access road) to Greer, S.C., (14) from Greer, S.C., over South Carolina Highway 14 (an access road) to junction Interstate Highway 85, thence over Interstate Highway 85 to junction Interstate Highway 385, thence over Interstate Highway 385 to Greenville, S.C., and

(15) From Greenville, S.C., over U.S. Highway 29 (an access road) to junction Interstate Highway 85, thence over Interstate Highway 85 to junction U.S. Highway 76, thence over U.S. Highway 76 (an access road) to Anderson, S.C., with the following access roads: (a) From junction Interstate Highway 85 and U.S. Highway 178 over U.S. Highway 178 (an access road) to Anderson, S.C., and (b) from junction Interstate Highway 85 and South Carolina Highway 81 over South Carolina Highway 81 (an access road) to Anderson, S.C., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From junction U.S. Highway 29 and South Carolina Highway 198, at or near Blacksburg, S.C., over U.S. Highway 29 to Lyman, S.C., (2) from Spartanburg, S.C., over Alternate U.S. Highway 29 to junction unnumbered highway east of Jackson Mill, S.C., thence over unnumbered highway via Jackson Mill to Lyman, S.C., thence over South Carolina Highway 292 to Duncan, S.C., thence over South Carolina Highway 290 to Greer, S.C., (3) from New Hope Church, S.C., over unnumbered highways via Holly Springs, Friendship, Appalachee Mill and Greer, S.C., to Brushy Creek, S.C., thence over South Carolina Highway 291 to Greenville, S.C., and (4) from Greenville, S.C., over U.S. Highway 29 to junction South Carolina Highway 20, thence over South Carolina Highway 20 via Piedmont and Williamstone to junction unnumbered highway, thence over unnumbered highway to junction U.S. Highway 29, thence over U.S. Highway 29 to junction unnumbered highway, thence over unnumbered highway to Anderson, S.C., and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-3075; Filed, Mar. 12, 1968; 8:48 a.m.]

[Notice 1159]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 8, 1968.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 111729 (Sub-No. 252) (Corrected republication), filed October 6, 1967, published FEDERAL REGISTER, issues of November 2, 1967, and February 28, 1968, and republished as corrected this issue. Applicant: AMERICAN COURIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. 11361. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Commonwealth Building, Washington, D.C. 20006. The purpose of this correction is to show that the correct docket number assigned is as shown above, MC 111729 (Sub-No. 252), and not MC 111729 (Sub-No. 525) as shown in previous publication, in error.

No. MC 117509 (Sub-No. 24) (Republication) filed January 10, 1966, published in FEDERAL REGISTER issue of February 3, 1966, and republished this issue. Applicant: SCHILLI TRANSPORTATION, INC., Second and St. Clair Avenues, East St. Louis, Ill. Applicant's representative: Thomas F. Kilroy, Federal Bar Building, 1815 H Street NW., Washington, D.C. 20006. By application filed January 10, 1966, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of nitrocarbo-nitrate, from the magazine site of American Cyanamid Co., near Madisonville, Ky., to points in Arkansas, Illinois, Indiana, Missouri, Oklahoma, and Tennessee. A supplemental order of the Commission, Operating Rights Board, dated January 29, 1968, and served February 20, 1968, finds, that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *nitro-carbo-nitrate* from the magazine site of American Cyanamid Co., near Madisonville, Ky., to points in Arkansas, Illinois, Indiana, Missouri, Oklahoma, and Tennessee; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that an appropriate certificate (subject to the condition that it shall be limited in point of time to a period expiring 5 years from the effective date thereof and subject to prior publication in the FEDERAL REGISTER of a notice of the authority actually granted by this order) should be issued concurrently with or subsequent to the issuance to applicant of appropriate certificates in Nos. MC 129162 and MC 129162 (Sub-No. 2) and the cancellation of applicant's outstanding permits in No. MC 117509 and subs thereunder, and that should the conversion proceedings in Nos. MC 129162 and MC 129162 (Sub-No. 2) be disapproved by the Commission, the instant application will stand denied in its entirety. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 127308 (Sub-No. 2) (Republication), filed July 19, 1966, published FEDERAL REGISTER issue of August 11, 1966, and republished this issue. Applicant: E. T. COREY, Post Office Box 421, Highway 77 South, South Sioux City, Nebr. 68776. Applicant's representative: R. W. Wigton, 710 Badgerow Building, Sioux City, Iowa 51101. In the above-entitled proceeding, the examiner recommended the granting to applicant a permit, authorizing operation, in interstate or foreign commerce by applicant as a contract carrier by motor vehicle, under a continuing contract with American Cyanamid Co., Princeton, N.J., of (1) fertilizer and fertilizer ingredients, and (2) agricultural chemicals, in packages, over irregular routes (a) from points in Lawrence, Kans., St. Joseph, Mo., points in Oklahoma (except Pryor, Tonkawa, and Tulsa), and Texas to points in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota (restricted against transportation of above commodities from Etter, St. Francis, and Houston, Tex., to points in Nebraska on and west of U.S. Highway 183), and (2) from storage or barge unloading facilities owned, leased or utilized by American Cyanamid Co. located at Sioux City, Iowa, or its commercial zone, to points in Minnesota, Nebraska, and South Dakota, provided that the authority herein authorized to the extent it duplicates any heretofore granted to applicant shall not be construed as conferring more than one operating right. A decision and order of the Commission, Review Board Number 2, dated February 20, 1968, and served February 29, 1968, as modified, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, under a continuing contract with American Cyanamid Co., of Princeton, N.J.,

(1) of *fertilizer and fertilizer ingredients*, and

(2) Of *agricultural chemicals*, in packages (a) from Lawrence, Kans., and St. Joseph, Mo., and from points in Texas and Oklahoma (except Pryor, Tonkawa, and Tulsa), to points in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota (restricted against transportation of the above commodities from Etter, St. Francis, and Houston, Tex., to points in Nebraska on and west of U.S. Highway 183), and (b) from the facilities of American Cyanamid Co. located at Sioux City, Iowa, to points in Minnesota, Nebraska, and South Dakota: *Provided*, That the authority herein authorized to the extent it duplicates any heretofore granted to applicant shall not be construed as conferring more than one operating right, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 130030 (Republican), filed February 13, 1967, published FEDERAL REGISTER issue of March 9, 1967, and republished this issue. Applicant: THOMAS TRAVEL SERVICE, INC., doing business as THOMAS TOURS OF GRIFFIN, GA., 222 Meriwether Street, Griffin, Ga. Applicant's representative: Henry P. Willimon, Greenville, S.C. In the above-entitled proceeding, the joint board recommended the issuance to applicant of a license authorizing the operations, in interstate or foreign commerce, from and to points indicated below. A decision and order of the Commission, Review Board Number 2, dated February 26, 1968, and served March 4, 1968, finds that operation by applicant at Griffin, Ga., as a broker in arranging for transportation by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage*, in special and charter operations, in all-expense round trip tours, beginning and ending at points in Georgia and South Carolina, and extending to points in the United States will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that a license authorizing such operations should be issued, (1) subject to prior publication in the FEDERAL REGISTER of a notice of the authority actually granted herein, and (2) subject to the right of the Commission which is hereby expressly reserved, to impose, upon final determination of Ex Parte No. MC 29 (Sub-No. 2), *Operations of Brokers of Passenger Transportation*, such terms and conditions as may then be deemed necessary to insure that operation under such license is limited to bona fide operation as a broker of passenger transportation. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATION FOR CERTIFICATE OR PERMIT WHICH IS TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 31389 (Sub-No. 93), filed February 28, 1968. Applicant: McLEAN TRUCKING COMPANY, 617 Waughtown Street, Post Office Box 213, Winston-Salem, N.C. 27102. Applicant's representative: Francis W. McInerny, Suite 502, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between points in Rhode Island. NOTE: This application is directly related to MC-F-10058, published in the FEDERAL REGISTER issue of March 6, 1968. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I., or Washington, D.C.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9991 (Amendment) JOHN P. KAVOORAS—Control—AUTOMOBILE TRANSPORT, INC.), published in the January 4, 1968, issue of the FEDERAL REGISTER, on page 103. By amendment filed March 1, 1968, BHM CORPORATION and PAUL MARCO ASSOCIATES, seek to join in the application, as Party Applicants to control AUTOMOBILE TRANSPORT, INC.

No. MC-F-10061. Authority sought for control by YULE TRUCK LINES, INC., 701 West Cleveland Avenue, Milwaukee, Wis. 53215 of HILL FREIGHT LINES, INC., 2800 North St. Vincents Avenue, La Salle, Ill. 61301, and for acquisition by V. H. MARTELL, also of Milwaukee, Wis., of control of HILL FREIGHT LINES, INC., through the acquisition by YULE TRUCK LINES, INC. Applicants' attorneys: Axelrod, Goodman and Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Operating rights sought to be controlled: Under a certificate of registration, in No. MC-85736 Sub-1, covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of Illinois. Vendee is authorized to operate as a *common carrier* in Wisconsin, Illinois, and Indiana. Application has been filed for temporary authority under section 210a(b). NOTE: MC-79188 Sub-7 is a matter directly related.

No. MC-F-10062. Authority sought for purchase by C W TRANSPORT, INC., 610 High Street, Wisconsin Rapids, Wis., of the operating rights and property of OLSON TRANSPORTATION COMPANY, 1970 South Broadway, Green Bay, Wis. 54306, and for acquisition by ARTHUR W. CLARK, also of Wisconsin Rapids, Wis., of control of such rights and property through the purchase. Applicants' attorneys and representatives, Axlerod, Goodman and Steiner, 39 South La Salle Street, Chicago, Ill. 60603, Joseph R. Barnett, 735 North Water Street, Milwaukee, Wis. 53202, and Charles E. Prieve, 312 Wisconsin Avenue, Milwaukee, Wis. 53202. Operating rights sought to be transferred: *General commodities*, with certain specified exceptions, and numerous other specified commodities, as a *common carrier*, over regular and irregular routes, from, to, and between specified points in the States of Wisconsin, Illinois, Indiana, Michigan, Kentucky, Minnesota, Ohio, Alabama, Arkansas, Florida, Georgia, Iowa, Kansas, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Nebraska, North Dakota, South Dakota, New York, Louisiana, Delaware, New Jersey, Colorado, Wyoming, New Hampshire, Vermont Rhode Island, Massachusetts, Connecticut, and the District of Columbia, with certain restrictions, serving various intermediate and off-route points, over numerous alternate routes for operating convenience only, as more specifically described in Docket No. MC-55236 and sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. Vendee is authorized to operate as a *common carrier* in Wisconsin, Minnesota, Illinois, Missouri, Indiana, Ohio, Kentucky, Michigan, and

West Virgina. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10063. Authority sought for purchase by EASTERN FREIGHT WAYS, INC., Eastern and Moonachie Avenues, Carlstadt, N.J. 07072, of a portion of the operating rights of ROYAL MOTOR LINES, INC., Eastern and Moonachie Avenues, Carlstadt, N.J. 07072, and for acquisition by NANTAM SYSTEM, INC., and, in turn, by DANIEL E. SHEVELL, and MYRON P. SHEVELL, all also of Carlstadt, N.J., of control of such rights through the purchase. Applicants' attorney: Maxwell A. Howell, 1120 Investment Building, 1511 K Street NW., Washington, D.C. 20005. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods, and commodities in bulk, as a *common carrier*, over regular routes, between Scranton, Pa., and New York, N.Y., between Scranton, Pa., and junction Pennsylvania Highway 307 and U.S. Highway 611, between Scranton, Pa., and junction U.S. Highway 611 and Pennsylvania Highway 307, serving all intermediate points, between junction U.S. Highway 46 and New Jersey Highway 3 and New York, N.Y., serving all intermediate points and serving junction U.S. Highway 46 and New Jersey Highway 3 for the purpose of joinder, between Scranton, Pa., and New York, N.Y., between Scranton, Pa., and Wilkes-Barre, Pa., between junction U.S. Highway 22 and New Jersey Highway 82 and New York, N.Y., serving all intermediate points, between Scranton, Pa., and junction Pennsylvania Turnpike Northeast Extension and U.S. Highway 22, serving no intermediate points, and serving junction Pennsylvania Turnpike Northeast Extension and U.S. Highway 22 for the purpose of joinder, between Scranton, Pa., and junction U.S. Highway 206 and U.S. Highway 46, serving all intermediate points and serving junction U.S. Highway 206 and U.S. Highway 46 for the purpose of joinder, between junction U.S. Highways 206 and 46 and junction U.S. Highways 206 and 22, serving all intermediate points and serving junction U.S. Highways 206 and 22 for the purpose of joinder, between Wilkes-Barre, Pa., and junction U.S. Highway 202 and U.S. Highway 22, serving all intermediate points, between junction U.S. Highway 22 and New Jersey Highway 24 and junction New Jersey Highway 24 and U.S. Highway 46, serving all intermediate points and serving both junctions for the purpose of joinder, between junction New Jersey Highways 3 and 17 and junction New Jersey Highways 3 and 20, serving all intermediate points and serving junction New Jersey Highways 3 and 17 and junction New Jersey Highways 3 and 20 for the purpose of joinder, between junction U.S. Highway 46 and New Jersey Highway 17 and junction New Jersey Highway 17 and County Road 36 (Eastern Avenue), serving all intermediate points and serving junction U.S. Highway 46 and New Jersey Highway 17 and junction New Jersey Highway 17 and County Road 36 for the purpose of joinder, between junction U.S. Highway 46 and U.S. Highway 1 and junction U.S. Highway 1 and truck U.S. Highway 1, serving all intermediate points and serving junction U.S. Highway 1 and truck U.S. Highway 1 for the purpose of joinder; with restrictions; and *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between New York, N.Y., and Newark, N.J., on the one hand, and, on the other, certain specified points in New Jersey, and those in that part of Pennsylvania on and east of U.S. Highway 309, with restriction. Vendee is authorized to operate as a *common carrier* in Vermont, New York, New Jersey, Pennsylvania, Massachusetts, Connecticut, Virginia, Delaware, Maryland, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10064. Authority sought for control by CROSS TRANSPORTATION, INC., Box 483, Bridgeton, N.J., of BLANTON TRUCKING COMPANY, INCORPORATED, Milford, Va., and for acquisition by J. GAGE CROSS, Carll's Corner, Bridgeton, N.J., and LOUIS TAYLOR, 61 Broad Avenue, Fairview, N.J., of control of BLANTON TRUCKING COMPANY, INCORPORATION, through the acquisition by CROSS TRANSPORTATION, INC. Applicants' attorney: Thomas F. Kilroy, 1341 G Street NW., Washington, D.C. 20005. Operating rights sought to be controlled: *Excelsior*, as a *common carrier*, over regular routes, from Montross, Va., to New York, N.Y., serving certain intermediate points and the off-route point of Washington, D.C., *general commodities*, except livestock, dangerous explosives, inflammables, commodities in bulk other than fertilizer, articles of unusual size or value, and household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between Richmond, Va., and New York, N.Y., serving certain intermediate and off-route points, with restriction; *general commodities*, with exceptions as immediately above, over regular and irregular routes, between certain specified points in Virginia, and New York, serving certain intermediate points, with restriction; *lumber*, over irregular routes, from certain specified points in Virginia, to Reading and Sellersville, Pa., Washington, D.C., and points in Maryland within 20 miles of Washington, D.C.; *general commodities*, except those of unusual value, and except dangerous explosives, furs, alcoholic beverages, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, livestock, silk, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between New York, N.Y., and certain specified points in New Jersey, on the one hand, and, on the other, Baltimore, Md., and Washington, D.C.; *fresh vegetables, canned and preserved foodstuff*, and *materials, equipment, and supplies* used in the canning of food, between points in King George County, Va., on the one hand, and, on the other, the District of Columbia, Baltimore, Md., Philadelphia, Pa., certain specified points in New Jersey, and New York, N.Y., traversing Delaware for operating convenience only; and *excelsior*, in bales, from points in Lancaster County, Va., to certain specified points in New York, New Jersey, and Boyertown and Philadelphia, Pa., traversing Delaware for operating convenience only. CROSS TRANSPORTATION, INC., is authorized to operate as a *common carrier* in Pennsylvania, New Jersey, New York, Connecticut, Delaware, Massachusetts, Maryland, Virginia, Rhode Island, Maine, New Hampshire, Vermont, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10065. Authority sought for purchase by THAMES MOVING COMPANY, 563 Colman Street, New London, Conn. 06320, of the operating rights and property of THAMES MOVING & STORAGE, INC., 563 Colman Street, New London, Conn. 06320, and for acquisition by MILTON A. BAILEY, 93 Barton Street, Presque Isle, Maine, and KENDALL A. BAILEY, 116 Canterbury Street, Presque Isle, Maine, of control of such rights and property through the purchase. Applicants' representative: Milton A. Bailey, Post Office Box 308, Presque Isle, Maine. Operating rights sought to be transferred: *Household goods* as defined by the Commission, as a *common carrier*, over irregular routes, between Groton, Conn., and points in Connecticut and Rhode Island within 20 miles of Groton, on the one hand, and, on the other, points in Connecticut, Rhode Island, Massachusetts, New York, and New Jersey. THAMES MOVING COMPANY holds no authority from this Commission. However, its controlling stockholders KENDALL A. BAILEY AND MILTON A. BAILEY, doing business as PARKER K. BAILEY AND SONS, Post Office Box 308, Presque Isle, Maine 04769, are authorized to operate as a *common carrier* in Maine, Massachusetts, Connecticut, New Hampshire, Rhode Island, New York, and Vermont. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10066. Authority sought for control by B. A. FISHER, doing business as HI-BALL CONTRACTORS, Post Office Box 1215, Billings, Mont. 59103, of UTAH PACIFIC TRANSPORT CO., Post Office Box 235—15628 Southeast Old Carver Road, Clackamas, Oreg. 97015. Applicants' attorney: Jerome Anderson, Post Office Box 1215, Billings, Mont. 59103. Operating rights sought to be controlled: *Household goods*, as defined by the Commission, as a *common carrier*, over irregular routes, between points in Columbia and Clatsop Counties, Oreg., on the one hand, and, on the other, certain specified points in Washington; *forest products*, between points in Clatsop and Columbia Counties, Oreg.; *lumber*, between points in Clatsop and Columbia Counties, Oreg., on the one

hand, and, on the other, certain specified points in Washington, from points in Oregon, to points in Arizona, Colorado, Idaho, Montana, Utah, and Wyoming; *machinery*, between points within 1 mile of U.S. Highway 30 and 101 in Clatsop and Columbia Counties, Oreg., on the one hand, and, on the other, certain specified points in Washington, between points in Clatsop and Columbia Counties, Oreg., except points within 1 mile of the above-specified highways, on the one hand,, and, on the other, certain specified points in Washington; *boats and boat equipment*, between points in Columbia and Clatsop Counties, Oreg., on the one hand, and, on the other, certain specified points in Washington; *cedar floats*, from points in the Oregon Counties specified above, to points in Washington as immediately above; *salt and salt products*, from Flux and Saltair, Utah, to points in Oregon and Washington; and *brick and building tile*, from Denver, Colo., to points in Oregon and Washington. B. A. FISHER, doing business as HI-BALL CONTRACTORS, is authorized to operate as a *common carrier* in Montana, Colorado, Idaho, North Dakota, Wyoming, Washington, Oregon, South Dakota, and Nebraska. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10067. Authority sought for merger into SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. 60606, of the operating rights and property of VIKING FREIGHT COMPANY, 205 West Wacker Drive, Chicago, Ill. 60606, and for acquisition by SPECTOR INDUSTRIES, INC., and, in turn by W. STANHAUS, both also of Chicago, Ill., of control of such rights and property through the transaction. Applicants' attorneys: Axelrod, Goodman and Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Operating rights sought to be merged: *General commodities*, with certain specified exceptions, and numerous other specified commodities, as a *common carrier*, over regular and irregular routes, from, to, and between specified points in the States of Missouri, Illinois, Tennessee, Arkansas, Indiana, Ohio, Kentucky, Oklahoma, Texas, Mississippi, Louisiana, and Alabama, with certain restrictions, serving various intermediate and off-route points, over numerous alternate routes for operating convenience only, as more specifically described in Docket No. MC–35484 and sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. SPECTOR FREIGHT SYSTEM, INC. is authorized to operate as a *common carrier* in Massachusetts, Kansas, Pennsylvania, Michigan, Wisconsin, Connecticut, Ohio, Delaware, Maine, Maryland, New Hampshire, New Jersey, New York, Vermont, Indiana, Illinois, Minnesota, Iowa, Missouri, Rhode Island, Nebraska, Colorado, Oklahoma, Texas, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). NOTE: SPECTOR FREIGHT SYSTEM, INC., controls VIKING FREIGHT COMPANY, through ownership of capital stock pursuant to authority granted in Docket No. MC–F–9852, effective December 27, 1967, and consummated January 29, 1968. Finance Docket No. 25008 is a matter concurrently filed.

No. MC–F–10068. Authority sought for purchase by DE–PEN LINE, INC., 1879 West Marshall Street, Norristown, Pa. 19401, of a portion of the operating rights of CHARLES H. BEANEY, doing business as BEANEY TRANSPORT, 5905 Lake Road South, Route 19, Brockport, N.Y. 14420, and for acquisition by BRUNO BROTHERS, INC., and in turn by WILLIAM J. FORD, both also of Norristown, Pa., of control of such rights through the purchase. Applicants' attorney and representative: Maxwell A. Howell, 1120 Investment Building, 1511 K Street NW., Washington, D.C. 20005, and Charles H. Trayford, 137 East 36th Street, New York, N.Y. 10016. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between New York, N.Y., and Philadelphia, Pa., between Trenton, N.J., and Philadelphia, Pa., between Newark, N.J., and Yardville, N.J., between Philadelphia, Pa., and Wilmington, Del., between Camden, N.J., and Chester, Pa., between Bridgeport N.J., and Wilmington, Del., serving all intermediate points, and certain off-route points, Restriction: The service authorized above is subject to the limitation that service at Wilmington, Camden, intermediate or off-route points south of Philadelphia, and points south of Camden is restricted to shipments moving over carrier's lines to or from points north of Philadelphia or points north of Camden. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New Jersey, Delaware, Maryland, New York, Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b). NOTE: If hearing is deemed necessary, applicants request that it be held either in Philadelphia, Pa. or New York, N.Y.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68–3076; Filed, Mar. 12, 1968; 8:48 a.m.]

[Notice 1161]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 8, 1968.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

Special rules of procedure for hearing. (1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 115331 (Sub-No. 239) (Republication), filed February 2, 1968, published in FEDERAL REGISTER, issue of February 22, 1968, and republished this issue. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. 63101. Applicant's representative: Thomas F. Kilroy, 913 Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients*, (1) from Dubuque, Iowa, to points in Arkansas, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Wisconsin; and, (2) from Memphis, Tenn., and Omaha, Nebr., to points in Alabama, Arkansas, Iowa, Kentucky, Kansas, Louisiana, Minnesota, Missouri, Mississippi, Nebraska, North Dakota, Oklahoma, South Dakota, and Wisconsin. NOTE: The purpose of this republication is to reflect the hearing information.

HEARING: April 4, 1968, in Room 303, Federal Office Building, 911 Walnut

Street, Kansas City, Mo., before Examiner Garland E. Taylor.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-3077; Filed, Mar. 12, 1968; 8:48 a.m.]

[Notice 564]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 8, 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 29079 (Sub-No. 41 TA) (Correction), filed February 15, 1968, published FEDERAL REGISTER, issue of February 27, 1968, and republished as corrected this issue. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union Street, Kokomo, Ind. 46901. Applicant's representative: V. H. Schwartz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, in dump vehicles, from Depue, Riverdale, and Colfax, Ill., to points in Indiana, Michigan, Missouri, and Ohio, for 150 days. Supporting shipper: The New Jersey Zinc Co., 160 Front Street, New York, N.J. 10038. NOTE: The purpose of this republication is to add Missouri as a destination State inadvertently omitted from previous publication. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 308 Federal Building, Fort Wayne, Ind. 46802.

No. MC 56679 (Sub-No. 21 TA), filed March 1, 1968. Applicant: BROWN TRANSPORT CORP., Post Office Box 551, Waynesboro, Ga. 30830. Applicant's representative: B. K. McClain, 125 Milton Avenue SE, Atlanta, Ga. 30315. Authority sought to operate as a *common carrier*, by motor vehicle, regular routes, transporting: *General commodities* between points and places, (1) Between Atlanta, Ga., and Dalton, Ga., over U.S. Highway 41 serving the intermediate points of Cartersville, Calhoun, and Resaca, Ga. (2) Between Rome, Ga., and Atlanta, Ga., over Georgia Highway 20 to the junction of U.S. Highway 41 thence over U.S. Highway 41 to Atlanta, Ga. (3) Between Atlanta, Ga., and the Georgia-Tennessee State line at Tennga, Ga., serving the intermediate points of Chatsworth, Ranger, and Fairmount, Ga., over U.S. Highway 411 to junction of U.S. Highway 41 thence U.S. Highway 41 to Atlanta, Ga. (4) Between Dalton, Ga., and Chatsworth, Ga., over Georgia Highway 52. (5) Between Calhoun, Ga., and Rome, Ga., over Georgia Highway 53 serving the intermediate point of Plainville, Ga. (6) Between La Fayette, Ga., and Rome, Ga., over U.S. Highway 27. (7) Between La Fayette, Ga., and Calhoun, Ga., over Georgia Highway 143 serving the intermediate point of Sugar Valley, Ga. NOTE: Applicant intends to tack the above routes with present authority held in Docket MC-56679 and effective subs, therefore using Atlanta, Ga., and the Georgia-Tennessee State line at Tennga, Ga., as joinders. Applicant also intends to combine and tack all of the above routes in order to provide through service to, from, and between the above named points on the one hand, and, on the other, Atlanta, Ga., and Knoxville, Tenn., for the purpose of interchanging with its connecting carriers at Atlanta, Ga., and Knoxville, Tenn., for 180 days. Supporting shippers: There are approximately 73 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field named below. 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 112520 (Sub-No. 174 TA), filed March 1, 1968. Applicant: McKENZIE TANK LINES, INC., Post Office 1200, New Quincy Highway, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from points in Tift County, Ga., to points in Alabama, Florida, and South Carolina, for 180 days. Supporting shipper: Kaiser Agricultural Chemicals, Division of Kaiser Aluminum & Chemical Corp., Post Office Box 246, Savannah, Ga. 31402. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 112520 (Sub-No. 175 TA), filed March 1, 1968. Applicant: McKENZIE TANK LINES, INC., Post Office Box 1200, New Quincy Highway, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed clay*, in bulk, in tank trucks, from points in Decatur County, Ga., to points in Michigan and Minnesota, for 180 days. Supporting shipper: Houdry Process & Chemical Co., Widener Building, 1339 Chestnut tSreet, Philadelphia, Pa. 19107. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 117604 (Sub-No. 5 TA), filed February 29, 1968. Applicant: MEADORS FREIGHT LINE, INC., 1050 Jefferson Street NW., Atlanta, Ga. 30318. Applicant's representative: Guy H. Postell, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); (A) between Atlanta and the Georgia-Tennessee State line through Marietta, Cartersville, Rome, Summerville, and La Fayette, Georiga Highways 3, 20, and 1, serving all intermediate points and with the right to serve the following as off-route points: Avondale Estates, Decatur, Scottdale and Chickamauga, Lindale, New Rome and Berryton, the site of E. T. Barwick Carpet Mills, Inc., on Georgia Highway 341 between the junction of Georgia Highways 193 and 341 and junction of Georgia Highways 143 and 341, and the Panola Industrial District, located near Lithonia, Ga.; (B) between Summerville and Lyerly, Ga., over Georgia Highway 114, serving all intermediate points; (C) (1) between La Fayette, Ga., and Dalton, Ga.: from La Fayette over Georgia Highway 143 to junction Georgia Highways 143 and 201; thence over Georgia Highway 201 to junction Georgia Highways 201 and 3, thence over Georgia Highway 3 to Dalton and return over the same route, serving all intermediate points; (2) between La Fayette, Ga., and Calhoun, Ga.: From La Fayette, over Georiga Highway 143 to Calhoun and return over the same route, serving all intermediate points; (3) from Fort Oglethorpe, Ga., to Dalton, Ga.: From Fort Oglethorpe over Georgia Highway 2 to Ringgold; thence Georgia Highway 3 (U.S. 41) to Dalton and return over the same route, serving all intermediate points; (D) *bagging or cloth, burlap, gunny, ixtle (istle), jute and sisal*, betwen Cass Station, Ga., and the Georgia-Tennessee State line, over U.S. Highway 41, serving all intermediate points, for 180 days. Supporting shippers: There are approximately 17 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. NOTE: Applicant intends to tack the authority sought herein

with its existing authority under MC-117604 and Subs 2 and 3 thereto. 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 119777 (Sub-No. 102 TA), filed March 4, 1968. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, Ky. 42431. Applicant's representative: William G. Thomas (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fiberboard, particleboard, flakeboard, boards or sheets consisting of woodchips and/or wood flakes and plywood.* (2) *Fiberboard, particleboard, flakeboard, boards or sheets consisting of woodchips and/or wood flakes, plywood,* finished with decorative or protective materials. (3) *Accessories and supplies* used in the installation of the commodities described in (1) and (2) above, from the plant or warehouse site of Presdflake Corp., a subsidiary of Masonite Corp., in Sussex County, Va., at Waverly and the plantsite or warehouse site of Masonite Corp., Davidson County, N.C., at Thomasville, to points in the United States (except Alaska, Arizona, California, Colorado, Hawaii, Idaho. Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming), for 180 days. Supporting shipper: Frank E. Lawless, Assistant General Traffic Manager, Masonite Corp., 29 North Wacker Drive, Chicago, Ill. 60606. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 119934 (Sub-No. 149 TA) (Correction), filed February 27, 1968, published FEDERAL REGISTER issue of March 7, 1968, and republished as corrected this issue. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, Ind. 46040. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities in bulk*, in tank, and in hopper-type vehicles, from Utica, Ill., to points in Alabama, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee (except points in Tennessee on and east of U.S. Highway 27), Texas, West Virginia, Wisconsin, and Wyoming, for 180 days. Supporting shipper: Philadelphia Quartz Co., Public Ledger Building, Independence Square, Philadelphia, Pa. 19106. NOTE: The purpose of this republication is to add the destination States of Indiana, Iowa, Kansas, Kentucky, Louisiana, and Michigan, inadvertently omitted from previous publication. Send protests to: District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 124692 (Sub-No. 51 TA), filed March 1, 1968. Applicant: SAMMONS TRUCKING, Post Office Box 933, Missoula, Mont. 59801. Applicant's representative: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated iron and steel articles*, from Salt Lake City, Utah to the jobsite of the Great Northern Railway Relocation Tunnel at Libby Damsite, near Trego, Mont., for 150 days. Supporting shipper: Commercial Shearing & Stamping Co., Youngstown, Ohio 44501. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S.P.O. Building, Billings, Mont. 59101.

No. MC 129733 TA, filed March 1, 1968. Applicant: G. VERNAL BYE, doing business as G. V. BYE, Westfield, Iowa 51062. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock feed*, from Jefferson, S. Dak., to William E. Verschoor, Jr., feed lot located 8 miles north of Sioux City, in Plymouth County, Iowa, for 180 days. Supporting shipper: William E. Verschoor, Jr., Rural Route 1, Sioux City, Iowa 51108. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 304 Post Office Building, Sioux City, Iowa 51101.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-3079; Filed, Mar. 12, 1968; 8:49 a.m.]

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